

# Local Planning Panel

Meeting No 37

Wednesday 20 May 2020

Notice Date 13 May 2020

*minutes*

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### Present

Ms Abigail Goldberg (Chair), Ms Darlene van der Breggen, Mr Steve Kennedy and Associate Professor Amelia Thorpe

At the commencement of business at 5.00 pm, those present were:

Ms Goldberg, Ms van der Breggen, Mr Kennedy and A/Prof Thorpe

The Director City Planning, Development and Transport was also present.

The Chair opened the meeting with introductory comments about the purpose and format of the meeting and an acknowledgement of country.

### Remote Meeting

The Chair advised that the meeting was being held via audio visual links, with Panel members, relevant staff and those addressing the Panel attending the meeting remotely.

**Item 1      Disclosures of Interest**

In accordance with section 4.9 of the Code of Conduct for Local Planning Panel Members, all panel members have signed a declaration of interest in relation to each matter on the agenda.

Mr Kennedy disclosed the following reasonably perceived conflict of interest in Item 4 – Development Application: 4 Macquarie Street, Sydney - D/2019/14274 as his practice has previously worked for the Botanic Gardens Trust NSW on a number of projects, though they were at their Mount Annan Garden and were over 10 years ago. His practice also regularly works with City Plan Services on projects, including currently, however, he has no knowledge of this project.

Following assessment of the above disclosures of interest under the Code of Conduct for Local Planning Panels and the City of Sydney Local Planning Panel Operational Procedures, Mr Kennedy is not required to step out for deliberation on Item 4.

No other members disclosed any pecuniary or non-pecuniary interests in any matter on the agenda for this meeting of the Local Planning Panel.

**Item 2      Confirmation of Minutes**

The Panel noted the minutes of the Local Planning Panel of 29 April 2020, which have been endorsed by the Chair of that meeting.

**Item 3      Development Application: 34-36 Oxford Street, Darlinghurst - D/2019/1295**

The Panel:

- (A) supported the variation sought to Clause 4.4 Floor Space Ratio development standard in accordance with Clause 4.6 Exceptions to Development Standards of Sydney Local Environmental Plan 2012 in this instance;
- (B) supported the variation sought to Clause 4.3 Height of Buildings development standard in accordance with Clause 4.6 Exceptions to Development Standards of Sydney Local Environmental Plan 2012 in this instance;
- (C) granted deferred commencement consent to Development Application No. D/2019/1295 subject to the conditions set out in Attachment A to the subject report.

**Reasons for Decision**

The application was approved for the following reasons:

- (A) The proposal is generally consistent with the relevant objectives and controls of Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.
- (B) Based upon the material available to the Panel at the time of determining this application, the Panel is satisfied that:
  - (i) the applicant's written request has adequately addressed the matters in Clause 4.6(3) of the Sydney LEP 2012, that compliance with the floor space ratio development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening Clause 4.4 of the Sydney LEP 2012.
  - (ii) the applicant's written request has adequately addressed the matters in Clause 4.6(3) of the Sydney LEP 2012, that compliance with the building height development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening Clause 4.3 of the Sydney LEP 2012.
  - (iii) the proposal is in the public interest because it is consistent with the objectives of the B4 Mixed Use zone and the floor space ratio development standard and the building height development standard.
- (C) The proposal exhibits a suitable built form, design and materiality in the context of the heritage conservation area and is appropriate within the streetscape.
- (D) The proposal provides for a use that is compatible with the surrounding area and will return the building to its historic use as a hotel providing accommodation.

- (E) The proposal results in a public benefit in the form of heritage conservation as it allows for the retention and preservation of internal and external heritage fabric and restoration of the Oxford Street façade.
- (F) The proposal will not result in unacceptable amenity impacts on surrounding properties.

Carried unanimously.

D/2019/1295

**Speakers**

Mr Clayton Frater (resident), Mr Tom De Plater (Sydney Architecture Studio) – on behalf of the applicant and Mr Giovanni Cirrillo (Planning Lab) – on behalf of the applicant.

**Item 4      Development Application: 4 Macquarie Street, Sydney - D/2019/1427**

The Panel granted consent to Development Application No. D/2019/1427 subject to the conditions set out in Attachment A to the subject report, subject to the deletion of Condition 3 (deletions shown in strikethrough):

**~~(3)      SECTION 61 CONTRIBUTIONS PAYABLE – COST SUMMARY REPORT – CONCURRENT WITH ISSUE OF CONSTRUCTION CERTIFICATE~~**

- ~~(a)      Concurrent with the issue of a Construction Certificate, the “City of Sydney – Cost Summary Report” must be completed in full and submitted to Council by the Accredited Certifier indicating the itemised cost of the development. A copy of the required report format may be obtained from the City of Sydney One Stop Shop and the City of Sydney’s website ([www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au)).~~
- ~~(b)      Should the total cost of the development be \$200,000 or more, a contribution comprising 1% of the total cost of the proposed development under Section 61 of the City of Sydney Act 1988 and the Central Sydney Development Contributions Plan 2013 must be paid prior to the release of the Construction Certificate. Such payment must be verified by the Principal Certifier. Payment, if applicable, may be by EFTPOS (debit card only), CASH (up to 10K only), Credit Card (up to 50K only) or a BANK CHEQUE made payable to the City of Sydney. Direct debit, personal or company cheques will not be accepted.~~
- ~~(c)      The items to be included in the calculation of the cost of development are demolition works, site remediation including decontamination, excavation and site preparation, construction costs, fit out, professional fees as part of the design (including design competitions) documentation and implementation process, fixed building machinery, equipment and appliances, kitchens and bar areas, car parking, air conditioning plant and equipment, services (fire, mechanical ventilation, electrical, hydraulic), ceilings, fire protection devices, installation of services (power, water, sewer, telephone), lifts and other essential machinery, floor coverings, Building Code of Australia compliance works, replacement of existing materials, fixtures and fittings, construction related insurance, assessment and construction related fees, charges and GST and any other matter not expressly excluded in (d) below. Any item for which an exemption has been granted is still to be included in the total cost of development, together with an itemised value to enable the City to calculate the value of the exemption.~~
- ~~(d)      The items to be excluded in the calculation of the cost of development are the cost of land, marketing expenses (excluding display suites etc), finance and interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment, loose electrical appliances, minor maintenance of existing retained fixtures (patching, repainting) and stamp duty.~~

**Reasons for Decision**

The application was approved for the following reasons:

- (A) The proposed development is consistent with the objective of the RE1 Public recreation zone and Clause 7.26 'Public Art' of Sydney Local Environmental Plan 2012;
- (B) The proposed development will not have an adverse impact on the heritage significance of the Royal Botanic Gardens and the Sydney Opera House and is consistent with the relevant objectives and provisions of Heritage Act 1977, Sydney Harbour Regional Environmental Plan (Sydney Harbour Catchment) 2005 and Clause 5.10 'Heritage Conservation' of Sydney Local Environmental Plan 2012.
- (C) Subject to conditions, the proposed development will not result in adverse amenity impacts on the surrounding area and will result in a positive contribution to the public domain.
- (D) For the reasons above and as outlined in this report, the proposed development is in the public interest.
- (E) Condition 3 was deleted as the Chief Executive Officer has endorsed the request for an exemption from payment of Section 61 development contributions, pursuant to Section 2.2 of the Central Sydney Development Contributions Plan 2013.

Carried unanimously.

**S110607**

**Speakers**

Mr John Freeman (resident) and Ms Bridget Smyth (City of Sydney Design Director) – on behalf of the applicant. Ms Smyth also read a statement provided by Ms Hetti Perkins (Eora Journey Curatorial Advisor) – on behalf of the applicant, as Ms Perkins had connectivity issues.

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The meeting of the Local Planning Panel concluded at 5.28 pm.

CHAIR