

# Local Planning Panel

Meeting No 40

Wednesday 22 July 2020

Notice Date 15 July 2020

*minutes*

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#### Present

Ms Abigail Goldberg, Mr Tony Caro, Ms Penny Murray and Mr John McInerney.

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

Ms Goldberg, Mr Caro, Ms Penny Murray and Mr McInerney.

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.

No 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 1 July 2020, which have been endorsed by the Chair of that meeting.

**Item 3 Development Application: 1-3 Goddard Street, Erskineville - D/2019/880**

The Panel:

- (A) upheld the variation requested to the Sydney LEP 2012 building height development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012;
- (B) upheld the variation requested to the Affordable Rental Housing SEPP 2009 motorbike parking development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012; and
- (C) granted deferred commencement consent to Development Application No. D/2019/880 subject to the conditions set out in Attachment A to the report, subject to the following amendments (deletions shown in ~~striketrough~~):

**(18) FLOOR SPACE RATIO - ALL OTHER AREAS**

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the boarding house must not exceed 2:1 calculated in accordance with the provisions of the Sydney Local Environmental Plan 2012. ~~For the purposes of the calculation of FSR, the Gross Floor Area of the premises is 674.43sqm.~~
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under the Sydney Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifier.

**(27) SURVEILLANCE CAMERAS**

- (a) CCTV surveillance cameras must be installed prior to the issue of any occupation certificate. The CCTV surveillance cameras must be operated and maintained throughout the premises with particular coverage to:
  - (i) principal entrance/s and exits;
  - (ii) all areas within the premise occupied by the public (excluding toilets);
  - (iii) staircases;
  - (iv) basement including bicycle parking areas;
  - (v) ~~roof top~~ communal ~~private~~ open space; and
  - (vi) the area within a 10m radius external to the public entrance(s) to the premise.

**Reasons for Decision**

The application was approved for the following reasons:

- (A) The applicant's written requests have adequately addressed the matters required to be demonstrated by clause 4.6(3) of the Sydney LEP 2012, that compliance with the height of buildings development standard and motorbike parking rates is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 4.3 of the Sydney Local Environmental Plan 2012 and clause 30(f) of the Affordable Rental Housing SEPP 2009;
- (B) The proposed development is consistent with the objectives of the B4 Mixed Use zone and the height of buildings development standard;
- (C) Having considered the matters in Clause 6.21(4) of the Sydney Local Environmental Plan 2012, the building displays design excellence because:
- (D) The materials and detailing are appropriate to the building type and location;
- (E) The works will not have any significant impacts on the quality of the public domain; and
- (F) The proposed bulk, massing and modulation of the subject building is acceptable.
- (G) 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; and
- (H) Subject to conditions, the proposal will not result in unacceptable amenity impacts on surrounding properties. For this reason and as outlined in this report, the proposed development is in the public interest.
- (I) Conditions 18 and 27 were amended for the purposes of administrative exactitude.

Carried unanimously.

D/2019/880

**Speakers**

Mr Gerard Turrisi (Gat & Associates) and Mr Glenn McCormack (Benson McCormack Architecture) – on behalf of the applicant.

**Item 4 Development Application: 327-329 George Street, Sydney - D/2019/1277**

The Panel:

- (A) upheld the written variation requested to Clause 6.16(3)(a) 'Erection of tall buildings in Central Sydney' of the Sydney Local Environmental Plan 2012 in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012;
- (B) waived, in the specific and particular circumstances of the site and the proposed development, the requirement for the preparation of a site-specific development control plan and the undertaking of a competitive design process in accordance with Clause 7.20 'Development requiring or authorising preparation of a development control plan' and Clause 6.21 'Design excellence' of the Sydney Local Environmental Plan 2012; and
- (C) granted consent to Development Application No. D/2019/1277 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 the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012.
- (B) The proposal is consistent with the objectives of the B8 Metropolitan Centre zone.
- (C) The proposal complies with the maximum floor space ratio applicable to the site under the Sydney Local Environmental Plan 2012.
- (D) 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 required to be demonstrated by Clause 4.6(3) of the Sydney Local Environmental Plan 2012, that compliance with the development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening Clause 6.16(3)(a) of the Sydney Local Environmental Plan 2012; and
  - (ii) The proposal is in the public interest because it is consistent with the objectives of the B8 Metropolitan Centre zone and the 'Erection of tall buildings in Central Sydney' development standard.
- (E) The proposal exhibits design excellence in accordance with the relevant provisions and matters for consideration in Clause 6.21 of the Sydney Local Environmental Plan 2012.
- (F) The proposal has a height and form suitable for the site, satisfactorily addresses the heights and setbacks of neighbouring developments, and is appropriate in the streetscape context and broader locality.
- (G) The new building can satisfactorily accommodate the proposed land uses and does not result in any significant adverse environmental or amenity impacts on surrounding properties, the public domain and the broader Sydney Central Business District, subject to the recommended conditions.

- (H) The requirement for the preparation of a site-specific development control plan and the undertaking of a competitive design process is unreasonable and unnecessary in the specific and particular circumstances of the site and proposed development, pursuant to Clauses 7.20(3) and 6.21(6) of the Sydney Local Environmental Plan 2012.
- (I) The proposal has been granted concurrence by Transport for New South Wales under Clause 86 of the State Environmental Planning Policy (Infrastructure) 2007, subject to conditions which have been adopted in the recommended conditions.
- (J) The public interest is served by the approval of the proposal, as amendments to the development application have addressed the matters raised by the City and the community, subject to the recommended conditions relating to facade and awning design details, transport and servicing.

Carried unanimously.

D/2019/1277

**Speakers**

Mr David Melocco (Melocco and Moore) and Mr Giovanni Cirillo (Planning Lab) – on behalf of the applicant.

The meeting of the Local Planning Panel concluded at 5.15 pm.

CHAIR