

Local Planning Panel

Meeting No 41

Wednesday 12 August 2020

Notice Date 5 August 2020

minutes

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Present

Mr Steven Layman (Chair), Mr Paul Berkemeier, Professor Helen Lochhead and Associate Professor Amelia Thorpe.

At the commencement of business at 5.18 pm, those present were:

Mr Layman, Mr Berkemeier, Prof Lochhead 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.

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 22 July 2020, which have been endorsed by the Chair of that meeting.

Item 3 Development Application: 21C Billyard Avenue, Elizabeth Bay - D/2019/665

The Panel granted consent to Development Application No. D/2019/665 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) The proposal exhibits a suitable built form, design and materiality in the context of the heritage conservation area and is appropriate within the streetscape.
- (C) The proposal will not result in unacceptable amenity impacts on surrounding properties and does not detrimentally impact upon view corridors.
- (D) The proposal exhibits design excellence in accordance with Clause 6.21 of the Sydney Local Environmental Plan 2012.

Carried unanimously.

D/2019/665

Speakers

Ms Rosie Fairbairn-Watt (objector), Ms Olivia Ross (objector), Mr Dieb Khoury – Benjamin & Khoury (objector), Dr Richard Lamb – Richard Lamb and Associates (objector), and Mr Peter Lonergan (Cracknell & Lonergan Architects) – on behalf of the applicant.

Item 4 Development Application: 6-8 Orwell Street, Potts Point - D/2020/65

The Panel granted consent to Development Application No. D/2020/65 subject to the conditions set out in Attachment A to the subject report, subject to the following amendments (additions shown in ***bold italics***, deletions shown in ~~strikethrough~~):

(4) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

(a) Ground floor layout:

- (i) The bike parking and comms cupboard are intrusive elements in the entry and common area. Both are to be relocated to a less prominent area (to the north side of the lift core if space permits) to provide a more dignified and inviting entry.
- (ii) The common area is to be amended to provide amenity in the form of:
 - a. seating for both individual recreation and social interaction;
 - b. facilities including a small kitchenette;
 - c. a space where children and young people are safe and contained.
- (iii) The accessible toilet is to be relocated closer to the common area if space permits. The entry door is not to be directly opposite the door to the waste room.
- (iv) The ground floor window openings facing Hughes Lane are to be redesigned to be more aligned to the existing rhythm of windows on the west elevation.

(b) Facade amendments:

- (i) All north facing openings on levels 1 and 2 are to incorporate a bi-fold screen system that provides passive sun control and promotes privacy. Drawings are to demonstrate compliance with provision (1)(a) of Schedule 4 of the DCP 2012.
- (ii) All south facing openings to living and bedroom areas on levels 3 to 5 are to ***have more generous proportions and*** incorporate weather protection.
- (iii) West facing openings to living and bedroom windows on levels 1 and 2 are to incorporate sliding or shuttered screens that provide passive sun control and promote privacy.
- (iv) West facing openings to living and bedroom windows on levels 3 to 5 are to incorporate sliding or shuttered screens that provide passive sun control and promote privacy. Weather protection is also to be provided.
- (v) The west facing Juliet balconies are to be amended to incorporate:
 - a. weather protection, privacy mitigation and promote passive sun control measures.

- b. a maximum opening width of 1800mm.
 - c. Drawings are to demonstrate compliance with provision (1)(a) of Schedule 4 of the DCP 2012 and (for privacy measures) how direct overlooking is prevented. This will require that updated contextual information including glazing of adjoining properties be provided on plans, sections and elevations.
- (c) All north-facing openings on levels 3-5 are to be amended to incorporate the following:
- (i) A box frame that projects 450mm from the external façade to provide weather protection, privacy mitigation and promote passive sun control for the glazed openings forming the Juliet balconies.
 - (ii) A balustrade that sits adjacent the sliding doors in line with the external wall.
 - (iii) A maximum opening width of 1800mm.
 - (iv) Drawings are to demonstrate compliance with provision (1)(a) of Schedule 4 of the DCP 2012.
- (d) Air conditioners:
- (i) No provision has been made for air-conditioning equipment. Provision for a proposed or future roof zone that complies with the maximum LEP building height limit is to be identified. Detail of the rooftop plant enclosure is to be provided demonstrating that it is integrated into the building, screened from view of neighbouring developments, and concealed from the public domain behind a parapet.
 - (ii) An updated roof plan showing the proposed or future zone.

The modifications are to be submitted to and approved by Council's **Director City Planning Development and Transport** ~~Area Planning Manager~~ prior to the issue of a Construction Certificate.

(5) MATERIALS AND SAMPLES SCHEDULE

- (a) The materials and samples schedule submitted has not been approved.
- (b) The schedule of materials, colours and finishes must be revised and must include ~~earthy~~ tones **more** sympathetic to the conservation area colour and material palette.
- (c) A detailed materials, colours and finishes schedule (including visible rainwater goods and services) keyed to each building elevation must be submitted to and approved by Council's ~~Area Planning Manager~~ **Director City Planning Development and Transport** prior to a Construction Certificate being issued. The materials and samples schedule/board must not include generic material or colour descriptions, or use terminology such as 'or similar'.

Reasons for Decision

The application was approved for the following reasons:

- (A) The proposed development is consistent with the objectives of the B4 Mixed Use zone.
- (B) The proposed development is generally consistent with the relevant objectives and controls within State Environmental Planning Policy (Affordable Rental Housing) 2009, Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.
- (C) The proposed development improves the presentation of the site to Orwell Street and revitalises a building into a legitimate new affordable housing development for older socially disadvantaged women and women experiencing domestic violence.
- (D) The affordable housing provider is committed to provide accommodation as well as management services for a period of 25 years with no breaks.
- (E) Suitable conditions of consent have been applied and the development is in the public interest.
- (F) Condition 4 was amended to improve the proportions of south facing façade openings.
- (G) Condition 5 was amended to ensure a more appropriate colour palette sympathetic to the area.

Carried on the following show of hands –

Ayes (3) Mr Layman, Mr Berkemeir and A/Prof Thorpe

Noes (1) Prof Lochhead

Motion carried.

D/2020/65

Speakers

Mr Terry Mooney (objector), Ms Kate Bartlett (Mecone) – on behalf of the applicant and Mr Gyula Toth (Nordon Jago) – on behalf of the applicant.

Item 5 Development Application: 306 Cleveland Street, Surry Hills - D/2020/230

The Panel refused consent for Development Application No. D/2020/230 for the reasons outlined below.

Reasons for Decision

The application was refused for the following reasons:

- (A) The entrance to the site is located less than 75 metres to the entrance to an approved brothel at 278-284 Cleveland Street and is located adjacent to and opposite to residential dwellings that are within a residential zone. The proposal intensifies and expands existing sex services premises and seeks to regularise the unauthorised change of use of a boarding house to a brothel. The development will have an adverse impact on the streetscape, character and amenity of the surrounding area and fails to satisfy the following planning provisions:

Sydney Local Environmental Plan 2012

- (i) Clause 1.2(2)(e) - to encourage the growth and diversity of the residential population of the City of Sydney by providing for a range of appropriately located housing, including affordable housing
- (ii) Clause 1.2(2)(h) - to enhance the amenity and quality of life of local communities
- (iii) Clause 1.2(2)(j) - to achieve a high quality urban form by ensuring that new development exhibits design excellence and reflects the existing or desired future character of particular localities
- (iv) Clause 2.3(2) - B4 Mixed Use zone - To provide a mixture of compatible land uses and to ensure uses support the viability of centres
- (v) Clause 7.21 - Location of sex services premises

Sydney Development Control Plan 2012

- (vi) Section 2.13.1 - Cleveland Street locality statement
- (vii) Section 4.2.9 - Non-residential land uses in the B4 - Mixed Use zone
- (viii) Section 4.4.6.1 - proximity to residential premises and existing sex services premises

- (B) The applicant has failed to address the reduction of availability of affordable housing within the locality that has resulted from the unauthorised change of use of an existing boarding house at 308 Cleveland Street to a brothel. The development fails to comply with the relevant provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009.

- (C) The Plan of Management lodged with the application fails to address the how access will be managed from Goodlet Lane. The development fails to comply with the following planning provisions:

Sydney Development Control Plan 2012

- (i) Section 4.4.6.2 - Access to the premises
- (ii) Section 4.4.6.4 - Health, Safety and Security

(iii) Section 4.4.6.6 - Plan of Management

- (D) The proposal fails to comply with the City's Planning Policies regarding sex services premises and would intensify existing impacts on residential amenity that are significant. Approval of a development that contradicts the planning policies and that would adversely impact upon the character and amenity of the surrounding dwellings and the locality would not be in the public interest.

Carried unanimously.

D/2020/230

Speakers

Ms Margaret McCullagh-Dennis (objector) and Ms Amal Al-Zahab (objector).

Item 6 Development Application: 22-28 Mandible Street, Alexandria - D/2019/578

The Panel:

- (A) pursuant to Section 3.3.1 of the Sydney Development Control Plan 2012 and Section 1.2 of the Competitive Design Policy, approved the Design Excellence Strategy for 22-28 Mandible Street, prepared by Mersonn Pty Ltd on behalf of Clipper International Corporation, and dated December 2019; and
- (B) pursuant to section 4.16(3) of the Environmental Planning and Assessment Act 1979, granted deferred commencement consent to Development Application No. D/2019/578, subject to the conditions as detailed in Attachment A to the subject report.

Reasons for Decision

The application was approved for the following reasons:

- (A) The development complies with the objectives of the B7 business park zone pursuant to the Sydney Local Environmental Plan 2012.
- (B) The development complies with the permitted height pursuant to the clause 4.3 of Sydney Local Environmental Plan 2012.
- (C) The development will result in additional community infrastructure in accordance with Clause 6.14 of the Sydney Local Environmental Plan 2012, as per the submitted public benefit offer and voluntary planning agreement.
- (D) The development will deliver environmentally sustainable development, and this is secured through the commitments in the approved Design Excellence Strategy as per Clause 6.21 of Sydney Local Environmental Plan 2012.
- (E) The development provides adequate setbacks to Mandible Street and the new north/south road. These setbacks provide opportunities for deep soil planting, provide an appropriate public domain interface and allow for the building to align with the neighbouring development at 12-20 Mandible Street. In this regard, the development can deliver design excellence and meets the objectives of the Sydney Development Control Plan 2012.

Carried unanimously.

D/2019/578

Speakers

Mr Luke Dingle – Concrete (objector), Ms Fiona Gainsford – Boral (objector), Mr Tim Greer (TZG) – on behalf of the applicant, and Mr Andrew Darroch (Mersonn) – on behalf of the applicant.

The meeting of the Local Planning Panel concluded at 7.03 pm.

CHAIR