

Local Planning Panel

Meeting No 42

Wednesday 2 September 2020

Notice Date 26 August 2020

minutes

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Present

Mr Richard Pearson (Chair), Mr Tony Caro, Ms Helena Miller and Mr John McNerney.

At the commencement of business at 5.04pm, those present were:

Mr Pearson, Mr Caro, Ms Miller and Mr McNerney.

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 Pearson disclosed a reasonably perceived conflict of interest in relation to Item 3 – Development Application: 29-41 Hutchinson Street, Surry Hills – D/2020/55 in that the applicant's planning consultant is engaged on a development project that Mr Pearson is managing for Woollahra Council.

Following assessment of the above disclosure of interest under the Code of Conduct for Local Planning Panels and the City of Sydney Local Planning Panel Operational Procedures, Mr Pearson is not required to step out for deliberation on Item 3.

Ms Miller disclosed a reasonably perceived conflict of interest in relation to Item 4 – Development Application: 104-148 Parramatta Road, Camperdown – D/2019/1410 in that she is working with the applicant's heritage consultant on another project.

Following assessment of the above disclosure of interest under the Code of Conduct for Local Planning Panels and the City of Sydney Local Planning Panel Operational Procedures, Ms Miller 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 12 August 2020, which have been endorsed by the Chair of that meeting.

Item 3 Development Application: 29-41 Hutchinson Street, Surry Hills - D/2020/55

The Panel granted consent to Development Application No. D/2020/55 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~~):

(2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) Details of louvres on the southern façade for outside air intake and exhaust are to be provided.
- (b) Details of privacy measures to ~~the new window~~ ***all*** openings on ***all elevations*** ~~the southern façade of the existing building~~ are to be provided.

The modifications are to be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of a Construction Certificate.

Note: The Panel requests the applicant consider engaging proactively with adjoining residents in developing the privacy measures required by Condition 2(b) to ensure that adjacent residents' concerns are addressed as fully as possible.

(7) ~~COMPLIANCE WITH SUBMITTED MATERIALS AND SAMPLES BOARD~~

~~The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the materials schedule and sample board, and specifications prepared by SJB Architects dated 5 June 2020.~~

(18) GENERAL HERITAGE

- (a) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.
- (b) The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction. The protection measures are to be specified in the construction management plan.
- (c) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013.
- (d) ~~New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.~~
- (e) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.

(22) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

Prior to a Construction Certificate being issued, an archival photographic recording of 29-41 Hutchinson Street, Surry Hills is to be prepared to Council's satisfaction. The recording is to be in digital form, prepared in accordance with

the NSW Heritage Division of the Department of Environment and Heritage guidelines titled "Photographic Recording of Heritage Items using Film or Digital Capture". One copy of the record is to be submitted to Council to be lodged with Council's Archives.

The form of the recording is to be as follows:

- (a) The Development Application number must be noted on the submitted information.***
- (b) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.***
- (c) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.***
- (d) The report is to be submitted on a USB, in PDF/A format, (created directly from the digital original), with the digital catalogue of images containing the following data for each: DOS title, image subject/description and data photograph was taken.***
- (e) The electronic images are to be taken with a minimum 8 megapixel camera, saved as JPEG, TIFF or PDF files with a size of approximately 4-6MB, and cross referenced to the digital catalogue sheets and base plans. Choose only images that are necessary to document the process, and avoid duplicate images.***

Remaining conditions are to be renumbered accordingly.

(31) DILAPIDATION REPORT – MINOR

Subject to the receipt of permission of the affected landowner, dilapidation report/s of adjoining buildings are to be prepared by an appropriately qualified practising structural engineer and submitted for the approval of the Accredited Certifier:

- (a) prior to the commencement of demolition/excavation works;***
- (b) on completion of construction demolition/excavation works; and***
- (c) copies of the dilapidation reports referred to in both (a) and (b) above are to be provided to the relevant adjoining property owners prior to submitting them to the Accredited Certifier.***

Reasons for Decision

The application was approved for the following reasons:

- (A) The proposal is consistent with the objectives of the B4 Mixed Use Zone.**
- (B) The proposal complies with the key height of buildings and floor space ratio development controls.**
- (C) The proposal, subject to conditions, satisfies the provisions of clause 6.21 of Sydney Local Environmental Plan 2012.**

- (D) The proposal is consistent with the objective of conserving the heritage significance of heritage items and heritage conservation areas.
- (E) The development accords with the objectives of relevant planning controls.
- (F) Issues raised in submissions have been considered and where appropriate addressed in the amended plans and or conditions of consent.
- (G) The proposal, subject to conditions, is considered to be in the public interest.
- (H) Condition 2(b) was amended to ensure the privacy of adjoining properties.
- (I) Condition 7 was deleted as it is a duplicate of Condition 4.
- (J) Condition 18 (d) was deleted as the inclusion of new services within the fabric of the building is more appropriate.
- (K) Condition 22 was added to ensure appropriate heritage documentation.
- (L) Condition 31 (c) was added at the request of residents of adjoining properties.

Carried unanimously.

D/2020/55

Speakers

Mr Richard Balkin (objector), Mr Paul Crawford (objector), Mr Michael Dupree (objector), Mr Trevor Woolfe (objector), Mr Brian Corrigan (objector), Mr Ray Lee (objector), Ms Naomi Scott (objector), Mr George Barnett (objector), Ms Alison McCabe (SJB) – on behalf of the applicant and Mr Adam Haddow (SJB) – on behalf of the applicant.

Item 4 Development Application: 140-148 Parramatta Road, Camperdown - D/2019/1410

The Panel granted consent to Development Application No. D/2019/1410 subject to the conditions set out in Attachment A to the subject report, with the following amendment (addition shown in ***bold italics***, deletions shown in ~~strike through~~):

(12) SIGNS - SEPARATE DA REQUIRED

A separate development application (other than exempt or complying signs) must be submitted to and approved by Council prior to the erection or display of any ***additional*** ~~such~~ signs. All future signage must be consistent with the approved signage strategy.

Reasons for Decision

The application was approved for the following reasons:

- (A) The development complies with the objectives of the B4 mixed use zone pursuant to the Sydney Local Environmental Plan 2012.
- (B) Based upon the material available to the Committee at the time of determining this application, the Committee 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 LEP 2012, that compliance with the Height of Buildings development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening Clause 4.3 of the Sydney Local Environmental Plan; and
 - (ii) the proposal is in the public interest because it is consistent with the objectives of the B4 - Mixed Use zone and the Height of Buildings development standard.
- (C) The development complies with the permitted Floor Space Ratio pursuant to Clause 4.4 of the Sydney Local Environmental Plan 2012.
- (D) The development demonstrates design excellence, appropriately responds to the site context and is consistent with the desired future character of the area as per Clause 6.21 of the Sydney Local Environmental Plan 2012.
- (E) The development, subject to conditions, generally meets the objectives of the Apartment Design Guide and is consistent with the design quality principles in State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development.
- (F) The development is consistent with the objectives of the Sydney Development Control Plan 2012.
- (G) Condition 12 was amended to distinguish it from signage which forms part of the application.

Carried unanimously.

D/2019/1410

Speakers

Mr Daniel McNamara (DMPS) – on behalf of the applicant, and Mr Paul Buljevic (PBD Architects) – on behalf of the applicant.

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The meeting of the Local Planning Panel concluded at 6.20 pm.

CHAIR