

# Local Planning Panel

Meeting No 45

Wednesday 4 November 2020

Notice Date 28 October 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 5.01pm, those present were:

Mr Layman, Mr Berkemeier, Prof Lochhead and A/Prof Thorpe.

The Executive Manager Development was also present.

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

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 14 October 2020, which have been endorsed by the Chair of that meeting.

**Item 3      Development Application: 11-13 Greenknowe Avenue, Elizabeth Bay - D/2020/377**

The Panel:

- (A) upheld the variation requested to Clause 4.3 'Height of Buildings' development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012; and
- (B) granted consent to Development Application No. D/2020/377 subject to the conditions set out in **Attachment A** to the subject report, subject to the following amendment (addition shown in ***bold italics***):

**(3)      DESIGN MODIFICATIONS**

The design of the building must be modified as follows:

- (a) The proposed Standing Seam Metal Cladding (EF03) – Dulux Monument (C29) is to be replaced with a matt finished brown/dark brown colour cladding of equal or better quality.
- (b) The existing retaining wall located along the western boundary must be retained in situ to ensure the stability of the trees located on the adjoining 9 Greenknowe Avenue.
- (c) Amended stormwater management plan must be submitted to relocate the extent of drainage, including the SHEL GPT and basin system out of the deep soil zone.
- (d) Relocate the active amenity uses, including BBQ, fixed outdoor dining area and 2 benches, from the ground floor communal open space to the Level 5 communal open space in an area that is set back at least 9m when measured perpendicularly from the site's western boundary.
- (e) Amended drawings to reflect the landscape design required by Condition 4 below, and as follows:
  - (i) Amend planter design to south of Apartment G01 to include a privacy screen the full length of the windows and amend the planter design to minimum 600mm wide and 1m soil depth, planted with a hedge species that can reach 2m pruned height.
  - (ii) Amend ground floor planter design on the northern boundary to ensure minimum 1m soil depth for hedge planting.
- (f) ***Plans must be submitted amending the design and extent of the roof top acoustic screen and solar panels to minimise physical and view loss impacts to adjoining neighbours.***

The modifications are to be submitted to and approved by Council's Director, City Planning, Transport and Development prior to the issue of any Construction Certificate.

**Reasons for Decision**

The application was approved for the following reasons:

- (A) The development complies with the objectives of the R1 General Residential zone pursuant to Sydney Local Environmental 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 adequately addresses the matters required by clause 4.6(3) of the Sydney LEP 2012, that compliance with the height of building development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 4.3 of the Sydney LEP 2012; and
  - (ii) the proposal is in the public interest because it is consistent with the objectives of the R1 General Residential zone and the height of building development standard.
- (C) The proposal will not result in unacceptable amenity impacts on surrounding properties and does not detrimentally impact upon view corridors from private domain.
- (D) The development exhibits design excellence under clause 6.21 of Sydney Local Environmental Plan 2012.
- (E) The development meets the objectives of the Apartment Design Guide and is consistent with the design quality principles under State Environmental Planning Policy No 65 - Design Quality of Residential Apartments.
- (F) The development is generally consistent with the objectives of Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.
- (G) Condition 3 was amended to minimise physical and view loss impacts to adjoining residents.

Carried unanimously.

D/2020/377

**Speakers**

Alicia Parker (local resident), Daniel Sietho (local resident), Anne Bell (local resident), Skender Bregu (local resident), Josephine Greco (local resident), Eileen Peck (local resident), Stephen White (Urbis) – on behalf of the applicant and Wieger Meijer (PBD Architects) – on behalf of the applicant.

**Item 4 Development Application: 1-11 Oxford Street, Paddington - D/2020/297**

The Panel granted consent to Development Application No. D/2020/297 subject to the conditions of consent set out in **Attachment A** to the subject report, subject to the following amendment (addition shown in ***bold italics***):

**(56) CONSTRUCTION MANAGEMENT PLAN**

- (a) The Construction Management Plan prepared by The Transport Planning Partnership dated 27 March 2020 accompanying this Development Application is NOT approved by this consent.
- (b) A Construction Management Plan must be submitted to and approved by Council's Director City Planning Development and Transport prior to the issue of any Construction Certificate. The Construction Management Plan must have regard to, and be not limited to:
  - (i) The protection measures required by Conditions 58 and 62 below;
  - (ii) The protection measures required by the General Terms of Approval as advised by Heritage NSW in Schedule 3 below;
  - (iii) Maximum PPVi vibration for various frequencies ranges as advised by the Structural Impact Assessment (Rev 3, prepared by BG&E, dated 10 July 2020):
    - a. *3mm/s of up to 10Hz*
    - b. *3mm/s to 8mm/s between 10Hz and 50Hz; and*
    - c. *8mm/s to 10mm/s between 50Hz and 100Hz*

Note: The maximum frequencies shall be determined approved by Council's Director City Planning Development and Transport in the Construction Management Plan.

- (iv) Detail of protection / management measures along the interface with Rose Terrace; ***and***
- (v) ***A vibration monitoring plan that includes a vibration trial and ongoing vibration monitoring during construction as recommended by Douglas Partner and BG&E to clarify if the vibration limits outlined in (b)(iii) above are adequate (or should be refined). The plan must also outline actions if an exceedance occurs, and measures to review and alter the excavation methods at the site where necessary.***

**Reasons for Decision**

The application was approved for the following reasons:

- (A) The development, subject to conditions, is consistent with the objectives of the B2 Local Centre zone.
- (B) The development is consistent with the site-specific provisions for 1-11 Oxford Street Paddington under Clause 6.52 of Sydney Local Environmental Plan 2012 and the accompanying Section 6.3.18 of Sydney Development Control Plan 2012.

- (C) The development, subject to conditions, will maintain the structural integrity and heritage significance of the state heritage item, the Busby's Bore, located underneath the site.
- (D) The development, subject to conditions, will maintain the structural integrity and heritage significance of the adjoining heritage items - Rose Terrace (as a collective) and the retained portion of the existing building within the site.
- (E) The development satisfies Clause 6.21 of Sydney Local Environmental Plan 2012 in that it demonstrates design excellence in terms of architectural design, materials and detailing appropriate to the existing building and its context.
- (F) The development is respectful to the character and design of the existing building, which is identified as a contributory building to the Paddington Urban heritage conservation area.
- (G) The development is consistent with the character and principles identified in the locality statement for Oxford Street Paddington.
- (H) The development is within a Local Centre area and the hours of operation, subject to conditions, are consistent with the objectives and provisions of Sydney Development Control Plan 2012 Section 3.15.
- (I) Condition 56 was amended to provide ongoing monitoring of vibration impacts during construction.

Carried unanimously.

D/2020/297

### **Speakers**

Fraser Johns (local resident), Leone Morrison (local resident), Giovanni Cirillo (Planning Lab) – on behalf of the applicant, Tim Greer (TZG) – on behalf of the applicant, and Stephen Davies (Urbis) – on behalf of the applicant.

## **Item 5 Development Application: 7 Layton Street, Camperdown - D/2020/350**

The Panel:

- (A) supported the variation sought to the Height of Buildings development standard under Clause 4.3 of the Sydney Local Environmental Plan 2012 in accordance with Clause 4.6 'Exception to development standards' of the Sydney Local Environmental Plan 2012 in the circumstances of this application;
- (B) supported the variation sought to the minimum motorbike parking spaces required under Clause 30(1)(h) of the State Environmental Planning Policy (Affordable Rental Housing) 2009 in accordance with Clause 4.6 'Exception to development standards' of the Sydney Local Environmental Plan 2012 in the circumstances of this application; and
- (C) granted consent to Development Application No. D/2020/350 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 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 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 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 LEP 2012; 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) 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 LEP 2012, that compliance with the motorcycle parking development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 30 (1)(h) of the SEPP (Affordable Rental Housing); and
  - (ii) the proposal is in the public interest because it is consistent with the objectives of the B4 Mixed Use zone and the SEPP (Affordable Rental Housing) development standards.
- (D) The proposal is consistent with the aims and objectives of Division 3 of the State Environmental Planning Policy (Affordable Rental Housing) 2009.
- (E) The development complies with the permitted Floor Space Ratio pursuant to Clause 4.4 of the Sydney Local Environmental Plan 2012.
- (F) The development, subject to conditions, generally demonstrates design excellence, appropriately responding to the context of the site, and is consistent with the desired future character of the area as per Clause 6.21 of the Sydney Local Environmental Plan 2012.



- (G) The development is consistent with the objectives of the Sydney Development Control Plan 2012.
- (H) Suitable conditions of consent have been applied and the development is considered to be in the public interest.

Carried unanimously.

D/2020/350

**Speakers**

Tom Cook (objector) – Willowtree Planning, Paul Rappoport (objector) – Heritage21, and Mark Alves (Map Architects) – on behalf of the applicant.

**Item 6 Development Application: 6 Bridge Street, Sydney - D/2020/614**

The Panel granted consent to Development Application No. D/2020/614 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):

**(7) PLAN OF MANAGEMENT**

~~The use must always be operated / managed in accordance with the Plan of Management, prepared and signed by Lachlan Peach, received by the City on 28<sup>th</sup> September 2020, that has been approved by Council. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.~~

***The submitted Plan of Management is not approved. A revised Plan of Management must be resubmitted to and approved by the Director City Planning, Development and Transport and is to be amended to include an annual review by the Director City Planning, Development and Transport to consider the performance of the operator in relation to compliance with development consent conditions, the plan of management, any substantiated complaints received and any views expressed by the Police. The plan of management may be updated to address any issues that arise from the review.***

***The Plan of Management must contain provisions prohibiting both temporary and permanent signage inside the premises which is visible from public places.***

**(18) SIGNAGE**

***The design details of any mandatory external signage required by this consent and other legislation (eg. the Building Code of Australia and Liquor Act 2007) must be submitted to and approved by the Director City Planning, Development and Transport prior to the issue of a Construction Certificate.***

***A separate development application for any other proposed signs must be submitted to and approved by Council prior to the erection or display of any such signs.***

Remaining conditions are to be renumbered accordingly.

**Reasons for Decision**

The application was approved for the following reasons:

- (A) The uses are permissible with consent in the B8 Metropolitan Centre zone.
- (B) The uses are considered to be in keeping with the area given its broad mix of commercial uses.
- (C) The amended Plan of Management adequately addresses the operational, safety and security requirements of the premises.
- (D) The amended architectural plans provide sufficient staff facilities required by the Sydney Development Control Plan 2012.
- (E) Condition 7 was amended to ensure the Plan of Management reflects and responds to community concerns.

(F) Condition 18 was added to preserve the character of the locality.

Carried unanimously.

D/2020/614

**Speakers**

Mark Boyd (local resident), James Riley (RGS Law), Erica Leeming (local resident), Nicholas Frier (applicant), and Wesley Folitarik (Urbanism) – on behalf of the applicant.

**Item 7      Development Application: 113 Commonwealth Street, Surry Hills-D/2020/762**

The Panel:

- (A) upheld the variation requested to Clause 4.3 'Height of Building' development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012; and
- (B) granted consent to Development Application No. D/2020/762 subject to the conditions set out in Attachment B to the subject report to the Local Planning Panel of 4 November 2020, subject to the following amendments (deletions shown in ~~strikethrough~~):

**(9)    ~~PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN~~**

~~Prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's satisfaction.~~

~~The recording must include clear images of the building facade adjoining the footpath, the footpath, nature strip, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street.~~

~~The form of the recording is to be as follows:-~~

- ~~(a) A PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;~~
- ~~(b) Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;~~
- ~~(c) Each image is to be numbered and cross referenced to a site location plan;~~
- ~~(d) A summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record;~~
- ~~(e) 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 license 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.~~

~~Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must immediately be made safe and functional by the applicant. Damage must be fully rectified by the applicant in accordance with the City's standards prior to a Certificate of Completion being issued for Public Domain Works or before an Occupation Certificate is issued for the development, whichever is earlier.~~

**(10) ~~PUBLIC DOMAIN DAMAGE BOND~~**

- (a) ~~A Public Domain Damage Bond calculated on the basis of 4.5 square metres of concrete site frontage Beauchamp Lane must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Bond must be submitted as an unconditional bank guarantee or insurance bond as per the Council's Performance Bond Policy in favour of Council as security for repairing any damage to the public domain in the vicinity of the site (Guarantee).~~
- (b) ~~The Guarantee must be lodged with Council prior to an approval for demolition being granted or any Construction Certificate being issued, whichever is earlier.~~
- (c) ~~The Guarantee in this condition will be retained in full until the final Occupation Certificate has been issued, or the public domain works bond has been lodged and any rectification works to the footway and Public Domain, are completed to Council's satisfaction. The Guarantee will be released in full unless rectification works are required where upon 90% of the total securities will be released, with the remaining 10% to be retained for the duration of a 6 months Defect Liability Period.~~

**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) 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 'Height of Building' 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 2012; 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 Building' development standard.
- (C) The proposal complies with the floor space ratio development control.
- (D) The proposal satisfies the provisions of clause 6.21 of Sydney Local Environmental Plan 2012.
- (E) The development accords with the objectives of relevant planning controls.
- (F) The proposal is considered to be in the public interest.
- (G) Conditions 9 and 10 were deleted due to the minor scale of the proposed works.

Carried unanimously.

D/2020/762

The meeting of the Local Planning Panel concluded at 7.24 pm.

CHAIR