

Local Planning Panel

Meeting No 35

Wednesday 15 April 2020

Notice Date 8 April 2020

minutes

Index to Minutes

| ITEM | PAGE NO |
|---|----------------|
| 1. Disclosures of Interest..... | 3 |
| 2. Development Application: 589-591 Elizabeth Street, Redfern - D/2018/774..... | 4 |
| 3. Development Application: 2-4 Oxford Street, Darlinghurst - D/2019/1091..... | 8 |
| 4. Development Application: 21C Billyard Avenue, Elizabeth Bay - D/2019/665..... | 10 |
| 5. Local Planning Panel - Delegations | 11 |

Present

Mr Richard Pearson (Chair), Ms Penny Murray, Ms Darlene van der Breggen and Associate Professor Amelia Thorpe.

At the commencement of business at 5.12pm, those present were:

Mr Pearson, Ms Murray, Ms van der Breggen 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.

Ms Murray disclosed a reasonably perceived conflict of interest in Item 2 – Development Application: 589-591 Elizabeth Street, Redfern – D/2018/774 as she and her colleagues are engaged by clients who have also engaged Urbis from time to time. However, she has had no involvement with the current application.

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 Murray was not required to step out for deliberation on Item 2.

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 Development Application: 589-591 Elizabeth Street, Redfern - D/2018/774

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 in this instance; 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/2018/774 subject to the conditions set out in Attachment A to the subject report to the Local Planning Panel on 15 April 2020, subject to the following amendments (additions shown in **bold italics**, deletions shown in ~~strikethrough~~):

(3) FLOOR SPACE RATIO - ALL OTHER AREAS

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the development must not exceed 1.47:1. For the purposes of the calculation of FSR, the Gross Floor Area of approved development is ~~1,2221.4sqm~~ **1221.4sqm**.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total Gross Floor Area in the development, utilising the definition under Sydney Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifier.

(11) WASTE/RECYCLING COLLECTION

~~Collection of the garbage and recycling must only occur within the basement of the subject development. Garbage and recycling must not be placed on the street.~~
Garbage and recycling must not be placed on the street for collection more than half an hour before the scheduled collection time. Bins and containers are to be removed from the street within half an hour of collection.

(27) PLAN OF MANAGEMENT

- (a) The Plan of Management (POM) checklist accompanying this Development Application has not been approved by this consent.
- (b) A POM must be prepared to address all operational and management procedures to be employed, to ensure that the hotel and licensed café can operate without disturbance to the surrounding locality.
- (c) At a minimum the POM must address the requirements of Section 4.4.8 and Schedule 3 of the Sydney Development Control Plan 2012.
- (d) The POM must include but not be restricted to; compliance with all other operational conditions of this consent; hours of operation; noise; security management; and handling complaints.

(e) The POM is to include details for managing complaints including:

- (i) A complaints hotline made available to surrounding residents and adequately staffed by the hotel operator;**
- (ii) The details of the complaints hotline are to be distributed to residents within a 50m radius of the subject site prior to the issue of an Occupation Certificate;**
- (iii) A complaint log book must be kept onsite at all times to record the details of all complaints and how the hotel operator responded to such complaints; and**
- (iv) A copy of the complaint log book shall be made available to any Council officer on request and within 24 hours.**

- (f) The POM must be submitted to and approved by Council's Area Coordinator Planning Assessments or Area Planning Manager prior to a Construction Certificate being issued.
- (g) At all times, the use of the premises must be operated in accordance with the approved POM under part ~~(e)~~ (f) of this condition.

(30) NEIGHBOURHOOD AMENITY

- (a) Signs must be placed in clearly visible positions within the building requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area. The signage shall be in bold letters not less than 25mm in height on a contrasting background.
- (b) The management/licensee must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood.
- (c) Pedestrian access to the hotel by patrons is only permitted via the Elizabeth Street entrance. At no times shall staff or patrons loiter in Elizabeth Lane.**

(33) SURVEILLANCE CAMERAS

- (a) CCTV surveillance cameras shall be strategically installed, operated and maintained throughout the premises with particular coverage to:
 - (i) principal entrance/s and exits;
 - (ii) the building's Elizabeth Lane frontage;**
 - (iii) all areas within the premise occupied by the public (excluding toilets);
 - (iv) staircases in multilevel premises; and
 - (v) the area within a 10m radius external to the public entrance(s) to the premise.
- (b) Suitable and clearly visible signage shall be displayed at the principal entrance(s) to the premise and in a prominent position on each floor accessible to the public, in lettering not less than 50mm in height with the words "Closed Circuit Television in use on these premises".

- (c) All CCTV recording equipment and cameras shall be of high grade digital quality capable of establishing the population and identification of patrons, offenders and incidents within the depth of field view of the cameras. In this respect each surveillance camera shall be capable of recording a minimum rate of 10 frames per second and at high resolution.
- (d) CCTV recording discs or hard drive recordings shall be retained for 28 days before being re-used, destroyed or deleted. Time and date shall be auto recorded on the disc or hard drive. The CCTV recording equipment shall be capable of reproducing a CD, DVD, USB or other appropriate digital copy of recorded footage on demand of Council or Police Officers either immediately or within 12 hours of the request being made. Copy discs must be handed to Council, Police Officer or Special Inspectors as required.
- (e) All CCTV recording devices and cameras shall be checked daily to ensure the equipment is operating correctly. The Licensee shall record this daily checking activity in the security/incident register book that meets the standards required by the Licensing Police and Council. If it is discovered at any time that the equipment is not in full operating order all reasonable steps must be taken to repair the system as soon as practicable. Where the system will not be functioning in full operating order for a period of longer than 24 hours the manager/licensee is to notify the relevant Local Area Commander of the NSW Police.
- (f) All CCTV recording devices and cameras shall be operated at all times when the premises are open to the public and, where premises do not operate 24 hours a day, continuously for at least 1 hour prior to opening and closing times of the premises.
- (g) The CCTV recording device shall be secured within the premises and only be accessible to senior management personnel so as to maintain the integrity of the recorded footage. When the premises is operating there must be at least one staff member present at the premises who is authorised to access the CCTV system and able to immediately review recordings and produce copies.
- (h) Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.

(106) NOTIFICATION OF EXCAVATION WORKS OR USE OF HIGH NOISE EMISSION APPLIANCES/PLANT

~~The immediately adjoining neighbours~~ **Properties located within 25m of the subject site** must be given a minimum of 48 hours notice that excavation, shoring or underpinning works or use of high noise emission appliances / plant are about to commence.

Reasons for Decision

The application was granted deferred commencement approval as:

- (A) The proposed development is consistent with Section 4.15 of the Environmental Planning and Assessment Act 1979, in that subject to the imposition of appropriate conditions as recommended, it achieves the objectives of the planning controls for the site and does not result in unreasonable environmental impacts for the reasons outlined in the report to the Local Planning Panel.

- (B) The requested variation to the height development standard is upheld because the consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be addressed by Clause 4.6 of SLEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of Clause 4.3 Height of Building and the B4 Mixed Use zone.
- (C) The development, subject to conditions, is generally consistent with the objectives and provisions of State Environmental Planning Policy (SEPP) No 55 - Remediation of Land, SEPP (Infrastructure) 2007, SEPP (Vegetation in Non-Rural Areas) 2017, SLEP 2012 and Sydney Development Control Plan 2012 (SDCP 2012).
- (D) The proposal is consistent with the objectives of the B4 Mixed Use zone in that the hotel will contribute to providing a mixture of uses in the area supporting the vitality of the area. The proposed development is consistent with the SDCP 2012 'Prince Alfred Park South' locality statement which encourages a mix of building types to reflect diversity of form and mass, and specifically encourages boutique accommodation on Elizabeth Street.
- (E) Subject to the recommended conditions of consent and in the context of a mixed use zone, the proposed development is unlikely to result in unreasonable impacts on the surrounding properties by way of visual and acoustic privacy, solar access, traffic, odour, vibration and reflectivity.
- (F) The proposed siting, bulk, scale, massing, setbacks and materiality of the building is considered to be consistent with the character of the area and respects the heritage significance of the conservation area and adjoining heritage item.
- (G) For the reasons above and as outlined in the report to the Local Planning Panel, the proposed development is in the public interest subject to conditions.
- (H) Condition 3 was amended to correct a typographical error.
- (I) Condition 11 was amended as it was imposed in error as kerbside collection has been assessed as acceptable as detailed in the Local Planning Panel report. The City's standard condition is imposed instead:
- (J) Condition 27 was amended to include details of a complaints management system.
- (K) Condition 30 was amended to discourage loitering in Elizabeth Lane.
- (L) Condition 33 was amended to add monitoring to Elizabeth Lane.
- (M) Condition 106 was amended to increase the number of properties to be notified about excavation works or high noise emission appliances/plant.

Carried unanimously.

D/2018/774

Speakers

Mr Jackson Tutahi (on behalf of the church at 587 Elizabeth Street), Mr Michael Towke (resident), Ms Joanna Towke (resident), Ms Imola Novak (resident), Mr Ari Raymond (resident), Ms Jeanette Bourke (resident), Ms Alexa Wyatt (resident and on behalf of Mr Gray Saberton and Ms Deborah Zador), Mr Josh Taylor-Real (planner on behalf of the residents), Mr Andrew Harvey (Urbis – on behalf of the applicant), Mr Theo Krallis (Turner – on behalf of the applicant) and Mr Ross Nettle (TTPA – on behalf of the applicant).

Item 3 Development Application: 2-4 Oxford Street, Darlinghurst - D/2019/1091

The Panel granted consent to Development Application No. D/2019/1091 subject to the conditions set out in **Attachment A** to the subject report, subject to the following amendments (additions shown in ***bold italics*** and deletions shown in ~~strikethrough~~):

(5) PLAN OF MANAGEMENT

(a) The submitted Appendix D (dated September 2019) to the Plan of Management approved under D/2006/2252/C (and as amended) is to be updated to include details of management measures to ensure patrons of the rooftop area will not cause offensive noise affecting neighbouring residential properties.

(b) The submitted Appendix D is to reflect that the rooftop area has no smoking permitted.

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

(c) The use of the whole of the premises must always be operated / managed in accordance with the Plan of Management approved under D/2006/2252/C (and as amended) and updated Appendix D required by (a) and (b) above (dated September 2019) approved as part of this application. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

Reasons for Decision

The application was approved 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 character and principles identified in the locality statement for Oxford Street Darlinghurst.
- (C) The development is respectful to the character and design of the existing heritage listed building. It supports the historic use of the site as a hotel and is satisfactory from a heritage perspective.
- (D) The development satisfies Clause 6.21 of Sydney Local Environmental Plan 2012 in that it demonstrates acceptable standard of architectural design, materials and detailing appropriate to the existing heritage item and the location.
- (E) The development is within the Late Night Management area and the hours of operation, subject to conditions of consent, are consistent with the objectives and in accordance with the recommended hours for this area for a Category A premises as identified in the Sydney Development Control Plan 2012.

- (F) Conditions of consent are recommended to ensure that the ongoing operation of the development will not create unreasonable disturbance or nuisance to surrounding properties, particularly sensitive residential uses.
- (G) Condition 5 has been amended to update Appendix D to the Plan of Management to forbid smoking on the rooftop and to include details of management measures to ensure patrons of the rooftop area will not cause offensive noise affecting neighbouring residential properties.

Carried unanimously

D/2019/1091

Speakers

Mr Paul Molloy (resident), Mr Shaun Temby (resident), Mr Andrew Martin (on behalf of the applicant), Mr Dragan Pasat (on behalf of the applicant) and Mr Adam Celestino (applicant).

Item 4 Development Application: 21C Billyard Avenue, Elizabeth Bay - D/2019/665

The Panel deferred consideration of Development Application No. D/2019/665 until a subsequent meeting of the Local Planning Panel to enable the applicant to submit the necessary material to allow for assessment of the 3D model and the view loss impacts.

Reasons for Decision

The Panel considered it reasonable to defer rather than refuse the application as there appears to be reasonable potential for the additional information required to finalise assessment of the application to be submitted shortly.

Carried unanimously.

D/2019/665

Speakers

Ms Olivia Ross (resident), Dr Richard Lamb (planner on behalf of Olivia Ross and Mark Dowd), Mr Dieb Khoury (solicitor on behalf of Olivia Ross and Mark Dowd and Mr Peter Lonergan (Cracknell and Lonergan Architects – on behalf of the applicant).

Item 5 Local Planning Panel - Delegations

It is resolved that the Local Planning Panel in accordance with the requirements of the Environmental Planning and Assessment Act 1979, delegates its functions as a consent authority, where there has been no more than one objection received, in relation to development for which Council is the applicant or land owner and the application proposes:

- (i) outdoor seating;
- (ii) works within the public domain such as the placement of security bollards, upgrade of the public domain, construction of driveways, landscaping and the like;
- (iii) the placement or relocation of kiosks and other minor structures within the public domain;
- (iv) the installation of shade structures and play equipment;
- (v) the installation of solar panels;
- (vi) small scale alterations and additions to existing facilities;
- (vii) other small scale development with a development cost of no more than \$100,000;

to the positions of Manager Planning Assessments, Executive Manager Development, and Director City Planning, Development and Transport.

Reasons for Decision

The Delegation will enable low risk applications to be processed more expeditiously. The Panel amended the number of objections triggering referral of applications to the LPP to require that all applications with multiple objections be referred to the LPP for determination.

Carried unanimously.

2020/095110

The meeting of the Local Planning Panel concluded at 7.37pm.

CHAIR