

Local Planning Panel

Meeting No 51

Wednesday 7 April 2021

Notice Date 31 March 2021

minutes

Index to Minutes

ITEM	PAGE NO
1. Disclosures of Interest	3
2. Confirmation of Minutes	3
3. Development Application: 180-182 Church Street, Newtown - D/2020/1090	4
4. Development Application: 21 Missenden Road Camperdown - D/2020/917	7
5. Development Application: 18 City Road, Chippendale - D/2020/873	8
6. Development Application: 131 Botany Road, Waterloo - D/2020/1029	11

Present

Mr Steven Layman (Chair), Mr Shaun Carter, Ms Darlene van der Breggen and Associate Professor Amelia Thorpe.

At the commencement of business at 5.02pm, those present were:

Mr Layman, Mr Carter, Ms van der Breggen and A/Prof Thorpe.

The Executive Manager Planning and 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.

Mr Carter disclosed a reasonably perceived conflict of interest in relation to Item 5 (Development Application: 18 City Road, Chippendale - D/2020/873) in that his business, Carter Williamson, has in the past worked with the heritage architects for the applicant, Weir Philips Heritage and Planning, in a professional team environment. Mr Carter stated that Carter Williamson has never directly employed Weir Philips Heritage and Planning nor had any direct financial involvement with them.

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 Carter is not required to step out for deliberation on Item 5.

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 17 March 2021, which have been endorsed by the Chair of that meeting.

Item 3 Development Application: 180-182 Church Street, Newtown - D/2020/1090

The Panel:

- (A) 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
- (B) granted consent to Development Application No. D/2020/1090 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 ~~strike through~~):

(2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) The development is to provide a total of 4 boarding rooms which are capable of being adaptable for a person with a disability in accordance with the Building Code of Australia (it is noted 2 such rooms are identified in the plans). The nominated accessible boarding rooms are to be illustrated on the floor plans and demonstrate (in a checklist) compliance with Australian Standard AS4299.
- (b) ***The design of privacy louvres is to be revised to maximise natural light access and outlook whilst retaining reasonable privacy protections.***
- (c) ***North-facing windows, with high sills to provide privacy to occupants, are to be added to rooms G06 and G07.***
- (d) ***The design of the northern boundary elevation is to be revised to soften the appearance and reduce the impact of the blank wall to 178 Church Street. This could include greater articulation of finish and the use of materials and finishes more suited to the residential setting.***

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

(23) LANDSCAPING OF THE SITE (TREES)

- (a) The Concept Landscape Plan prepared by Concept Landscape Architects dated 12 October 2020 'Revision C is not approved.
- (b) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate. The plan must include:
 - i. deep soil setback area to Church Street must provide large-medium sized canopy tree plantings;
 - ii. location of existing and proposed structures on the site including, but not limited to, existing and proposed trees, paved areas, planted areas on slab, planted areas in natural ground, lighting and other features;
 - iii. details of earthworks and soil depths including mounding and retaining walls and planter boxes (if applicable). The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers;

- iv. location, numbers, type and supply of plant species, with reference to the relevant Australian Standard;
 - v. the design must provide a minimum 15% canopy cover across the site. This must be provided by 40% of the species having a mature minimum height of 6-8 metres and 60% mature minimum height of 10-15 metres;
 - vi. palms, fruit trees and species recognised to have a short life span will not be accepted as suitable replacements;
 - vii. new trees must be planted in natural ground (deep soil areas) with adequate soil volumes to allow maturity to be achieved;
 - viii. new trees must be appropriately located away from existing buildings and structures to allow maturity to be achieved without restriction;
 - ix. details of planting procedure and maintenance; and
 - x. details of drainage, waterproofing and watering systems.
- (c) ***All landscaping is to be undertaken by the developer, and all reference to "landscape by others" is to be removed from the plans.***
- (d) Prior to the issue of a Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property.
- (e) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.

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

Reasons for Decision

The application was approved for the following reasons:

- (A) The development complies with the objectives of the B4 mixed use zone and the R1 General Residential 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 motorcycle parking development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 30 (1)(h) of SEPP (Affordable Rental Housing) 2009;
 - (ii) the proposal is in the public interest because it is consistent with the objectives of the B4 Mixed Use zone, the R1 General Residential zone and the SEPP (Affordable Rental Housing) development standards.
- (C) The proposal is consistent with the aims and objectives of Division 3 of the State Environmental Planning Policy (Affordable Rental Housing) 2009.

- (D) The development complies with the permitted Floor Space Ratio pursuant to Clause 4.4. of the Sydney Local Environmental Plan 2012 and clause 29(1) of the State Environmental Planning Policy (Affordable Rental Housing) 2009.
- (E) The development, subject to conditions, 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.
- (F) The development is consistent with the objectives of the Sydney Development Control Plan 2012.
- (G) Suitable conditions of consent have been applied and the development is considered to be in the public interest.
- (H) Condition 2(b) was added to balance daylight penetration with privacy concerns.
- (I) Condition 2(c) was added to improve internal room amenity.
- (J) Condition 2(d) was added to improve visual impacts on residents of the neighbouring property.
- (K) Condition 23(c) was added to clarify the responsibility of the developer with regard to landscaping.

Carried unanimously.

D/2020/1090

Speakers

Mr Jason Perica (Perica and Associates) – on behalf of the applicant, and Mr Ian Armstrong (DesignInc) – on behalf of the applicant.

Item 4 Development Application: 21 Missenden Road Camperdown - D/2020/917

The Panel refused consent for Development Application No. D2020/917 for the following reasons:

- (A) The development does not satisfy the design excellence provisions of Clause 6.21 Design Excellence of the Sydney Local Environmental Plan 2012 as it fails to meet the following requirements:
 - (i) The proposal fails to provide a high standard of architectural design, materials and detailing appropriate to the building type and location which is contrary to Clause 6.21(4)(a).
 - (ii) The external appearance of the proposed development will adversely impact the quality and amenity of the public domain which is contrary to Clause 6.21(4)(b).
 - (iii) The entry and street level design does not contribute to the character of the area and existing streetscape which is contrary to Clause 6.21(4)(d)(x) and(xii).
 - (iv) The alignment of the ground floor level with the public domain has not been resolved which is contrary to Clause 6.21(4)(d)(ix) and (x).
 - (v) The proposal fails to provide sufficient details to ensure the adequate integration of the landscaping with the building design which is contrary to Clause 6.21(4)(d)(xii).
- (B) The development fails to comply with the design principles of SEPP 65 Design Quality of Residential Apartment Development and provisions of the Apartment Design Guide (ADG) regarding communal open space, landscaping and aesthetics of the building.
- (C) The proposal does not make a positive contribution to the public domain and is therefore contrary to Section 3.1 Public Domain Elements of the Sydney Development Control Plan 2012.
- (D) The proposal fails to provide sufficient details to ensure integration of the landscaping with the building, to achieve canopy coverage and ensure street tree protection can be achieved, which is contrary to Sections 3.5 and 4.2.3.5 of the Sydney Development Control Plan 2012.
- (E) The proposal is not compatible with the streetscape and character of the area and does not appropriately address the public domain, and is therefore not considered to be in the public interest.

Carried unanimously.

D/2020/917

Speaker

Mr Tone Wheeler (Environa Studio) – on behalf of the applicant.

Item 5 Development Application: 18 City Road, Chippendale - D/2020/873

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 'Exceptions 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 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 in the circumstances of this application; and
- (C) pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, granted a deferred commencement consent to Development Application No. D/2020/873 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):

(1) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) The third storey must be setback 3m from the parapet. The facade of the third storey is to run parallel to the parapet, with no steps. The setback area is to be free of all building structures, including the roof overhang and rooftop plant.
- (b) ~~As a result of the setback stated in condition (a) above, the double room at the upper level (identified as room L2.02) is to be deleted and plant relocated behind the setback line. The communal roof terrace is to be increased in size. A weather protection awning is to be provided immediately above the entry door to the rooftop communal space.~~
- (c) ~~Room L2.04 is to be increased to a double room which meets the minimum requirements of State Environmental Planning Policy (Affordable Rental Housing) 2009.~~
- (d) ***A revised layout design for rooms L2.02 and L2.04 is to be submitted to and approved by Council's Area Planning Manager.***
- (e) All details of the performance solutions relied upon to achieve compliance with the National Construction Code which result in changes to the façade of the contributory building must be provided for approval.
- (f) Details of the hydrant booster cabinet must be provided for approval. Details to be provided include 1:10 'For Construction' plan, section and elevation details of the cabinet.
- (g) The ground level café is not approved. This must be deleted from the drawings and the area incorporated into the ground level communal area.
- (h) ***The design of the ground floor communal space is to be revised to include full kitchen facilities, including an oven and stove top with extraction, and is to be submitted to and approved by Council's Area Planning Manager.***

- (i) ***There is to be a distinct building entry area with letterboxes, separate to the communal space. The revised design is to be submitted to and approved by Council's Area Planning Manager.***
- (j) 1:10 'For Construction' details are to be provided showing the proposed box gutter / drainage in relation to the existing facades. The position of all internal downpipes must be clearly shown on plan.
- (k) Operable, external shading devices are to be provided to all roof lights. Details are to be provided for approval.
- (l) Letterboxes are to be installed in the communal indoor space near the entry door to the boarding house.
- (m) Details of the awning on City Road are to be provided for approval. Details should include the proposed materials and re-use of old anchor points from the previous awning. The new awning is to be based on historic research, where possible.
- (n) The rooftop plant is not to be visible from the public domain. Plant equipment or any part of the plant structure must be hidden behind the parapet.
- (o) Details (elevation and sections including materials) at a scale of 1:10 and 1:5 of the new western glazed entry are to be provided. The criss-cross timber pattern on adjacent windows should be replicated in the highlight window of the new glazed entry.
- (p) An outdoor drying area is to be provided.

Reasons for Decision

The application was approved for deferred commencement 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 State Environmental Planning Policy (Affordable and Rental Housing) 2009; and
 - (ii) the proposal is in the public interest because it is consistent with the objectives of the B4 Mixed Use zone and the State Environmental Planning Policy (Affordable and Rental Housing) 2009 development standards.

- (D) The proposal is consistent with the aims and objectives of Division 3 of State Environmental Planning Policy (Affordable and 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. The development 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.
- (I) Conditions 1(b) and 1(c) were replaced in order to preserve the integrity of the original building frontage and improve amenity.
- (J) Condition 1(g) was amended and 1(h) was added, to improve amenity for residents.
- (K) Condition 1(i) was added to provide a main circulation route separate from the communal space.

Carried unanimously.

D/2020/873

Speakers

Mr Bruce van Niekerk (MacroPlan) – on behalf of the applicant, and Mr Philip North (Weir Phillips Heritage and Planning) – on behalf of the applicant.

Item 6 Development Application: 131 Botany Road, Waterloo - D/2020/1029

The Panel:

- (A) upheld the written request seeking variation to the development standard in Clause 30(1)(h) of the State Environmental Planning Policy (Affordable Rental Housing) 2009 requiring the provision of 2 motorcycle parking spaces, made in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012; and
- (B) granted consent to Development Application Number D/2020/1029 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) The front dormer window must be set back from Botany Road by an additional 300mm and provide a higher sill height.
- (b) An awning must be provided to extend over the bike storage area to provide weather protection to the vertical bike racks.
- (c) ***The functions of the ground floor reading and tv rooms are to be exchanged.***
- (d) ***A window is to be added to the revised tv room location, to the right of the chimney breast.***
- (e) ***The design of the bicycle storage area is to be revised such that the number of bicycle spaces is increased to at least 5, and appropriate charging facilities are added.***

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

(22) BICYCLE PARKING

- (a) The minimum number of bicycle parking spaces to be provided for the development must comply with the table below.

Bicycle Parking Type	Number	Requirements
Residential	3 5	Spaces must be class 2 bicycle facilities

Notes:

- (i) Australian Standard AS 2890.3:2015 refers to class 1 as class 'A', class 2 as class 'B', and class 3 as class 'C'.
- (b) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle

Parking Facilities. The details must be submitted to and approved by the Accredited Certifier confirming compliance prior to the Construction Certificate being issued.

Reasons for Decision

The application was approved for the following reasons:

- (A) The development is consistent with the objectives of the B4 mixed use zone pursuant to the Sydney Local Environmental Plan 2012.
- (B) The development complies with the maximum height of buildings development standard applicable to the site, pursuant to Clause 4.3 of the Sydney Local Environmental Plan 2012.
- (C) The development complies with the maximum floor space ratio development standard applicable to the site, pursuant to Clause 4.4 of the Sydney Local Environmental Plan 2012 and Clause 29(1)(c)(i) of the State Environmental Planning Policy (Affordable Rental Housing) 2009.
- (D) The proposal satisfies design excellence provisions and matters for consideration in Clause 6.21 of the Sydney Local Environmental Plan 2012.
- (E) The development meets the objectives and relevant provisions for boarding houses in accordance with Division 3 of Part 2 of the State Environmental Planning Policy (Affordable Rental Housing) 2009.
- (F) The development is consistent with the objectives and is generally in accordance with the relevant provisions of the Sydney Development Control Plan 2012 relating to boarding houses.
- (G) 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.
- (H) The development can satisfactorily accommodate the proposed land use and does not result in any significant adverse environmental or amenity impacts on surrounding properties, the public domain and the broader Regent Street and Botany Road locality, subject to the recommended conditions.
- (I) 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, subject to the recommended conditions relating to acoustic privacy and bicycle storage.
- (J) 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 minimum motorcycle parking development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening Clause 30(1)(h) of the State Environmental Planning Policy (Affordable Rental Housing) 2009; and
 - (ii) the proposal is in the public interest because it is consistent with the objectives of the B4 Mixed Use zone and the minimum motorcycle parking development standard.
- (K) Condition 1(c) was added to facilitate the additional window proposed in Condition 1(d) and improve light access and natural cross ventilation to the revised tv room location.
- (L) Condition 1(e) was added to provide additional bicycle and e-bike parking.

(M) Condition 22 was amended to be consistent with the addition of Condition 1(e).

Carried unanimously.

D/2020/1029

Speakers

Mr Mark Solomon (Plan Urbia) – on behalf of the applicant, and Mr Peter Huang (PFH Architects) – on behalf of the applicant.

The meeting of the Local Planning Panel concluded at 6.29pm.

CHAIR