

# Local Planning Panel

Meeting No 55

Wednesday 9 June 2021

Notice Date 2 June 2021

*minutes*

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#### Present

Mr Richard Pearson (Chair), Professor Helen Lochhead, Ms Penny Murray and Mr John McInerney.

At the commencement of business at 5.01pm, those present were:

Mr Pearson, Prof Lochhead, Ms Murray and Mr McInerney.

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.

Ms Murray disclosed a reasonably perceived conflict of interest in relation to Item 4 (Development Application: 70-72 Commonwealth Street, Surry Hills) in that she and her colleagues in practice are engaged by clients that have also engaged Ethos Urban and Urbis on projects from time to time.

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 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 19 May 2021, which have been endorsed by the Chair of that meeting.

**Item 3 Development Application: 42-50 Parramatta Road, Forest Lodge - D/2020/1088**

The Panel:

- (A) supported the variation sought to the Floor Space Ratio development standard under Clause 4.4 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; and
- (B) granted consent Development Application No. D/2020/1088 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) VEHICLE ACCESS**

Vehicle access to the Stage 2 building must be provided on Arundel Road. The site must be configured to allow all vehicles to be driven onto and off the site in a forward direction. The western driveway on Arundel Road is to provide access to the subdivided site at the southern end via the breakthrough panel of Stage 1 building basement car park. This driveway will be shared between the two sites (Stage 1 building and Stage 2 building). A deed and/or suitable agreement of this easement arrangement must be prepared and accepted between the parties prior to any construction works ***that relate to the Stage 2 envelope***. The details must be submitted to the Council with the detailed Development Application for Stage 2 works.

**(11) CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN**

~~It is requested that the applicant be conditioned to prepare a~~ **A** draft Construction Pedestrian and Traffic Management Plan (CPTMP) ***is to be prepared and submitted*** as part of any Stage 2 ***detailed development*** application.

Construction Traffic and Pedestrian Management Plans are to be prepared in accordance with Standard Requirements for Construction Traffic Management Plan on the City's website

<http://www.cityofsydney.nsw.gov.au/business/business-responsibilities/traffic-management/construction-traffic-management-plans>

## (21) NOISE/SERVICE MANAGEMENT PLAN

***The applicant is required to undertake community consultation prior to the preparation of the Noise/Service Management Plan.***

A Noise and Service Management Plan to minimise noise and late night interruptions in the residential areas is to be prepared in consultation with Council and approved **by Council** prior to the occupation of the Stage 1 building. ***The content of this Plan must be complied with during the operation of the ambulance station.***

The Plan must include, but is not limited to, management of large (MRV) single vehicle movement on ramp, give way protocol to be followed in circulation ramp (if any), lights/siren management on ambulance use, ***including emergency operation by ambulance drivers of the Ross Street/Parramatta Road traffic lights, light spill from vehicular headlights, roller door selection and replacement***, management of tandem spaces, training to the staff and drivers and management of all deliveries to ensure vehicles are not waiting on public streets to enter the site.

The Plan is to ***be updated to*** include details of how complaints relating to noise will be addressed and any noise control strategies that will be implemented to minimise the potential for complaints.

Once approved, this management plan ***and any updated revision of the Plan*** is to be provided to external users of the site, Council and local residents.

## (45) ROLLER DOOR SELECTION

To minimise roller door noise impact to the nearest noise sensitive receivers, a quiet roller door system is to be selected and insulators are to be installed on the door fittings to avoid a rigid connection between roller door structure and building elements, reducing structure borne noise emissions. The roller door closing speed is to be controlled such that significant impact noise is not emitted when the roller door leaf comes in contact with the floor.

***This applies to any replacement roller door system. The details of any replacement roller door system are to be detailed in the Noise/Service Management Plan.***

### Reasons for Decision

The application was approved for the following reasons:

- (A) The proposed development is permissible with consent in the B7 Business Park zone.
- (B) The proposed development complies with the 15m building height control under Clause 4.3 of the Sydney Local Environmental Plan 2012.
- (C) The applicant's written request to vary the floor space ratio standard adequately addresses the matters required to be demonstrated by Clause 4.6(3) of the Local Environmental Plan. The applicant's request demonstrates that compliance with the floor space ratio development standard is unreasonable and unnecessary, and that there are sufficient planning grounds to justify contravening Clause 4.4 of the Local Environmental Plan. The proposal is also in the public interest because it is consistent with the objectives of the B7 Business Park zone and the floor space ratio development standard.

- (D) The proposed development provides an appropriate architectural outcome that is suitable in terms of its scale, built form and response to the site's context. It is consistent with the desired future character of the area, as expressed in the applicable planning policies. As such, it is considered to satisfy the design excellence provisions under Clause 6.21 of the Sydney Local Environmental Plan 2012.
- (E) The proposed development satisfies the relevant objectives and provisions of the Sydney Development Control Plan 2012.
- (F) The proposed development will not unreasonably impact the amenity of surrounding residential properties.
- (G) Condition 7 was amended to clarify the timing of the deed/agreement of the easement arrangement.
- (H) Condition 11 was amended to provide clarity regarding the Construction Pedestrian and Traffic Management Plan for Stage 2 development.
- (I) Condition 21 was amended to address local residents' concerns.
- (J) Condition 45 was amended to include the operation and replacement of the roller door.

The motion was carried on the following show of hands:

Ayes (3) The Chair (Mr Pearson), Ms Lochhead and Mr McInerney

Noes (1) Ms Murray.

Ms Murray was of the opinion that the potential impacts for residents on Arundel Street had not been satisfactorily mitigated to an extent that is reasonably practicable, considering the use of a left in left out driveway on Parramatta Road outside of peak hours if supported by Transport NSW and RMS could reduce the number of trips and potential impacts on sleep disturbance.

Motion carried.

D/2020/1088

### **Speakers**

Councillor Jess Scully, Councillor Linda Scott, Harry Henshaw Hill, Erin Henshaw-Hill, Persephone Tan, Gabrielle McCoy and Paul Fennessy.

Oliver Klein (\_planning Pty Ltd), Michael Smytheman (Health NSW), Rhys Hazell (GTA) and Jorge Reverter (JHA Engineers) – on behalf of the applicant.

**Item 4 Development Application: 70-72 Commonwealth Street, Surry Hills - D/2020/1173**

The Panel granted consent to Development Application No. D/2020/1173 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~~):

**SCHEDULE 1B  
PRIOR TO CONSTRUCTION CERTIFICATE/COMMENCEMENT OF WORK/HEALTH AND BUILDING**

**(31A) PHYSICAL MODEL – PRIOR TO CC**

- (a) Prior to the issue of a Construction Certificate, an accurate 1:500 scale model of the approved development must be submitted to and approved by Council's Area Planning Manager/ Area Coordinator Planning Assessments for the City Model in Town Hall House. The applicant may either update the current physical model or provide a new model to reflect the approved development.*

**Note:**

- (i) The model must be constructed in accordance with the Model Specifications available online at <http://www.cityofsydney.nsw.gov.au/development/applicationguide/application-process/model-requirements> Council's modellers must be consulted prior to construction of the model.*
- (ii) The model is to comply with all of the conditions of the Development Consent.*

**(36) HERITAGE CONSERVATION WORKS**

- (a) Prior to the issue of the Construction Certificate, a schedule of conservation works to be undertaken concurrent with the works is to be submitted to Council's Heritage Specialist for approval.
- (b) The schedule is to detail the conservation of all fabric identified as having a heritage value **which may include** including but **is** not limited to the following: brickwork, architectonic features in Commonwealth Street façade **and** tiles. ~~door and window joinery, glazing and hardware.~~
- (c) The schedule is to be supported by an outline of specifications, methodologies and detailed architectural sections, elevations and plans at 1:20 and 1:5 scales. The details should incorporate any structural and/or building services design for the building.
- (d) 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.
- (e) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013. Appropriately qualified contractors and tradespersons are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works within the heritage building.

- (f) **INSPECTION AND APPROVAL:** The conservation works are to be progressively inspected by, and be implemented to the satisfaction of, Council's Heritage Specialist prior to the issue of the Occupation Certificate or commencement of the use, whichever is the earlier.

**(40) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION**

- (a) ***Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of 133 Goulburn Street are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Accredited Certifier and the Council prior to the issue of a Construction Certificate.***

**UPON COMPLETION OF EXCAVATION/DEMOLITION**

- (b) ***A second Dilapidation Report/s, including a photographic survey, must then be submitted at least one month after the completion of demolition/excavation works. A copy of the second dilapidation report/s, together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Principal Certifier and the Council prior to the issue of any Occupation Certificate.***

***Any damage to buildings, structures, lawns, trees, sheds, gardens and the like must be fully rectified by the applicant or owner, at no cost to the affected property owner.***

***Note: Prior to the commencement of the building surveys, the applicant/owner must advise (in writing) all property owners of buildings to be surveyed of what the survey will entail and of the process for making a claim regarding property damage. A copy of this information must be submitted to Council.***

*Remaining conditions to be renumbered accordingly.*

**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) The development complies with the Height of Buildings development standard pursuant to Clause 4.3 of the Sydney Local Environmental Plan 2012 and the Floor Space Ratio development standard pursuant to Clause 4.4 of the Sydney Local Environmental Plan 2012.
- (C) The development exhibits design excellence and appropriately responds to the context of the site. The development is consistent with the desired future character of the area and satisfies the provisions of Clause 6.21 of the Sydney Local Environmental Plan 2012.
- (D) The development is consistent with the objectives of the Sydney Development Control Plan 2012.
- (E) The application is supported by a Detailed Environmental Site Investigation and Remediation Action Plan that demonstrate that the site can be made suitable for the proposed development, in accordance with State Environmental Planning Policy No. 55 - Remediation of Land.

- (F) Issues raised in submissions have been considered and where appropriate addressed in the amended plans and/ or conditions of consent.
- (G) Suitable conditions of consent are recommended and the development is considered to be in the public interest.
- (H) Condition 31A was added as it was omitted from the recommended conditions in error.
- (I) Condition 36 was amended in line with a request from the applicant, as the proposed development does not involve the conservation of such fabric.
- (J) Condition 40 was added to protect adjoining buildings during construction.

Carried unanimously.

D/2020/1173

**Speakers**

Ross Whitelaw (Strata Plan 61162), Adrian Raschella, Tom Tindal and Christophe Eymery.

Conrad Johnston (Fox Johnston) – on behalf of the applicant.

The meeting of the Local Planning Panel concluded at 6.43pm.

CHAIR