

Local Planning Panel

Meeting No 59

Wednesday 22 September 2021

Notice Date 15 September 2021

minutes

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Present

Mr Steven Layman (Chair), Mr Paul Berkemeier, Mr Brendan Randles and Associate Professor Amelia Thorpe.

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

Mr Layman, Mr Berkemeier, Mr Randles 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.

Order of Business

The Panel agreed that the order of business be altered, such that Items 3 and 4 be considered concurrently, for the convenience of the meeting.

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 1 September 2021, which have been endorsed by the Chair of that meeting.

**Item 3 Development Application: 58-76 and 82-106 Oxford Street, Darlinghurst -
D/2020/1071**

**Item 4 Development Application: 110-122 Oxford Street, Darlinghurst -
D/2020/1072**

The Panel deferred consideration of Development Application No. D/2020/1071 and Development Application No. D/2020/1072 until a subsequent meeting of the Local Planning Panel to enable further consideration of issues raised by the Design Advisory Panel and the Heritage Committee, particularly in relation to variety of roof forms, streetscape, setbacks in particular the benefit of observing a 3m setback behind the Oxford Street parapets, amenity, privacy, outlook, and environmental performance.

Reasons for Decision

The applications were deferred to enable the applicant to submit an amended proposal to address the issues raised above.

The Panel considered that issues raised by the Design Advisory Panel and the Heritage Committee had not been adequately addressed.

Carried unanimously.

D/2020/1071

D/2020/1072

Speakers

Roger Parnell, Anthony Egizii, Sean Fliegner, Erin Bennett and Matt McGrath.

Clare Swan (Ethos Urban), Richard Francis-Jones (FJMT Studio) and Fabrizio Perilli (Toga) – on behalf of the applicant.

Item 5 Development Application: 38-44 Mountain Street, Ultimo - D/2020/1288

The Panel:

- (A) upheld the variation requested to clause 4.3 'Height of buildings' in accordance with clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 in this instance;
- (B) upheld the variation requested to clause 4.4 'Floor space ratio' in accordance with clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 in this instance; and
- (C) granted consent for Development Application No. D/2020/1288 subject to the conditions set out in Attachment A to the subject report, subject to the following amendment (additions shown in ***bold italics***, deletions shown in ~~strikethrough~~):

(2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) The ground floor awnings to Mountain Street and Smail Street shop fronts and windows are to be deleted. The design of the awning to the building lobby entry on Mountain Street is amended to comply with Section 3.2.4 of Sydney DCP 2012.
- (b) The rooftop plantings must be amended to provide sufficient soil volume in line with the Sydney Landscape Code to allow eight small trees to grow to maturity, or sufficient trees to provide 15% canopy cover of the site.
- ~~(c) Tiling finish "T1" is to be replaced with "P1" finish to three of the ground level columns to the Smail Street as marked up on the approved plans.~~
- (d) Materials and construction details at 1:10 or 1:5 of the level 5 glass meeting room are to be provided. The construction methodology should include details of mullions (of minimal width and depth) to deliver the 'weightless' visual effect.

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.

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 satisfies the design excellence provisions of clause 6.21 of Sydney Local Environmental Plan 2012.
- (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 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;
 - (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; and
 - (iii) 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 floor space ratio development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 4.4 of the Sydney LEP 2012.
 - (iv) the proposal is in the public interest because it is consistent with the objectives of the B4 Mixed Use Zone and the floor space ratio development standard.
- (D) Condition 2(c) was deleted in line with a request made by the applicant, in order to retain the more robust tiling finish on the columns.

Carried unanimously.

D/2020/1288

Speakers

Ben Tesoriero and Pattie Bai – on behalf of the applicant.

Item 6 Development Application: 12 Mansfield Street, Glebe - D/2021/758

The Panel granted consent to Development Application No. D/2021/758 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 proposal is generally consistent with the relevant objectives and controls of the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.
- (B) The development, subject to conditions, is consistent with the objectives of the R1 - General Residential zone of the Sydney Local Environmental Plan 2012.
- (C) The development provides a suitable landscape design that is compatible with the character of the Toxteth Locality and Toxteth Heritage Conservation Area.
- (D) The proposal contributes to the City's tree canopy targets, providing 18% site canopy coverage.
- (E) The proposal satisfies the design excellence provisions of Clause 6.21 of the Sydney Local Environmental Plan 2012.

Carried unanimously.

D/2021/758

Item 7 Report to the Local Planning Panel - Status of Applications

The Panel received and noted the subject report.

Carried unanimously.

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

CHAIR