

# Local Planning Panel

Meeting No 60

Wednesday 3 November 2021

Notice Date 27 October 2021

*minutes*

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**Present**

Ms Linda Pearson (Chair), Mr Peter Romey, Ms Megan Jones and Mr John McInerney AM.

At the commencement of business at 5.03pm, those present were:

Ms Pearson, Mr Romey, Ms Jones and Mr McInerney.

The Executive Manager Planning and Development was also present.

Mr Romey left the meeting of the Local Planning Panel at 5.09pm, prior to discussion on Item 3, and returned at 6.13pm, after the vote on Item 3. Mr Romey was not present at, nor in sight of, the meeting of the Local Planning Panel during discussion or voting on Item 3.

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 Romey disclosed a reasonably perceived conflict of interest in relation to Item 3 (D/2020/993: 422-424 Cleveland Street, Surry Hills) in that his firm Romey Knaggs Heritage has provided advice to a director of Ethos Urban (the Planning Consultant) regarding his private residence. The last activity was in April 2017.

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 Romey will step out for deliberation on Item 3.

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 13 October 2021, which have been endorsed by the Chair of that meeting.

**Item 3      Development Application: 422-424 Cleveland Street, Surry Hills -  
D/2020/993**

The Panel deferred consideration of Development Application No. D/2020/993 until a subsequent meeting of the Local Planning Panel to enable an amended proposal to be considered by the Design Advisory Panel Residential Subcommittee.

**Reasons for Decision**

The application was deferred to enable the Design Advisory Panel Residential Subcommittee to consider an amended proposal.

The Panel acknowledged that the amendments to the proposed development as reflected in the amended plans and additional information lodged with the City on 12 August 2021 have addressed many of the issues identified by the Design Advisory Panel Residential Subcommittee on its review of 7 December 2020, and those raised by Council officers and in submissions.

The Panel expressed concern that not all the issues raised by the Design Advisory Panel Residential Subcommittee were adequately addressed in the application. In particular:

1. height of the new addition, including remaining non-compliance with the height control in clause 4.3 of the Sydney Local Environmental Plan 2021, and a desirable zone transition; and
2. in relation to the Design Excellence criteria:
  - (a) relationship between the proposed new additions and the existing structure;
  - (b) scale of the proposed additions;
  - (c) compatibility with the character and road pattern of the local area (clause 30A State Environmental Planning Policy (Affordable Rental Housing) 2009); and
  - (d) impact on adjoining properties, including privacy issues relating to operable louvres to the boarding house rooms, and overshadowing of lower level units at 426 Cleveland Street.

Carried unanimously.

D/2020/993

**Speakers**

Kerry Gordon, Penelope Little, Yasmin Hunter, Suzie Matthews, Graeme Aitken, Colin Polwarth and Michael Steele.

Gemma Bassett (Ethos Urban) – on behalf of the applicant.

**Item 4 Development Application: 634 Botany Road and 45-47 Ralph Street, Alexandria - D/2020/1409 and D/2019/684/B**

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 ;
- (B) granted consent to section 4.55 Application Number D/2019/684/B, subject to the following amendments (additions shown in ***bold italics***, deletions shown in ~~strike through~~):

**(7) ENVELOPE HEIGHT**

(i) ***The merits of any rooftop elements are be assessed as part of any future detailed design development application. With the exception of lift overruns, fire stairs, plant, pergolas, architectural roof features, the maximum height of future buildings must not exceed the following envelope height:***

~~In accordance with the stamped approved plans as modified by the DESIGN MODIFICATIONS—ENVELOPE DRAWINGS condition above, the height of the envelope must not exceed:~~

- (a) RL 33,681 (AHD) at its north-eastern corner;
  - (b) RL 33,664 (AHD) at its southern corner;
  - (c) RL 33,513 (AHD) at its north-western corner adjacent to the interwar functionalist building on Ralph Street; and
  - (d) RL 33,203 (AHD) at its northern corner; and
- (C) granted consent to Development Application Number D/2020/1409 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 satisfies the objectives of the Environmental Planning and Assessment Act, 1979, in that, subject to the imposition of conditions as recommended, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Local Planning Panel.
- (B) The concept development, as proposed to be modified, is substantially the same development as that originally approved and is consistent with Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979.
- (C) The proposed modification of condition 7 of the concept development consent D/2019/684 will ensure that the detailed design development application D/2020/1409 is not inconsistent with the concept approval, in order to satisfy Section 4.24(2) of the Environmental Planning and Assessment Act, 1979.
- (D) The proposal generally satisfies the objectives and provisions of the Sydney Local Environmental Plan 2012, the Sydney Development Control Plan 2012, the State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development and the Apartment Design Guide for the reasons set out in the report.

- (E) 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 buildings' 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.
  - (ii) The proposal is in the public interest because it is consistent with the objectives of the B7 Business Park zone and the 'Height of buildings' development standard.
- (F) The proposal complies with the maximum floor space ratio development standard in Clause 4.4 of the Sydney Local Environmental Plan 2012.
- (G) The articulation, materiality and architectural contribution of the proposal combine to exhibit design excellence in accordance with the relevant provisions and matters for consideration in Clause 6.21 of the Sydney Local Environmental Plan 2012.
- (H) The proposed development is consistent with the design intent of the winning scheme of a competitive design process, held in accordance with the City of Sydney Competitive Design Policy.
- (I) The proposed development has a height, scale and form suitable for the site and its context, and subject to conditions, satisfactorily addresses the heights and setbacks of neighbouring developments, is appropriate in the streetscape context and setting of the broader locality.
- (J) Subject to the recommended conditions of consent, the proposed development achieves acceptable amenity for the existing and future occupants of the subject and adjoining sites.
- (K) The proposed development is consistent with the executed Voluntary Planning Agreement between the Council of the City of Sydney and Ralph TA Pty Limited, Ralph NA Pty Limited and BR Alexandria Pty Limited.
- (L) The proposed mix of compatible land uses will support the vitality of the area and do not result in any significant adverse environmental or amenity impacts on the subject or surrounding properties, the public domain and the broader Southern Employment Lands, subject to the recommended conditions.
- (M) 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 and the community, subject to recommended conditions imposed relating to the appropriate management of potential environmental impacts associated with the development.

Carried unanimously.

D2020/1409

D/2019/684/B

### **Speakers**

Ilya Khaustov.

Aaron Sutherland (Sutherland and Associates Planning) and Benjy Levy (Lateral Estate) – on behalf of the applicant.

**Item 5 Development Application: 15-17 William Street, Alexandria - D/2020/1059**

The Panel:

- (A) delegated authority to the Chief Executive Officer to determine Development Application No. D/2020/1059, following the conclusion of the public exhibition of the draft Voluntary Planning Agreement and considering any public submissions received in response; and
- (B) requested that, if the Chief Executive Officer determines to approve the application, consideration be given, pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2020/1059 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 amended proposal addresses the previous reasons for refusal, as outlined to the Local Planning Panel at the 30 March 2021 meeting.
- (B) The amended proposal is consistent with the objectives of the B4 Mixed Use Zone.
- (C) The amended proposal complies with the relevant development standards at clauses 4.3, 4.4 and 7.5 of the Sydney Local Environmental Plan 2012 in relation to Height of Buildings, Floor Space Ratio and Maximum Parking Provision.
- (D) Subject to recommended conditions the proposal satisfies the design excellence provisions of clause 6.21 of Sydney LEP 2012.
- (E) The amended proposal satisfies the relevant controls relating to multi-dwelling housing at section 4.1 of the Sydney Development Control Plan 2012.
- (F) Subject to recommended conditions of consent, the amended proposal will provide an acceptable level of residential amenity for future occupants of the site and of surrounding development.
- (G) Subject to recommended conditions of consent, the amended proposal is capable of satisfying the City's stormwater requirements.

Carried unanimously.

D/2020/1059

**Speakers**

John Higgin.

Derek Raithby (Derek Raithby Architecture) – on behalf of the applicant.

**Item 6 Development Application: 576A-580 Harris Street, Ultimo - D/2021/499**

The Panel:

- (A) upheld the variation requested 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; and
- (B) granted consent to Development Application No. D/2021/499 subject to the conditions set out in Attachment A to the subject report, subject to the following amendments (additions shown in **bold italics**):

**(2) DESIGN MODIFICATIONS**

The design of the building must be modified as follows:

- (a) the window on the ground floor facade of 576A Harris Street, Ultimo is to be amended to be two vertically proportioned windows. These windows are to contain obscure glazing which complies with Section 4.4.6.2(5) of the Sydney DCP 2012; **and**
- (b) ***the window on the ground floor facade of 578 Harris Street, Ultimo is to be amended to be two vertically proportioned windows. The design of these windows is to be based on historic archival research where possible. These windows are to contain obscure glazing which complies with section 4.4.6.2(5) of the Sydney DCP 2012.***

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 pursuant to the Sydney LEP 2012.
- (B) The use as a sex services premises is considered to be in keeping with the character of the area given its broad mix of commercial uses.
- (C) The revised Plan of Management adequately addresses the operational, safety and security requirements of the premises.
- (D) The development, subject to conditions generally demonstrates design excellence and satisfies the provisions of Clause 6.21 of the Sydney LEP 2012.
- (E) Subject to conditions, the proposal generally satisfies the relevant strategy, objectives and provisions of the Sydney LEP 2012 and Sydney DCP 2012.
- (F) Suitable conditions of consent have been applied and the development is considered to be in the public interest.

- (G) 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 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; and
- (H) 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.
- (I) Condition 2 (b) was added to provide consistent frontage to the public domain in terms of architectural and heritage character.

Carried unanimously.

D/2021/499

The meeting of the Local Planning Panel concluded at 7.05pm.

CHAIR