

Local Planning Panel

Meeting No 67

Wednesday 27 April 2022

Notice Date 20 April 2022

minutes

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Present

Ms Linda Pearson, Ms Penny Murray, Mr Brendan Randles and Mr John McInerney AM.

At the commencement of business at 5.00pm, those present were:

Ms Pearson, Ms Murray, Mr Randles 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.

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 6 April 2022, which have been endorsed by the Chair of that meeting.

Item 3 Development Application: 341 Liverpool Street, Darlinghurst - D/2021/1060

The Panel granted consent to Development Application No. D/2021/1060 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 2x proposed skylight windows to the rear principal roof are to be changed to vertically proportioned windows to be positioned parallel to the slope of the roof, rather than horizontally positioned as proposed.
- (b) ***The car stacker is not approved and is to be deleted.***

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

(11) MECHANICAL PARKING FACILITIES

- ~~(a) A report addressing the following is to be submitted with respect to the proposed mechanical parking stackers:
 - ~~(i) Confirmation that the provision of parking is in compliance with the relevant Australian Standards for off-street car parking;~~
 - ~~(ii) The predicted noise and vibration levels arising from the car parking area received by occupiers of the building, including references to relevant Standards;~~
 - ~~(iii) Details outlining the day-to-day safety procedures and at the event of mechanical fault and/or breakdown to be implemented;~~
 - ~~(iv) Comply with the manufacture's specification; and~~
 - ~~(v) Any further information requested by the Principal Certifying Authority.~~~~
- ~~(b) The report is to be submitted to and approved by Principal Certifying Authority prior to the issue of any Construction Certificate.~~

(27) STRUCTURAL INTEGRITY OF RETAINED BUILDING ELEMENTS AND SANDSTONE BOUNDARY WALLS

Prior to a commencement of demolition, excavation or construction work, a report or certification from a practicing structural engineer experienced in dealing with heritage buildings must be submitted to and approved by Council's Urban Design and Heritage Manager / Area Coordinator Planning Assessments / Area Planning Manager. The report must explain how the retained building elements, such as building facades or chimneys, ***and the sandstone boundary walls of neighbouring properties*** are to be retained, supported and not undermined by the proposed development (***including as a result of vibration***) and give details of any intervention, ***management measures (such as maximum vibration controls)*** or retrofitting needed.

Reasons for Decision

The application was approved for the following reasons:

- (A) The development, subject to conditions, is consistent with the objectives of the R1 - General Residential zone.
- (B) The design of the additions responds appropriately to the scale of surrounding buildings.
- (C) The design and detailing of the development is appropriate to the building type and location and will not give rise to significant adverse environmental impacts on neighbouring properties. The development therefore exhibits Design Excellence pursuant to the provisions of Section 6.21C of the Sydney LEP.
- (D) The development is compatible with the character of the Oxford Street and Victoria Street Heritage Conservation Area.
- (E) Appropriate conditions are recommended to ensure the development does not detrimentally impact on the heritage significance of the site.
- (F) The development will not adversely affect the character of the Darlinghurst West locality.
- (G) The development will not unreasonably compromise the amenity of nearby properties.
- (H) The development accords with objectives of relevant planning controls.
- (I) Condition 2 was amended, and Condition 11 deleted, due to concerns about the operability and traffic impacts to neighbouring residents including noise and duration of movements in and out of the premises onto the narrow lane during use of a car stacker, which is not approved.
- (J) Condition 27 was amended to address neighbouring residents' concerns about construction impacts on boundary walls.

Carried unanimously.

D/2021/1060

Speakers

Jane Edwards, Matt Giuffre, Kathleen Burns, Elaine Spicer and Jennifer Duncan

Brendan Moon (Beem Projects) – on behalf of the applicant.

Item 4 Development Application: 22 and 22A The Promenade, 21 Lime Street, Sydney - D/2021/1171

Pursuant to section 4.16(3) of the Environmental Planning and Assessment Act 1979, the Panel granted deferred commencement consent to Development Application No. D/2021/1171 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~~):

(11) PLAN OF MANAGEMENT

- (a) The use must always be operated / managed in accordance with the Plan of Management, prepared by Design Collaborative dated February 2022 that has been approved by Council. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.
- (b) The Plan of Management is to be amended to reflect the approved hours of operation and other operational requirements for each component of the premises as listed in the conditions of this consent, including requiring staff to advise patrons about arrangements for booking a taxi to depart the premises.
- (c) ***The amended Plan of Management is to be submitted to Council's Area Coordinator Planning Assessments or Area Planning Manager and approved prior to issue of Occupation Certificate.***

Reasons for Decision

The application was approved for the following reasons:

- (A) The use is permissible within the B8 - Metropolitan Centre and RE1 - Public Recreation zones.
- (B) The use is considered to be in keeping with the area, given its predominantly entertainment character.
- (C) The submitted Plan of Management has been assessed as acceptable. It satisfactorily addresses the operational, safety and security requirements of the premises.
- (D) The development is consistent with the objectives of the Sydney Development Control Plan 2012.
- (E) In order to facilitate the consolidation of the operational aspects of the premises into a single development consent, appropriate deferred commencement consent conditions are recommended for the surrender of the existing relevant development consents.
- (F) Condition 11 was amended to ensure the amended Plan of Management is submitted to and approved by Council, so as to ensure consistency with conditions of consent, prior to the issuing of an Occupation Certificate.

Carried unanimously.

D/2021/1171

Speakers

David Rippingill (Design Collaborative) – on behalf of the applicant.

Item 5 Development Application: 5 Victoria Road, Glebe - D/2021/865

The Panel deferred consideration of Development Application No. D/2021/865 until a subsequent meeting of the Local Planning Panel, to enable the applicant to submit a revised Clause 4.6 Variation Request which addresses the requirements of clause 4.6 and explains the consideration given to the ultimate height of the central pavilion of Dwelling 2 and what options were considered.

Reasons for Decision

The Panel considered the submitted written Clause 4.6 Variation Request did not adequately address the requirements of clause 4.6 so as to justify the departure from development standards, in particular regarding the height of Dwelling 2, and enable consent to be granted pursuant to clause 4.6(2). In particular, the Panel was not satisfied that the written request had adequately addressed the matters required to be demonstrated by clause 4.6(3)(a) and (b) in respect of the height of the central pavilion of Dwelling 2 by demonstrating that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify the contravention in respect of that aspect of the development, rather than the development as a whole.

Carried unanimously.

D/2021/865

Speakers

Mark Davoren

Robert Weir (Weir Phillips) – on behalf of the applicant.

Item 6 Development Application: Installation of Four New Automatic Public Toilets at Various Locations - D/2021/1087

The Panel granted consent to Development Application No. D/2021/1087 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~~):

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2021/1087 dated 11 October 2021 and the following drawings prepared by Mecone Ltd:

Drawing Number	Drawing Name	Date
A1017	Location Plan – Existing	13/09/21
A1017	Proposed Location Plan	13/09/21
A1018	Location Plan – Existing	13/09/21
A1018	Proposed Location Plan	13/09/21
A1020	Location Plan – Existing	13/09/21
A1020	Proposed Location Plan	13/09/21
A04 1002	APT – Set Out	06/08/21
A04 1003	APT – Family Suite	06/08/21
A04 2001	APT Accessible – SF4-1 – AXO	06/08/21
A04 2002	APT Accessible – SF4-1 – Plan	06/08/21
A04 2003	APT Accessible – SF4-1 – RCP / Roof	06/08/21
A04 2004	APT Accessible – SF4-1 – Elevations	06/08/21
A04 2005	APT Accessible – SF4-1 – Sections	06/08/21
A04 2006	APT Ambulant + Accessible – SF4-2 – AXO	06/08/21
A04 2007	APT Ambulant + Accessible - SF4-2 - PLAN	06/08/21
A04 2008	APT Ambulant + Accessible – SF4-2 – RCP / Roof	06/08/21
A04 2009	APT Ambulant + Accessible – SF4-2 – Elevations	06/08/21
A04 2010	APT Ambulant + Accessible – SF4-2 – Sections	06/08/21
A04 1003	APT – Family Suite	18/08/21
IN01	Internal Details Accessible Booth	10/09/21
IN02	Internal Details Accessible Booth	10/09/21
G1 Rev A	APT GREEN ROOF & WALL DETAILS	07/12/21
G1 Rev A	APT GREEN ROOF & WALL DETAILS	07/12/21
-	Fytogreen Top Hat Fixing Batten Typical Drawing	23/11/21

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

(2) APTs NOT APPROVED

- (a) The APT located in Erskineville Square (A1016) is not approved as part of this consent and is deleted.
- (b) *The APT located on Cowper Wharf Road (A1020) is not approved as part of this consent and is deleted. Any consideration of a public toilet in this location would require an urban design analysis to ensure appropriate siting, including consideration of social impacts on nearby residential premises, prior to any application for approval being sought.***

(6) ~~COWPER WHARF ROAD APT - SIGNAGE CONTENT MANAGEMENT~~

- ~~(a) A minimum of 10% of the screen time of all advertising displays is to be used for material and content managed by the City of Sydney to advertise public information, community messages and promotion of events.~~
- ~~(b) The panels shall also be used to display health information and be used to assist public safety such as instant messaging should an emergency arise.~~

(7) ~~COWPER WHARF ROAD APT - DIGITAL SIGNAGE - ADDITIONAL REQUIREMENTS~~

~~The approved digital signage must ensure the following:~~

- ~~(a) The digital display must have a minimum dwell time for advertisements of 10 seconds, where the speed limit is below 80km/h;~~
- ~~(b) The digital display must have a minimum dwell time for advertisements of 25 seconds, where the speed limit is above 80km/h;~~
- ~~(c) The transition time between advertisements is to be no longer than 0.1 seconds;~~
- ~~(d) The digital display screen must have a default black display when the signage is off or is malfunctioning;~~
- ~~(e) The digital display must not contain/use:~~
- ~~(i) Flashing or flickering lights or content;~~
 - ~~(ii) Animated display, moving parts or simulated movement;~~
 - ~~(iii) Complex display that hold a driver's attention beyond "glance appreciated";~~
 - ~~(iv) The image must not be capable of being mistaken:

 - ~~a. for a prescribed traffic control device because it has, for example, red, amber or green circles, octagons, crosses or triangles or shapes or patterns that may result in the advertisement being mistaken for a prescribed traffic control device;~~
 - ~~b. as text providing instructions to drivers;~~~~
 - ~~(v) A method of illumination that distracts or dazzles; and~~
 - ~~(vi) Dominant use of colours red or green.~~

- (f) ~~Message sequencing designed to make a driver anticipate the next message is prohibited across images presented on a single sign and across a series of signs.~~

(8) ~~COWPER WHARF ROAD APT - SIGN ILLUMINATION~~

- (a) ~~At no time is the intensity, period of intermittency and hours of illumination of the sign to cause objectionable glare or injury to the amenity of the neighbourhood and as such must be designed, installed and used in accordance with AS4282-1997 Control of Obtrusive Effects of Outdoor Lighting.~~

(c) ~~The maximum night time luminance of any sign is not to exceed 300 cd/sqm.~~

(e) ~~Upward facing light sources onto the signage is not permitted.~~

(9) ~~COWPER WHARF ROAD APT - ENERGY SOURCE OF DIGITAL ADVERTISING PANELS~~

~~In accordance with Section 3.16.4(6) of Sydney DCP 2012, the digital advertising signage panels are to be powered by:~~

- (a) ~~Onsite renewable energy of a capacity to provide the energy required to illuminate the signs; or~~
- (b) ~~The purchase of a renewable energy product offered by an electricity supplier equivalent to the estimated annual amount of electricity used.~~

(21) *PLAN OF MANAGEMENT*

The use must always be operated / managed in accordance with the Plan of Management, prepared by Mecone Ltd dated 11 October 2021, which has been approved by Council.

Remaining conditions to be renumbered accordingly.

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 appropriate 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 development, subject to conditions, is consistent with the objectives of the Public Recreation zone under Chapter 4 of the State Environmental Planning Policy (Precincts - Eastern Harbour City) 2021 - Chapter 4 City West.
- (C) The development, subject to conditions, is consistent with the objectives of the RE1 Public Recreation zone and the B4 Mixed Use zone under Sydney Local Environmental Plan 2012.
- (D) The development is compatible the character of the University of Sydney and Royal Prince Alfred Hospital Special Character Area.
- (E) Appropriate conditions are recommended to ensure the development does not adversely impact on the heritage significance of nearby sites.
- (F) The development, subject to conditions, will promote the orderly operation of the automated public toilets.
- (G) The development accords with objectives of relevant planning controls.
- (H) The public interest is served by the approval of the proposal, as additional information to the development application has addressed the matters raised by the City and the community, subject to recommended conditions.
- (I) Conditions 1 and 2 were amended and Conditions 6, 7, 8 and 9 were deleted, to remove reference to the Cowper Wharf Road automatic public toilet (A1020), which was not approved due to concerns regarding its location and the resultant impacts on nearby residents.
- (J) Condition 21 was added to ensure the ongoing upkeep of the approved automatic public toilets, in accordance with the approved Plan of Management.

Carried unanimously.

D/2021/1087

Speakers

Lissa Gray, Natalie Budovsky and Suzie Broome

Paul Keywood (Mecone) – on behalf of the applicant.

Item 7 Development Application: Installation of Five New Automatic Public Toilets at Various Locations – D/2021/1088

The Panel granted consent to Development Application No. D/2021/1088 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 ~~strike through~~):

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2021/1088 dated 11 October 2021 and the following drawings prepared by Grimshaw Architects:

Drawing Number	Drawing Name	Date
A1021	Location Plan – Existing	13/09/21
A1021	Location Plan – Proposed	25/2/22
A1023	Location Plan – Existing	13/09/21
A1023	Location Plan – Proposed	13/09/21
A1024	Location Plan – Existing	13/09/21
A1024	Location Plan – Proposed	13/09/21
A04 1002	APT – Setout	06/08/21
A04 1003	APT – Family Suite	06/08/21
A04 2001	APT Accessible – SF4-1 – AXO	06/08/21
A04 2002	APT Accessible – SF4-1 – Plan	06/08/21
A04 2003	APT Accessible – SF4-1 – RCP / Roof	06/08/21
A04 2004	APT Accessible – SF4-1 – Elevations	06/08/21
A04 2005	APT Accessible – SF4-1 – Sections	06/08/21
A04 2006	APT Ambulant + Accessible – SF4-2 – AXO	06/08/21
A04 2007	APT Ambulant + Accessible – SF4-2 – Plan	06/08/21
A04 2008	APT Ambulant + Accessible – SF4-2 – RCP / Roof	06/08/21
A04 2009	APT Ambulant + Accessible – SF4-2 – Elevations	06/08/21

Drawing Number	Drawing Name	Date
A04 2010	APT Ambulant + Accessible – SF4-2 – Sections	06/08/21
A04 1003	APT Family Suite	18/08/21
IN01	Internal Details Accessible Booth	10.09.21
IN02	Internal Details Accessible Booth	10.09.21
G1 Rev A	APT GREEN ROOF & WALL DETAILS	07/12/21
G1 Rev A	APT GREEN ROOF & WALL DETAILS	07/12/21
-	Fytogreen Top Hat Fixing Batten Typical Drawing	23/11/21

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the drawings will prevail.

(2) APTs NOT APPROVED

- (a) The APT located on Bathurst Street (A1022) is not approved and is deleted.
- (b) The APT located on Alfred Street (A1026) is not approved and is deleted. Any consideration of a public toilet in this location would require further consultation to be undertaken with TfNSW and the Light Rail Operator to ensure a clear line of sight, prior to any application being sought.
- (c) ***The APT located at Boomerang Place (A1024) is not approved and is deleted. Any consideration of a public toilet in this location would require an urban design analysis to ensure appropriate siting in the locality at the intersection, proximity to Cook and Philip Park, and location on the footpath, prior to any application for approval being sought.***

(3) GREEN ROOFS AND WALLS

- (a) All APTs include 3 x green walls panels.
- (b) ~~A1024 includes a green roof.~~

(6) ~~TREES THAT MUST BE PROTECTED~~

~~The existing trees detailed in Table 1 below must be protected in accordance with the conditions of consent throughout the construction and development.~~

Table 1—Trees to be protected:

Botanical (Common Name)	Location
Brushbox (<i>Lophostemon confertus</i>)	A1024 (existing ID APT6A) Boomerang Place and William Street

(7) STREET TREE PROTECTION

All street trees directly outside the site must be retained and protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites. All street trees must be protected during the construction works as follows:

- (a) Tree trunk and major limb protection must be undertaken prior to the commencement of any works. The protection must be installed and certified by a qualified Arborist (AQF level 3) and must include:
- (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and trunks at all times;
 - (ii) Tree trunk/s and/or major branches, must be protected by wrapped hessian or similar material to limit damage;
 - (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion; and
 - (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works, and must be removed at the completion of the project.
- (b) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits/setts, so that no sinking or damage occurs to the existing tree setts. Supporting columns must not be placed on any tree roots that are exposed.
- (c) Young street trees shall be protection by installing three (3) wooden takes around the edge of the tree pit. Hessian shall be wrapped around the stakes. If existing stakes are already in place, these shall suffice as tree protection.
- (d) Temporary signs, or any other items, shall not be fixed or attached to any street tree.
- (e) Materials or goods, including site sheds, must not be stored or placed:
- (i) around or under the tree canopy; or
 - (ii) within two (2) metres of tree trunks or branches of any street trees.
- (f) Any excavation within in any area known to, or suspected of having street tree roots greater than 40mm diameter must be undertaken by hand.
- (g) Any trenching works for services / hydraulics / drainage etc must not be undertaken within 5 metres of any street tree. Alternative installation methods for services, such as directional boring/drilling, or redirection of services shall be employed where

~~large woody roots greater than 40mm diameter are encountered during the installation of any services.~~

- ~~(h) Existing sections of kerbs adjacent to any street tree must not be removed without approval from the Council's Tree Management Officer.~~
- ~~(i) Any damage sustained to street tree/s as a result of construction activities (including demolition) must be immediately reported to the Council's Tree Management Officer on 9265 9333. Any damage to street trees as a result of construction activities may result in a prosecution under the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979.~~

(24) PLAN OF MANAGEMENT

The use must always be operated / managed in accordance with the Plan of Management, prepared by Mecone Ltd dated 11 October 2021, which has been approved by Council.

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 appropriate 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 development, subject to conditions, is consistent with the objectives of the B8 Metropolitan Centre zone and RE1 Recreation Centre zones.
- (C) The development is compatible with the character of the Circular Quay and Railway Square/Central Special Character Areas.
- (D) Appropriate conditions have been imposed to ensure the development does not adversely impact on the heritage significance of nearby sites.
- (E) The development, subject to conditions, will promote the orderly operation of the automated public toilets.
- (F) The development accords with objectives of relevant planning controls.
- (G) The public interest is served by the approval of the proposal, as additional information to the development application has addressed the matters raised by the City and the community, subject to recommended conditions.
- (H) Conditions 1, 2 and 3 were amended, and Conditions 6 and 7 deleted, to remove reference to the Boomerang Place automatic public toilet (A1024), which was not approved due to concerns regarding its location.
- (I) Condition 24 was added to ensure the ongoing upkeep of the approved automatic public toilets, in accordance with the approved Plan of Management.

Carried unanimously.

D/2021/1088

Speaker

Paul Keywood (Mecone) – on behalf of the applicant.

Wednesday 27 April 2022

16

The meeting of the Local Planning Panel concluded at 8.20pm.

CHAIR