

Local Planning Panel

Meeting No 68

Wednesday 18 May 2022

Notice Date 11 May 2022

minutes

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Present

Ms Abigail Goldberg (Chair), Mr Paul Berkemeier, Mr Peter Romey and Associate Professor Amelia Thorpe.

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

Ms Goldberg, Mr Berkemeier, Mr Romey 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.

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.

Peter Romey disclosed a reasonably perceived conflict of interest in Items 3 and 4 on the agenda, in that his firm Romey Knaggs Heritage provided advice to a director of Ethos Urban (the Planning Consultant) regarding his private residence in April 2017. Mr Romey also stated that a family member has worked as a heritage consultant for Urbis until 2020, but has no involvement with, nor knowledge of, these applications.

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 is not required to step out for deliberation on Items 3 and 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 27 April 2022, which have been endorsed by the Chair of that meeting.

Item 3 Development Application: 58-78 and 82-106 Oxford Street, Darlinghurst - D/2020/1071

The Panel:

- (A) considered the amended plans and additional information, including the amended Clause 4.6 request, submitted since the meeting of the Local Planning Panel held on 22 September 2021;
- (B) considered the previous recommendation for deferred commencement approval, and the updated set of recommended conditions reflecting the amended plans which are set out in Attachment A to the subject report;
- (C) upheld the variation requested to Clause 4.3 'Height of buildings' development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012; and
- (D) pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act, 1979, granted deferred commencement consent to Development Application Number D/2020/1071 subject to the conditions set out in Attachment A to the subject report.

Reasons for Decision

The application was approved for deferred commencement for the following reasons:

- (A) The development, subject to conditions, is consistent with the objectives of the B2 Local Centre 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 adequately addresses the matters required by Clause 4.6(3) of the Sydney Local Environmental Plan 2012, in that compliance with the height of building 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; and
 - (ii) the proposal is in the public interest because it is consistent with the objectives of the B2 Local Centre zone and the 'Height of buildings' development standard.
- (C) The development conserves the heritage significance of the heritage items on site and satisfies Clause 5.10 of the Sydney Local Environmental Plan 2012.
- (D) The development exhibits design excellence to satisfy Clause 6.21 of the Sydney Local Environmental Plan 2012.

- (E) The development is consistent with the character and principles identified in the locality statement for Oxford Street Darlinghurst under Section 2.4.10 of the Sydney Development Control Plan 2012.
- (F) The development will not result in unacceptable amenity impacts on surrounding properties and public domain and does not unreasonably impact upon any significant view corridors.

Carried unanimously.

D/2020/1071

Speakers

Sean Fliegner, Anthony Egizii and Greg Fisher (Qtopia)

Marcello D'Ambra (AsheMorgan) – on behalf of the applicant and Vincent Santos (Toga) – on behalf of the applicant.

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

The Panel:

- (A) noted the amended plans and additional information, including the amended Clause 4.6 request, submitted since the meeting of the Local Planning Panel held on 22 September 2021;
- (B) noted the previous recommendation for deferred commencement approval, and the updated set of recommended conditions, reflecting the amended plans, which are set out in Attachment A to the subject report;
- (C) upheld the variation requested to Clause 4.3 'Height of buildings' development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012; and
- (D) pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act, 1979, granted deferred commencement consent to Development Application Number D/2020/1072, subject to the conditions set out in Attachment A to the subject report.

Reasons for Decision

The application was granted deferred commencement approval for the following reasons:

- (A) The development, subject to conditions, is consistent with the objectives of the B2 Local Centre 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 adequately addresses the matters required by Clause 4.6(3) of the Sydney Local Environmental Plan 2012, in that compliance with the height of building 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; and
 - (ii) the proposal is in the public interest because it is consistent with the objectives of the B2 Local Centre zone and the 'Height of buildings' development standard.
- (C) The development conserves the heritage significance of the heritage items on site and satisfies Clause 5.10 of the Sydney Local Environmental Plan 2012.
- (D) The development exhibits design excellence to satisfy Clause 6.21 of the Sydney Local Environmental Plan 2012.

- (E) The development is consistent with the character and principles identified in the locality statement for Oxford Street Darlinghurst under Section 2.4.10 of the Sydney Development Control Plan 2012.
- (F) The development will not result in unacceptable amenity impacts on surrounding properties and public domain and does not unreasonably impact upon any significant view corridors.

Carried unanimously.

D/2020/1072

Speakers

Sean Fliegner, Anthony Egizii and Greg Fisher (Qtopia)

Marcello D'Ambra (AsheMorgan) – on behalf of the applicant and Vincent Santos (Toga) – on behalf of the applicant.

Item 5 Development Application: 108-112 Victoria Street, Beaconsfield-D/2021/1054

The Panel:

- (A) delegated authority to the Chief Executive Officer to determine Development Application No. D/2021/1054, after the completion of the public exhibition period of the draft Voluntary Planning Agreement and after considering any public submissions received; and
- (B) requested that, if the Chief Executive Officer determines to approve Development Application No. D/2021/1054, then consideration be given to granting a deferred commencement consent, pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, subject to the conditions set out in Attachment A of the subject report.

Reasons for Decision

The application was approved for the following reasons:

- (A) The development complies with the objectives of the R1 General Residential zone pursuant to Sydney Local Environmental Plan 2012.
- (B) The development, subject to conditions, satisfies the design excellence requirements under section 6.21C of Sydney Local Environmental Plan 2012.
- (C) The development is generally consistent with the objectives of Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.

Carried unanimously.

D/2021/1054

Speakers

Alex Vukomanovic

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

Item 6 Development Application: 11 Harbour Street, Sydney - D/2021/1497

The Panel granted consent to Development Application No. D/2021/1497 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 consistent with the objectives of Chapter 3 of State Environmental Planning Policy (Precincts - Eastern Harbour City) 2021.
- (B) The development is consistent with the objective of the Sydney Development Control Plan 2012, in particular the Late Night Management area objectives.
- (C) The proposal, subject to conditions, will not result in unacceptable amenity impacts on surrounding properties and public domain.
- (D) The proposal is in the public interest and is recommended for approval subject to conditions.

Carried unanimously.

D/2021/1497

Speaker

Giovanni Cirillo (Planning Lab) – on behalf of the applicant.

The meeting of the Local Planning Panel concluded at 5.50pm.

CHAIR