

# Local Planning Panel

Meeting No 70

Wednesday 29 June 2022

Notice Date 22 June 2022

*minutes*

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#### Present

Ms Linda Pearson (Chair), Mr Paul Berkemeier, Ms Annelise Tuor and Mr John McInerney AM.

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

Ms Pearson, Mr Berkemeier, Ms Tuor 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.

**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 8 June 2022, which have been endorsed by the Chair of that meeting.

**Item 3 Development Application: 13-17 Ithaca Road, Elizabeth Bay - D/2021/1253**

The Panel:

- (A) determined that the applicant's written request dated 22 April 2022 to contravene the floor to ceiling height development standard of the Sydney Local Environmental Plan 2012 has adequately addressed the matters required to be demonstrated by subclause 4.6(3) of the Sydney Local Environmental Plan 2012 and the proposed development will be in the public interest; and
- (B) granted consent to Development Application No. D/2021/1253 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~~):

**(23) PARKING WAYFINDING PLAN**

- (a) Signage directing users to the bicycle parking facilities, loading dock, service bays, car share and any visitor parking provided are to be installed from the street level, between the entry point/s at the site boundary and the entry point to the above facilities, including directions to lifts and illuminated signage, where appropriate.
- (b) The wayfinding plan must be submitted to and approved by Council's Area Planning Manager prior to ~~any a~~ Construction Certificate for the site being issued. Signage must be installed to the satisfaction of the Principal Certifier before the issue of any Occupation Certificate.

**(35) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN**

A site-specific noise management plan shall be submitted to the Council's Area Planning Manager for comment and approval prior to issue of any Construction Certificate.

The Plan must be prepared by a suitably qualified person who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants. The plan must include but not be limited to the following:-

- (a) identification of noise sensitive receivers near to the site;
- (b) a prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the *City of Sydney Construction Hours /Noise Code of Practice 1992* for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property;
- (c) a representative background noise measurement ( $L_{A90, 15 \text{ minute}}$ ) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997;

- (d) confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases;
- (e) confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code;
- (f) what course of action will be undertaken following receipt of a complaint concerning offensive noise;
- (g) details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum;
- (h) what plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available; **and**
- (i) ***a mechanism for consultation and liaison with neighbours during construction, and a complaints procedure.***

### **(39) PUBLIC ART**

- (a) Public art must be installed to Council's satisfaction prior to the issue of any Occupation Certificate.
- (b) The public artwork must be in accordance with the Sydney DCP 2012, the Public Art Policy, and the Interim Guidelines: Public art in private developments.
- (c) A Detailed Public Art Plan with final details of the proposed public artwork must be submitted to and approved by Council's Director City Planning, Development and Transport prior to the issue of ~~any~~ a Construction Certificate.
- (d) Public art must be inspected and approved and the Final Public Art Report submitted and approved by Council's Area Planning Manager prior to the issue of any Occupation Certificate.
- (e) Note: Public Art locations, budget and shortlisted artists must be reviewed and endorsed by the City's Public Art Team prior to preparation of the Detailed Public Art Plan and submission for Council approval. Further information is available online at <http://www.cityofsydney.nsw.gov.au/explore/arts-and-culture/public-art>

Please contact the Public Art Team at [publicartreferrals@cityofsydney.nsw.gov.au](mailto:publicartreferrals@cityofsydney.nsw.gov.au) for further information.

**(81) PUBLIC DOMAIN LIGHTING UPGRADE**

Prior to issue of any Construction Certificate for ~~excavation~~, civil construction, drainage or building work (whichever is earlier), a concept Public Domain Lighting Upgrade Plan for pedestrian and street lighting in the public domain must be submitted to and approved by City's Public Domain Unit. The Lighting Plan must be prepared in accordance with the *Sydney Streets Technical Specifications A5- Street Lighting Design* and *B8- Street Lighting Construction*, *Sydney Lights: Public Domain Design Code* and *Public Domain Manual*. This information is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/development/public-domain-works/d-a-associated-works>.

The lighting upgrade plan must cover all adjacent street frontages, being Ithaca Road and Billyard Avenue and shall be designed to include the following requirements;

- (a) Upgrade existing Ausgrid street lighting using network standard LED luminaires.
- (b) Lighting standards compliance of AS1158.3.1:2020 Category PR2 must be achieved.
- (c) Lighting designs certified by an appropriately qualified practicing lighting engineer.

Advice on site specific lighting requirements must be obtained from the City's Public Domain Unit before proceeding with the preparation of any final lighting design proposals.

**Reasons for Decision**

The application was approved for the following reasons:

- (A) Based on 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 addresses the matters required to be demonstrated by clause 4.6(3) of the Sydney Local Environmental Plan, that compliance with the floor to ceiling height 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 R1 General Residential zone and the 'floor to ceiling height' development standard established by Clause 30(1)(c) of the State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development;
- (B) The development, subject to conditions, is consistent with the objectives of the R1 - General Residential zone.
- (C) The development exhibits design excellence.
- (D) The design of the development responds appropriately to the scale of surrounding buildings.
- (E) The development will not adversely affect the character of The Bays locality or the Elizabeth and Rushcutters Bays Heritage Conservation Area.
- (F) The development accords with objectives of relevant planning controls.
- (G) The development will not significantly increase bulk and massing beyond the existing approved development.

- (H) Conditions 23 and 39 were amended at the request of the applicant, to provide flexibility in circumstances where there are staggered construction certificates.
- (I) Condition 35(i) was added to ensure that the noise management plan includes a means by which consultation with neighbours can occur.
- (J) Condition 81 was amended to be consistent with Condition 76.

Carried unanimously.

D/2021/1253

**Speakers**

Timothy Allen (Beatty Hughes and Associates);

Adam Haddow (SJB Architects) – on behalf of the applicant, Joanne McGuinness (SJB Planning) – on behalf of the applicant, and Tom Ward (Pikes and Verekers Lawyers) – on behalf of the applicant.

#### **Item 4 Development Application: 5 Victoria Road, Glebe - D/2021/865**

The Panel:

- (A) determined that the applicant's written request dated 16 June 2022 to contravene the height of buildings development standard of the Sydney Local Environmental Plan 2012 has adequately addressed the matters required to be demonstrated by subclause 4.6(3) of the Sydney Local Environmental Plan 2012 and the proposed development will be in the public interest; and
- (B) granted deferred commencement consent pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979 to Development Application No. D/2021/865, 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 Sydney Local Environmental Plan 2012 (LEP) and Sydney Development Control Plan 2012 (DCP).
- (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 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 Height of Buildings of the Sydney LEP 2012; and
  - (ii) the proposal is in the public interest because it is consistent with the objectives of the R1 - General Residential zone and the Height of Buildings development standard.
- (C) The proposal exhibits a suitable built form, design and materiality in the context of the heritage conservation area and is appropriate within the streetscape and when viewed from the public domain of Jubilee Park. Through restoration works and alterations to the ground lower and ground floors, the proposal improves the presentation of the facade and side and rear elevations of the contributory freestanding Federation dwelling on site.
- (D) The new dwelling has been appropriately sited and is adequately separated from the existing contributory building on site. The new dwelling's predominantly single-storey form is consistent with surrounding low-scale, free-standing buildings in the locality. The roof design, while resulting in a height breach, is suitable within the area's context, and the materials palette selected is complementary to the surrounding heritage conservation area.
- (E) The application has demonstrated the proposal will not result in unacceptable amenity impacts on surrounding properties.



- (F) The proposed use of the site as residential is consistent with the objectives of the R1 – General Residential zone.
- (G) The proposal provides for a use that is compatible with the surrounding area. The proposal is in keeping with the future desired character of the area and is considered to be in the public interest.

Carried unanimously.

D/2021/865

**Speaker**

Philip North (Weir Phillips) – on behalf of the applicant.

**Item 5 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 5.51pm.

CHAIR