

Local Planning Panel

Meeting No 71

Wednesday 20 July 2022

Notice Date 13 July 2022

minutes

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Present

Mr Steven Layman (Chair), Mr Paul Berkemeier, Professor Helen Lochhead and Associate Professor Amelia Thorpe.

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

Mr Layman, Mr Berkemeier, Prof Lochhead 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.

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

Item 3 Section 4.56 Modification Application: 219-231 Botany Road, Waterloo - D/2015/1358/C

The Panel resolved that consent be granted to Section 4.56 Modification Application No. D/2015/1358/C subject to the amendment of the following conditions, with modifications shown in **bold italics** (additions) and ~~strikethrough~~ (deletions), as follows:

SCHEDULE 1A

(3) APPROVED DEVELOPMENT

- (a) Development consent is limited to ~~the a Stage 1~~ concept ~~plan~~ building envelope and indicative land uses within this envelope, in accordance with Development Application No. D/2015/1358 dated 21 September 2015 (as amended) and the following drawings:

Drawing Number	Drawing Name	Date
DA2000-1D	Basement Level Building Envelope Floor Plan	02/09/2016
DA2000-2F	Levels 1 (Street) & 2 Building Envelope Floor Plans	06/09/2016
DA2001-F	Levels 3 & 4 Building Envelope Floor Plans	06/09/2016
DA2002-F	Levels 5 & 6 Building Envelope Floor Plans	06/09/2016
DA2003-F	Levels 7 & 8 Building Envelope Floor Plans	06/09/2016
DA2004-F	Building Envelope Roof Plan	06/09/2016
2004, A	Building Envelope – Above Ground Envelope Plan	01/12/2021
DA3000-C D	Building Envelope Elevations 1 & 2	06/09/2016 01/12/2021
DA3001-D	Building Envelope Elevations 3 & 4	06/09/2016 01/12/2021

Drawing Number	Drawing Name	Date
DA 4000-D	Building Envelope Sections 1 & 2	06/09/2016 01/12/2021
DA 4001-D	Building Envelope Sections 3 & 4	06/09/2016 01/12/2021

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.

(4) DESIGN REQUIREMENTS

The following design requirements must be incorporated into any *detailed design development* application submitted for assessment:

- (a) The front section of Building A facing Botany Road is to have a minimum of 1 lift core.
- (b) The rear section of Building A is to have a minimum of 1 lift core.
- (c) Building B is to have a minimum of 2 lift cores.
- (d) Building C is to have a minimum 1 lift core;
- ~~(e) Building C Levels 1 and 2 is to consist of cross through apartments, Levels 3 to 8 is to consist of 2 storey cross through apartments;~~
- (f) Building C is to have corridor access to the apartments from the south of the building;
- (g) All habitable rooms to the front section of Building A must be capable of receiving natural ventilation to the eastern(quiet) side of the building;
- ~~(h) Any air path used for natural cross ventilation or natural ventilation that relies on a corridor or circulation space on that air path, must pass through a non-habitable room to provide an acoustic buffer;~~
- (i) All openings to the south of Building C must incorporate appropriate visual privacy treatment to ensure no sightlines are provided to the building and grounds of Green Square School while allowing daylight to the openings.

(6) STAGE 2 TO BE CONTAINED WITHIN APPROVED ENVELOPE

With the exception of lift and stair overruns the detailed Stage 2 design, including services, must be contained within the building footprint and envelope approved as part of this consent ~~and comply with relevant planning controls.~~

(7) BUILDING HEIGHT

With the exception of lift *and stair* overruns, the maximum height of the buildings must not exceed the following:

- (a) The height of the front portion of Building A must not exceed RL ~~32.300~~ 34.00 (AHD) ~~to the top of the roof;~~

- (b) The height of the rear portion of Building A must not exceed: ~~RL 35.400 (AHD) to the top of the roof;~~
- (i) *RL 36.400 (AHD) to the top of the 1m Planter Zone;*
 - (ii) *RL 38.150 (AHD) to the top of the Stair/Pergola Zone;*
 - (iii) *RL 35.250 (AHD) to the section of envelope indicated by arrow numbered 2.1.*
- (c) The height of Building B must not exceed: ~~RL 36.000 (AHD) to the top of the roof;~~
- (i) *RL 36.400 (AHD) to the top of the 1m Planter Zone;*
 - (ii) *RL 38.150 (AHD) to the top of the Stair/Pergola Zone;*
 - (iii) *RL 35.250 (AHD) to the portion of envelope indicated by arrow numbered 2.1;*
 - (iv) *RL 36.200 (AHD) to the top of the 0.8 Planter Zone;*
 - (v) *RL 33.100 (AHD) to the south-eastern corner of the roof.*
- (d) The height of Building C must not exceed RL 37.000 (AHD) ~~to the top of the roof.~~

SCHEDULE 3

TERMS OF APPROVAL

The Terms of Approval for Integrated Development as advised by ~~{name of authority}~~ *Water NSW* are as follows:

General

~~1. An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.~~

~~2. The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.~~

~~3. Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and:~~

- ~~(a) any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and~~
- ~~(b) any elevated water table is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and~~

- ~~(c) where the habitable structure is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.~~

~~4. Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.~~

~~5. DPI Water requires documentation (referred to as 'report') comprising measurements, maps, bore logs, calculations, results, discussion and justification for various matters related to the dewatering process. Information will be required at several stages: prior to construction commencing (initial report – which will accompany the application for the authorisation), at any time when an authorisation renewal is required or a significant change in activities occurs (intermediate report); and at the completion of dewatering and related operations (completion report). Reports need to be submitted to DPI Water at Parramatta Office, in a format consistent with electronic retrieval without editing restrictions; raw data should be presented in Excel spreadsheets without editing restrictions.~~

~~Prior to excavation~~

~~6. The following shall be included in the initial report:~~

- ~~(d) measurements of groundwater levels beneath the site from a minimum of three relevant monitoring bores, together with details of the bores used in the assessment including bore logs and three-dimensional identification information.~~
- ~~(e) a map of the site and its immediate environs depicting the water table (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below. An assessment of the potential variation in the water table during the life of the proposed building together with a discussion of the methodology and information on which this assessment is based.~~
- ~~(f) details of the present and potential groundwater flow paths and hydraulic gradients in and around the site; the latter in response to the final volumetric emplacement of the construction.~~
- ~~(g) a schedule for the ongoing water level monitoring and description of the methodology to be used, from the date of consent until at least two months after the cessation of pumping. [DPI Water prefers that monitoring be undertaken on a continuous basis using automatic loggers in boreholes.]~~

~~7. The Applicant shall assess the likely impacts of the dewatering activities on other groundwater users or structures or public infrastructure; this assessment will include an appropriate bore, spring or groundwater seep census and considerations relevant to potential subsidence or excessive settlement induced in nearby buildings and property, and be documented together with all calculations and information to support the basis of these in the initial report.~~

~~8. Groundwater quality testing of samples taken from outside the footprint of the proposed construction, with the intent of ensuring that as far as possible the natural and contaminant hydrochemistry of the potential dewatered groundwater is understood, shall be conducted on a suitable number of samples and tested by a NATA-certified laboratory. Details of the sampling locations and the protocol used, together with the test results accompanied by laboratory test certificates shall be included in the initial report. An assessment of results must be done by suitably qualified persons with the intent of identifying the presence of any contaminants and comparison of the data~~

~~against accepted water quality objectives or criteria for the intended dewatering purpose. In the event of adverse quality findings, the Applicant must develop a plan to mitigate the impacts of the hydrochemistry on the dewatered groundwater and present the details of all assessments and plans in the initial report.~~

~~9. Groundwater quality testing generally in accordance with Clause 8, shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.~~

~~10. A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and included in the initial report; together with details and calculation methods for the parameters and supporting information to confirm their development or measurement (e.g. permeability predicted by slug testing, pump testing or other means).~~

~~11. A copy of a valid consent for the development shall be provided in the initial report.~~

~~12. The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided in the initial report. The disposal of any contaminated pumped groundwater (sometimes called "tailwater") must comply with the provisions of the Protection of the Environment Operations Act 1997 and any requirements of the relevant controlling authority.~~

~~13. Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and included in the initial report and any subsequent intermediate report as necessary. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.~~

During Excavation

~~14. Engineering measures designed to transfer groundwater around and beneath the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.~~

~~15. Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard or induce mounding of groundwater. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.~~

~~16. Measurement and monitoring arrangements to the satisfaction of DPI Water are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.~~

~~17. Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc.) without the controlling authority's approval and/or owner's consent/s. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.~~

~~18. Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.~~

~~19. The location and construction of groundwater extraction works that are decommissioned are to be recorded in the completion report. The method of decommissioning is to be identified in the documentation.~~

~~20. Access to groundwater management works used in the activity is to be provided to permit inspection when required by DPI Water under appropriate safety procedures.~~

Following excavation

~~21. Following completion of the dewatering operations, the applicant shall submit to DPI Water, Parramatta Office, the completion report which shall include:~~

- ~~(a) detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and~~
- ~~(b) a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and~~
- ~~(c) a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.~~

~~22. The completion report is to be assessed by DPI Water prior to any certifying agency's approval for occupation or use of the completed construction.~~

Reference Number:	S961135420
Issue date of GTA:	18 May 2021
Type of Approval:	Water Supply Work
Description:	80mm submersible pump
Location of work/activity:	219-231 Botany Road, Waterloo NSW 2017
DA Number:	D/2015/1358/C
LGA:	City of Sydney Council
Water Sharing Plan Area:	Greater Metropolitan Region Groundwater Sources 2011

The GTA issued by WaterNSW do not constitute an approval under the Water Management Act 2000. The development consent holder must apply to WaterNSW for the relevant approval after development consent has been issued by Council and before the commencement of any work or activity.

Condition Number	Details
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Dewatering

GT0115-0001 *Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.*

GT0116-00001 *Before any construction certificate is issued for any excavation under the development consent, the applicant must:*

- 1. apply to WaterNSW for, and obtain, an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development; and*
- 2. notify WaterNSW of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity*
Advisory Note:
- 3. An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity.*
- 4. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.*

GT0121-00001 *Construction phase monitoring bore requirements*
GTA:

- a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW.*
- b) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application.*
- c) The monitoring bores must be installed and maintained as required by the water supply work approval.*
- d) The monitoring bores must be protected from construction damage.*

GT0122-00001 *Construction Phase Monitoring programme and*

content:

a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW):

i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW.

ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater;

iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories.

b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)

GT0123-00001

(a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW.

(b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW):

1) All results from the Approved Monitoring Programme; and

2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website.

c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website www.watensw.com.au/customer-service/water-licensing/dewatering

GT0150-00001

The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment.

Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site – Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual

GT0151-00001

Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval).

Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.

GT0152-00001

This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001.

Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.

SCHEDULE

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by WaterNSW for integrated development associated with D/2015/1358/C as provided by Council:

- **JK Report**
- **To**
- **Maville Bay Ply Ltd**

- *on*
- *Geotechnical Investigation*
- *For*
- *Prospective Residential Development*
- *At*
- *219 to 231 Botany Road, Waterloo, NSW*

Reasons for Decision

The application was approved for the following reasons:

- (A) The concept development, as proposed to be modified, is substantially the same development as that originally approved and is consistent with Section 4.56 of the Environmental Planning and Assessment Act, 1979.
- (B) The proposed modification of conditions (3) Approved Development, (6) Stage 2 To Be Contained Within Approved Envelope and (7) Building Height, are to ensure that the detailed design development application D/2020/1419, which has been assessed at the same time as the subject modification application, is not inconsistent with the concept approval and is in accordance with the requirements contained in section 4.24(2) of the Environmental Planning and Assessment Act, 1979.
- (C) Notwithstanding non-compliances with the Height of Buildings development standard, the subject application demonstrates that the proposed modifications to the concept envelopes are consistent with the objectives of the development standard as specified at clause 4.3 of the Sydney Local Environmental Plan 2012 and with the commitment to community infrastructure provision, which includes land dedication, embellishment works and a monetary contribution, as secured in the Voluntary Planning Agreement associated with the original concept approval (D/2015/1358) and which has been registered on the title of the land.
- (D) The concept building envelopes, as proposed to be modified, are capable of accommodating a detailed design scheme that exhibits design excellence as defined by clause 6.21 of the Sydney Local Environmental Plan 2012.

Carried unanimously.

D/2015/1358/C

Speaker

Neihad Al-Khalidy (SLR) on behalf of the applicant.

Item 4 Development Application: 219-231 Botany Road, Waterloo - D/2020/1419

The Panel resolved:

- (A) to delegate authority to the Chief Executive Officer (CEO) to determine Development Application No. D/2020/1419, subject to receipt of an approval from Water NSW, pursuant to the Water Management Act 2000;
- (B) to uphold the variation requested to the Height of Buildings development standard in accordance with clause 4.6 exceptions to development standards of the Sydney Local Environmental Plan 2012; and
- (C) that if the Chief Executive Officer determines to approve the Development Application No. D/2020/1419 then consideration be given to granting development consent subject to the conditions set out in **Attachment A** to the subject report.

Reasons for Decision

The Panel resolved to delegate authority to the Chief Executive Officer (CEO) to determine Development Application No. D/2020/1419, subject to receipt of an approval from Water NSW, pursuant to the Water Management Act 2000, for the following reasons:

- (A) The site is located in the Zone B4 Mixed Use. The proposed development comprises retail and residential uses and which are permitted with consent in the zone.
- (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 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; and
 - (ii) the proposal is in the public interest because it is consistent with the objectives of the Zone B4 Mixed Use and the Height of Buildings development standard.
- (C) The proposed development complies with the maximum floor space ratio development standard contained in clause 4.4 of the Sydney Local Environmental Plan 2012.
- (D) The proposed development is consistent with the Voluntary Planning Agreement between The Council of the City of Sydney and Waterloo 1 Pty Ltd.
- (E) Subject to the approval of section 4.56 modification application D/2015/1358/C the detailed design development application is not inconsistent with the concept development consent and therefore satisfies section 4.24(2) of the Environmental Planning and Assessment Act, 1979.
- (F) The proposed development provides an appropriate contribution that is suitable in terms of its context, scale and built form and which is consistent with the desired future character of the area. As such the detailed design scheme exhibits design excellence in accordance with the requirements contained in clause 6.21 of the Sydney Local Environmental Plan 2012.

Carried unanimously.

D/2020/1419

Speaker

Neihad Al-Khalidy (SLR) on behalf of the applicant.

At 5.12pm, at the conclusion of Item 5, Item 4 was recommitted to clarify that the Panel was determining not to approve the application, but to delegate authority to the CEO to determine Development Application No. D/2020/1419, subject to receipt of an approval from Water NSW, pursuant to the Water Management Act 2000.

Carried unanimously.

Item 5 Development Application: 8 Point Street, Pyrmont - D/2022/51

The Panel resolved that:

- (A) the variation requested to Sydney LEP 2012 floor space ratio development standard in accordance with clause 4.6 'Exceptions to development standards' of the Sydney LEP 2012 be upheld; and
- (B) consent be granted to Development Application No. D/2022/51 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 development complies with the objectives of the B4 Mixed Use zone pursuant to the Sydney LEP 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 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
 - (ii) the proposal is in the public interest because it is consistent with the objectives of the B4 Mixed Use zone and the objectives of the floor space ratio development standard.
- (C) Having considered the matters in clause 6.21C(2) of the Sydney LEP 2012, the proposal displays design excellence because:
 - (i) the materials and detailing are compatible with the existing building and location;
 - (ii) the form and external appearance of the proposed alterations and additions will not have a detrimental impact on the quality or amenity of the public domain;
 - (iii) the alterations and additions will not have a detrimental impact on any private or public view corridors and will not result in any detrimental amenity impacts in terms of overshadowing, visual privacy or noise; and
 - (iv) the proposed bulk, massing and modulation of the proposed alterations and additions are acceptable.
- (D) The development is generally consistent with the relevant objectives and controls of the Sydney DCP 2012.
- (E) Suitable conditions of consent have been applied and the development is considered to be in the public interest.

Carried unanimously.

D/2022/51

Speaker

Madeleine Dawson (Tzannes) on behalf of the applicant.

Item 6 Development Application: 3 Joynton Avenue, 14A Defries Avenue and 355 Botany Road, Zetland - D/2022/336

The Panel resolved that consent be granted to Development Application No. D/2022/336 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 conditions of consent, 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 is permissible with consent in the B4 Mixed Use zone under the Sydney Local Environmental Plan (Green Square Town Centre) 2013, the 5(a) Special Uses zone within the South Sydney Local Environmental Plan No. 114 (Southern Industrial and Rosebery/ Zetland Planning Districts) and the B4 Mixed Use zone under the 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 relating to Site 1 (355 Botany Road, Zetland) has adequately addressed the matters required to be demonstrated by clause 4.6(3) of the Sydney Local Environmental Plan (Green Square Town Centre) 2013, 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 (GSTC) 2013;
 - (ii) the applicant's written request relating to Site 4 (14A Defries Avenue, Zetland) 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; and
 - (iii) the proposal is in the public interest because it is consistent with the objectives of the B4 - Mixed Use zone of the LEP (GSTC) 2013 and the Sydney LEP 2012 and the height of buildings development standard.
- (D) The proposal demonstrates design excellence in accordance with the relevant provisions and matters for consideration in Clause 6.9 of the Sydney LEP (Green Square Town Centre) 2013 and Clause 6.21C of the Sydney LEP 2012.
- (E) The proposed development is appropriate to the setting of the Green Square Town Centre and will provide a positive contribution to the public domain.
- (F) The development, subject to conditions, will not result in unacceptable amenity impacts to surrounding properties and is considered to be in the public interest.

Carried unanimously.

D/2022/236

Item 7 Modification Application: 49A-57 Pitt Street, Sydney and 5010 Dalley Street, Sydney - D/2021/1325/A

The Panel resolved that consent be granted to Modification Application No. D/2021/1325/A 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 development, as modified is considered to be substantially the same as that originally approved.
- (B) The development complies with the objectives of the B8 metropolitan centre zone pursuant to the Sydney Local Environmental Plan 2012.
- (C) The development is consistent with the objectives of the Sydney Development Control Plan 2012.
- (D) The proposed development will have an acceptable impact on the local road and pedestrian network within Central Sydney.
- (E) The temporary use is not considered to adversely impact on any adjoining land or the amenity of the neighbourhood, subject to conditions.
- (F) The development is capable of complying with the relevant provisions of the Hoardings and Scaffoldings Policy 2017 and Guidelines, subject to separate approval under the Local Government Act 1993 and Roads Act 1993.

Carried unanimously.

D/2021/1325/A

Speaker

Brendan Hoskins (Ethos Urban) on behalf of the applicant.

Item 8 Development Application: 49A-57 Pitt Street, Sydney and 5010 Underwood Street, Sydney - D/2022/409

The Panel resolved that consent be granted to Development Application No. D/2022/409 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 development complies with the objectives of the B8 metropolitan centre zone pursuant to the Sydney Local Environmental Plan 2012.
- (B) The development is consistent with the objectives of the Sydney Development Control Plan 2012.
- (C) The proposed development will have an acceptable impact on the local road and pedestrian network within Central Sydney.
- (D) The temporary use is not considered to adversely impact on any adjoining land or the amenity of the neighbourhood, subject to conditions.
- (E) The development is capable of complying with the relevant provisions of the Hoardings and Scaffoldings Policy 2017 and Guidelines, subject to separate approval under the Local Government Act 1993 and Roads Act 1993.

Carried unanimously.

D/2022/409

Speaker

Brendan Hoskins (Ethos Urban) on behalf of the applicant.

The meeting of the Local Planning Panel concluded at 5.18 pm.

CHAIR