

Local Planning Panel

Meeting No 78

Wednesday 22 February 2023

Notice Date 15 February 2023

minutes

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Present

Mr Steven Layman (Chair), Mr Peter Romey, Ms Megan Jones and Associate Professor Amelia Thorpe.

At the commencement of business at 5.02pm, those present were:

Mr Layman, Mr Romey, Ms Jones 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 regarding Item 6 on the agenda, in that a director of Urbis is a personal friend. Mr Romey stated that he is not aware if this person has had any involvement in this development application.

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 Item 6.

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 14 December 2022, which have been endorsed by the Chair of that meeting.

Item 3 Development Application: 101 Palmer Street, Woolloomooloo - D/2021/689

The Panel granted consent to Development Application Number D/2021/689, 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~~):

(8) DESIGN DETAILS

The following design details must be provided:

- (a) Detail drawings of ***all internal existing fabric and fittings including but not limited to cornices, skirtings, architraves, chimney breasts and*** the floor joists to be removed, trimmed, re-installed and expressed as part of the interior design, affixed to the new blade walls along with reconstruction and reuse of retained timber members at a scale of 1:20.
- (b) Detail elevation, section and detail drawings of the glass panel to the underside of the front door at a scale of 1:20.
- (c) Detail drawings of internal privacy treatments to the Palmer Street facing glazing of apartment 1.01 at a scale of 1:20.

Note: The privacy treatment must achieve daylight access and privacy from the street simultaneously for internal amenity.

- (d) Detail plan, elevation and section drawings of any glazing acoustic treatment to apartment 1.01 at a scale of 1:20.

Note: The glazing acoustic treatment must maintain the integrity of retained heritage fabric, including facade windows at the ground and first floor levels.

- (e) Detail plan, elevation and section drawings of the Faucett Lane wall, and metalwork for fire exit door and waste lift doors at a scale of 1:20.

Note: The treatment must demonstrate and integrate a high quality, low maintenance interface adjacent the public domain.

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

Reason

To require additional design details to be provided following assessment of the development.

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 proposal generally satisfies the objectives and provisions of Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.

- (C) The proposal is consistent with the objectives of the B4 Mixed Use zone.
- (D) The proposal complies with the maximum height of buildings development standard in Clause 4.3 of the Sydney Local Environmental Plan 2012.
- (E) The proposal complies with the maximum floor space ratio development standard in Clause 4.4 of the Sydney Local Environmental Plan 2012.
- (F) The proposal is consistent with the desired future character for the Cathedral Street locality, while also conserving the existing contributing building and the heritage significance of the Woolloomooloo heritage conservation area, in accordance with Clause 5.10 of the Sydney Local Environmental Plan 2012, Section 2.4.2 and Section 3.9.7 of the Sydney Development Control 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 has a height and form suitable for the site and its context, satisfactorily addresses the heights and setbacks of neighbouring developments, and is appropriate in the streetscape context and broader locality.
- (I) 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.
- (J) The proposed land use does not result in any significant adverse environmental or amenity impacts on the subject or surrounding properties, the public domain and the broader suburb of Woolloomooloo, subject to the recommended conditions of consent.
- (K) 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. This is subject to the recommended conditions of consent imposed relating to relating to the appropriate management of the potential environmental impacts associated with the development.
- (L) Condition 8 was amended to retain the internal appearance of the front rooms.

Carried on the following show of hands -

Ayes (3) The Chair (Mr Layman), Ms Jones and A/Prof Thorpe

Noes (1) Mr Romey

Carried.

D/2021/689

Speakers

Dan Allen and Alison Hulm.

James Lovell (JLA Planning) – on behalf of the applicant, and Peter Lonergan (Cracknell and Lonergan) – on behalf of the applicant.

Item 4 Development Application: 26-32 Pirrama Road, Pyrmont - D/2022/473

The Panel granted consent to Development Application No. D/2022/473 subject to the conditions set out in Attachment A to the subject report to the Local Planning Panel on 22 February 2023, subject to the following amendments (additions shown in **bold italics**, deletions shown in strikethrough):

(7) MATERIALS AND SAMPLES SCHEDULE

The detailed design and a detailed materials, colours and finishes schedule keyed to each elevation of the proposed seven floating ancillary structures to be used for storage, an office and amenities must be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued. The materials and samples schedule/board must not include generic material or colour descriptions, or use terminology such as 'or similar'.

Reason

To require the submission of a materials and samples board following assessment of the development.

(18) PLAN OF MANAGEMENT

- (a) The Plan of Management, prepared by Environmental Dynamics, dated October 2022 is not approved.
- (b) A revised Plan of Management is to be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate that addresses the conditions of this consent, including but not limited to the following:
 - (i) The hours of operation are limited to those permitted under Condition 17 ***(noting that maritime operations must cease between 12 midnight and 7.00am, except for vessel arrival and departure from the facility).***
 - (ii) Embarking and/or disembarking of passengers and patrons from commercial vessels is not permitted.
 - (iii) Speakers and/or noise amplification equipment must not be installed and music must not be played in outdoor areas.
 - (iv) ***Section 1.6 must be amended to state "No group congregations, outdoor music or parties to be held on the marina pontoons or onboard vessels while secured to the facility."***
 - (v) ***No person or persons shall reside on any vessel berthed or moored at the marina facility.***
 - (vi) ***The plan must outline a mechanism for the receiving of and recording of complaints and regular reviewing the plan based on complaints received, in consultation with Council.***
- (c) The Plan of Management must be signed and dated and submitted to Council prior to the commencement of the use.

- (d) The use must always be operated / managed in accordance with the Plan of Management approved by part (b) above. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

Reason

To ensure all parties are aware of the approved supporting documentation that applies to the development.

(24) COMMERCIAL BERTHAGE

Commercial berthage may only be occupied by vessels that have current permits, certificates, registrations and licenses issued by ~~NSW Maritime Authority~~ **Australian Maritime Safety Authority** (or its successor / *international equivalent*) that verify they are a “commercial vessel”. At no times are commercial berths permitted to be occupied or used for private purposes. Reason To ensure all vessels at the marina have the required permits.

Reason

To ensure all vessels at the marina have the required permits.

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 in the zone in accordance with the requirements of the Sydney Local Environmental Plan 2012 and the State Environmental Planning Policy (Biodiversity and Conservation) 2021. The proposed alterations and additions to the existing marina are consistent with the objectives of the B3 - Commercial Core zone and Zone 1 - Maritime Waters.
- (C) The development is in accordance with the requirements of the Sydney Development Control Plan 2012 and the Sydney Harbour Foreshore and Waterways Area Development Control Plan 2005 and responds appropriately to heritage items on the site and in the vicinity.
- (D) The proposal demonstrates design excellence in accordance with the relevant provisions and matters for consideration in Clause 6.21C of the Sydney Local Environmental Plan 2012.
- (E) The proposal has provided sufficient information to address the SEARs.
- (F) All other issues have been appropriately addressed by recommended conditions of consent.
- (G) Condition 7 was amended to ensure the detailed design and finishes are subject to review and approval.

- (H) Condition 18 was amended to update the requirements of the Plan of Management.
- (I) Condition 24 was amended to refer to the relevant authority and reference international vessels.

Carried unanimously.

D/2022/473

Speakers

David Good (AIMEX) and Chris Forrester (Ethos Urban) – on behalf of the applicant.

Item 5 Development Application: 118A Darlinghurst Road, Darlinghurst - D/2022/425

The Panel granted deferred commencement consent to Development Application No. D/2022/425 subject to the conditions set out in Attachment A to the subject report, subject to the following amendment (additions shown in ***bold italics***, deletions shown in ~~strike through~~):

(1) CONSERVATION MANAGEMENT PLAN

- (a) Condition No. 119(a), under Consent No. D/2016/476 (as ***may be*** amended), in so far it requires NSW Heritage Council's endorsement of a Conservation Management Plan and the approval of a schedule of conservation works must be satisfied prior to activation of this consent.
- (b) Evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within 12 months of the date of determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to section 4.53(6) of the *Environmental Planning and Assessment Act, 1979*.
- (c) The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied.
- (d) Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent, as detailed in Part B - Conditions of Consent (Once the Consent is Operational).

Reasons for Decision

The application was approved for the following reasons:

- (A) The development, subject to a deferred commencement consent, will align with the requirements of the whole of site consent, D/2016/476.
- (B) The development, subject to conditions, is consistent with the objectives of the B4 Mixed Use zone.
- (C) The development will not adversely affect the character of the Darlinghurst West locality.
- (D) The development is compatible with and will not adversely impact the State Heritage item (00461) 'St John's Church and Rectory', or the 'Oxford Street and Victoria Street' (C12) Heritage Conservation Area.
- (E) The proposed signage, subject to conditions, is in keeping with the existing signage strategy of the premise and is compatible with the built form and locality.
- (F) The development, subject to conditions, will maintain orderly operations, safety and management of the premise.
- (G) The development, subject to conditions, is identified as an in-demand community service for at-risk persons, which is complementary to existing service providers in the local area.
- (H) The development, subject to conditions, satisfies the requirements of design excellence.

- (I) The development will not unreasonably compromise the amenity of the nearby properties.
- (J) The development accords with objectives of relevant planning controls.
- (K) Condition 1(a) was amended to avoid delays to the conservation works.

Carried unanimously.

D/2022/425

Speakers

Norelle Feehan and Matt Norton.

Chris Forrester (Ethos Urban) – on behalf of the applicant, and Katie Formston (HammondCare) – on behalf of the applicant.

Item 6 Development Application: 16-18 Meagher Street, Chippendale - D/2022/274

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; and
- (B) granted consent to Development Application No. D/2022/274 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 configuration of the central arched brickwork opening on the ground floor of the Meagher Street (southern) façade should be amended to match the original arch configuration and width which remains evident from within the interior of the building.
- (b) The original incised linework (imitating ashlar stonework) is to be reinstated within the external render of the building. The reinstatement is to include the arched voussoirs above each arched opening in addition to the horizontal courses.
- (c) The proposed internal walls adjacent to the original external walls are to provide a minimum 50mm cavity between the proposed and original walls, to maintain air movement adjacent to the original brickwork and reduce rising damp.
- (d) All transparent glazing is to be clear to achieve a high level of transparency to provide visual depth and have a neutrality of colour. A consistency in appearance and colour characteristics between all facades is to be achieved.
- (e) ***The proposed screen planting to the terrace level is to be increased, having regard to view lines of a standing observer.***

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

Reason

To require amendments to the approved plans and supporting documentation following assessment of the development.

Reasons for Decision

The application was approved for the following reasons:

- (A) The proposed development is consistent with the objectives of the B4 Mixed Use zone.
- (B) The proposed development satisfies the relevant objectives and provisions of the Sydney Development Control 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 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 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 height of buildings development standard.
- (D) Having considered the matters in Clause 6.21 of the Sydney LEP 2012, the building displays design excellence because:
- (i) The alterations and additions to the existing building are sympathetic and respond to the heritage fabric and features of the existing building.
 - (ii) The proposed level 2 additions are of a high architectural quality.
 - (iii) The proposal does not result in unreasonable amenity impacts to neighbouring properties.
- (E) The proposal provides for uses that are 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.
- (F) Condition 2(e) was added to address potential privacy issues.

Carried unanimously.

D/2022/274

Speakers

Ian Hoskins and Wenli Chen.

William Smart (Smart Design Studio) – on behalf of the applicant, and Jacob Dwyer (Ethos Urban) – on behalf of the applicant.

Item 7 Development Application: 75 Kepos Street, Redfern - D/2022/879

The Panel:

- (A) upheld 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;
- (B) upheld the variation requested to the 'floor space ratio' development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012; and
- (C) granted consent to Development Application No. D/2022/879 subject to the conditions set out in Attachment A.

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) 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' and 'floor space ratio' development standards are unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clauses 4.3 and 4.4 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 'height of buildings' and 'floor space ratio' development standards.
- (C) The development exhibits design excellence under Clause 6.21C of Sydney Local Environmental Plan 2012.
- (D) The development is generally consistent with the objectives of Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.

Carried unanimously.

D/2022/879

Speaker

Emiliano Miranda (Lintel Studio) – on behalf of the applicant.

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The meeting of the Local Planning Panel concluded at 7.04pm.

CHAIR