

# Local Planning Panel

Meeting No 85

Wednesday 30 August 2023

Notice Date 23 August 2023

*minutes*

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**Present**

Ms Linda Pearson (Chair), Ms Penny Murray, Mr Peter Romey and Associate Professor Amelia Thorpe.

At the commencement of business at 5.04pm, those present were:

Ms Pearson, Ms Murray, Mr Romey and A/Prof Thorpe.

The Executive Manager Planning and Development was also present.

Ms Murray left the meeting of the Local Planning Panel at 6.36pm, prior to discussion on Item 5, and did not return. Ms Murray was not present at, nor in sight of, the meeting of the Local Planning Panel during discussion or voting on Items 5 and 6.

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.

Ms Murray made the following disclosures:

- a reasonably perceived conflict of interest regarding Item 5 on the agenda, in that she has done paid legal work for Growthbuilt this year, although not in relation to matters the subject of this application; and
- a reasonably perceived conflict of interest regarding Item 6 on the agenda, in that she has done paid legal work for ISPT in relation to the site this year, although not in relation to matters the subject of this application.

Following assessment of the above disclosures of interest under the Code of Conduct for Local Planning Panels and the City of Sydney Local Planning Panel Operational Procedures, Ms Murray will step out for deliberation and voting on Items 5 and 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 9 August 2023, which have been endorsed by the Chair of that meeting.

### Item 3 Section 4.56 Application: 357 Glebe Point Road, Glebe - D/2017/582/A

The Panel granted consent to Section 4.56 Application No. D/2017/582/A, subject to the amendment of the following conditions, with modifications shown in ***bold italics*** (additions), ***bold italics underlined*** (where further amended) and ~~strikethrough~~ (deletions), as follows:

#### (2) APPROVED CONCEPT DEVELOPMENT

- (a) Subject to the conditions of this consent, a concept plan consent is granted for building envelopes for a residential development to accommodate a ~~6~~ ***part 3, part 7*** storey residential apartment building with a 2 level basement, and ~~8~~ ***7*** x two storey plus attic dwellings, including the retention of Bidura House Group, demolition of the Metropolitan Remand Centre, and associated site works including tree removal.
- (b) Any detailed development application must be in accordance with the following drawings prepared by DKO:

Drawing Name	Drawing Number	Architect	Date
Envelope Plan: Footprint	A1.2_ <del>E</del> <b><i>Rev. I</i></b>	DKO	<del>28/11/2018</del> <b><i>28/04/2022</i></b>
Envelope Plan: Upper Storey Setbacks	A1.3_ <del>F</del> <b><i>Rev. J</i></b>	DKO	<del>28/11/2018</del> <b><i>18/08/2022</i></b>
Envelope Detail: Apartment	A1.4_ <del>E</del> <b><i>Rev. I</i></b>	DKO	<del>28/11/2018</del> <b><i>28/04/2022</i></b>
Envelope Detail: Terrace dwellings	A1.5_ <del>G</del> <b><i>Rev. J</i></b>	DKO	<del>04/12/2018</del> <b><i>18/08/2022</i></b>
Envelope: Sections 1/2	A1.6_ <del>G</del> <b><i>Rev. I</i></b>	DKO	<del>04/12/2018</del> <b><i>18/08/2022</i></b>
Envelope Sections: 2/2	A1.7_ <del>G</del> <b><i>Rev. I</i></b>	DKO	<del>04/12/2018</del> <b><i>28/04/2022</i></b>
Envelope: Elevations 1/2	A1.8_ <del>G</del> <b><i>Rev. J</i></b>	DKO	<del>04/12/2018</del> <b><i>18/08/2022</i></b>
Envelope: Elevations 2/2	A1.9_ <del>G</del> <b><i>Rev. J</i></b>	DKO	<del>04/12/2018</del> <b><i>18/08/2022</i></b>
Reference Sections	A1.13_ <del>F</del> <b><i>Rev. H</i></b>	DKO	<del>04/12/2018</del> <b><i>22/06/2021</i></b>

Drawing Name	Drawing Number	Architect	Date
Reference Sections	A1.14_F <i>Rev. I</i>	DKO	<del>04/12/2018</del> <b>28/04/2022</b>
Reference Sections	A1.15_E <i>Rev. J</i>	DKO	<del>04/12/2018</del> <b>18/08/2022</b>
Compliance drawings			
Site Plan-Existing	A1.1_A	DKO	19/12/2017
Demolition Plan	A2.1_A	DKO	19/12/2017

and as amended by the conditions of this consent.

- (c) In the event of any inconsistency between the approved plans and supplementary documentation, the drawings will prevail.
- (d) The detailed apartment building design is to include elements within the articulation zone to create a consistent two storey scale to Ferry Lane.
- (e) Lift overrun levels shown in plans are to include lift overruns and building plant only.

### **Reasons for Decision**

The application was approved for the following reasons:

- (A) The development as modified is substantially the same as was originally approved and is consistent with the requirements of Section 4.56(1) of the Environmental Planning and Assessment Act, 1979.
- (B) The proposed modifications ensure that the detailed design development application is consistent with the concept approval to satisfy Section 4.24(2) of the Environmental Planning and Assessment Act, 1979.
- (C) The increased height and bulk of the building envelopes are in keeping with the desired future character of the area and will not adversely impact the amenity of the surrounding area. These variations are reasonable and justified with regard to the detailed design development application D/2021/711.
- (D) The proposed building envelopes are capable of accommodating a future building design which is capable of exhibiting design excellence in accordance with Clause 6.21C of the Sydney Local Environmental Plan 2012.
- (E) Condition 2(a) was further amended to address the inconsistency between the proposal and the modified description.

Carried unanimously.

D/2017/582/A

### **Speakers**

Chris Newton, Sam Yfantis, Libby Tulip, Ian Stephenson (The Glebe Society), Brian Leader and Kyrsty Macdonald

Kate Bartlett (The Planning Studio) – on behalf of the applicant, Nick Byrnes (DKO) – on behalf of the applicant, Paul Davies (Paul Davies Pty Ltd) – on behalf of the applicant, and Nigel Fox (Visionland) – on behalf of the applicant.

#### Item 4 Development Application: 357 Glebe Point Road, Glebe - D/2021/711

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) pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, granted a deferred commencement consent to Development Application No. D/2021/711 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~~):

##### (51) ALLOCATION OF PARKING

The number of car parking spaces to be provided for the development must comply with the table below. Details confirming the parking numbers must be submitted to the satisfaction of the Registered Certifier prior to the issue of a Construction Certificate.

Car Parking Type	Number
Residential spaces (including <del>7</del> spaces for <del>7</del> terrace <del>7</del> houses, and a double garage for Bidura House)	52
Accessible residential spaces	10
Residential visitor spaces	9
Accessible residential visitor spaces	1
Subtotal	70
Motorcycle parking	<del>1</del> <b>5</b>
Car wash <del>share</del> <b>share</b> bay	<del>5</del> <b>1</b>
9.25m Council Waste Collection Vehicle loading docks	1
Total	77

##### Reason

To ensure the allocation of parking is in accordance with the Council's DCP.

##### (76) HERITAGE INTERPRETATION PLAN

- (a) A suitably qualified consultant is to be engaged to undertake a detailed design of the proposed heritage interpretation. The consultant is to develop further the information contained within the Heritage Interpretation Strategy prepared by Paul Davies P/L dated December 2021 after carrying out community consultation and any required historical research. The community consultation is to be carried out with relevant agencies, organisations, and individuals, including **The Glebe Society**, the Metropolitan Local Aboriginal Land Council and local First Nations community representatives.
- (b) A draft of the detailed design of the heritage interpretation, which is to include a summary of the outcome of the community consultation, is to be submitted to and approved by Council's Area Planning Manager prior to manufacture and installation of the interpretation.
- (c) The interpretation must be installed prior to the issue of an Occupation Certificate to the satisfaction of Council's Area Planning Manager.

**(77) CONSERVATION WORKS**

The Conservation Works to the Bidura House Group are to be carried out in accordance with the Schedule of Conservation Works, Rev B, prepared by Paul Davies P/L dated June 2021.

The conservation works are to be executed ~~commence~~ **commence within six months of the issuing of this consent** and **be** completed to the satisfaction of Council's Area Planning Manager prior to the issue of any Occupation Certificate or commencement of the use, whichever is the earlier.

**Reason**

To ensure that the heritage item is appropriately conserved and maintained.

**(94) CONSTRUCTION LIAISON COMMITTEE**

- (a) ***Prior to the commencement of any work, a Construction Liaison Committee or an alternative approved in writing by Council's Executive Manager, Planning and Development, is to be established by the developer to ensure that demolition and construction related impacts (including construction noise and vibration, loading, issues associated with construction workers and vehicles, traffic issues and management of the construction site) can be dealt with expeditiously and cooperatively.***
- (b) ***The Committee is to be comprised of interested parties representing potentially affected properties adjacent to and surrounding the site and any interested group. A nominated representative of the Council may be an observer from time to time.***
- (c) ***The Committee shall meet prior to the commencement of works on the site and prior to the submission of the final Construction Management Plan to Council to address initial areas of concern, and then at monthly intervals or as considered appropriate by the Committee throughout the construction process.***
- (d) ***Prior to the commencement of work, the Site Manager is to provide the members of the Committee and Council with 24 hour contact details (including location of site offices and a 24 hour phone number) to ensure that any matters which arise during the construction process are addressed immediately. The Site Manager shall be available during normal business hours to provide information to the public about activities on site and to bring any complaints to the attention of the Applicant.***
- (e) ***A register of all complaints shall be kept by the Applicant throughout the duration of the project and shall be made available to Council Officers on request.***
- (f) ***The Committee meetings are to be recorded/minuted and such records/minutes are to be provided to Council within 14 days of the meeting.***
- (g) ***The first Committee meeting should establish Terms of Reference, including purpose, size and membership, quorum, meeting frequency and duration, procedures for meetings, recording/distribution of comments and outcomes and the like.***



- (h) ***The initial call for resident/worker nominations to be sent to the adjacent and adjoining property owners and tenants must be submitted to and approved by the Council's Executive Manager, Planning and Development, prior to sending.***
- (i) ***The Site Manager is to inform each Committee meeting about the construction program, progress reports and impending work.***

**Reason**

***To ensure that construction impacts are appropriately managed.***

*(Remaining conditions to be renumbered accordingly.)*

**(162) ONGOING USE OF PREMISES**

***The use of the premises is to comply with earlier conditions in Parts A to F which relate to occupation and maintenance of the premises, including conditions 39, 67 and 68.***

**Reason**

***To clarify the obligations of future owners and bodies corporate.***

**Reasons for Decision**

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

- (A) 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 of the Sydney LEP 2012;
  - (ii) the proposal is in the public interest because it is consistent with the objectives of the E1 - Local Centre zone and the 'Height of buildings' development standard;
  - (iii) the proposal has been assessed against the aims and objectives of the relevant planning controls including SEPP 65, Sydney LEP 2012 and Sydney DCP 2012. Where non compliances exist, they have been demonstrated to be acceptable in the circumstances of the case or can be resolved by the recommended conditions of consent;
  - (iv) the proposal is consistent with the amended concept approval for the site, being D/2017/582/A; It is consistent with the design intent of the winning scheme of a competitive design process. The scale, form, articulation, materiality and architectural contribution of the proposed development is consistent with the site pursuant to Sydney DCP 2012 and the proposed development is consistent with the desired future character of the locality. The development satisfies design excellence provisions pursuant to Clause 6.21 of Sydney LEP 2012; and
  - (v) the proposal is appropriate within its setting and is a mixed-use development comprising a compatible use that will support the vitality of the area, consistent with the desired future character for the locality.

- (B) Condition 51 was amended to correct the inconsistency between the proposal and the number of motorcycle parking and car share areas allocated to the development, and to correct the descriptions for clarity.
- (C) Condition 76 was amended to ensure The Glebe Society is included in community consultation on the heritage interpretation.
- (D) Condition 77 was amended to ensure that the heritage item is appropriately conserved and maintained in a timely manner.
- (E) Condition 94 was added to address the concerns of neighbouring residents about construction impacts.
- (F) Condition 162 was added to clarify the use and maintenance obligations of future owners and bodies corporate.

Carried unanimously.

D/2021/711

### **Speakers**

Chris Newton, Sam Yfantis, Libby Tulip, Ian Stephenson (The Glebe Society), Brian Leader and Kyrsty Macdonald

Kate Bartlett (The Planning Studio) – on behalf of the applicant, Nick Byrnes (DKO) – on behalf of the applicant, Paul Davies (Paul Davies Pty Ltd) – on behalf of the applicant, and Nigel Fox (Visionland) – on behalf of the applicant.

**Item 5      Modification Application: 58-78 and 82-106 Oxford Street, Darlinghurst - D/2020/1071/C**

The Panel granted consent to Section 4.55 Application Number D/2020/1071/C subject to the amendment of the conditions at Attachment A (with additions shown in ***bold italics*** and deletions shown in ~~striketrough~~).

**Reasons for Decision**

The application was approved for the following reasons:

- (A) The development, as modified, is substantially the same development as that originally approved and is consistent with Section 4.55(2)(a) of the Environmental Planning and Assessment Act, 1979.
- (B) The proposal is consistent with the aims, objectives and relevant provisions of the Sydney Local Environmental Plan 2012 and the Sydney Development Control plan 2012 for the reasons set out in the report.
- (C) The modified development is consistent with the objectives of the E1 Local Centre zone.
- (D) The development, as modified, is consistent with the reasons given for the development as originally approved in accordance with Section 4.55(3) of the Environmental Planning and Assessment Act, 1979.
- (E) The development, as modified, is in the public interest.

Carried unanimously (3-0).

D/2020/1071/C

## Item 6 Development Application: 644 George Street, Sydney - D/2023/55

The Panel granted consent to Development Application Number D/2023/55 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~~):

### (31) PLAN OF MANAGEMENT

- (a) ***The Plan of Management is to be amended to remove any conflicts between consent conditions 37 and 38 and the Plan of Management. The amended Plan of Management is to be approved by the Area Planning Manager prior to the issue of an Occupation Certificate.***
- (b) ***The use must always be operated / managed in accordance with the approved Plan of Management. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.***

~~The use must always be operated / managed in accordance with the Plan of Management, prepared by Planning Lab signed and dated 13 June 2023 (Trim reference no: 2023/376241) that has been approved by Council. 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.

### (38) QUEUING

No persons are to be permitted to queue outside the ***karaoke and café areas in tenancy 10.41 premises*** at any time. Security officers are to ensure that there is no queue for the ***karaoke and café areas in tenancy 10.41 premises*** and take all reasonable steps to ensure compliance with this condition.

#### Reason

To safeguard the amenity of the surrounding neighbourhood.

### (39) CESSATION OF SERVICE

The premises may be open for business only between the operating hours in condition **26** ~~27~~ above. The operator must cease providing food/alcohol/entertainment at the premises 15 minutes before the required closing time.

#### Reason

To ensure the development operates within the approved hours of operation.

### Reasons for Decision

The application was approved for the following reasons:

- (A) The proposal is consistent with the objectives of the SP5 Metropolitan Centre zone as it provides a diversity of compatible land uses that are characteristic of Sydney's global status and that serve the workforce, visitors and wider community, and promotes the efficient and orderly development of land in a compact urban centre.

- (B) The development satisfies the objectives and provisions of the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.
- (C) The proposal, subject to conditions, is consistent with the relevant late night trading provisions in Section 3.15 of the Sydney Development Control Plan 2012.
- (D) The development, subject to conditions, will ensure that the on-going operation of the development does not create unreasonable disturbance or nuisance to surrounding properties.
- (E) Condition 31 was amended to ensure no ambiguity on the plan being approved and referenced in the condition and remove all inconsistencies from the document prior to the issue of an Occupation Certificate, and to require ongoing compliance with the approved Plan of Management.
- (F) Condition 38 was amended to specifically refer to the karaoke and café areas in tenancy 10.41.
- (G) Condition 39 was amended to correctly reference Condition 26 (Hours of Operation).

Carried unanimously (3-0).

D/2023/55

**Speaker**

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

The meeting of the Local Planning Panel concluded at 6.45pm.

CHAIR