

Local Planning Panel

Meeting No 88

Wednesday 11 October 2023

Notice Date 4 October 2023

minutes

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Present

Ms Abigail Goldberg (Chair), Mr Tony Caro, Ms Annelise Tuor and Mr John McInerney AM.

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

Ms Goldberg, Mr Caro, 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 20 September 2023, which have been endorsed by the Chair of that meeting.

Item 3 Development Application: 898 Elizabeth Street, Zetland - D/2023/243

The Panel:

- (A) upheld the variation requested to the minimum site area non-discretionary development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012; and
- (B) granted consent to Development Application Number D/2023/243 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) 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 'minimum site area' non-discretionary development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening section 53(2)(a) of State Environmental Planning Policy (Housing) 2021; and
 - (ii) the proposal is in the public interest because it is consistent with the objectives of the R1 General Residential zone and the 'minimum site area' non-discretionary development standard.
- (B) The development exhibits design excellence under Clause 6.21C of Sydney Local Environmental Plan 2012.
- (C) The development responds appropriately to the scale of surrounding buildings, and is compatible with the character of the Mary O'Brien Park locality and the Zetland Estate heritage conservation area.
- (D) The development will not unreasonably compromise the amenity of neighbouring properties.
- (E) The development is generally consistent with the objectives of Chapter 3 Part 1 of State Environmental Planning Policy (Housing) 2021, Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.

Carried unanimously.

D/2023/243

Item 4 Development Application: 46 Victoria Street, Beaconsfield - D/2023/50

The Panel:

- (A) delegated authority to the Chief Executive Officer to determine Development Application No. D/2023/50, after the completion of the public exhibition period of the draft Voluntary Planning Agreement and consideration of any public submissions received; and
- (B) requested that, if the Chief Executive Officer determines to approve Development Application No. D/2023/50, then consideration be given to granting deferred consent, pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, subject to the conditions set out in Attachment A to the subject report.

Reasons for Decision

The application was delegated to the Chief Executive Officer for determination for the following reasons:

- (A) A public benefit offer has been made and satisfies clause 6.14 of the Sydney Local Environmental Plan relating to the provision of community infrastructure within Green Square, which has been placed on public exhibition until 19 October 2023.
- (B) The amended application is considered appropriate for delegation to the Chief Executive Officer for determination after 19 October 2023 to allow for consideration of any public submissions on the public benefit offer received during the exhibition period.

Carried unanimously.

D/2023/50

Item 5 Development Application: 48 Victoria Street, Beaconsfield - D/2023/5

The Panel:

- (A) delegated authority to the Chief Executive Officer to determine Development Application No. D/2023/5, after the completion of the public exhibition period of the draft Voluntary Planning Agreement and consideration of any public submissions received; and
- (B) requested that if the Chief Executive Officer determines to approve Development Application No. D/2023/5, then consideration be given to granting deferred consent, pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, subject to the conditions set out in Attachment A to the subject report.

Reasons for Decision

The application was delegated to the Chief Executive Officer for determination for the following reasons:

- (A) A public benefit offer has been made and satisfies clause 6.14 of the Sydney Local Environmental Plan relating to the provision of community infrastructure within Green Square, which has been placed on public exhibition until 19 October 2023.
- (B) The amended application is considered appropriate for delegation to the Chief Executive Officer for determination after 19 October 2023 to allow for consideration of any public submissions on the public benefit offer received during the exhibition period.

Carried unanimously.

D/2023/5

Item 6 Development Application: 86-90 Bay Street, Ultimo - D/2023/445

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;
- (B) upheld the variation requested to clause 4.4 'Floor space ratio' in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012; and
- (C) granted consent to Development Application Number D/2023/445 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 permissible within and consistent with the objectives of the MU1 Mixed Use Zone.
- (B) The proposal satisfies the design excellence provisions of clause 6.21C of 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 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 MU1 Mixed Use Zone and the height of buildings development standard;
 - (iii) 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
 - (iv) the proposal is in the public interest because it is consistent with the objectives of the MU1 Mixed Use Zone and the floor space ratio development standard.

Carried unanimously.

D/2023/445

Speaker

Brendan Boyle (Fitzpatrick and Partners) – on behalf of the applicant.

Item 7 Proposed Schedule of Local Planning Panel Meetings for 2024

The Panel adopted the draft Schedule of Local Planning Panel Meetings for 2024, as shown at Attachment A to the subject report.

Carried unanimously.

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The meeting of the Local Planning Panel concluded at 5.19pm.

CHAIR