

Local Planning Panel

Meeting No 89

Wednesday 1 November 2023

Notice Date 25 October 2023

minutes

Index to Minutes

ITEM	PAGE NO
1. Disclosures of Interest	3
2. Confirmation of Minutes	3
3. Development Application: 349 Liverpool Street, Darlinghurst - D/2022/831	4
4. Development Application: 51-53 Wells Street, Redfern - D/2022/792.....	10
5. Development Application: 56 Allen Street, Glebe - D/2022/1332.....	11
6. Development Application: 31A and 5030 Alfred Street, Sydney - D/2023/292.....	13
7. Development Application: 58-60 and 62-64 Selwyn Street, Paddington - D/2023/700.....	15
8. Development Application: 23-25 Doody Street, Alexandria - D/2022/1367	16

Present

Ms Linda Pearson, Mr Peter Romey, Ms Annelise Tuor and Mr John McInerney AM.

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

Ms Pearson, Mr Romey, 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.

Order of Business

The Panel agreed that the order of business be altered, such that Item 7 be dealt with prior to Item 4, for the convenience of registered speakers. Subsequently, during the discussion of Item 4, it was agreed to move on to consideration of Item 5 to allow staff to consider matters raised by the speaker. At the conclusion of Item 5, the Panel returned to consideration of Item 4

The Panel agreed that the order of business be altered, such that Item 6 be dealt with after Item 8, for the convenience of the meeting.

Mr Romey left the meeting of the Local Planning Panel at 6.20pm, prior to the discussion on Item 6, and did not return. Mr Romey was not present at, nor in sight of, the meeting of the Local Planning Panel during discussion or voting on Item 6.

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.

Mr Romey disclosed a reasonably perceived conflict on interest in Item 6 on the agenda in that Natalie Vinton, CEO of Curio Projects, is a personal friend, and they have previously been professional colleagues working at the City of Sydney. They have no pecuniary relationship and Mr Romey has not worked on any projects with Curio Projects.

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 will step out of the meeting during discussion of, and voting 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 11 October 2023, which have been endorsed by the Chair of the meeting.

Item 3 Development Application: 349 Liverpool Street, Darlinghurst - D/2022/831

The Panel refused consent for Development Application Number D/2022/831 for the reasons outlined below.

Reasons for Decision

The application was refused for the following reasons:

Inappropriate building height and inadequate Clause 4.6 variation request

- (A) The written Clause 4.6 variation request has not adequately demonstrated that compliance with the 'height of building' development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening the development standard.

Furthermore, the proposal exceeds the maximum height in storeys and street frontage height in storeys and does not reinforce the existing or future neighbourhood character of the locality.

As such, the proposed development is contrary to and fails to satisfy:

- (a) the following provisions of the Sydney Local Environmental Plan 2012:
- (i) Clause 1.2(2), including the aims at (h), (j) and (k);
 - (ii) Clause 4.3(1), including the objectives at (a), (b), (c) and (d);
 - (iii) Clause 4.3(2);
 - (iv) Clause 4.6(1), including the objectives at (a) and (b); and
 - (v) Clause 4.6(3) and (4);
- (b) Schedule 1 of the of the State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development, including principles 1, 2 and 9; and
- (c) the following provisions of the Sydney Development Control Plan 2012:
- (i) Section 1.3 including the aims at (a) and (b);
 - (ii) Section 2.4.12 including the principles at (a) and (b); and
 - (iii) Section 4.2.1.1 including the objective at (a) and provisions at (1), (2), (3) and (5).

Failure to exhibit design excellence

- (B) The proposed development does not exhibit design excellence, as it:
- (a) fails to deliver a high standard of architectural design appropriate for the location and does not provide sufficient detail of the proposed materiality;
 - (b) has a form and external appearance that will detract from the quality and amenity of the public domain;
 - (c) provides an inappropriate contextual response to the streetscape to Liverpool Street, Darley Place and the surrounding heritage conservation area;

- (d) detrimentally impacts views from neighbouring private properties; and
- (e) fails to integrate high-quality landscape design.

As such, the proposed development is contrary to and fails to satisfy:

- (a) the following provisions of the Sydney Local Environmental Plan 2012:
 - (i) Clause 1.2(2) including the aims at parts (h), (j), and (k);
 - (ii) Clause 6.21 including the objective of the clause; and
 - (iii) Clause 6.21C(2) including the matters for consideration at parts (a), (b), (c) and (d);
- (b) Schedule 1 of the of the State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development, including principles 1, 2, 5 and 9;
- (c) Objectives 4M-1, 4X-1 and 4X-3 of the Apartment Design Guide, including the relevant design guidance; and
- (d) the following provisions of the Sydney Development Control Plan 2012:
 - (i) Section 2.4.12 including the principles at (a) and (b); and
 - (ii) Section 3.2.2 including the objective at (b).

Unacceptable impacts on significance of adjoining and nearby heritage items and the surrounding heritage conservation area

- (C) The proposed development will have a detrimental effect on the heritage significance of adjoining and nearby heritage items and the Oxford Street and Victoria Street heritage conservation area, as:
 - (a) The height of the proposal results in unacceptable impacts on the significance of the heritage item at 1 Darley Place, Darlinghurst, the contributory building at 355-357 Liverpool Street, Darlinghurst, and results in an uncomfortable fit in the streetscape adjacent to the heritage item at 347 Liverpool Street, Darlinghurst.
 - (b) The proposed excavation will likely result in archaeological impacts and a historical archaeological impact assessment and research design report has not been provided.
 - (c) No structural information, detailed geotechnical information or safe construction methodology has been provided, nor has any investigation been made into the location of the footings of the adjoining buildings.
 - (d) The proposed excavation for a basement has no setback from the eastern and western boundaries of the site, and the risk of damage or undermining of adjoining buildings in the absence of this information is significant.
 - (e) The proposed height and building expression compete with the prominence of the adjoining heritage item at 347 Liverpool Street, Darlinghurst, and is inconsistent with the other existing development in the streetscape to Liverpool Street and Darley Place.
 - (f) The proposed materials schedule is insufficiently detailed and no details of the materials, design and details of the services on the Liverpool Street frontage have been provided.

- (g) The silhouettes of the original terraces that existed on the site before the existing residential flat building was constructed are highly visible from the public domain along Liverpool Street and are significant. The proposal blocks views so that it will not be appreciated in the round.

As such, the proposed development is therefore contrary to and fails to satisfy:

- (a) the following provisions of the Sydney Local Environmental Plan 2012:
 - (i) Clause 1.2(2) including the aim at part (k);
 - (ii) Clause 5.10(1) including the objectives at parts (a), (b) and (c) of the clause;
 - (iii) Clause 5.10(4); and
 - (iv) Clause 6.21C(2)(d)(iii); and
- (b) the following provisions of the Sydney Development Control Plan 2012:
 - (i) Section 1.3 including the aims at (a), (b) and (f);
 - (ii) Section 2.4.12 including the principles at (a) and (b);
 - (iii) Section 3.9 including the objectives at (a) and (b);
 - (iv) Section 3.9.5 including the objective at (a) and the provisions at (3) and (4);
 - (v) Section 3.9.6 including the provisions at (1) and (2);
 - (vi) Section 3.9.9 including the provision at (1);
 - (vii) Section 3.9.10 including the provision at (4); and
 - (viii) Section 3.9.13 including the provisions at (1) and (2).

Unacceptable amenity impacts to surrounding properties

- (D) The proposed development results in, and does not clearly detail and address impacts on the amenity of the occupants of surrounding properties in terms of:
 - (a) inadequate building separation and setbacks between the proposed development and surrounding buildings, and its height, bulk, scale and massing;
 - (b) view sharing and view loss from adjacent private properties, loss of outlook, visual and acoustic privacy, and overshadowing impacts; and
 - (c) provision of sufficient information with the application relating to the amenity impacts identified above.

As such, the proposed development is therefore contrary to and fails to satisfy:

- (a) Schedule 1 of the of the State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development, including principles 2 and 6;
- (b) Objectives 3B-2, 3F-1, 3F-2, and 4H-1 of the Apartment Design Guide, including the relevant design criteria and design guidance;
- (c) the following provisions of the Sydney Local Environmental Plan 2012:
 - (i) Clause 1.2(2) including the aims at parts (h) and (l); and

- (ii) Clause 6.21C(2) including the matters for consideration at (c) and (d)(vii);
- (d) the following provisions of the Sydney Development Control Plan 2012:
 - (i) Section 4.2.3 including the objective at (a); and
 - (ii) Section 4.2.3.10 including the provision at (2); and
- (e) the planning principle established in *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140.

Unacceptable residential flat building design

- (E) The proposed design of the residential flat building makes unsatisfactory provision for, or does not clearly demonstrate:
 - (a) adequate sustainability measures, including appropriate sun shading and operability to the northern facade and updated BASIX and NatHERS certification;
 - (b) adequate area, design quality and amenity of communal open spaces;
 - (c) appropriate private open space locations;
 - (d) an acceptable level of visual privacy can be achieved for residential apartments;
 - (e) acoustic privacy and natural ventilation can be achieved concurrently, and that the proposed location of the lift core directly to bedrooms is appropriate;
 - (f) appropriately designed waste management and storage facilities; and
 - (g) appropriately located bicycle parking facilities.

As such, the proposed development is contrary to and fails to satisfy:

- (a) Section 27 of the Environmental Planning and Assessment Regulation, 2021 relating to the submission of BASIX information;
- (b) Schedule 1 of the State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development, including principles 4, 6, and 8;
- (c) Objectives 3C-1, 3D-1, 3D-2, 4A-3, 4B-1, 4B-3, 4E-2, 4H-1, 4L-2, 4N-2, 4N-3, 4U-2, 4U-3, 4W-1 and 4W-2 of the Apartment Design Guide, including the relevant design criteria and design guidance;
- (d) Section 6 of the State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- (e) Clause 6.21C(2)(d)(vii) and (viii) of the Sydney Local Environmental Plan 2012; and
- (f) the following provisions of the Sydney Development Control Plan 2012:
 - (i) Section 3.11 including the objective at (b) and (d);
 - (ii) Section 3.11.3 including the provision at (4);
 - (iii) Section 3.11.13 including the provisions at (1) and (2);
 - (iv) Section 3.14 including the objective at (c);
 - (v) Sections 3.14.1 and 3.14.3 including the provisions at (1) and (4);

- (vi) Section 4.2.3 including the objective at (a);
- (vii) Section 4.2.3.8 including the provisions at (1), (4), (5), (6) and (7);
- (viii) Section 4.2.3.11 including the provision at (7);
- (ix) Section 4.2.6 including the objectives at (b) and (c); and
- (x) Sections 4.2.6.1 and 4.2.6.2, including the provisions at (1), (2) and (3).

Unacceptable landscape design and deep soil provision

- (F) The proposed development does not demonstrate:
- (a) that 15 per cent canopy cover can be achieved at 10 years post-completion;
 - (b) that excellence and integration of landscape design has been achieved;
 - (c) that the landscape design can be appropriately maintained into the future; and
 - (d) that a sufficient area of consolidated, unencumbered deep soil has been provided.

As such, the proposed development is contrary to and fails to satisfy:

- (a) Schedule 1 of the State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development, including principles 4 and 5;
- (b) Objectives 3E-1, 4O-1, 4P-1, 4P-2 and 4X-2 of the Apartment Design Guide, including the relevant design criteria and guidance;
- (c) Clause 6.21C(2)(d)(xiii) of the Sydney Local Environmental Plan 2012;
- (d) the following provisions of the Sydney Development Control Plan 2012:
 - (i) Section 3.5.2 including the objective at part (a) and the provision at (2);
 - (ii) Section 4.2.3 including the provision at (a);
 - (iii) Section 4.2.3.5 including the provisions at (1) and (3); and
 - (iv) Section 4.2.3.6 including the provision at (1); and
- (e) the City of Sydney's 'Sydney Landscape Code Volume 2: All Development Except for Single Dwellings', including the relevant guidelines for landscape design and deep soil provision.

Unacceptable likely impacts and site unsuitable for the development

- (G) It has not been demonstrated that the proposed development has satisfactorily addressed:
- (a) that the land can be made suitable in accordance with State Environmental Planning Policy (Resilience and Hazards) 2021 for the purpose of the proposed development;
 - (b) that flood and stormwater management risks have been fully detailed and managed;
 - (c) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality. These include, but are not limited to, impacts relating to construction management; and
 - (d) the suitability of the site for the development.

As such, the proposed development is therefore contrary to and fails to satisfy:

- (a) Section 4.15(1)(b) and Section 4.15(1)(c) of the Environmental Planning and Assessment Act, 1979;
- (b) Section 4.6 of the State Environmental Planning Policy (Resilience and Hazards) 2021 and the Managing Land Contamination Planning Guidelines SEPP 55–Remediation of Land; and
- (c) the following provisions of the Sydney Development Control Plan 2012:
 - (i) Clause 5.21 including the objective at (1) and the matters for consideration at (2);
 - (ii) Section 3.7 including objectives (a) through (f) inclusive;
 - (iii) Section 3.7.1 including the provisions at (1) through (4) inclusive;
 - (iv) Section 3.7.2 including the provisions at (5) through (15) inclusive; and
 - (v) Section 3.17 including the objective at (a) and the provision at (1).

Not in the public interest

- (H) It has not been demonstrated that the proposed development has satisfactorily addressed the public interest.

As such, the proposed development is therefore contrary to and fails to satisfy:

- (a) Section 4.15(1)(e) of the Environmental Planning and Assessment Act, 1979.

Carried unanimously.

D/2022/831

Speakers

Matthew Hodges (Board of Directors at Mont Clair), Gary Ansell (owner and Board of Directors at Mont Clair), Sarah Mort (co-owner and resident at Mont Clair), Neville Wyatt and Geoffrey Hansen.

Item 4 Development Application: 51-53 Wells Street, Redfern - D/2022/792

The Panel deferred consideration of Development Application No D/2022/792 until a subsequent meeting of the Local Planning Panel to enable further information to be provided.

Reasons for Decision

The Panel considered it reasonable to defer rather than refuse the application as there appears to be reasonable potential for the additional information required to enable finalisation of the assessment to be provided. Permissibility matters under clause 5.4(9) of the Sydney Local Environmental Plan 2012 need to be resolved before the Panel can determine the application. Further clarification is also required with regards to the common walls with adjoining properties.

Carried unanimously.

D/2022/792

Speaker

Lisa Esposito (on behalf of Wells St residents).

Item 5 Development Application: 56 Allen Street, Glebe - D/2022/1332

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
- (A) granted consent to Development Application Number D/2022/1332 subject to the conditions set out in Attachment A to the subject report, subject to the following amendments (additions show in ***bold italics***, deletions shown in ~~strikethrough~~):

(3) BUILDING HEIGHT

- (a) The height of the building must not exceed RL ~~28,844~~ **29** (AHD) to the top of the building.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.

Reason

To ensure the constructed development complies with the approved height.

(11) AMENDED LANDSCAPE PLAN

The landscape plan is to include the following amendments:

- (a) To avoid additional stress to Trees 3 and 5, raised soil levels must be avoided. Planting is to occur at an existing grade and to apply tree sensitive planting methods as per items 1-3 on drawing DA-01 and DA-02 of the Landscape Plan dated September 2023.
- (b) The reference stating that "The installation of 100-200mm of new garden mix topsoil over the pre-existing soil to provide a suitable medium for new plants to be planted without damage to existing tree roots" is to be deleted.
- (c) ***The landscape plan is to include maintenance details outlined in the Maintenance Statement prepared by Wire and Co, dated 10 May 2023, that has been approved by Council.***

Reasons for Decision

The application was approved for the following reasons:

- (A) The proposal is generally consistent with the relevant objectives and controls of the Sydney Local Environmental Plan 2012 and the Sydney Development Control 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 development standard is unreasonable or unnecessary and that there are sufficient environmental 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 Height of Buildings development standard.
- (B) The proposed development complies with the maximum Floor Space Ratio development standard contained in Clause 4.4 of the Sydney Local Environmental Plan 2012
- (C) The proposed development provides an appropriate contribution that is suitable in terms of its context, scale and built form which is consistent with the desired future character of the area, subject to conditions. As such, the proposed development exhibits design excellence in accordance with the requirements contained in clause 6.21C of the Sydney Local Environmental Plan 2012.
- (D) The development is generally consistent with the objectives of the Sydney Development Control Plan 2012
- (E) Suitable conditions of consent are recommended, and the development is considered to be in public interest.
- (F) Condition 3(a) was amended to be more pragmatic.
- (G) Condition 11(c) was added to address concerns regarding the potential for poor maintenance of green walls and roofs and ensure the ongoing maintenance of the landscaping.

Carried unanimously.

D/2022/1332

Speaker

Daniel Boddam (architect) – on behalf of the applicant.

Item 6 Development Application: 31A and 5030 Alfred Street, Sydney - D/2023/292

The Panel refused consent for Development Application Number D/2023/292 for the reasons outlined below.

Reasons for Decision

The application was refused for the following reasons:

- (A) The proposed development is inconsistent with clauses 23 and 24 of the Environmental Planning and Assessment Regulation 2021 as the application is not accompanied by the written consent of all owners of the land that form part of the subject site. Crown land owners' consent has not and cannot be obtained as the proposal is inconsistent with the CBD Civic Spaces Plan of Management 2022 which governs the site.
- (B) The proposal is inconsistent with Section 3.36 of the Crown Land Management Act 2016 and the aims of the CBD Civic Spaces Plan of Management 2022.
- (C) The proposed development fails to demonstrate design excellence in accordance with Clause 6.21, 6.21B and 6.21C of Sydney LEP 2012, as it:
 - (i) fails to deliver a high standard of architectural and urban design that is appropriate for the location;
 - (ii) has a form and external appearance that will detract from the quality and amenity of the public domain;
 - (iii) fails to respect the heritage significance of Customs House which is listed as a State and local heritage item;
 - (iv) fails to achieve an appropriate interface and relationship with the Customs House and public domain; and
 - (v) fails to present a suitable bulk, massing or modulation of buildings to address the Circular Quay Special Character Area.
- (D) The proposed development is inconsistent with Clause 7.20(2)(a) of the SLEP 2012 as the site area exceeds 1,500sqm and the site has not been subject of a site specific development control plan, nor has the applicant demonstrated that the preparation of a site specific development control plan is unreasonable or unnecessary in the circumstances or demonstrated to the consent authority that all provisions under Clause 7.20(3) of SLEP 2012 are met.
- (E) The proposed development results in significant adverse impacts on the State and local heritage item Customs House and is contrary to Clause 5.10 of Sydney LEP 2012 and Section 3.9 of Sydney DCP 2012 in relation to heritage conservation.
- (F) The proposal does not accord with the City North Public Domain Plan as the pavilions present as permanent structures which cannot be easily removed to facilitate events or the public use of Customs House Square.
- (G) The proposal does not accord with:
 - (i) Section 2.1.4(e), (g) and (h) of Sydney DCP 2012 as it does not reinforce the area as a major focal point for public celebrations and has not been designed to protect the heritage significance, settings or views of Customs House within the Circular Quay Special Character Area;

- (ii) Sections 3.1 and 3.2.2 of Sydney DCP 2012 as the pavilions do not provide an appropriate response to the public domain;
 - (iii) Section 3.5.3 of Sydney DCP 2012 as the pavilions are located within close proximity to, and encroach within, the existing tree canopies. The proposal has not demonstrated how the health of the existing trees will be protected;
 - (iv) Section 3.15 of Sydney DCP 2012 in relation to the permissible base and extended outdoor hours of operation;
 - (v) the City of Sydney Outdoor Dining Policy and Guidelines with respect to permanent and fixed structures, barriers, separation of the space from the public domain, and general outdoor dining furniture.
- (H) In light of the above, approval of the application is not in accordance with the public interest, as required under Section 4.15(1)(e) of the Environmental Planning and Assessment Act, 1979.

Carried unanimously.

D/2023/292

Item 7 Development Application: 58-60 and 62-64 Selwyn Street, Paddington - D/2023/700

The Panel refused consent for Development Application Number D/2023/700 for the following reasons:

- (A) The proposal is contrary to and fails to adequately address the mandatory matters for consideration set out in Section 47(2) of Part 3: *Retention of existing affordable rental housing* of the State Environmental Planning Policy (Housing) 2021 and the *Guidelines for Retention of Existing Affordable Rental Housing*;
- (B) The application is inconsistent with the Clause 1.2(2)(e) aim of the Sydney LEP as it fails to encourage the growth and diversity of the residential population of the City of Sydney by providing for a range of appropriately located housing, including affordable housing;
- (C) The application fails to satisfy the objectives of the R1 General Residential Zone of the Sydney LEP as it does not provide for the housing needs of the community and does not contribute to a variety of housing types and densities;
- (D) The application fails to demonstrate a high standard of architectural design and detailing appropriate to the building type and surrounding heritage character, pursuant to Clause 6.21C(2)(a) of the Sydney LEP;
- (E) The application fails to adequately address environmental impacts of overshadowing, solar access and visual privacy, pursuant to the provisions outlined under Clause 6.21C(2)(d)(vii) of the Sydney LEP;
- (F) The proposed development fails to exhibit Design Excellence pursuant to Clause 6.21C of the Sydney LEP;
- (G) The proposed rear additions are inconsistent with the Sydney DCP design criteria for building setbacks and rear additions, pursuant to Section 4.1.2 and Section 4.1.4 of the Sydney DCP;
- (H) The application fails to provide sufficient information to demonstrate that each of the proposed dwellings will receive the minimum 2 hours' direct sunlight to living room windows and private open space areas between 9am and 3pm on 21 June, pursuant to Section 4.1.3.1 of the Sydney DCP;
- (I) The proposed window arrangement and rear Juliet Balconies fail to safeguard visual privacy across side and rear boundaries, pursuant to Section 4.1.3.6 and Section 4.1.8 of the Sydney DCP; and
- (J) The application fails to demonstrate 15 per cent tree canopy coverage within 10 years of completion, pursuant to Section 3.5.2 of the Sydney DCP.

Carried unanimously.

D/2023/700

Speakers

Cr Yvonne Weldon (City of Sydney councillor), Janine Cohen and Julie Armour.

Item 8 Development Application: 23-25 Doody Street, Alexandria - D/2022/1367

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 Number D/2022/1367 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 complies with the relevant controls of the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.
- (B) The proposal represents an appropriate development for the site and supports the employment generating use of the E3 Productivity Support zone.
- (C) The proposal satisfies design excellence provisions.
- (D) 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 environmental 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 E3 Productivity Support zone and the Height of Buildings development standard.

Carried unanimously.

D/2022/1367

The meeting of the Local Planning Panel concluded at 6.30 pm.

CHAIR