

Local Planning Panel

Meeting No 86

Wednesday 6 September 2023

Notice Date 30 August 2023

minutes

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Present

Ms Abigail Goldberg (Chair), Mr Tony Caro, Ms Helena Miller and Associate Professor Amelia Thorpe.

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

Ms Goldberg, Mr Caro, Ms Miller, 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.

Ms Miller disclosed a reasonably perceived conflict of interest regarding Items 3, 4 and 5 on the agenda in that her firm MG Planning has previously (approximately prior to 2016) prepared a number of development applications for street furniture on behalf of the City of Sydney. Ms Miller stated that she has not worked on any of the subject applications and does not consider that her previous involvement in similar matters will affect her ability to make a decision in the matters on the agenda.

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, Ms Miller is not required to step out for deliberation on Items 3, 4 and 5.

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 30 August 2023, which have been endorsed by the Chair of that meeting.

Item 3 Development Application: 5010 Sydney Place, Woolloomooloo – D/2022/431

The Panel granted consent to Development Application Number D/2022/431 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 ~~strike through~~):

(2) DESIGN MODIFICATION – APT RELOCATION

The proposed APT is not approved to be installed in the currently proposed location.

The proposed APT is to be relocated to the eastern side of the basketball court entrance gates on Sydney Place, adjacent to the retaining wall between Sydney Place and the basketball court.

A plan showing the precise location of the relocated APT is to be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate.

The submitted plan must provide dimensions confirming the precise location of the APT to comply with the following:

- The distance between the nearest part of the APT and the most eastern side of the basketball court entry gates is to be 2 metres.
- A ~~600mm~~ ***1000mm*** clearance is to be provided between the north rear elevation of the APT and the adjacent retaining wall between the basketball courts and Sydney Place.

Reason

To require the proposed APT to be situated to a more suitable and appropriate location on Sydney Place.

(10) HOURS OF OPERATION

(a) The approved base hours of operation of the facility are from sunrise to 9:00pm.

(b) Notwithstanding (a) above, a trial period is granted for the operation of the facility from 9:00pm to sunrise for a period of twelve months.

Remaining conditions to be renumbered accordingly.

Reasons for Decision

The application was approved for the following reasons:

- (A) The development, subject to conditions, serves the public interest as it will provide an essential community facility serving an outdoor recreation area and will enhance the amenity of the local area.
- (B) The relocation of the facility as outlined in Condition 2 addresses residents' concerns about security, lighting and amenity.
- (C) The proposal satisfies the objectives of the Environmental Planning and Assessment Act 1979, in that, subject to the imposition of appropriate 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.
- (D) The development, subject to conditions, is consistent with the objectives of the RE1 Public Recreation zone under the Sydney Local Environment Plan 2012.
- (E) Appropriate conditions are recommended to ensure the proposed development does not adversely impact upon the heritage significance of nearby sites.
- (F) Appropriate conditions are recommended to ensure the proposed development will be effectively maintained and kept clean.
- (G) The development accords with the objectives of relevant planning controls.
- (H) Subject to recommended conditions of consent, the development satisfies the Design Excellence provisions pursuant to Clause 6.21C of the Sydney Local Environmental Plan 2012.
- (I) The public interest is served by the approval of the proposal, as additional information to the development application has addressed the matters raised by the City and the community, subject to recommended conditions.
- (J) Condition 2 was amended to enable access for servicing of the facility.
- (K) Condition 10 was added to address residents' concerns.

Carried unanimously.

D/2022/431

Speakers

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Paul Keywood (Mecone) – on behalf of the applicant, Mark Gilder (Grimshaw) – on behalf of the applicant, and Graeme Wooster (QMS) – on behalf of the applicant.

Item 4 Development Application 5050 Cowper Wharf Roadway, Woolloomooloo - D/2022/1248

The Panel granted consent to Development Application Number D/2022/1248 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, subject to conditions, serves the public interest as it will provide an essential community facility and will enhance the amenity of the local area.
- (B) The proposal satisfies the objectives of the Environmental Planning and Assessment Act 1979, in that, subject to the imposition of appropriate 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.
- (C) The development, subject to conditions, is consistent with the objectives of the MU1 Mixed Use zone under the Sydney Local Environment Plan 2012.
- (D) Appropriate conditions are recommended to ensure the proposed development does not adversely impact upon the heritage significance of nearby sites.
- (E) Appropriate conditions are recommended to ensure the proposed development will be effectively maintained and kept clean.
- (F) The public interest is served by the approval of the proposal, as additional information to the development application has addressed the matters raised by the City and the community, subject to recommended conditions.
- (G) The proposal is consistent with the City of Sydney Public Toilet Strategy 2014.

Carried unanimously.

D/2022/1248

Speakers

Natalie Budovsky (Strata Plan 38936) and Matt Harker (Strata Plan 49145).

Paul Keywood (Mecone) – on behalf of the applicant, and Mark Gilder (Grimshaw) – on behalf of the applicant.

Item 5 Development Application: 9A Rosebery Avenue, Rosebery - D/2022/306

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; and
- (B) granted consent to Development Application No. D/2022/306 subject to the conditions set out in Attachment A to the subject report, subject to the following amendments (additions shown in ***bold italics***):

(2) DESIGN MODIFICATION

- (a) ***The advertising panel facing the park is not approved.***
- (b) ***The design of the APT is to be modified to include a green wall on the elevation facing the park.***
- (c) ***The finalised plan and details are to be submitted to Council's Area Planning Manager for review and approval prior to the issue of a Construction Certificate.***

(3) DECOMMISSIONING STRATEGY FOR APT GREEN WALL

A detailed green wall decommissioning report (including plans, sections and details drawn to scale, and technical specification) prepared by a qualified landscape architect, landscape designer or green wall specialist, is to be submitted to and approved by the Area Planning Manager / Area Planning Coordinator prior to the issue of a Construction Certificate. This shall include the following:

- (a) ***details of the green wall construction, including proposed materials, planter dimensions, fixings and structures;***
- (b) ***resolution of the appearance of the APT, should the APT green wall elements fail en masse. Submit a plan and section details to demonstrate the appearance of the APT without the green wall and/or green roof, if this outcome eventuates; and***
- (c) ***a plan outlining the intended strategy for decommissioning and rectification if APT planting works fail. This is to ensure the green wall is maintained throughout its life and for the duration of the ten year contract.***

Remaining conditions to be renumbered accordingly.

Reasons for Decision

The application was approved for the following reasons:

- (A) The development, subject to conditions, serves the public interest as it will provide an essential community facility serving an outdoor recreation area and will enhance the amenity of the local area.
- (B) The proposal satisfies the objectives of the Environmental Planning and Assessment Act, 1979, in that, subject to the imposition of appropriate conditions as recommended, it achieves the objectives of the planning controls for the site.
- (C) The development complies with the objectives of the MU1 Mixed Use zone pursuant to Sydney Local Environmental Plan 2012.
- (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 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 MU1 Mixed Use zone and the 'height of buildings' development standard.
- (E) Appropriate conditions are recommended to ensure the proposed development will be effectively maintained and kept clean.
- (F) The development accords with objectives of relevant planning controls.
- (G) Conditions 2 and 3 were added to improve the amenity of the park.

Carried unanimously.

D/2022/306

Speakers

Mark Gilder (Grimshaw) – on behalf of the applicant, and Graeme Wooster (QMS) – on behalf of the applicant.

Item 6 Report to the Local Planning Panel - Status of Applications

The Panel received and noted the subject report.

Carried unanimously.

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The meeting of the Local Planning Panel concluded at 6.19pm.

CHAIR