

Local Planning Panel

Meeting No 94

Wednesday 28 February 2024

Notice Date 21 February 2024

minutes

Index to Minutes

ITEM	PAGE NO
1. Disclosures of Interest	2
2. Confirmation of Minutes	2
3. Development Application: 545-549 South Dowling Street, Surry Hills - D/2023/403	3
4. Development Application: 1 Shakespeare Place, Sydney - D/2023/995	5
5. Development Application: 56A Allen Street, Glebe - D/2023/790	6
6. Development Application: 2 Princes Highway, Alexandria - D/2023/806	8
7. Development Application: 12-18 Stokes Avenue, Alexandria - D/2023/388	12
8. Report to the Local Planning Panel - Status of Applications	15

Present

Mr Steven Layman (Chair), Mr Paul Berkemeier, Professor Helen Lochhead AO and Associate Professor Amelia Thorpe.

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

Mr Layman, Mr Berkemeier, Prof Lochhead 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.

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 7 February 2024, which have been endorsed by the Chair of that meeting.

Item 3 Development Application: 545-549 South Dowling Street, Surry Hills - D/2023/403

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 30(b) 'Minimum Internal Apartment Size' of the State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development 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/2023/403 subject to the conditions set out in Attachment A to the subject report to the Local Planning Panel on 28 February 2024, subject to the following amendments (additions shown in ***bold italics***, deletions shown in ~~strikethrough~~):

(85) PLAN OF MANAGEMENT / ADDENDUM MANAGEMENT LETTER

The use must always be managed in accordance with the Plan of Management, prepared by The Salvation Army dated 11 July 2023 and the Addendum Management Letter, prepared by the Salvation Army dated 27 July 2023. 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.

Remaining conditions to be renumbered accordingly.

Reasons for Decision

The application was approved for the following reasons:

- (A) The proposal generally complies with the relevant controls of the Sydney Local Environmental plan 2012 and the Sydney Development Control Plan 2012.
- (B) The proposal represents an appropriate development for the site and will deliver safe medium term transitional accommodation for homeless youth.
- (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 and Minimum Internal Apartment Size development standard is considered unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening the standards in this instance; and

- (ii) the proposal is in the public interest because it is consistent with the objectives of the MU1 Mixed Use zone, Height of Buildings development standard and Minimum Internal Apartment Size standard.

(D) Condition 85 was added to ensure clarity of management.

Carried unanimously.

D/2023/403

Speakers

Alice Goodman, Klara Giourgas and Paul Monisse.

Terry Petry (Property Industry Foundation) – on behalf of the applicant, and Will Mataka (Salvation Army) – on behalf of the applicant.

Item 4 Development Application: 1 Shakespeare Place, Sydney - D/2023/995

The Panel granted consent to Development Application Number D/2023/995 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, is consistent with the objectives of the SP5 Metropolitan Centre zone.
- (B) The development will not detrimentally impact on the heritage significance of the site.
- (C) The development will not adversely affect the character of the locality and is generally compatible with the character of the Macquarie Street Special Character Area.
- (D) The development, subject to conditions, will safeguard neighbourhood amenity and will promote the orderly operation of the premises.
- (E) The development accords with objectives of the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.

Carried unanimously.

D/2023/995

Speaker

Phil Barter (State Library NSW) – on behalf of the applicant.

Item 5 Development Application: 56A Allen Street, Glebe - D/2023/790

The Panel refused consent for Development Application Number D/2023/790 for the reasons outlined below.

Reasons for Decision

The application was refused for the following reasons:

- (A) The proposal is in breach of the Floor Space Ratio development standard applying to the site pursuant to Clause 4.4 of the Sydney Local Environmental Plan 2012 and the application fails to satisfy the provisions of Clause 4.6(3) of the Sydney Local Environmental Plan 2012 to justify the contravention of the standard. The applicant's written request to vary the Floor Space Ratio development standard is not supported as the proposal is inconsistent with the Floor Space Ratio development standard objectives for Clause 4.4 of the Sydney Local Environmental Plan 2012. The proposed variation of the development standard results in a development which will adversely impact on the amenity for existing units on the site and neighbouring dwellings, is not compatible with Council's flood planning measures, and is not sympathetic to the heritage conservation area.
- (B) The proposal is in breach of the Height of Buildings development standard applying to the site pursuant to Clause 4.3 of the Sydney Local Environmental Plan 2012 and the application fails to satisfy the provisions of Clause 4.6(3) of the Sydney Local Environmental Plan 2012 to justify contravention of the standard. The applicant's written request to vary the Height of Buildings development standard is not supported as the proposal is inconsistent with the Height of Buildings development standard objectives for Clause 4.3 of the Sydney Local Environmental Plan 2012. The proposed variation of the development standard results in a development which will adversely impact on the amenity for existing units and neighbouring dwellings, is not compatible with Council's flood planning measures, and is not sympathetic to the heritage conservation area.
- (C) The proposal is inconsistent with objective (a) of Clause 5.21 Flood Planning of the Sydney Local Environmental Plan to minimise the flood risk to life and property associated with the use of land, and Clause 5.21(2)(a) as Council is not satisfied that the development is compatible with the flood function and behaviour of the land.
- (D) The proposal is inconsistent with Sydney Development Control Plan 2012 Objective 3.5.2 (a) which is to ensure that tree canopy cover is considered and provided appropriately in each development, and Provision 3.5.2 (2) as it will not provide at least 15 per cent canopy coverage of the site within 10 years from completion of development.
- (E) The proposal does not demonstrate compliance with Sydney Development Control Plan 2012 Provision 3.11.3 which requires a minimum of 1 on-site bike parking space per dwelling, as the development provides no on-site spaces for bike parking.
- (F) The proposal does not demonstrate compliance with Sydney Development Control Plan 2012 which requires that development within a heritage conservation area be compatible with the surrounding built form and urban pattern.
- (G) The proposal does not provide acceptable amenity as it does not demonstrate compliance with Sydney Development Control Plan 2012 Provision 4.2.3 Amenity with regard to solar access, landscaping, deep soil, common open space, private open space and outlook.

- (H) The applicant has failed to adequately demonstrate that:
- (i) the existing overhead electricity service mains that supply the subject property have sufficient clearance to the proposed construction as per the requirements of "The Installation and Service Rules of NSW"; and
 - (ii) the proposed development does not encroach on the statutory clearances of nearby powerlines as set out in the AS7000 and Ausgrid Standard NS220.
- (I) The design of the proposal, which exceeds the maximum height and floor space ratio standards, is of poor quality and fails to achieve the objectives of Division 4 Design Excellence of the Sydney Local Environmental Plan 2012 which is to deliver the highest standard of architectural, urban and landscape design, in regard to the matters at subclauses 6.21C(2)(a), (b), (d)(iii), (d)(v), (d)(vii), and (d)(xiii). Development consent cannot be granted to development that does not achieve design excellence under the provisions of Clause 6.21C.

Carried unanimously.

D/2023/790

Speaker

Jason Perica (Perica and Associates) – on behalf of the applicant.

Item 6 Development Application: 2 Princes Highway, Alexandria - D/2023/806

Pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, the Panel granted a deferred commencement consent to Development Application Number D/2023/806 subject to the conditions set out in Attachment A to the subject report to the Local Planning Panel on 28 February 2024, subject to the following amendments (additions shown in ***bold italics***, deletions shown in ~~strike through~~):

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2023/806 dated 14 September 2023 and the following drawings prepared by TZG:

Drawing Number	Drawing Name	Date
A 000	Cover Page	29/08/2023
A 001	Site Plan	29/08/2023
A020	Demolition Ground Floor Plan – North	29/08/2023
A023 <i>A021</i>	Demolition Ground Floor Plan – South	29/08/2023
A022	Demolition Level 1 Plan – North	29/08/2023
A023	Demolition Level 1 Plan – South	29/08/2023
A024	Demolition Roof Plan	29/08/2023
A070	Hardy Patent Kiln – Conservation Elevations	29/08/2023
A071	Hoofman Kiln – Conservation Elevations	29/08/2023
A072	Down Draught Kiln 1 – Conservation Elevations	29/08/2023
A073	Down Draught Kiln 2 – Conservation Elevations	29/08/2023
A074	Down Draught Kiln 3 – Conservation Elevations	29/08/2023
A100	Ground Floor Plan – North	29/08/2023

Drawing Number	Drawing Name	Date
A101	Ground Floor Plan – South	29/08/2023
A102	Level 1 Plan – North	29/08/2023
A103	Level 1 Pan – South	29/08/2023
A104 Rev. 01 02	Roof Plan – North	13/12/2023 21/12/2023
A105 Rev. 01 02	Roof Plan – South	13/12/2023 21/12/2023
A200 Rev. 01	Hardy Patent Kiln – Elevations	29/08/2023 21/12/2023
A201 Rev. 01	Hoofman Kiln – Elevations	26/07/2023 21/12/2023
A202 Rev. 01 02	Down Draught Kiln 1 – Elevations	13/12/2023 21/12/2023
A203 Rev. 01 02	Down Draught Kiln 2 – Elevations	13/12/2023 21/12/2023
A204 Rev. 01 02	Down Draught Kiln 3 – Elevations	13/12/2023 21/12/2023
A205 Rev. 01	Down Draught Kiln 3 5 – Elevations	26/07/2023 21/12/2023
A300	Sections	26/07/2023
A301 Rev. 01	Sections	13/12/2023
A400	Perspective 1	26/07/2023
A401	Perspective 2	26/07/2023
A402	Perspective 3	26/07/2023
A403	Perspective 4	26/07/2023
A601	Signage Strategy – Interpretation	29/08/2023

The following landscape drawings prepared by *JMD Design*:

Drawing Number	Drawing Name	Date
L00 Rev. F	Title Sheet	14/12/2023
L01 Rev. E	Tree Management Plan	14/12/2023
L01 Rev. E	General Arrangement – North	14/12/2023
L03 Rev. E	General Arrangement – South	14/12/2023
L04 Rev. C	Section AA	12/05/2023
L05 Rev. C	Section BB & CC	14/05/2023
L06A Rev. C	Materials & Finishes Schedule	10/07/2023
L06B Rev. C	Materials & Finishes Schedule	10/07/2023
L07 Rev. D	Indicative Mass Planting Palette	10/07/2023
L08 Rev. E	Indicative Tree Planting	28/08/2023
L09 Rev. E	Deep Soil and Canopy Calcs	28/08/2023

The following Electrical Services drawings prepared by *Northrop*:

Drawing Number	Drawing Name	Date
E00.01 Rev. 1	Electrical Services Legend of Symbols and Notes	30/09/2022
E00.10 Rev. 1	Electrical Services Lighting Schedule	30/09/2022
E10.01 Rev. 5	Electrical Services Site Plan – North	20/06/2023
E10.02 Rev. 5	Electrical Services Site Plan – South	20/06/2023
E60.00 Rev. 1	Electrical Services Single Line Diagram & Details	30/09/2022

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the drawings will prevail.

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, will enable important stabilisation and restoration work to heritage significant fabric and improve public access and use of the site.
- (C) The proposal satisfies design excellence provisions.
- (D) The proposal is in the public interest because it is consistent with the objectives of the RE1 - Public Recreation zone and improves the use of an important historical and community precinct.
- (E) Condition 1 was amended to align the drawings with the digital model.

Carried unanimously.

D/2023/806

Item 7 Development Application: 12-18 Stokes Avenue, Alexandria - D/2023/388

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 (SLEP 2012);
- (B) delegated authority to the Chief Executive Officer to determine Development Application No. D/2023/388, after the completion of the public exhibition period of the draft Voluntary Planning Agreement and after considering any public submissions received; and
- (C) recommended that, if the Chief Executive Officer determines to approve Development Application No. D/2023/388, consideration be given to granting a deferred commencement consent, pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, subject to the conditions set out in Attachment A of the subject report to the Local Planning Panel of 28 February 2024, subject to the following amendments (additions shown in ***bold italics***, deletions shown in ~~strikethrough~~):

(3) SECTION 7.11 CONTRIBUTIONS PAYABLE - CONTRIBUTION TOWARDS PUBLIC AMENITIES – CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2015 – SOUTH PRECINCT

Council has identified the development will increase demand for public amenities and facilities. Pursuant to Section 7.11 of the Environmental Planning and Assessment Act, 1979 (as amended), and the City of Sydney Development Contributions Plan 2015 the following monetary contributions are required towards the cost of public amenities.

<u>Contribution Category</u>	<u>Amount</u>
Open Space	\$298,861.13
	\$300,181.58
Community Facilities	\$46,463.26
	\$46,668.55
Traffic and Transport	\$379,384.32
	\$381,060.54
Stormwater Drainage	\$150,021.20
	\$150,684.03
Total	\$874,729.91
	\$878,594.70

The City of Sydney will index the above contribution for inflation at the time of payment using the following formula.

$$C_{\text{payment}} = C_{\text{consent}} \times (\text{CPI}_{\text{payment}} \div \text{CPI}_{\text{consent}})$$

Where:

- Cpayment = Is the contribution at time of payment;
- Cconsent = Is the contribution at the time of consent, as shown above;
- CPIpayment = Is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment; and
- CPI1consent = Is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being – ~~135.8~~ **136.4** for the ~~September~~ **December** 2023 quarter.

The contribution must be paid prior to the issue of any Construction Certificate in relation to this development.

Please contact Council's Planning Administration staff at planningsystemsadmin@cityofsydney.nsw.gov.au to request a letter confirming the indexed contribution amount payable.

Once the letter confirming the indexed contribution is obtained, payment may be made at any of the City's Neighbourhood Service Centres or the One Stop Shop at Town Hall House. Acceptable payment methods are EFTPOS (debit card only), cash (up to 10K only), Credit Card (up to 50K only) or a bank cheque made payable to the City of Sydney. Personal or company cheques will not be accepted.

The section 7.11 contributions payable may be offset in accordance with the requirements and obligations identified in the Planning Agreement between The Council of the City of Sydney and Smart Design Property Pty Ltd.

Reason

To ensure development contributions are paid to address the increased demand for public amenities and services resulting from the approved development.

(24) ARCHAEOLOGICAL ASSESSMENT

~~An archaeological assessment undertaken by a suitably qualified archaeologist must be submitted to and approved by Council's Urban Design and Heritage Manager prior to the issue of a Construction Certificate. The report must assess whether the proposed works have the potential to disturb any archaeological remains and the need for any archaeological investigation prior to commencement of any works on site. The report should also recommend measures and documentation to be undertaken during the process of demolition and excavation work.~~

~~Recommendations by the archaeological assessment are to be implemented during the process of demolition and excavation work.~~

~~Should the assessment report suggest the site may contain relics and the proposed work may disturb them, council may request the applicant to amend the proposal so that the relics are properly protected or interpreted.~~

Reason

~~To ensure that the archaeology of the site is appropriately managed and protected.~~

Remaining conditions to be renumbered accordingly.

Reasons for Decision

The application was recommended for deferred commencement approval 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 the recommended conditions of consent, it is generally consistent with the planning controls applicable to the site, and where variances are proposed these are acceptable for the reasons outlined in the report to the Local Planning Panel.
- (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 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 clauses 4.3 'Height of buildings' of the Sydney LEP 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 standards.
- (D) The proposal satisfies the objectives and provisions of State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, the SLEP 2012, and the Sydney Development Control Plan 2012.
- (E) The proposal is consistent with the objectives of the E3 'Productivity Support' zone.
- (F) The proposed development appropriately responds to the site and its context, with a building that is appropriate in terms of its height, floorspace and architectural expression, and achieves design excellence.
- (G) The proposed office premises land use is permissible within the zone and will support the vitality of the area. Subject to the recommended conditions of consent, the proposed land use will positively contribute to the amenity of the locality and will not result in adverse impacts.
- (H) The public interest is served by the approval of the development, as amendments to the design have generally addressed the concerns of Council staff and the recommended conditions of consent will mitigate any environmental impacts that could potentially arise from the construction and operation of the proposed development.
- (I) Condition 3 was amended to reflect the CPI at the December 2023 quarter.
- (J) Condition 24 was deleted in line with a request made by the applicant.

Carried unanimously.

D/2023/388

Speakers

William Smart (Smart Design Studio) – on behalf of the applicant.

Item 8 Report to the Local Planning Panel - Status of Applications

The Panel received and noted the subject report.

Carried unanimously.

X019228

The meeting of the Local Planning Panel concluded at 6.01pm.

CHAIR