

Local Planning Panel

Meeting No 96

Wednesday 10 April 2024

Notice Date 3 April 2024

minutes

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Present

Mr Richard Pearson (Chair), Mr Tony Caro, Ms Jocelyn Jackson and Mr Jayden Bregu.

At the commencement of business at 5.03 pm, those present were:

Mr Pearson, Mr Caro, Ms Jackson and Mr Bregu.

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 March 2024, which have been endorsed by the Chair of the meeting.

Item 3 Section 4.55 Application: 100 Bayswater Road, Rushcutters Bay - D/2012/939/K

The Panel granted consent to Section 4.55 Application Number D/2012/939/K subject to the amendment of the conditions in Attachment A to the subject report, with modifications shown in ***bold italics*** (additions) and deletions 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 relevant provisions of Chapter 4 of SEPP (Housing) 2021.
- (C) The proposal is consistent with the aims, objectives and relevant provisions of the Sydney Local Environment Plan 2012 and Sydney Development Control Plan 2012 for the reasons set out in the report.
- (D) The proposal satisfies Clause 6.21C Design excellence provisions of the Sydney Local Environment Plan 2012.
- (E) The development as modified, subject to the imposed conditions of consent, is in the public interest.

Carried unanimously.

D/2012/939/K

Speakers

Joanne O'Callaghan, Alan Weeks and Rod Nesbitt.

Niall McAteer (BBC Planners) – on behalf of the applicant, and Goran Iliev (Dedico) – on behalf of the applicant.

Adjournment

During the discussion on Item 3, at 5.49pm, the meeting was adjourned to allow Panel members to consider matters raised by the speakers.

All Panel members were present at the resumption of the meeting of the Local Planning Panel at 6.08pm.

Item 4 Development Application: 190-192 Victoria Street, Potts Point - D/2023/967

The Panel:

- (A) upheld the variation requested to floor space ratio development standard and 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/2023/967 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 complies with the objectives of the MU1 Mixed Use zone pursuant to the Sydney LEP 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 LEP 2012, that compliance with the floor space ratio and height of buildings development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 4.3 and 4.4 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 floor space ratio and height of buildings development standard.
- (C) Having considered the matters in clause 6.21C(2) of the Sydney LEP 2012, the proposal displays design excellence because:
 - (i) the form and external appearance of the proposed alterations and additions will not have a detrimental impact on the quality or amenity of the public domain;
 - (ii) the alterations and additions will not have a detrimental impact on any private or public view corridors and will not result in any detrimental amenity impacts in terms of overshadowing, visual privacy or noise; and
 - (iii) the proposed bulk, massing and modulation of the alterations and additions are acceptable.
- (D) The development is generally consistent with the relevant objectives and controls of the Sydney LEP 2012 and Sydney DCP 2012.
- (E) Suitable conditions of consent have been applied and the development is considered to be in the public interest.

Carried unanimously.

D/2023/967

Speaker

Anton Kouzmin (Anton Kouzmin Architecture) – on behalf of the applicant.

The meeting of the Local Planning Panel concluded at 6.18 pm.

CHAIR