

Local Planning Panel

Meeting No 98

Wednesday 22 May 2024

Notice Date 15 May 2024

minutes

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Present

Mr Richard Pearson (Chair), Mr Marcus Trimble, Mr Michael Harrison and Mr Jayden Bregu.

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

Mr Pearson, Mr Trimble, Mr Harrison 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 1 May 2024, which have been endorsed by the Chair of the meeting.

Item 3 Development Application: 216-220 Wyndham Street, Alexandria - D/2023/884

The Panel:

- (A) delegated authority to the Chief Executive Officer to determine Development Application D/2023/884, following the conclusion of the public exhibition of the draft Voluntary Planning Agreement and after considering any public submissions; and
- (B) received and noted the recommendation in the subject report that:
 - (i) the Design Excellence Strategy for 216-220 Wyndham Street, Alexandria prepared by Ethos Urban on behalf of City West Housing, dated 16 April 2024, as shown at Attachment D of the subject report, be endorsed pursuant to Section 3.3.1 of the Sydney Development Control Plan 2012 and Section 1.2 of the Competitive Design Policy; and
 - (ii) pursuant to section 4.16(3) of the Environmental Planning and Assessment Act 1979, the application is recommended for deferred commencement approval subject to the conditions set out in Attachment A to the subject report.

Reasons for Decision

The application was recommended for deferred commencement approval for the following reasons:

- (A) The proposal is for a concept building envelope for a mixed use development including indicative commercial uses and residential apartments for the purpose of affordable rental housing. The proposal secures public benefits comprising land dedication for footpath widening and a new east-west through site link and payment of a monetary contribution towards community infrastructure in Green Square. The development is permissible with consent in the MU1 - Mixed Use zone and is consistent with the objectives of the zone.
- (B) The concept envelope complies with the 35m height of buildings development standard pursuant to clauses 4.3 and 6.60B of the Sydney Local Environmental Plan 2012.
- (C) The concept envelope is capable of accommodating development that complies with the floor space ratio controls pursuant to clauses 4.4, 6.14, 6.60B and 6.21D of the Sydney Local Environmental Plan 2012.
- (D) The concept proposal is capable of satisfying the relevant objectives of the Sydney Development Control Plan 2012.
- (E) The concept proposal and Design Excellence Strategy establish suitable parameters for a competitive design process and detailed design of the building. Subject to the recommended conditions, the proposed envelope can accommodate a detailed building design of an appropriate bulk and scale that is in keeping with the desired future character of the area and capable of achieving design excellence.

Carried unanimously.

D/2023/884

Speaker

Jacob Dwyer (Ethos Urban) – on behalf of the applicant.

Item 4 Development Application: 20-26 Bourke Road, Alexandria - D/2023/691

The Panel:

- (A) delegated authority to the Chief Executive Officer to determine Development Application No. D/2023/691 (for non-residential uses only), following the conclusion of the public exhibition period of the draft Voluntary Planning Agreement and after considering any public submissions received; and
- (B) received and noted the recommendation in the subject report that:
 - (i) the Design Excellence Strategy for 20-26 Bourke Road, Alexandria prepared by Ethos Urban and dated 1 May 2024, as shown in Attachment D to the subject report, be endorsed pursuant to Section 3.3.1 of the Sydney Development Control Plan 2012 and Section 1.2 of the Competitive Design Policy; and
 - (ii) pursuant to Section 4.16(3) of the of the Environmental Planning and Assessment Act 1979, the application is recommended for deferred commencement approval subject to the conditions set out in Attachment A of the subject report, subject to the following amendment (deletion shown in ~~strike through~~):

PART A1 – GENERAL

CONDITIONS OF CONSENT

(3) MATTERS NOT APPROVED

The following items are not approved and do not form part of this concept development consent:

- (a) any demolition, tree removal, excavation, remediation and/or construction;
- (b) the height in storeys or street frontage height in storeys of the development;
- (c) the layout ~~and number of residential apartments or~~ non-residential tenancies;
- (d) the depth, extent, number, layout and design of basement levels and/or configuration of car parking;
- (e) the number of car parking spaces, bicycle spaces, car share or loading spaces/zones;
- (f) the precise quantum of floor space; and
- (g) up to 10% design excellence uplift in floor space.

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) 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.
- (C) The proposal is consistent with the objectives of the E3 'Productivity Support' zone.
- (D) The building envelope complies with the maximum height of buildings development standard in clause 4.3 of the SLEP 2012 and provides capacity for an additional 10 per cent of additional floorspace available under clause 6.21D(3)(b) of the SLEP 2012 for any subsequent detailed design resulting from a design competition process and demonstrating design excellence.
- (E) The indicative reference design accompanying the application demonstrates that the envelope can accommodate a building which complies with the maximum floor space ratio development standard in clause 4.4 of the SLEP 2012.
- (F) Subject to compliance with the Design Excellence Strategy, the undertaking of a competitive design process and the recommended conditions of consent, the proposed development provides building envelopes capable of accommodating future buildings which can exhibit design excellence in accordance with clause 6.21C of the SLEP 2012.
- (G) Condition 3 was amended to clarify that the concept plan is for a non-residential envelope.

Carried unanimously.

D/2023/691

Speaker

Stephen Gouge (Ethos Urban) – on behalf of the applicant.

Item 5 Development Application: 215A Thomas Street, Haymarket - D/2024/14

The Panel granted consent to Development Application Number D/2024/14 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 is compatible with the character of the Haymarket/Chinatown Special Character Area.
- (C) The development is consistent with the objectives of the relevant planning controls.

Carried unanimously.

D/2024/14

Item 6 Development Application 486-490 Elizabeth Street, Surry Hills - D/2023/852

The Panel:

- (A) upheld the variations requested to clause 4.3 Height of Buildings and clause 4.4 Floor Space Ratio 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/2023/852 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 proposed development is consistent with the objectives of the MU1 Mixed Use zone.
- (B) The proposed development satisfies the relevant objectives and provisions of the Sydney Development Control 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 and floor space ratio development standards are unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 4.3 and clause 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 height of buildings and floor space ratio development standards.

Carried unanimously.

D/2023/852

Item 7 Development Application: 3 Joynton Avenue, Zetland - D/2024/148

The Panel granted consent to Development Application Number D/2024/148 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 proposed development is permitted only with consent.
- (B) The proposed development is consistent with the objectives of the zone.
- (C) The potential impacts of the proposed use of the premises and hours of operation can be appropriately managed to ensure the amenity of the surrounding areas is maintained.
- (D) The proposed development is in the public interest.

Carried unanimously.

D/2024/148

Item 8 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 5.19pm.

CHAIR