

# Local Planning Panel

Meeting No 100

Wednesday 3 July 2024

Notice Date 26 June 2024

*minutes*

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#### Present

At the commencement of business at 5.05 pm, those present were:

Ms Jan Murrell, Ms Annelise Tuor, Mr Stephen Pearse and Ms Julie Armour.

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

**Item 3      Development Application: 422-424 Cleveland Street, Surry Hills - D/2023/997**

The Panel grants consent to Development Application Number D/2023/997 subject to the conditions set out in Attachment A of the assessment report.

**Reasons for Decision**

The application is approved for the following reasons:

- (A) The proposal is consistent with the objectives of the MU1 Mixed Use Zone.
- (B) Based upon the material available to the Panel at the time of determining this application, the Panel is satisfied that 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.
- (C) The proposed development represents sympathetic alterations and additions to a contributory building which will enhance the site's contribution to the heritage conservation area pursuant to Section 3.9.7 of the Sydney DCP.
- (D) The design of the proposed rear addition is sympathetic to the historic character and form of the existing church building, whilst being clearly distinguishable as a contemporary rear addition in accordance with the provisions of the Burra Charter.
- (E) The proposed design of development respects and integrates with the sites historic character whilst simultaneously mitigating environmental impacts of overshadowing and overlooking of neighbouring properties pursuant to the Design Excellence provisions of Clause 6.21C of the Sydney LEP.
- (F) The proposed development, subject to recommended conditions of consent, adequately addresses and safeguards the visual and acoustic privacy of neighbouring residential properties pursuant to Clause 6.21C(2)(d)(vii) of the Sydney LEP.
- (G) The proposed development, subject to recommended conditions of consent, exhibits excellence in landscape integration and will enhance the urban greening of the site pursuant to Clause 6.21C(2)(d)(xiii) of the Sydney LEP.
- (H) The proposed development is appropriate to its site and setting, by delivering a high quality design and suitable use to enhance the vitality of the locality and promote the orderly and economic use and development of the land pursuant to Object (c) of the Environmental Planning and Assessment Act 1979 (Clause 1.3(c)).

Carried unanimously.

D/2023/997

**Speakers**

Submitters: Nil

On behalf of the applicant: Giovanni Cirillo (Planning Lab) – applicant, and Ben Green (EmBeCe).

**Item 4      Development Application: 355-357 Liverpool Street, Darlinghurst - D/2024/230**

The Panel refuses to grant consent for Development Application Number D/2024/230 for the following reasons:

- (A) The proposal is contrary to and fails to adequately satisfy the 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 proposed development is in breach of the Height of Buildings development standard pursuant to Clause 4.3 of the Sydney LEP. The applicant's Clause 4.6 variation request to contravene the Height of Buildings standard is not supported.
- (E) The proposed development is in breach of the Floor Space Ratio development standard pursuant to Clause 4.4 of the Sydney LEP. A Clause 4.6 variation request to seek approval to vary the standard has not been submitted by the applicant.
- (F) The proposed development fails to provide compliant floor to ceiling heights to non-habitable areas pursuant to Objective 4C of the ADG. Minimum ceiling heights are non-discretionary development standards as identified by Clause 148(2)(c) of the Housing SEPP 2021. A Clause 4.6 variation request to seek approval to vary the standard has not been submitted by the applicant.
- (G) The proposed development fails to provide compliant minimum internal areas to several apartments within the development pursuant to Objective 4D of the ADG. Minimum internal areas of apartments are non-discretionary development standards as identified by Clause 148(2)(b) of the Housing SEPP 2021. A Clause 4.6 variation request to seek approval to vary the standard has not been submitted by the applicant.
- (H) 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.
- (I) The application fails to adequately address environmental impacts of overshadowing, solar access, views and visual privacy, pursuant to the provisions outlined under Clause 6.21C(2)(d)(vii) of the Sydney LEP.
- (J) The proposed development fails to exhibit Design Excellence pursuant to Clause 6.21C of the Sydney LEP.
- (K) The proposed development provides inadequate amenity to apartments within the development and is non-compliant with multiple provisions of the ADG, including Objectives 3D, 3E, 3F, 4A, 4B and 4E.

- (L) The proposal fails to respect the heritage significance of the contributory building and will have an overbearing impact upon the surrounding heritage conservation area and the adjoining heritage item at 1 Darley Street, in breach of the provisions outlined within Section 3.9.7 of the Sydney DCP.
- (M) The proposal provides no deep soil and is non-compliant with Objective 3E of the ADG and Section 4.2.3.6 of the Sydney DCP.
- (N) The application provides insufficient information to determine the impacts of the proposed excavation upon the structural integrity of neighbouring properties and the retained building fabric, pursuant to Section 3.9.13 of the Sydney DCP.
- (O) 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.
- (P) The application fails to satisfactorily address 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.
- (Q) The development is unsatisfactory when assessed pursuant to the matters for consideration at section 4.15(1)(e) of the EP&A Act and is therefore not in the public interest.

Carried unanimously.

D/2024/230

**Speakers**

Submitters: Kerrie Hammer, Fiona Press, Caroline Alcorso, Neville Wyatt, Geoffrey Hansen, Christine Radford, Jeff Priday and Tone Wheeler (Environa Studio).

Applicant: Nil.

**Item 5 Development Application: 120 Glebe Point Road, Glebe - D/2023/894**

The Panel:

- (A) upholds 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) upholds the variations requested to clause 18(2)(a),(f) and (i) of the State Environmental Planning Policy (Housing) 2021 in accordance with clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012; and
- (C) grants consent to Development Application Number D/2023/894 subject to the conditions set out in Attachment A of the assessment report.

**Reasons for Decision**

The application is approved for the following reasons:

- (A) The development subject to conditions, is consistent with the objectives of the R1 General Residential zone.
- (B) The proposed development has been designed to ensure the heritage significance of the site is protected.
- (C) The development will be a positive outcome for the character of the Glebe Point Road locality, local heritage item (I717), and the Glebe Point Road Heritage Conservation Area.
- (D) The development aligns with the objectives of the relevant planning controls.
- (E) 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 (Sydney LEP 2012) and minimum lot size, minimum parking, and minimum unit size (SEPP (Housing) 2021) development standards is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 4.4 of the Sydney LEP 2012 and Clause 18(2)(a), (f) and (i) of the SEPP (Housing) 2012.
  - (ii) the proposal is in the public interest because it is consistent with the objectives of the E1 Local Centre zone and the height (Sydney LEP 2012) and minimum lot size, minimum parking, and minimum unit size (SEPP (Housing) 2021) development standards.

Carried unanimously.

D/2023/894

**Speakers**

Submitters: Nil.

On behalf of the applicant: Peter Lonergan (Cracknell & Lonergan).

**Item 6      Development Application: 2 Watson Road, Millers Point - D/2024/19**

The Panel grants consent to Development Application Number D/2024/19 subject to the conditions set out in Attachment A of the assessment report.

**Reasons for Decision**

The application is approved for the following reasons:

- (A) The proposed development is permitted in the zone only with consent.
- (B) The proposed use of the site is consistent with the objective of the R1 General Residential zone in that it provides a facility and service to meet the day to day needs of local residents.
- (C) Subject to the imposition of conditions, 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/2024/19

**Speakers**

Submitters: Nil.

On behalf of the applicant: Nil.



The meeting of the Local Planning Panel concluded at 6.05 pm.

CHAIR