

Local Planning Panel

Meeting No 105

Wednesday 16 October 2024

Notice Date 9 October 2024

minutes

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Present

The Hon Dr Robert Stokes (Chair), Ms Jocelyn Jackson, Ms Megan Jones and Ms Julie Armour.

At the commencement of business at 5.00 pm, those present were:

Dr Stokes, Ms Jackson, Ms Jones and Ms 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 25 September 2024, which have been endorsed by the Chair of that meeting.

Item 3 Development Application: 1 Challis Avenue, Potts Point - D/2023/878

The Panel granted consent to Development Application Number D/2023/878 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 ~~strikethrough~~):

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2023/878 dated 27 September 2023 and the following drawings prepared by Leaf Architecture:

Drawing Number	Drawing Name	Date
DA301 Issue 11	DEMOLITION FLOOR PLAN LEVEL 1	04/09/2024
DA302 Issue 11	DEMOLITION FLOOR PLAN LEVEL 2	04/09/2024
DA303 Issue 11	DEMOLITION FLOOR PLAN LEVEL 3	04/09/2024
DA304 Issue 11	DEMOLITION FLOOR PLAN LEVEL 4	04/09/2024
DA305 Issue 11	DEMOLITION FLOOR PLAN LEVEL 5	04/09/2024
DA306 Issue 11	DEMOLITION FLOOR PLAN LEVEL 6	04/09/2024
DA307 Issue 11	DEMOLITION ROOF PLAN	04/09/2024
DA400 Issue 17	PROPOSED FLOOR PLAN BASEMENT	04/09/2024
DA401 Issue 19	PROPOSED FLOOR PLAN LEVEL 1	04/09/2024
DA402 Issue 19	PROPOSED FLOOR PLAN LEVEL 2	04/09/2024
DA403 Issue 19	PROPOSED FLOOR PLAN LEVEL 3	04/09/2024

Drawing Number	Drawing Name	Date
DA404 Issue 20	PROPOSED FLOOR PLAN LEVEL 4	04/09/2024
DA405 Issue 19	PROPOSED FLOOR PLAN LEVEL 5	04/09/2024
DA406 Issue 18	PROPOSED FLOOR PLAN LEVEL 6	04/09/2024
DA407 Issue 9	PROPOSED ROOF PLAN	04/09/2024
DA510 Issue 15	STREETSCAPE (ROCKWALL LANE)	04/09/2024
DA520 Issue 16	STREETSCAPE (VICTORIA STREET)	04/09/2024
DA530 Issue 17	STREETSCAPE (CHALLIS AVENUE)	04/09/2024
DA540 Issue 8	STREETSCAPE (EASTERN ELEVATION)	04/09/2024
DA550 Issue 18	PROPOSED SECTIONS	04/09/2024
DA551 Issue 18	PROPOSED SECTIONS	04/09/2024
DA552 Issue 16	PROPOSED SECTIONS	04/09/2024
DA560 Issue 14	MATERIAL ELEVATION	04/09/2024
DA570 Issue 8 9	ELEVATION - ROCKWALL LANE	04/09/2024
DA571 Issue 8 9	ELEVATION - VICTORIA STREET	04/09/2024
DA572 Issue 7	ELEVATION - CHALLIS AVENUE	04/09/2024
DA580 Issue 6	SECTIONS - ROCKWALL LANE	04/09/2024
DA585 Issue 6	SECTIONS - CHALLIS AVENUE	04/09/2024
DA586 Issue 7	SECTIONS - CHALLIS AVENUE	04/09/2024

Drawing Number	Drawing Name	Date
DA601 Issue 11	PROPOSED STAGING SUMMARY REFURBISHED AREAS	04/09/2024
DA702 Issue 7	PROPOSED SIGNAGE PLANS	04/09/2024

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.

Reason

To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

(2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) The height of the brick and palisade fence to Rockwall Lane is to match the height and design of the existing fence. An elevation at 1:50 is required and is to detail materials, colours and finishes.
- (b) Proposed signage is to be a solid non transparent material such as metal, with any illumination limited to a backlit halo effect.
- (c) Sports netting **and** poles on roof ~~are to be Woodland Grey colour to match overall metal colour for the buildings~~ **colour is to be revised to a lighter colour.**

The modifications are to be submitted to and approved by Council’s Area Coordinator Planning Assessments | Area Planning Manager prior to the issue of a Construction Certificate.

Reason

To require amendments to the approved plans and supporting documentation following assessment of the development.

(7A) SITES IN THE VICINITY OF A HERITAGE ITEM

A protection strategy for the duration of the construction works, is to be submitted to and approved by Council’s Area Planning Manager prior to the issue of any Construction Certificate. The Strategy is to detail how the proposed works will ensure that the Hotel Challis building is to be suitably protected and stabilized during the construction process including from any construction waste, dust, damp, water runoff, vibration or structural disturbance or damage.

Reason

To ensure the protection of adjacent/nearby heritage items.

Reasons for Decision

The application was approved for the following reasons:

- (A) The site is located in the Zone R1 General Residential. The proposed development comprises alterations and additions to an educational establishment (school) which is permitted with consent in the zone.
- (B) The proposed development complies with the maximum Height and Floor Space Ratio development standards contained within Clause 4.3 and 4.4 of the Sydney Local Environmental Plan 2012.
- (C) The proposed development provides an appropriate contribution that is suitable in terms of its context, scale and built form and is consistent with the policy aims and design quality principles set out in Chapter 3 and Schedule 8 of State Environmental Planning Policy (Transport and Infrastructure) 2021.
- (D) The design of the proposed structures minimise the extent of view loss and maintains view corridors where possible and protects the setting of heritage items on the site and within the surrounding Potts Point Heritage Conservation Area.
- (E) The proposed development will not unreasonably impact the existing amenity of surrounding residential properties.
- (F) Suitable conditions of consent are recommended, and the proposed development is considered to be in the public interest.
- (G) Condition 1 was amended to reflect the correct reference to selected drawings.
- (H) Condition 2(c) was amended to ensure the proposed colour of the poles and sports netting is not too dark.
- (I) Condition 7A was added to ensure the protection of nearby heritage buildings during excavation.

Carried unanimously.

D/2023/878

Speakers

Anthony Boskovitz (Boskovitz Lawyers), Goran Stojanovic and Christine Paull.

Jacob Dwyer (Ethos Urban) – on behalf of the applicant, and Denise Matovic (Leaf Architecture) – on behalf of the applicant.

Item 4 Development Application: 353-359 Crown Street, Surry Hills - D/2024/620

The Panel granted consent to Development Application Number D/2024/620 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 ~~strikethrough~~):

~~(2) NO FOOD PREPARATION (PRE-PACKAGED FOODS ONLY)~~

~~This approval does not include the preparation and processing of food at the premises and relates only to the sale of food sold and served in the supplier's original package.~~

Reason

~~To restrict the use of food premises without an adequate kitchen.~~

(11) CESSATION OF SERVICE

The premises may be open for business only between the operating hours in the condition above. The operator must cease providing alcohol ***to be consumed*** at the premises 30 minutes before the required closing time.

Reason

To ensure the development operates within the approved hours of operation.

Reasons for Decision

The application was approved for the following reasons:

- (A) The development, subject to conditions, is consistent with the objectives of the MU1 Mixed Use zone.
- (B) The development is compatible with the character of the Surry Hills North locality, noting its commercial and retail character.
- (C) The submitted Plan of Management has been assessed as acceptable. It adequately addresses the operational, safety and security requirements of the premises.
- (D) No objection is raised to the proposal by NSW Police.
- (E) As conditioned, the development will not unreasonably compromise the amenity of nearby properties.
- (F) The development accords with objectives of relevant planning controls.
- (G) Condition 2 was deleted to better reflect the intended operations of the premise.
- (H) Condition 11 was amended to better reflect the intended operations of the premises.

Carried unanimously.

D/2024/620

Speaker

Luke Signoretti (Milestone) – on behalf of the applicant.

Item 5 Development Application: 39-41 York Street, Sydney - D/2024/163

The Panel granted consent to Development Application Number D/2024/163 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 use of the site is consistent with the objective of the SP5 Metropolitan Centre zone in that it provides a land use that serves the workforce, visitors and wider community and promotes active street frontages.
- (B) Having considered the matters in Clause 6.21C of the Sydney LEP 2012, the building displays design excellence.
- (C) The proposal is consistent with the sun access plane requirements under Clause 6.17 of Sydney LEP 2012.
- (D) The proposal satisfies the design principles and built form provisions for the Wynyard Park Special Character Area.
- (E) 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.

Carried unanimously.

D/2024/163

Speaker

Edward Green (Urbis) – on behalf of the applicant.

The meeting of the Local Planning Panel concluded at 6.03 pm.

CHAIR