

Local Planning Panel

Meeting No 107

Wednesday 27 November 2024

Notice Date 20 November 2024

minutes

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Present

Ms Jan Murrell (Chair), Ms Kara Krason, Mr Stephen Pearse and Ms Julie Armour.

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

Ms Murrell, Ms Krason, Mr Pearse 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 6 November 2024, which have been endorsed by the Chair of the meeting.

Item 3 Development Application: 28-36 Bayswater Road, Potts Point - D/2023/71

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; and
- (B) granted consent to Development Application Number D/2023/71 subject to the conditions set out in Attachment A to the subject report, subject to the following amendments (additions shown in ***bold italics***):

(147) USE OF COMMUNAL OPEN SPACE

Use of the Level 3 and Level 4 communal open space areas ***must be available for the use by all residents of the building and must be designated as common property on any strata subdivision of the site, with no exclusive rights. Use of the communal open space*** is limited to between the hours of 6:00am and 10.00pm daily.

All external lighting associated with the communal open spaces must comply with AS/NZS 4282:2019 'Control of the obtrusive effects of outdoor lighting' and must be mounted, screened and directed in a way that does not create a nuisance or light spill on to buildings on adjoining properties.

Reason

To ensure that the use of the communal open space areas does not adversely impact on the amenity of the area.

Reasons for Decision

The application was approved for the following reasons:

- (A) The development complies with the objectives of the E1 Local Centre zone pursuant to the Sydney Local Environmental Plan 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 Local Environmental Plan 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 Local Environmental Plan 2012 and
 - (ii) the proposal is in the public interest because it is consistent with the objectives of the E1 Local Centre zone and the 'height of buildings' development standard.
- (C) Having considered the matters in Clause 6.21C(2) of the Sydney Local Environmental Plan 2012, the building displays design excellence because:
 - (i) the proposed development provides a high standard of architectural design, materials and detailing appropriate to the building type and its location
 - (ii) the proposal will have a positive impact on the subject site, the original heritage fabric, the heritage conservation area and the streetscape

- (iii) the proposed development is compatible with the built form and density of surrounding developments and
 - (iv) the proposed development will not result in any detrimental visual privacy, overshadowing, view loss, wind or reflectivity impacts.
- (D) The development is generally consistent with the objectives of the relevant planning controls.
- (E) Appropriate conditions are recommended to ensure the development does not detrimentally impact on the heritage significance of the site.
- (F) The development will not adversely affect the character of the Kings Cross locality or the Potts Point Heritage Conservation Area.
- (G) The development will not unreasonably compromise the amenity of nearby properties.
- (H) Suitable conditions of consent are recommended and the development is in the public interest.
- (I) Condition 147 was amended to further clarify the use of the communal open space.

Carried unanimously.

D/2023/71

Speakers

Kristy Hodgkinson (Hamptons Property Services) – on behalf of the applicant, and Vince Squillace (Squillace Architects) – on behalf of the applicant.

Item 4 Development Application: 93 Wigram Road, Glebe - D/2024/288

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; and
- (B) granted consent to Development Application Number D/2024/288 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 proposal is generally consistent with the relevant objectives and controls of the Sydney Local Environmental Plan 2012 (LEP) and the Sydney Development Control Plan (SLEP) 2012.
- (B) Based upon the material available to the Panel when determining this application, the Panel is satisfied that the applicant has demonstrated that compliance with the Height development standard in clause 4.3 of the Sydney LEP 2012 is unreasonable or unnecessary in the circumstances, and that there are sufficient environmental planning grounds to justify the contravention of the development standard in accordance with the requirements of clause 4.6(3) of the Sydney LEP 2012.
- (C) The proposed development complies with the maximum floor space ratio development standard contained in clause 4.4 of the Sydney LEP 2012.
- (D) The proposed development provides an appropriate contribution that is suitable in terms of its context, scale and built form which is consistent with the desired future character of the area, subject to conditions. As such, the proposed development exhibits design excellence in accordance with the requirements contained in clause 6.21C of the Sydney LEP 2012.
- (E) The development is generally consistent with the objectives of the Sydney Development Control Plan 2012.
- (F) Suitable conditions of consent are recommended, and the development is in public interest.

Carried unanimously.

D/2024/288

Speaker

Sam Khamasieh (NLAS Designs) – on behalf of the applicant.

Item 5 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 5.18 pm.

CHAIR