

Local Planning Panel

Meeting No 118

Wednesday 2 July 2025

Notice Date 25 June 2025

minutes

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Present

Jan Murrell, Elizabeth Kinkade, Marcus Trimble and David Green.

At the commencement of business at 5:02pm, those present were:

Ms Murrell, Ms Kinkade, Mr Trimble and Mr Green.

The Executive Manager Planning and Development joined the meeting at 6:19pm, at the commencement of discussion of Item 4. The Acting Manager Planning Assessments was present for discussion and voting on Item 3.

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 11 June 2025, which have been endorsed by the Chair of that meeting.

Item 3 Development Application: 158 Wyndham Street, Alexandria - D/2024/803

The Panel:

- (A) upheld the request to vary the height of buildings development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012;
- (B) upheld the request to vary the ceiling heights development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012; and
- (C) pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, granted a deferred commencement consent to Development Application Number D/2024/803 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 ~~striketrough~~):

(25) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) The west facing living room glazing on Levels 1-4 are to have a solid spandrel to sill height in masonry or metal cladding. Floor to ceiling glazing or fritted glass is not permitted.
- (b) The glass balustrades on the eastern and western elevations are not approved. Solid or metal balustrades with angled blades, or similar, are to be provided to prevent direct viewing to the balconies. Opaque glass is not permitted.
- (c) Fixed or operable vertical sun shading is to be provided to the western facade to protect glazing from the summer sun while optimising winter sun.
- (d) Additional planters are to be provided on the south-eastern portion of the rooftop level to prevent overlooking to neighbouring private open space to the south of the site. The raised planters are to be 1.1m high, a minimum 1m wide with screen planting and form the balustrade so that they can be maintained from the rooftop.
- (e) ***Details of the AC condenser units and screening of those units is to be provided.***

The modifications are to be submitted to and approved by Council's 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.

(108) USE OF COMMON AREAS AND FACILITIES

The communal open space on the ground floor and the rooftop level must be available for the use all residents of the building and must be designated as common property on any strata subdivision of the site, with no exclusive use rights.

A Rooftop Plan of Management is to be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate. The rooftop communal open space must not be accessed before 6:00am, and from Sunday to Thursday must close at 10:00pm. On Friday and Saturday nights the rooftop communal space must close at midnight. In addition, no more than 15 people may congregate on the rooftop at any one time.

Signage is to be installed outlining the operating hours and capacity limit.

Reason

To ensure designated areas within the residential development are maintained as common property. ***The Plan of Management for use of the roof top area is to mitigate adverse impacts for adjoining residents by restricting the hours of operation and the maximum number of people on the roof top at any one time.***

Reasons for Decision

The application was approved for the following reasons:

- (A) The proposal satisfies the objectives of the Environmental Planning and Assessment Act 1979 in that, subject to the recommended conditions of consent, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Local Planning Panel.
- (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 requests have 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 the ceiling heights development standards is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening the development standards.
- (C) The development is permissible with consent in the MU1 - Mixed-Use zone and is consistent with the objectives of the zone.
- (D) The proposal has been assessed against the aims and objectives of the relevant planning controls including the Sydney Local Environmental Plan 2012, the Sydney Development Control Plan 2012, and State Environmental Planning Policy (Housing) 2021. Where non-compliances exist, they have been demonstrated in this report to be acceptable in the circumstances or are to be resolved by the recommended conditions of consent.
- (E) The proposed development demonstrates design excellence in accordance with the relevant provisions and matters for consideration in clause 6.21C of the Sydney Local Environmental Plan 2012.

- (F) The proposed development has a form, bulk and massing that is suitable for the site and its context and is appropriate in the setting of the Botany Road Precinct.
- (G) Condition 25(e) was added to protect visual and acoustic amenity and avoid any further overshadowing.
- (H) Condition 108 was amended to protect residents' and neighbours' acoustic amenity.

Carried unanimously.

D/2024/803

Speakers

Vanessa Knight, Michael Talone, Cynthia Talone and Angel Nunley.

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

Adjournment

During discussion on Item 3, at 5:43pm, 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 6:07pm.

Item 4 Development Application: 2 Northcote Road, Glebe - D/2025/4

The Panel granted consent to Development Application Number D/2025/4 subject to the conditions set out in Attachment A to the subject report, and subject to the following amendments (additions shown in ***bold italics***, deletions shown in ~~strikethrough~~):

(2) STAGING OF DEMOLITION

The eastern toilet building must not be demolished until a new amenities building is constructed in the location of the existing western toilet building and available for use.

Certification equivalent to a Construction Certificate for the new replacement toilet must be obtained prior to the demolition of all existing public amenity buildings. The eastern toilet building must remain available for use and not be demolished until the new amenities building is constructed in the location of the existing western toilet building and available for use.

Reason

To ensure that the eastern amenities building is not demolished prior to a replacement amenities building being constructed and available for use.

Reasons for Decision

The application was approved for the following reasons:

- (A) The development accords with the objectives of the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012.
- (B) The proposal is in the public interest because it is consistent with the objectives of the RE1 Public Recreation zone.
- (C) The development will not result in detrimental impacts to the character of the Glebe and Forest Lodge locality and the Toxteth heritage conservation area.
- (D) Appropriate conditions are recommended to ensure the proposed development does not result in any detrimental impacts to the existing trees on site.
- (E) The development, subject to the recommended conditions, will not unreasonably compromise the amenity of nearby properties.
- (F) Condition 2 was amended to ensure there are operating amenities available for use throughout the demolition and construction process.

Carried unanimously.

D/2025/4

Speakers

Linda Phillips (City of Sydney) – on behalf of the applicant, and Chris McBride (City of Sydney) – on behalf of the applicant.

Item 5 Development Application: 136 Oxford Street, Darlinghurst - D/2025/316

The Panel granted consent to Development Application Number D/2025/316 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 is consistent with the objectives of the R1 General Residential zone.
- (B) The development will not detrimentally impact the heritage significance of the site or adversely affect the character of the Taylor Square and Darlinghurst Civic Precinct locality and the East Sydney Heritage Conservation Area.
- (C) The development, subject to conditions, will not unreasonably compromise the amenity of the locality.
- (D) The development accords with the objectives of relevant planning controls.

Carried unanimously.

D/2025/316

By way of comment, the Panel suggests that the Council consider providing an interpretive heritage plaque to identify the date and original use of the facilities. The Panel commends Council for maintaining heritage while providing appropriate re-use.

Speakers

Greg Fisher (Qtopia) – on behalf of the applicant, and Anthony Kiliass (Urbis) – on behalf of the applicant.

The meeting of the Local Planning Panel concluded at 6:34pm.

CHAIR