

RELEVANT INFORMATION FOR THE CENTRAL SYDNEY PLANNING COMMITTEE

FILE: D/2015/966 **DATE:** 17 November 2016
TO: Members of the Central Sydney Planning Committee
FROM: Graham Jahn, Director City Planning, Development and Transport
SUBJECT: Information Relevant To Item 4 - Development Application: 57 Ashmore Street and 165-175 Mitchell Road, Erskineville - At CSPC - 17 November 2016

Alternative Recommendation

It is resolved that:

- (A) the Design Excellence Strategy for 57 Ashmore Street and 165-175 Mitchell Road, Erskineville, dated 8 November 2016, prepared by Urbis on behalf of Greenland Golden Horse Investment Pty Ltd, as shown as **Attachment D** to the subject report, be endorsed pursuant to Section 3.3.1 of Sydney Development Control Plan 2012;
- (B) authority be delegated to the Chief Executive Officer (CEO) to determine Development Application No. D/2015/966 after the draft Planning Agreement, in accordance with the public benefit offer made by Greenland Golden Horse Investment Pty Ltd, dated 7 October 2016, as shown at **Attachment C** to the subject report, is publicly exhibited and any submissions considered;
- (C) if the CEO determines to approve the application, then consideration be given to supporting the variation sought to Clause 4.3 'Height of Buildings' in accordance with Clause 4.6 of the Sydney Local Environmental Plan 2012; and
- (D) if the CEO determines to approve the application, then consideration be given to granting a deferred commencement consent, pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, subject to the conditions as detailed in **Attachment A** to the subject report being amended to include in Part B - Conditions of Consent (Once the Consent is in Operation) - Schedule 1A, the following additional condition - Condition (21A) - (shown below in ***bold italics***):

(21A) COMMUNAL OPEN SPACE AND GREEN ROOFS

The requirement to consider and give preference to providing communal open space and green roofs on the rooftops of mixed use and residential buildings must be included in the competition brief for each of the competitive design processes.

Background

At the CSPC briefing on 10 November 2016, committee members requested consideration to be given to imposing an additional condition of consent requiring future Stage 2 DAs to provide areas of communal open space and green roofs on the rooftops of future buildings.

Planning staff have considered the implications of such a condition and have recommended the condition be included as worded above.

As outlined in the CSPC planning report, planning staff are unlikely to look favourably upon Stage 2 applications that seek to breach the height standard, except where those breaches have been approved at Stage 1. However, if communal rooftops were compulsory across all buildings further non-compliances with heights would be inevitable on some development blocks due to the requirement to provide lift access, balustrades, and the like. Accordingly, if communal rooftops were mandatory the applicant would have to sacrifice GFA in order to comply with the LEP height standard or Stage 1 building envelope, further as these areas were now communal, communal facilities such as toilets would need to be provided which would also count towards floor space. This may be unreasonable if communal open space can alternatively be provided at ground level or on a podium.

Moreover, there is no statutory requirement or development control that requires preference to be given to providing communal open space on rooftops.

In light of the above, planning staff recommend the inclusion of an additional condition '(21A) *Communal Open Space and Green Roofs*', which requires the provision of communal open space and green roofs on rooftops to be a matter for consideration in the competition briefs, and for preference to be given to providing communal open space on the rooftop wherever possible.

Prepared by: Christopher Ashworth, Senior Planner

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Approved



**Graham Jahn, Director City Planning,
Development and Transport**