

RELEVANT INFORMATION FOR THE CENTRAL SYDNEY PLANNING COMMITTEE

FILE: D/2016/1160 **DATE:** 11 May 2017
TO: Members of the Central Sydney Planning Committee
FROM: Graham Jahn, Director City Planning, Development and Transport
SUBJECT: Information Relevant To Item 7 - Development Application: 148-160 King Street, Sydney - At CSPC - 11 May 2017

Alternative Recommendation

It is resolved that:

- (A) the requirement of Section 51N of the City of Sydney Act 1988 to consult with the Central Sydney Traffic and Transport Committee not apply in this instance as the proposal does not require, or that might reasonably be expected to require, the carrying out of road works or traffic control works that are likely to have a significant impact on traffic and transport in the Sydney CBD; and
- (B) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2016/1160, subject to the conditions as detailed in **Attachment A** to the subject report being amended (with modifications shown in ***bold italics*** (additions) and ~~strikethrough~~ (deletions)), as follows:

SCHEDULE 1 - DEFERRED COMMENCEMENT CONDITIONS

(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

- (A) The following deferred commencement conditions must be satisfied prior to the consent becoming operative:

PART A - DEFERRED COMMENCEMENT CONDITIONS

The consent is not to operate until the following condition is satisfied, within 24 months of the date of this determination:

(1) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) the podium-top balconies adjacent to the northern boundary, adjoining apartments A1301 and A1304 are to be ~~deleted, are to be non-trafficable and are to provide maintenance access only~~ ***provided with appropriate privacy screening***;

- (b) ~~the level 13 floor plan is to be reconfigured in the same way as that of level 14 above, to accommodate 1 x studio apartment, 1 x one bedroom apartment, and 3 x two bedroom apartments. Level 13 apartments reconfigured in accordance with A1401, A1402 and A1405 are to have a balcony recessed behind the tower's outer facade. Level 13 apartments reconfigured in accordance with A1403 can utilise the long balcony that adjoins the living room, MB and B1. Level 13 apartments reconfigured in accordance with A1404 should consolidate the long balcony adjacent to rooms MB1, MB2 and the balcony in the south western corner;~~

PART B – CONDITIONS OF CONSENT

SCHEDULE 1A

(2) TOWER LEVEL BALCONIES

- (a) Evidence must be submitted to demonstrate that when facade systems are fully extended (for maximum enclosure) on balconies at level 13 and above:
- (i) the facade systems must have openings that are at least 25 per cent of the external face of the balcony;
 - ~~(ii) the balcony facade design must include an opening at the top of the enclosure which is permanently open, is the width of the balcony, and has a minimum height that is the greater of 300mm or 10 per cent of the distance between the balcony floor and the finished balcony ceiling.~~

Information demonstrating the above requirements must be submitted to **and approved by the Director City Planning, Development and Transport** ~~the satisfaction of the Principal Certifying Authority~~ prior to the issue of a Construction Certificate.

Background

Privacy and separation

At the Central Sydney Planning Committee (CSPC) briefing on 4 May 2017, the Committee members questioned whether there were alternative design options to address the issues of privacy and separation between the level 13 roof-top terraces/balconies and the adjacent sites to the north. The recommendation of the assessment report had been the deletion of these terraces/balconies and the reconfiguration of Level 13 internal floor plans.

On 9 May 2017, correspondence was received from the applicant's planning consultant expressing the view that there are a range of design approaches that could be applied to ensure the necessary privacy while maintaining the balconies as useable private open space and requesting an alternative condition be imposed.

Consideration has been given to the applicant's request, and it is agreed that the provision of appropriate screening measures can alleviate the privacy impacts and allow the useability of these podium roof tops as private open space. As a consequence of this alternative approach, it is no longer considered necessary to reconfigure the internal layout of all units on Level 13. As such, it is recommended that Condition 1(a) of the deferred commencement conditions be modified to reflect the revised privacy treatment requirement and that Condition 1(b) of the deferred commencement condition be deleted.

Tower level balconies

The 9 May 2017 correspondence from the applicant's planning consultant also requested that Condition 2(a)(ii) (Tower Level Balconies) in Part B of the conditions of consent be deleted, as it arises out of a misunderstanding of the proposed treatment of balcony facades. The email also provided some further explanation about the porousness of the proposed facade system.

The CSPC is advised that the balcony screens are entirely porous and are therefore permanently open and comply with provision 4.2.3.13 Wind affected balconies of the Sydney DCP 2012.

As a consequence of this new understanding of the nature of the facade systems and balcony designs, it is recommended that Condition 2(a)(ii) (Tower Level Balconies) in Part B of the conditions of consent be deleted.

It is also recommended that the condition be modified to require the design details satisfying that condition be submitted for approval to the Director City Planning, Development and Transport. This will allow Council to ensure that the planning control provisions of the wind affected balconies are adhered to, and that the architectural integrity of the competition winning scheme is retained.

Prepared by: Ben Chamie, Senior Planner

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Approved



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