

RELEVANT INFORMATION FOR COUNCIL

FILE: D/2015/1658 **DATE:** 27 June 2016
TO: Lord Mayor and Councillors
FROM: Graham Jahn, Director City Planning, Development and Transport
SUBJECT: Information Relevant To Item 9.17 - Development Application: 32-44
Church Street Camperdown - At Council - 27 June 2016

Alternative Recommendation

(with additions shown in ***bold italics*** and deletions shown in ~~strikethrough~~ text)

It is resolved that:

- (A) Council support the request to vary the height development standard under Clause 4.6 of the Sydney Local Environmental Plan 2012; and
- (B) ***a deferred commencement*** consent be granted to Development Application No. D/2015/1658, subject to the following conditions:

PART A

DEFERRED COMMENCEMENT CONDITIONS

(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

The following deferred commencement conditions must be satisfied prior to the consent becoming operative:

(1) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) The basement is to be setback a minimum 1.2 metres from the south-east boundary (that shared with No. 46 Church Street).***
 - (b) Where the level of basement excavation is proposed below the existing ground level of the neighbouring properties to the north-east (measured on the boundary with 1-11 Broderick Street, 2 Marsden Street), the basement must be setback a minimum 1.2 metres from the north-east boundary.***
- (C) evidence that will sufficiently enable Council to be satisfied as to those matters identified in the deferred commencement condition, as indicated above, must be submitted to Council within 24 months of the date of this determination of this deferred commencement consent, failing which this deferred development consent will lapse pursuant to Section 95(6) of the Environmental Planning and Assessment Act 1979;***

- (D) the consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent condition as indicated above, has been satisfied; and**
- (E) upon Council giving written notification to the Applicant that the deferred commencement condition has been satisfied, the consent will become operative from the date of that written notification, subject to the following conditions of consent in Part B – Conditions of Consent (Once the Consent is in Operation):**

PART B – CONDITIONS OF CONSENT

(ONCE THE CONSENT IS IN OPERATION)

Upon written confirmation from Council that the deferred commencement condition contained in Part A above has been satisfied, the consent will become operative from the date of that written confirmation, subject to the conditions of consent as detailed in Schedules 1A, 1B, 1C and 2 of the subject report to the Planning and Development Committee on 21 June 2016.

Background

At the meeting of the Planning and Development Committee on 21 June 2016, an issue was raised by a submitter that City Officers investigate if the excavation for the basement could be setback from the common wall with No.46 Church Street to protect the structural integrity of the heritage item.

A request was made to the applicant and the response received declined to offer a setback for the excavation, but stated that a shoring system such as contiguous piling within the boundary of the subject property will provide stability and separation of the basement excavation to neighbouring development.

Having further reviewed the basement design and method of contiguous piling, concerns are raised with the ability of an engineering solution to provide certainty that the structural integrity of the shared wall with No. 46 Church Street will be maintained, or the integrity of neighbouring development to the north-east (1-11 Broderick Street and 2 Marsden Street).

It is considered that the basement design must be revisited to achieve a minimum setback of 1.2m from the common boundary wall with the heritage item at No. 46 Church Street. It is anticipated that, due to the current proposed length of parking spaces and the configuration of storage and laundry facilities, this modification to the basement may be achieved without a reduction in the number of car parking spaces.

To the north-east, 1-11 Broderick Street currently has a basement level. The lower existing ground level of this neighbouring site may remove the need for a setback to the proposed excavation and any substantial redesign of the basement entry ramp. However, where the proposed level of the basement excavation is below the existing ground level of the neighbouring properties to the north-east (measured on the boundary with 1-11 Broderick Street, 2 Marsden Street), the basement must be redesigned and setback a minimum 1.2 metres from the north-east boundary. This required setback from the north-east boundary will require re-design of the basement and a reduction in car parking spaces proposed.

A setback of 1.2m will provide sufficient margin to enable a practical engineered solution such as piling and underpinning to be implemented. The proposed setback will provide significantly increased certainty that the excavation and construction of the basement can be undertaken without adversely affecting neighbouring property and ensure consistency with Provision 3.9.13(2)(a) of the Sydney Development Control Plan 2012, which does not permit excavation under footings to common walls of heritage items.

Given the significance of the design amendment, a deferred commencement consent is recommended, to provide time for the applicant to redesign the basement and for all corresponding changes to be adequately addressed, prior to the consent commencing.

Prepared by: Alistair Smith, Senior Planner

TRIM Document Number: 2016/341008

Attachments:

Attachment A - Proposed Basement Plan -

DA-100 Rev A	Basement 1 (Carpark)	29.02.2016
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Approved



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

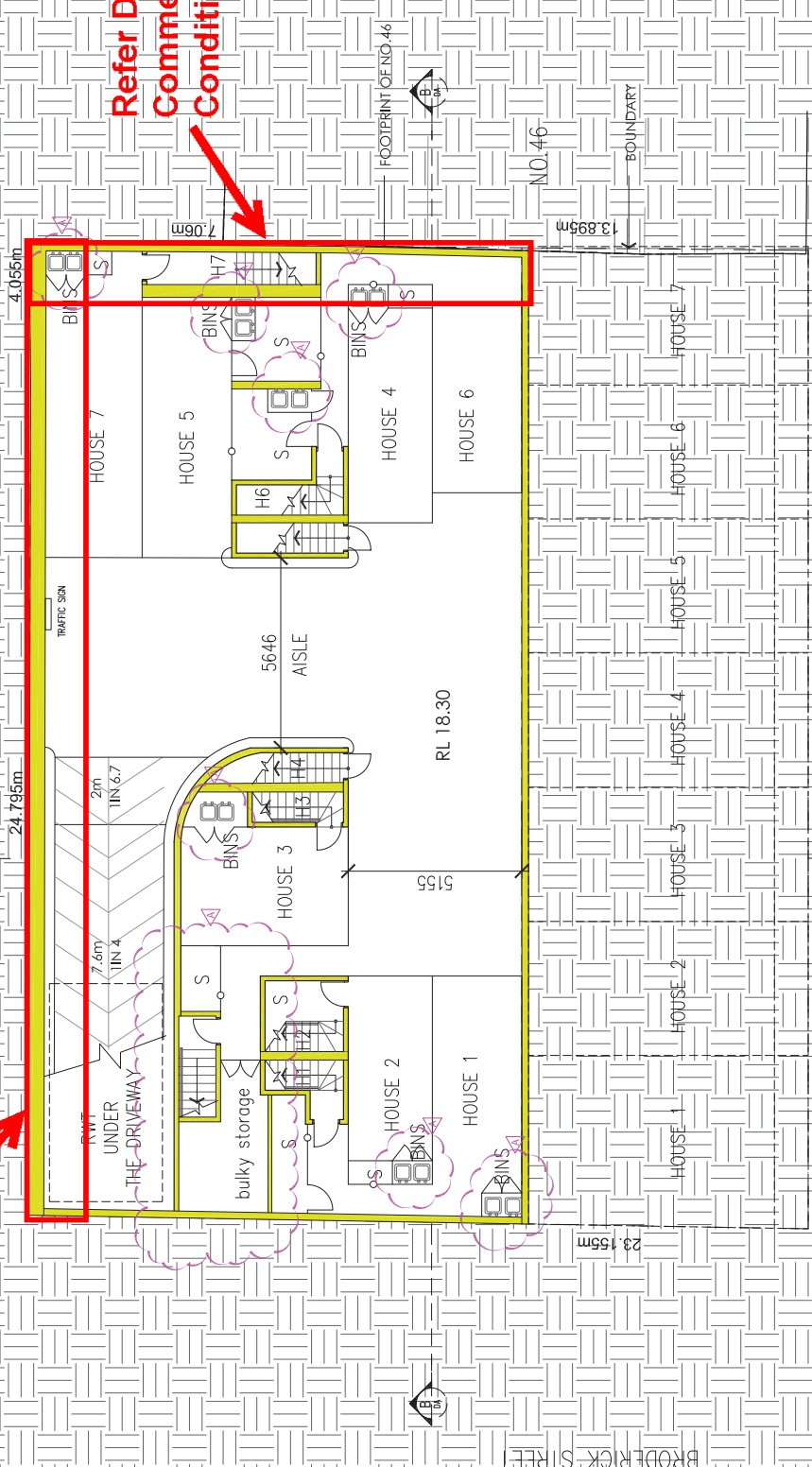
ATTACHMENT A

**PROPOSED BASEMENT PLAN –
DA-100 REV A – BASEMENT 1 (CARPARK)
– 29.02.2016**

32-44 CHURCH STREET CAMPERDOWN

Refer Deferred Commencement Condition 1(b)

Refer Deferred Commencement Condition 1(a)



REV.	DESCRIPTION	DATE	REV.	DESCRIPTION	DATE	NOTE
1	ISSUED FOR DEVELOPMENT APPLICATION	17/1/2015				
2	ADD BINAGE, SECONDARY TIRE EDIT, BULKY STORAGE	20/12/2016				
PARKING CALCULATION						
EXISTING PARKING SPACE				7		
MAXIMUM NUMBER OF CARPARK SPACE (7x2)				14		
2 SPACES FOR MORE THAN 2 BED						
PROVIDED						
SINGLE PARKING				7		
TOTAL				7		

<p>STEPHEN BOWERS ARCHITECTS <small>planning, urban design, architecture, landscape architecture, interior design</small> ABN 44 007 768 423 SEE PAGES 10-11 FOR CONTACT INFORMATION MAIL: 101/102 BROADWAY ROAD MELB VIC 3004 TEL (03) 8312 9705 stephen.bowers@stephenbowersarchitects.com stephenbowersarchitects.com REGISTERED ARCHITECT - STEPHEN BOWERS (2810)</p>	<p>Address 32, 34, 36, 38, 40, 42 and 44 CHURCH STREET CAMPERDOWN</p>		<p>Drawing Title ALTERATION & ADDITIONS TO EXISTING COTTAGES NO.32 TO NO.44</p>	<p>Scale 1:750 (A1/H150(A3))</p>	<p>Date -</p>
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