

RELEVANT INFORMATION FOR COMMITTEE

FILE: D/2016/415 **DATE:** 18 November 2016
TO: Lord Mayor and Councillors
FROM: Graham Jahn, Director City Planning, Development and Transport
SUBJECT: Information Relevant To Item 9.8 – Development Application: 1 Derwent Lane Glebe - At Council - 21 November 2016

Alternative Recommendation

It is resolved that consent be refused for Development Application No. D/2016/415 for the following reasons (with deletions shown in ~~strikethrough~~):

- ~~1. The application exceeds the maximum height limit of 12 metres. The area of non-compliance relates to the eastern corner of the Derwent Lane (front) elevation which will reach a height of 12.2 metres, 200 millimetres (1.7%) over the maximum standard. An exception to the height standard as required in clause 4.6 of the Sydney Local Environmental Plan 2012 was not provided with the application.~~
2. The removal of the Jacaranda tree is not compatible with the character of the area and therefore fails to satisfy the character test in the State Environmental Planning Policy (Affordable Rental Housing) 2009. The removal of the Jacaranda tree is not consistent with Objective 3.5.2(a), Provision 3.5.2(2), Objective 3.5.3(b), Objective 3.5.3(c) and Section 3.9.6 of the Sydney Development Control Plan 2012 which relate to tree management, the urban vegetation and heritage conservation areas. The removal of the Jacaranda tree is also not consistent with Section 5.9 and Section 5.10 of the Sydney Local Environmental Plan 2012 which relate to preservation of trees and heritage conservation.
3. The proposed 4 storey building form is not considered consistent with the predominately 2 to 3 storey building heights in the area and therefore fails to satisfy the character test of the State Environmental Planning Policy (Affordable Rental Housing) 2009.
4. The communal open space does not receive 2 hours of solar access to at least 50% of the area during 9am and 3pm on 21 June and therefore does not comply with clause 4.4.1.4(4)(a) of the Sydney Development Control Plan 2012. The applicant has not demonstrated compliance with the solar access provisions relating to neighbouring dwellings in Section 4.1.3.1 and Section 4.2.3.1 of the Sydney Development Control Plan 2012. The communal open space does not incorporate soft or porous surfaces for 50% of the area in accordance with Provision 4.4.1.4(4)(a) of the Sydney Development Control Plan 2012. The development does not comply with Provision 4.4.1.6(1)(b) of the Sydney Development Control Plan 2012 which requires boarding houses to maintain a high level of resident amenity, safety and privacy by ensuring bedrooms are separated from significant noise sources and incorporate adequate sound insulation.

5. The proposed ceiling heights of 2.53 metres will not provide adequate internal amenity.

Background

At the meeting of the Planning and Development Committee on 14 November 2016:

1. It was advised that reason 1 for refusal is not applicable as a result of clarification of the building's height; and
2. Information was requested on the communication that had taken place between Council officers and the applicant. The following information provides further information:
 - On 21 June 2016, a letter was sent to the applicant requesting amendments to the plans and for additional information to be submitted. In particular, the letter stated that the removal of the tree was not supported, that the design of the building was to be modified to retain the tree and that an arborist report be prepared confirming that the modified design will not impact on the health of the tree. The applicant was provided a deadline of 12 July 2016 to provide a response.
 - On 20 July 2016, the applicant submitted amended plans, but the requested arborist report was not submitted. The amended plans did not address the issue regarding the tree and the amended plans showed the removal of the tree.
 - On 4 August 2016, the applicant submitted a revised version of the amended plans which incorporated the required flood planning levels, a materials schedule board, an acoustic report, an amended stormwater plan and an amended BASIX certificate. No arborist report was submitted. The plans continued to propose removal of the tree.
 - On 8 August 2016, the applicant submitted a preliminary site investigation report.
 - On 22 August 2016, the applicant submitted an arborist report. The report concluded that *'There are no reasonable modifications to the design layout that could enable the retention of these trees in a satisfactory condition'*.
 - On 21 September 2016, the applicant was advised in a telephone conversation that Council's Tree Specialist had reviewed the arborist report and the amended plans, and that the removal of the tree was not supported. The applicant was also advised that the application would be recommended for refusal. While the applicant suggested that there may be an alternative design that could retain the tree, given that Council's concerns were raised some 3 months prior, a further extension of time to amend the plans was not considered warranted at the late stage of the assessment process.
 - On 19 October 2016, in response to an email sent by the applicant on that same day, the applicant was again informed by return email (copy attached) that the application was recommended for refusal and was to be reported to the November of the Planning and Development Committee. This email was sent to both the applicant (planning consultant, Wil Nino) and architect (Ian Armstrong). Ian Armstrong addressed the Planning and Development Committee on 14 November 2016.

- On 15 November 2016, following the Committee Meeting, the architect, Ian Armstrong, provided via email preliminary sketches of possible amended floor plans showing the retention of the tree. In a further telephone conversation of 17 November 2016, Mr Armstrong advised the assessment officer that amended plans would not be submitted for Council's consideration.

Prepared by: Thomas Irons, Planner

TRIM Document Number: 2016/602105

Attachments

Attachment A – Email Correspondence

Approved

A handwritten signature in black ink, appearing to read 'GJahn', is positioned above the printed name of the signatory.

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

ATTACHMENT A

EMAIL CORRESPONDENCE

1 DERWENT LANE GLEBE

Thomas Irons

From: Wil Nino <[REDACTED]>
Sent: Thursday, 20 October 2016 10:59 AM
To: Thomas Irons
Subject: RE: TRIM: 1 Derwent Lane, Glebe (D/2016/415)

Noted. Thanks

Kind regards,

Wil Nino

 nino urban planning+development

town planning + project management + development consultants

p [REDACTED]
w [REDACTED]
e [REDACTED]
o [REDACTED]



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From: Thomas Irons <[REDACTED]>
Sent: Wednesday, 19 October 2016 11:46 AM
To: Wil Nino <[REDACTED]>
Cc: 'Ian Armstrong' <[REDACTED]> 'Sandor Duzs' <[REDACTED]>; 'Nick Countouris' <[REDACTED]>
Subject: RE: TRIM: 1 Derwent Lane, Glebe (D/2016/415)

Hi Wil,

Yes the application will be going to the November meeting and yes the assessment is based on the amended set of plans that were received in response to the letter from Council.

As mentioned on the phone last month, the application is recommended for refusal. Unfortunately I am not able to provide you with a copy of the report until the determination is finalised.

All the best,

From: Wil Nino <[REDACTED]>
Sent: Wednesday, 19 October 2016 9:32 AM
To: Thomas Irons <[REDACTED]>
Cc: 'Ian Armstrong' <[REDACTED]> 'Sandor Duzs' <[REDACTED]> 'Nick Countouris' <[REDACTED]>
Subject: RE: TRIM: 1 Derwent Lane, Glebe (D/2016/415)

Hi Thomas

Further to our phone conversation on Wednesday 21/09/16, can you please advise the status of Council's assessment of the application at 1 Derwent Lane Glebe. You indicated that the application is likely to go to the November Council meeting – is this still the case?

Can you please confirm that Council's assessment is based upon the amended architectural plans supporting documentation that was provided to you via email on 20/07/16, 08/08/16 and 22/08/16.

Can you also advise Council's recommendation on the application and provide a copy of the draft report at your earliest convenience.

Thanks

Kind regards,

Wil Nino

 nino urban planning+development

town planning + project management + development consultants

p [redacted]
w [redacted]
e [redacted]
o [redacted]

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From: Thomas Irons [redacted]
Sent: Wednesday, 7 September 2016 10:28 AM
To: Wil Nino <[redacted]>
Cc: 'Ian Armstrong' [redacted]; 'Sandor Duzs' [redacted]; 'Nick Countouris' [redacted]
Subject: RE: TRIM: 1 Derwent Lane, Glebe (D/2016/415)

Hi Wil,

I am just awaiting final comments from Council's Tree Specialist at which point I will have everything I need to start my assessment of the proposal.

Regards,

From: Wil Nino [redacted]
Sent: Wednesday, 7 September 2016 10:03 AM
To: Thomas Irons [redacted]
Cc: 'Ian Armstrong' [redacted]; 'Sandor Duzs' [redacted]; 'Nick Countouris' [redacted]
Subject: RE: TRIM: 1 Derwent Lane, Glebe (D/2016/415)

Hi Thomas

Further to my voicemail message, I am following up on this application.

Can you please advise Council's assessment of the revised documentation.

Please advise if a meeting would be assist in moving the matter forward.

Thank you

Kind regards,

Wil Nino

 nino urban planning+development

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From: Thomas Irons [redacted]
Sent: Wednesday, 24 August 2016 4:17 PM
To: Wil Nino [redacted]
Cc: 'Ian Armstrong' [redacted]; 'Sandor Duzs' [redacted]; 'Nick Countouris' [redacted]
Subject: RE: TRIM: 1 Derwent Lane, Glebe (D/2016/415)

Thanks Will, I have passed the arborists report onto Council's Tree Specialist for review.

Regards,

From: Wil Nino [redacted]
Sent: Monday, 22 August 2016 9:59 AM
To: Thomas Irons [redacted]
Cc: 'Ian Armstrong' [redacted]; 'Sandor Duzs' [redacted]; 'Nick Countouris' [redacted]
Subject: RE: TRIM: 1 Derwent Lane, Glebe (D/2016/415)

Hi Thomas

Please find attached the arborist report.

Thanks

Kind regards,

Wil Nino

 nino urban planning+development

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From: Wil Nino [REDACTED]
Sent: Monday, 8 August 2016 4:42 PM
To: 'Thomas Irons' [REDACTED]
Cc: 'Ian Armstrong' [REDACTED]; 'Sandor Duzs' [REDACTED]; 'Nick Countouris' [REDACTED]
Subject: RE: TRIM: 1 Derwent Lane, Glebe (D/2016/415)

Hi Thomas

Please see attached Phase 1 Report.

Thanks

Kind regards,

Wil Nino



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p [REDACTED]
w [REDACTED]
e [REDACTED]
o [REDACTED]



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From: Wil Nino [REDACTED]
Sent: Monday, 8 August 2016 10:51 AM
To: 'Thomas Irons' [REDACTED]
Cc: 'Ian Armstrong' [REDACTED]; 'Sandor Duzs' [REDACTED]; 'Nick Countouris' [REDACTED]
Subject: RE: TRIM: 1 Derwent Lane, Glebe (D/2016/415)

Hi Thomas

The Phase 1 report is complete (it was received on Friday), however, it is being revised to address some minor internal comments. I expect to be able to forward this to you by the end of today.

Thanks

Kind regards,

Wil Nino



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From: Thomas Irons [REDACTED]
Sent: Friday, 5 August 2016 9:45 AM
To: Wil Nino [REDACTED]
Cc: 'Ian Armstrong' [REDACTED]; 'Sandor Duzs' [REDACTED]; 'Nick Countouris' [REDACTED]
Subject: RE: TRIM: 1 Derwent Lane, Glebe (D/2016/415)

Hi Wil,

I am just confirming the receipt of your email.

I note that the arborist report and contamination report are on their way.

Regards,

From: Wil Nino [REDACTED]
Sent: Thursday, 4 August 2016 4:18 PM
To: Thomas Irons [REDACTED]; City of Sydney [REDACTED]
Cc: 'Ian Armstrong' [REDACTED]; 'Sandor Duzs' [REDACTED]; 'Nick Countouris' [REDACTED]
Subject: RE: TRIM: 1 Derwent Lane, Glebe (D/2016/415)

Hi Thomas

Further to my email dated 20 July 2016 and your email from 25 July 2016, please find attached revised documentation in support of the Development Application D/2016/415 at 1 Derwent Lane Glebe.

Attached are the following documents:

- Revised architectural plans, incorporating consultant comments. In particular, the ground floor has been raised 100mm to comply with Council's engineer requested level, being the kerb + 300mm GF RL. The balance of amendments in the plans are outlined in my email from 20 July.
- Photo of materials schedule. A hardcopy has been delivered to Council's offices today.
- Acoustic Report.
- Amended stormwater plan incorporating Council's engineer requirements.
- BASIX Certificate. Stamped basix plans will be sent in separate email due to file size.

Please note that the arborist report and Phase 1 Contamination report are currently being finalised and shall be provided to Council as soon as possible. I have been advised by the consultants that the Phase 1 report shall be available by tomorrow and the arborist report shall be available by next week.

I respectfully request that Council undertakes an assessment of the Development Application based upon the amended documentation contained within this email and advises of its position to move the application forward.

Thanks for your assistance.

Kind regards,

Wil Nino

 nino urban planning+development

town planning + project management + development consultants

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From: Thomas Irons [redacted]
Sent: Tuesday, 26 July 2016 1:40 PM
To: Wil Nino [redacted]
Cc: 'Ian Armstrong' [redacted]; 'Sandor Duzs' [redacted]; 'Nick Countouris' [redacted]
Subject: RE: TRIM: 1 Derwent Lane, Glebe (D/2016/415)

Hi Wil,

Yes I can confirm that an extension until Thursday 4 August is ok.

Regards,

From: Wil Nino [redacted]
Sent: Tuesday, 26 July 2016 1:34 PM
To: Thomas Irons [redacted]
Cc: 'Ian Armstrong' [redacted]; 'Sandor Duzs' [redacted]; 'Nick Countouris' [redacted]
Subject: RE: TRIM: 1 Derwent Lane, Glebe (D/2016/415)

Hi Thomas

I note your comments.

The revised consultant documentation is being finalised, and I anticipate it will be ready by the middle of next week. As such, would Council please allow an extension of until Thursday 4 August 2016?

Please let me know if this can be granted.

Thanks

Kind regards,

Wil Nino

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From: Thomas Irons [redacted]
Sent: Monday, 25 July 2016 11:55 AM
To: Wil Nino [redacted]
Cc: 'Ian Armstrong' [redacted]; 'Sandor Duzs' [redacted]; 'Nick Countouris' [redacted]
Subject: RE: TRIM: 1 Derwent Lane, Glebe (D/2016/415)

Hi Wil,

As per the letter dated 21 June 2016, the requested amendments and additional information were required no later than 12 July 2016. I note that a number of items are still outstanding and you have stated in your email last week that they will be provided in due course. Could you please advise me when we can expect to receive the rest of the supporting documentation? If all required supporting documentation cannot be provided by Monday 1 August we will have to proceed with our assessment as per the original documentation.

Once all required supporting documentation has been received, we can then review the amended plans and arrange a meeting if we feel it is required.

Kind regards,

From: Wil Nino [redacted]
Sent: Wednesday, 20 July 2016 9:56 AM
To: Thomas Irons [redacted]
Cc: 'Ian Armstrong' [redacted]; 'Sandor Duzs' [redacted]; 'Nick Countouris' [redacted]
Subject: RE: TRIM: 1 Derwent Lane, Glebe (D/2016/415)

Hi Thomas

On behalf of the landowner, please find attached amended architectural plans. As discussed yesterday via telephone, the amended plans intend to address the design and planning issues raised in Council's letter dated 21 June 2016.

We wish to discuss the amended plans further with you, before finalising the documentation.

Consultant documentation (arborist, acoustic, contamination, flood, BASIX) are currently being prepared and shall be available in due course.

Below is a summary of the amendments as provided by DesignInc.

- An open under-croft has been introduced providing:
 - o Access to main entry
 - o Access to open common area
 - o Access to manager`s unit
 - o Accommodating bicycle and bin storage and 3 motorbike spaces.

- The boarding house internal layout has been amended significantly:
 - o Entry and Common area re-configured
 - Improves floor plan efficiency
 - Avoids circulation impacts on Common room
 - Improved sight lines / visual controls
 - o Staircase and lift have been rotated 90 degrees
 - Significantly reduces acoustic impacts caused by lift door
 - Helps to increase privacy
 - Improves floor plan efficiency

- Balconies have been removed from courtyard facades, however blade wall along SW boundary has been retained.
 - o Addressing concerns about acoustic impacts
 - o Providing increased privacy
 - o Still providing 6pcs of balconies (or terrace on GF) larger, than 4sqm

- Acoustic and privacy screens have been introduced and specified on SE façade.

- Acoustic and privacy screen has been specified on NE façade.

- Drawings / details have been revised:
 - o Dimensions of open outdoor area (4550 x 6018mm)
 - o Dimensions of manager`s private open space (3308 x 6018mm)
 - o Floor plan zones of kitchens have been highlighted in every units
 - o General Kitchen Configuration diagrams have been added
 - o All the relevant drawings / diagrams / FSR calculations / photomontage have been updated
 - o New site plan has been added
 - o New shadow diagram of the Open common area (outdoor area) has been added
 - o New 3d perspective images (4pcs) have been added to explain the building better

Please let me know your availability to meet. Thank you

Kind regards,

Wil Nino

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From: Wil Nino [REDACTED]
Sent: Monday, 18 July 2016 3:11 PM
To: 'Thomas Irons' [REDACTED]
Subject: RE: TRIM: 1 Derwent Lane, Glebe (D/2016/415)

Hi Thomas

I will email you the plans by tomorrow morning and request a meeting for the end of this week (subject to Council's availability).

Thanks

Kind regards,

Wil Nino

 nino urban planning+development

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p [REDACTED]
w [REDACTED]
e [REDACTED]
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From: Thomas Irons [REDACTED]
Sent: Friday, 15 July 2016 9:43 AM
To: Wil Nino [REDACTED]
Subject: RE: TRIM: 1 Derwent Lane, Glebe (D/2016/415)

Hi Wil,

Thanks for the update, next week will be fine. It would be best if you send through the amended plans and additional information first at which point if we feel there is a need to clarify any issues we will organise a meeting.

Kind regards,

From: Wil Nino [REDACTED]
Sent: Thursday, 14 July 2016 4:07 PM
To: Thomas Irons [REDACTED]
Subject: RE: TRIM: 1 Derwent Lane, Glebe (D/2016/415)

Hi Thomas

Thanks for your email. Further to my voicemail message, the consultant team has prepared amended plans to address the matters raised in Council's letter.

However, the landowner is currently overseas and I believe he returns early next week.

Would it please be possible to meet with you and relevant Council officers next week to go through the amendments?

Please let me know. Thanks

Kind regards,

Wil Nino

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From: Thomas Irons [REDACTED]
Sent: Thursday, 14 July 2016 3:58 PM
To: Wil Nino [REDACTED]
Subject: FW: TRIM: 1 Derwent Lane, Glebe (D/2016/415)

Hi Wil,

As per the letter dated 21 June 2016, the requested amendments and additional information were due on the 12 July 2016. Since this date has since passed and I have not heard anything from you, could you please advise when I can expect the requested information?

Kind regards,

From: Thomas Irons
Sent: Tuesday, 21 June 2016 1:47 PM
To: 'wnino@nupd.com.au' [REDACTED]
Subject: TRIM: 1 Derwent Lane, Glebe (D/2016/415)

Hi Nino,

Please find attached a request for amendments and additional information for 1 Derwent Lane, Glebe (D/2016/415).

A hard copy of the letter will be sent shortly.

Kind regards,

Thomas Irons

Planning Assessments


cityofsydney.nsw.gov.au

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