

RELEVANT INFORMATION FOR COUNCIL

FILE: D/2016/809 **DATE:** 24 February 2017
TO: Lord Mayor and Councillors
FROM: Graham Jahn, Director City Planning, Development and Transport
SUBJECT: Information Relevant To Item 9.10 – Development Application: 223-225
Liverpool Street, Darlinghurst - At Council - 27 February 2017

Alternative Recommendation

It is resolved that:

- (A) the variation sought to the Floor Space Ratio in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be supported in this instance; and
- (B) consent be granted to Development Application No. D/2016/809, subject to the conditions as detailed in **Attachment A** to the subject report to the Planning and Development Committee on 20 February 2017, subject to the amendment of Condition (6), the addition of conditions, and the subsequent renumbering of conditions (with amendments shown in **bold italics** (additions) and ~~**bold strikethrough**~~ (deletions) as follows:

SCHEDULE 1A

New condition to be inserted after existing Condition (1):

DESIGN MODIFICATIONS - TOILET DOORS TO LEVEL 3

The design of the building must be modified as follows:

- (a) ***The external, eastern facing toilet doors on Level 3 are to be deleted, with access to the toilets only from within the internal floorplate of level 3.***

The modifications are to be submitted to and approved by Council's Director City Planning, Development and Transport prior to the issue of the first Construction Certificate.

New condition to be inserted after existing Condition (4):

WALKWAYS ON LEVEL 3

The 1.06m wide accessible walkway on Level 3, on the eastern and western elevations only, are not to be used by staff of the offices and are to be accessed for essential maintenance purposes only.

Amendment of existing Condition (6):

(6) COMPLIANCE WITH SUBMITTED MATERIALS AND SAMPLES BOARD

The design details of the proposed building façade, including all external finishes, colours and glazing, must be in accordance with the materials schedule and sample board, and specifications prepared by Fender Katsalidis Mirams Architects (FKM) submitted with the development application dated 17 June 2016. The roof and the ***louvered screen to the plant room are to both be a Colorbond material in the colour 'Terrain'.***

New condition to be inserted after existing Condition (6):

REFLECTIVITY

The Certifying Authority must ensure that the visible light reflectivity from building materials used on the facade and the roof of the building does not exceed 20%, prior to issue of the Construction Certificate.

SCHEDULE 1B

New condition to be inserted after existing Condition (30):

CONSTRUCTION TRAFFIC MANAGEMENT LIAISON COMMITTEE

- (a) ***Prior to the commencement of any work, a Construction Traffic Management Liaison Committee is to be established by the developer to ensure that construction traffic and access issues, in respect to the private lane to the south and west of the subject site, can be dealt with expeditiously and cooperatively.***
- (b) ***The Committee is to be comprised of interested parties representing the subject site and the Park Apartments (18-32 Oxford Street).***
- (c) ***The Committee shall meet prior to the commencement of works on the site and prior to the submission of the final Construction Traffic Management Plan to Council to address initial areas of concern, and then at monthly intervals or as considered appropriate by the Committee throughout the construction process.***
- (d) ***Prior to the commencement of work, the Site Manager is to provide the members of the Committee with 24 hour contact details (including location of site offices and a 24 hour phone number) to ensure that any matters which arise during the construction process are addressed immediately. The Site Manager shall be available during normal business hours to provide information to the public about activities on site and to bring any complaints to the attention of the Applicant.***
- (e) ***A register of all complaints shall be kept by the Applicant throughout the duration of the project and shall be made available to Council Officers on request.***
- (f) ***The Committee meetings are to be recorded/minuted and shall be made available to Council Officers on request.***

- (g) ***The first Committee meeting should establish Terms of Reference, including purpose, size and membership, quorum, meeting frequency and duration, procedures for meetings, recording/distribution of comments and outcomes.***
- (h) ***The Site Manager is to inform each Committee meeting about the construction program, progress reports and impending work.***

Background

At the meeting of the Planning and Development Committee on 20 February 2017, several issues were raised by both Councillors and neighbouring residents. The applicant responded to several of these issues at the Planning and Development Committee meeting, with further information provided following this meeting.

The issues and responses are as follows:

- The Level 3 plans show toilets accessed from the external face and external walkway area only, rather than internally.

Response: The applicant confirmed that this was a drafting error on the plans and not the intention. This has been addressed by an additional condition detailed above to require the external door to be deleted and for an internal door to be installed.

- Councillors asked the applicant if consideration has been given to providing a green roof to address privacy and acoustic issues. It was also suggested that the applicant consider the potential for an extensive light weight treatment to reduce roof glare and improve the environmental credentials of the building for the area around the plant room (to be not accessible, not usable, and low in maintenance).

Response: This has been discussed further with the applicant. The applicant has subsequently advised that they are unable to install a green roof for the following reasons:

- The structural limitations of the roof as a green roof would likely add significant weight to the roof.
- The desire to avoid any additional bulk and height to the rooftop, given that a green roof would likely require a concrete base for support.
- Practical limitations associated with ongoing maintenance.

The applicant has then proposed a more sympathetic colour for the proposed roof and plant screening which is discussed below.

Council staff required that the replacement Level 3 was to be a lightweight, framed structure, predominantly of metal frame and glass. This was intentionally done to address the heritage qualities of the building, and to ensure that the replacement level 3 (which is a later addition) remains a light weight and recessive structure. A green roof would require a more solid structure, which would alter the design and add to the height and bulk of the replacement Level 3. This could result in a poor heritage outcome and detract from the building form and the existing feature turrets.

The Green Roofs and Walls Policy does not make the provision of green roofs compulsory, but provides guidance on how to achieve green roofs.

Therefore, in this case, the provision of a green roof is not appropriate for this building.

- Councillors asked for some information about the materials of the roof top having regard to reducing potential glare to surrounding apartments.

Response: The applicant has confirmed that the material to be used for the roof is Colorbond in a colour known as Terrain which is shown in Figure 1 below. The applicant confirms that a similar colour will also be used for the proposed screening of the roof plant. The colour has been chosen to complement the proposed finishes of the upper level structure but the applicant is prepared to consider other colours if preferred by Council.

A standard reflectivity condition has been recommended (as detailed above) that requires the visible light reflectivity from building materials used on the facade and roof to not exceed 20%.



Figure 1: Proposed Colourbond roof in 'Terrain' colour

- Residents raised concern with the accessible 1.6m walkway, and potential noise, smoke drift and overlooking.

Response: The applicant confirmed that these areas are primarily for maintenance and at 1.06m wide would not be heavily used. It is noted that there is an existing northern and southern terrace on Level 3, as well as an accessible outdoor area at the larger turret to the south western corner of the building.

However, a condition has been recommended to require the 1.06m wide accessible walkway on Level 3, on the eastern and western elevations only, not to be used by staff of the offices and to be accessed for maintenance purposes only.

- Residents of the Park Apartments (18-32 Oxford Street) raised concern with the traffic and access management of the private lane to the south and west of the subject site during construction. Residents also raised concern over the weight of cranes and potential damage to the lane.

Response: It is noted that the subject site has legal Right of Way to use this private lane. To ensure the use of the lane is fairly managed and information is shared with the Park Apartments, a condition is recommended to require that a Construction Traffic Management Liaison Committee be established by the developer to ensure that construction traffic and access issues, in respect to the private lane to the south and west of the subject site, can be dealt with expeditiously and cooperatively.

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Approved



**Graham Jahn AM, Director City Planning,
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