

Relevant Information for Local Planning Panel

FILE: D/2020/762 **DATE:** 3 November 2020

TO: Local Planning Panel Members

FROM: Graham Jahn AM, Director City Planning, Development and Transport

SUBJECT: Information Relevant To Item 7 – Development Application: 113
Commonwealth Street, Surry Hills – D/2020/762

Alternative Recommendation

It is resolved that:

- (A) the variation requested to Clause 4.3 'Height of Building' development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld; and
- (B) consent be granted to Development Application No D/2020/762, subject to the conditions detailed in Attachment B to the subject report to the Local Planning Panel on 4 November 2020, subject to the following amendments (additions shown in **bold italics**, deletions shown in ~~striketrough~~):

(9) ~~**PHOTOGRAPHIC RECORD / DILAPIDATION REPORT – PUBLIC DOMAIN**~~

~~**Prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's satisfaction.**~~

~~**The recording must include clear images of the building facade adjoining the footpath, the footpath, nature strip, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street.**~~

~~**The form of the recording is to be as follows:-**~~

- ~~**(a) A PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;**~~

- ~~(b) Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;~~
- ~~(c) Each image is to be numbered and cross referenced to a site location plan;~~
- ~~(d) A summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record;~~
- ~~(e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.~~

~~Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must immediately be made safe and functional by the applicant. Damage must be fully rectified by the applicant in accordance with the City's standards prior to a Certificate of Completion being issued for Public Domain Works or before an Occupation Certificate is issued for the development, whichever is earlier.~~

(10) PUBLIC DOMAIN DAMAGE BOND

- ~~(a) A Public Domain Damage Bond calculated on the basis of 4.5 square metres of concrete site frontage Beauchamp Lane must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Bond must be submitted as an unconditional bank guarantee or insurance bond as per the Council's Performance Bond Policy in favour of Council as security for repairing any damage to the public domain in the vicinity of the site (Guarantee).~~
- ~~(b) The Guarantee must be lodged with Council prior to an approval for demolition being granted or any Construction Certificate being issued, whichever is earlier.~~
- ~~(c) The Guarantee in this condition will be retained in full until the final Occupation Certificate has been issued, or the public domain works bond has been lodged and any rectification works to the footway and Public Domain, are completed to Council's satisfaction. The Guarantee will be released in full unless rectification works are required where upon 90% of the total securities will be released, with the remaining 10% to be retained for the duration of a 6 months Defect Liability Period.~~

Background

Development Application D/2020/762 is reported to the Local Planning Panel for determination at the meeting 4 November 2020 as a conflict of interest has been identified in relation to the application.

The conflict of interest is that the applicant is a partner of a member of Council staff who is principally involved in the exercise of Council's functions under the Environmental Planning and Assessment Act 1979.

The application has been assessed by an external planning consultant who has provided recommended conditions of consent for an approval of the development with the input of referrals from Council staff including the public domain unit who have recommended the inclusion of Conditions 9 and 10.

A submission has been received from the applicant in response to the recommended conditions requesting that Conditions 9 and 10 not be applied to the development. The submission is included in Attachment A.

Conditions 9 and 10 are conditions that are not typically required for alterations and additions to single dwellings where there are no works proposed to the public domain. It is therefore recommended that the panel consider the request and not apply the conditions.

Prepared by: Shannon Rickersey, Senior Planner

Attachments

Attachment A. Submission from Applicant

Approved



GRAHAM JAHN AM

Director City Planning, Development and Transport

Attachment A

Submission from Applicant

Shannon Rickersey

From: Helen Reynolds [REDACTED]
Sent: Monday, 2 November 2020 3:51 PM
To: Secretariat
Subject: Item 7 of LPP agenda - 4 November

Secretariat, I ask that you pass on the written submission pertaining to item 7 of LPP agenda for 4 November, to the Panel as follows.

Dear Chair and Panel Members

I refer to item 7 on the agenda for 113 Commonwealth Street.

It is respectfully requested that the Panel reconsider imposing conditions 9 and 10 of attachment B.

These conditions are overly onerous for a DA of this scale, given the minor amendments that will be undertaken.

As shown in Figure 10 of the assessing planners report, new work is limited to the addition of ancillary structures and we will not require heavy machinery to load into the site.

There are minor excavations to be done adjacent to the rear retaining wall, and the intention is to do this by hand. Given this approach, the likelihood of any damage to the public domain is low.

It is suggested that any such concerns could be addressed by a condition for the minor excavation adjacent to the back retaining wall (as annotated on plans) be done by hand.

Kind regards

Helen Reynolds