

## Resolution of Local Planning Panel

**15 May 2019**

### Item 4

#### Development Application: 7-9 Knox Street, Chippendale

The Panel:

- (A) upheld the variation sought to the minimum motorbike parking spaces required under Clause 30(1)(h) of the State Environmental Planning Policy (Affordable Rental Housing) 2009 in accordance with Clause 4.6 in the Sydney Local Environmental Plan 2012 in the circumstances of this application;
- (B) upheld the variation sought to the height standard under Clause 4.4 of the Sydney Local Environmental Plan 2012 in accordance with Clause 4.6 in the Sydney Local Environmental Plan 2012 in the circumstances of this application; and
- (C) granted consent to Development Application No. D/2018/748, subject to conditions set out in [Attachment A](#) to the subject report, subject to the following amendments (additions shown in ***bold italics*** and deleted text shown in ~~strike through~~):

#### (2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) The upper level rear windows facing Shepherd Lane must have a sill height of 1.4m above finished floor level.
- (b) The rear door to Shepherd Lane must not open over the property boundary.
- (c) The existing roof on the southern side of the rear building fronting Shepherd Lane must be retained or reconstructed to match the existing.
- (d) The existing timber floor/joists from within the rear building fronting Shepherd Lane are to be reused and reconstructed in the new entry hallway off Shepherd Lane. The timber posts are to be relocated to the hallway wall as a heritage feature of the communal space.

- (e) The existing two roof trusses from within the rear building fronting Shepherd Lane are to be retained and reused as an interpretive device in the landscaping areas of the site (either the hallway next to the stairs and lift or the communal open space at the rooftop).
- (f) A dedicated and clearly marked space for residential bulky waste storage area is required.
- (g) The double room at the ground floor near the Knox Street frontage is not approved. The ground floor communal living room and kitchen must be expanded into the area proposed to be for this room, with the area to include for a dedicated entry from Knox Street, expanded kitchen, bicycle parking and bulky item storage.
- (h) The deep soil at ground level must be unencumbered by any structures or furniture. The bicycle racks must be relocated to an internal area with three additional spaces provided.
- (i) In order to protect the privacy of the neighbouring properties to the east, the planter on the southern side of the communal roof terrace shall be extended for the full extent of the eastern side of the communal roof terrace.
- (j) Additional privacy measures are to be added to the open hallways at all levels to minimise overlooking impacts to eastern neighbours. The privacy measures are to include fixed vertical, angled blades to the east facing section of the balustrade, in between the curved sections.
- (k) The roof level communal open space must include a range of fixed amenities including seating and BBQ area.
- (l) A suitably concealed external clothes drying area is required.
- (m) The north and east elevations and materials and finishes schedule are to be amended to show the external walls currently labelled 'brickwork' as face brick.
- (n) No approval is granted for signage. Building signage is to be removed from the plans/drawings.
- (o) No approval is granted for any works to the Council owned stairs or associated landing on the Knox Street footway adjacent to the site and any reference to works beyond the site boundary are to be removed from the plans.
- (p) The apartment entry doors to the two southern apartments on levels 1 and 2 are to be recessed by at least 1 metre.**
- (q) A 1.8 metre high transparent, glazed, continuous acoustic screen is to be installed on the perimeter of the roof terrace to improve acoustic separation from the adjoining properties.**

All of the above modifications are to be submitted to and approved by Council's Director of City Planning, Development and Transport prior to a Construction Certificate being issued.

**(6A) SIGN DISPLAYING CONTACT DETAILS FOR MANAGER**

***A sign must be placed in a clearly visible position at both entrances to the property displaying the name of the manager and providing a mobile phone number. The signage shall be in bold letters not less than 25mm in height on a contrasting background that can be read without entering the premises.***

**(14) USE OF OUTDOOR COMMUNAL AREA**

The use of the outdoor rooftop communal area is restricted to between the hours of 7.00am to **9.00pm** ~~10.00pm~~ Monday to **Saturday** Sunday. ***It may operate until 10.00pm for a trial period of one year from 15 May 2019. A further application may be lodged to continue the extended hours of operation not less than 30 days before the end of the trial period.*** Boarding house residents and staff are not permitted access to these spaces outside these times. ***The Plan of Management referred to in Condition 15 is to be amended accordingly.***

**Reasons for Decision**

The application was approved for the following reasons:

- (A) The proposal is consistent with the relevant objectives and controls outlined in the State Environmental Planning Policy (Affordable Rental Housing) 2009, Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.
- (B) The exception to Clause 30(1)(h) regarding the minimum motorbike parking standard in the State Environmental Planning Policy (Affordable Rental Housing) 2009 pursuant to Clause 4.6 of the Sydney Local Environmental Plan 2012 is well founded as the applicant has demonstrated that the development is consistent with the aims of the SEPP and objectives of the B4 Mixed Use zone in regards to the site's proximity to public transport, services, employment, education and leisure facilities.
- (C) The exception to Clause 4.3 regarding the height of buildings development standard in the Sydney Local Environmental Plan 2012 pursuant to Clause 4.6 is well founded as the applicant has demonstrated that the development is consistent with the objectives of the standard and the B4 Mixed Use zone.
- (D) The proposal is considered to exhibit design excellence as required by Clause 6.21 of the Sydney Development Control Plan 2012 through its high standard of architectural design.
- (E) The proposal is sympathetic to the contributory building within the site, the adjacent heritage items, and the wider heritage conservation area.
- (F) The proposal, subject to conditions, will not result in unreasonable impacts on neighbourhood amenity.
- (G) Condition 2 was amended to improve separation and accessibility for occupants of apartments on levels 1 and 2 and to provide acoustic separation between the use of the roof terrace and adjoining properties in order to protect the amenity of neighbouring residents.
- (H) Condition 6A was added to ensure that the on-site manager's contact details are clearly displayed at both entrances to the property and so that management issues can be communicated and resolved.

- (l) Condition 14 was amended in response to public submissions raising concerns about the hours of use of the roof terrace at night and the noise impacts on neighbours. The reduced hours of use and approval for a trial period will allow for on-going monitoring and assessment of the noise impacts and future hours of operation.

Carried unanimously.

D/2018/748