

## Resolution of Local Planning Panel

**7 August 2019**

### Item 3

#### Development Application: 132-138 McEvoy Street, Alexandria - D/2018/1615

The Panel:

- (A) Granted deferred commencement consent to Development Application No. D/2018/1615 pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, subject to the conditions set out in Attachment A to the subject report to the Local Planning Panel on 7 August 2019 and subject to the following condition amendments (additions shown in ***bold italics*** and deleted text shown in strikethrough):

Deletion of Deferred Commencement Condition (2) and the remaining conditions renumbered accordingly:

~~(2) SURRENDER OF CONSENT~~

~~In accordance with Section 4.17(1)(b) and Section 4.17(5) of the Environmental Planning and Assessment Act, 1979, a notice of surrender of the following development consent must be provided to Council in writing by the owner of the land in accordance with Clause 97 of the Environmental Planning and Assessment Regulation, 2000:~~

- ~~(a) Development consent D/2017/1073.~~

Deletion of Deferred Commencement Condition (4)(b) and 4(c)(iii) and the remaining condition clauses renumbered accordingly; and

Amendment to Deferred Commencement Condition 4(c) as follows:

**(4) DESIGN MODIFICATIONS**

- (a) Public domain encroachments:
- (i) The encroachment of awnings into the land dedication area to McEvoy Street and the public domain to Bowden Street must be removed.

- ~~(b) Deep soil and tree plantings:~~
- ~~(i) One tree must be provided for every 4 car spaces not overhung by the building along the south-eastern boundary of the site, planted in bays with a minimum dimension of 2 metres and soil depth of 1 metre unencumbered deep soil. The bays must be provided with a raised kerb barrier and native ground cover planting.~~
  - ~~(ii) All car parking spaces not overhung by the building along the southeastern boundary of the site must be provided with permeable paving.~~
- (c) Facade changes:
- (i) Adjustable vertical louvres **External shading** must be added to all openings on the south-eastern, north-eastern and north-western elevations at levels 1, 2 and 3, **to the satisfaction of the Director City, Planning and Transport**, to provide **acceptable passive solar** protection from low altitude sunlight from spring equinox until autumn equinox.
  - (ii) The fixed vertical louvres shown on the north-eastern elevation must be shown as adjustable to account for low altitude morning sun.
  - ~~(iii) Additional horizontal shading must be provided to the north-eastern elevation to account for northern mid-summer sun exposure.~~

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Insertion of a new Condition (1A) in Schedule 1A of Part B of the Conditions of Consent as follows:

**(1A) SURRENDER OF CONSENT**

***In accordance with Section 4.17(1)(b) and Section 4.17(5) of the Environmental Planning and Assessment Act, 1979, a notice of surrender of the following development consent must be provided to Council in writing by the owner of the land in accordance with Clause 97 of the Environmental Planning and Assessment Regulation, 2000, prior to the issue of any Construction Certificate:***

- (a) Development consent D/2017/1073.**

Amendment of Condition (22) in Schedule 1A of Part B of the Conditions of Consent as follows:

**(22) HOURS OF OPERATION**

The hours of operation are restricted to between ~~9.00am~~ and ~~5.30pm~~ **10.00pm**, **Monday to Sunday** Friday to Wednesday, and 9.00am and 8.00pm, Thursday.

Amendment of Condition (74) in Schedule 1B of Part B of the Conditions of Consent as follows:

**(74) LANDSCAPED (GREEN) ROOFS**

- (a) A detailed plan of the green roof, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's **Director City Planning, Development and Transport Area Coordinator** ~~Planning Assessments / Area Planning Manager~~ prior to the issue of any Construction Certificate. The plan must include:
  - (i) A statement that includes details of proposed use of the green roof, general accessibility, as well as noise and privacy treatments.
  - (ii) Location of existing and proposed structures, services and hard landscaping on the rooftop, roof fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
  - (i) (iii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable).
  - (ii) (iv) Details of the location, sizes and numbers of plants used with reference to NATSPEC (if applicable), with preference for drought resistant species.
  - (iii) (v) Details of the soil media/substrate type and depth.
  - (vi) Details of installation methodology e.g. safety considerations for working at height, location of maintenance hooks (if applicable) transport materials etc.
  - (vii) Details of accessible and inaccessible areas on the Green Roof. Where proposed to be inaccessible, Green Roofs are required to remain such during occupation of the property.
  - (viii) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer (if applicable).
- (b) Prior to the issue of any Construction Certificate, the following details are to be submitted to and approved by the Principal Certifier:
  - (i) Evidence the green roof has been assessed as part of the structural certification provided for the development; and
  - (ii) Evidence the green roof has been assessed as part of the waterproofing certification provided for the development.
- (c) All landscaping in the approved plan is to be completed prior to the issue of any Occupation Certificate.

- (d) Prior to the issue of any Occupation Certificate, a maintenance plan **for the green roof** is to be submitted and approved by **Council's Director City Planning, Development and Transport** the Principal Certifier. A copy of the maintenance plan is to be kept on site at all times during construction and shall be produced to Council on request following completion. The Maintenance Manual shall include as a minimum:
- (i) Frequency and methodology of different maintenance requirements including the removal of green waste.
  - (ii) Details of safety procedures.
  - (iii) Laminated copies of 'As Built' drawings.
  - (iv) Manufacturer's contact details and copies of manufacturers' typical details and specification;
  - (v) Copies of warranties and guarantees relating to all materials and plant used in construction; and
  - (vi) Decommissioning procedures.
- (e) Inaccessible green roofs are required to remain inaccessible during occupation of the property.

### **Reasons for Decision**

The application was approved for the following reasons:

- (A) The proposed development is consistent with Section 4.15 of the Environmental Planning and Assessment Act 1979, in that it achieves the objectives of the planning provisions for the site and does not result in any unreasonable environmental impacts for the reasons outlined in the report.
- (B) The development is consistent with the objectives of the B6 Enterprise Corridor zone pursuant to the Sydney Local Environmental Plan 2012.
- (C) The development is consistent with the maximum permitted Height of Buildings under Clause 4.3 of the Sydney Local Environmental Plan 2012.
- (D) The development is consistent with the maximum permitted Floor Space Ratio (FSR) under Clause 4.4 of the Sydney Local Environmental Plan 2012, pursuant to the End of journey floor space and Community infrastructure floor space at Green Square provisions under Clause 6.13 and Clause 6.14 of the Sydney Local Environmental Plan 2012.
- (E) The built form, height and setbacks addresses the context of the site and are appropriate within the streetscape.
- (F) The proposed mix of land uses are appropriate for the Southern Employment Lands.
- (G) The development exhibits design excellence pursuant to Clause 6.21 of the Sydney Local Environmental Plan 2012 through its architecture, materiality and contribution to the public domain. In particular, the development is capable of achieving a 5.5 star NABERS Energy rating.

- (H) The development is generally consistent with the objectives of the Sydney Development Control Plan 2012, specifically the Green Square and Southern Employment Lands provisions which apply to the site
- (I) The proposed development contributes to the delivery of community infrastructure for Green Square through the dedication of land and embellishment works for a widened shared path along the McEvoy Street frontage, as well as a monetary contribution. These are included in the voluntary planning agreement associated with the development application. The imposition of a deferred commencement is to allow execution of the voluntary planning agreement and registration on title.
- (J) For the reasons above and as outlined in this report, the proposed development is in the public interest, subject to conditions.
- (K) The Panel supported the deletion of deferred commencement condition 2 and amendment to deferred commencement condition 4(b), and the insertion of condition 1A and amendment to conditions 22 and 74 as per Council staff's recommendation and rationale provided in the Relevant to Memorandum, dated 5 August 2019.
- (L) The Panel amended deferred commencement condition 4(c) in response to a submission made by representatives of the applicant. The amended condition allows greater flexibility for the applicant in providing an external shading design solution that ensures the development meets the minimum NABERS rating of 5.5 whilst providing appropriate amenity for future occupants.

Carried unanimously.

D/2018/1516