

Resolution of Local Planning Panel

11 April 2018

Item 4

Development Application: 98-106 Kippax Street, Surry Hills

The Panel:

- (A) Supported the variation to Clause 4.3 Height of Buildings development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environment Plan 2012.
- (B) Granted consent to Development Application No. D/2017/225 subject to the conditions recommended in [Attachment A](#) to the planning officer's report and subject to the following amendments (additions shown in **bold italics** and deleted text shown in ~~strikethrough~~):

(2) Design Modifications To Development

The drawings must be revised to reflect the following design modifications, to the satisfaction of Council's Area Planning Manager, prior to the issue of any Construction Certificate:

- (a) balustrades identified as being constructed using 'Balustrade Type 2' shall consist of **solid metal panels with a vertical profile to match cladding type CL2** ~~fixed metal louvres that are angled to prevent direct overlooking between the site and the adjoining residential building at 81 Foveaux Street. Detailed balustrade drawings shall be submitted to a scale of 1:20;~~
- (b) all natural ventilation chimneys shall be constructed using metallic materials painted a matt colour to match 'Charcoal';
- (c) the ground level awning along Kippax Street shall be re-designed to provide adequate clearance from existing street trees to allow for future growth. A minimum clearance of 1 metre must be provided between the awning and existing street tree trunks;
- (d) the internal layout of the retail tenancy at the south-western corner of the site facing Kippax Street must be amended to provide W.C. facilities;

- (e) to provide convenient access and symmetry of openings within the access corridors, apartments numbered 101, 201, 301, 401 and 501 are to be provided with double doors at the western end of their respective access corridors. The doors must be constructed as follows:
 - (i) using active and inactive leaves that may be opened to full width to permit the passage of large objects; and
- (f) to allow for the changes specified in condition 2(e) above, the bathrooms and the adjoining bedrooms numbered 'bed 2' must be relocated by approximately 900mm towards the southern boundary. Bedrooms numbered 'bed 1' and their respective balconies must not be altered.

(8) Compliance with Submitted Materials and Samples Board

The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the materials schedule and sample board, and specifications prepared by MHNDUNION, dated **7 March 2018 (Trim: 2018/155996)** ~~2 February 2018~~.

(39) Compliance with the Acoustic Report prior to Construction and or Occupation Certificates

- (a) All performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report prepared by Renzo Tonin and Associates (NSW) Pty Ltd, dated 12 May 2017, ref TJ229-01F02 Acoustic Report for DA (r2), titled 98-106 KIPPAX STREET, SURRY HILLS ACOUSTIC ASSESSMENT FOR DEVELOPMENT APPLICATION, Council Ref **2017/284317-01** must be implemented as part of the detailed design assessment and implemented into the design drawings prior to the commencement of the use of the premises in accordance with the requirements of (b) and (c) below and to the satisfaction of the certifying authority.
- (b) Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant* (see definition below) to be in accordance with the requirements of the DA acoustic report prepared by Renzo Tonin and Associates (NSW) Pty Ltd, dated **12 May 2017** ~~4/11/2016~~, ref TJ229-01F02 Acoustic Report for DA (r2), titled 98-106 KIPPAX STREET, SURRY HILLS ACOUSTIC ASSESSMENT FOR DEVELOPMENT APPLICATION, Council Ref **2017/284317-01**.
- (c) Prior to the issue of an Occupation Certificate, a suitable qualified acoustic consultant is to provide a written Acoustic Verification Report to the satisfaction of the Principle Certifying Authority that the development complies with the requirements set out in the Report and in (a) and (b) above.

Note: Suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member

Carried unanimously.

Reasons for Decision

The Panel approved the application as:

- (A) The proposed development is consistent with section 4.15 of the Environmental Planning and Assessment Act 1979 in that it satisfies the provisions of the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012 and for the reasons outlined in the report submitted to the Local Planning Panel;
- (B) The proposed development has a six storey height that is suitable for the condition of the site and its context and that will not have any significant impact on views across the site;
- (C) The proposed development is consistent with the provisions of the Apartment Design Guide (ADG) in that it achieves high amenity for the residents of the building in relation to communal open space, natural light, cross-ventilation, private open space and privacy;
- (D) The public interest is served by the approval of an application that provides high amenity for residents and that is in keeping with its immediate context and neighbouring residential development in relation to visual bulk and scale and neighbourhood character;
- (E) The proposed variation to the height control is well founded on planning grounds and will not result in any significant additional impacts beyond those a height compliant development would create;
- (F) The amendments to conditions were based on further advice provided to the Panel by City officers on 11 April 2018.

D/2017/225