

Resolution of Central Sydney Planning Committee

10 December 2020

Item 9

Development Application: 163-173 McEvoy Street, Alexandria - D/2019/1350

Moved by the Chair (the Lord Mayor), seconded by Councillor Thalys -

It is resolved that:

- (A) the variation requested to Clause 4.3 'Height of buildings' in accordance with Clause 4.6 'Exceptions to development standards' of Sydney LEP 2012 be upheld; and
- (B) pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2019/1350 subject to the conditions set out in Attachment A to the subject report, subject to the following amendments (additions shown in ***bold italics***):

(3) DESIGN DETAILS

The following details must be submitted:

Bi-fold metal privacy screens, balcony balustrades and lobby/entry screening and gates

- (a) Additional detail for the bi-fold metal privacy screens to Level 1 Lawrence Street apartments, all balcony balustrades and the lobby/entry screening and gates to McEvoy and Lawrence Streets is required as follows:
 - (i) Detailed 1:10 design intent construction details of the privacy screens showing the proposed construction, materials, and spacing of the blades.
 - (ii) The details are to be prepared in accordance with the screens shown on pages 37-40 of the Architectural Design Report prepared by Andrew Burns Architecture, dated May 2020.

Box window treatment

- (b) The box window treatment shown on page 47 of the Architectural Design Report is to be included on Drawing No. DA-401-A window Schedule 2.

Brickwork detail

- (c) Additional detail of the brickwork details to side elevations is required as follows:
 - (i) Detailed 1:20 design intent construction details (plan, part elevation and section) of the brickwork details to side elevations.

Shading devices

- (d) Operable, adjustable shading devices are to be provided to all elevations with an orientation facing between north west and south west. Shading devices must not restrict access to midwinter sunlight where required to achieve compliance with ADG Objective 4A-1. The following must be submitted:
 - (i) Detailed 1:20 elevations of typical façade sections showing how shading devices are integrated within the design.
 - (ii) An overall 1:200 elevation showing the full extent of shading proposed.

Substation louvers

- (e) Additional detail for the louvers to screen the ground floor substation fronting McEvoy Street is required as follows:
 - (i) Detailed 1:20 design intent construction details of the louvers showing the proposed construction, materials, and spacing of the blades.

Deep soil zone

- (f) The Basement 1 Plan, Drawing No. DA-112-B must be revised as follows:
 - (i) Demonstrate that 10% of the total site area is provided as deep soil, with no structures above, below or within.
 - (ii) All relevant piling and structural walls must be accurately drawn.
 - (iii) Deep soil area is to be coordinated with the ground level landscape design to ensure realistic and sustainable deep soil provision that supports medium-large canopy trees and on-site water infiltration.

Hydrant booster

- (g) The location of the hydrant booster adjacent to commercial tenancy 3 is not approved. The hydrant should be integrated into the design of the building. The location, size and details of the hydrant booster substation are to be submitted.

Boundary Fence to 74-84 Lawrence Street

- (h) ***A boundary fence is to be provided to the rear yards of 74-84 Lawrence Street at full cost to the developer in consultation with the adjoining property owners. The fence should be a minimum height of 1.8m from the courtyard of the subject site and constructed of solid material.***

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

(29A) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT

- (a) ***Prior to the commencement of demolition and/or excavation work the following details must be submitted to Council's Area Planning Manager:***
- (i) ***plans and elevations showing distances of the subject building from the location of adjoining and common/party walls, and (where applicable) the proposed method of façade retention;***
 - (ii) ***a Demolition Work Method Statement prepared by a licensed demolisher who is registered with the Work Cover Authority. (The demolition by induced collapse, the use of explosives or on-site burning is not permitted.)***
 - (iii) ***an Excavation Work Method Statement prepared by an appropriately qualified person.***
- (b) ***The approved work method statements as required by this condition must be implemented in full during the period of construction.***

Reasons for Decision

The application was approved for the following reasons:

- (A) The applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3) of the Sydney LEP 2012, that compliance with the 'Height of buildings' development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening Clause 4.3 of Sydney LEP 2012.
- (B) It is in the public interest because it is consistent with the objectives of the B4 - Mixed Use zone and the 'Height of buildings' development standard.
- (C) It has been assessed against the aims and objectives of the relevant planning controls including SEPP 65, Sydney LEP 2012 and Sydney DCP 2012. Where non-compliances exist, they have been demonstrated to be acceptable in the circumstances of the case or can be resolved by the recommended conditions of consent.
- (D) It is consistent with the amended concept approval for the site, being D/2019/238/A.

- (E) It is consistent with the design intent of the winning scheme of a competitive design process. The scale, form, articulation, materiality and architectural contribution of the proposed development is consistent with the site pursuant to Sydney DCP 2012 and the proposed development is consistent with the desired future character of the locality. The development satisfies design excellence provisions pursuant to Clause 6.21 of Sydney LEP 2012.
- (F) It is appropriate within its setting and is a mixed-use development comprising compatible uses that will support the vitality of the area, consistent with the desired future character for the locality.
- (G) Condition 3(h) was added to address privacy concerns.
- (H) Condition 29A was added to protect adjacent properties during demolition and construction.

Carried unanimously.

D/2019/1350