

Resolution of Local Planning Panel

23 May 2018

Item 5

Development Application: 524 Bourke Street, Surry Hills

The Panel:

- (A) Supported the variation to Clause 4.3 Height of Buildings in accordance with Clause 4.6 'Exceptions to development standards in the Sydney Local Environmental Plan 2012.
- (B) Granted consent to Development Application No. D/2017/1749 subject to the conditions set out in [Attachment A](#) to this report, subject to the following amendments (additions shown in bold italics and deleted text shown in strikethrough):

(2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- ~~(a) The basement is to be reduced in size such that it is confined to the footprint of the garage, with excavation setback 500mm from the boundaries adjoining nos. 522 and 526 Bourke Street.~~
- (a) The extent of the proposed basement is to be modified to delete the portion of the proposed basement to the north of the pool alignment and to the west of the line of the garage above, with the balance of this area to be used to support deep soil planting.**
- ~~(b) A minimum 27sqm of deep soil planting is to be provided in the rear yard. Porous paving is permitted in this location with a maximum width of 1.2 metres providing there is a deep soil area on one side level with the paved area.~~
- ~~(c)~~**(b)** An advanced tree is to be provided in the rear yard of the site.
 - (i) Written confirmation is to be obtained from Council's Area Planning Manager that all tree planting/s have been completed to Council's satisfaction (excluding tree maintenance) prior to the issue of an Occupation Certificate.

- (ii) Any newly planted tree that fails to establish within 2 years of the initial planting date must be replaced with a tree of comparable qualities.

~~(d)~~(c) The windows within the rear roof extension are to be timber framed.

The details must be submitted to and approved by the Area Planning Manager prior to any Construction Certificate being issued.

(3) UPDATED GEOTECHNICAL AND STRUCTURAL ENGINEERS' REPORTS

Prior to the issue of any Construction Certificate, geotechnical and structural engineers' reports, prepared by suitably qualified engineers experienced in dealing with heritage buildings must be submitted for the approval of the Council's Area Planning Manager. The report should assess the impact that the excavation and demolition works will have on the heritage building and the adjoining properties, including the garage. It should include recommendations of measures to be undertaken during the excavation and demolition work. In particular, the reports must identify the construction methodology of the basement excavation, demonstrate that the works **are able to be carried out without undue risks and will not adversely impacts** to the structural integrity of the terrace row and neighbouring properties, and manage dewatering. The structural design of the replacement structural components, such as lintels, columns and footings, should be included in the report.

(21) GENERAL HERITAGE

- (a) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.
- (b) The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction. The protection measures are to be specified in the construction management plan.
- (c) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 1999.
- ~~(d) New services are to be surface mounted rather than chased in to existing walls to minimise impact on heritage fabric.~~
- ~~(e)~~(d) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- ~~(f)~~(e) The new windows and doors **within existing openings** on the existing building must match the original material **and glazing patterns**, which is [Select: timber joinery, steel-framed, monel metal, bronze or brass-framed].
- ~~(g)~~(f) The face brickwork/stone/tiles must not be rendered, painted or coated.
- ~~(h)~~(g) Where internal partitions meet external walls they must abut window mullions, columns or other such building elements and not glazing.

Carried unanimously.

Reasons for Decision

The Panel approved the application as:

- (A) The development the subject of this application is consistent with the objectives of the B4 - Mixed Use zone for the reasons set out in the report to the Local Planning Panel.
- (B) The variation to Clause 4.3 of the Sydney Local Environmental Plan 2012 Height of Buildings is consistent with the provisions of Clause 4.6 'Exceptions to development standards' and is in the public interest.
- (C) The alterations and additions to the dwelling and the garage and studio addition to the rear are generally consistent with those approved under D/2010/2111, as amended and will not adversely impact the significance of the heritage item and its contribution to the Bourke Street South conservation area (C60).
- (D) The basement is to be reduced to increase the area of deep soil planting to improve consistency with Section 4.1.3.4 of the Sydney DCP 2012. Subject to further structural, geotechnical and construction information regarding the methodology of construction and shoring, the location of the basement in the rear yard will not adversely impact the structural integrity of the terrace.
- (E) As conditioned, it is generally consistent with the objectives of the relevant controls for the site and will not adversely impact the amenity of neighbouring properties.
- (F) The amendments to Conditions 2 and 3 were made by the Panel to enable a small additional area of basement to cater for servicing of the swimming pool and to enable the applicant to demonstrate to Council's satisfaction that any basement construction on property boundaries can be carried out without undue risks and impacts to neighbouring properties.
- (G) The amendments to Condition 21 were made by the Panel to reflect the substantial interior alterations to the dwelling which have already occurred.

D/2017/1749