

## Resolution of Local Planning Panel

9 June 2021

Item 4

**Development Application: 70-72 Commonwealth Street, Surry Hills - D/2020/1173**

The Panel granted consent to Development Application No. D/2020/1173 subject to the conditions set out in Attachment A to the subject report, subject to the following amendments (additions shown in ***bold italics***, deletions shown in ~~strikethrough~~):

**SCHEDULE 1B**

**PRIOR TO CONSTRUCTION CERTIFICATE/COMMENCEMENT OF WORK/HEALTH AND BUILDING**

**(31A) PHYSICAL MODEL – PRIOR TO CC**

- (a) *Prior to the issue of a Construction Certificate, an accurate 1:500 scale model of the approved development must be submitted to and approved by Council's Area Planning Manager/ Area Coordinator Planning Assessments for the City Model in Town Hall House. The applicant may either update the current physical model or provide a new model to reflect the approved development.*

**Note:**

- (i) *The model must be constructed in accordance with the Model Specifications available online at <http://www.cityofsydney.nsw.gov.au/development/applicationguide/application-process/model-requirements> Council's modellers must be consulted prior to construction of the model.*
- (ii) *The model is to comply with all of the conditions of the Development Consent.*

**(36) HERITAGE CONSERVATION WORKS**

- (a) Prior to the issue of the Construction Certificate, a schedule of conservation works to be undertaken concurrent with the works is to be submitted to Council's Heritage Specialist for approval.

- (b) The schedule is to detail the conservation of all fabric identified as having a heritage value ***which may include*** ~~including~~ but ***is*** not limited to the following: brickwork, architectonic features in Commonwealth Street façade ***and*** tiles. ~~door and window joinery, glazing and hardware.~~
- (c) The schedule is to be supported by an outline of specifications, methodologies and detailed architectural sections, elevations and plans at 1:20 and 1:5 scales. The details should incorporate any structural and/or building services design for the building.
- (d) 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.
- (e) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013. Appropriately qualified contractors and tradespersons are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works within the heritage building.
- (f) INSPECTION AND APPROVAL: The conservation works are to be progressively inspected by, and be implemented to the satisfaction of, Council's Heritage Specialist prior to the issue of the Occupation Certificate or commencement of the use, whichever is the earlier.

**(40) DILAPIDATION REPORT – MAJOR EXCAVATION/DEMOLITION**

- (a) ***Subject to the receipt of permission of the affected landowner, dilapidation report/s, including a photographic survey of 133 Goulburn Street are to be prepared by an appropriately qualified structural engineer prior to commencement of demolition/excavation works. A copy of the dilapidation report/s together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Accredited Certifier and the Council prior to the issue of a Construction Certificate.***

**UPON COMPLETION OF EXCAVATION/DEMOLITION**

- (b) ***A second Dilapidation Report/s, including a photographic survey, must then be submitted at least one month after the completion of demolition/excavation works. A copy of the second dilapidation report/s, together with the accompanying photographs must be given to the above property owners, and a copy lodged with the Principal Certifier and the Council prior to the issue of any Occupation Certificate.***

***Any damage to buildings, structures, lawns, trees, sheds, gardens and the like must be fully rectified by the applicant or owner, at no cost to the affected property owner.***

***Note: Prior to the commencement of the building surveys, the applicant/owner must advise (in writing) all property owners of buildings to be surveyed of what the survey will entail and of the process for making a claim regarding property damage. A copy of this information must be submitted to Council.***

*Remaining conditions to be renumbered accordingly.*

### **Reasons for Decision**

The application was approved for the following reasons:

- (A) The development complies with the objectives of the B4 Mixed Use zone pursuant to the Sydney Local Environmental Plan 2012.
- (B) The development complies with the Height of Buildings development standard pursuant to Clause 4.3 of the Sydney Local Environmental Plan 2012 and the Floor Space Ratio development standard pursuant to Clause 4.4 of the Sydney Local Environmental Plan 2012.
- (C) The development exhibits design excellence and appropriately responds to the context of the site. The development is consistent with the desired future character of the area and satisfies the provisions of Clause 6.21 of the Sydney Local Environmental Plan 2012.
- (D) The development is consistent with the objectives of the Sydney Development Control Plan 2012.
- (E) The application is supported by a Detailed Environmental Site Investigation and Remediation Action Plan that demonstrate that the site can be made suitable for the proposed development, in accordance with State Environmental Planning Policy No. 55 - Remediation of Land.
- (F) Issues raised in submissions have been considered and where appropriate addressed in the amended plans and/ or conditions of consent.
- (G) Suitable conditions of consent are recommended and the development is considered to be in the public interest.
- (H) Condition 31A was added as it was omitted from the recommended conditions in error.
- (I) Condition 36 was amended in line with a request from the applicant, as the proposed development does not involve the conservation of such fabric.
- (J) Condition 40 was added to protect adjoining buildings during construction.

Carried unanimously.

D/2020/1173