

Resolution of Local Planning Panel

1 September 2021

Item 4

Development Application: 20-26 Allen Street, Waterloo - D/2020/1426

The Panel:

- (A) upheld the variation requested to the 'height of buildings' development standard in accordance with Clause 4.6 'exceptions to development standards' of the Sydney Local Environmental Plan 2012; and
- (B) pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, granted a deferred commencement consent to Development Application No. D/2020/1426 subject to the recommended conditions set out in Attachment A, subject to the following amendments (additions shown in **bold italics**, deletions shown in ~~strikethrough~~):

(5) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) The Type K apartments in Building C are to be amended as follows:
 - (i) each Type K apartment must remain as a one bedroom apartment with the internal layout amended so that the combined living/dining and kitchen area is located in the south-western portion, the bedroom and ensuite located in the north-eastern portion, and the bathroom, laundry and storage area are to remain accommodated in the centre.
 - (ii) the southwest-facing balconies are to remain unchanged, while the northeast-facing balconies are to be deleted. An appropriately sized operable window with a minimum sill height of 1.4m measured from the finished floor level is to be provided to each apartment's bedroom on that north-eastern elevation.
- (b) ***The 70 bicycle parking spaces and 61 storage cages on basement level two are to be relocated to improve bicycle access.***
- (c) ***The visitor bicycle parking on the western elevation of building A is to be redesigned to provide improved shelter.***

The modifications are to be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate.

(40A) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION

- (a) Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.**
- (b) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the National Parks and Wildlife Act 1974.**
- (c) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council prior to the issue of any Occupational Certificate.**
- (d) If the discovery is on Council's land, Council must be informed.**

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 Sydney Local Environmental Plan 2012.
- (B) Based upon the material available to the Panel at the time of considering this application, the Panel is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3) of the Sydney Local Environmental Plan 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 the Sydney Local Environmental Plan 2012; and
 - (ii) the proposal 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) The development exhibits design excellence under Clause 6.21 of Sydney Local Environmental Plan 2012.
- (D) The development meets the objectives of the Apartment Design Guide and is consistent with the design quality principles under State Environmental Planning Policy No 65 - Design Quality of Residential Apartments.
- (E) The development is generally consistent with the objectives of Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.

- (F) Condition 5 was amended to improve access and amenity for cyclists.
- (G) Condition 40A was added to ensure the development meets all obligations should any archaeological material be uncovered.

Carried unanimously.

D/2020/1426