

## Resolution of Local Planning Panel

**20 September 2023**

### Item 5

#### Development Application: 19-21 Buckland Street, Chippendale - D/2022/1359

The Panel:

- (A) upheld the variation requested to Clause 4.3 'Height of buildings standard' in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012; and
- (B) granted consent to Development Application Number D/2022/1359 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~~):

#### (2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) ~~The bricking in of the two existing Level 1 windows along Grafton Lane to create a 'recessed brick panel' is not approved. The windows must be glazed and match the other Level 1 windows along Grafton Lane which are being retained.~~
- (b) The proposed water meter and 'FB Booster' louvred openings along Grafton Lane must not open over the laneway. Revised plans demonstrating their operability are required.
- (c) Existing brick surfaces are to be repointed ***where required with the intent of a consistent finish. A sample board will be supplied and approved prior to the issue of a Construction Certificate.***

#### (4) RETENTION OF STEEL BEAMS

Unless specified for removal on the approved plans, existing ***structural*** steel columns and beams are to be retained.

**(5) MATERIALS AND SAMPLES – MAJOR DEVELOPMENT**

A physical sample board of the proposed glazing and its specifications, keyed to each building elevation must be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued. The proposed glazing should have a Visible Light Transmittance (VLT) rating of greater than 50% and have a neutrality of colour.

The **glazing** samples board must not include generic material or colour descriptions or use terminology such as 'or similar'.

**(11) BUILDING HEIGHT**

- (a) The height of the building must not exceed RL26.70 (AHD) to the top of the building and RL ~~23.32~~ **24.32** (AHD) to the parapet of the building.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.

**(22) WASTE AND RECYCLING MANAGEMENT – GENERAL**

**Excluding vehicle dimension requirements**, the proposal must comply with the relevant provisions of Council's Guidelines for Waste Management in New Developments 2018 which requires facilities to promote the efficient storage, separation, collection and handling of waste to maximise resources recovery.

**(25) NO OBSTRUCTIONS**

All **Any new works to the Buckland Street and Graton Street** public footways and paths of travel must be free from obstructions. If **existing** services are required to be relocated, **or new services located**, to clear paths of travel then this must be undertaken at the developer's expense. All obstructions are to be removed prior to the issue of any Occupation Certificate.

**(46) ALLOCATION OF PARKING**

The number of car parking spaces to be provided for the development must comply with the table below. Details confirming the parking numbers must be submitted to the satisfaction of the Registered Certifier prior to the issue of a Construction Certificate.

<b>Car Parking Type</b>	<b>Number</b>
Office and business parking (existing)	4
Accessible office and business parking	1
Small rigid vehicle loading dock(s) (Accommodate <b>maximum</b> 6.4m Waste Collection vehicle)	1

**(51) LEVEL 4 LANDSCAPE TERRACE**

- (a) A detailed **landscape** plan including plans and details drawn to scale, and technical specification, by a qualified landscape architect must be submitted to and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager prior to the issue of a Construction Certificate. These documents must include:
  - (i) A statement that includes details of proposed use of the terrace, accessibility, and any noise and privacy treatments.
  - (ii) Location and details of existing and proposed services, walls, balustrades, planters, hard surfaces, furniture, screens and shade structures, fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
  - (iii) Details of soil types and depth including any mounding. The minimum soil depths for planting on structure must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, excluding mulch and drainage layers.
  - (iv) Planting details, and location, numbers, type and supply size of plant species, with reference to Australian Standards and preference for drought resistant species that contribute to habitat creation and biodiversity.
  - (v) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer.
  - (vi) Landscape terrace maintenance plan. This plan is to be complied with during occupation of the property and must include any relevant maintenance methodology for safe working at height such as access requirements, location of any anchor points, gates, and transport of materials and green waste.
- (b) Prior to the issue of an Occupation Certificate, structural and waterproofing certifications for the ~~green-roof~~ **landscaped terrace** are to be submitted to and approved by the Principal Certifying Authority.
- (c) All landscaping in the approved plan must be complete prior to the issue of an Occupation Certificate.

**(54) WASTE AND RECYCLING MANAGEMENT – COMMERCIAL**

- (a) The Waste and Recycling Management Plan accompanying this Development Application has been approved by this consent [Trim 2023/000856].
- (b) All requirements of the approved Waste and Recycling Management Plan must be implemented during construction and operation of the development and include:

- (i) Dedicated space to be provided within the development for the storage and recycling of bulky waste, problem waste, strip out and food waste;
- (ii) Collection points for waste and recycling must be wholly located within the boundary of the development;
- (iii) ***With the exception of vehicle size requirements*** the nominated waste and recycling storage areas must be constructed to meet the relevant conditions required by the City's Guidelines for Waste Management in New Developments 2018;
- (iv) Provision and storage within the boundary of the development of waste and recycling receptacles and any bulky waste at all times;
- (v) Commercial tenancies must have a commercial waste contract(s) in place prior to commencement of business trading;
- (vi) The path of travel between the bin storage areas/bulky waste storage areas and the designated waste/recycling collection point is to have a minimum 1,200mm wall-to-wall clearance, be slip-proof, of a hard surface, be free of obstructions and at no point have a gradient exceeding 1:14. The use of a lift is permitted, but consideration should be given to the inclusion of a service lift in this instance.

Note: The building manager/strata title manager or body corporate is responsible for ensuring all tenants are kept informed regarding Council's policies, and best practice waste and recycling source separation.

#### UPON COMPLETION OF THE DEVELOPMENT

- (c) Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifier must ensure that waste handling works have been completed in accordance with the Waste and Recycling Management Plan; other relevant development consent conditions; and Council's Guidelines for Waste Management in New Developments 2018.

#### **(104) LOADING DOCK SCHEDULE/~~REGISTER~~ REGISTER**

The proposed loading dock must not be reserved for any other single tenancy, and must be available to all users within the site.

The on-site small rigid vehicle loading dock is also to be available for all tenants for use by removal vehicles, bulky good deliveries and similar. This shall be managed either by a schedule showing tenants when they can use the dock, or by a register managed on site to allow tenants to reserve a time period for their deliveries and to avoid too many deliveries being at the dock at any one time.

This information is to be made available to all business/ tenants of the building.

### **Reasons for Decision**

The application was approved for the following reasons:

- (A) Based upon the material available to the Panel at the time of determining 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 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 the Sydney LEP 2012; and
  - (ii) the proposal is in the public interest because it is consistent with the objectives of the MU1 Mixed Use zone and the 'Height of buildings' development standard.
- (B) The proposal satisfies the design excellence provisions of clause 6.21C of the Sydney Local Environment Plan 2012.
- (C) The design if the development responds appropriately to the scale of surrounding buildings.
- (D) The development, subject to conditions, will not adversely affect the character of the (C9) Chippendale Heritage Conservation Area, and is compatible with the character of the (2.3.1) Chippendale locality.
- (E) Conditions 2, 4, 5, 11, 22, 25, 46, 51, 54 and 104 were amended to clarify the scope of the conditions and correct typographical errors.

Carried unanimously.

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