

Resolution of Local Planning Panel

4 July 2018

Item 5

Development Application: 26-30 City Road Chippendale

The Panel:

- (A) Supported the variation to Clause 4.3 Height of buildings in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012.
- (B) Supported the variation to the minimum motorbike spaces required under Clause 30(1)(h) of the State Environmental Planning Policy (Affordable Rental Housing) 2009 in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012.
- (C) Granted consent to Development Application No. D/2017/1552, subject to the conditions set out in [Attachment A](#), to the subject report and subject to the following amendments (additions shown in ***bold italics*** and deleted text shown in ~~strike through~~):

(1) STAGED CONSTRUCTION AND OCCUPATION CERTIFICATES

- (a) The works may be carried out in stages with the relevant conditions being satisfied prior to the issue of a construction certificate and occupation certificate (as identified) for each stage as follows:

Stage	Works
1	Demolition <i>Subdivision</i>
2	Subdivision <i>Demolition</i>
3	Construction and occupation of the boarding house and associated public domain works
4	Construction and occupation of the terrace dwellings and associated public domain works

(3) DESIGN MODIFICATIONS – BOARDING HOUSE

The design of the building must be modified as follows:

- (a) Levels ~~2 and 3~~ of the boarding house building ~~are~~ **is** to be setback from the rear building line by ***approximately*** 6 metres.
- (b) The screen to the front of the substation is to be setback to align with the glass line of the Foyer51 entrance (***demonstrate best endeavours subject to the approval of Ausgrid***).
- (c) The wall in front of the water/gas meter box creating a niche is to be deleted.
- (d) The awning on City Road is to be setback from the kerb a minimum of 1 metre, with the minimum width of the awning being 2 metres (***demonstrate best endeavours subject to the approval of Ausgrid***).
- (e) Fixed external shading devices are required to the west facing boarding room windows and expressed on the plan in typical construction details (1:10).
- (f) An external drying area is to be provided.
- (g) The operability of windows and doors is to be annotated on the plans.
- (h) A continuous masonry parapet on the roof of the boarding house and integrated with the architecture of the building is required to conceal services and vents. The parapet is to be the height of the lift overrun and be setback as follows:
 - (i) The northern, eastern and southern elevations of the parapet are to be setback from the edge of the roof by 1.5 metres.
 - (ii) The western elevation of the parapet is to be aligned with the corresponding elevation of the lift overrun.
- (i) Gross floor area plans are required to be submitted demonstrating that the development does not exceed a floor space ratio of 2:1 in accordance with the definition under the Sydney LEP 2012.

The modifications are to be submitted to and approved by Council's Director of City Planning, Development and Transport prior to the issue of any Construction Certificate relevant to that stage of construction of the development under Condition 1.

(13) LANDSCAPED (GREEN) ROOFS

- (a) A detailed plan of the green roof, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate relevant to that stage of construction of the development under Condition 1. The plan must include:
 - (i) A statement that includes details of proposed use of the green roof, general accessibility, as well as noise and privacy treatments.
 - (ii) Location of existing and proposed structures, services and hard landscaping on the rooftop, roof fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components.
 - (iii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable).
 - (iv) Details of the location, sizes and numbers of plants used with reference to NATSPEC (if applicable), with preference for drought resistant species.
 - (v) Details of the soil media/substrate type and depth.
 - (vi) Details of installation methodology e.g. safety considerations for working at height, location of maintenance hooks (if applicable) transport materials etc.
 - (vii) Details of accessible and inaccessible areas on the Green Roof. Where proposed to be inaccessible, Green Roofs are required to remain such during occupation of the property.
 - (viii) Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer (if applicable).
- (b) Prior to the issue of a Construction Certificate relevant to that stage of development under condition 1, the following details are to be submitted to and approved by the Principal Certifier:
 - (i) Evidence the green roof has been assessed as part of the structural certification provided for the development; and
 - (ii) Evidence the green roof has been assessed as part of the waterproofing certification provided for the development.
- (c) All landscaping in the approved plan is to be completed prior to the issue of any Occupation Certificate relevant to that stage of the development under condition 1.
- (d) Prior to the issue of an Occupation Certificate relevant to that stage of development under condition 1, a maintenance plan is to be submitted and approved by the Principal Certifier. A copy of the maintenance plan is to be kept on site at all times during construction and shall be produced to Council on request following completion. The Maintenance Manual shall include as a minimum:

- (i) Frequency and methodology of different maintenance requirements including the removal of green waste.
 - (ii) Details of safety procedures.
 - (iii) Laminated copies of 'As Built' drawings.
 - (iv) Manufacturer's contact details and copies of manufacturers' typical details and specification;
 - (v) Copies of warranties and guarantees relating to all materials and plant used in construction; and
 - (vi) Decommissioning procedures.
- (i) ***Location of existing and proposed structures, services and hard landscaping on the rooftop, roof fixings and other structural elements that may interrupt waterproofing, including cross-sectional details of all components. Location of existing and proposed structures including, but not limited to, paved areas, planted areas on slab, in pots and planters, fixed furniture, privacy screens, shade structures, balustrades, lighting and other features;***
 - (ii) ***Details of earthworks and soil depths including mounding and retaining walls, planter boxes and pots. The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers. Noting soil levels exclude drainage and mulch layers;***
 - (iii) ***Location, numbers, type and supply of plant species, with reference to Australian Standards, with preference for drought resistant species;***
 - (iv) ***Details of the soil media/substrate type and depth.***
 - (v) ***Details of installation methodology e.g. safety considerations for working at height, location of maintenance hooks (if applicable) transport materials etc.***
 - (vi) ***Clarify maintenance methodology for planters located outside the terrace balustrade.***
 - (vii) ***Details of drainage and irrigation systems, including overflow provisions and water retention cells in the drainage layer (if applicable).***
- (b) ***All landscaping in the approved plan is to be completed prior to the issue of an Occupation Certificate relevant to that stage of the development under Condition 1.***

(c) ***Prior to the issue of that Occupation Certificate under (b), a maintenance plan is to be submitted and approved by the Principal Certifier. A copy of the maintenance plan is to be kept on site at all times during construction and shall be produced to Council on request following completion. The Maintenance Manual shall include as a minimum:***

(i) ***Frequency and methodology of different maintenance requirements including the removal of green waste.***

(ii) ***Details of safety procedures.***

(14) LANDSCAPING OF THE SITE

(a) Detailed landscape plans, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate relevant to that stage of construction of the development under condition 1. The plans must include:

(i) ~~Location of existing and proposed structures on the site including, but not limited to, existing and proposed trees, paved areas, planted areas on slab, planted areas in natural ground, lighting and other features~~ ***Location of existing and proposed structures, services and hard landscaping including, but not limited to, paved areas, planted areas in natural ground, planted areas on slab, in pots, seating walls, walls and ramps, potting area, fixed furniture, privacy screens, stepping stones, lighting and other features.***

(ii) Details of earthworks and soil depths including mounding and retaining walls, planter boxes (if applicable) ***and pots***. The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, ***noting soil levels exclude drainage and mulch layers.***

(iii) Location, numbers, type and supply of plant species, with reference to NATSPEC ***Australian Standards***.

(iv) Details of planting procedure and maintenance.

(v) Details of drainage, waterproofing and watering systems.

(vi) ***Detailed design and construction details for screens within the lower ground communal open space, areas of porous paving***

(vii) ***Detailed grading plan and sections with resolved levels to ensure the design results in no impact on Trees A and B.***

(viii) ***Location, numbers, type and supply of plant species, with reference to Australian Standards AS2303 'Tree stock for landscape use'.***

- (ix) ***A minimum of two (2) of the site trees shall be species must that will attain a minimum mature height of eight (8) metres and minimum mature canopy spread of six (6) metres. Palms, fruit trees and species recognised to have a short life span will not be accepted as suitable replacements.***
- (x) ***New trees must be planted in natural ground (where possible) with adequate soil volumes to allow maturity to be achieved. Indicative soil volumes are detailed in Section D (Technical Guidelines) of the City's Street Tree Master Plan. Soil volumes shall be annotated on the plans and it should be noted that planter boxes on slab will not be accepted for tree planting unless there is no viable alternative.***
- (xi) ***New trees must be appropriately located away from existing buildings and structures to allow maturity to be achieved without restriction.***
- (b) A maintenance plan is to be submitted to and approved by the Principal Certifier prior to the issue of any Construction Certificate relevant to that stage of construction of the development under condition 1. The maintenance plan is to be complied with during occupation of the property.
- (c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued relevant to that stage of development under condition 1.

(24) PROTECTION OF NEIGHBOURING AND STREET TREES

The design must be modified as follows:

- (a) ~~All detailed architectural, engineering (structural, stormwater and drainage services) and landscape documentation submitted for the Construction Certificate must show the retention of Trees A and B as required by these conditions of consent, the position of their trunks, full diameter of their canopies, Tree Protection Zones (TPZs) and Structural Root Zones (SRZs) shall be clearly shown on all drawings. All drawings shall show the retention of the existing boundary retaining wall and that there is no excavation (including for drainage), benching or battering between the alignment of the pre-existing building wall/footings and the trees.~~
- (b) ~~All detailed architectural and building plans shall show an appropriate awning design to the City Road frontage that will facilitate the viable development of the required street tree species. In accordance with the City's Street Tree Master Plan the street trees are to be *Lophostemon confertus* — Brush Box.~~

~~The modifications are to be submitted to and approved by Council prior to a Construction Certificate being issued.~~

(52) BUILDING HEIGHT

- (a) The height of the building must not exceed RL 34.600 (AHD) to the top of the lift overrun and ~~RL 33.300 (AHD)~~ to the top of the parapet.
- (b) Prior to any Occupation Certificate being issued for the boarding house, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.

(87) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site, **where possible**.
- (b) ~~If during excavation~~ it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (d) ~~In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.~~
- (e) ~~The structural design of the building must allow the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.~~
- (f) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval under Section 68 of the Local Government Act 1993 must be obtained.

Carried unanimously.

Reasons for Decision

The Panel approved the application as:

- (A) Subject to conditions, the development will result in the addition of 65 affordable rental boarding rooms in the City of Sydney local government area, the majority of which will accommodate youth at risk of homelessness. The boarding houses will be owned and operated by registered affordable housing providers. It is noted that New South Wales Land and Housing Corporation are entitled under the State Environmental Planning Policy (Affordable Rental Housing) 2009 to demolish affordable housing under its ownership without development consent. As such the loss of 39 social housing units is not a matter for consideration under this application.
- (B) The exceptions to Clause 4.3 Height of buildings development standard in Sydney Local Environmental Plan 2012 and three storey height control in Sydney Development Control Plan 2012 are acceptable subject to design modifications reducing the bulk of the building at the rear, which will provide a transition in scale from the taller buildings on City Road to the two storey terraces on Rose Street.
- (C) The exception to Clause 30(1)(h) regarding the minimum motorbike parking standard in State Environmental Planning Policy (Affordable Rental Housing) 2009 is acceptable with regard to the site's proximity to good public transport, services, employment, education and leisure facilities, the provision of cycle parking exceeding the minimum requirements and the compatibility with the City's policy of reducing vehicular traffic generation. The development has been amended to provide four motorbike spaces which improves upon the original proposal where none were provided.
- (D) Conditions of consent are recommended to reduce the scale of the terrace dwellings to be compatible with adjoining properties and in accordance with the built form controls of the Sydney Development Control Plan 2012.
- (E) The development, as amended, provides affordable housing on site without adversely impacting the character of the Chippendale conservation area (C9) and the amenity of neighbouring properties.
- (F) The development provides a reasonable standard of amenity for residents of the boarding house and terrace dwellings, with regard to the constraints of the site.
- (G) Subject to conditions, the development is in the public interest.
- (H) Conditions were amended in accordance with a submission made by the applicant, further advice provided by Council officers and deliberation of the Panel.

D/2017/1552