

Resolution of Local Planning Panel

9 April 2025

Item 3

Development Application: 10, 16 and 18 Raper Street, Newtown - D/2024/935

The Panel:

- (A) upheld the variation requested to the 'minimum lot size' development standard for boarding houses contained in Section 25(g)(ii) of State Environmental Planning Policy (Housing) 2021 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/2024/935 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~~):

(11) BICYCLE PARKING

- (a) The minimum number of bicycle parking ~~spaces and end of trip facilities~~ to be provided within the site boundary for the development must comply with the table below.

Bicycle Parking Type	Number	Requirements
Residential	6	Spaces must be a class 2 bicycle facilities

All bicycle parking spaces must be provided on private land. The public domain cannot be used to satisfy this condition.

- (b) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Registered Certifier confirming prior to and form part of the relevant certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979).

(14) LANDSCAPE OF THE SITE

- (a) A detailed landscape design including plans and details drawn to scale, and technical specification, by a qualified landscape architect or landscape designer must be submitted to Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of relevant certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979). These documents must include:
- (i) Location of existing and proposed planting on the site including existing and proposed trees, planting in natural ground, and planting on structure.
 - (ii) Location and details of existing and proposed structures on the site including, but not limited to, paving, walls, services, furniture, shade structures, lighting and other features.
 - (iii) Details of earthworks and soil depths including finished levels and 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) A minimum of one large tree and three small trees must be included in the design. The large trees species must be a minimum mature height of 15 metres and canopy width of 12 metres. The small species trees must be a minimum mature height of six metres and five metres canopy width. Palms, fruit trees and species recognised to have a short life span will not be accepted as suitable replacements.
 - (vi) New trees must be planted in natural ground with adequate soil volumes to allow maturity to be achieved. Planter boxes will not be accepted for tree planting.
 - (vii) New trees must be appropriately located away from existing buildings and structures to allow maturity to be achieved without restriction.
 - (viii) Details of planting procedure and maintenance.
 - (ix) Landscape maintenance plan. This plan is to be complied with during occupation of the property.
- (b) All landscaping in the ~~approved~~ **final landscape** plan is to be complete prior to any Occupation.

(18) DILAPIDATION REPORT - PUBLIC DOMAIN

Prior to any relevant certification being issued (pursuant to Section 6.28 of the Environmental Planning and Assessment Act 1979), ~~whichever is earlier,~~ a photographic recording of the public domain site frontages is to be prepared as described in the Public Domain Manual and submitted ~~to for approval by~~ Council's Public Domain Unit. The City's *Public Domain Manual* is available for download from the City's website at <https://www.cityofsydney.nsw.gov.au/>

The submission is to include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

(42) PLAN OF MANAGEMENT

- (a) An updated Plan of Management for the ~~co-living~~ **boarding house** use is to be submitted to Council's Area Coordinator Planning Assessments / Area Planning Manager prior to Occupation of the site/use:
- (b) A copy of the plan is to be kept on ~~site by the site manager~~ **the premises at all times.**
- (c) The use must always be operated / managed in accordance with the Plan of Management submitted in accordance with the process specified at (a) above. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.
- (d) The Proponent may update and revise the Plan of Management by submitting the updated Plan of Management to Council's Area Planning Coordinator / Manager.

(43) REGISTRATION OF CONSOLIDATION PLAN

Prior to Occupation, a Consolidation Plan shall be carried out by a surveyor registered under the Surveying and Spatial Information Act 2002, and must be registered with the office of NSW Land Registry Services.

A copy of the new title for the consolidated site must be provided to the Principal Certifier prior to Occupation. The title must show **that any** easements **that** have been created.

(45) WASTE AND RECYCLING MANAGEMENT – RESIDENTIAL

- (a) Prior to **Occupation**, Council's review and written approval of the as-built waste infrastructure, facilities, and vehicle access is required. The City Cleansing & Resource Recovery Unit of Council must be satisfied that:
 - (i) All waste management facilities, storage, and collection infrastructure comply with the stamped plans, approved Operational Waste Management Plan and Council's *Guidelines for Waste Management in New Developments*, the City of Sydney's DCP, and the developments Conditions of Consent.

- (ii) All waste rooms, corridors, doors, and gates to be accessed by Councils collection contractor(s) are to be fitted and accessible via Council's master key system. Specifications of locks, barrels, and supporting infrastructure are to be submitted to Council's City Cleansing & Resource Recovery Unit.
- (b) Site inspections are to be conducted by Council's City Cleansing & Resource Recovery Unit to review the site on-site waste collection, storage and loading bay infrastructure prior to **Occupation**. The inspections are to be conducted a minimum 6-months prior to projects anticipated construction completion. Prior to the inspection an electronic copy of the latest architectural plans are to be submitted.
- (c) An updated Operational Waste Management Plan is to be submitted to Council's City Cleansing & Resource Recovery Unit that aligns with the latest version of architectural plans and waste related updates identified during the site inspections. The plan is to be reviewed by Council's City Cleansing & Resource Recovery Unit and approved by Council's Area Planning Manager prior to **Occupation**.
- (d) The developer is to enter into a formal agreement with the City of Sydney Council for the utilisation of Councils Waste Collection Service. A signed agreement is to be submitted to Council's City Cleansing & Resource Recovery unit prior to **Occupation**.
- (e) The ~~assigned strata~~ **property** manager for the development and direct contact details are to be provided to Council's City Cleansing & Resource Recovery Unit prior to **Occupation**.

Reasons for Decision

The application was approved for the following reasons:

- (A) The proposal is permissible with consent in the R1 General Residential Zone.
- (B) Based upon the material available to the Panel at the time of determining this application, the Panel is satisfied that the applicant's written request has adequately demonstrated that compliance with the minimum lot size development standard specified in section 25(g)(ii) of State Environmental Planning Policy (Housing) 2021 is unreasonable or unnecessary in the circumstances, and that there are sufficient environmental planning grounds to justify contravening the development standard in accordance with the requirements of Clause 4.6(3) of Sydney Local Environmental Plan 2012.
- (C) The proposed development complies with the maximum floor space ratio development standard contained in Clause 4.4 of the Sydney Local Environmental Plan 2012 and Section 24 of State Environmental Planning Policy (Housing) 2021.
- (D) The proposed development complies with the maximum height of buildings development standard contained in Clause 4.3 of Sydney Local Environmental Plan 2012.

- (E) The proposal is generally consistent with the standards for boarding houses under Chapter 2 Division 2 s24(2) of State Environmental Planning Policy (Housing) 2021.
- (F) The proposal exhibits design excellence in accordance with the requirements contained in Clause 6.21C of Sydney Local Environmental Plan 2012.
- (G) The proposal retains the heritage significance of the O'Connell Town Estate Heritage Conservation Area.
- (H) The proposal is generally consistent with the relevant objectives and provisions of Sydney Development Control Plan 2012.
- (I) Conditions 11, 14, 18, 42, 43 and 45 were amended in line with requests made by the applicant, to reflect the applicant's status as the Crown and its alternative certification regime, to clarify submission requirements, and to correct a minor typographical error.
- (J) Condition 42 was further amended to require the Plan of Management to be kept on the premises at all times.

Carried unanimously.

D/2024/935