

11 December 2019

At 5.00 pm

## **Local Planning Panel**



## Agenda

1. **Disclosures of Interest**
2. **Confirmation of Minutes**
3. **Development Application: 100 Joynton Avenue, Zetland - D/2019/875**
4. **Development Application: 382-388 Botany Road, Beaconsfield - D/2019/991**
5. **Development Application: 326-328 Botany Road, Alexandria - D/2019/657**
6. **Development Application: 80 Broughton Street, Glebe - D/2019/1155**
7. **Development Application: 107-125 Railway Parade, Erskineville - D/2019/842**
8. **Development Application: 55 Pitt Street Redfern - D/2019/843**
9. **Report to the Local Planning Panel - Status of Applications**

## **Guidelines for Speakers at Local Planning Panels**

As part of our democratic process, the City invites members of the community to speak directly to Members of the Local Planning Panel (LPP) about items on a meeting agenda.

To enable the LPP to hear a wide range of views and concerns within the limited time available, we encourage people interested in speaking at meetings to:

1. Register to speak by calling Council's Secretariat on 9265 9310 or emailing [secretariat@cityofsydney.nsw.gov.au](mailto:secretariat@cityofsydney.nsw.gov.au) before 12.00 noon on the day of the meeting.
2. Check the recommendation in the agenda report before speaking, as it may address your concerns so that you just need to indicate your support for the recommendation.
3. Note that there is a three minute time limit for each speaker and prepare your presentation to cover your major points within that time.
4. Avoid repeating what previous speakers have said and focus on issues and information that the LPP may not already know.
5. If there is a large number of people interested in the same item as you, try to nominate three representatives to speak on your behalf and to indicate how many people they are representing.
6. Before speaking, turn on the microphone by pressing the button next to it and speak clearly so that everyone in the Council Chamber can hear.
7. Be prepared to quickly return to the microphone and respond briefly to any questions from LPP members, after all speakers on an item have made their presentations.

At the start of each LPP meeting, the Chair may re-order agenda items so that those items with speakers can be dealt with first.

LPP reports are on line at [www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au) with printed copies available at Sydney Town Hall immediately prior to the meeting. Council staff are also available prior to the meeting to assist.

## **Item 1.**

### **Disclosures of Interest**

Pursuant to the provisions of Clause 15 of Schedule 4B of the Environmental Planning and Assessment Act 1979, members of the Local Planning Panel are required to disclose pecuniary interests in any matter on the agenda for this meeting of the Local Planning Panel.

Panel members are also required to disclose any non-pecuniary interests in any matter on the agenda for this meeting of the Local Planning Panel.

In both cases, the nature of the interest must be disclosed.

In accordance with section 4.9 of the Code of Conduct for Local Planning Panel Members, all Panel members are required to sign a declaration of interest in relation to each matter on the agenda.



## **Item 2.**

### **Confirmation of Minutes**

Minutes of the following meeting of the Local Planning Panel, which have been endorsed by the Chair, are submitted for noting:

Meeting of 20 November 2019

**Item 3.****D/2019/875 - 100 Joynton Avenue, Zetland****File No.: D/2019/875****Summary**

<b>Date of Submission:</b>	13 August 2019.  Amended plans were received on 14 October 2019.
<b>Applicant:</b>	Sydney Local Health District, NSW Health
<b>Architect/Designer:</b>	Kit Handley Architects
<b>Owner:</b>	City of Sydney Council
<b>Cost of Works:</b>	\$172,040.00
<b>Zoning:</b>	R1 General Residential. The development is for a Community Health Services Facility and is permitted with consent.
<b>Proposal Summary:</b>	<p>The proposal is a 'Crown' Development Application as it has been lodged by the Sydney Local Health District of NSW Health.</p> <p>The proposal seeks to change the use of part of ground floor of the heritage listed 'tote' building located within the precinct known as 'Victoria Park'. The change of use includes a community health services facility involving fit-out works and signage. Proposed hours of operation are 8:00am to 5:30pm, Monday to Friday.</p> <p>This application is reported to LPP as the application includes a change of use within the site, which is owned by Council.</p> <p>Crown applications require the agreement of the applicant to all recommended conditions of consent prior to determination. The draft conditions of consent, as listed in 'Attachment A' to this report have been agreed by the applicant. It is noted that a Crown Development application cannot be refused except with the approval of the Minister for Planning. If the LPP determines that the application should be refused, it should resolve to seek approval from the Minister to refuse the application.</p>

The application was notified between 3 September 2019 and 25 September 2019. One submission was made in comment of the proposal, regarding the loss of on-street parking. The proposal does not change the existing on-street parking arrangements. It is considered that the previous use generated an equivalent or greater vehicular movement and as such the proposal will not create unreasonable demand on on-street car parking.

The application complies with relevant controls and does not seek to add any additional floor space to the site. Consequently it is recommended for approval.

**Summary Recommendation:** The development application is recommended for approval, subject to conditions.

**Development Controls:**

- (i) SEPP 64 - Advertising and Signage
- (ii) Sydney Local Environmental Plan 2012
- (iii) Sydney Development Control Plan 2012

**Attachments:**

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Operational Plan of Management

## Recommendation

It is resolved that consent be granted to Development Application No. D/2019/875 subject to the conditions set out in Attachment A to the subject report.

## Reasons for Recommendation

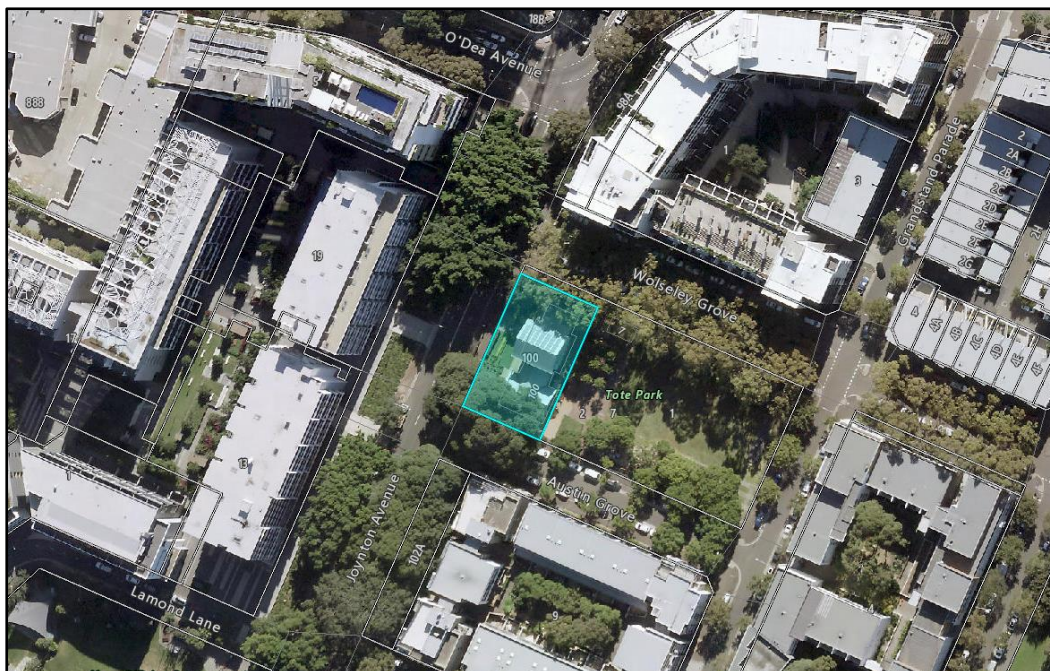
The application is recommended for approval for the following reasons:

- (A) The proposed use is permissible under the provisions of *Sydney Local Environmental Plan 2012*;
- (B) The proposal is consistent with the relevant provisions of Sydney Development Control Plan 2012;
- (C) The proposed signage is considered to comply with the provisions of *State Environmental Planning Policy 64 - Advertising and Signage* and Part 3.16 - Signs and Advertising of Sydney DCP 2012;
- (D) The proposal is not considered to result in adverse impacts to the heritage value of the building in accordance with the objectives of Cl. 5.10 of Sydney LEP 2012 and 3.9 of Sydney DCP 2012; and
- (E) The proposal is not considered to result in adverse amenity impacts to the immediate area.

## Background

### The Site and Surrounding Development

1. A site visit was carried out by staff on 6 September 2019.
2. The site is rectangular, with area of approximately 1061sqm. It has a primary street frontage to Joynton Avenue to the west and secondary street frontages to Wolseley Grove to the north and Austin Grove to the south.
3. The site includes a part one part 3 storey heritage listed building, known as the 'Tote' building. Tote Park is located on the eastern side of the building. The site is located within the Victoria Park Precinct of the Green square Urban Renewal area. The site is a heritage item known as I2212, "Former Victoria Park Racecourse group including former Totalisator building, park and interpretation device", but is not located within a heritage conservation area.
4. The building is owned by the Council and includes multiple spaces at ground, first and second floor used independently as publically available meeting/function rooms.
5. The area is zoned residential and has a predominantly residential character. Development includes several contemporary multi-storey residential flat buildings to the west across Joynton Avenue, to the south across Austin Grove, and to the north across Wolseley Grove containing a ground floor commercial tenancy. A mixed use building is currently being constructed further to the north. Tote Park is located to the immediate east. Photos of the site and surrounds are provided below:



**Figure 1:** Aerial image of subject site and surrounding area.





**Figure 2:** Site viewed from the primary Joynton Avenue frontage.



**Figure 3:** The primary Joynton Avenue entry to the site including location of proposed freestanding pillar sign.

## Proposal

6. The application has been lodged by the South West Health District of NSW Health, and is considered to be Crown DA. Crown applications require the agreement of the applicant to all recommended conditions of consent prior to determination. The draft conditions of consent, as listed in 'Attachment A' to this report have been agreed by the applicant.
7. The application seeks consent for the fitout and use of part of the ground floor of the building as a community health services facility, containing 3 consulting rooms. The use includes services such as counselling, physiotherapy, child and family health nursing, and paediatric medical services. Proposed operating hours are 8:00am to 5:30pm, Mondays to Fridays inclusive.
8. Internal demolition consists of the removal of modern elements including cabinetry and joinery, skirting which currently hides service cabling, and a high level window within a modern wall on the northern side of the space.
9. Fitout elements include partition walls for 3 consulting rooms, associated water and power utilities, staff kitchen, and new sliding door separating the subject area from a function room located at ground floor to the immediate south of the subject area. Internal signage is also proposed on existing glazed sliding doors, which will be used as the primary entry for the tenancy.
10. A 2.2m freestanding non-illuminated pillar sign is also proposed, adjacent to the primary Joynton Avenue entrance. The sign includes lettering indicating the community health services facility use and includes the NSW Government wattle logo.
11. The existing uses within the remainder of the ground, first and second floors will remain the same, and are separately accessible via entries on the western Joynton Avenue frontage and the southern Austin Grove frontages. These areas retain services such as bathrooms and kitchenettes.
12. Plans of the proposed development are provided below.

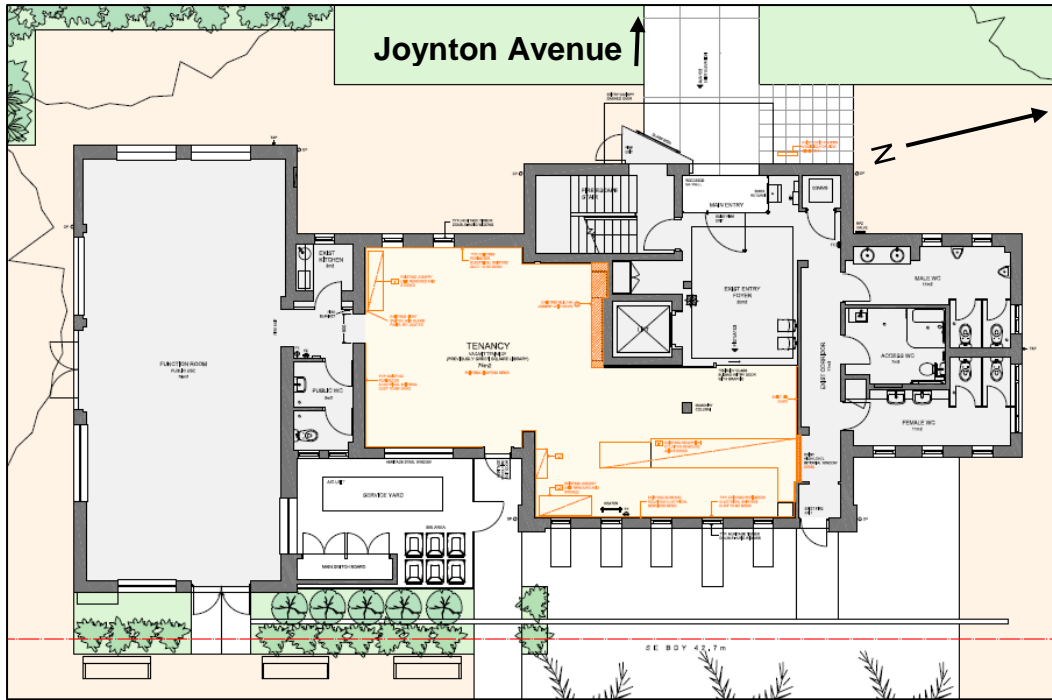


Figure 4: Proposed demolition plan.

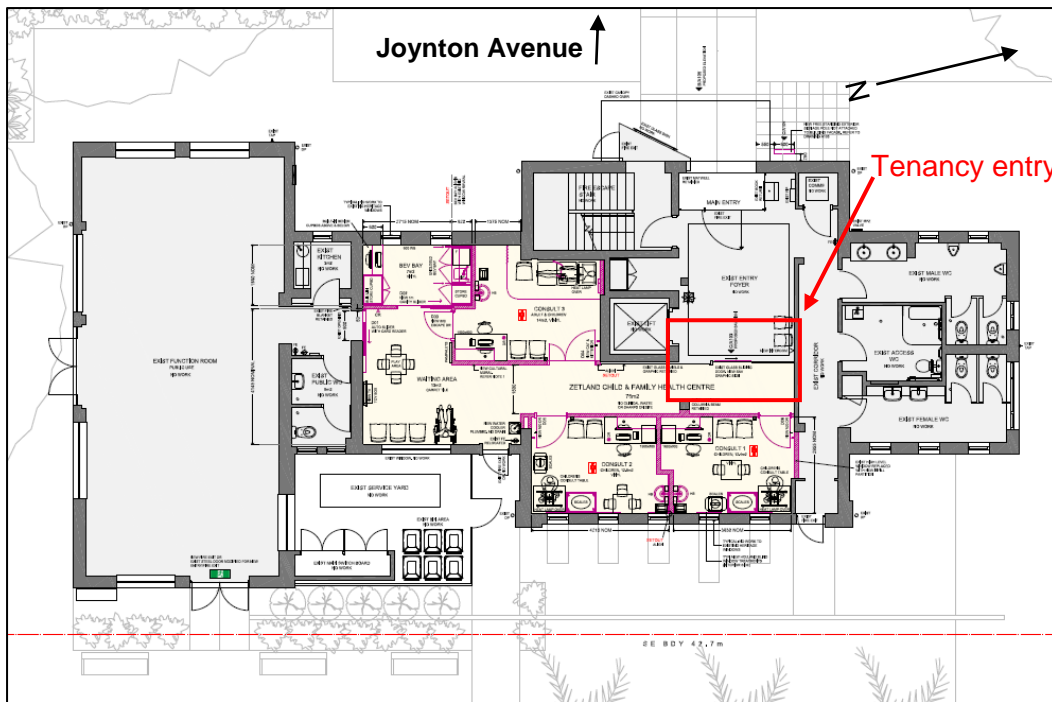
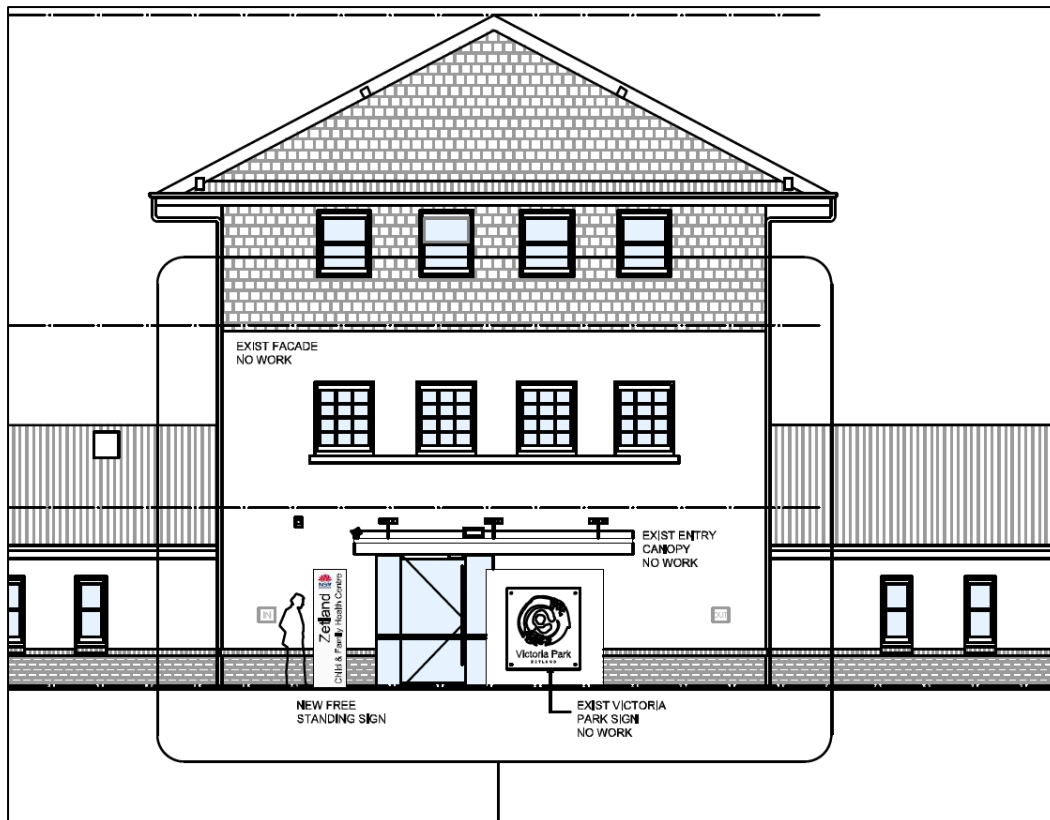


Figure 5: Proposed internal floor plan.





**Figure 6:** Proposed signage adjacent to the primary Joynton Avenue entry. It is noted that the existing 'Victoria Park' sign adjacent to this entry is not proposed to be modified.

### History Relevant to the Development Application

13. D/2010/1571, subject site - Consent for fitout and use of the ground floor as a community facility (Green Square Neighbourhood Service Centre with library component), including signage. The site had previously been used as a site office and display area by Landcom. This application was approved on 8 November 2010.

A subsequent Section 96/4.55 modification was lodged to extend the site's trading hours to 9:00am to 9:00pm Mondays to Fridays and 10:00am to 4:00pm Saturdays. This application was approved on 17 April 2012.

14. D/2011/1232, subject site - Alterations and additions to first and second floor of the site for use as community services. This application was approved on 6 October 2011.

A subsequent Section 96/4.55 modification was lodged for minor internal modifications within the same area. This application was approved on 20 May 2013.

Subject DA:

15. Following the submission of this application, an amended plan has been received which includes a minor internal reconfiguration of consulting room 3, the proposed staff kitchen, relocation of a small children's play area within the central waiting room and the installation of an intercom system adjacent to the existing sliding doors at the front entry of the area.

16. Draft conditions were referred to the Crown on 12 November 2019 and were agreed to on 18 November 2019.

### **Economic/Social/Environmental Impacts**

17. The application has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979, including consideration of the following matters:
- (a) Environmental Planning Instruments and DCPs.

### **State Environmental Planning Policy No 64—Advertising and Signage**

18. The application proposes one freestanding aluminium pylon sign beside the primary building entry, containing lettering identifying the health services facility.
19. SEPP 64 was gazetted on 16 March 2001 and aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.
20. Clause 8 of SEPP 64 states the following:
- A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:
- (a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.

### **Assessment Criteria**

21. The following table outlines the manner in which the proposed signage addresses the assessment criteria of SEPP64.

<b>1. Character of the area</b>	<b>Comment</b>
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed sign is considered compatible with the existing and future character of the area and locality, as it is in keeping with the community services use of the site.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed sign is compatible with the area and assists customer wayfinding

2. Special areas	Comment
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The sign is not considered to detract from the amenity or visual character of the adjacent heritage item.

3. Views and vistas	Comment
Does the proposal obscure or compromise important views?	The proposed sign does not obscure or compromise important views.
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed sign does not dominate the skyline nor reduce the quality of any vistas.
Does the proposal respect the viewing rights of other advertisers?	No other advertisers or signage is present on the facade or entry to the building. An existing sign denoting Victoria Park, Zetland exists adjacent to the primary entry which will retain viewing rights.

4. Streetscape, setting or landscape	Comment
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the signage is considered appropriate for the streetscape.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposal contributes to the visual interest of the streetscape and general setting by using different proportions and materials to existing signs while being acceptable in a heritage context.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signage reduces the volume of clutter that may be associated with new uses by using a single, clear item of signage.
Does the proposal screen unsightliness?	The proposed signage does not screen unsightliness.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposal does not protrude above buildings, structures or tree canopies in the area.

<b>4. Streetscape, setting or landscape</b>	<b>Comment</b>
Does the proposal require ongoing vegetation management?	The signage does not require ongoing vegetation management.

<b>5. Site and building</b>	<b>Comment</b>
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposal is considered to be compatible with the scale, proportion and other characteristics of the site, including the community-focused use of the site.
Does the proposal respect important features of the site or building, or both?	The proposal respects important features of the site by being detached from the structure and being clear of any architecturally significant features of the heritage listed building.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposal shows innovation by using modern materials and colours which have a complementary contrast to the form of the heritage listed building.

<b>6. Associated devices &amp; logos with advertisements &amp; advertising structures</b>	<b>Comment</b>
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The NSW Government Waratah logo is featured but is not an integral part of the signage. No lighting devices are proposed.

<b>7. Illumination</b>	<b>Comment</b>
Would illumination result in unacceptable glare?	N/A
Would illumination affect safety for pedestrians, vehicles or aircraft?	N/A
Would illumination detract from the amenity of any residence or other form of accommodation?	N/A

<b>7. Illumination</b>	<b>Comment</b>
Can the intensity of the illumination be adjusted, if necessary?	N/A
Is the illumination subject to a curfew?	N/A

<b>8. Safety</b>	<b>Comment</b>
Would the proposal reduce the safety for any public road?	The signage is not considered to result in a safety risk to any public road.
Would the proposal reduce the safety for pedestrians or bicyclists?	The signage is not considered to reduce safety for pedestrians or cyclists.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The signage would not reduce safety for pedestrians by obscuring sightlines from public areas, as the sign is located 200mm from the front wall of the building and is oriented parallel to the wall.

22. The proposed signage is consistent with the aims and objectives of Clause 3 of SEPP 64 and as such is supported.

### **Sydney Local Environmental Plan 2012**

23. The site is located within the R1 General Residential zone. The proposed use is defined as a Community Health Services Facility, which is under the definition of a Health Services Facility. The use is permissible with consent.
24. The relevant matters to be considered under Sydney Local Environmental Plan 2012 for the proposed development are outlined below.

#### Compliance Tables

<b>Development Control</b>	<b>Compliance</b>	<b>Comment</b>
4.3 Height of Buildings	N/A	A maximum height of 12m is permitted.  No increase to the height of the premises is proposed.
4.4 Floor Space Ratio	N/A	A maximum FSR of 1:1 is permitted.  No increase to the GFA of the site is proposed.

<b>Development Control</b>	<b>Compliance</b>	<b>Comment</b>
5.3 Development near zone boundaries	Yes	The site is within 6m of an adjacent site zoned RE1 Public Recreation. The proposal is considered compatible with the objectives of both zones.
5.10 Heritage conservation	Yes	The subject site is a heritage item.  See discussion under the heading Issues.

<b>Part 6 Local Provisions - Height and Floor Space</b>	<b>Compliance</b>	<b>Comment</b>
Division 4 Design excellence	Yes	The proposed development satisfies the requirements of this provision.

### Sydney Development Control Plan 2012

25. The relevant matters to be considered under Sydney Development Control Plan 2012 for the proposed development are outlined below.

<b>2. Locality Statements – Victoria Park</b>
The subject site is located in the Victoria Park locality. The proposed Community Healthcare Facility is considered to be in keeping with the unique character of the area and design principles in that it supplements the variety of services available to local residents following the redevelopment of the precinct within the Victoria Park local village and adjacent Green Square.

<b>3. General Provisions</b>	<b>Compliance</b>	<b>Comment</b>
3.5 Urban Ecology	Yes	The proposed development does not involve the removal of any trees and will not adversely impact on the local urban ecology.
3.7 Water and Flood Management	Yes	The site is identified as being on flood prone land. The proposal includes internal alterations to an existing building, and in accordance with the exemptions for minor additions within the Interim Floodplain Management Policy, the flood development controls do not apply for this development.

3. General Provisions	Compliance	Comment
3.9 Heritage	Yes	The existing building is a heritage item. See discussion under the heading Issues.
3.10 Significant Architectural Building Types	Yes	The proposed internal modifications, use and signage are considered acceptable as the modifications retain significant internal fabric and do not modify the external surface of the building.
3.12 Accessible Design	Yes	A condition has been recommended for the proposed development to provide appropriate access and facilities for persons with disabilities in accordance with the DCP and the BCA.
3.14 Waste	Yes	A condition has been recommended for the proposed development to comply with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.
3.15 Late Night Trading Management	N/A	The use proposes trading hours of 8:00am to 5:30pm. The use is considered a Category C premises and will not trade after 10:00pm. Therefore, the provisions of this Part are not applicable.
3.16 Signage and Advertising	Yes	The proposed development includes a freestanding pylon sign adjoining the primary building entry. Though the DCP does not permit freestanding signage within the R1 zone, the sign is associated with a government operated use within a public building, the signage complies with the objectives of the control and meets the remainder of the DCP provisions for freestanding signage.

<b>3. General Provisions</b>	<b>Compliance</b>	<b>Comment</b>
3.16.1 Signage Strategy	Yes	<p>This application proposes signage adjoining a building which is a heritage item, and as such a Signage Strategy is required.</p> <p>A waiver to the signage strategy has been sought as it is considered that the proposal is minor in nature, and satisfies the objectives of the DCP in relation to signage.</p>

<b>4. Development Types</b>	<b>Compliance</b>	<b>Comment</b>
<b>4.2 Residential flat, commercial and mixed use developments</b>		
4.2.1 Building height	N/A	<p>The maximum building height under Sydney DCP 2012 is 3 storeys.</p> <p>The proposal does not result in an increase to the existing 3 storey building.</p>
4.2.6 Waste and Recycling Management	Yes	<p>Appropriate conditions has been recommended for the proposed development to comply with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.</p>

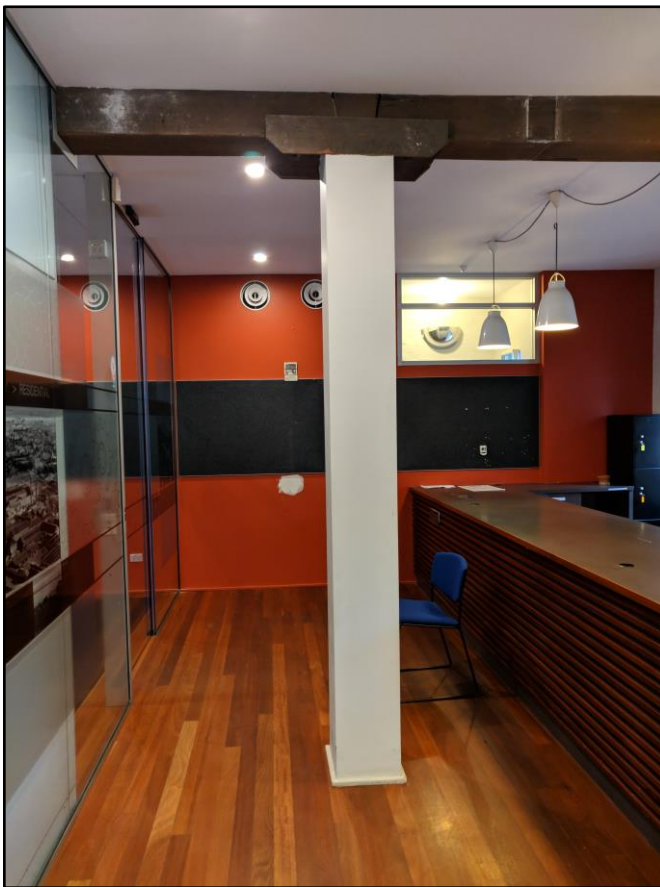
<b>5. Specific Areas</b>	<b>Compliance</b>	<b>Comment</b>
<b>5.2 Green Square</b>		
5.2.7 Stormwater management and waterways	Yes	<p>The site is identified as being on flood prone land within the Alexandra Canal catchment. The proposal includes internal alterations to an existing building, and in accordance with the exemptions for minor additions within the Interim Floodplain Management Policy, the flood development controls do not apply for this development..</p>



## Issues

### Heritage

26. The site is a heritage item and is therefore subject to the heritage provisions of this DCP.
27. The proposal includes internal works which remove non-original fabric such as the former service counter associated with the library/neighbourhood service centre, cabinetry, skirting and associated electrical wiring, and a high window on the northern wall of the subject area. Original elements such as a column and an overhead beam in the vicinity of the current service counter and timber framing within existing windows and doors are being retained (see Figures 6 and 7 below). New utilities are affixed to the proposed partition walls instead of the existing structure, and the internal works proposed are reversible.



**Figure 7:** Existing internal elements including an original column and beam, being retained. Office fitout includes removal of the service counter, high window within an existing partition wall, cabinetry, and skirting containing wiring. All elements to be removed are modern elements.



**Figure 8:** Existing painted brick walls and timber framing will be retained. Modern cabinetry and skirting containing wires will be removed.

### **Other Impacts of the Development**

28. The proposed development is capable of complying with the BCA.
29. It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

### **Suitability of the site for the Development**

30. The proposal is of a nature in keeping with the overall function of the site. The premises are in a mixed surrounding and currently include community-oriented uses.

### **Internal Referrals**

31. Council's Heritage and Urban Design specialists were consulted due to the heritage status of the building. The proposed demolition removes modern fixtures, retains significant fabric, and the proposed works are reversible. As such, the proposal was supported subject to conditions.
32. Council's Environmental Health specialists were consulted, who generally supported the proposal subject to conditions. Conditions were recommended surrounding skin penetration, however it was confirmed by the applicant that no skin penetration would take place on the premises. As such these conditions were not included in the recommended conditions.

33. The subject site is identified in Council's Floodplain Risk Management Study as being flood prone within the Alexandra Canal catchment. As such, Council's Public Domain unit were consulted.
34. Based on Council survey information it was stated that the existing floor level is likely to be above the 1% AEP flood level, which is indicated within Council's catchment-wide flood study and current mapping information.
35. In addition, the development was considered to fall under the exemption clause for minor additions in the Interim Floodplain Management Policy and therefore flood development controls do not apply for this development involving internal fit out of the existing building. Therefore, no objection was raised to the proposed development in terms of flood risk.
36. Council's Waste specialists were consulted, and requested further information surrounding waste volume and the capacity of existing waste storage facilities to accommodate the use. The development was supported subject to conditions.

## External Referrals

### Notification, Advertising and Delegation

37. In accordance with Schedule 1 the Sydney DCP 2012, the proposed development is required to be notified and advertised. As such the application was notified and advertised for a period of 21 days between 3 September 2019 and 25 September 2019. As a result of this notification a total of 1899 properties were notified. One submission was received raising the following concern:

- (a) Loss of on-street car parking

**Response** - The proposal does not change any existing on-street car parking arrangements. The subject area was previously used as a library and Neighbourhood Service Centre operated by Council. Based on the number of consulting rooms and the proposed hours, including trading hours Monday to Friday only, it is not considered that traffic impacts from the proposed use will be greater than the existing or previous uses.

### Public Interest

38. It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

### S7.11 Contribution

39. The development is subject of a S7.11 contribution under the provisions of the City of Sydney Development Contributions Plan 2015. This contribution is calculated on the basis of the development's net increase in resident, worker and/or visitor populations.
40. Credits have not been applied for the most recent past use of the site, as the subject area of the building was previously used as a community facility which itself is exempt from S7.11 contributions. Under Part 1.3 of the City of Sydney Development Contributions Plan 2015, an exemption is applied to development undertaken by or on behalf of Council. The use of the site as a community facility was approved and operated by Council as a library and neighbourhood service centre, and the building is also owned by Council.
41. The calculation for payable contributions is based on the use of 75m<sup>2</sup> as a Health Services Facility.
42. The following monetary contribution is required towards the cost of public amenities:
- |                           |            |
|---------------------------|------------|
| (a) Open Space            | \$2,848.14 |
| (b) Community Facilities  | \$442.79   |
| (c) Traffic and Transport | \$3,615.53 |
| (d) Stormwater Drainage   | \$1,429.70 |
| Total                     | \$8,336.17 |

### Conclusion

43. Having regard to all of the above matters, it is considered that the proposed fitout, use as a Community Health Services Facility and associated signage satisfies the relevant strategy, objectives and provisions of Sydney LEP 2012 and Sydney DCP 2012, is acceptable and as such is recommended for approval.

### GRAHAM JAHN, AM

Director City Planning, Development and Transport

Nicholas Beck, Planner

## CONDITIONS OF CONSENT

### SCHEDULE 1A

#### (1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2019/875 dated 13 August 2019 and the following drawings prepared by Kit Handley Architects:

Drawing Number	Drawing Name	Date
A102	Existing Ground Floor Plan showing Demo (Rev.01)	6/8/2019
A103	Existing L1 & L2 Floor Plans. Proposed New Internal Door Signage (Rev.01)	5/8/2019
A104	New Internal Tenancy Fitout. Proposed Ground Floor Plan (Rev.03)	30/9/2019
A105	Existing and Proposed North West Elevation (Rev.02)	24/10/2019
A106	Proposed Long Section (Rev.01)	6/8/2019
A107	Proposed Short Section (Rev.1)	6/8/2019

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

#### (2) SECTION 7.11 CONTRIBUTIONS PAYABLE - CONTRIBUTION TOWARDS PUBLIC AMENITIES – CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2015 –SOUTH PRECINCT

Council has identified the development will increase demand for public amenities and facilities. Pursuant to Section 7.11 of the Environmental Planning and Assessment Act, 1979 (as amended), and the City of Sydney Development Contributions Plan 2015 the following monetary contributions are required towards the cost of public amenities.

<u>Contribution Category</u>	<u>Amount</u>
Open Space	\$2,848.14
Community Facilities	\$442.79
Traffic and Transport	\$3,615.53
Stormwater Drainage	\$1,429.70
Total	\$8,336.17

The City of Sydney will index the above contribution for inflation at the time of payment using the following formula.

$$C_{\text{payment}} = C_{\text{consent}} \times (CPI_{\text{payment}} \div CPI_{\text{consent}})$$

Where:

$C_{\text{payment}}$  = Is the contribution at time of payment;

$C_{\text{consent}}$  = Is the contribution at the time of consent, as shown above;

$CPI_{\text{payment}}$  = Is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment; and

$CPI_{\text{consent}}$  = Is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being – 116 for the September 2019 quarter.

The contribution must be paid prior to the issue of any Crown Certificate in relation to this development.

Please contact Council's Planning Administration staff at [planningsystemsadmin@cityofsydney.nsw.gov.au](mailto:planningsystemsadmin@cityofsydney.nsw.gov.au) to request a letter confirming the indexed contribution amount payable.

Once the letter confirming the indexed contribution is obtained, payment may be made at any of the City's Neighbourhood Service Centres or the One Stop Shop at Town Hall House. Acceptable payment methods are EFTPOS (debit card only), cash (up to 10K only), Credit Card (up to 50K only) or a bank cheque made payable to the City of Sydney. Personal or company cheques will not be accepted.

## **SCHEDULE 1B**

### **PRIOR TO CROWN CERTIFICATE/COMMENCEMENT OF WORK/HEALTH AND BUILDING**

#### **(3) HOURS OF OPERATION -**

The hours of operation are restricted to between 8:00am and 5:30pm, Mondays to Fridays inclusive.

#### **(4) ASBESTOS REMOVAL WORKS**

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Safework NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal Licence which ever applies.

A copy of the relevant licence shall be made available to any authorised Council officer on request within 24 hours.

#### **(5) VENTILATION MINOR WORKS**

The premises must be ventilated in accordance with the *Building Code of Australia* and AS1668.1-1998 and AS1668.2-1991.

#### **(6) GENERAL HERITAGE**

- (a) 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 which is listed as a Heritage Item.
- (b) The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction. The protection measures are to be specified in the construction management plan.
- (c) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013.
- (d) New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.
- (e) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- (g) The face brickwork/stone/tiles must not be rendered, painted or coated.
- (h) Where internal partitions meet external walls they must abut window mullions, columns or other such building elements and not glazing.

**(7) WASTE AND RECYCLING COLLECTION CONTRACT**

Prior to first occupation and/or commencement of the use, whichever is earlier, the building owner must ensure that there is a contract with a licensed contractor for the removal of **all waste**. No garbage is to be placed on the public way, e.g. footpaths, roadways, plazas, reserves, at any time.

**(8) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL**

- (a) The Waste and Recycling Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Waste and Recycling Management Plan is to be approved by the Principal Certifier prior to a Crown Certificate being issued. The plan must comply with the Council's *Guidelines for Waste Management in New Developments 2018*. All requirements of the approved Building Waste and Recycling Management Plan must be implemented during construction of the development.

**UPON COMPLETION OF THE DEVELOPMENT**

- (c) Prior to first occupation 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*.

**(9) WASTE/RECYCLING COLLECTION**

- (a) The collection of waste and recycling must only occur during the designated zone collection times as outlined in the City's Waste Policy – Local Approvals Policy for Managing Waste in Public Places 2017.
- (b) Garbage and recycling must not be placed on the street for collection more than half an hour before the scheduled collection time. Bins and containers are to be removed from the street within half an hour of collection.



## SCHEDULE 1C

### DURING CONSTRUCTION/PRIOR TO OCCUPATION/COMPLETION

#### (10) HOURS OF WORK AND NOISE – OUTSIDE CBD

The hours of construction and work on the development must be as follows:

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.
- (c) Notwithstanding the above, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a permit being issued by Council under Section 68 of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993.

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Unit, prior to works proceeding

The *City of Sydney Code of Practice for Construction Hours/Noise 1992* allows extended working hours subject to the approval of an application in accordance with the Code and under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

## **SCHEDULE 2**

### **PRESCRIBED CONDITIONS**

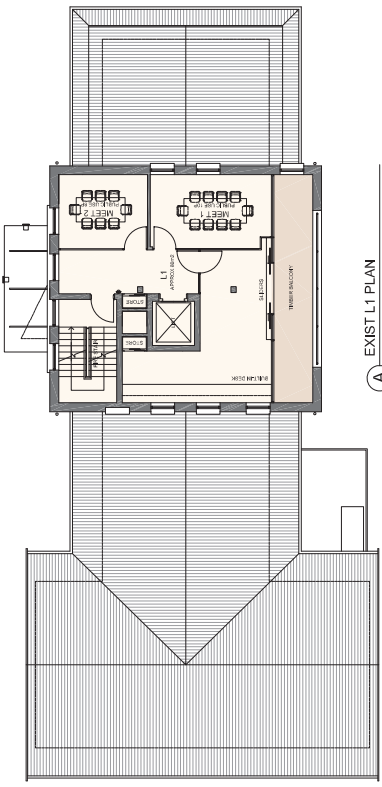
**The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2000* apply:**

Refer to the NSW State legislation for full text of the clauses under Division 8A of the *Environmental Planning and Assessment Regulation 2000*. This can be accessed at: <http://www.legislation.nsw.gov.au>

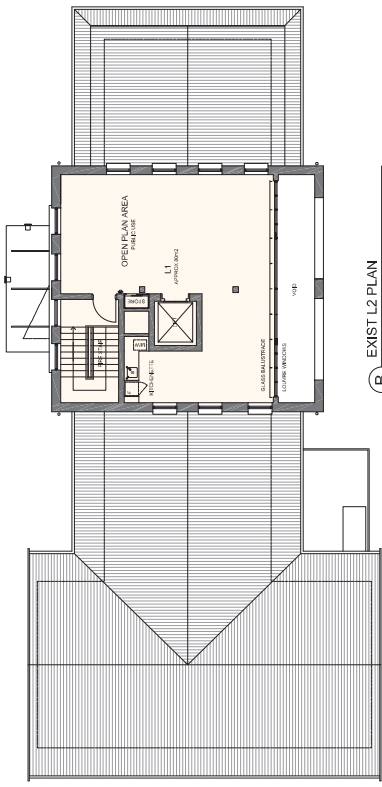
# **Attachment B**

**Selected Drawings**

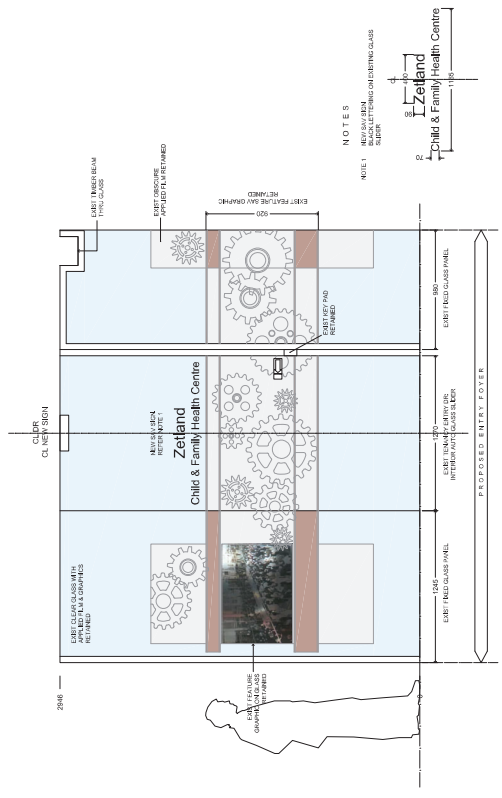




**(A) EXIST L1 PLAN**  
 TO COMBAT TOWER ON JOYNTON AVE  
 FOR REFERENCE ONLY  
 NO PROPOSED WORK



**(B) EXIST L2 PLAN**  
 TO COMBAT TOWER ON JOYNTON AVE  
 FOR REFERENCE ONLY  
 NO PROPOSED WORK

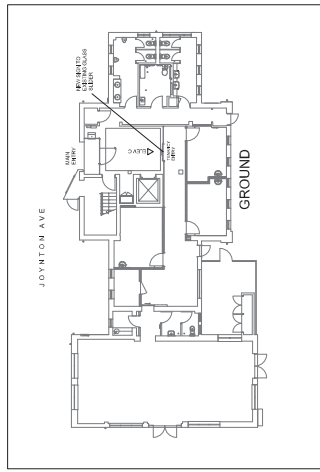


**(C) PROPOSED INTERIOR ELEVATION**  
 TO COMBAT PROPOSED NEW TENANCY SIGNAGE

**NOTES**  
 1. ALL GLASS PANELS TO BE REFINISHED TO MATCH EXISTING GLASS.  
 2. ALL GLASS PANELS TO BE REFINISHED TO MATCH EXISTING GLASS.



**FIG 1 EXIST TENANCY GLASS ENTRY, AUTO SLIDE**



**LOCATION PLAN**

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REV.	DATE	COMMENTS	APPR.
1	05/08/19	ISSUED FOR REVIEW	KH

**Zetland Child & Family Health Centre**  
 Tote Building, 100 Joynton Ave, Zetland NSW 2017, New Internal Tenancy Fitout,  
 Existing L1 & L2 Floor Plans, Proposed New Internal Door Signage.

**A103**  
**REV 01**



**Health Sydney**  
 Local Health District



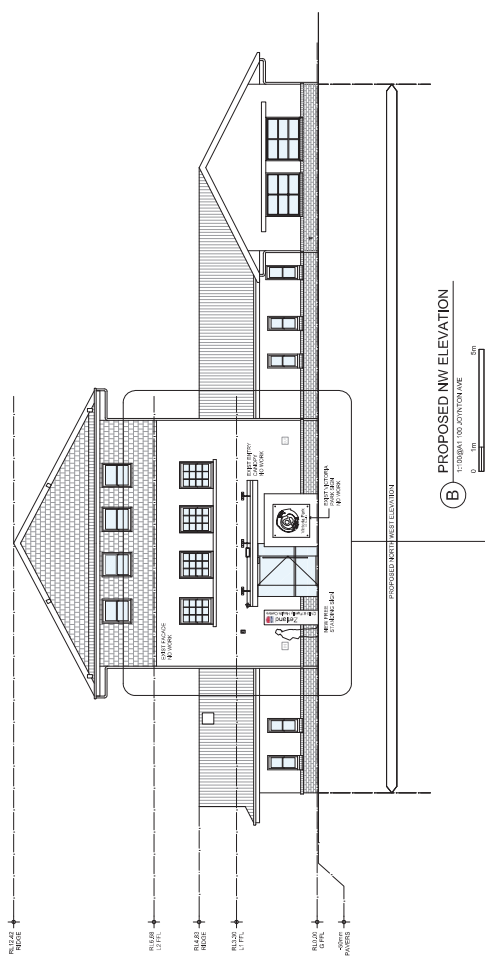
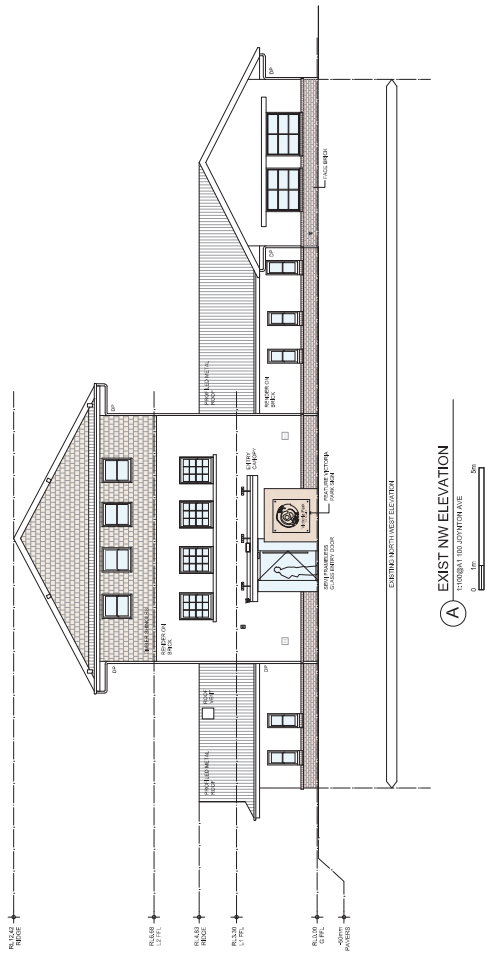
**K&H Handley Architects Pty Ltd**  
 21 Miller St, Burwood NSW 2134  
 www.khandleyarchitects.com.au  
 k.h.handley@khandley.com.au  
 155 52 52 157 425

**DA**  
 DA ISSUE







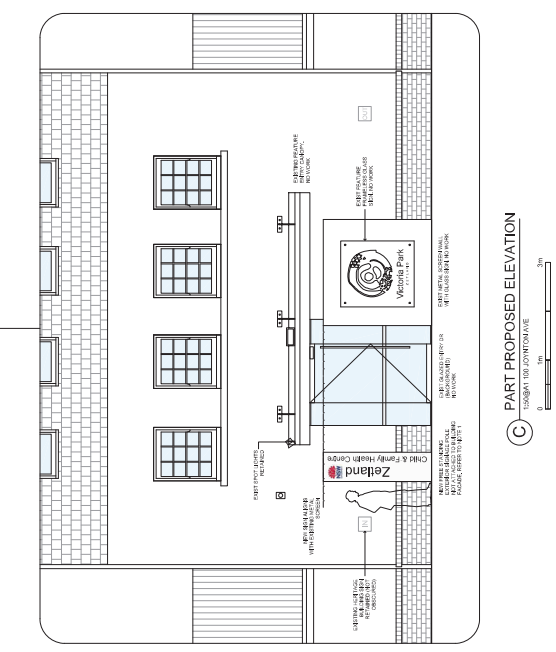


NOTES

NOTE 1: NEW GLAZED ALUMINUM PANELS ARE TO BE SUPPLIED TO SUIT THE PROPOSED ELEVATION. THE EXISTING GLAZED ALUMINUM PANELS ARE TO BE REFINISHED TO MATCH THE PROPOSED ELEVATION.



FIG 1 PROPOSED NEW ELEVATION



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REV	DATE	COMMENTS	APPR
1	06/08/19	ISSUED FOR REVIEW	KH

**Zetland Child & Family Health Centre**  
 Tote Building, 100 Joynton Ave, Zetland NSW 2017, New Internal Tenancy Fitout.  
 Existing & Proposed North West Elevation

**A105**  
 REV 01



# **Attachment C**

**Operational Plan of Management**



## Operational Plan of Management for 100 Joynton Street, Zetland (7-8-19)

Child and Family Service (CAFS) was located at the Alexandria Public School in a leased building. Due to the redevelopment of the school and a scale back in the amount of temporary space allocated for CAFs, the service has been dispersed across various Child and Family clinics within the Sydney Local Health District (SLHD). Sydney Local Health District has been advised that the school redevelopment program will take approx. five years. This means the local community will not have access to the full range of Child and Family services as they will not be offered locally. In order for SLHD to maintain and develop new linkages with the local community it is necessary to explore further location options. The proposed new CAF will house the following services:

- Counselling
- Early Childhood Social Work
- Occupational Therapy
- Physiotherapy
- Speech Pathology
- Child and Family Health Nursing
- Nutrition and Dietetics
- Paediatric Medical Officers

These services provide assessment, therapy and support for local families with children aged 0-5 years.

Child and Family Allied Health professionals, which include Social Workers, Psychologists, Occupational Therapists, Physiotherapists, Speech Pathologists and Dietitians work with children aged 0-5 years. These children may be having difficulties with their motor, communication, feeding, growth, social, behavioural and emotional development. Professionals work in collaboratively with families to improve the child's skills. Services are flexibly tailored to meet individual needs and are offered through face-to-face individual appointments, pairs or groups; teleconferencing or email; these may be accessed at the centre, in the family's home, through an education setting or other local community centre.

Parental services are provided by Child and Family Health Nurses to parents with children from newborn to age 5 years. These services include: health, development and wellbeing checks; information and support regarding breastfeeding; infant feeding and nutrition; sleep and crying patterns; adjusting to parenting, growth and development; infant and child behaviours along with safety and parental wellbeing and parent groups. Parent groups are offered to new parents in the local area to learn about parenting and child development and meet other parents in the local area with new babies.

The Centre operating hours are Monday to Friday from 08:00am – 17:30pm. Appointments are predominantly booked in advance. There will be a minimum of 1 group per week comprising 15 adults and their babies. Workshops after business hours are conducted infrequently (approximately 2-3 times per year), these are specifically for clients that are working, and will finish by 8:30pm.

### Staffing and Client Numbers

- At any one time there may be up to 5 staff comprising predominantly nursing staff supported by administration, medical/allied health staff and students.
- Additional staff based in the community home visiting may frequent the centre intermittently.
- Maximum capacity of clients accessing onsite services at a given time is forecast at 30

**Item 4.****Development Application: 382-388 Botany Road, Beaconsfield**

File No.: D/2019/991

**Summary****Date of Submission:** 6 September 2019**Applicant:** Mr Con Bletsas**Designer:** Adrian Minnard**Owner:** Bill and Sophia Papadopoulos**Cost of Works:** \$4,095.00**Zoning:** B4 Mixed Use - Restricted retail premises (adult entertainment) Permissible with consent

**Proposal Summary:** The development application seeks consent for a change of use and fit-out for an adult entertainment restricted retail premises with internal alterations to combine two tenancies (Shop A and B). The proposal also includes external alterations to the shop frontage and the provision of signage. The proposed trading hours are 9.00am to 8.00pm Monday to Saturday and 10.00am to 8.00pm Sunday.

The tenancy is located within a mixed use building including ground floor retail and upper level commercial and residential uses. The tenancy maintains a separate pedestrian access point to residential uses on the site and is acceptable subject to conditions.

Issues that can be resolved by condition include street frontage design and separation of the use from residential dwellings at upper floors.

The application was advertised and notified for a period of 21 days, between 20 September and 12 October. Six (6) submissions were received. The objections raised the following concerns:

- proximity to Green Square Town Centre
- proximity to residential dwellings

- proximity to commercial premises
- proximity to existing restricted premises
- streetscape amenity
- antisocial behaviour
- traffic and parking
- proximity to bus stop
- display of non-compliant signage.

The application is referred to the Local Planning Panel (LPP) for determination as it is sensitive development under Schedule 1 of the Local Planning Panels Direction - Development Applications.

The proposal is a permissible use and generally complies with relevant planning controls. It is recommended for deferred commencement given the need for an improved design outcome for the street frontage. Operational conditions will assist in ensuring residential amenity is maintained.

**Summary Recommendation:** The development application is recommended for deferred commencement approval.

**Development Controls:**

- (i) Sydney Local Environmental Plan 2012 (Gazetted 12 December 2012, as amended)
- (ii) Sydney Development Control Plan 2012 (in force on 12 December 2012, as amended)

**Attachments:**

- A. Recommended Conditions of Consent
- B. Selected Drawings

**Recommendation**

It is resolved that deferred commencement consent be granted to Development Application No. D/2019/797 subject to the conditions set out in Attachment A to the subject report.

**Reasons for Recommendation**

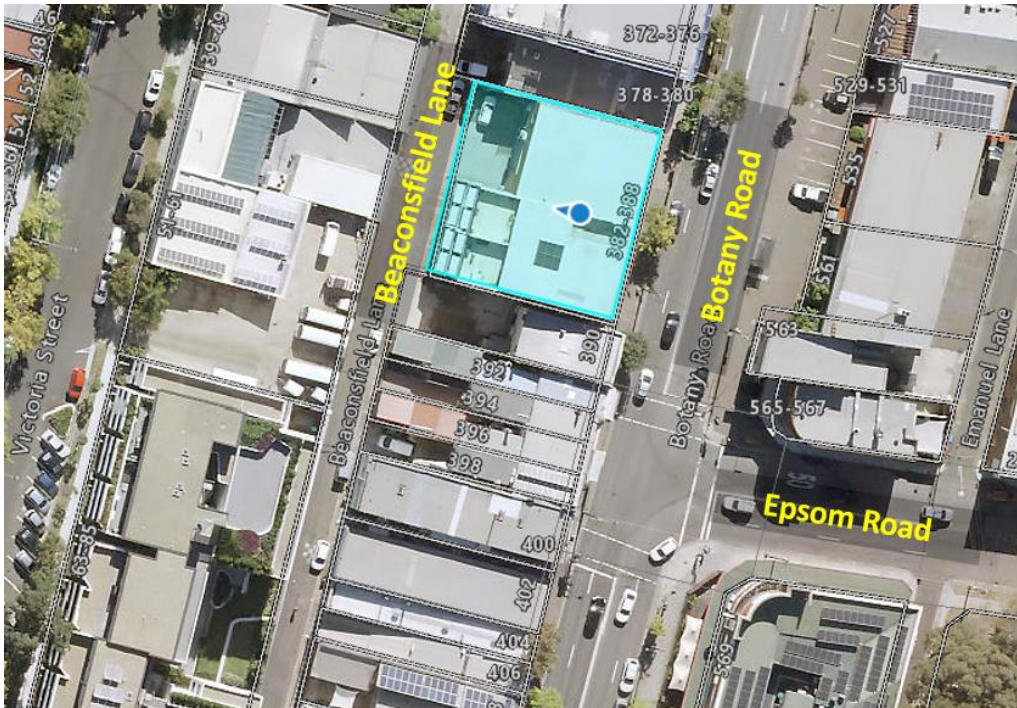
The application is recommended for approval for the following reasons:

- (A) The proposed development is consistent with Section 4.15 of the Environmental Planning and Assessment Act 1979, in that it achieves the objectives of the planning controls for the site and does not result in adverse environmental impacts for the reasons outlined in this report.
- (B) The adult entertainment restricted retail premises is permissible and consistent with the objectives of the B4 - Mixed Use zone. The layout of the premises and use of a separated access point ensures it is compatible with the surrounding land uses in this location.
- (C) Subject to conditions, the proposal will meet Clause 6.21 Design Excellence provisions.
- (D) For the reasons above and as outlined in this report, the proposed development is in the public interest, subject to conditions.

## Background

### The Site and Surrounding Development

1. A site visit was carried out by staff on 5 September 2019.
2. The site is a rectangular shaped lot, with area of approximately 751sqm. It has a primary street frontage to Botany Road and secondary frontage to Beaconsfield Lane. The site contains a mixed use building. Ground floor consists of commercial tenancies. The upper floors include three residential dwellings. All car parking spaces associated with the commercial and residential uses are located on common property.
3. The subject tenancy forming part of this application is located on the southern end of the ground floor fronting Botany Road. The tenancy is known as Shop A and Shop B and is currently vacant. Pedestrian access to the tenancy is from Botany Road.
4. A flooring business occupies a separate tenancy at the northern end of the ground level retail area and a therapeutic massage premises on the first floor. The tenancies are accessed by independent entries.
5. The residential units are accessed from a separate entry point on Botany Road and a via a rear entrance adjoining garages facing Beaconsfield Lane.
6. The site adjoins retail and commercial uses on the east and western side of Botany Road
7. The lot is located approximately 240 metres from the Green Square Town Centre.
8. The site is not a heritage item nor is it located within a Heritage Conservation Area.
9. Photos of the site and surrounds are provided below:



**Figure 1:** Aerial image of subject site and surrounding area





**Figure 2:** Site viewed from Botany Road, Beaconsfield with separate residential entrance in mid section of the site of the subject site, under the awning.



**Figure 3:** Site viewed from Beaconsfield Lane, Beaconsfield.



Figure 4: Rear access adjoining proposed staff room and adjoining residential garages



Figure 5: Rear exit to ground floor tenancy from Beaconsfield Lane looking eastward.





**Figure 6:** Botany Road looking south-eastward towards intersection of Botany Road and Epsom Road.



**Figure 7:** Historical image of site - retail adult entertainment premises originally located in the building circa 2000.





**Figure 8:** Surrounding land uses within 75 metres of the primary entrance residential (pink) commercial uses (purple).

## Proposal

10. The application seeks consent for the change of use and fit-out for an adult entertainment restricted retail premises. There are internal alterations to combine two existing tenancies including external alterations and signage. The schedule of works is as follows:

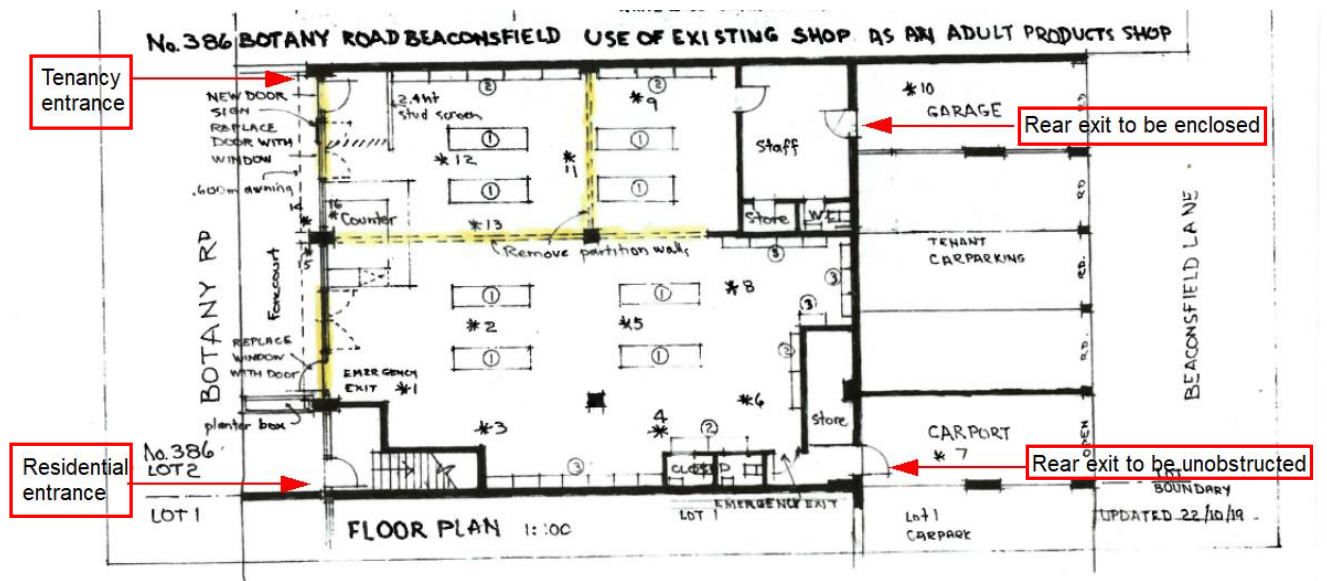
**(a) Exterior**

- (i) Construct new entry and exit doors adjoining Botany Road
- (ii) Replace glazing with manufactured tinted glass
- (iii) Display of one business identification awning fascia sign on the east elevation
- (iv) Install new CCTV cameras

**(b) Ground Floor:**

- (i) Demolition of internal walls to create one tenancy
- (ii) Construction of a 2.4 metre screen and front counter
- (iii) Install new CCTV cameras
- (iv) One staff room with toilet

11. Plans of the proposed development are provided below.



**Figure 9:** Proposed floor plan, showing the joining of existing two tenancies into one shop and proposed access points.

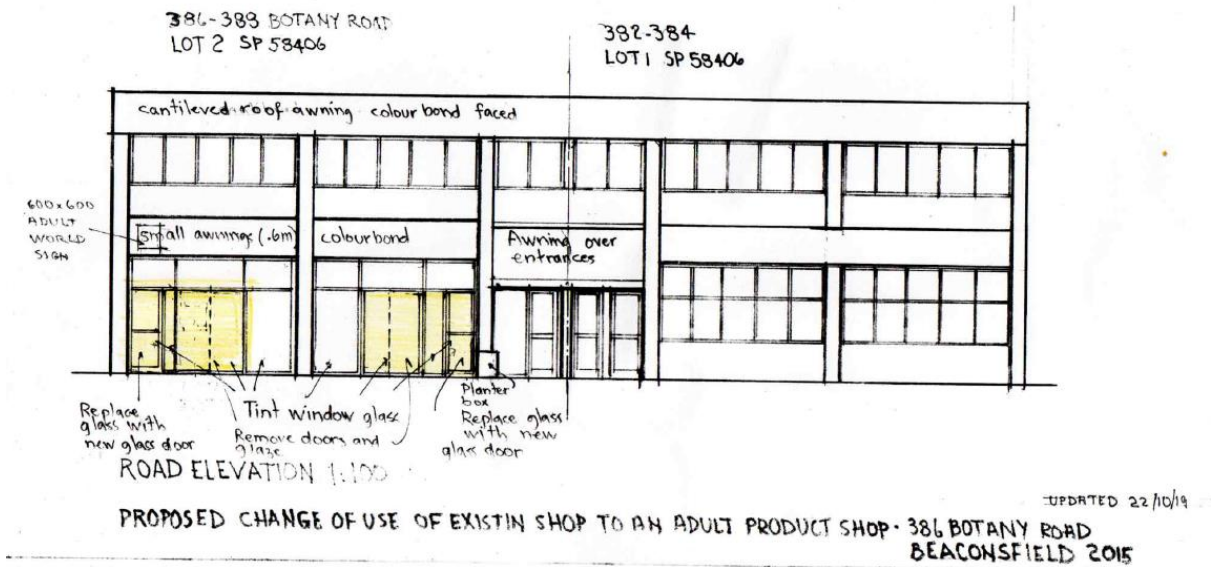


Figure 10: Proposed east elevation, Botany Road frontage.



Figure 11: Sign detail

### History Relevant to the Development Application

12. On 30 June 1994, development consent (U94/00426) was granted for the internal fit-out of existing warehouse to store small baked food goods and to retail to the public.
13. On 20 November 1998, development consent (U98-00929) was granted for use of the southern unit of premises to wholesale adult products and display of associated signage.
14. On 20 November 2000, development consent (U00/00950) was granted for the fit-out and use as a restaurant/takeaway premises (Shop A, Lot 2). The use of tenancy (Shop B, Lot 2) continued as wholesale adult products (pictured in Figure 7 above).
15. On 21 March 2003, development consent (U01/01051) was granted for alterations and additions to an existing building by constructing 3 residential units above existing ground floor retail tenancies. The car spaces were not allocated to a particular tenancy or residential unit. Condition 9 required garbage/recycling storage facilities for the commercial use to be located within the site at street level adjoining the rear building line. From Council records, it appears the consent was activated on all or part of the site for over 16 years and the restricted use was operating from part of the site (Shop B) at the time of the assessment of the residential upper floors.
16. On 26 February 2007, development consent (U01/01051/A) was modified to enclose the car parking area with panel lift doors.
17. On 28 November 2005, development consent (D/2005/1817) was granted for fit-out and change of use of premises to a health food/ salad and juice bar and internet café with 12 internal seats and 8 external seats and wall sign displayed above the entry doors (Shop A, Lot 2)

### Economic/Social/Environmental Impacts

18. The application has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979, including consideration of the following matters:
  - (a) Environmental Planning Instruments and DCPs.

### State Environmental Planning Policy No 64—Advertising and Signage

19. The application proposes the following signage:

One business identification 0.6 metre by 0.6 metre awning fascia sign on the east elevation with a maximum height of approximately 4 metres above existing ground level and a total display area of approximately 0.36sqm. The sign contains the street address and is inscribed with 'Adult World'. The proposed colours and materials for the sign have not been provided.
20. SEPP 64 was gazetted on 16 March 2001 and aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.

21. Clause 8 of SEPP 64 states the following:

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.

#### Assessment Criteria

22. The following table outlines the manner in which the proposed signage addresses the assessment criteria of SEPP64.

<b>1. Character of the area</b>	<b>Comment</b>
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The signage plans submitted with the application are poorly drafted. A condition is recommended to ensure appropriate signage details are submitted and the proposal is compatible with the existing and desired character of the locality.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	There is no consistent theme for outdoor advertising within the locality.

<b>2. Special areas</b>	<b>Comment</b>
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The site is not located within a conservation area or otherwise sensitive area. A condition is recommended to ensure signage will not detract from the amenity of the area.

<b>3. Views and vistas</b>	<b>Comment</b>
Does the proposal obscure or compromise important views?	N/A
Does the proposal dominate the skyline and reduce the quality of vistas?	N/A

3. Views and vistas	Comment
Does the proposal respect the viewing rights of other advertisers?	N/A

4. Streetscape, setting or landscape	Comment
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale and proportion of the sign is in accordance with the Sydney DCP 2012. The signage plans submitted with the application are poorly drafted. A condition is recommended to ensure appropriate signage details are submitted and the proposal is compatible with the existing and desired character of the locality.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Conditions are recommended to ensure the proposal (both signage and shop frontage) is compatible with the streetscape.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	N/A
Does the proposal screen unsightliness?	The proposed sign does not screen unsightliness.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed sign does not protrude above the building.
Does the proposal require ongoing vegetation management?	N/A

5. Site and building	Comment
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed sign is compatible with the scale and proportion of the building.
Does the proposal respect important features of the site or building, or both?	The proposal respects and responds to features of the building, subject to conditions



5. Site and building	Comment
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The signage plans submitted with the application are poorly drafted. A condition is recommended to ensure appropriate signage details are submitted and the proposal is compatible with the existing and desired character of the locality.

6. Associated devices & logos with advertisements & advertising structures	Comment
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	N/A

7. Illumination	Comment
Would illumination result in unacceptable glare?	N/A
Would illumination affect safety for pedestrians, vehicles or aircraft?	N/A
Would illumination detract from the amenity of any residence or other form of accommodation?	N/A
Can the intensity of the illumination be adjusted, if necessary?	N/A
Is the illumination subject to a curfew?	N/A

8. Safety	Comment
Would the proposal reduce the safety for any public road?	Conditions are recommended to ensure that the proposed sign will not impact on road safety.
Would the proposal reduce the safety for pedestrians or bicyclists?	Conditions are recommended to ensure that the proposed sign will not impact on the safety of pedestrians or bicyclists.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed sign does not impact on sightlines.

23. The signage plans submitted with the application are poorly drafted. A condition is recommended to ensure appropriate signage details are submitted and the proposal is compatible with the existing and desired character of the locality. Sydney Local Environmental Plan 2012
24. The site is located within the B4 - Mixed Use zone. The proposed use is defined as restricted premises and is permissible.
25. The relevant matters to be considered under Sydney Local Environmental Plan 2012 for the proposed development are outlined below.

#### Compliance Tables

Development Control	Compliance	Comment
4.3 Height of Buildings	Yes	A maximum height of 12 metres is permitted. The proposal will not alter the height of the existing building.
4.4 Floor Space Ratio	Yes	A maximum FSR of 1.5:1 is permitted. The proposal will not alter the FSR of the existing building.



<b>Part 6 Local Provisions - Height and Floor Space</b>	<b>Compliance</b>	<b>Comment</b>
6.21 Design excellence	Partial compliance	As an adult entertainment restricted premises, the interior of the premises is required to be screened from the exterior. The application documentation refers to tinted glazing to meet this requirement. However insufficient detail regarding materials and colours of the glazing have been provided. Appropriate conditions of consent requiring details to be submitted are recommended to ensure that the development presents an appropriate frontage to the street.

<b>Part 7 Local Provisions - General</b>	<b>Compliance</b>	<b>Comment</b>
Division 1 Car parking ancillary to other development	Yes	The proposal will not affect the existing provision of car parking on the site.
7.13 Affordable housing	Yes	The proposed development is exempt from the Employment Land affordable housing provisions as the proposal does not result in an increase of gross floor area.
7.14 Acid Sulfate Soils	Yes	The site is identified as containing class 5 Acid Sulphate Soil. No excavation works below the existing slab are proposed.
7.17 Development in areas subject to airport noise	Yes	The subject site is located within ANEF Contour 15. The proposed development is for a retail premises and is not noise sensitive.
7.23 Large retail development outside of Green Square Town Centre and other planned centres	Yes	The proposal is located on land identified as Restricted Retail Development. The gross floor area is less than 1000sqm and therefore complies.
7.21 Location of sex services premises	Yes	The proposal is not a sex service premises.  See discussion under heading issues.

**Sydney Development Control Plan 2012**

26. The relevant matters to be considered under Sydney Development Control Plan 2012 for the proposed development are outlined below.

**2. Locality Statements – Beaconsfield**

The subject site is situated in the Beaconsfield locality area. The proposed restricted premises is considered to be in keeping with the unique character of the area and design principles in that it is a suitable ground floor commercial use sited along main street Botany Road.

<b>3. General Provisions</b>	<b>Compliance</b>	<b>Comment</b>
3.2 Defining the Public Domain	Yes	See discussion under heading issues
3.2.3 Active frontages	Yes	The provisions of this control do not apply.
3.4 Hierarchy of Centres, City South	Yes	The proposal is a permissible use providing a minor retail use outside of the town centre.
3.11 Transport and Parking	Yes	The application does not propose any bike parking on the site. A condition is recommended for 3 visitor bike spaces to be provided within the site, this could be provided in the frontage.
3.12 Accessible Design	Yes	The proposal is capable of providing equitable access is provided for persons with disabilities from Botany Road in accordance with the DCP and the BCA.
3.13 Social and Environmental Responsibilities	Yes	The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.
3.14 Waste	Yes  By condition	A condition has been recommended for a suitable location for a 4sqm bulky waste area and the proposed development to comply with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.

<b>3. General Provisions</b>	<b>Compliance</b>	<b>Comment</b>
3.16 Signage and Advertising	Partial compliance	The proposed development includes signage. Refer to Section 4.4.6.5 (Signs)

<b>4. Development Types</b>	<b>Compliance</b>	<b>Comment</b>
<b>4.4.6 Sex industry premises and adult entertainment</b>		
4.2.9 Non- residential development in the B4 Mixed Use zone.	Yes	The proposal complies with operation requirements, subject to conditions  See discussion under heading issues
4.4.6.1 Location of premises	Yes  By condition	The location is acceptable.  See discussion under heading issues.
4.4.6.2 Design of premises	Yes	The entry and exits are visible, reasonably lit, include surveillance cameras and have been designed to facilitate privacy without compromising personal safety.
4.4.6.4 Health, safety and security	Yes	The proposed layout minimises alcoves or entrapment spaces and CCTV cameras are to be installed in strategic locations.
4.4.6.5 Signs	Yes  By condition	The proposed business identification sign is the required size, text only and displays the street number. The signage plans submitted with the application are poorly drafted. A condition is recommended to ensure appropriate signage details are submitted and the proposal is compatible with the existing and desired character of the locality.
4.4.6.6 Management operations	Yes	The application is accompanied by a Plan of Management which addresses the required health, safety and security controls.  The internal layout provides appropriate security and safety for customers and staff.

5. Specific Areas	Compliance	Comment
5.2 Green Square	Yes	The restricted (retail) premises contributes to the diverse land use of Green Square is permissible and in accordance with the objectives in the zone.

## Issues

### Location of premises

27. The site is located within a mixed use building in a B4 Mixed Use zone and the proposed use is permissible with consent.
28. Council's planning controls include guidelines for the location of adult entertainment and sex industry premises.
29. The Sydney LEP 2012 specifies location requirements for sex service premises. The proposed use is defined as a restricted premises and (other than zoning) is not subject of specific location requirements in the LEP 2012.
30. Under the Sydney LEP 2012, sex service premises may be located in a residential building, if the premises can only be accessed by a separate street entrance that does not provide access to the rest of the building.
31. The Sydney DCP 2012 defines this use as a type of adult entertainment premises.
32. Clause 4.4.6.1 includes provisions relating to the location of sex industry and adult entertainment premises including that:
  - (a) *They are not located within a building containing a residential use;*
  - (b) *They are not immediately adjacent or opposite land developed for residential purposes;*
  - (c) *They are not adjacent or directly opposite a sensitive land use as defined in the definitions above unless separated by at least:*
    - (i) *one other non-sensitive land use; or*
    - (ii) *a waterway, an un-developed site or a road, each of which are to be greater than 30m in width; or*
    - (iii) *within a radius of 75m of an existing, approved adult entertainment premise as measured from the centre of the primary access to the proposed and existing premises. This includes premises located within a neighbouring local government area.*

33. The premises' location complies with 4.4.6.1 (b) and (c) listed above. However, as the building contains three residential dwellings the proposal does not comply with 4.4.6.1 (a).
34. The building does not appear as a residential dwelling from the street as the dwellings are primarily oriented to Beaconsfield Lane with commercial ground floors. The primary residential entrance is from the main entry point within the mid-section of the buildings Botany Road frontage. This is well set back from the proposed tenancy entrance.
35. As indicated in Figure 9, the tenancy has two rear exits. The southern exit adjoins rear stairs to residential garages and dwellings at upper floors. To ensure complete separation a condition is recommended for the southern rear exit to be enclosed. This will align with the Sydney LEP 2012 requirements for the location of sex services premises.
36. The enclosure of this exit will not impact on safe egress from the building as there are (3) suitable exits which can be used to evacuate the building. Further conditions are recommended that, the northernmost rear exit adjoining the carport must not be obstructed. The applicant has been advised of these conditions and has agreed to them in principle.

#### **Design of premises**

37. Screening of the use from the street is required by Clause 4.4.6.2 (Design of premises) of the Sydney DCP 2012. This is to facilitate privacy and prevent the display of adult entertainment products.
38. The building has an existing ground floor double frontage with clear glazing to the street. The proposed development includes the provision of a new shop frontage.
39. The submitted documentation indicates the provision of tinted glass to the shop frontage but provides no further detail. In order to ensure the premises presents an appropriate frontage to the street a condition is recommended requiring the design details of the shop frontage to be submitted for approval. This may include a creative use of materials, or the provision of an artwork.
40. There are a number of commercial uses in the locality with significant areas of shopfront glazing that is screened by decal signage along Botany Road. In this instance the screening of the shop frontage which is required by the planning controls can be supported in principle

#### **Amenity**

41. The objectives of Section 4.4.6 (Sex industry premises and adult entertainment) planning control are to minimise adverse impacts and ensure high levels of internal and external amenity to the site and neighbourhood.
42. It is anticipated that there will no significant adverse amenity impacts to residential dwellings as a result of the operation of the use. The premises is a retail premises selling restricted material and products but at which no sex services or sexual activity will occur.

43. Customer access will be restricted to Botany Road within the B4 - Mixed Use Zone. The applicant has indicated that proportion of retail sales will be facilitated through the online store. This is reflected in the proposed waste management plan as adult products are delivered to the site, packaged and redistributed.
44. The provisions of Section 3.15 (Late Night Trading) of the Sydney DCP 2012 do not apply as the proposed hours of operation are until 8.00pm. Trading up to 8.00pm is compatible with the base hours in the area and residential uses.
45. The proposed layout, surveillance and Plan of Management adequately addresses and manages any adverse risk. The proposal is not a traffic generating development, and is well serviced by public transport.

#### **Access**

46. As the proposal includes a new shopfront. The access is to be provided for persons with a disability in accordance with the provisions of the Sydney DCP 2012. This is addressed by recommended conditions of consent.

#### **Other Impacts of the Development**

47. The proposed development is capable of complying with the BCA.
48. It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

#### **Suitability of the site for the Development**

49. The proposal is of a nature in keeping with the overall function of the site. The premises are in a commercial/residential surrounding and amongst similar uses to that proposed.

#### **Internal Referrals**

50. The conditions of other sections of Council have been included in the proposed conditions.

The application was discussed with the Building Services Unit; Environmental Health, Safe City and Waste Management who advised that the proposal is acceptable subject to the recommended conditions.

#### **External Referrals**

51. The application was referred to NSW Police Force, no objections were raised.
52. The application was referred to RMS in accordance with Clause 31 (Consultation with RMS) of SEPP 64, no objections were raised.

**Notification, Advertising and Delegation (Submission(s) Received)**

53. In accordance with Schedule 1 the Sydney DCP 2012, the proposed development is required to be notified and advertised. As such the application was notified and advertised for a period of 21 days between 20 September 2019 and 12 October 2019. As a result of this notification a total of 208 properties were notified and there were 6 submissions received.

- (a) The proximity of the restricted premises to the Green Square Town Centre (GSTC) and residential uses and will have an adverse impact on the amenity of the area.

**Response** - The proposal is permissible use and generally complies with location requirements as discussed. This has been addressed under the heading issues of this report.

- (b) The proximity of the restricted premises to other types of commercial premises will have an economic impact on their revenue.

**Response** - Commercial revenue is not a planning consideration.

- (c) Proximity to existing restricted premises

**Response** - The existing adult entertainment restricted premises at 342 Botany Road is located approximately 120 metres to the north. The premises is relocating to the subject site at 382 Botany Road.

- (d) Streetscape amenity

**Response** - This has been addressed under the heading issues of this report.

- (e) Safety, security and antisocial behaviour

**Response** - The application proposed CCTV and is accompanied by a Plan of Management to minimise risk. The internal layout provides adequate surveillance. Any antisocial behaviour in the public domain is a policing matter. The application was referred to NSW Police Force and Council's safe city officer who have raised no objection to the proposal.

- (f) Insufficient parking is provided and, with additional traffic, will adversely impact the amenity of the surrounding area.

**Response** - The development is not required to provide parking, and is well serviced by public transport.

- (g) Proximity to bus stop

**Response** - There is a bus stop heading southbound located on the eastern side of Botany Road opposite No 386 Botany Road. The bus stop is setback approximately 20 metres from the primary entry. The northbound bus stop is approximately 50 metres from the primary entry. The proposal includes a discrete sign and screening to prevent the display of adult entertainment products from view.

- (h) An objector raised concern regarding the display of non-compliant signage including graphic content.

**Response** - The proposed sign is in accordance with Section 4.4.6.5 (Signs) of the Sydney DCP 2012. Display of non-compliant signage is to be reported to Council's compliance team for investigation.

### **Public Interest**

54. It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

### **S7.11 Contribution**

55. The development is not subject to a S7.11 development contribution as it is for a change of use and fit-out for a retail restricted premises which is defined in the Sydney LEP 2012 as a retail premises. The previous use of the premises was retail. There is no change to the floor space of the premises.

### **Relevant Legislation**

56. Environmental Planning and Assessment Act 1979.

### **Conclusion**

57. The proposed development complies with the objectives of the relevant provisions of the Sydney LEP 2012 and Sydney DCP 2012. The development is compatible with surrounding land uses and will not significantly impact the surrounding development.
58. The application is recommended for approval subject to conditions of consent.

### **GRAHAM JAHN, AM**

Director City Planning, Development and Transport

Natalie Wells, Planner



# **Attachment A**

**Recommended Conditions of Consent**

**382-388 Botany Road, Beaconsfield**

**SCHEDULE 1 - DEFERRED COMMENCEMENT CONDITIONS (CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)**

The following deferred commencement conditions must be satisfied prior to the consent becoming operative:

**(A) PART A - DEFERRED COMMENCEMENT CONDITIONS**

**(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)**

The consent is not to operate until the following condition is satisfied, within **24 months** of the date of this determination:

**(1) MATERIALS, COLOURS AND FINISHES**

The design details of the shop frontage and all associated signage colours and finishes of the shopfront and signage are to be submitted to and approved by Council's Area Planning Manager.

- (a) The design of the shop frontage is to prevent any view into the store while providing a visually interesting presentation to Botany Road. This may include creative use of materials, glazing, geometric pattern or street art as defined by schedule 2 (Exempt development) of the Sydney LEP 2012.
- (b) The sign must comply with Section 4.4.6.5 (Signs) of the Sydney DCP 2012. The sign must be a maximum dimension of 600mm by 600mm and display the street number. The sign must contain the words 'RESTRICTED PREMISES' in capital letters no greater than 50mm in height.

**(2) Evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within 24 months of the date of determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to section 4.53(6) of the Environmental Planning and Assessment Act 1979.**

**(3) The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied.**

**(4) Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent, as detailed in Part B Conditions of Consent (Once the Consent is Operation) of the subject report.**

(B) PART B – CONDITIONS OF CONSENT

**SCHEDULE 1**

**Note:** Some conditions are to be satisfied prior to issue of a Construction Certificate, some are to be satisfied prior to issue of Occupation Certificate and others during the course of construction.

**(1) APPROVED DEVELOPMENT**

- (a) Development must be in accordance with Development Application No. D/2019/991 dated 22 October 2019 and the following drawings prepared by Adrian Minnard:

Drawing Name	Date
Site plan, Sign detail and floor plan	22.10.2019
Internal fittings layout	22.10.2019
Shop front elevation 1:100	22.10.2019
Shop front elevation 1:50	22.10.2019

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

**(2) DESIGN MODIFICATIONS**

The design of the building must be modified as follows:

- (a) The rear door within the proposed staff room is to be removed and the wall bricked up to ensure there is no access to the garage.
- (b) The floor plan must show a dedicated waste area and 4sqm bulky waste area in accordance with Council's *Guidelines for Waste Management in New Developments 2018*.

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

**(3) NO APPROVAL FOR SEX SERVICES OR SEXUAL ACTIVITY**

Sexual services as defined in the *Sydney LEP 2012* are not permitted on the premises.

**(4) HOURS OF OPERATION – SENSITIVE USES**

The hours of operation are regulated as follows:

- (a) The hours of operation must be restricted to between 9.00am and 8.00pm Monday to Saturday inclusive and between 10.00am and 8.00pm on Sunday.

**(5) CUSTOMER ACCESS – BOTANY ROAD**

All customer access must be restricted to the southernmost corner of the tenancy adjoining Botany Road.

**(6) REAR ACCESS – BEACONSFIELD LANE**

The northernmost rear exit adjoining the carport must not be obstructed at any time.

**(7) PLAN OF MANAGEMENT**

The use must always be operated/managed in accordance with the Plan of Management as submitted in email correspondence dated 9/10/2019 Council ref: 2019/508784 that has been approved by Council. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

**(8) COPIES OF CONSENTS AND MANAGEMENT PLANS**

A full and current copy of all current development consents for the operation of the restricted premises and the Plan of Management must be kept on-site and made available to Police Officers, Council Officers or Special Investigator upon request.

**(9) INCIDENTS – RECORDING AND NOTIFICATION**

The manager must ensure that all incidents involving staff members are recorded in the incident register maintained on site, including incidents involving physical restraint of patrons and/or the ejection of patrons from the premises.

**(10) HEALTH SERVICES ACCESS**

The proprietor must give access to health service providers to provide information and educational activities on disease transmission issues and any other issues.

**(11) SURVEILLANCE CAMERAS**

- (a) CCTV surveillance cameras shall be strategically installed, operated and maintained throughout the premises with particular coverage to:
  - (i) principal entrance/s and exits;
  - (ii) all areas within the premise occupied by the public (excluding toilets);
  - (iii) staircases in multilevel premises; and

- (iv) the area within a 10m radius external to the public entrance(s) to the premise.
- (b) Suitable and clearly visible signage shall be displayed at the principal entrance(s) to the premise and in a prominent position on each floor accessible to the public, in lettering not less than 50mm in height with the words "Closed Circuit Television in use on these premises".
- (c) All CCTV recording equipment and cameras shall be of high grade digital quality capable of establishing the population and identification of patrons, offenders and incidents within the depth of field view of the cameras. In this respect each surveillance camera shall be capable of recording a minimum rate of 10 frames per second and at high resolution.
- (d) CCTV recording discs or hard drive recordings shall be retained for 28 days before being re-used, destroyed or deleted. Time and date shall be auto recorded on the disc or hard drive. The CCTV recording equipment shall be capable of reproducing a CD, DVD, USB or other appropriate digital copy of recorded footage on demand of Council or Police Officers either immediately or within 12 hours of the request being made. Copy discs must be handed to Council, Police Officer or Special Inspectors as required.
- (e) All CCTV recording devices and cameras shall be checked daily to ensure the equipment is operating correctly. The Licensee shall record this daily checking activity in the security/incident register book that meets the standards required by the Licensing Police and Council. If it is discovered at any time that the equipment is not in full operating order all reasonable steps must be taken to repair the system as soon as practicable. Where the system will not be functioning in full operating order for a period of longer than 24 hours the manager/licensee is to notify the relevant Local Area Commander of the NSW Police.
- (f) All CCTV recording devices and cameras shall be operated at all times when the premises are open to the public and, where premises do not operate 24 hours a day, continuously for at least 1 hour prior to opening and closing times of the premises.
- (g) The CCTV recording device shall be secured within the premises and only be accessible to senior management personnel so as to maintain the integrity of the recorded footage. When the premises is operating there must be at least one staff member present at the premises who is authorised to access the CCTV system and able to immediately review recordings and produce copies.
- (h) Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.

## **(12) NO SPRUIKING NOISE**

No persons (such as those commonly known as spruikers) or recordings or other devices which have the effect of spruiking are to be located on Council owned property. Furthermore, the sound level of any spruiking generated within privately owned land must not be audible on any adjacent property with a shared boundary.

**(13) NO SPEAKERS OR MUSIC OUTSIDE**

Speakers and/or noise amplification equipment must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

**(14) SIGN ILLUMINATION**

- (a) The sign(s) must not flash. Signs with flashing, chasing, pulsating or flickering lights are not permitted.
- (b) Upward facing light sources onto the signage is not permitted.

**(15) NO ADDITIONAL SIGNS**

No additional signs to those approved as part of this consent are to be displayed.

**(16) NO SEXUAL DISPLAY**

There must be no display of restricted material, sex-related products, nude or semi-dressed staff in windows or doors, or outside the premises.

**(17) MATERIALS FOR MAKING GOOD**

New materials for making good and repairs, are to match the existing in terms of colours, finishes, sizes, profile and properties.

**(18) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES**

The building must be designed and constructed to provide access and facilities for people with a disability in accordance with the *Building Code of Australia*.

If, in complying with this condition, amendments to the development are required, the design changes must be submitted to and approved by Council prior to a Construction Certificate being issued.

**(19) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL**

- (a) A Waste and Recycling Management Plan is to be approved by the Principal Certifier prior to a Construction Certificate being issued. The plan must comply with the Council's *Guidelines for Waste Management in New Developments 2018* and incorporate changes required by Condition 2 (Design Modification).

**UPON COMPLETION OF THE DEVELOPMENT**

- (b) Prior to an 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*.

**(20) WASTE AND RECYCLING COLLECTION CONTRACT**

Prior to an Occupation Certificate being issued and/or commencement of the use, whichever is earlier, the building owner must ensure that there is a contract with a licensed contractor for the removal of **all waste**. No garbage is to be placed on the public way, e.g. footpaths, roadways, plazas, reserves, at any time.

**(21) WASTE/RECYCLING COLLECTION**

- (a) The collection of waste and recycling must only occur during the designated zone collection times as outlined in the City's Waste Policy – Local Approvals Policy for Managing Waste in Public Places 2017.
- (b) Garbage and recycling must not be placed on the street for collection more than half an hour before the scheduled collection time. Bins and containers are to be removed from the street within half an hour of collection.

**(22) BICYCLE PARKING AND END OF TRIP FACILITIES**

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

Bicycle Parking Type	Number	Requirements
Customer	3	Spaces must be Class 3 bicycle rails

Notes:

- (i) The bicycle rails are to be located within the site boundaries.
- (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 Principal Certifier confirming prior to the Construction Certificate being issued.

**(23) ASBESTOS REMOVAL WORKS**

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Safework NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal Licence which ever applies.

A copy of the relevant licence shall be made available to any authorised Council officer on request within 24 hours.

**(24) NOTIFICATION – NEW CONTAMINATION EVIDENCE**

Any new evidence of site contamination discovered during demolition or construction works shall be notified to Council's Area Planning Manager immediately, who may require works to cease while issues are addressed.

**(25) COVERING OF LOADS**

All vehicles involved in the excavation and/or demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

**(26) LOADING AND UNLOADING DURING CONSTRUCTION**

The following requirements apply:

- (a) 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.
- (b) 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.

**(27) NO OBSTRUCTION OF PUBLIC WAY**

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

**(28) OCCUPATION CERTIFICATE TO BE SUBMITTED**

An Occupation Certificate must be obtained from the Principal Certifier and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

**(29) HOURS OF WORK AND NOISE – OUTSIDE CBD**

The hours of construction and work on the development must be as follows:

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with



safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.

- (b) All work, including demolition, excavation and building work must comply with the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436 - 1981 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.

Note: The *City of Sydney Code of Practice for Construction Hours/Noise 1992* allows extended working hours subject to the approval of an application in accordance with the Code and under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

**SCHEDULE 2  
PRESCRIBED CONDITIONS**

**The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2000* apply:**

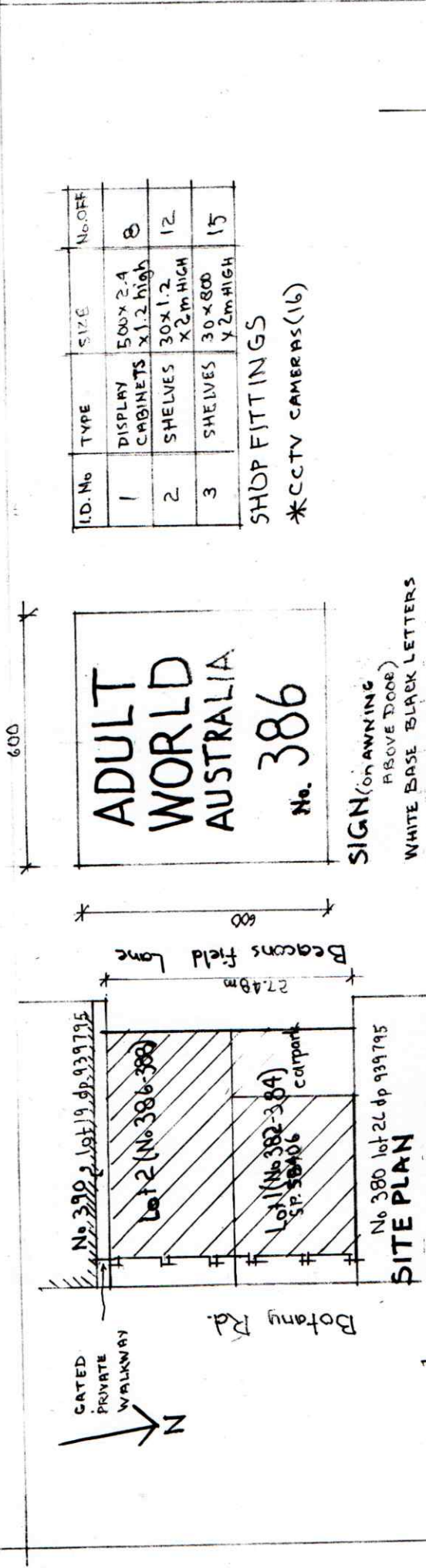
- Clause 98 Compliance with *Building Code of Australia* and insurance requirements under the *Home Building Act 1989*
- Clause 98A Erection of signs
- Clause 98B Notification of *Home Building Act 1989* requirements
- Clause 98C Conditions relating to entertainment venues
- Clause 98D Conditions relating to maximum capacity signage
- Clause 98E Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 8A of the *Environmental Planning and Assessment Regulation 2000*. This can be accessed at: <http://www.legislation.nsw.gov.au>

# **Attachment [B]**

## **Selected Drawings**

**382-388 Botany Road, Beaconsfield**

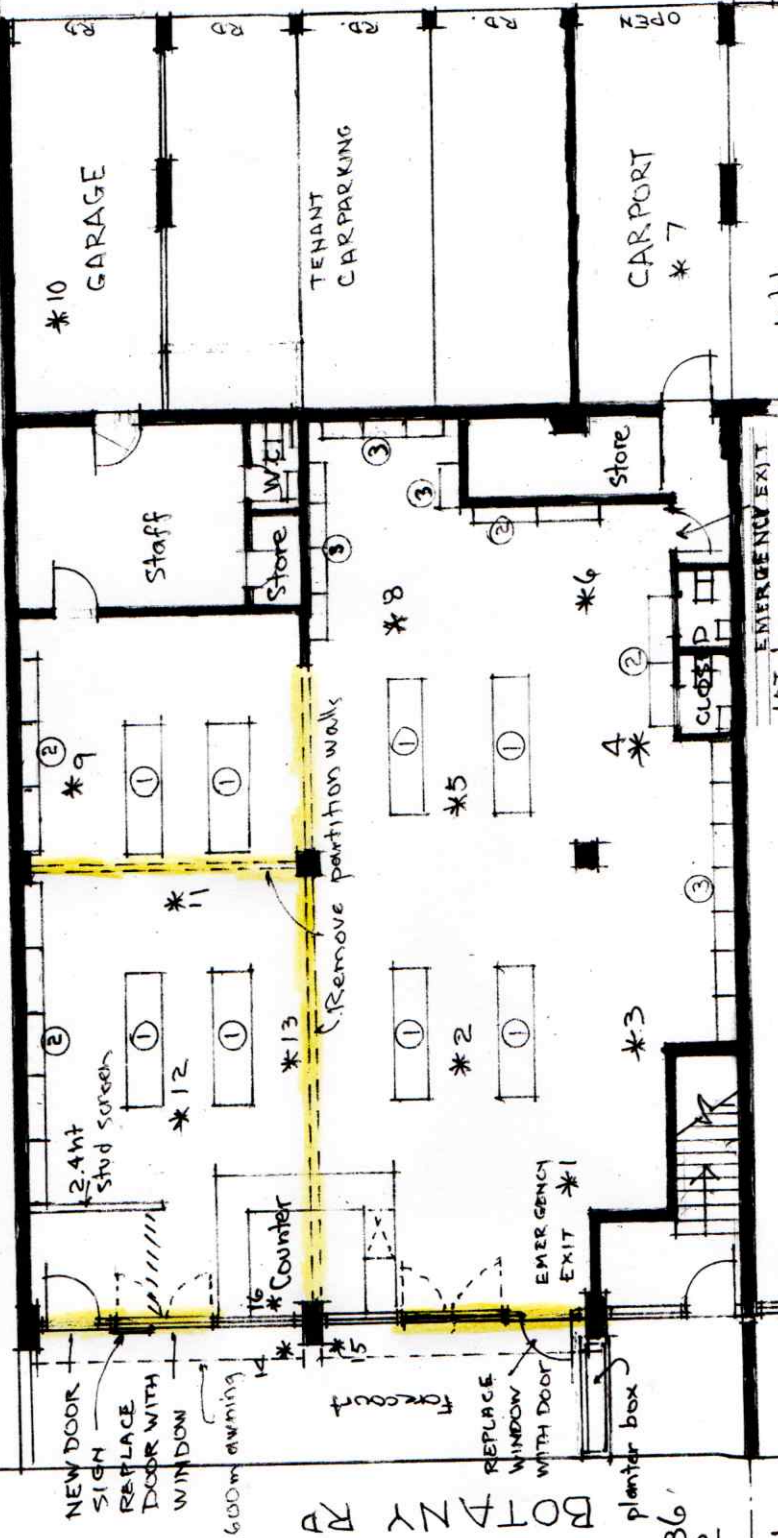


ID. No	TYPE	SIZE	No. OFF
1	DISPLAY CABINETS	500x2.4 x 1.2 high	8
2	SHELVES	30x1.2 x 2m high	12
3	SHELVES	30x800 x 2m high	15

SHOP FITTINGS  
\* CCTV CAMERAS (16)

SIGN (ON AWNING ABOVE DOOR)  
WHITE BASE BLACK LETTERS

**No. 386 BOTANY ROAD BEACONSFIELD USE OF EXISTING SHOP AS AN ADULT PRODUCTS SHOP**

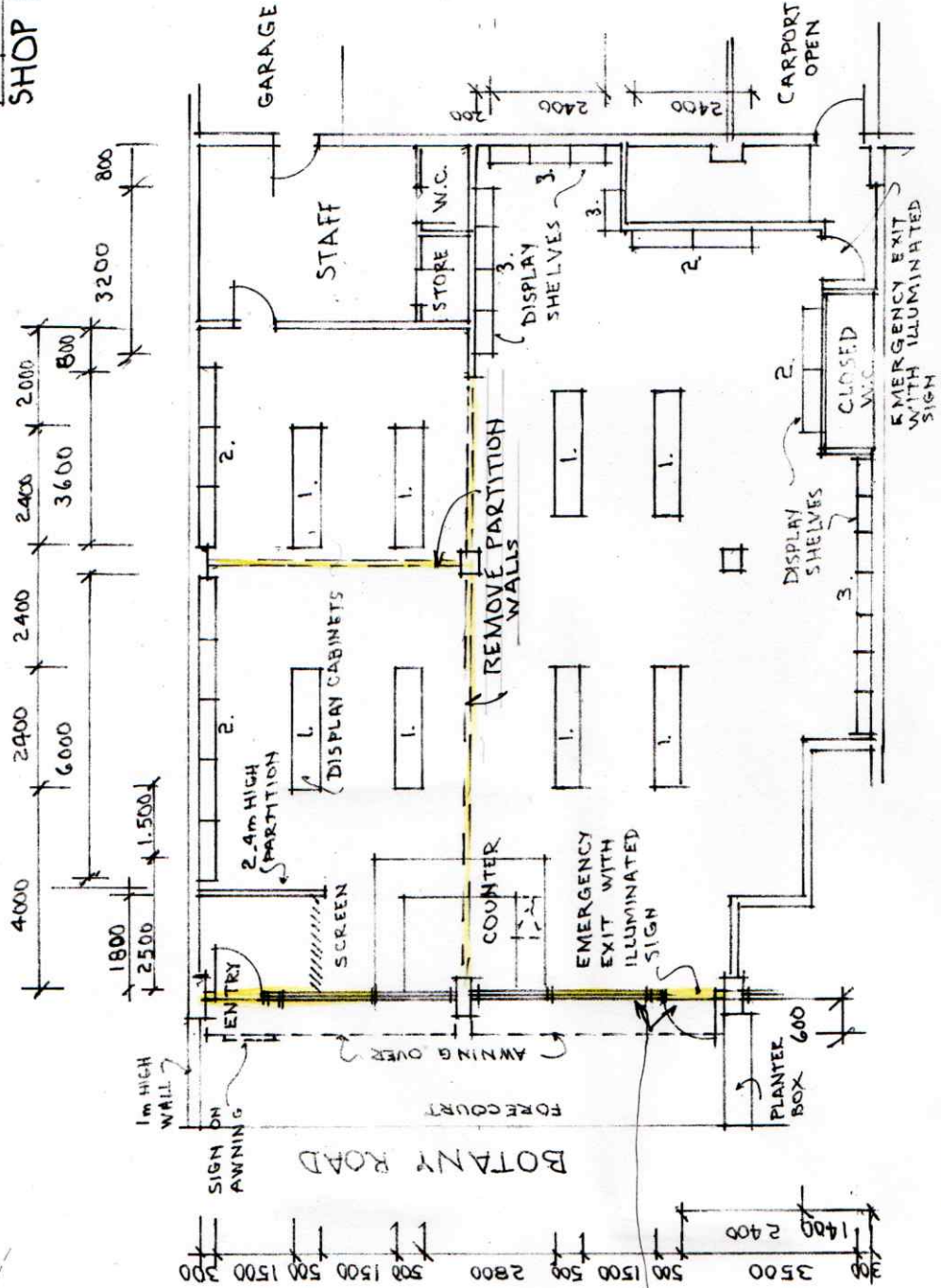


BEACONSFIELD LANE

LOT BOUNDARY  
UPDATED 22/10/19

I.D. No	TYPE	SIZE	No. Off
1	DISPLAY CABINETS	500 x 2,400 x 2,400 HIGH	8
2	WALL SHELVES DISPLAY	300 x 1,200 x 2,000 HIGH	12
3	WALL DISPLAY SHELVES	300 x 800 x 2m HIGH	15

**SHOP FITTINGS**



REPLACE GLASS DOORS WITH FIXED GLAZING, NEW GLASS DOOR

NEW WORK

PROPOSED ADULT SHOP · 386 BOTANY ROAD BEACONSFIELD  
 INTERNAL FITTINGS LAYOUT 1:100

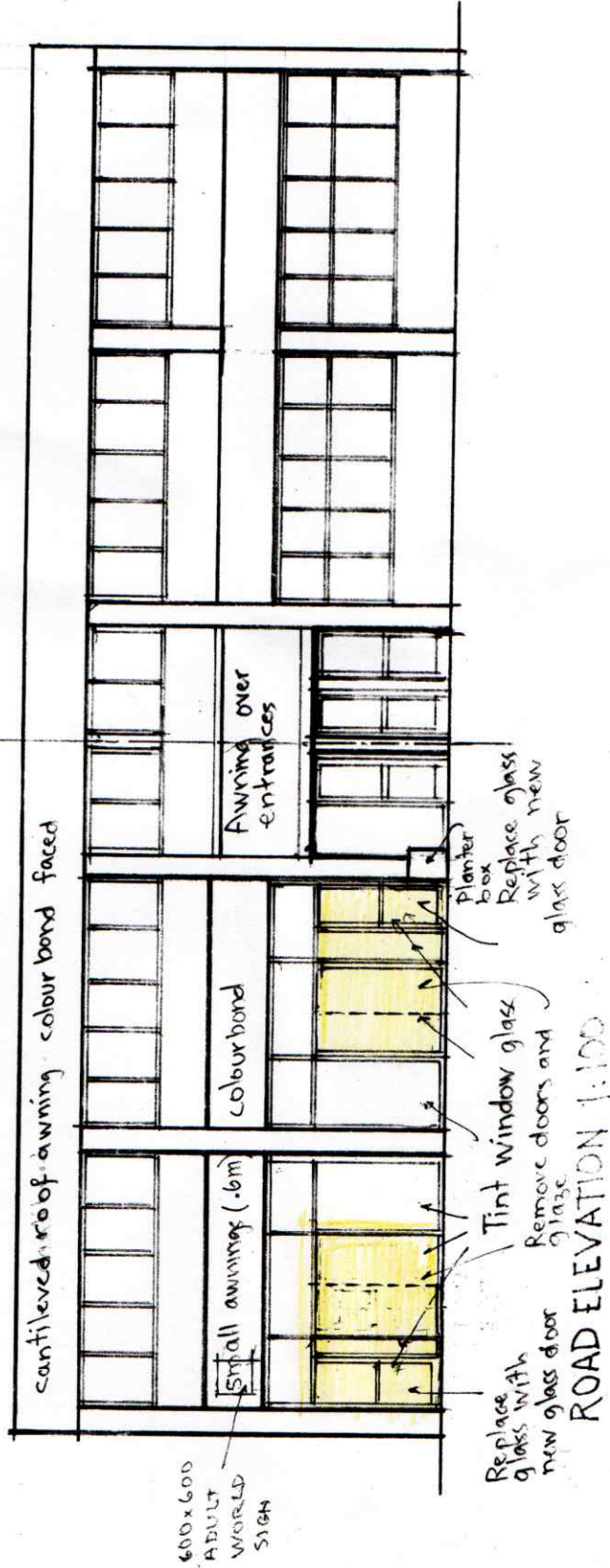
22/10/19

22/10/19



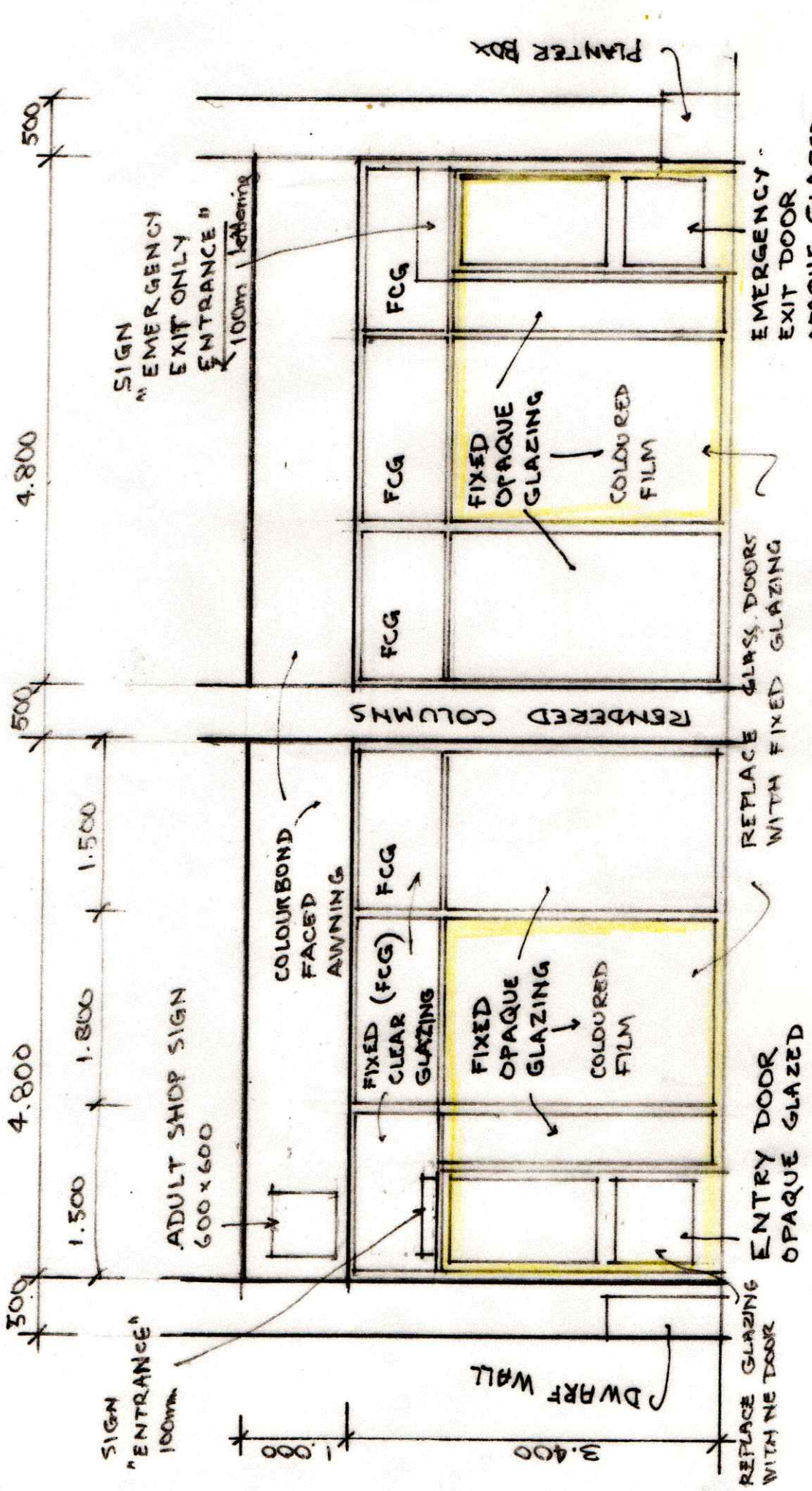
386-388 BOTANY ROAD  
LOT 2 SP 58406

382-384  
LOT 1 SP 58406



UPDATED 22/10/19

PROPOSED CHANGE OF USE OF EXISTING SHOP TO AN ADULT PRODUCT SHOP - 386 BOTANY ROAD  
BEACONSFIELD 2015



SHOP FRONT - ADULT SHOP - 386 BOTANY RD. BEACONSFIELD 1:50 22/10/19

**Item 5.****326-328 Botany Road, Alexandria - D/2019/657****File No.: D/2019/657****Summary**

**Date of Submission:** 24 June 2019. Several iterations of amended plans and additional information were submitted up until 14 November 2019.

**Applicant:** Mecone

**Architect:** Dickson Rothschild

**Developer and Owner:** Leading Group Development Pty Ltd

**Cost of Works:** \$28,726,946

**Zoning:** B7 Business Park - the proposed shop, commercial and food and drink uses are permitted with consent in the zone.

**Proposal Summary:** Proposal

The subject application seeks consent for a concept building envelope incorporating commercial uses. The proposal includes:

- in-principle approval for demolition of the existing warehouse building on site;
- a concept envelope up to 40m in height;
- indicative future land uses comprising:
  - kiosk, shop, office, food and drink premises, loading, servicing, bicycle parking and end of trip facilities at ground level;
  - office uses on levels 1 to 8; and
  - roof top food and drink premises.

This application is for Integrated Development requiring the approval of Water NSW under the Water Management Act 2000.



## Issues

Additional information has been submitted by the applicant and the proposal amended several times. This was largely in response to the following concerns and questions raised by Council officers:

- There was a need to simplify the concept envelope by removing areas of articulation (this can be left to future detailed design);
- Demonstration that the proposed floor space ratio (FSR) can be achieved without unacceptable impacts,
- Clarification of a through site link on the site's northern boundary; and
- Details of the landscape concept plan and proposed ESD initiatives and target benchmarks.

Subject to the recommended conditions, the proposed envelope and Design Excellence Strategy provide suitable parameters for a future competitive design process. This will guide the creation of a detailed building design that is able to comply with the relevant 40m height and FSR controls contained in the Sydney Local Environmental Plan 2012 and that is capable of achieving design excellence.

## Notification - Concept (stage 1) DA

As integrated development the subject application was notified and advertised for 30 days between 27 June and 27 July 2019. As a result of this notification one submission was received in support of the proposal on the basis that it would be an improvement on the warehouse that currently exists on the site.

On 30 October 2019, amended plans and information were submitted in response to Council officer requests for maximum heights to be notated on plans and for additional survey information. In accordance with section 1.3 of Schedule 1 of the Sydney DCP 2012 the amended proposal was notified for 14 days between 4 and 20 November 2019. No submissions were received during this second period of notification.

### Voluntary Planning Agreement

The owner of the site has made a formal offer to enter into a voluntary planning agreement (VPA) with Council. This will provide for land dedications and a monetary contribution toward Green Square Town Centre. Dedications include a 1.4 metre wide strip of land along the Botany Road frontage and a 2.4 metre wide strip of land along the O'Riordan Street frontage of the development site.

The VPA commenced public exhibition on 3 December 2019. The VPA exhibition period is for a minimum of 28 days in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*.

As the application includes a VPA it is to be determined by the Local Planning Panel.

It is recommended that deferred commencement development consent is granted subject to the recommended conditions requiring the VPA to be executed and registered on title prior to the consent becoming operative.

**Summary Recommendation:** The development application is recommended for deferred commencement approval.

**Development Controls:**

- (i) State Environmental Planning Policy No 55 - Remediation of Land
- (ii) State Environmental Planning Policy (Infrastructure) 2007
- (iii) Sydney Local Environmental Plan 2012
- (iv) Sydney Development Control Plan 2012

**Attachments:**

- A. Recommended Conditions of Consent
- B. Envelope Drawings
- C. Reference Scheme Drawings
- D. Design Excellence Strategy

## Recommendation

It is resolved that:

- (A) the Design Excellence Strategy for 326-328 Botany Road, Alexandria prepared by Mecone and dated 30 October 2019 on behalf of Leading Group Development Pty Limited, as shown in Attachment D to the subject report, be approved pursuant to Section 3.3.1 of the Sydney Development Control Plan 2012 and Section 1.2 of the Competitive Design Policy; and
- (B) pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2019/657 subject to the conditions set out in Attachment A to the subject report.

## Reasons for Recommendation

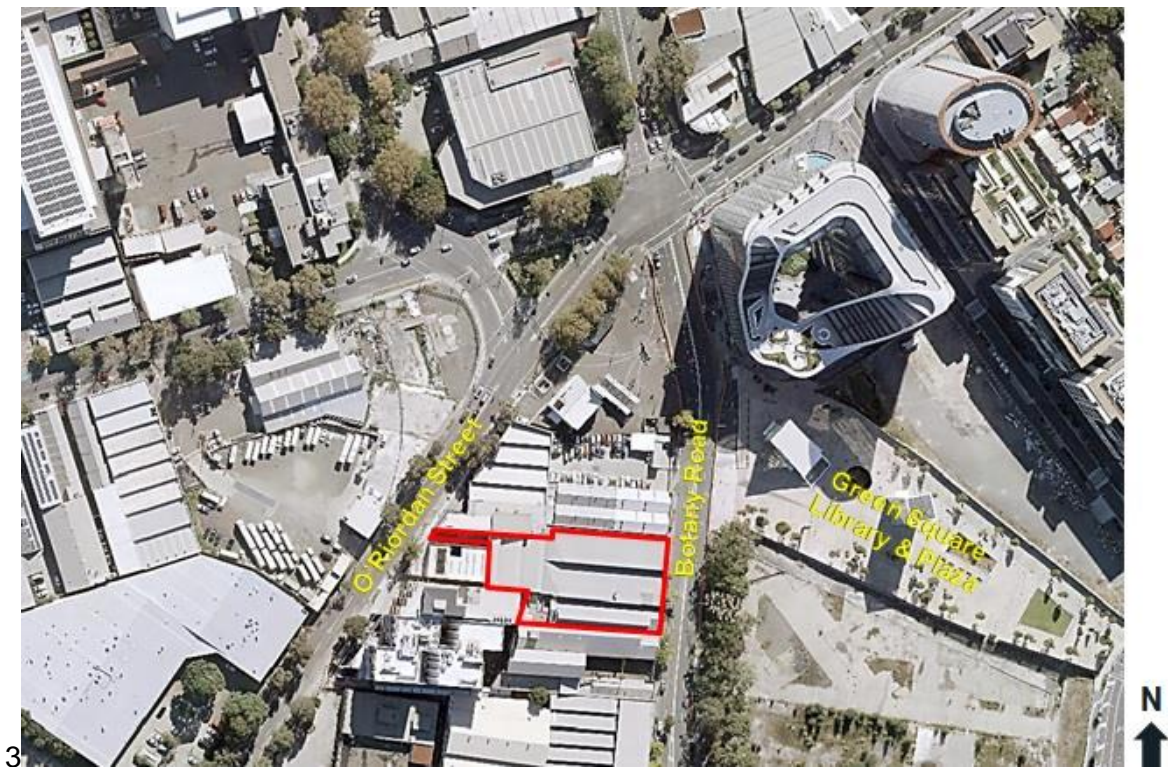
The application is recommended for deferred commencement approval for the following reasons:

- (A) The proposed kiosk, shop, office, and food and drink uses are consistent with the objectives of the B7 Business Park Zone as specified in the Sydney Local Environmental Plan 2012 (the LEP).
- (B) Subject to the recommended conditions the approved concept envelope will comply with the 40m maximum permitted height control pursuant to clause 4.3 of the LEP.
- (C) The proposed development will be the subject of a competitive design process in accordance with clause 6.21(5) of the LEP.
- (D) The approved Design Excellence Strategy includes ESD targets and benchmarks to be carried through the competitive design process and any subsequent development application for the detailed design of the building, to its completion. The approved Public Art Strategy sets out a process for the provision of public art. Conditions have been recommended for suitable design requirements pertaining to the landscape design, to be incorporated into the competitive design process brief. As such the approved concept demonstrates that a detailed building design is able to exhibit design excellence pursuant to clause 6.21 of the LEP and meets the relevant requirements of clause 7.20 of the LEP.
- (E) The approved concept includes the provision of community infrastructure in accordance with clause 6.14 of the LEP, through the Voluntary Planning Agreement (VPA). The VPA is required to be executed and registered on title prior to the consent becoming operative.

## Background

### The Site and Surrounding Development

1. The site has a legal description of Lot 2 DP 868508, Lot 4 DP 16475, Lot 5 DP 25272 and Lot A DP 81525, and is commonly known as 326-328 Botany Road, Alexandria.
2. The site is irregular in shape and has an area of 2,591sqm. It has a primary street frontage to Botany Road and a secondary street frontage to O'Riordan Street. It is located approximately 110m south of the intersection of Botany Road, Bourke and O'Riordan Streets. A generously proportioned single storey industrial building is contained within the site.
3. Adjacent to the north is a low-rise industrial building. Further north is a hard-stand parking area and then further north again is the open forecourt to Green Square railway station.
4. Adjacent to the north-east is Green Square Library and Plaza. On the opposite, eastern side of Botany Road are the currently vacant future development sites 8A and 8B in the Green Square Town Centre also known as 377-495 Botany Road, Zetland.
5. Immediately adjacent to the south are several parcels of land that are owned by the City and which contain several one to two storey former industrial buildings. Part of this site has undergone demolition works in preparation for the construction of the future east-west connector road.
6. To the south-west are two recently approved 8 storey hotel developments at 16 O'Riordan Street (D/2013/1871) and 18 O'Riordan Street (D/2015/1734). Immediately adjacent to the west is a two storey utilitarian building owned and used by Railcorp in association with the railway infrastructure in the area.
7. The site is not a heritage item and is not in the vicinity of a heritage item. The site is not located within a heritage conservation area.
8. A site visit was carried out by staff on 2 and 12 August 2019. Photos of the site are below.



3

Figure 1: Aerial image of subject site and surrounding area



Figure 2: Botany Road frontage of subject site.





**Figure 3:** View north to the site and further along Botany Road.



**Figure 4:** City owned properties adjacent to the south at 330 Botany Road.





Figure 5: View to the site from Green Square Plaza.



Figure 6: View south to the site from the Green Square railway station forecourt.





**Figure 7:** Opposite eastern side of Botany Road (site 8A and 8B in Green Square Town Centre).



**Figure 8:** View south along Botany Road.





Figure 9: Interior of existing warehouse looking west.

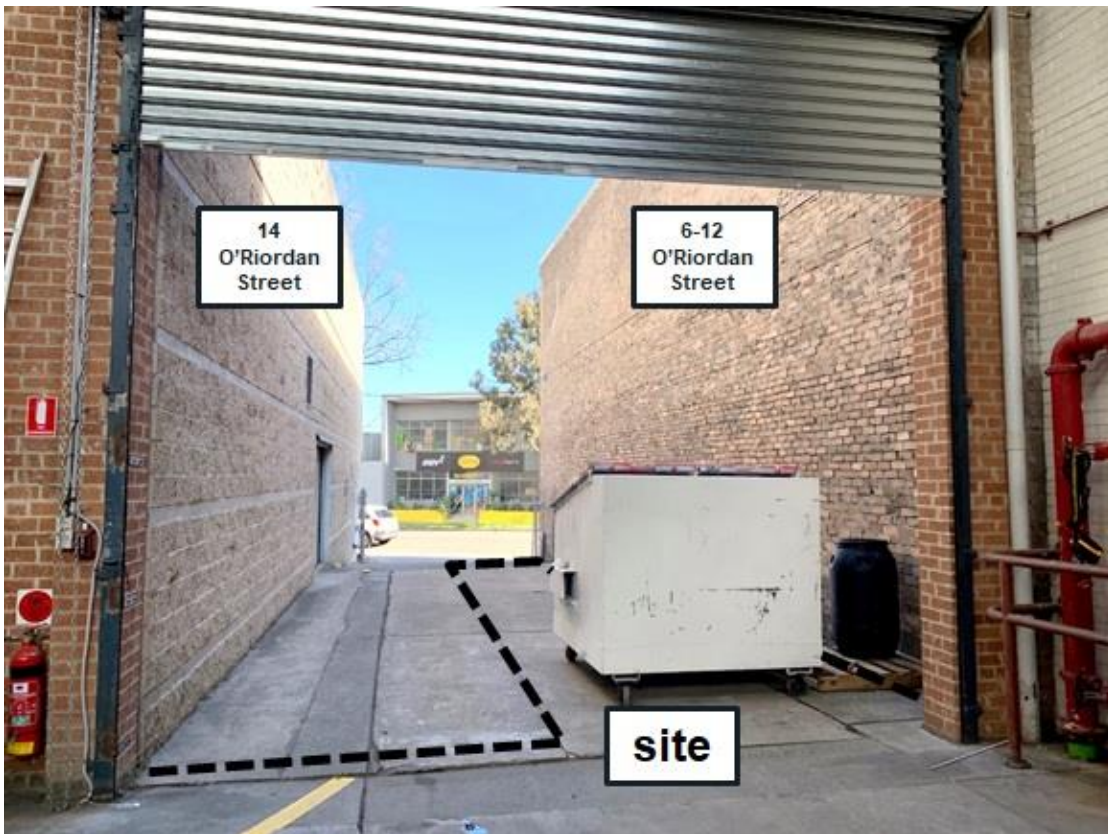


Figure 10: View from within the site to O'Riordan Street.





Figure 11: O'Riordan Street frontage of subject site looking to the north-east.



Figure 12: Existing vehicle access via O'Riordan St. frontage of site looking to the south-east.





Figure 13: Hotel developments at 16 and 18 O'Riordan Street adjacent to the south.



Figure 14: Access way to Railcorp building at 14 O'Riordan Street, with the site in the background.

### History of the Subject Site

9. The existing warehouse on the site was constructed circa 1955 and has been used for various warehousing and business uses to the present day.
10. There are no current compliance actions pertaining to the site or that are relevant to the subject Development Application (DA).

### Proposal

11. The application has been amended in response to concerns raised by Council officers. These amendments include simplification of the envelope and removal of a proposed through site link. This is discussed within the 'background section' below.
12. The amended proposal seeks consent for demolition of the existing warehouse and a concept building envelope incorporating the following:
  - (a) an envelope up to 40m in height;
  - (b) indicative future land uses comprising:
    - (i) kiosk, shop, office, food and drink premises, loading, servicing, bicycle parking and end of trip facilities at ground level;
    - (ii) office uses on levels 1 to 8;
    - (iii) roof top food and drink premises;
  - (c) indicative vehicle access via the southern end of the Botany Road frontage.
  - (d) This application is for Integrated Development requiring the approval of Water NSW under the Water Management Act 2000.
13. Drawings of the concept envelope are provided below.

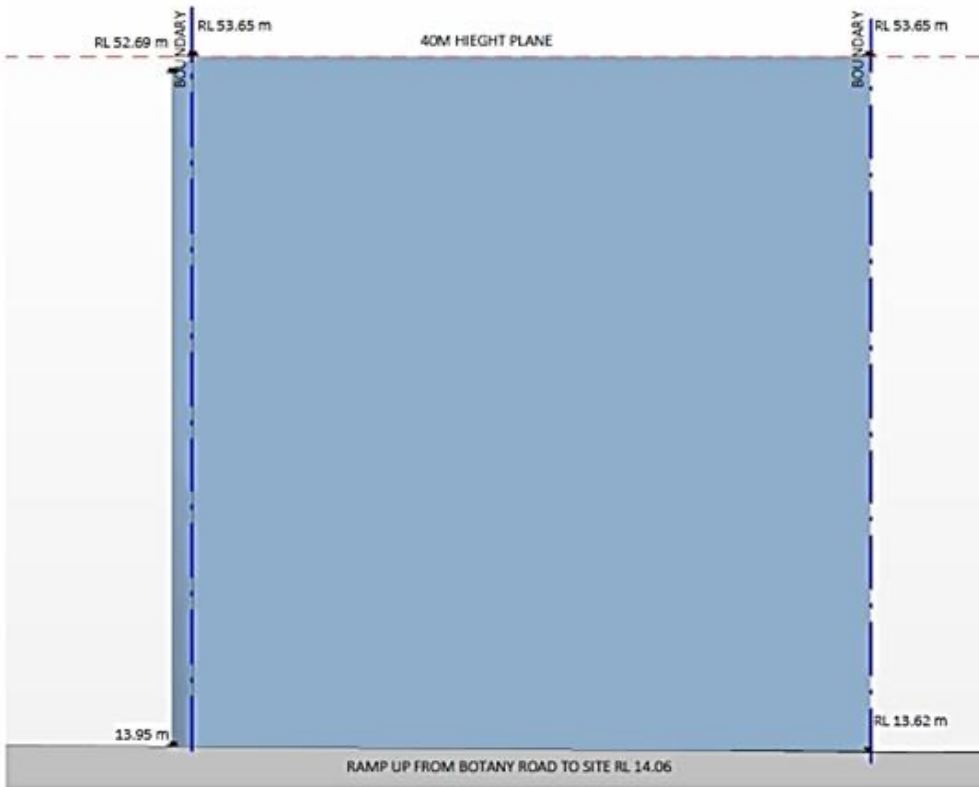


Figure 15: Envelope east (Botany Road) elevation.

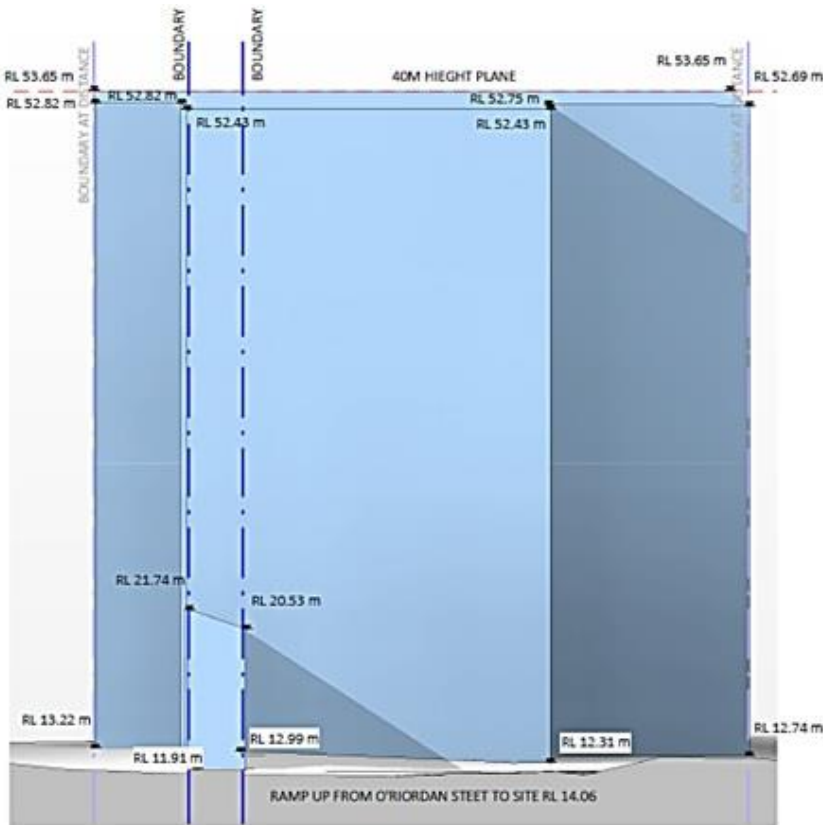


Figure 16: Envelope west (O'Riordan Street) elevation.

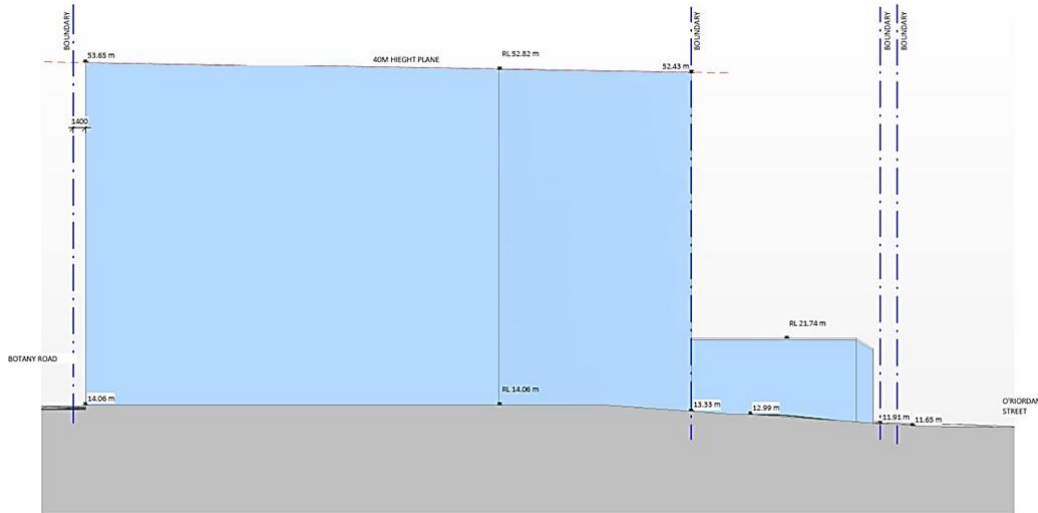


Figure 17: Envelope north elevation.

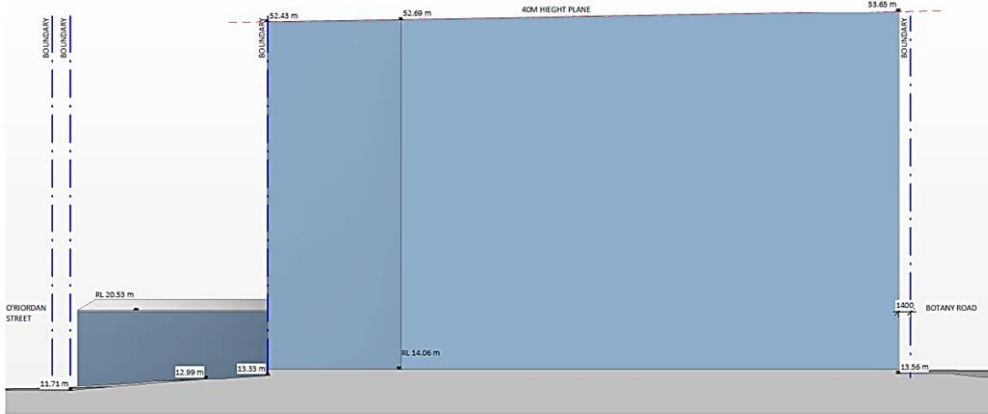


Figure 18: Envelope south elevation.

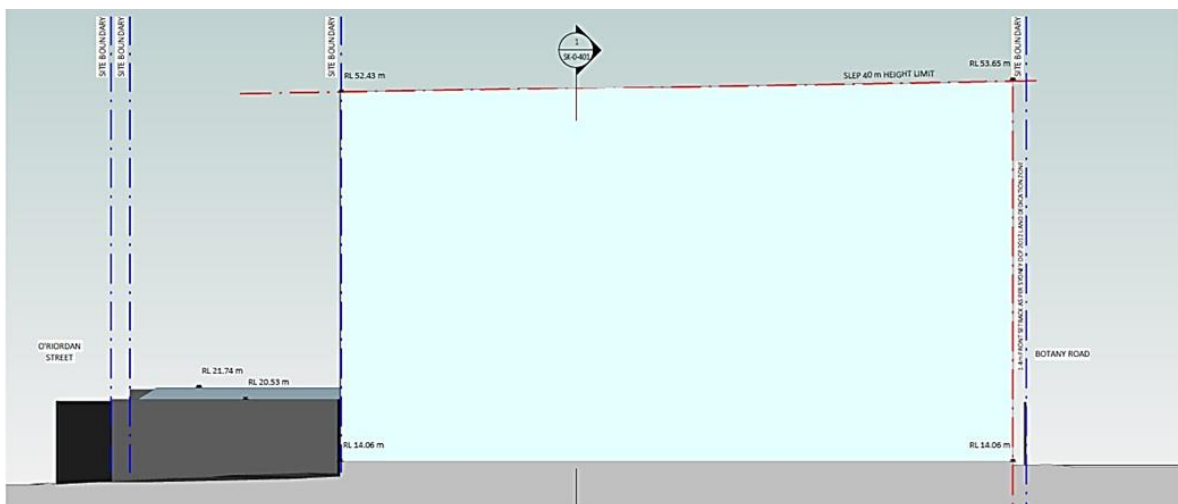


Figure 19: Envelope section 1.

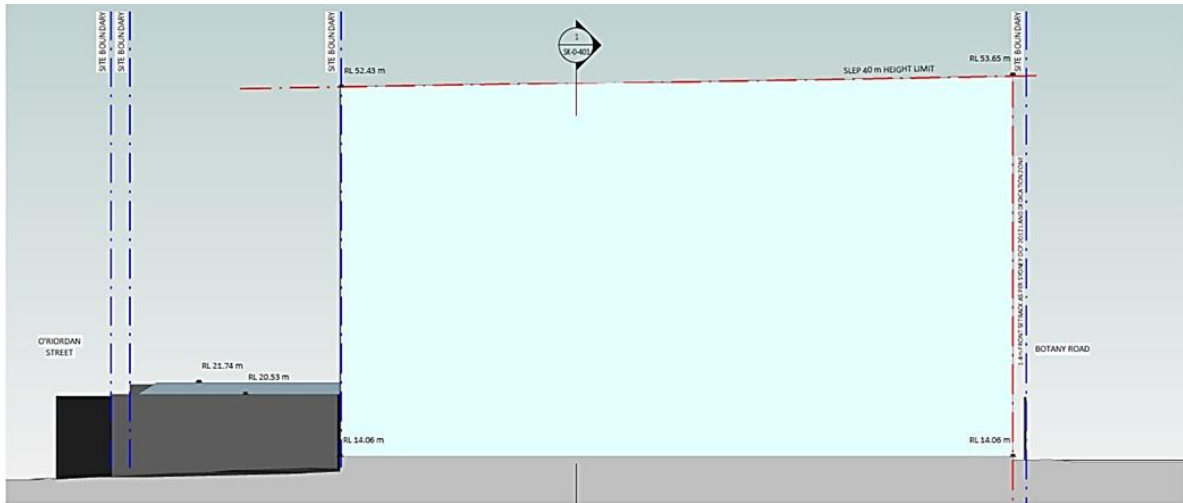


Figure 20: Envelope section 2.

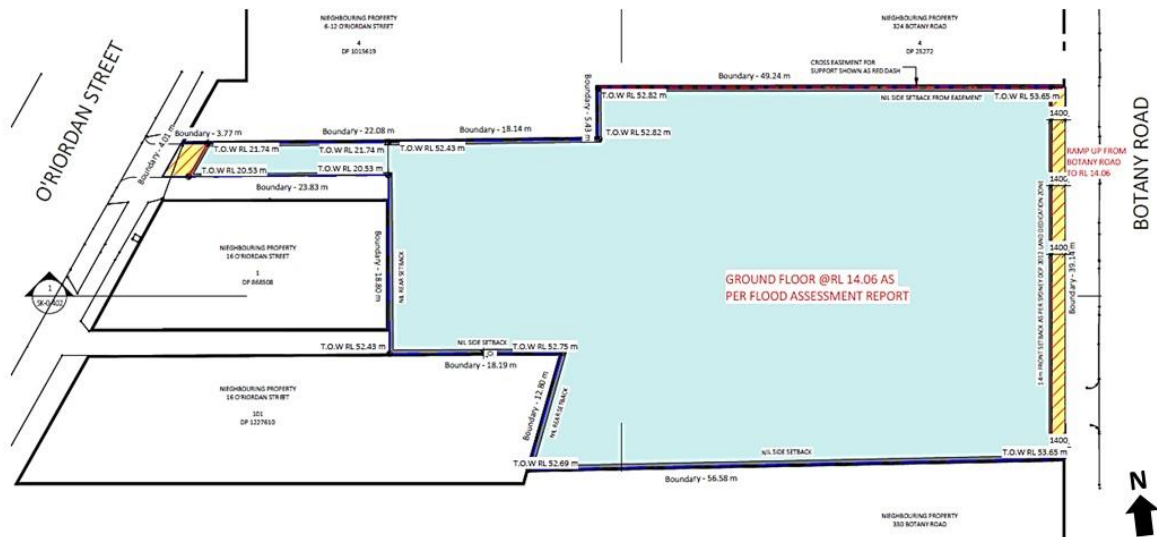


Figure 21: Envelope plan.



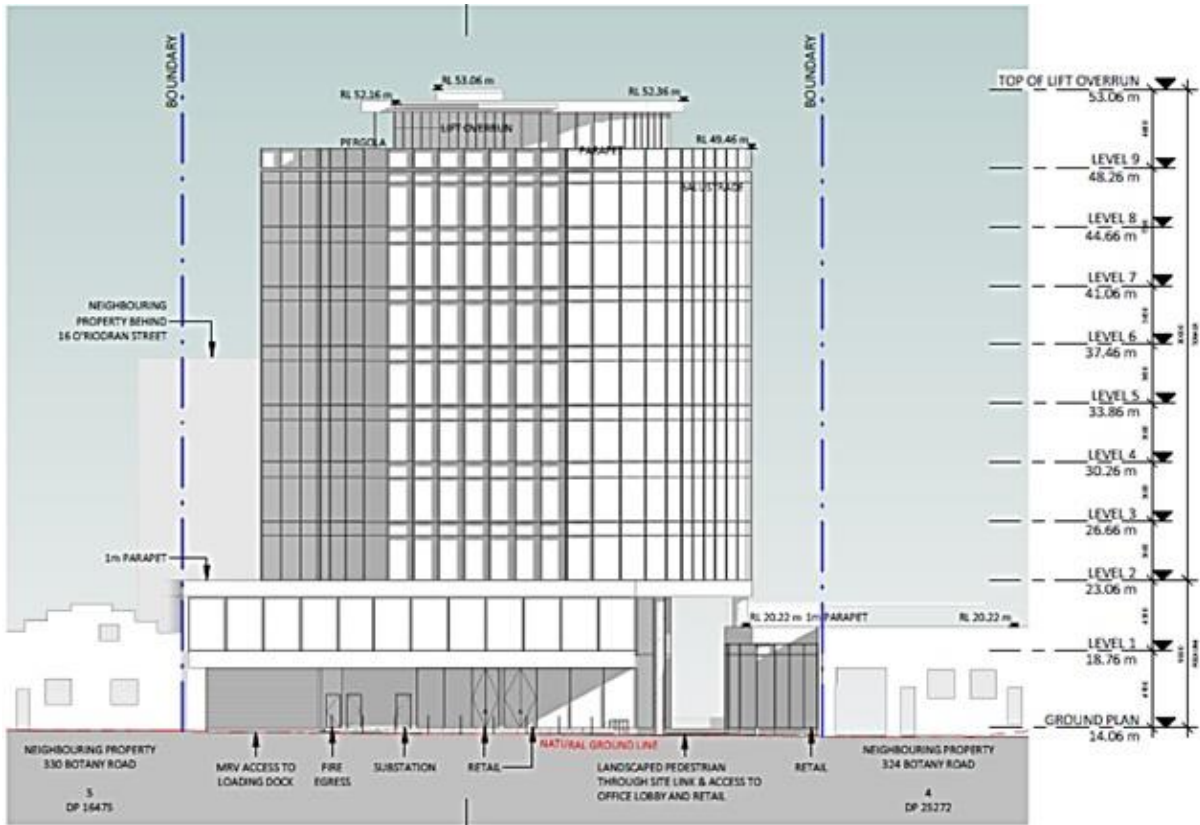


Figure 22: Reference scheme east (Botany Road) elevation.

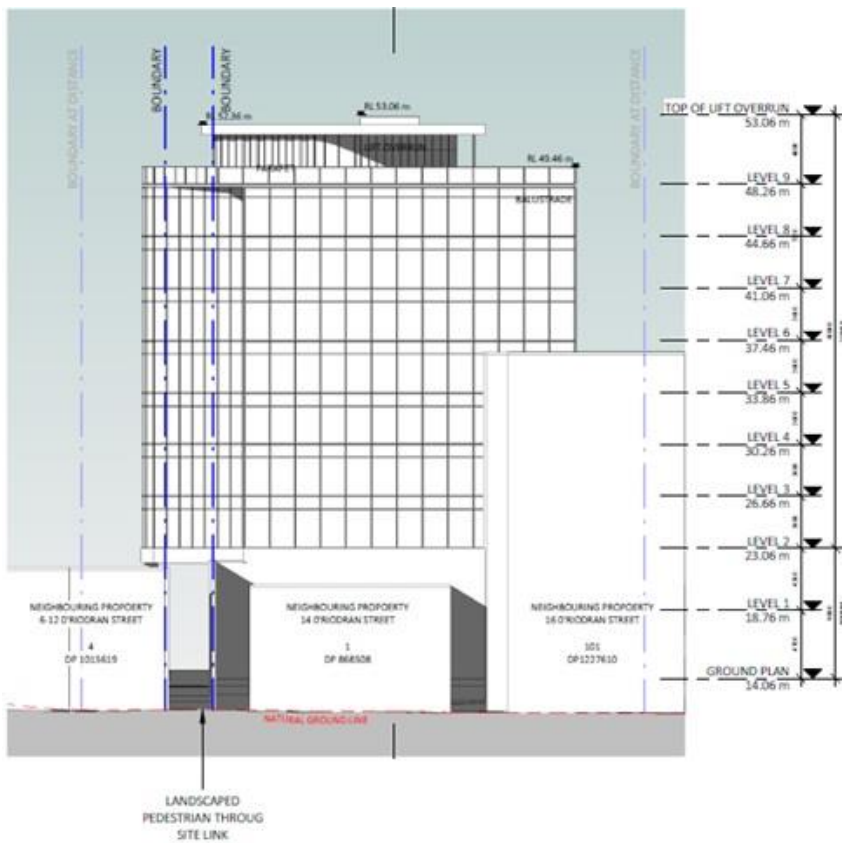


Figure 23: Reference scheme west (O'Riordan Street) elevation.



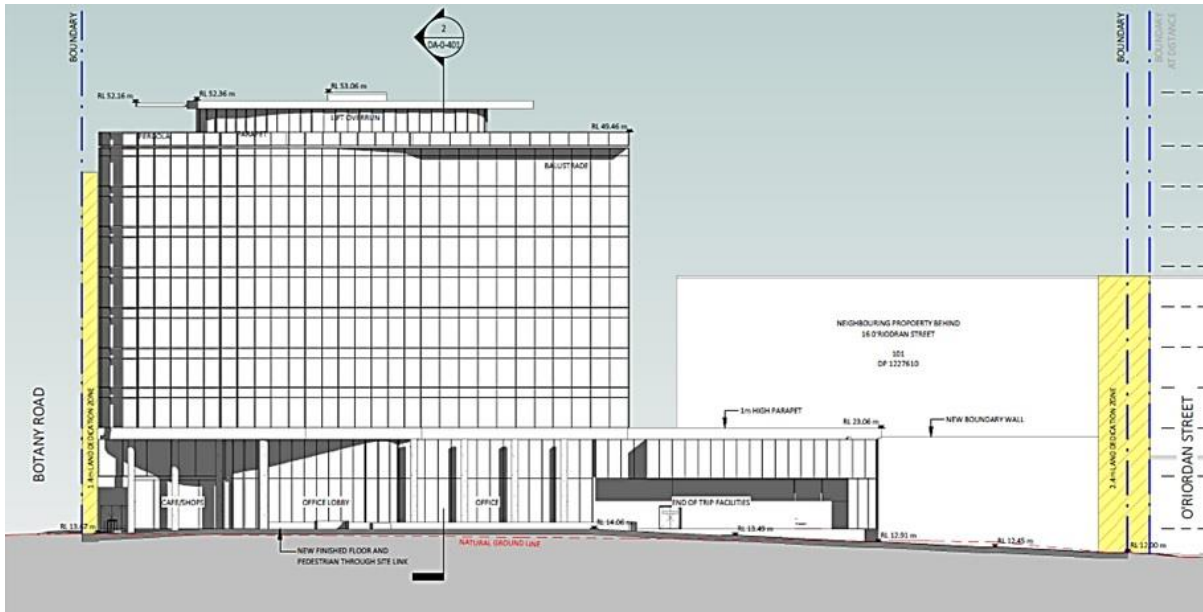


Figure 24: Reference scheme north elevation.

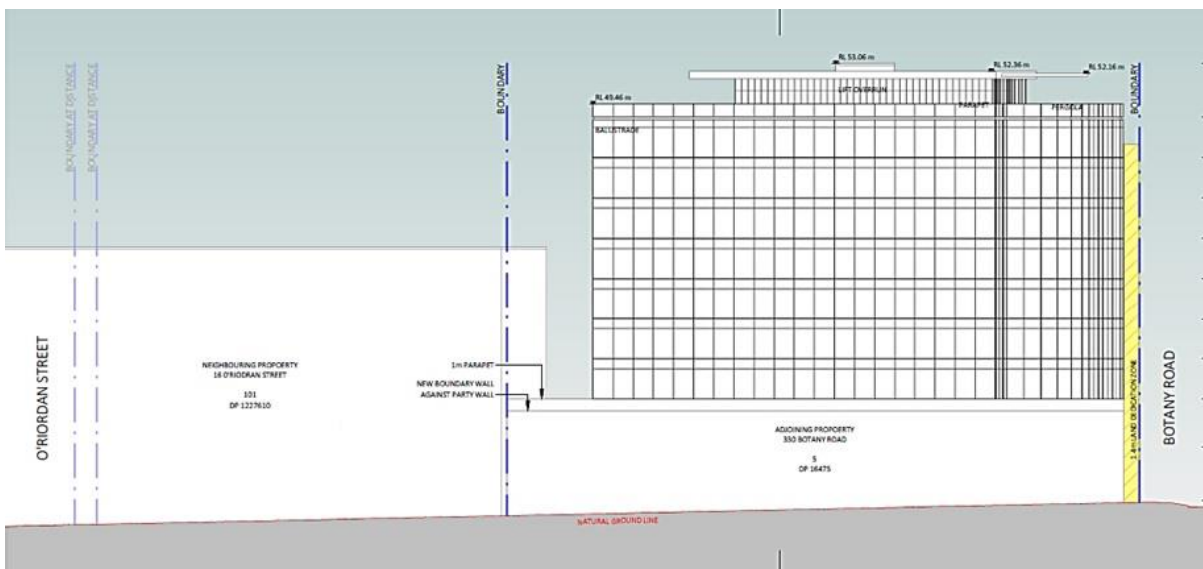


Figure 25: Reference scheme south elevation.

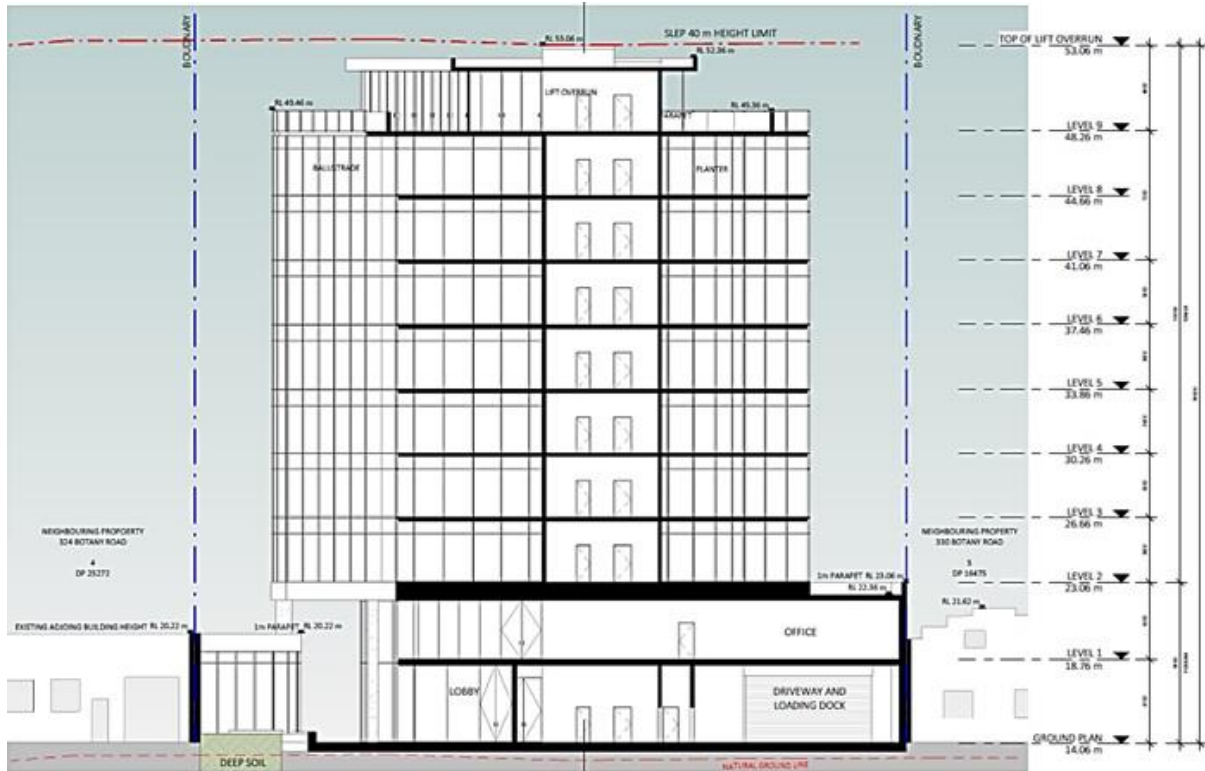


Figure 26: Reference scheme section 1.



Figure 27: Reference scheme section 2.

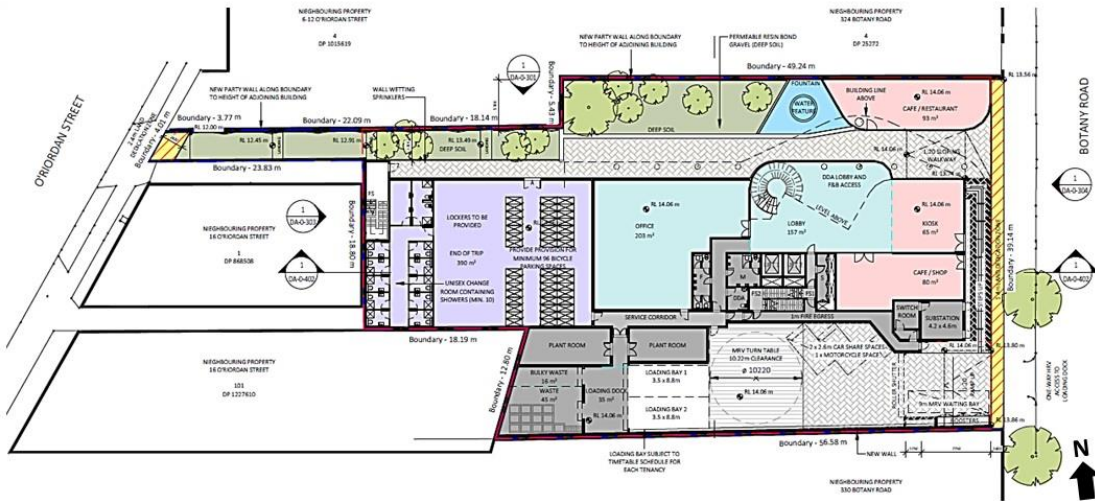


Figure 28: Reference scheme ground level plan.

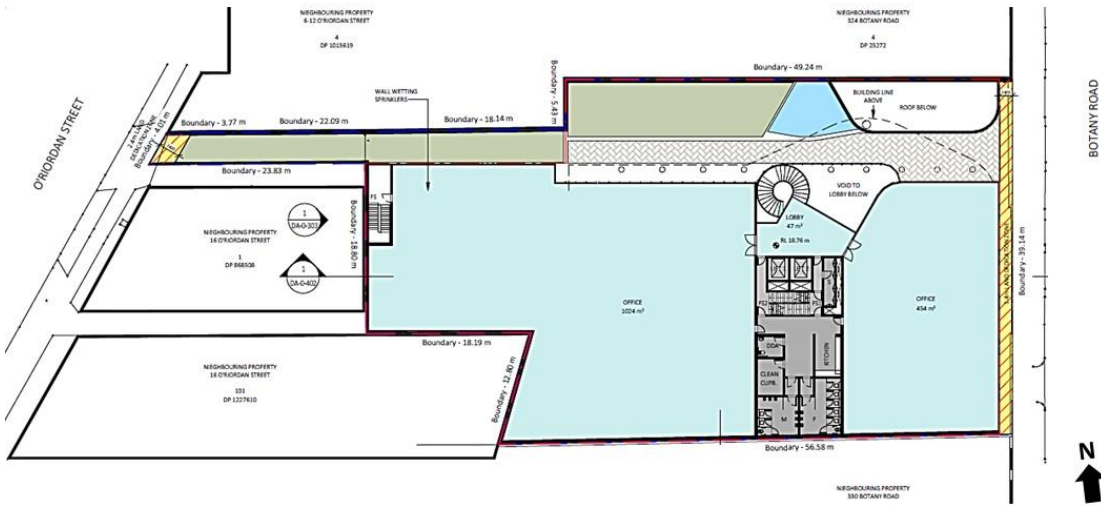


Figure 29: Reference scheme level 1 plan.

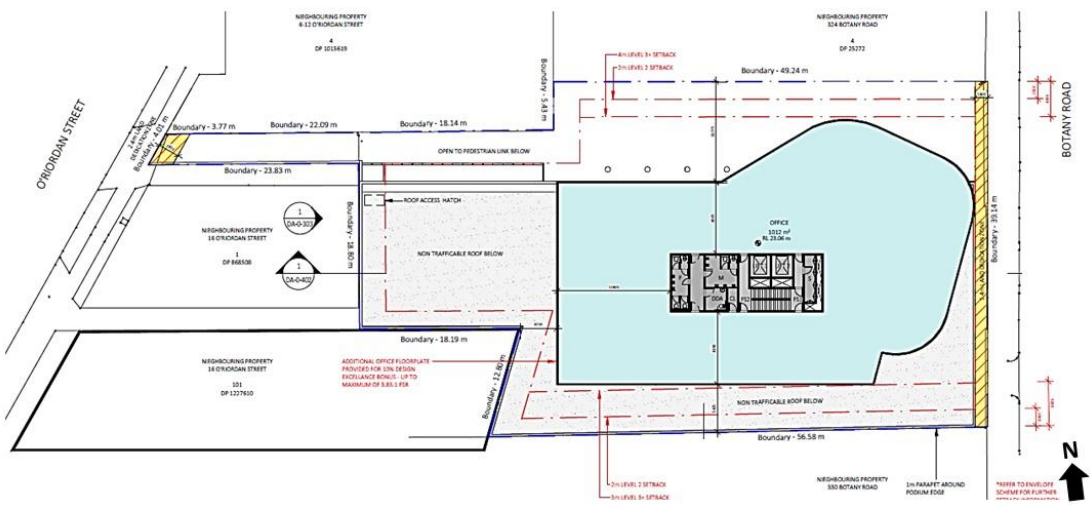


Figure 30: Reference scheme levels 2 to 8.

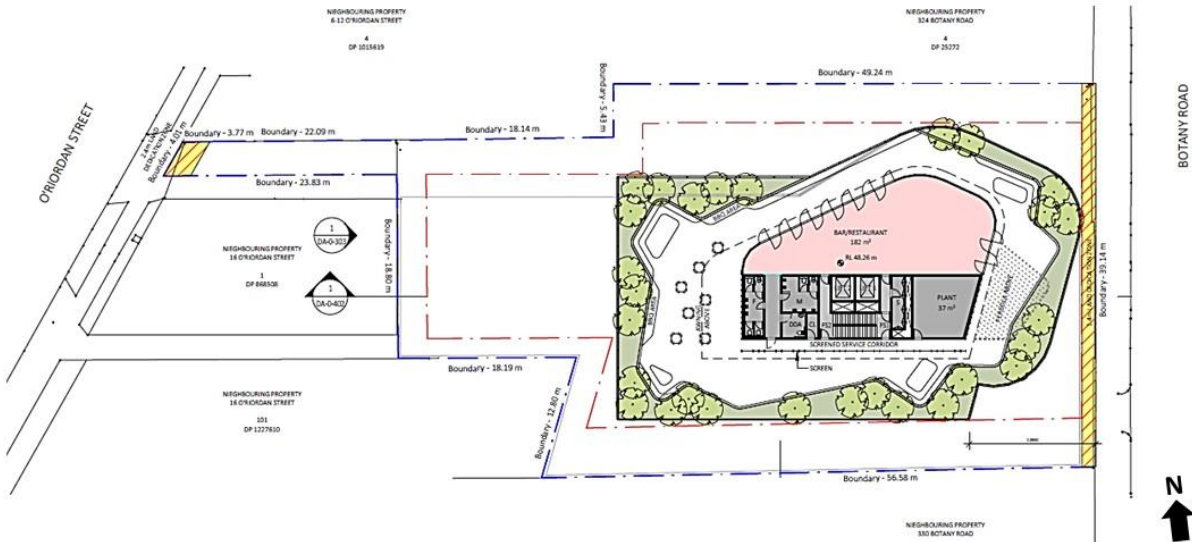


Figure 31: Reference scheme rooftop / level 9 food and drink premises.

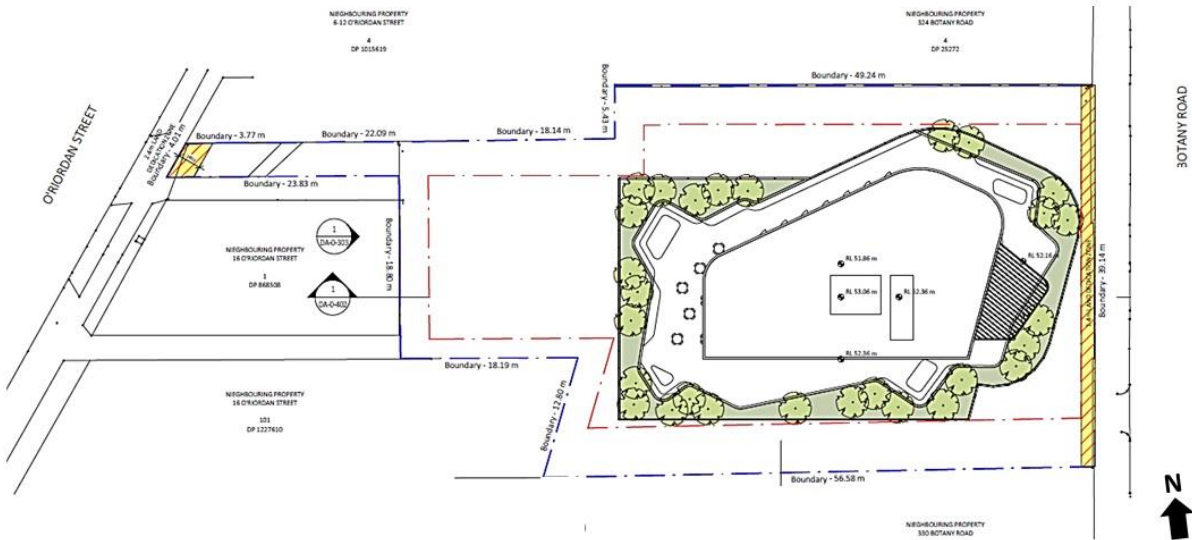


Figure 32: Reference scheme roof level.

## History of the Subject Development Application

### Pre-DA Consultations

14. On 11 January 2019, the proponent's project team had a pre-DA meeting with Council officers to discuss various development options for the site. Issues discussed included:
  - (a) proposed land uses and use mix;
  - (b) the public benefit offer;
  - (c) traffic conditions and access constraints; and
  - (d) the design excellence process.



## Post lodgement

15. The subject DA was lodged on 24 June 2019.
16. During the assessment Council officers requested additional information and amendments of the proposed envelope. The proposal was also reviewed by Council's Design Advisory Panel. Council officers incorporated these comments in feedback to the applicant. This included:
  - (a) the stepped form of the envelope be simplified;
  - (b) the reference scheme does not demonstrate the maximum permissible FSR can be achieved within the proposed envelope;
  - (c) removal of the indicative through site link on along the northern boundary. The through site link was not supported as it did not demonstrate that it could satisfy DCP design requirements for through site links and due to CPTED issues with its design;
  - (d) the landscape concept plan should be amended to remove illustrative detail and drawings of the reference scheme and is to be coordinated with the envelope drawings;
  - (e) a vehicle access from O'Riordan Street is preferred and should be further explored;
  - (f) demonstrate a compliant number of bicycle parking and end of trip facilities can be accommodated within the development and provide information as to how the proposed active transport targets are to be achieved;
  - (g) solar PV is recommended to achieve a more ambitious ESD target; and
  - (h) shadow diagrams are to be submitted to demonstrate the proposed envelope will not overshadow residential sites within the Green Square Town Centre.
17. This final iteration of amended envelope and reference scheme drawings are shown in **Figures 15 to 32** above and are discussed in the following sections of this report.

**Economic/Social/Environmental Impacts**

18. The application has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979, including consideration of the following matters:
  - (a) Environmental Planning Instruments and DCPs.

**State Environmental Planning Policy No 55—Remediation of Land**

19. The aim of SEPP 55 is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.
20. Preliminary and Detailed Environmental Site Investigations (DESI), an addendum DESI and Remediation Action Plan were submitted with the development application. Council's Environmental Health Specialists have reviewed the submitted information and have advised that subject to the recommended conditions the site can be made suitable for the proposed development.

**State Environmental Planning Policy (Infrastructure) 2007**

21. The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.

Clause 45 - Development likely to affect an electricity transmission or distribution network

22. The development is in the vicinity of electricity power lines and may require a substation as a result of increased demand for electricity arising from the development.
23. In accordance with SEPP clause 45 the application was notified to Ausgrid on 27 June 2019.
24. Ausgrid provided written referral comments on 22 July 2019, raising no objection to the proposed development subject to the recommended conditions of consent.

Clauses 85 and 86 - Development adjacent to rail corridors and interim rail corridors

25. The development is adjacent to a rail corridor. In accordance with SEPP clause 85 the application was notified to Sydney Trains on 27 June 2019.
26. In response, Sydney Metro provided referral comments on 8 July 2019 to advise that:
- (a) the site is not within the Sydney Metro City and Southwest corridor pursuant to the SEPP. Accordingly, Sydney Metro considers that concurrence under SEPP clause 86 is not required in relation to the Sydney Metro City and Southwest corridor; and
  - (b) SEPP clause 85 which pertains to development adjacent to rail corridors, has also been considered and does not apply for the Sydney Metro City and Southwest corridor.

Clause 101 - Development with frontage to classified road

27. The site has frontage to Botany Road, which is a classified road. In accordance with SEPP clause 101 the application was notified to Roads and Maritime Services (RMS) on 27 June 2019.
28. RMS provided referral comments on 17 July 2019 and raise no objection subject to the recommended conditions of consent.
29. The application is considered to satisfy the requirements of the SEPP because:
- (a) it has adequately demonstrated that it is not practicable to provide vehicular access via its O'Riordan Street frontage (which is also a state classified road);
  - (b) there are two existing vehicle crossovers to its Botany Road frontage. The approved general location of the single vehicle crossover on the southern end of the Botany Road frontage will reduce the number of vehicle crossovers to the Botany Road frontage by one and is considered to have no adverse impacts upon the safety, efficiency and ongoing operation of the classified road; and
  - (c) the development is capable of being designed to ameliorate the impacts of traffic noise and vehicle emissions upon future intended occupants of the site.

**Sydney Local Environmental Plan 2012**

30. The site is located within the B7 Business Park Zone.

31. The proposed indicative uses include kiosk, shop, office, food and drink premises uses and loading, servicing, bicycle parking and end of trip facilities at ground level, office uses on levels 1 to 8 and roof top food and drink premises. These indicative uses are permitted with consent in the zone.
32. The relevant matters to be considered under Sydney Local Environmental Plan 2012 (the LEP) for the proposed development are outlined below.

## Compliance Tables

Development Control	Compliance	Comment
4.3 Height of Buildings	Able to comply	<p>A maximum height of 40m is permitted.</p> <p>A height of up to 40.09m is proposed.</p> <p>A condition is recommended for the height of the building envelope to be reduced by 0.09m to RL 53.56 (40m).</p> <p>Refer to the Issues section in this report.</p>
<p>4.4 Floor Space Ratio</p> <p>6.13 End of Journey Floor Space</p> <p>6.14 Community Infrastructure Floor Space</p> <p>6.21 Design Excellence</p>	Able to comply	<p>LEP clause 4.4 stipulates a base floor space ratio (FSR) of 2:1 for the site.</p> <p>LEP clause 6.13 allows an additional amount of floor space equal to the floor space occupied by end of journey facilities (EoJF) up to 0.3:1 of FSR. The reference scheme incorporates EoJF with an area of 390sqm, which is equal to 0.15:1 FSR.</p> <p>LEP clause 6.14 provides an opportunity for a further 1.5:1 FSR where community infrastructure is provided.</p> <p>As part of the subject application, the owner of the site has made a formal offer to enter into a Voluntary Planning Agreement (VPA) with Council. This VPA is for the dedication of 65sqm of land to Council, for the purposes of footpath widening on its Botany Road and O'Riordan Street frontages with a value of \$13,120, public domain works with a value of \$23,747 and a monetary contribution of \$747,723 for community infrastructure provision in Green Square.</p>

Development Control	Compliance	Comment
		<p>In accordance with LEP clause 6.21 up to 10% additional FSR (0.35:1) may be approved subject to a competitive design process being carried out and the subsequent detailed design scheme exhibiting design excellence.</p> <p>Considering all of the relevant FSR provisions contained in the LEP, the maximum permitted FSR for the development is 4:1 (10,365.35sqm GFA).</p> <p>The submitted GFA diagrams and schedules that set out the GFA and FSR of the reference scheme contain some discrepancies. Council officers have calculated the reference scheme to have a FSR of 4.01:1 (10,377sqm GFA), which exceeds the permissible FSR for the site.</p> <p>No actual works or FSR are approved as part of any concept approval. So notwithstanding the reference scheme's minor non-compliance with the FSR development standard, it is considered that a building with a compliant FSR can be achieved at the detailed design stage and without unacceptable impacts to adjacent properties. A condition has been recommended that requires that the floor space ratio of the detailed design must not exceed the permissible floor space ratio for the site.</p> <p>The subject concept proposal has been assessed against the relevant requirements of 6.21(4) including site suitability, proposed uses, bulk and massing, street frontage heights and other environmental impacts. The concept proposal demonstrates that a detailed building design is capable of being achieved for the site. Clause 6.21(4) will be considered in the assessment of any subsequent DA for the detailed building design.</p> <p>Refer to the Issues section in this report for further discussion of the VPA.</p>



Development Control	Compliance	Comment
5.4 Controls relating to miscellaneous permissible uses	Able to comply	<p>The maximum permitted GFA for a kiosk is 20sqm.</p> <p>The reference scheme proposes indicative uses including a shop, kiosk and food and drink premises at the ground floor. The kiosk shown in the reference scheme has a GFA of 65sqm and does not comply.</p> <p>A condition is recommended for kiosk uses to not exceed 20sqm in GFA to be inserted as a requirement in the competitive design process brief and for any future DA for the detailed design of the building.</p>
5.10 Heritage conservation	Yes	<p>The site does not contain a heritage item and is not in the vicinity of a heritage item. The site is not located within a heritage conservation area.</p> <p>Council's Heritage Specialist raises no objection to granting in-principle approval for the demolition of the existing warehouse building.</p>

<b>Part 6 Local Provisions - Height and Floor Space</b>	<b>Compliance</b>	<b>Comment</b>
Division 4 Design excellence	Able to comply	<p>A Design Excellence Strategy (DEX Strategy) has been submitted with the application and which establishes a design excellence process for the development of the site.</p> <p>Conditions are recommended to approve the DEX Strategy and ESD targets, and for design requirements to be incorporated into any future competitive design process brief.</p> <p>A competitive design process is to be undertaken prior to lodgement of any future DA for the detailed design of the building. This competitive design process must adhere to the DEX Strategy and conditions of consent for the development to be eligible for up to 10% additional FSR.</p>

<b>Part 7 Local Provisions - General</b>	<b>Compliance</b>	<b>Comment</b>
7.13 Contribution for the purposes of affordable housing	Able to comply	Any subsequent DA for the detailed design of the building will be subject to an affordable housing contribution under clause 7.13 of the LEP.
7.14 Acid sulphate soils	Able to comply	<p>The site is identified as containing Class 5 Acid Sulphate Soils and is approximately 36m from Class 3 Acid Sulphate Soils.</p> <p>LEP clause 7.14 requires acid sulphate soils to be considered in the granting of consent for any works. As no approval is granted for any works to be carried out as part of any concept DA consent, this matter is to be addressed by any future DA for the detailed design of the building. A condition has been recommended to this effect.</p>
7.15 Flood planning	Able to comply	The site is identified as being flood affected.

Part 7 Local Provisions - General	Compliance	Comment
		<p>A flood impact assessment prepared by WMA Water was lodged with the subject DA and recommends flood planning levels (FPLs) for the development of the site.</p> <p>Council's Public Domain Infrastructure Specialist raises no objection to the proposal subject to the recommended conditions to establish minimum floor levels in accordance with the FPLs specified in the flood impact assessment.</p> <p>A design modification condition is recommended requiring the notation on the Typical Floor Plate drawing '<i>ramp from Botany Road to RL14.06'</i> to be deleted. This is to avoid locking a single solution into the concept approval and to allow a solution to be found through the competitive design process to provide a high quality public domain interface to Botany Road.</p> <p>Refer to the assessment against DCP provision 3.2.2 Defining the Public Domain - Addressing the street and public domain in the DCP compliance tables below.</p>
7.16 Airspace operations	Decision pending	<p>The proposed development will penetrate the Obstacle Limitation surface as shown on the Obstacle Limitation Surface Map for the Sydney Airport. Consequently, approval of the concept envelope is required from Federal Department of Infrastructure and Regional Development, Airspace Protection, Aviation and Airports.</p> <p>The final iteration of the concept envelope design was submitted to Council on 14 November 2019 and was forwarded to the Federal Department. Final approval was granted on 22 November 2019 subject to the recommended conditions.</p>

Part 7 Local Provisions - General	Compliance	Comment
		Refer to the External Referrals heading in this report.
7.17 Development in areas subject to airport noise	N/A	The subject site is not located on land in an ANEF contour of 20 or greater and as such is not subject to the requirements of this clause.
7.20 Development requiring preparation of a development control plan	Able to comply	<p>As the height of the proposed development is over 25m in height, preparation of a site specific DCP is required.</p> <p>Pursuant to the provisions of Section 4.23(2) of the Environmental Planning and Assessment Act 1979, the lodgement of a concept proposal DA may be considered by the consent authority as satisfying this obligation.</p> <p>As detailed elsewhere in this report, subject to the recommended conditions the concept proposal adequately addresses the matters for consideration specified under this clause including, height, bulk, massing, streetscape and environmental impacts.</p>
7.23 Large retail development near Green Square Town Centre	Able to comply	<p>The subject site is located on land identified as restricted retail development on the Retail Premises Map. As such, development consent cannot be granted for the purposes of shops or markets with a gross floor area of greater than 1,000sqm.</p> <p>While indicative ground floor shop uses are proposed, the quantum of gross floor area is not approved as part of this concept DA.</p> <p>As such, any subsequent DA for the detailed design of the building will be required to comply with this control.</p>
7.25 Sustainable Transport On Southern Employment Land	Able to comply	This clause requires the consent authority to consider whether the development will promote sustainable transport modes and minimise traffic.

Part 7 Local Provisions - General	Compliance	Comment
		<p>As no works are approved as part of this concept DA the clause does not apply, however it will be a consideration to be addressed by any subsequent DA for the detailed design of the building.</p> <p>A condition is recommended to outline information to be provided as part of any subsequent DA for the detailed design of the building to adequately address this clause.</p>

### Sydney Development Control Plan 2012

33. The relevant matters to be considered under Sydney Development Control Plan 2012 (the DCP) for the proposed development are outlined below.

#### 2. Locality Statements – 2.10.4 East Alexandria

The subject site is located in the locality of East Alexandria. The proposal is considered to be in keeping with the unique character of the area and design principles in that it provides employment uses, land dedications for footpath widening to both its street frontages to improve pedestrian amenity and limits retail uses to ensure the primacy of Green Square Town Centre.

3. General Provisions	Compliance	Comment
<p>3.1.1 Public Domain Elements - Streets, lanes and footpaths</p> <p>3.1.1.4 Public Domain Elements - Footpaths</p>	Able to comply	<p>Construction of footpaths on land to be dedicated for footpath widening to both the Botany Road and O'Riordan Street site frontages have been secured in the Voluntary Planning Agreement associated with this DA.</p> <p>Footpaths are to be designed and constructed in accordance with the Sydney Streets Design Code.</p>
3.1.2.2 Pedestrian and Bike Network - Through site links	Yes	<p>The DCP does not require a through site link (TSL) to be accommodated within the site.</p> <p>No TSL is proposed in the most recent iteration of the reference scheme.</p>

3. General Provisions	Compliance	Comment
		Refer to the Issues section in this report.
3.1.4 Public Domain Elements - Public open space	Yes	The proposed concept envelopes do not have any overshadowing impacts to public open space in the vicinity of the site.
3.1.5 Public Domain Elements - Public art	Yes	A Public Art Strategy has been submitted with the application and which sets out a process for providing public art as part of the development.
3.2.1.1 Defining the Public Domain - Sunlight to publicly accessible spaces	Yes	As noted in the assessment against DCP provision 3.1.4 above, the proposed concept envelopes do not overshadow any publicly accessible open space.
3.2.2 Defining the Public Domain - Addressing the street and public domain	Able to comply	<p>Council's Urban Design Specialist has reviewed the reference scheme and has advised that it does not demonstrate that incorporation of the flood planning levels has been adequately considered.</p> <p>Accessible entry to shop fronts is via a convoluted route via the commercial lobby and does not directly address the street.</p> <p>Tapered steps are shown to two of the shopfronts and in front of the substation. It is noted that this arrangement is unlikely to be supported by Ausgrid.</p> <p>Conditions are recommended for design requirements to be incorporated into the competitive design process brief for the development to positively address the street and public domain.</p>
3.2.3 Active frontages	Able to comply	<p>Both of the site's Botany Road and O'Riordan Street frontages are identified as active frontages.</p> <p>A condition is recommended for design requirements to be incorporated into the competitive design process brief for the development to positively address the street and public domain.</p>

3. General Provisions	Compliance	Comment
3.2.4 Footpath awnings	Able to comply	<p>The site's Botany Road frontage is identified as requiring a footpath awning.</p> <p>A condition is recommended for design requirements to be incorporated into the competitive design process brief and any subsequent DA for the detailed design of the building, to provide a footpath awning to the Botany Road frontage.</p>
3.3 Design Excellence and Competitive Design Processes	Yes	<p>A Design Excellence Strategy (DEX Strategy) has been submitted with the application and which establishes a design excellence process for the development of the site.</p> <p>Conditions are recommended to approve the DEX Strategy and for design requirements to be incorporated into any future competitive design process brief.</p> <p>A competitive design process is to be undertaken prior to lodgement of any future DA for the detailed design of the building. This competitive design process must adhere to the DEX Strategy and conditions of consent for the development to be eligible for up to 10% additional FSR.</p> <p>This provision requires submission of a landscape concept plan as part of any concept DA. A landscape concept plan was submitted but is not approved by this consent. Landscape design is not determinative at this concept stage and is deferred to be developed through detailed design phase.</p> <p>Refer to the assessment against DCP provision 5.8.2.5.1 Landscaping in the Southern Employment Lands section of the DCP compliance table below.</p>
3.4 Hierarchy of Centres, City South	Able to comply	Refer to the assessment against LEP clause 7.23 in the LEP compliance table above.

3. General Provisions	Compliance	Comment
3.5.2 Urban Ecology - Urban Vegetation	Able to comply	Conditions are recommended for a target of at least 15% canopy coverage of the site within 10 years of completion of the development.
3.5.3 Urban Ecology - Tree Management	Able to comply	No tree removal is approved as part of this concept DA.
3.6 Ecologically Sustainable Development	Able to comply	<p>ESD target benchmarks have been incorporated into the DEX Strategy that is recommended for approval.</p> <p>Proposed ESD initiatives to achieve the ESD target benchmarks include recycled water use and a solar PV system.</p>
3.7 Water and Flood Management	Able to comply	Refer to the assessment against LEP clause 7.15 in the LEP compliance table above.
3.8 Subdivision, Strata Subdivision and Consolidation	Able to comply	<p>The concept demolition plan shows a note relating to the northern boundary of Lot 5 in DP 25272 - 'Retain party wall to adjoining property subject to structural engineer'.</p> <p>Conditions are recommended for this notation to be deleted and to address the rights pertaining to the party wall.</p> <p>A condition is recommended requiring lot consolidation as part of any subsequent development application for the detailed design of the building.</p>
3.9 Heritage	Yes	Refer to the assessment against LEP clause 5.10 in the LEP compliance table above.
3.11 Transport and Parking	Able to comply	Refer to the assessment against LEP clause 7.25 in the LEP compliance table above.



3. General Provisions	Compliance	Comment
3.12 Accessible Design	Able to comply	A condition has been recommended for any subsequent DA for the detailed design of the building to provide appropriate access and facilities for persons with disabilities in accordance with the DCP and the BCA.
3.13 Social and Environmental Responsibilities	Able to comply	In accordance with the public domain interface and active use requirements discussed elsewhere in this report it is considered that any detailed design scheme is able to provide adequate passive surveillance and in accordance with the relevant CPTED principles.
3.14 Waste	Able to comply	A condition has been recommended for any subsequent DA for the detailed design of the building to comply with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.
3.15 Late Night Trading Management	Able to comply	<p>While indicative food and drink uses are proposed, the operational details of these uses are not approved as part of this concept DA.</p> <p>As such, any subsequent DA for the detailed design of the building that comprises late trading premises as defined in the DCP will be required to comply with this control.</p>
3.16.1 Signage Strategy	Able to comply	A condition has been recommended for any subsequent DA for the detailed design of the building to include a signage strategy for the building.

4. Development Types  4.2 Residential flat, commercial and mixed use developments	Compliance	Comment
4.2.1 Building height	Able to comply	<p>A maximum of 11 storeys is permitted.</p> <p>The number of storeys is not approved as part of this concept DA. However, the reference scheme demonstrates that the proposed FSR may be achieved within the 11 storey height limit.</p>
4.2.1.2 Building height - Floor to ceiling heights and floor to floor heights	Able to comply	<p>In commercial buildings a minimum floor to floor height of 4.5m on the ground floor and 3.6m on any floor above is required.</p> <p>The reference scheme demonstrates that the minimum floor to floor heights can be achieved.</p> <p>A condition is recommended for minimum floor to floor heights to be included as design requirements to be incorporated into any future competitive design process brief.</p>
4.2.2 Building setbacks	Able to comply	<p>The DCP <i>Building setback</i> and <i>Setback above street frontage height</i> maps do not impose any setback requirements on the site.</p> <p>Where no setback or setback above street frontage is shown on the map setbacks are to be consistent with those of adjacent buildings.</p>
4.2.3.1 Amenity - Solar access	Yes	Submitted shadow diagrams illustrate that the concept envelope will not have any overshadowing impacts to residential properties.
4.2.5 Types of development	Able to comply	The proposed concept envelope is 40m in height and is capable of accommodating a tall building as defined by this provision.

4. Development Types	Compliance	Comment
4.2 Residential flat, commercial and mixed use developments		A condition is recommended for any tall building (>35m in height) to be vertically proportioned in height, form and architectural articulation, to be incorporated as a design requirement in any future competitive design process brief.
4.2.6 Waste and Recycling Management	Able to comply	A condition has been recommended for any subsequent DA for the detailed design of the building to comply with the requirements of this provision.

5. Specific Areas	Compliance	Comment
5.2.3 Community infrastructure	Yes	<p>The proposal relies on an additional 1.5:1 community infrastructure floor space.</p> <p>The applicant has made a public benefit officer and agreed to enter into a VPA - to deliver this infrastructure.</p> <p>Refer to the Issues section in this report.</p>
5.2.7 Stormwater management and waterways	Able to comply	Refer to the assessment against LEP clause 7.15 in the LEP compliance table above.
5.2.9 Building design	Able to comply	A condition is recommended for the relevant requirements of this provision to be incorporated into any future competitive design process brief.
5.2.12 Above ground and adaptable car parking spaces	Able to comply	While a very limited number of ground level car parking spaces are indicated in the reference scheme, the number and configuration of car parking spaces are not approved as part of this concept DA.

5. Specific Areas	Compliance	Comment
5.8.2.1 Development - Subdivision	Able to comply	Refer to the assessment against DCP provision 3.8 in the DCP compliance table above.
5.8.2.2 Development - Building setbacks	Yes	<p>In accordance with the DCP Public Domain Setbacks Map, a 1.4m setback to Botany Road and a 2.4m setback to O'Riordan Street are to be dedicated to Council for footpath widening through a Voluntary Planning Agreement (VPA).</p> <p>Refer to the Issues section in this report.</p>
5.8.2.3 Development - Building height	Able to comply	As noted elsewhere in this report, the concept envelope complies with the permitted LEP height limit and is able to accommodate a detailed building design that complies with the DCP height in storeys limit of 11 storeys.
5.8.2.4 Development - Building layout and design	Able to comply	<p>The reference scheme does not demonstrate how the requirements of this provision may be addressed in that it orients the building to its northern side boundary rather than to its primary Botany Road frontage and its facades are predominantly comprised of glass and steel rather than a variety of materials including masonry.</p> <p>A condition is recommended for the requirements of this provision to be incorporated into any future competitive design process brief.</p>
5.8.2.5.1 Development - Landscaping	Able to comply	<p>As discussed elsewhere in this report three iterations of the landscape concept plan have been submitted over the course of this assessment. However, none of these have adequately addressed all of the issues raised by Council officers in this regard.</p> <p>Notwithstanding this the reference scheme and submitted landscape plans demonstrate adequate deep soil and canopy cover can be achieved on the site.</p>

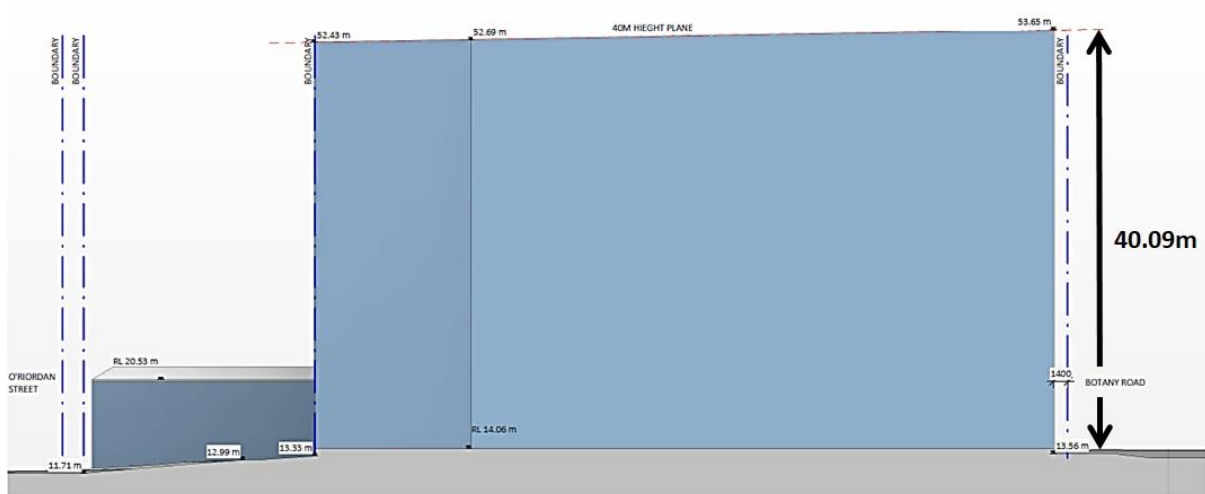
5. Specific Areas	Compliance	Comment
		A condition is recommended for these key landscape requirements to be incorporated into any future competitive design process brief.
5.8.2.6 Development - Parking, access, loading and servicing	Able to comply	Conditions have been recommended for the detailed design of the building to satisfy the requirements of this provision which largely replicate the requirements of LEP clause 7.25 and DCP provision 3.11.
5.8.2.7 Development - Storage areas	Able to comply	The requirements of this provision which are to mitigate environmental impacts of storage areas associated with employment uses are to be addressed at detailed design stage.
5.8.4 Adaptable Parking	Able to comply	Refer to the assessment against DCP provision 5.2.12 in the DCP compliance table above.
5.8.5 Managing Transport Demand	Able to comply	Refer to the assessment against LEP clause 7.25 in the LEP compliance table above.
5.8.7.1 Environment - Storm water management and waterways	Able to comply	Refer to the assessment against LEP clause 7.15 in the LEP compliance table above.
5.8.7.2 Environment - Urban ecology	Able to comply	Refer to the assessment against DCP provisions 3.5.2 and 3.5.3 in the DCP compliance table above.
5.8.7.3 Environment - Contamination	Yes	Refer to the assessment against <i>SEPP 55 - Remediation of Land</i> elsewhere in this report.
5.8.7.4 Environment - Green roofs and walls	Able to comply	A condition is recommended for the requirements of this provision, to encourage green roofs and walls, to be incorporated into any future competitive design process brief.

5. Specific Areas	Compliance	Comment
5.8.8 Social Infrastructure	Yes	The proposal is consistent with social infrastructure objectives for the southern employment lands in that it will provide local employment opportunities and will incorporate sustainable transport initiatives such as bicycle parking and end of journey facilities.

**Issues**

**Height of Buildings**

34. A maximum height of 40m is permitted. At its south-eastern corner the height of the proposed envelope is RL 53.65 and which is 40.09m above the ground level (RL 13.56), as shown in **Figure 33** below.



**Figure 33:** Envelope - south elevation illustrating minor height non-compliance.

35. A condition is recommended for:

- (a) the height of the building envelope to be reduced by 0.09m to RL 53.56 (40m) at its south-eastern corner; and
- (b) for an amended 3D CAD model to be submitted and approved by Council officers prior to the commencement of any competitive process. This is so a 3D CAD model, that is consistent with the approved envelope and that has been prepared in accordance with the City's requirements can be provided to all architectural firms participating in the competitive design process.

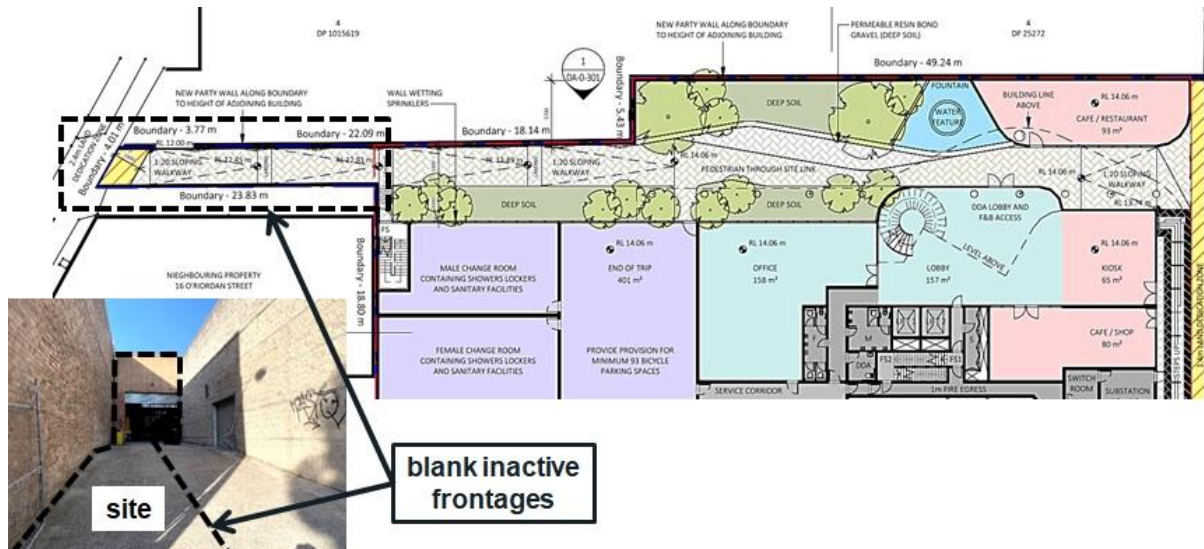
### Voluntary Planning Agreement

36. DA documents submitted at lodgement included correspondence dated 19 June 2019 from the owner of the site making an offer to Council to enter into a Voluntary Planning Agreement (VPA) to provide the public domain setbacks as required under DCP provision 5.8.2.2(1) and a monetary contribution towards community infrastructure provision in Green Square.
37. The offer was accepted and the subsequent draft VPA that has been prepared in association with the subject development application provides for the following public benefits:
  - (a) dedication of a 1.4 metre wide strip of land along the Botany Road frontage and a 2.4 metre wide strip of land along the O'Riordan Street frontage of the development site (with an area of 65sqm) to allow for widened pedestrian footpaths;
  - (b) construction of a new concrete footpath over the dedicated land in accordance with Council's technical specifications; and
  - (c) a monetary contribution towards community infrastructure provision in Green Square with a value of \$755,007.
38. The draft VPA will undergo a 28 day public exhibition period in accordance with the requirements of section 7.5 of the Environmental Planning and Assessment Act 1979. The public exhibition period commenced on 3 December 2019. At the time of preparing this report, no submissions had been received.
39. The application is recommended for deferred commencement consent to require the owner of the site to execute this planning agreement and register it on title before the consent becomes operative. This will ensure that the consent cannot be acted upon without assurance that the public benefits will be delivered in accordance with the provisions of this agreement.

### Through Site Link

40. As noted in the section of this report titled History of the Subject Development Application (paragraphs 14 to 17), the proposed concept DA was presented to DAP in September 2019. While the concept envelope presented to DAP did not prescribe a through-site link (TSL), the provision of a TSL had informed the reference scheme (refer to **Figure 34** below) and other aspects of the proposal such as the landscape concept plan.





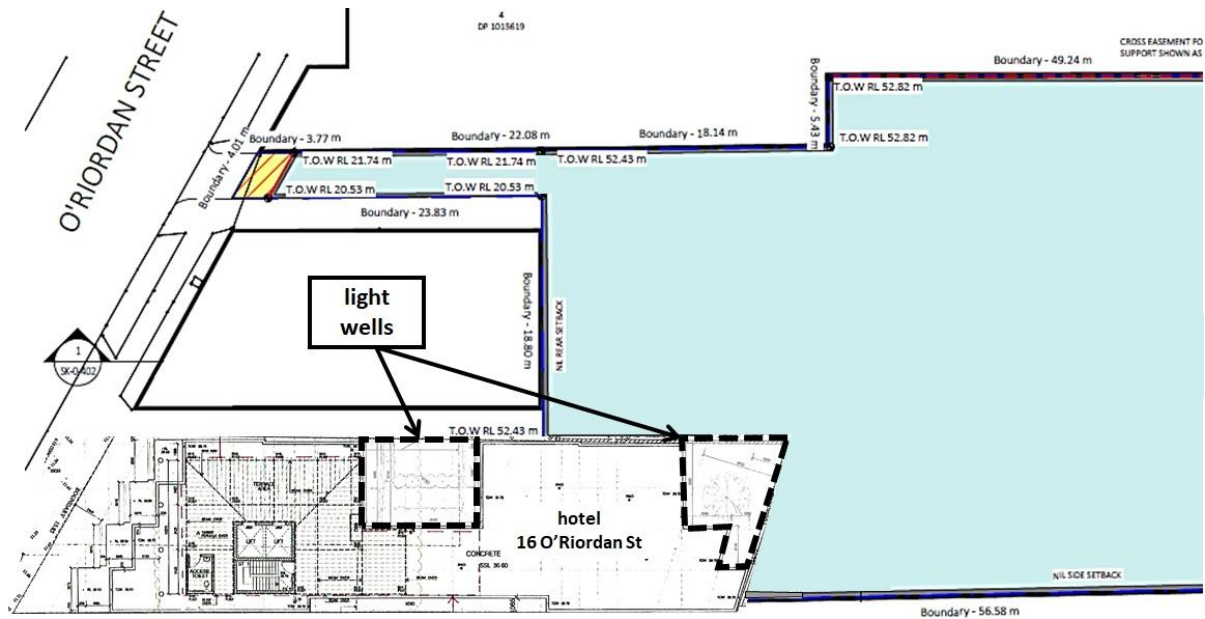
**Figure 34:** Reference scheme (ground level) incorporated a TSL prior to the current iteration of amendments.

41. The DCP does not identify the site as being required to provide a TSL. Fifty metres to the north along O’Riordan Street is the proposed location of a new public plaza currently known as Transport Place. Transport Place will be a new transport hub associated with the existing Green Square train station. Approximately 110m to the south, is a proposed new east-west street to connect the Green Square Town Centre to O’Riordan Street and beyond. For these reasons it is considered that a TSL is not required in the location of the subject site to increasing permeability through the block.
42. Subsequently, the DAP advice included the recommendation that a TSL was not supported for this site. The reasons for this were that:
  - (a) the site is not capable of accommodating a TSL that meets the minimum physical requirements for TSLs specified in the DCP;
  - (b) it would have a blank, inactive frontage for a substantial length which raises safety and security concerns; and
  - (c) it is not required to achieve block permeability.
43. The amended DA package submitted 30 October 2019 included an amended reference scheme which deleted the portion of the through site link circled in **Figure 34** above, and which is a narrow piece of land that connects the site to O’Riordan Street, currently comprising a driveway.
44. To provide clarity to architectural firms participating in the competitive design process, a condition is recommended to be included in the design requirements of any competitive design process brief, that a through site link must not be provided on this site.

### Building Setbacks

45. As noted in the section of this report titled History of the Subject Development Application (paragraphs 14 to 17), DAP recommended that the envelopes be simplified. This advice has been adopted in the amended envelope design by simply extruding the site boundaries up to the 40m LEP height plane.

46. The reference scheme demonstrates that this simplified or 'loose-fit' envelope will provide some flexibility as to how floor space may be configured on the site in the competitive design process.
47. As the DCP does not prescribe side or rear boundary setbacks it will be up to the competing architects' designs to respond to contextual matters in this regard, such as to provide natural light / ventilation to or separation from windows on adjacent sites (such as existing windows to the small light well at the eastern end of the hotel development at 16 O'Riordan Street shown in **Figure 35** below).



**Figure 37:** Envelope plan relative to adjacent hotel light-wells at 16 O'Riordan Street.

48. A condition is recommended for side and rear building setbacks to respond to the surrounding context including to provide natural light / ventilation to or separation from windows on adjacent sites, to be included as design requirements to be incorporated into any future competitive design process brief.

### Other Impacts of the Development

49. The proposed development is capable of complying with the BCA.
50. It is considered that the proposed development will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

### Suitability of the site for the Development

51. The proposal is suitable for the site.

## Internal Referrals

52. The assessment process has been informed by advice from Council's Specialist Surveyor, Environmental Health Specialist, Heritage Specialist, Urban Design Specialist, Design Excellence Unit, Public Domain Specialist, Landscape Design Specialist, Transport Planner, Legal Officers, Strategic Planner, VPA Coordinator, ESD Specialist, Waste Management Specialist and the Design Advisory Panel (DAP).
53. Where appropriate, conditions recommended by these referrals have been included for imposition on any consent given.

## External Referrals

### Integrated Development

54. On 3 July 2019, Integrated Development Application (IDA) referral CNR-755 was created and referred to Water NSW through the Planning Portal and in accordance with section 4.47 of the Environmental Planning and Assessment Act 1979 (the Act).
55. On 2 September 2019, submissions received during the exhibition period were uploaded and forwarded to Water NSW through the Planning Portal and in accordance with clause 69 of the Environmental Planning and Assessment Regulation 2000 (the Regulation).
56. In accordance with clause 70 of the Regulation, Water NSW is required to give its decision 21 days after the date that it was notified of any submissions received in response to the public exhibition period. On 23 September 2019 this period lapsed.
57. In accordance with section 4.47 of the Act, the consent authority may determine the subject application notwithstanding that Water NSW had not informed the consent authority as to whether it will grant the approval or not.

### Notification, Advertising and Delegation

58. The application constitutes integrated development and as such it was notified and advertised for 30 days between 27 June and 27 July 2019 in accordance with the Environmental Planning and Assessment Regulation 2000. As a result of this notification one submission was received in support of the proposal on the basis that it would be an improvement on the warehouse that currently exists on the site.
59. On 30 October 2019, amended plans were submitted and which increased the massing of the proposed concept envelope. In accordance with section 1.3 of Schedule 1 of the Sydney DCP 2012 the amended proposal was notified for 14 days between 4 and 20 November 2019. No submissions were received in response to the re-notification of the amended proposal.

## Roads Act 1993

60. The proposed development seeks in-principle approval for a vehicle crossover to the Botany Road frontage of the site, which is a classified road.
61. Section 138 of the Roads Act 1993 specifies that works cannot be carried out in a public road or connect a site to a classified road without the concurrence of RMS.

62. In accordance with Section 138 of the Roads Act the application was notified to Roads and Maritime Services (RMS) on 27 June 2019.
63. On 17 July 2019, RMS provided its concurrence subject to Council's approval and the recommended conditions being imposed on any consent granted. These conditions are included in Schedule 1E of the Recommended Conditions of Consent.

### **Sydney Airport Referral Act 1996**

64. Section 182 of the Commonwealth Airports Act 1996 (the Act) specifies that, amongst other things, constructing a building or other structure that intrudes into a prescribed airspace is a controlled activity.
65. Airports (Protection of Airspace) Regulations 1996 identifies the Obstacle Limitations Surface as being at a height of 51m AHD above the site. At a maximum height of 53.65m AHD, the building will penetrate the OLS by 2.7m and constitutes a 'controlled activity' under the Act.
66. In accordance with the concurrence requirements contained in LEP clause 7.16, the subject DA was referred to Sydney Airport on 27 June 2019.
67. On 1 July 2019, the Sydney Airport responded to request amended plans that indicated the maximum height of the proposed concept envelope.
68. On 17 July 2019, the Proponent submitted amended plans. On 23 July 2019 those amended plans were forwarded to Sydney Airport and an application was made to the Federal Department of Infrastructure, Transport, Cities and Regional Development (the Department).
69. On 2 October 2019, the Department issued an approval subject to conditions.
70. On 30 October 2019, amended plans were submitted in response to issues raised by Council officers. Amended plans were forwarded to the Department on 1 November 2019.
71. On 22 November 2019, Council officers advised the Department that no submissions were received in response to the re-exhibition of the amended plans and DA information.
72. On 22 November 2019, the Department issued its final approval subject to the conditions of the approval granted 2 October 2019.
73. These conditions are included in Schedule 1F of the Recommended Conditions of Consent.

### **Public Interest**

74. It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

### **S7.11 Contribution**

75. Section 7.11 contributions will be imposed upon any consent granted to any subsequent DA for the detailed design of the building.

### **Affordable Housing Contribution**

76. An affordable housing contribution will be imposed upon any consent granted to any subsequent DA for the detailed design of the building.

### **Relevant Legislation**

77. Environmental Planning and Assessment Act 1979.

### **Conclusion**

78. The subject application seeks in-principle approval for demolition of the existing warehouse building on site, a concept envelope up to 40m in height and indicative future land uses comprising kiosk, shop, office and food and drink premises.
79. The concept proposal relies on the utilisation of community infrastructure floor space pursuant to LEP clause 6.14. As such, the owner of the site has made a formal offer to enter into a voluntary planning agreement (VPA) for dedication of a 1.4 metre wide strip of land along the Botany Road frontage and a 2.4 metre wide strip of land along the O'Riordan Street frontage for footpath widening and a monetary contribution towards community infrastructure provision in Green Square.
80. The draft VPA will undergo a 28 day public exhibition period in accordance with the requirements of section 7.5 of the Environmental Planning and Assessment Act 1979. The public exhibition period commenced on 3 December 2019. At the time of preparing this report, no submissions had been received. A deferred commencement condition is recommended to enable the draft VPA to be executed and registered on title.
81. Subject to the recommended conditions, the proposed envelope and Design Excellence Strategy provide suitable parameters for a competitive design process to provide a detailed building design that is able to comply with the relevant 40m height and FSR controls contained in the Sydney Local Environmental Plan 2012 and that is capable of achieving design excellence.

82. As Integrated Development the period during which time Water NSW must give its decision to the consent authority lapsed on 23 September 2019. Subsequently, the consent authority may determine the subject application notwithstanding that Water NSW have not informed the consent authority as to whether it will grant the approval or not.
83. It is recommended that authority be delegated to the Chief Executive Officer (CEO) to determine the application, subject to receipt of an approval from the Federal Department of Infrastructure, Transport, Cities and Regional Development pursuant to the Airports (Protection of Airspace) Regulations 1996. Following receipt of an approval, consideration should be given to granting a deferred commencement development consent subject to the recommended conditions.

**GRAHAM JAHN, AM**

Director City Planning, Development and Transport

Ben Chamie, Senior Planner

# **Attachment A**

<b>Recommended Conditions of Consent</b>
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## **PART A – DEFERRED COMMENCEMENT CONDITIONS**

### **SCHEDULE 1**

(A) The consent is not to operate until the following condition is satisfied:

#### **(1) VOLUNTARY PLANNING AGREEMENT**

- (a) The Voluntary Planning Agreement between the Council Of The City Of Sydney and Leading Group Development Pty Limited which was placed on public exhibition for a period of 28 days from 3 December 2019 shall be executed and submitted to Council; and
  - (b) The guarantee must be provided to Council in accordance with the Voluntary Planning Agreement; and
  - (c) The Voluntary Planning Agreement, as executed, must be registered on the title of the land; and
  - (d) The payment of the monetary contribution must be provided to Council in accordance with the Voluntary Planning Agreement.
- (B) Evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within **24 months** of the date of determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to section 4.53(6) of the Environmental Planning and Assessment Act 1979.
- (C) The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied.
- (D) Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent, as detailed in Part B Conditions of Consent (Once the Consent is Operation).

## **PART B – CONDITIONS OF CONSENT**

### **SCHEDULE 1A**

#### **APPROVED DEVELOPMENT/DESIGN MODIFICATIONS/COVENANTS AND CONTRIBUTIONS/USE AND OPERATION**

##### **(1) STAGED DEVELOPMENT APPLICATION**

Pursuant to Division 4.22 of the Environmental Planning and Assessment Act 1979, this Notice of Determination relates to a concept development application and a subsequent development application is required for any work on the site.

##### **(2) APPROVED DEVELOPMENT CONCEPT**

- (a) Development must be in accordance with Development Application No. D/2019/657 dated 24 June 2019 and the following drawings prepared by Dickson Rothschild:

Drawing Number	Drawing Name	Date
SK-0-211, Q	Typical Floor Plate	11/11/2019
SK-0-301, J	North Elevation	28/10/2019
SK-0-302, L	South Elevation	11/11/2019
SK-0-303, M	West Elevation	11/11/2019
SK-0-304, J	East Elevation	28/10/2019
SK-0-401, H	Section 1	28/10/2019
SK-0-402, H	Section 2	28/10/2019

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

##### **(3) MATTERS NOT APPROVED**

The following items are not approved and do not form part of this concept proposal development consent:

- (a) any demolition, excavation and/or construction;
- (b) the layout and number of tenancies;
- (c) any basement levels and/or the configuration of car parking;

- (d) the number of car parking spaces, bicycle spaces, car share or loading spaces/zones;
- (e) the precise quantum of floor space; and
- (f) an up to 10% design excellence uplift in floor space ratio.

**(4) DESIGN MODIFICATIONS**

The design of the building envelope must be modified as follows:

- (a) the height of the building envelope at its south-eastern corner must be reduced from RL 53.65 down to RL 53.56;
- (b) notations for 'RAMP UP FROM BOTANY ROAD TO RL 14.06' on drawing SK-0-211, Q, Typical Floor Plate are to be deleted;
- (c) notations pertaining to the northern boundary of Lot 5 in DP 25272 and which state 'RETAIN PARTY WALL TO ADJOINING PROPERTY SUBJECT TO STRUCTURAL ENGINEER' are to be deleted.

The modifications are to be submitted to and approved by Council's Area Planning Manager prior to the commencement of any competitive design process.

**(5) BUILDING HEIGHT**

The height of the building must not exceed 40 metres as defined in the *Sydney Local Environmental Plan 2012*.

**(6) FLOOR SPACE RATIO**

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the detailed design of the building must not exceed the maximum permissible FSR calculated in accordance with the relevant provisions of the *Sydney Local Environmental Plan 2012*.
- (b) Precise FSR details are to be submitted as part of any subsequent development application for the detailed design of the building.

**(7) BUILDING ENVELOPES**

Subject to the other conditions of this consent, the concept envelope is only approved on the basis that the detailed building design, including services, balconies, shading devices and the like will be contained entirely within the approved envelope.

**(8) DISTRIBUTION OF FLOOR SPACE WITHIN ENVELOPES**

The approved concept envelope establishes the maximum parameters for the competitive process and the future built form on the site. The detailed design must not occupy the entirety of the envelope. The maximum permissible floor space of the detailed design must be consistent with the relevant provisions of the Sydney LEP 2012, the Sydney DCP 2012 and the conditions of this consent.

**(9) COMPETITIVE DESIGN PROCESS**

A competitive design process in accordance with the provisions of the *Sydney Local Environmental Plan 2012* shall be:

- (a) conducted in accordance with the Design Excellence Strategy, Rev03, for 332-326-328 Botany Road, Alexandria, prepared by Mecone and dated 30.10.19 on behalf of Leading Group Development Pty Limited.
- (b) conducted prior to the lodgement of any subsequent development application for the detailed design of development on the site.

The detailed design of the building must exhibit design excellence, in accordance with Clause 6.21 of *Sydney Local Environmental Plan 2012*.

**(10) ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

Details are to be provided with any subsequent development application for the detailed design of the building to confirm that the building has adopted the proposed minimum ESD targets set out in section 7 of the approved Design Excellence Strategy, and which are as follows:

- (a) Building Code of Australia – compliance with the requirements of Section J Energy Efficiency;
- (b) Requirements of 3.6 of the Sydney Development Control Plan 2012;
- (c) 4 Star Green Star Design & As-Built v1.2 Rating;
- (d) 5.5 Star NABERS Energy Base Building Rating; and
- (e) Property Council of Australia (PCA) Office Quality Grade B.

The ESD targets are to be carried through the competitive design process phase, design development, detailed design DA phase, construction, and through to completion of the project.

**(11) DETAILED DESIGN**

The design brief for the competitive design process and the building design submitted as part of any subsequent development application for the detailed design of the building, must address the following design requirements:

- (a) the gross floor area of any ground floor kiosk tenancies must not exceed 20 square metres, in accordance with clause 5.4(6) of the Sydney LEP 2012;
- (b) a through site link must not be provided;
- (c) car parking areas at ground level are to be screened by active uses to a minimum depth of 6m from the facade visible to the street or public domain;
- (d) both street frontages are to provide active frontages in accordance with the provisions at section 3.2.3 of the Sydney DCP 2012 including the

minimum requirements set out in Table 3.1 Ground floor active frontages (at 3.2.3 of the DCP);

- (e) the building is to positively address the street, maximise visible internal uses at ground level and is to include high quality finishes and public art to enhance the public domain;
- (f) a continuous footpath awning is to be provided to the building's Botany Road frontage;
- (g) a minimum floor to floor height of 4.5m on the ground floor and 3.6m on any floor above in accordance with provision 4.2.1.2(1) of the Sydney DCP 2012;
- (h) the number and configuration of any car parking spaces located at ground level or above, must be in accordance with the requirements of provision 5.2.12 of the Sydney DCP 2012;
- (i) the building, including its entries and foyers, is to be oriented to its primary (Botany Road) street frontage;
- (j) building facades are to:
  - (i) relate sympathetically to existing buildings in the vicinity, particularly if they have streetscape value;
  - (ii) incorporate a variety of materials and textures; and
  - (iii) use a proportion of solid surfaces, preferably brick masonry that employs bricks similar to those used on significant buildings that characterise the area;
- (k) rooftop structures such as plant rooms, solar panels, air conditioning and ventilation systems are to be incorporated into the design of the building and concealed within the roof form or located within a well-designed, integrated roof top element;
- (l) any design for a tall building (>35m in height) is to be vertically proportioned in height, form and articulation;
- (m) maximise the use of natural lighting and ventilation;
- (n) provide a minimum deep soil area of 10% of the site area, with a minimum dimension of 3 metres. Note deep soil must be unencumbered by structures above, below or within the designated area;
- (o) provide canopy cover to at least 15% of the site within 10 years of completion of the development;
- (p) green roofs and walls are encouraged in the development, provided in accordance with provision 5.8.7.4 of the Sydney DCP 2012; and
- (q) side and rear building setbacks are to respond to the surrounding context including to provide natural light / ventilation to or separation from windows on adjacent sites.

**(12) PUBLIC ART**

Public art for the development should be provided in accordance with the Public Art Strategy, prepared by Mecone, submitted at lodgement of development application D/2019/657, and as amended by the conditions of this consent.

In accordance with the approved Public Art Strategy a Preliminary Public Art Plan is to be submitted at lodgement of any subsequent development application for the detailed design of the building.

**(13) FLOOR LEVELS FOR BUILDINGS AND STRUCTURES**

The level difference between ground floor building levels and the adjacent public footpath shall not exceed 1200mm. The following performance criteria shall apply to the design of buildings and structures on the site:

- (a) All proposed ground floor levels within the site shall be set at or above the required flood planning level being the 1% AEP flood level of 14.06m A.H.D estimated by the WMA Water site flood assessment dated 30 May 2019.

**(14) SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO COMPETITIVE DESIGN PROCESS**

- (a) Prior to the commencement of any competitive design process for the site, an accurate 1:1 electronic CAD model of the envelope approved by this consent (and as modified by the DESIGN MODIFICATIONS condition above) must be submitted to and approved by Council's City Model officers.
- (b) The data required to be submitted within the surveyed location must include and identify:
  - (i) envelope design above in accordance with the development consent;
  - (ii) a current two points on the site boundary clearly marked to show their Northing and Easting MGA (Map Grid of Australia) coordinates, which must be based on Established Marks registered in the Department of Lands and Property Information's SCIMS Database with a Horizontal Position Equal to or better than Class C.

The data is to be submitted as a DGN or DWG file on a Compact Disc. All modelling is to be referenced to the Map Grid of Australia (MGA) spatially located in the Initial Data Extraction file.

- (c) The electronic model must be constructed in accordance with the City's 3D CAD electronic model specification. The specification is available online at <http://www.cityofsydney.nsw.gov.au/development/application-guide/application-process/model-requirements> Council's Modelling staff should be consulted prior to creation of the model. The data is to comply with all of the conditions of the Development Consent.

## **SCHEDULE 1B**

### **(15) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES**

The detailed design of the building must provide access and facilities for people with a disability in accordance with the *Building Code of Australia*.

### **(16) SIGNAGE STRATEGY**

A detailed signage strategy shall be lodged as part of any development application for the detailed design of the building. The signage strategy must include information and scale drawings of the location, type, construction, materials and total number of signs proposed for the development.

### **(17) SUSTAINABLE TRANSPORT ON SOUTHERN EMPLOYMENT LAND**

Any subsequent development application for the detailed design of the building must include information to address:

- (a) clause 7.25 of the Sydney Local Environmental Plan, which requires the development to promote sustainable transport modes and minimise traffic congestion. This may include but is not limited to:
  - (i) how the development will address sustainable transport objectives set out in Sustainable Sydney 2030 and the Green Square and Waterloo Transport Action Plan;
  - (ii) trip generation information and how this is to be catered for if on-site car-parking is to be constrained; and
  - (iii) details of bicycle parking and end of trip facilities, including, the numbers of bicycle parking spaces, showers, lockers, the layout, design and security of bicycle facilities in accordance with *Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities*, 'Austroads Bicycle Parking Facilities: Guidelines for Design and Installation', and provision 3.11.3 of the Sydney DCP 2013;
- (b) servicing and waste collection in accordance with the relevant requirements of provisions 3.11.6 and 3.11.13 of the Sydney DCP 2012.

### **(18) VEHICLES ACCESS**

All vehicles must enter and depart the site in a forward direction.

### **(19) ON SITE LOADING AREAS AND OPERATION**

All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way. At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.



**(20) SWEPT PATH ANALYSIS**

Any subsequent development application for the detailed design of the building must include a swept path analysis to show how the largest vehicle can enter and exit the site. This information will determine the largest vehicle permitted to service the site and the width of the driveway crossing.

**(21) CAR SHARE SPACES**

Any subsequent development application for the detailed design of the building must include provision of parking space(s) for the exclusive use of car share scheme vehicles in accordance with the relevant rates at 3.11.2 of the Sydney DCP 2012.

**(22) SECURITY GATES**

If a design submitted as part of a subsequent development application for the detailed design of the building incorporates a car park accessed by a security gate, that gate must be located at least 6 metres within the site from the street front property boundary.

**(23) ACID SULFATE SOILS**

As part of any subsequent development application for the detailed design of the building the proponent will be required to:

- (a) submit to Council a Preliminary Assessment prepared in accordance with the NSW Acid Sulfate Soils Management Advisory Committee, Acid Sulfate Soils Assessment Guidelines 1998 for the works that are classified as being in an Acid Sulfate Soils zone *class 5*. The Preliminary Assessment must be prepared by a person or company who is qualified and competent in relevant geotechnical expertise in relation to the assessment and remediation of Acid Sulfate Soil risks. The Preliminary Assessment must conclude that an ASSMP is not required in accordance with the guidelines otherwise an ASSMP must also be submitted to Council in accordance with clause (a) of this condition;

or

- (b) submit to Council an Acid Sulfate Soils Management Plan (ASSMP) for the proposed works prepared in accordance with the NSW Acid Sulfate Soils Management Advisory Committee, Acid Sulfate Soils Assessment Guidelines 1998 that are classified as being in an Acid Sulfate Soils zone *class 5 and 40m from an Acid Sulfate Soils zone class 3*. The ASSMP must be prepared by a person or company who is qualified and competent in relevant geotechnical expertise in relation to the assessment and remediation of Acid Sulfate Soil risks.

**(24) LAND DEDICATION - NO LONG TERM ENVIRONMENTAL MANAGEMENT PLAN**

Any land that is to be dedicated to the City as part of the associated Voluntary Planning Agreement must not be encumbered by an Environmental Management Plan or Long Term Environmental Management Plan.

**(25) LAND CONTAMINATION**

- (a) Any subsequent development application for the detailed design of the building must include reports and documentation to address the requirements of State Environmental Planning Policy No 55 – Remediation of Land.
- (b) The relevant reports and documentation may include but are not limited to the following:
  - (i) Preliminary Environmental Site Investigation Report;
  - (ii) Detailed Environmental Site Investigation Report;
  - (iii) Remediation Action Plan; and
  - (iv) Addenda letter prepared by Asset Geotechnical Engineering Pty Ltd, Ref: 5046-4-E1, dated 21 August 2019 (trim 2019/386429-09).

**(26) ACOUSTIC REPORT**

An Acoustic Impact Assessment must be undertaken by a suitably qualified acoustic consultant and submitted with any subsequent development application for the detailed design of the building in accordance with the provisions of the *Sydney Development Control Plan 2012*.

**(27) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN**

Any subsequent development application for the detailed design of the building must include a detailed demolition, excavation, construction and vibration noise management plan that identifies any of these activities likely to result in exceedance of the relevant EPA and Council guidelines and provides mitigation strategies to minimise noise and vibration impacts.

The Plan must be prepared by a suitably qualified person who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants.

The plan must include but not be limited to the following:-

- (a) identification of noise sensitive receivers near to the site.
- (b) A prediction as to the level of noise impact likely to affect the nearest noise sensitive receivers from the use and proposed number of high noise intrusive appliances intended to be operated onsite. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated within the *City of Sydney Construction Hours /Noise Code of Practice 1992* for the typical construction hours of 07.00am to 7.00pm. Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property.
- (c) A representative background noise measurement ( $L_{A90, 15 \text{ minute}}$ ) should be submitted, assessed in the vicinity of any potentially affected receiver

locations and measured in accordance with AS 1055:1.2.1997.(d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases.(e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum and to ensure that noise from site works complies with the noise criteria contained within City's Construction Noise Code.(f) What course of action will be undertaken following receipt of a complaint concerning offensive noise.(g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.(h) What plant and equipment is to be used on site, the level of sound mitigation measures to be undertaken in each case and the criteria adopted in their selection taking into account the likely noise impacts on the occupiers of neighbouring property and other less intrusive technologies available.

## **(28) STORMWATER AND DRAINAGE**

Any subsequent development application for the detailed design of the building is to provide details of the drainage system for the development which is to be designed and constructed in accordance with Council's standard requirements as detailed in Council's 'Stormwater Drainage Connection Information' document dated July 2006. This information is available on Council's website - [www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au).

## **(29) WASTE AND RECYCLING MANAGEMENT**

- (a) The Operational Waste Management Plan, Rev. D, dated 28/10/19 as prepared by Elephants Foot (TRIM ref. no. 2019/553881) contains information pertaining to waste generation rates and associated waste management requirements that may be used as guidance for the purposes of informing the competitive design process brief.
- (b) Any subsequent development application for the detailed design of the building is to provide details of the location, construction and servicing of the waste collection facilities and a Waste Management Plan for the demolition, construction and operational phases of the development. The design of these facilities and the Waste Management Plan is to be in accordance with provision 4.2.6.4 of the Sydney DCP 2012 and the Council's *Guidelines for Waste Management in New Developments 2018*.

## **(30) INFORMATION FOR THE PURPOSE OF CALCULATING SECTION 7.11 AND AFFORDABLE HOUSING CONTRIBUTIONS**

Any subsequent development application for the detailed design of the building must include the following information:

- (a) Gross floor area (GFA) schedules and diagrams for the existing and proposed development for the purposes of calculating section 7.11 contributions and credits;

- (b) Total floor area (TFA) schedules and diagrams for the proposed development for the purposes of calculating affordable housing contributions. Note: TFA is defined at clause 7.13 of the Sydney Local Environmental Plan 2012.

## **SCHEDULE 1C**

### **(31) ENCROACHMENTS – PUBLIC WAY**

Any detailed design of the building lodged under a subsequent development application for the development of the site must ensure that no portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

### **(32) PARTY WALL**

Any subsequent development application for the detailed design of the building must not include demolition of the party wall erected along the common boundary between Nos. 326-328 and No. 324 Botany Road (between Lot 4 & Lot 5 in DP 25272 unless prior written consent is first obtained from all registered proprietors of Lot 4 in DP 25272, known as No. 324 Botany Road Alexandria.

### **(33) PLAN OF CONSOLIDATION**

Any subsequent development application for the detailed design of the building is to make provision for a plan of consolidation to be prepared and registered with the office of NSW Land Registry Services. Any detailed design of the building must be based upon the redefined boundaries of the registered consolidation plan.

## SCHEDULE 1D

### AUSGRID CONDITIONS

#### (34) OVERHEAD POWERLINES

There are existing overhead electricity network assets in Botany Rd. Safework NSW Document - Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding. The "as constructed" minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website, [www.ausgrid.com.au](http://www.ausgrid.com.au) Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost. It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

#### (35) UNDERGROUND CABLES

There are existing underground electricity network assets in Botany Rd and O'Riordan St. Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

Safework Australia - Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

## SCHEDULE 1E

### RMS CONCURRENCE CONDITIONS

Concurrence is provided to the vehicular crossing to Botany Road under Section 138 of the *Roads Act 1993*, subject to Council's approval and the following requirements:

1. All buildings and structures, together with any improvements integral to the future use of the site shall be wholly within the freehold property (unlimited in height or depth), along the Botany Road and O'Riordan Street boundary.
2. The design and construction of the vehicular crossing on Botany Road and stormwater connection shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained by email at [DeveloperWorks.Sydney@rms.nsw.gov.au](mailto:DeveloperWorks.Sydney@rms.nsw.gov.au).

Detailed design plans of the proposed works are to be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate and commencement of any road works. Please send all documentation to [development.sydney@rms.nsw.gov.au](mailto:development.sydney@rms.nsw.gov.au).

A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by Roads and Maritime.

3. Roads and Maritime is currently undertaking a program to implement "Clearways" on State roads within Sydney. If not already in place, "Clearway" restrictions shall be implemented along the full Botany Road and O'Riordan Street frontage of the development site.
4. All vehicles shall enter and exit the site in a forward direction.
5. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018. Parking Restrictions may be required to maintain the required sight distances at the driveway.
6. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.
7. The proposed development will generate additional pedestrian movements in the area. Pedestrian safety is to be considered in the vicinity.
8. A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to Council for approval prior to the issue of a Construction Certificate.
9. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Botany Road and O'Riordan Street during construction activities. A ROL can be obtained through <https://lmyrta.com/oplinc2/pages/security/oplincLogin.jsf>.



## **SCHEDULE 1F**

### **DEPARTMENT OF INFRASTRUCTURE, TRANSPORT, CITIES AND REGIONAL DEVELOPMENT CONCURRENCE CONDITIONS**

1. The building must not exceed a maximum height of 53.7 metres AHD, this includes all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust flues etc.
2. Separate approval must be sought under the Regulations for any equipment (i.e. cranes) required to construct the building. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Regulations. Therefore, it is advisable that approval to operate construction equipment (i.e. cranes) be obtained prior to any commitment to construct.
3. The Proponent must advise Airservices Australia at least three business days prior to the controlled activity commencing by emailing <ifp@airservicesaustralia.com> and quoting YSSY-CA-230.
4. On completion of construction of the building, the Proponent must provide the airfield design manager with a written report from a certified surveyor on the finished height of the building.

Breaches of approval conditions are subject to significant penalties under Sections 185 and 187 of the Act.

## SCHEDULE 2

### PRESCRIBED CONDITIONS

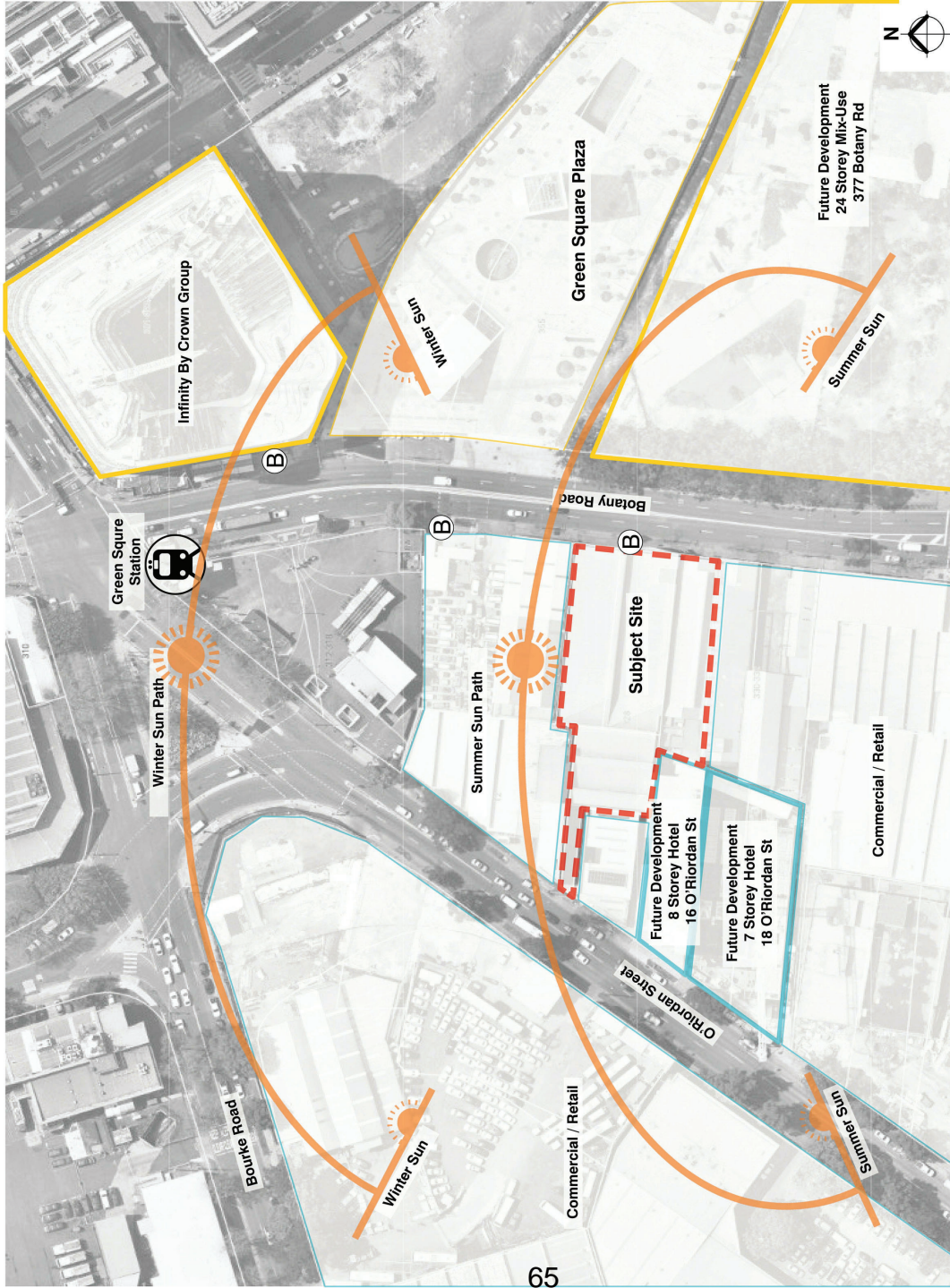
**The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2000* apply:**

- Clause 98 Compliance with *Building Code of Australia* and insurance requirements under the *Home Building Act 1989*
- Clause 98A Erection of signs
- Clause 98B Notification of *Home Building Act 1989* requirements
- Clause 98C Conditions relating to entertainment venues
- Clause 98D Conditions relating to maximum capacity signage
- Clause 98E Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 8A of the *Environmental Planning and Assessment Regulation 2000*. This can be accessed at: <http://www.legislation.nsw.gov.au>

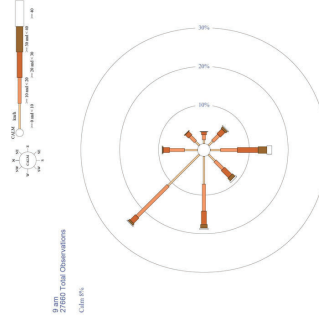
# **Attachment B**

## **Envelope Drawings**



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**Prevailing Wind**



DRAWING: **SITE ANALYSIS 02**

PROJECT NO.	326-328 Botany Road, Alexandria
DRAWING NO.	18-106 - SK-0-103
REVISION	B
COMMITMENT DATE	14/11/2018
DRAWN	Author ND
AUTHORISED	Author ND
NOT TO SCALE	

PROJECT: **326-328 Botany Road, Alexandria**

CLIENT: **Leading Group Development Pty Ltd**

STAGE 1 DEVELOPMENT APPLICATION - BUILDING ENVELOPE



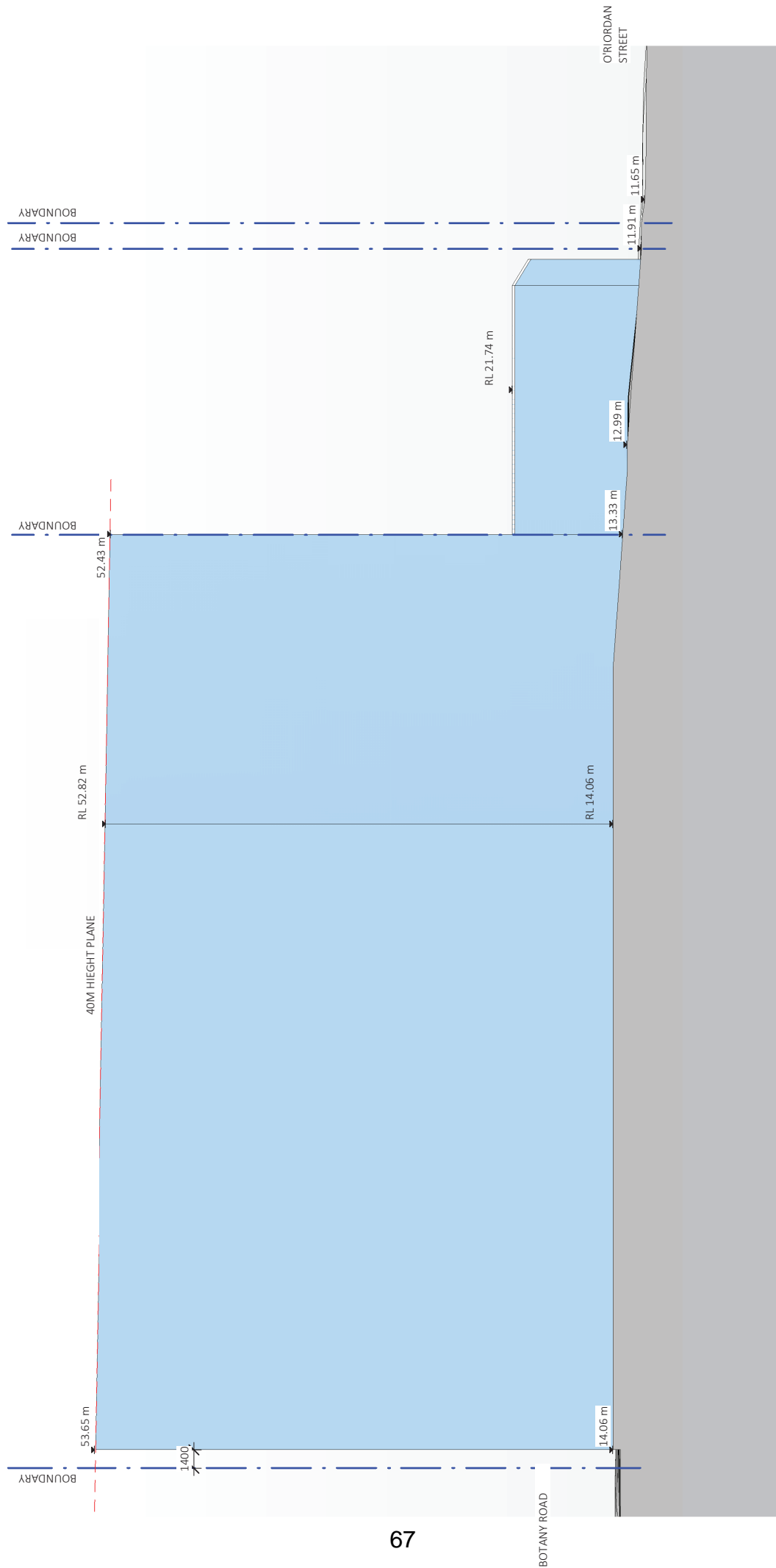
REV	DESCRIPTION	DATE	ISSUED	CHECKED
A	ISSUE FOR REVIEW	30/04/2019	CB	ND
B	ISSUE FOR STAGE 1 DA	21/05/2019	CB	ND

Nominated Architects:  
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\* REFER TO PLANS FOR ALL SETBACK CONTROLS

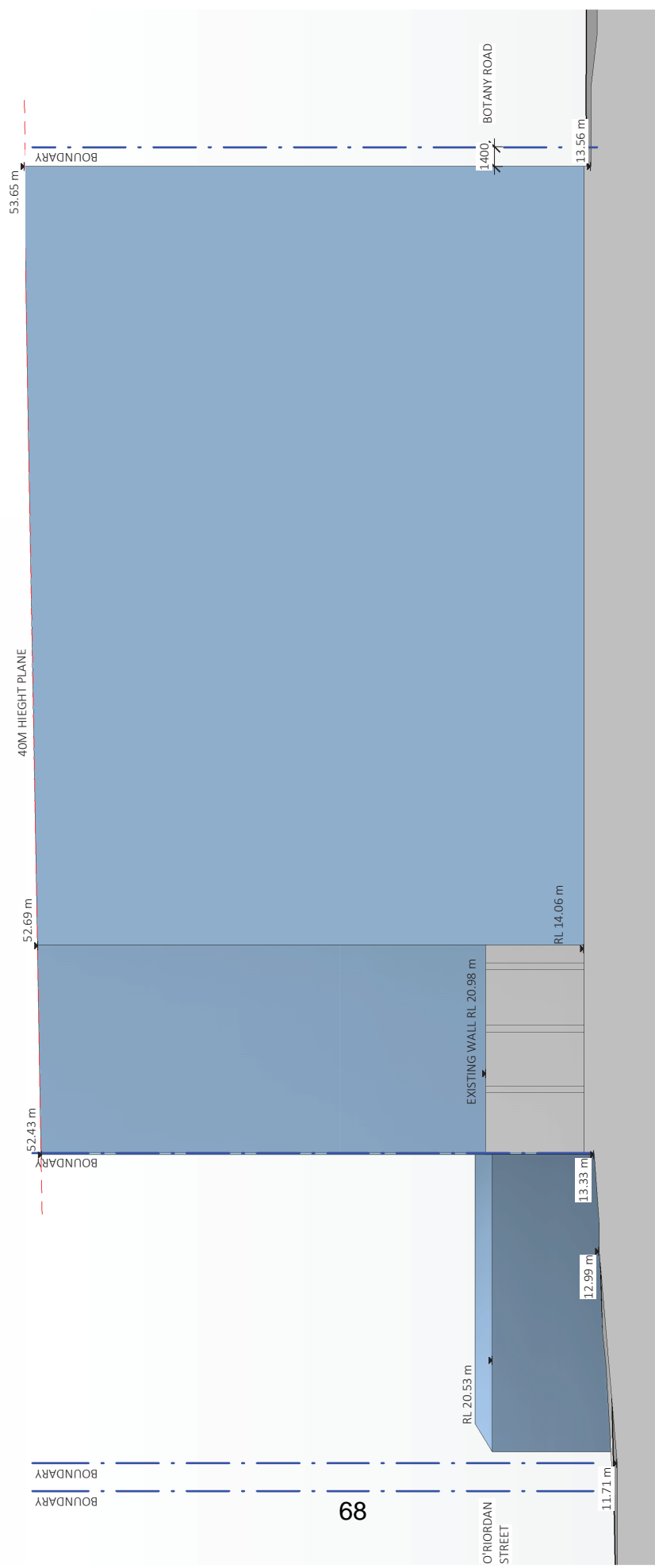


DRAWING		NORTH ELEVATION	
PROJECT NO.	DRAWING NO.	REVISION	COMMENCEMENT
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PROJECT  
**326-328 Botany Road, Alexandria**  
 CLIENT  
**Leading Group Development Pty Ltd**  
 STAGE 1 DEVELOPMENT APPLICATION - BUILDING ENVELOPE

REV	DESCRIPTION	DATE	ISSUED	CHECKED
B	ISSUE TO CONSULTANTS	09/04/2019	CB	VT
C	ISSUE FOR REVIEW	17/04/2019	CB	VT
D	ISSUE FOR REVIEW	26/04/2019	CB	ND
E	ISSUE FOR REVIEW	29/04/2019	CB	ND
F	ISSUE FOR REVIEW	30/04/2019	CB	ND
G	ISSUE FOR STAGE 1 DA - AMENDED	21/05/2019	CB	ND
H	ISSUE FOR COUNCIL'S COMMENTS	15/07/2019	AV	FC
I	ISSUE FOR COUNCIL RFI	23/10/2019	AV	FC
J	ISSUE FOR COUNCIL RFI	28/10/2019	AV	FC

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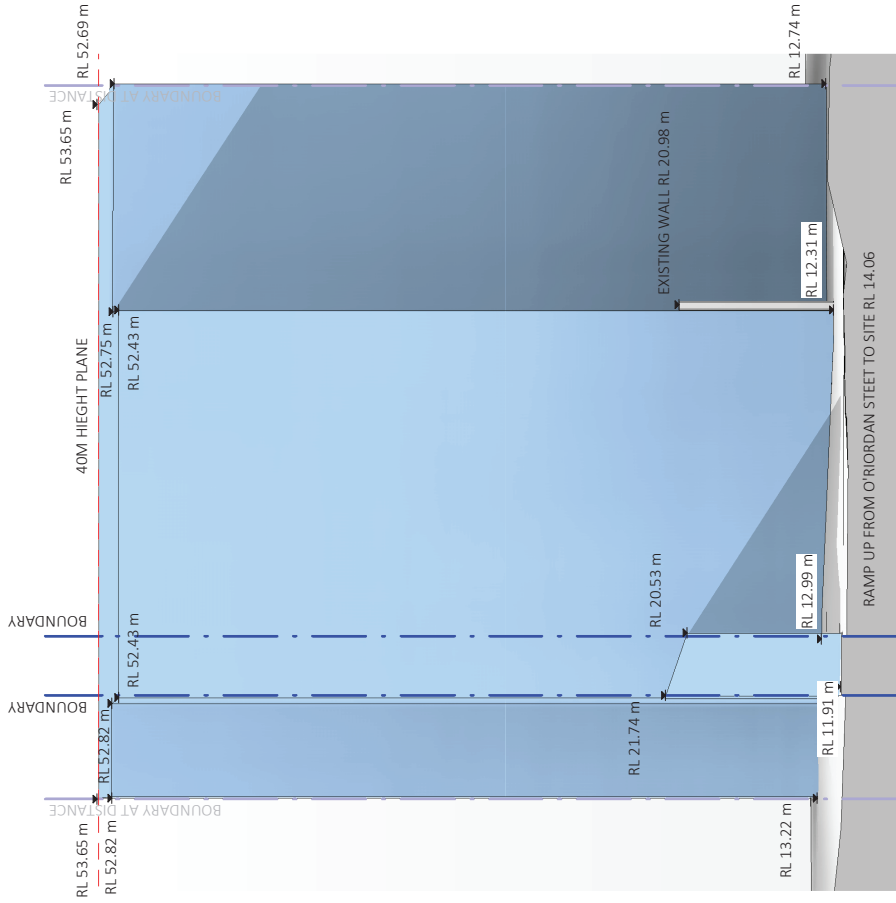
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PROJECT	326-328 Botany Road, Alexandria	REVISION	COMPLETION
DRAWING NO.	18-106	DRAWN	CB
PROJECT NO.	SK-D-302	REVISION	L
SCALE @ A3	1 : 300	DRAWN	CB
		AUTHORISED	ND

PROJECT	326-328 Botany Road, Alexandria, NSW 2017
CLIENT	Leading Group Development Pty Ltd
STAGE	STAGE 1 DEVELOPMENT APPLICATION - BUILDING ENVELOPE

REV	DESCRIPTION	DATE	ISSUED	CHECKED
D	ISSUE FOR REVIEW	26/04/2019	CB	ND
E	ISSUE FOR REVIEW	29/04/2019	CB	ND
F	ISSUE FOR REVIEW	30/04/2019	CB	ND
G	ISSUE FOR STAGE 1 DA	21/05/2019	CB	ND
H	ISSUE FOR STAGE 1 DA - AMENDED	15/07/2019	CB	ND
I	ISSUE FOR COUNCIL COMMENTS	23/10/2019	AV	FC
J	ISSUE FOR COUNCIL RFI	28/10/2019	AV	FC
K	DRAFT SUBDIVISION PLAN	29/10/2019	AV	FC
L	REVISED ISSUE FOR COUNCIL RFI	11/11/2019	AV	FC

Dickson Architects  
 Nominated Architects:  
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DRAWING		WEST ELEVATION	
PROJECT NO.	DRAWING NO.	REVISION	COMMENCEMENT
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PROJECT  
**326-328 Botany Road, Alexandria**

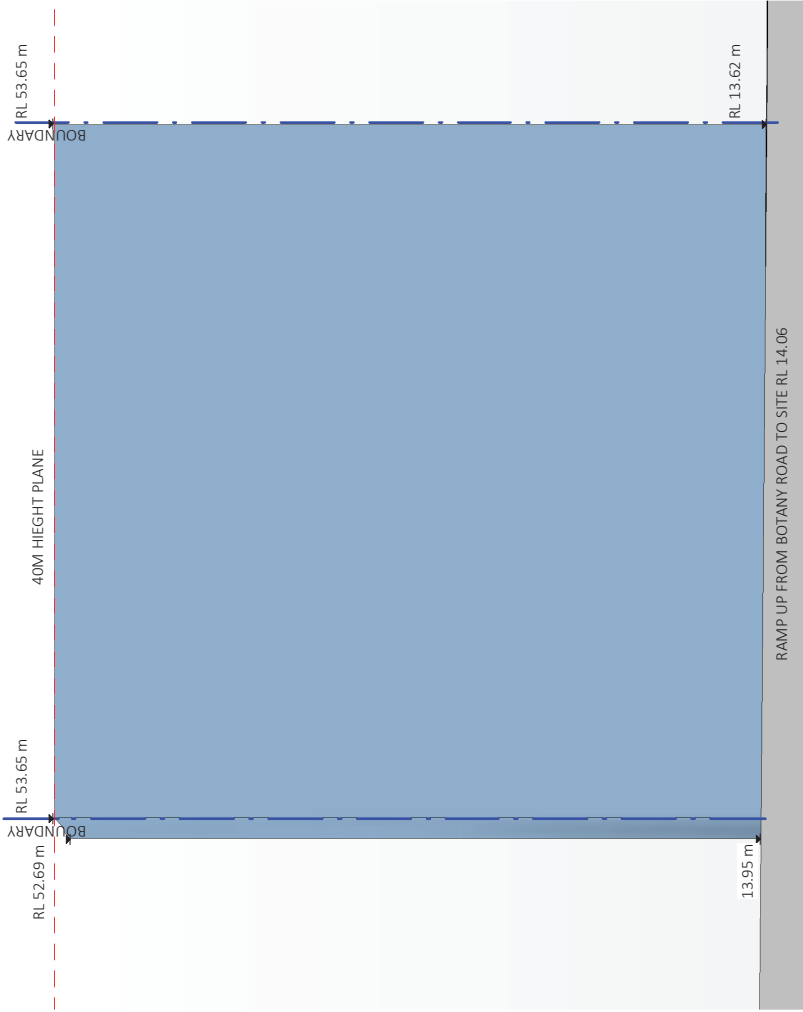
CLIENT  
**Leading Group Development Pty Ltd**

STAGE 1 DEVELOPMENT APPLICATION - BUILDING ENVELOPE

REV	DESCRIPTION	DATE	ISSUED	CHECKED
E	ISSUE FOR REVIEW	29/04/2019	CB	ND
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I	ISSUE FOR STAGE 1 DA - AMENDED	15/07/2019	CB	ND
J	ISSUE FOR COUNCIL COMMENTS	23/07/2019	AV	FC
K	ISSUE FOR COUNCIL RFI	28/07/2019	AV	FC
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DRAWING		EAST ELEVATION	
PROJECT NO.	DRAWING NO.	REVISION	COMMENCEMENT
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PROJECT  
**326-328 Botany Road, Alexandria**

CLIENT  
**Leading Group Development Pty Ltd**

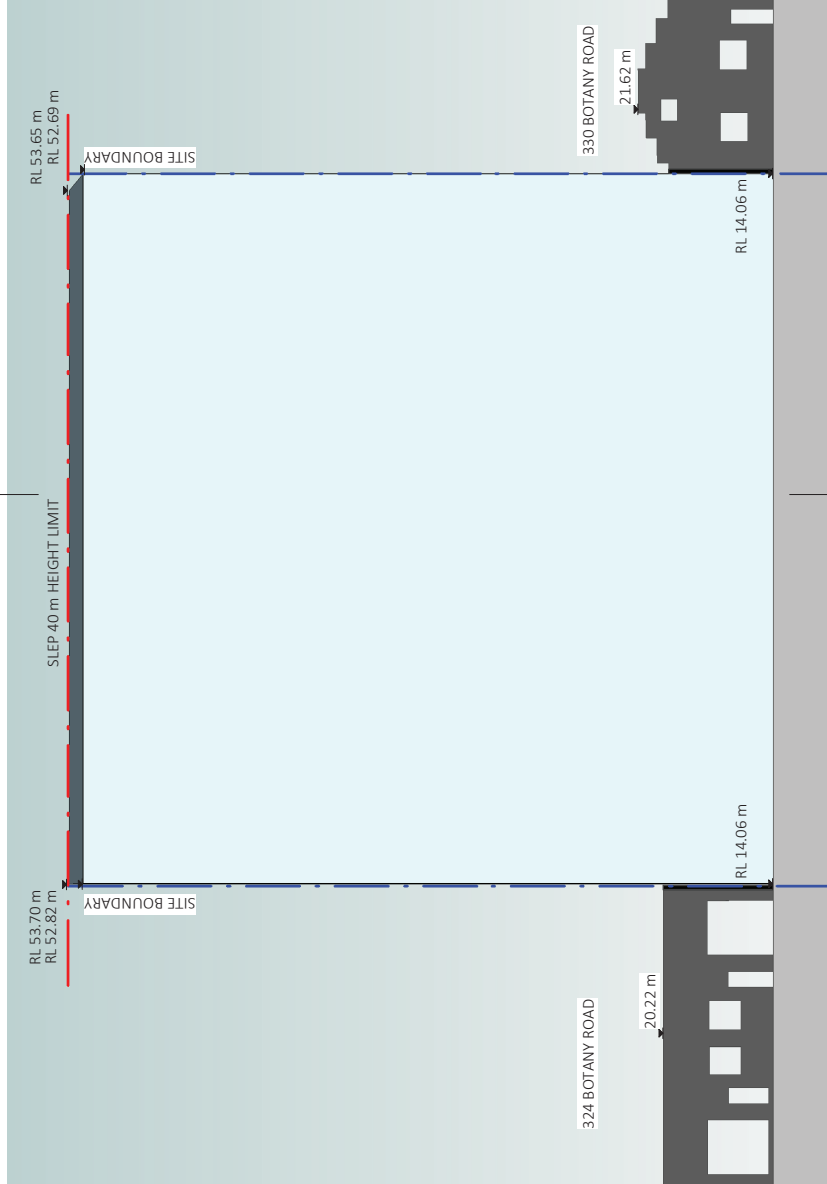
STAGE 1 DEVELOPMENT APPLICATION - BUILDING ENVELOPE

REV	DESCRIPTION	DATE	ISSUED	CHECKED
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<b>SECTION 1</b>			
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18-106	SK-0-401	H	14/11/2018
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PROJECT  
**326-328 Botany Road, Alexandria**

CLIENT  
**Leading Group Development Pty Ltd**

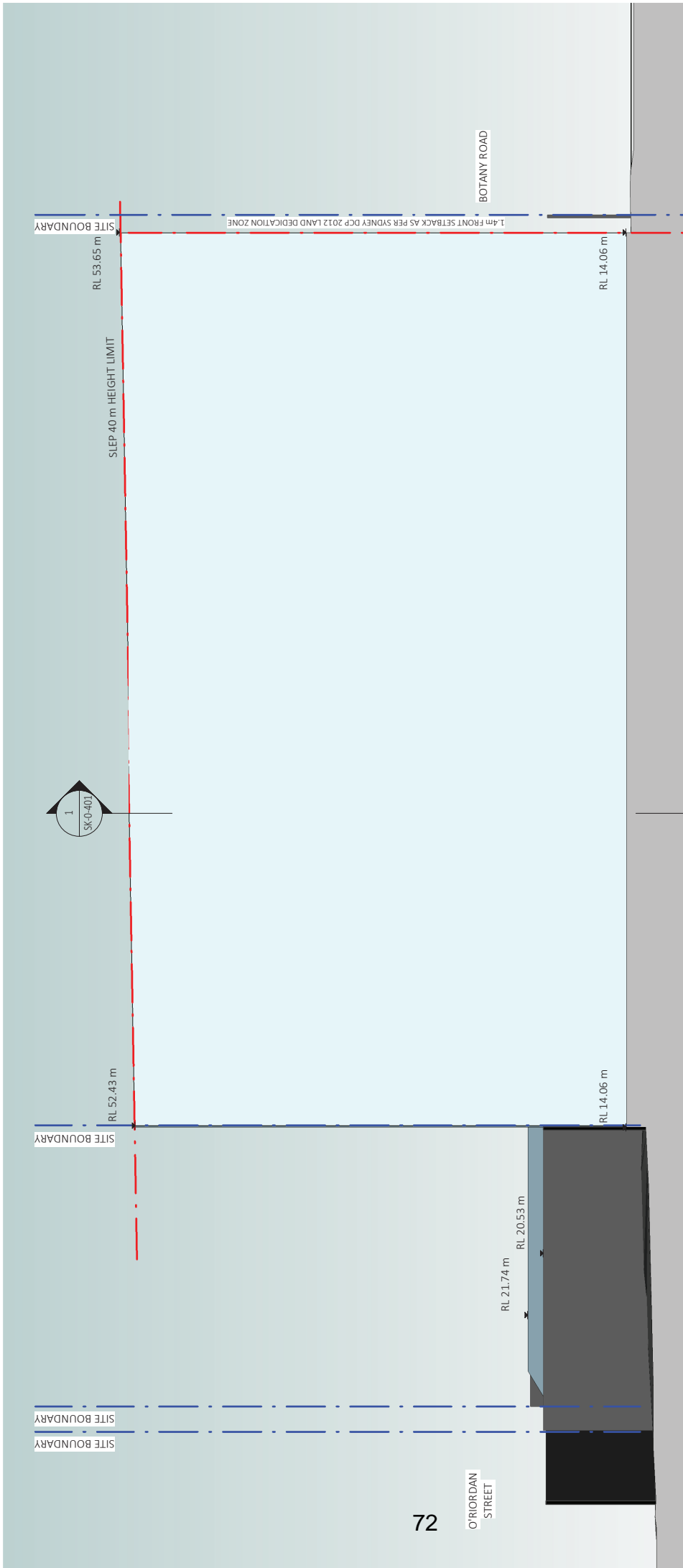
STAGE 1 DEVELOPMENT APPLICATION - BUILDING ENVELOPE

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DRAWING SECTION 2

PROJECT NO.	DRAWING NO.	REVISION	COMMENCEMENT
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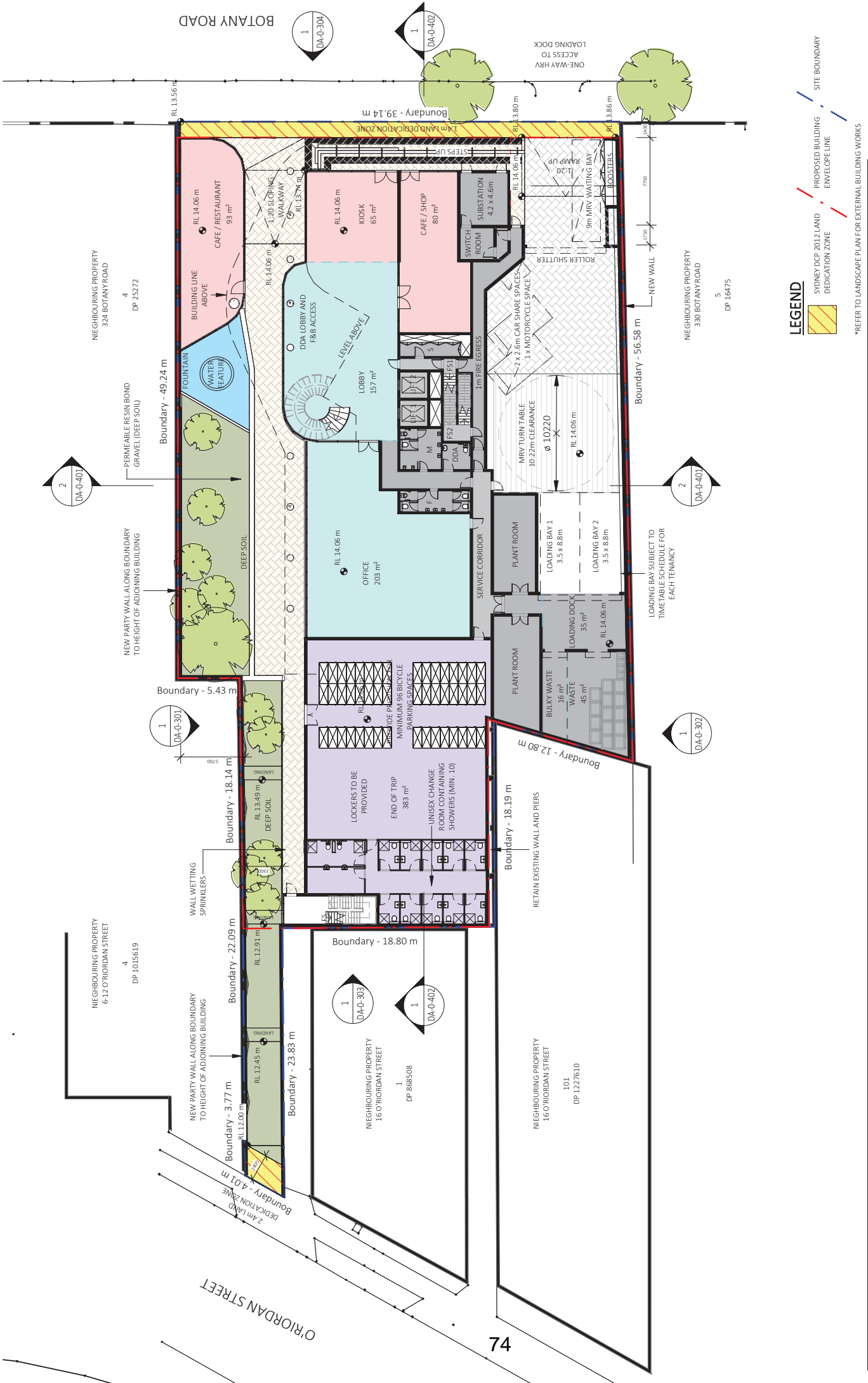
PROJECT 326-328 Botany Road, Alexandria  
 CLIENT 326-328 Botany Rd, Alexandria, NSW 2017  
 CLIENT Leading Group Development Pty Ltd  
 STAGE 1 DEVELOPMENT APPLICATION - BUILDING ENVELOPE

REV	DESCRIPTION	DATE	ISSUED	CHECKED
A	ISSUE TO CONSULTANTS	09/04/2019	CB	VT
B	ISSUE FOR REVIEW	17/04/2019	CB	VT
C	ISSUE FOR REVIEW	26/04/2019	CB	ND
D	ISSUE FOR REVIEW	29/04/2019	CB	ND
E	ISSUE FOR STAGE 1 DA - AMENDED	28/05/2019	CB	ND
F	ISSUE FOR STAGE 1 DA - AMENDED	15/07/2019	CB	ND
G	ISSUE FOR COUNCIL COMMENTS	23/10/2019	AV	FC
H	ISSUE FOR COUNCIL RFI	28/10/2019	AV	FC

Nominated Architects:  
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# **Attachment C**

## **Reference Scheme Drawings**



**DRAWING**  
**GROUND FLOOR PLAN**

PROJECT NO.	DRAWING NO.	REVISION	COMMENCEMENT
18-106	DA-0-211	X	14/11/2018
SCALE @ AS	DRAWN	AUTHORISED	
1 : 300	CB	FC	

**LEGEND**

- SYDNEY DCP 2012 LAND DEDICATION ZONE
- PROPOSED BUILDING ENVELOPE LINE
- SITE BOUNDARY

\*REFER TO LANDSCAPE PLAN FOR EXTERNAL BUILDING WORKS

**PROJECT**  
**326-328 Botany Road, Alexandria**

**CLIENT**  
**Leading Group Development Pty Ltd**

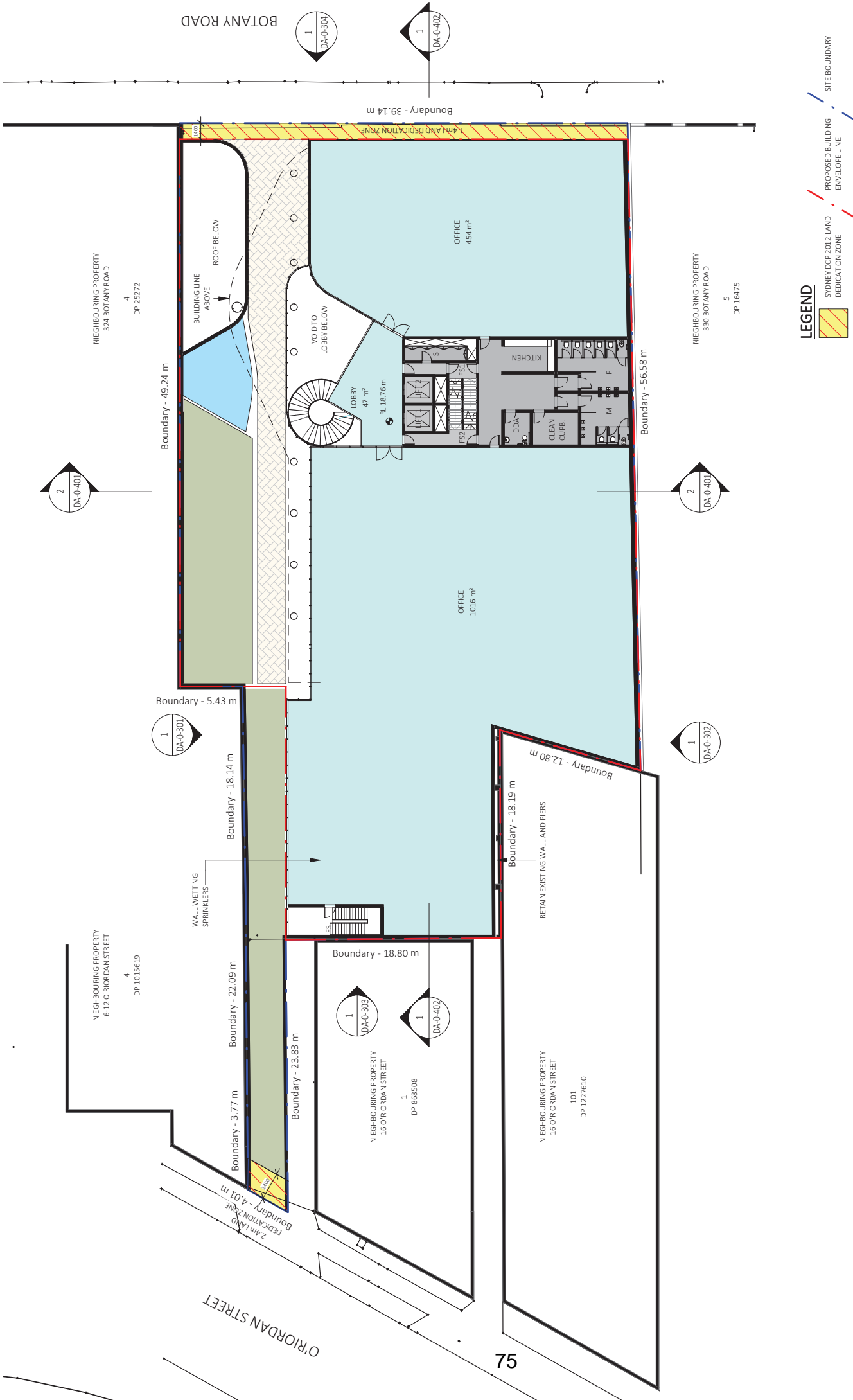
**STAGE 1 DEVELOPMENT APPLICATION - REFERENCE SCHEME**



REV	DESCRIPTION	DATE	ISSUED	CHECKED
P	ISSUE FOR CONSULTANT INFORMATION	10/05/2019	CB	ND
Q	ISSUE FOR CONSULTANTS	13/05/2019	CB	ND
R	ISSUE FOR REVIEW	15/05/2019	CB	ND
S	ISSUE FOR REVIEW	16/05/2019	CB	ND
T	ISSUE FOR STAGE 1 DA	17/05/2019	CB	ND
U	ISSUE FOR COUNCIL RFI RESPONSE	24/10/2019	AV	FC
V	ISSUE AMENDED FS#	25/10/2019	AV	FC
W	REVISED WASTE STORE ROOM	28/10/2019	AV	FC
X	REVISED ISSUE FOR COUNCIL RFI	11/11/2019	AV	FC

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**LEGEND**

- SYDNEY DCP 2012 LAND DEDICATION ZONE
- PROPOSED BUILDING ENVELOPE LINE
- SITE BOUNDARY



**DRAWING**  
**LEVEL 1 FLOOR PLAN**

PROJECT NO. 18-106  
 DRAWING NO. DA-0-212  
 SCALE @ A3 1:300

REVISION  
 REVISION NO. 5  
 COMMENCEMENT DATE 14/11/2018  
 DRAWN BY CB  
 AUTHORIZED BY FC

**PROJECT**  
 326-328 Botany Road, Alexandria

**CLIENT**  
 Leading Group Development Pty Ltd

**STAGE 1 DEVELOPMENT APPLICATION - REFERENCE SCHEME**



REV	DESCRIPTION	DATE	ISSUED	CHECKED
K	ISSUE FOR FINAL REVIEW	7/05/2019	CB	ND
L	ISSUE FOR CONSULTANT INFORMATION	10/05/2019	CB	ND
M	ISSUE FOR CONSULTANTS	13/05/2019	CB	ND
N	ISSUE FOR REVIEW	15/05/2019	CB	ND
O	ISSUE FOR STAGE 1 DA	17/05/2019	CB	ND
P	ISSUE FOR COUNCIL RFI RESPONSE	24/10/2019	AV	FC
Q	ISSUE FOR COUNCIL RFI RESPONSE	25/10/2019	AV	FC
R	ISSUE AMENDED/FSR	25/10/2019	AV	FC
S	REVISED ISSUE FOR COUNCIL RFI	11/11/2019	AV	FC

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NEIGHBOURING PROPERTY 324 BOTANY ROAD DP 25272  
 NEIGHBOURING PROPERTY 330 BOTANY ROAD DP 16475  
 NEIGHBOURING PROPERTY 6-12 O'RORDAN STREET DP 1015619  
 NEIGHBOURING PROPERTY 16 O'RORDAN STREET DP 868508  
 NEIGHBOURING PROPERTY 16 O'RORDAN STREET 101 DP 1227610

Boundary - 49.24 m  
 Boundary - 56.58 m  
 Boundary - 5.43 m  
 Boundary - 18.14 m  
 Boundary - 18.09 m  
 Boundary - 3.77 m  
 Boundary - 23.83 m  
 Boundary - 18.80 m  
 Boundary - 18.19 m  
 Boundary - 12.80 m  
 Boundary - 39.14 m

1 DA-0-301  
 2 DA-0-401  
 1 DA-0-302  
 1 DA-0-303  
 1 DA-0-402

WALL WETTING SPRINKLERS  
 VOID TO LOBBY BELOW  
 ROOF BELOW  
 BUILDING LINE ABOVE

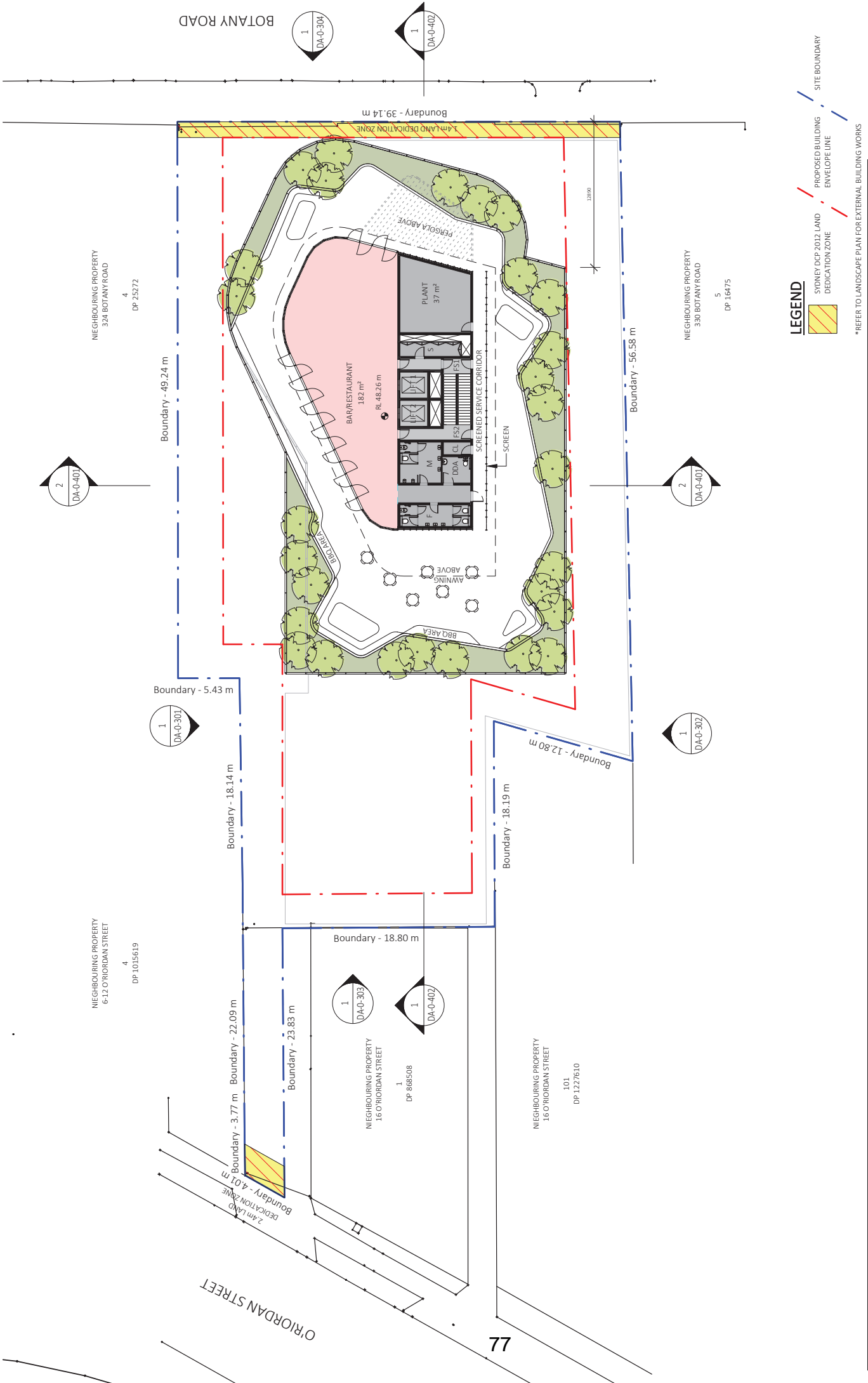
1.4m LAND DEDICATION ZONE  
 RETAIN EXISTING WALL AND PIERS

O'RORDAN STREET  
 BOTANY ROAD

75







**PROJECT**  
326-328 Botany Road, Alexandria

**CLIENT**  
Leading Group Development Pty Ltd

**STAGE 1 DEVELOPMENT APPLICATION - REFERENCE SCHEME**

PROJECT NO.	18-106	DRAWING NO.	DA-0-214	REVISION	Q	DATE	14/11/2018
SCALE	1:300	DRAWN	CB	AUTHORISED	FC		

**DRAWING**  
ROOF TOP

**LEGEND**

- SYDNEY DCP 2012 LAND DEDICATION ZONE
- PROPOSED BUILDING ENVELOPE LINE
- SITE BOUNDARY

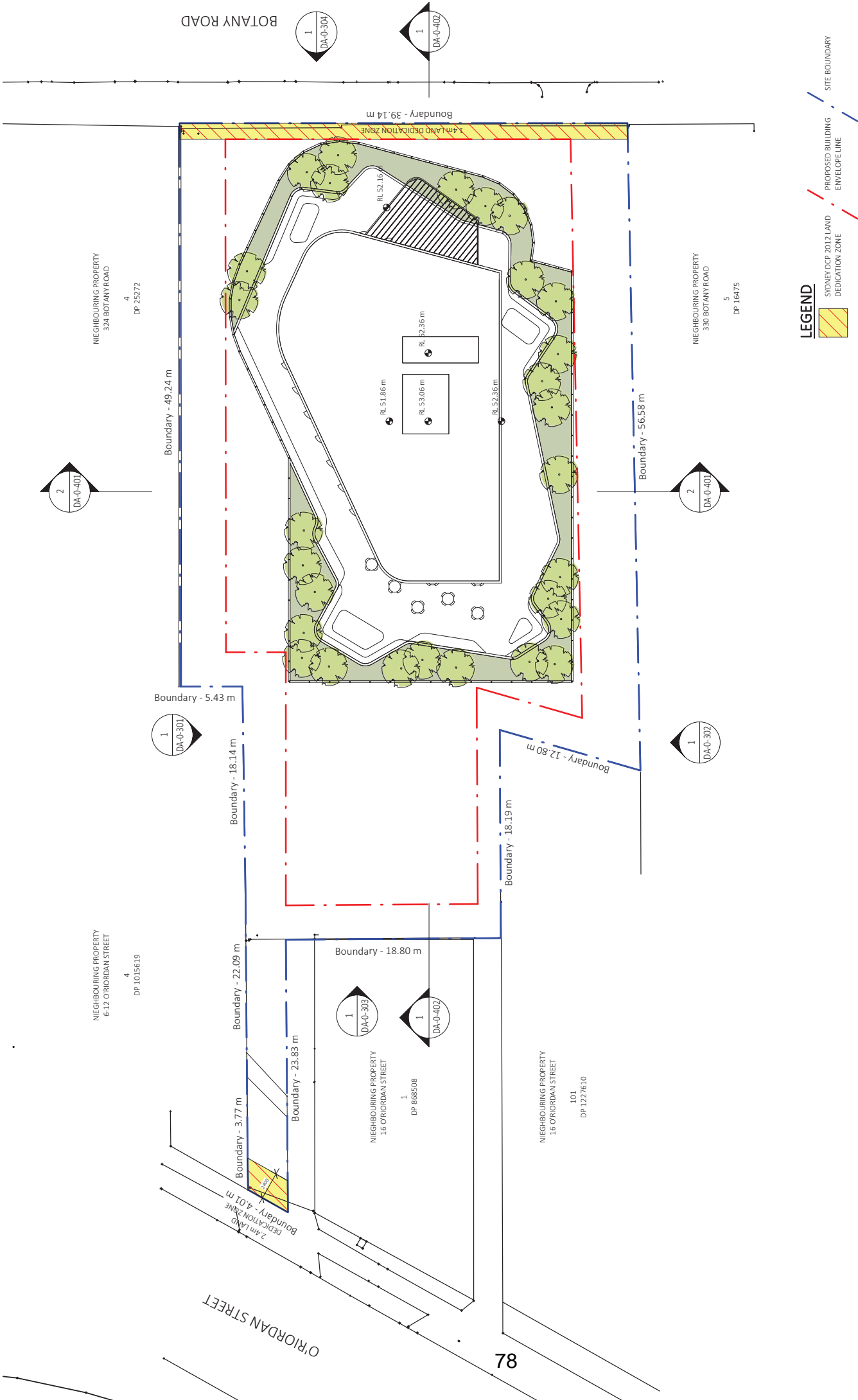
\*REFER TO LANDSCAPE PLAN FOR EXTERNAL BUILDING WORKS



REV	DESCRIPTION	DATE	ISSUED	CHECKED
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J	ISSUE FOR PLANNING REVIEW	29/04/2019	CB	ND
K	ISSUE FOR FINAL REVIEW	7/05/2019	CB	ND
L	ISSUE FOR CONSULTANT INFORMATION	10/05/2019	CB	ND
M	ISSUE FOR CONSULTANTS	13/05/2019	CB	ND
N	ISSUE FOR REVIEW	15/05/2019	CB	ND
O	ISSUE FOR STAGE 1 DA	17/05/2019	AV	FC
P	ISSUE FOR COUNCIL RESPONSE	24/10/2019	AV	FC
Q	ISSUE AMENDED ESR	25/10/2019	AV	FC

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**PROJECT**  
326-328 Botany Road, Alexandria, NSW 2017

**CLIENT**  
Leading Group Development Pty Ltd

**STAGE 1 DEVELOPMENT APPLICATION - REFERENCE SCHEME**

REV	DESCRIPTION	DATE	ISSUED	CHECKED
I	ISSUE FOR REVIEW	29/04/2019	CB	ND
J	ISSUE FOR PLANNING REVIEW	29/04/2019	CB	ND
K	ISSUE FOR FINAL REVIEW	7/05/2019	CB	ND
L	ISSUE FOR CONSULTANT INFORMATION	10/05/2019	CB	ND
M	ISSUE FOR CONSULTANTS	13/05/2019	CB	ND
N	ISSUE FOR REVIEW	15/05/2019	CB	ND
O	ISSUE FOR STAGE 1 DA	17/05/2019	AV	FC
P	ISSUE FOR COUNCIL RESPONSE	24/10/2019	AV	FC
Q	ISSUE AMENDED/FSR	25/10/2019	AV	FC

**LEGEND**

- SYDNEY DCP 2012 LAND DEDICATION ZONE
- PROPOSED BUILDING ENVELOPE LINE
- SITE BOUNDARY

**DRAWING**  
**ROOF PLAN**

**PROJECT**  
18-106 DA-0-216 Q 14/11/2018

**SCALE**  
SCALE P/AS 1 : 300

**DRAWN**  
CB

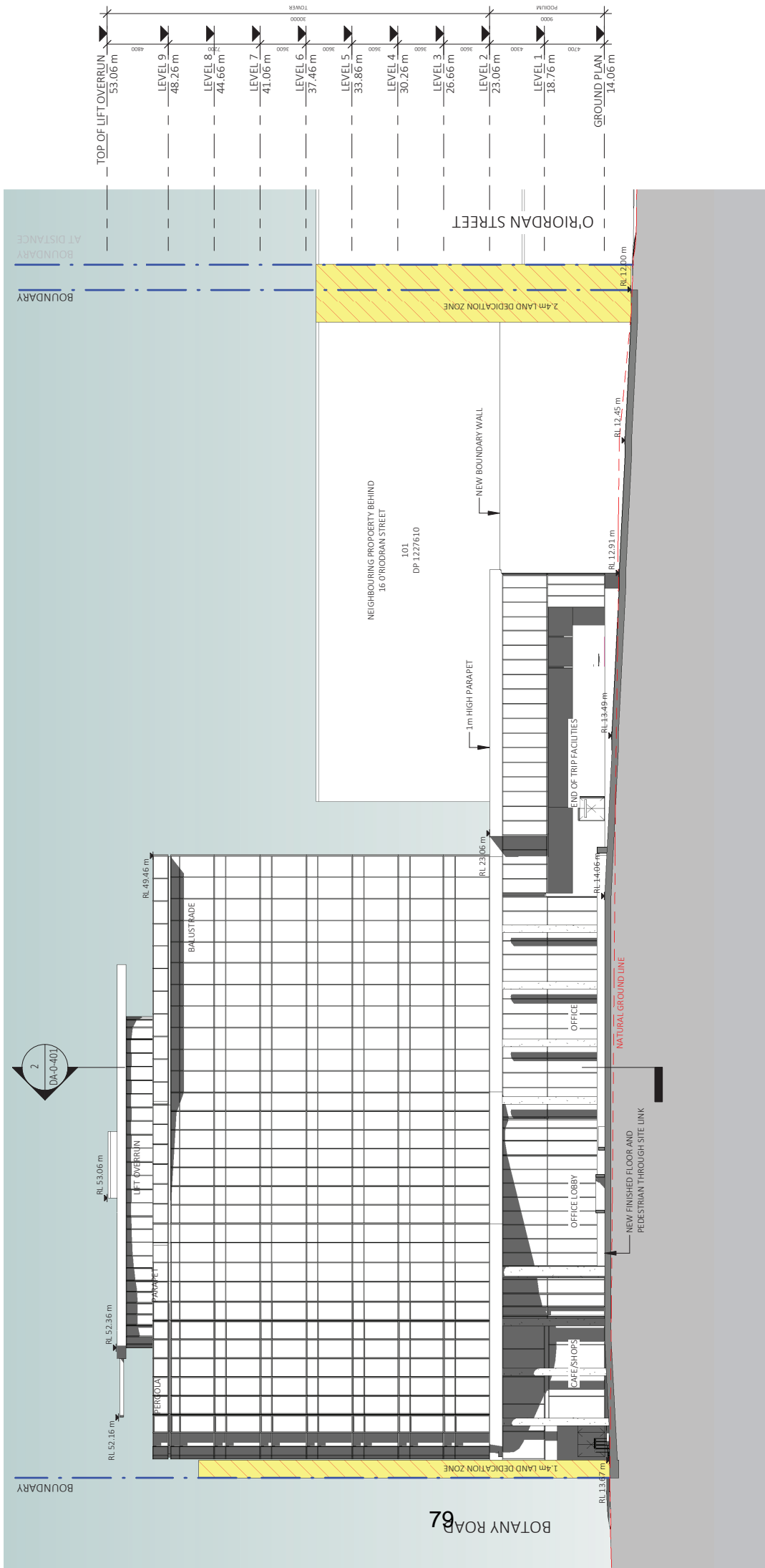
**AUTHORISED**  
FC

**N**  
TRUE NORTH

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BOUNDARY  
BOUNDARY AT DISTANCE

BOUNDARY

2  
DA-0-401

TOP OF LIFT OVERRUN 53.06 m  
LEVEL 9 48.26 m  
LEVEL 8 44.66 m  
LEVEL 7 41.06 m  
LEVEL 6 37.46 m  
LEVEL 5 33.86 m  
LEVEL 4 30.26 m  
LEVEL 3 26.66 m  
LEVEL 2 23.06 m  
LEVEL 1 18.76 m  
GROUND PLAN 14.06 m

NEIGHBOURING PROPERTY BEHIND  
16 O'RIORDAN STREET  
101  
DP 1227610

BOTANY ROAD

O'RIORDAN STREET

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REV	DESCRIPTION	DATE	ISSUED	CHECKED
F	ISSUE FOR INTERNAL REVIEW	17/04/2019	CB	ND
G	ISSUE FOR REVIEW	24/04/2019	CB	ND
H	ISSUE FOR REVIEW	29/04/2019	CB	ND
I	ISSUE FOR PLANNING REVIEW	29/04/2019	CB	ND
J	ISSUE FOR FINAL REVIEW	7/05/2019	CB	ND
K	ISSUE FOR REVIEW	15/05/2019	CB	ND
L	ISSUE FOR STAGE 1 DA	17/05/2019	CB	ND
M	ISSUE FOR COUNCIL RFI RESPONSE	24/10/2019	AV	FC
N	ISSUE AMENDED/FR	25/10/2019	AV	FC

**PROJECT**  
326-328 Botany Road, Alexandria

**CLIENT**  
Leading Group Development Pty Ltd

**STAGE 1 DEVELOPMENT APPLICATION - REFERENCE SCHEME**

**DRAWING**  
NORTH ELEVATION

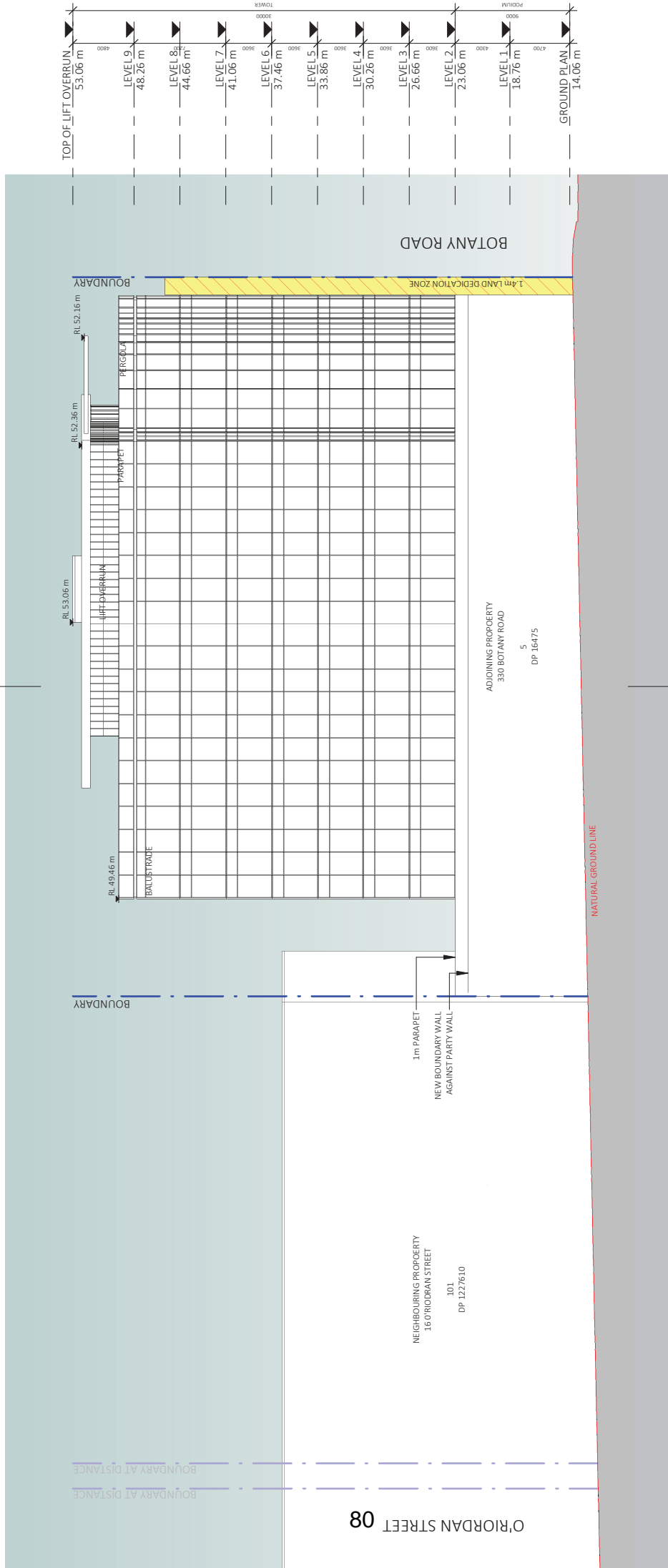
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18-106	DA-0-301	N	14/11/2018

SCALE @ A3  
1 : 300

DRAWN: CB  
AUTHORISED: FC



931969  
REV ECT 01 610/17/17



BOUNDARY AT DISTANCE

BOUNDARY AT DISTANCE

O'RIDDAN STREET 08



DRAWING SOUTH ELEVATION

PROJECT NO.	DRAWING NO.	REVISION	COMPLETION
18-106	DA-0-302	N	14/11/2018
SCALE @ A3	DRAWN	AUTHORISED	
1 : 300	CB	FC	

PROJECT 326-328 Botany Road, Alexandria

CLIENT Leading Group Development Pty Ltd

326-328 Botany Rd, Alexandria, NSW 2017

STAGE 1 DEVELOPMENT APPLICATION - REFERENCE SCHEME

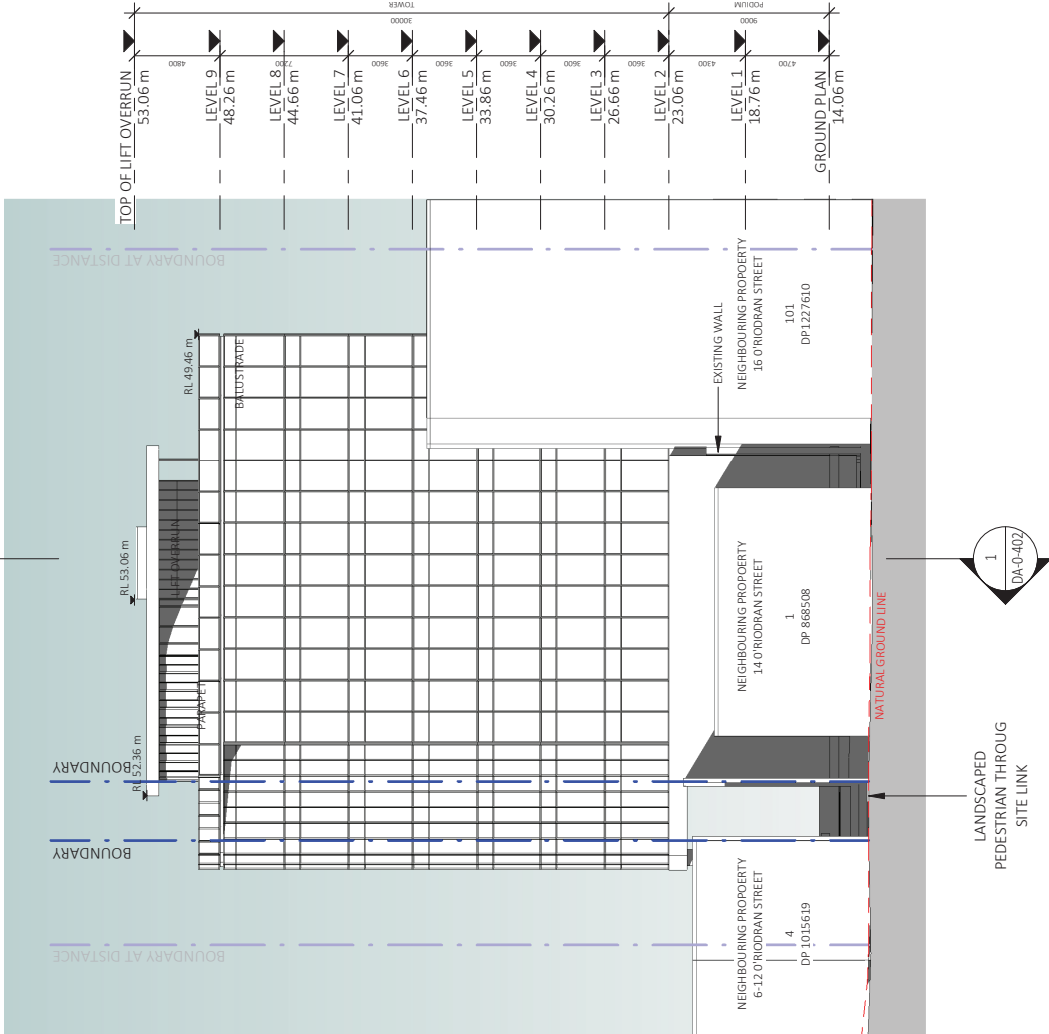
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G	ISSUE FOR REVIEW	24/04/2019	CB	ND
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I	ISSUE FOR PLANNING REVIEW	29/04/2019	CB	ND
J	ISSUE FOR FINAL REVIEW	7/05/2019	CB	ND
K	ISSUE FOR REVIEW	15/05/2019	CB	ND
L	ISSUE FOR STAGE 1 DA	17/05/2019	CB	ND
M	ISSUE FOR COUNCIL RFI RESPONSE	24/10/2019	AV	FC
N	ISSUE AMENDED ESR	25/10/2019	AV	FC

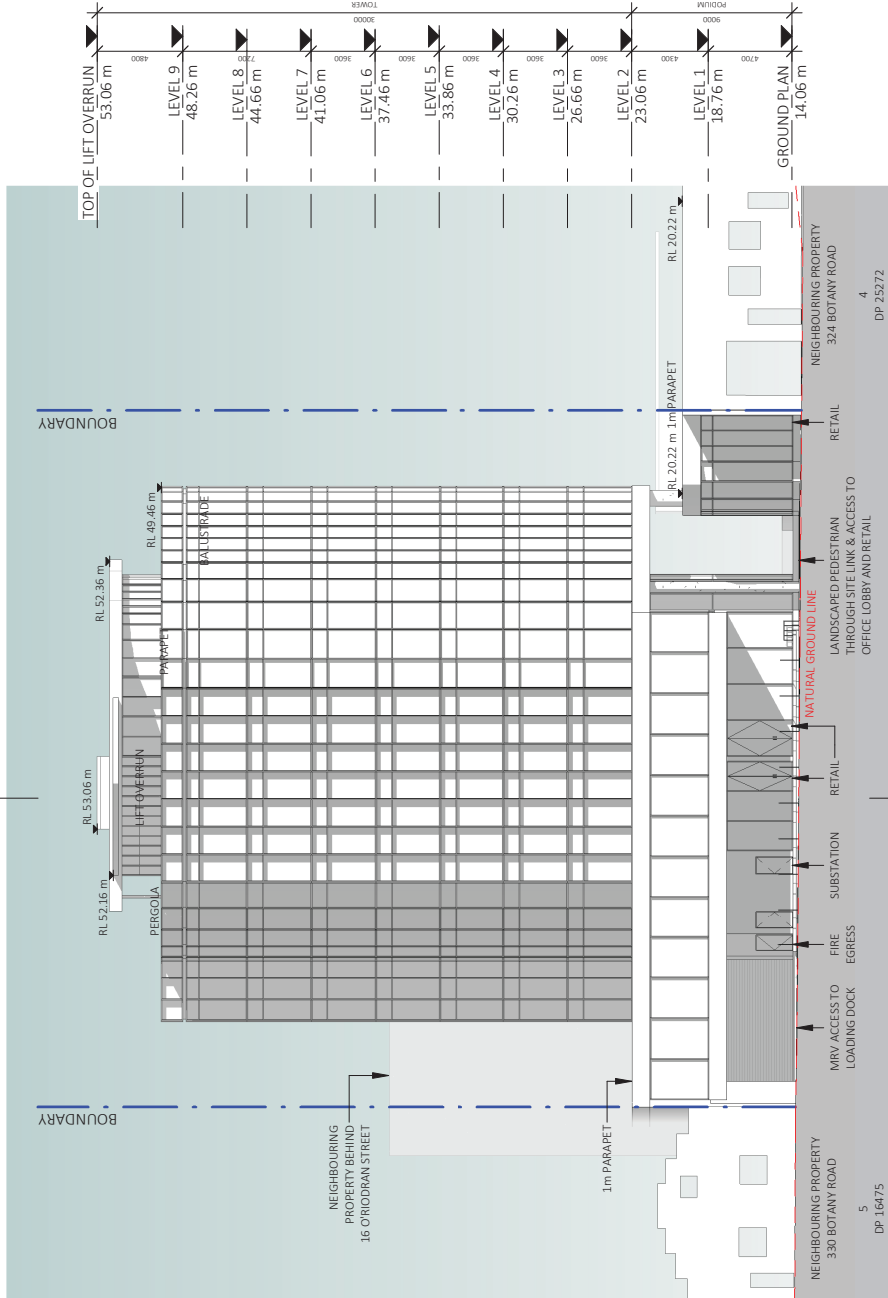
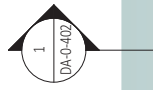
Nominated Architects:  
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G	ISSUE FOR REVIEW	24/04/2019	CB	ND
H	ISSUE FOR REVIEW	29/04/2019	CB	ND
I	ISSUE FOR PLANNING REVIEW	29/04/2019	CB	ND
J	ISSUE FOR FINAL REVIEW	7/05/2019	CB	ND
K	ISSUE FOR REVIEW	15/05/2019	CB	ND
L	ISSUE FOR STAGE 1 DA	17/05/2019	CB	ND
M	ISSUE FOR COUNCIL RFI RESPONSE	24/10/2019	AY	FC
N	ISSUE AMENDED/FSR	25/10/2019	AY	FC
O	REVISED ISSUE FOR COUNCIL RFI	11/11/2019	AY	FC

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DRAWING EAST ELEVATION

PROJECT NO.	DRAWING NO.	REVISION	COMPLETION DATE
18-106	DA-0-304	N	14/11/2018

SCALE	DRAWN	AUTHORISED
1:300	CB	FC

PROJECT 326-328 Botany Road, Alexandria

CLIENT Leading Group Development Pty Ltd

326-328 Botany Rd, Alexandria, NSW 2017

STAGE 1 DEVELOPMENT APPLICATION - REFERENCE SCHEME

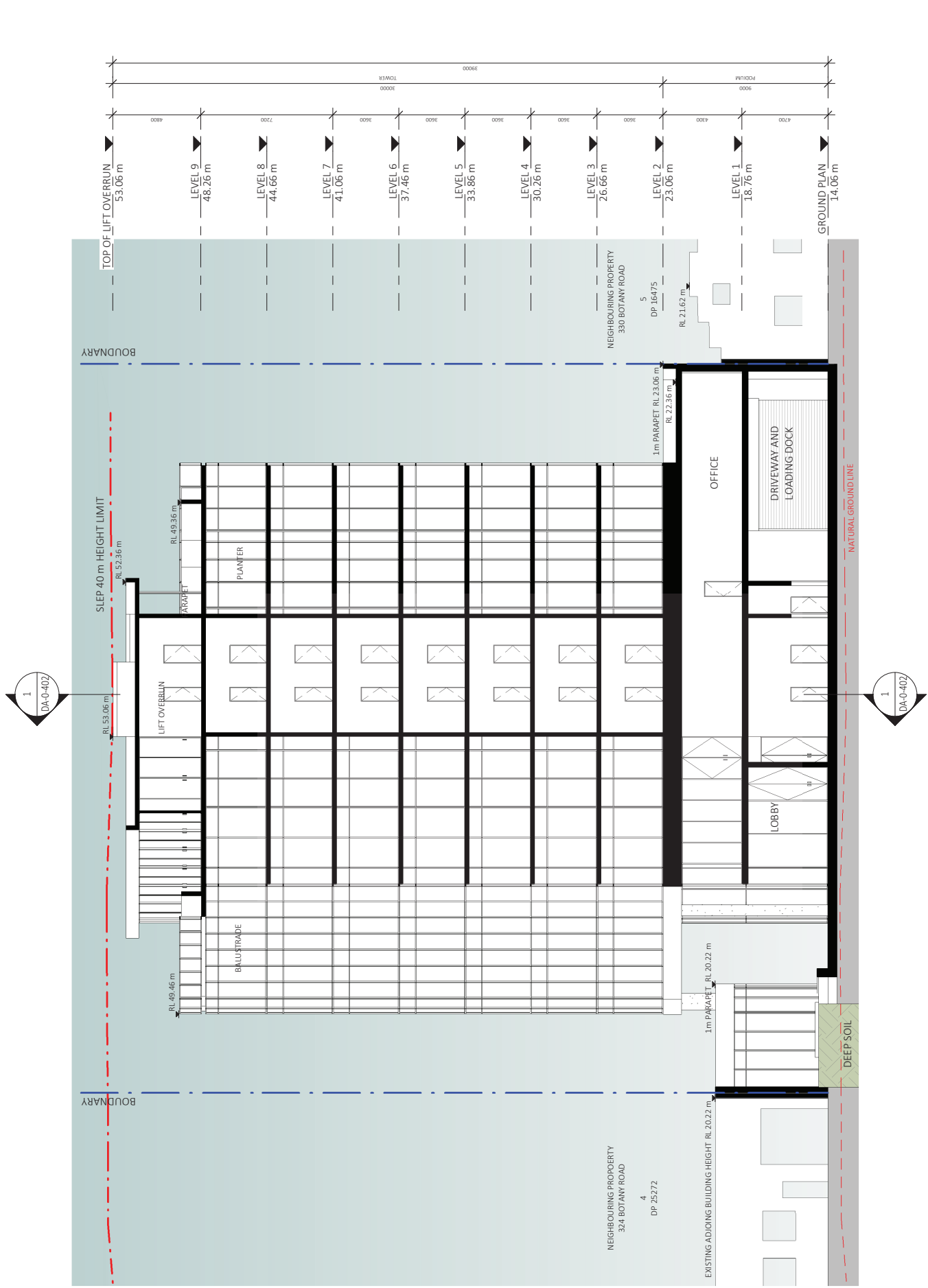
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F	ISSUE FOR INTERNAL REVIEW	17/04/2019	CB	ND
G	ISSUE FOR REVIEW	24/04/2019	CB	ND
H	ISSUE FOR REVIEW	29/04/2019	CB	ND
I	ISSUE FOR PLANNING REVIEW	29/04/2019	CB	ND
J	ISSUE FOR FINAL REVIEW	7/05/2019	CB	ND
K	ISSUE FOR REVIEW	15/05/2019	CB	ND
L	ISSUE FOR STAGE 1 DA	17/05/2019	CB	ND
M	ISSUE FOR COUNCIL RFI RESPONSE	24/10/2019	AV	FC
N	ISSUE AMENDED ESR	25/10/2019	AV	FC

Nominated Architects:  
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**DRAWING SECTION 1**

PROJECT: 326-328 Botany Road, Alexandria  
 CLIENT: Leading Group Development Pty Ltd  
 PROJECT NO: 18-106  
 DRAWING NO: DA-0-401  
 SCALE: A3  
 SCALE: 1:200

REVISION: M  
 COMMENCEMENT: 14/11/2018  
 DRAWN: CB  
 AUTHORIZED: FC

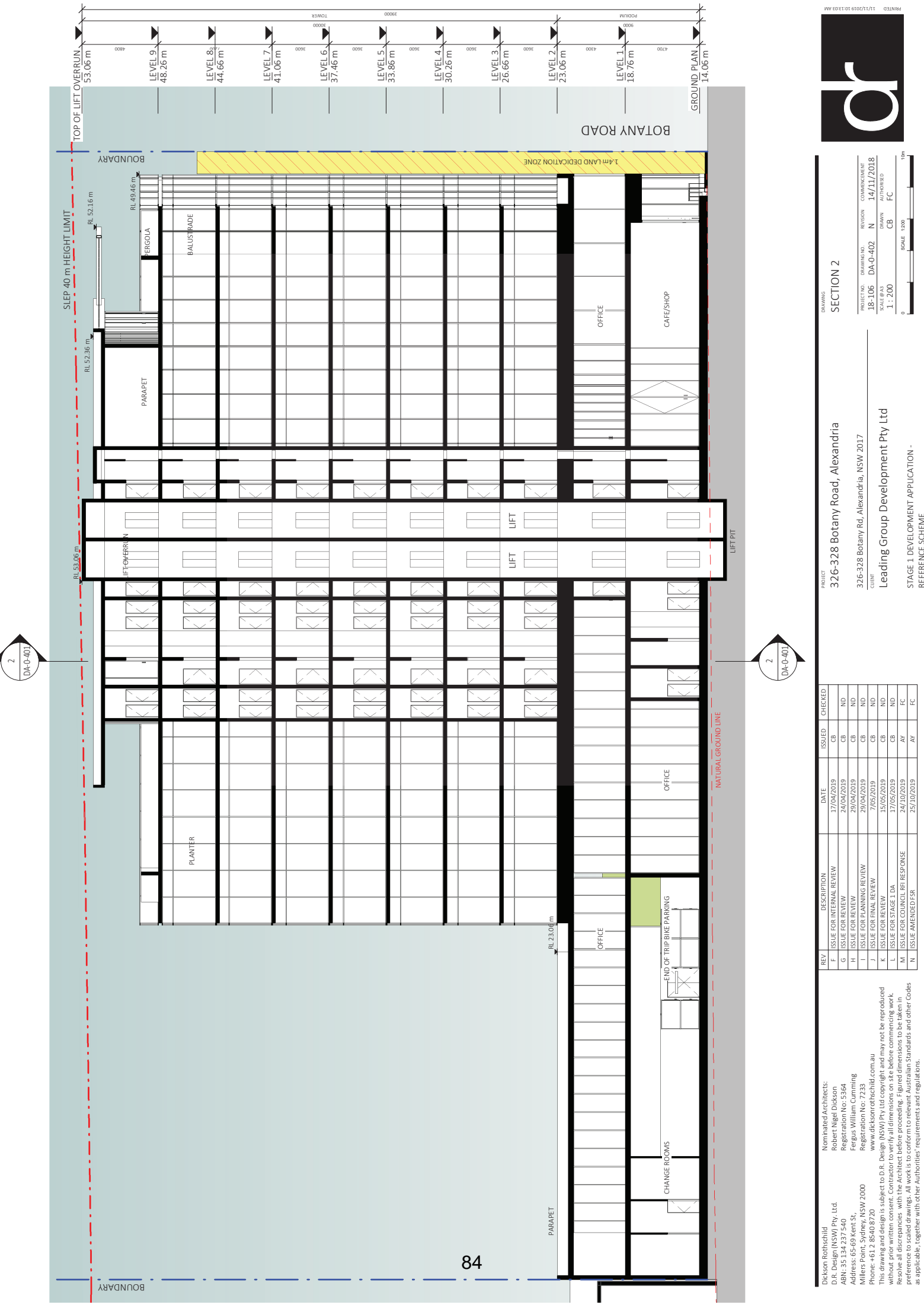
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**STAGE 1 DEVELOPMENT APPLICATION - REFERENCE SCHEME**

REV	DESCRIPTION	DATE	ISSUED	CHECKED
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F	ISSUE FOR REVIEW	24/04/2019	CB	ND
G	ISSUE FOR PLANNING REVIEW	29/04/2019	CB	ND
H	ISSUE FOR FINAL REVIEW	7/05/2019	CB	ND
I	ISSUE FOR REVIEW	15/05/2019	CB	ND
J	ISSUE FOR STAGE 1 DA	17/05/2019	CB	ND
K	ISSUE FOR COUNCIL RESPONSE	24/10/2019	AV	FC
L	ISSUE AMENDED/FR	25/10/2019	AV	FC

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DRAWING SECTION 2

PROJECT NO.	DRAWING NO.	REVISION	COMPLEMENT
18-106	DA-0-402	N	14/11/2018
SCALE @ A3	DRAWN	AUTHORISED	
1:200	CB	FC	

SCALE: 1:200

PROJECT 326-328 Botany Road, Alexandria

CLIENT Leading Group Development Pty Ltd

326-328 Botany Rd, Alexandria, NSW 2017

STAGE 1 DEVELOPMENT APPLICATION - REFERENCE SCHEME

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J	ISSUE FOR FINAL REVIEW	7/05/2019	CB	ND
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L	ISSUE FOR STAGE 1 DA	17/05/2019	CB	ND
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N	ISSUE AMENDED/FSR	25/10/2019	AV	FC

Dickson Rothschild  
 Nominated Architects:  
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# **Attachment D**

## **Design Excellence Strategy**

## Design Excellence Strategy

326-328 Botany Road, Alexandria

This Design Excellence Strategy (Strategy) is prepared by Mecone on behalf of Leading Group Pty Ltd.

The purpose of this Strategy is to establish the framework for the competitive design process to deliver the highest standard of architectural, urban and landscape design.

This Strategy accompanies a concept DA for the development of land at 326-328 Botany Road, Alexandria. This Strategy has been prepared in accordance with the City of Sydney Competitive Design Policy (the Policy), the Sydney Local Environmental Plan 2012 (the LEP) and the Sydney Development Control Plan 2012 (the DCP).

In accordance with section 1.2 of the Policy and 3.3.2 of the DCP, this Strategy defines:

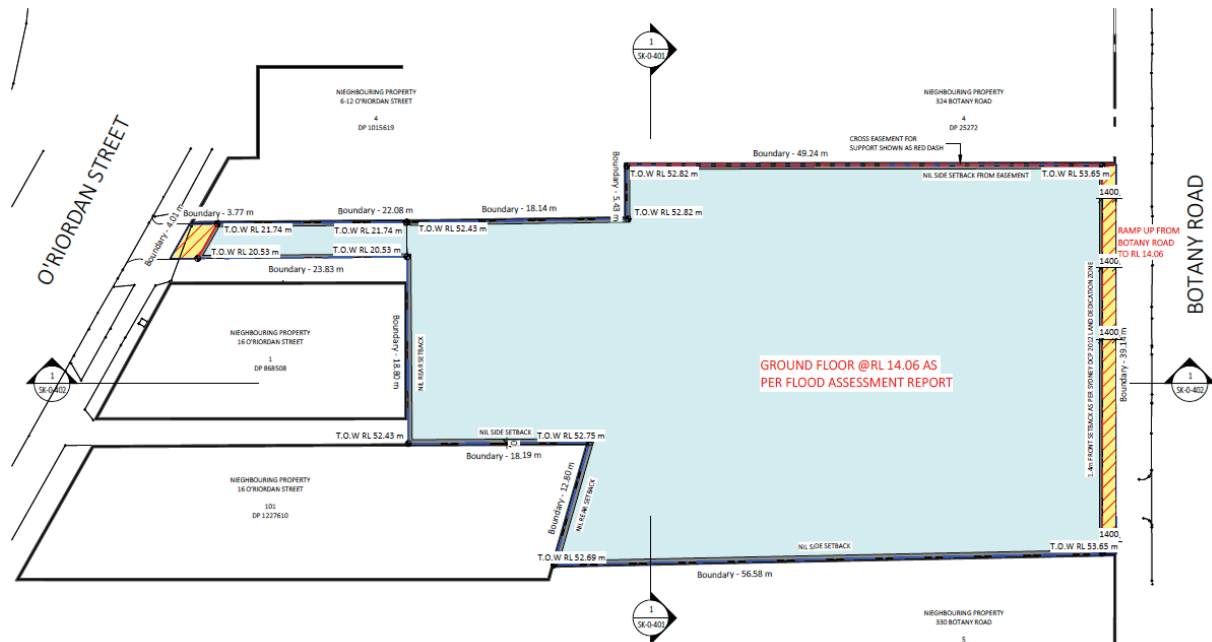
- a) *The location and extent of each competitive design process;*
- b) *The type of competitive design process(es) to be undertaken:*
  - (i) *an architectural design competition, open or invited; or*
  - (ii) *the preparation of design alternatives on a competitive basis.*
- c) *The number of designers involved in the process(es);*
- d) *How architectural design variety is to be achieved across large sites;*
- e) *Whether the competitive design process is pursuing additional floor space or height;*
- f) *Options for distributing any additional floor space area or building height which may be granted by the consent authority for demonstrating design excellence through a competitive design process;*
- g) *The target benchmarks for ecologically sustainable development.*

Note: Nothing in this Design Excellence Strategy represents an approval from the consent authority for a departure from the relevant SEPPs, LEP, DCP or approved Concept (Stage 1) DA. Where there is any inconsistency between this Strategy and the SEPPs, LEP, DCP or approved Concept (Stage 1) DA, the SEPPs, LEP, DCP and approved Concept (Stage 1) DA prevail.

Nothing in this document is to be taken as an approval or endorsement of any potential additional height or floor space available under Clause 6.21(7) of the Sydney LEP 2012.

## 1. Location and extent of the competitive process

The competitive process will apply to the building envelope seeking approval through the concept DA, as shown in **Figure 1** and **Figure 2** below and will be seeking an additional 10% FSR (discussed further in Section 6 below).



**Figure 1. Location and Extent of competitive process - Ground floor envelope**

Source: Dickson Rothschild

## 2. Type of competitive process

An invited competitive design alternatives process will be undertaken.

## 3. Competitors

The Proponent will invite a minimum of four (4) competitors to participate in the competitive design alternatives process. The selection of competitors will be undertaken in consultation with the City of Sydney (City) and will:

- Include a range of emerging, emerged and established architectural firms to participate in the competitive design process;
- Include only local firms as lead Design Architect; and
- Require that each competitor will be a person, corporation or firm registered as an architect in accordance with the *NSW Architects Act 2003* or, in the case of interstate or overseas competitors, eligible for registration with their equivalent association.

## 4. Selection Panel

The Selection Panel is to comprise a minimum of four (4) members, with:

- Two (2) members nominated by the Proponent;
- Two (2) members nominated by the City of Sydney (including the panel chair);

Selection Panel members are to:

- Represent the public interest;
- Be appropriate to the type of development proposed;
- Include only persons who have expertise and experience in the design and construction professions and industry; and
- Include a majority of registered architects with urban design experience.

The chairperson of the Selection Panel will have expertise in architecture and urban design and be a recognised advocate of design excellence.

The City will nominate an observer(s) to verify that the competitive process has been followed appropriately and fairly.

The Selection Panel's decision will be via a majority vote and will not fetter the discretion of the Consent Authority in its determination of any subsequent DA associated with the development site that is the subject of this competitive process.

## 5. Competitive Design Process Brief

In establishing a competitive process brief (Brief), the Proponent will ensure that:

- All details regarding the conduct of the competitive process are contained within the Competitive Design Alternatives Process Brief (Brief) and no other document;
- The Brief and appended documents have been reviewed and endorsed in writing by the City prior to commencement of any associated competitive process and its distribution to competitors; and
- The Brief is in accordance with the City's Model Competitive Design Process Brief and the Policy.

## 6. Allocation of up to 10% additional floor space

The Proponent will pursue up to 10% of additional floor space under clause 6.21 (7)(b)(i) of the LEP, the distribution of which will be explored through the competitive process and is to be consistent with the Concept DA consent and relevant provisions of the LEP and DCP.

Any additional floor space pursued under clause 6.21 (7)(b)(i) of the LEP must not result in a breach of the maximum height control.

Nothing in this document is to be taken as an approval or endorsement of the potential additional floor space available under clause 6.21 (7)(b)(i) of the LEP.

## 7. Target Benchmarks for Ecologically Sustainable Development

The Brief is to include the ecologically sustainable development (ESD) targets for the development as set out in the SDCP2012.

At a minimum, the competitive design alternatives process undertaken will be required to aim to achieve the following ESD targets;

- Building Code of Australia – compliance with the requirements of Section J Energy Efficiency;
- Requirements of 3.6 of the Sydney Development Control Plan 2012
- 4 Star Green Star Design & As-Built v1.2 Rating
- 5.5 Star NABERS Energy Base Building Rating
- Property Council of Australia (PCA) Office Quality Grade B

ESD targets and sustainability initiatives will be carried through the competitive process, design development and construction stages to completion of the project to deliver the ESD targets.

## 8. Design Integrity

The architect of the winning scheme, as selected by the Selection Panel will be appointed by the Proponent as Lead Design Architect.

To ensure design continuity and excellence of the winning scheme is maintained throughout the development process, as a minimum the Design Architect is to:

- Prepare a detailed (Stage 2) DA for the preferred design;
- Prepare the design drawings for a construction certificate for the preferred design;
- Prepare the design drawings for the contract documentation;
- Maintain continuity during the construction phases through to completion of the project;
- Provide any documentation required by the Consent Authority verifying the design intent has been achieved at completion; and
- Attend all meetings that pertain to design issues with the community, authorities and other stakeholders, as required.

The Design Architect may work in association with other architectural practices but is to retain a leadership role over design decisions.



**Item 6.****Development Application: 80 Broughton Street, Glebe - D/2019/1155****File No.:** D/2019/1155**Summary**

<b>Date of Submission:</b>	17 October 2019 Amended 11 and 13 November 2019
<b>Applicant:</b>	City of Sydney
<b>Architect:</b>	Nordon Jago
<b>Owner:</b>	City of Sydney
<b>Cost of Works:</b>	\$145,000
<b>Zoning:</b>	The site is located within the SP2 Infrastructure (Community Facility) zone and the development is permissible with consent.
<b>Proposal Summary:</b>	<p>The subject application proposes alterations and additions to the existing child care centre on the site, known as the Broughton Street Kindergarten. The application proposes demolition of the existing office and construction of a new office administration area.</p> <p>The proposed works do not alter the number of children at the child care centre and the proposed works encroach on 2.1sqm of the existing unencumbered outdoor play area of the centre, the outdoor play area will however continue to achieve the required amount of outdoor space.</p> <p>The design achieves a standard of architectural design, with materials and detailing that is appropriate to the existing building and does not negatively impact the surrounding conservation area.</p> <p>In accordance with Schedule 1 of the Sydney DCP 2012, the proposed development was notified for a period of 14 days between 25 October 2019 and 9 November 2019. A total of 100 properties were notified and no submissions were received.</p>

The application is referred to the Local Planning Panel as Council is the applicant and land owner of the subject site.

The application was amended on 11 November 2019 in response to a request to increase floor to ceiling height so as to meet BCA standards.

The application was further amended on 13 November 2019 in response to a request to detail the materials and finishes.

The proposed development complies with the relevant provisions of the Sydney LEP 2012, the Sydney DCP 2012 and the relevant SEPPs.

**Summary Recommendation:** The development application is recommended for approval, subject to conditions.

**Development Controls:** State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017  
Sydney Local Environmental Plan 2012  
Sydney Development Control Plan 2012  
City of Sydney Development Contributions Plan 2015

**Attachments:** A - Recommended Conditions of Consent  
B - Selected Drawings

**Recommendation**

It is resolved that consent be granted to Development Application No. D/2019/1155 subject to the conditions set out in Attachment A to the subject report.

**Reasons for Recommendation**

The application is recommended for approval for the following reasons:

- (A) The proposed alterations and additions are considered acceptable as the works are permissible within the SP2 Infrastructure zone (Community facility) and will allow for the continuation of the community use.
- (B) The proposed development is suitable to its setting and satisfies the relevant provisions of the Sydney LEP 2012, the Sydney DCP 2012 and the relevant SEPPs.
- (C) Subject to the recommended conditions the proposed development will not detract from the amenity of nearby residences.

## Background

### The Site and Surrounding Development

1. A site visit was carried out by staff on 8 November 2019.
2. The site has a legal description of Lot 1 DP 861527, Lot 1 DP 837450 & Lot 5 DP 837450, and is known as 80 Broughton Street, Glebe. The site is located on the eastern side of Broughton Street, between Railway Street and Lyndhurst Street. The site is irregular in shape, with an area of approximately 680m<sup>2</sup>. The site has a primary street frontage to Broughton Street, and a secondary street frontage to Darling Street. The primary pedestrian access to the site is via Darling Street. The site does not have vehicular access.
3. A freestanding, single storey building exists to the south of the site. The remainder of the site consists of a playground, associated with the use of the site as a childcare centre.
4. A large gum tree (approximately 19m high) is located on the neighbouring site at 78 Darling Street, and is located less than 0.5 metres from the southern boundary of the site.
5. The surrounding area is predominantly residential. The site is not a heritage item but is located within the Lyndhurst Conservation Area (CA 31).
6. Photos of the site and surrounds are provided below:



**Figure 1:** Aerial image of subject site and surrounding area





Figure 2: View of the entrance to site as viewed from Darling Street



Figure 3: Looking south from within centres playground, at location of the proposed office extension highlighted in red.





**Figure 4:** Administration office to be extended highlighted in red.

## Proposal

7. The subject application seeks consent for alterations and additions to the existing child care facility on the site.
8. The proposal involves demolition of the existing office and the construction of a new ground floor extension to accommodate an enlarged administration office for the child care centre. The proposed extension has the dimensions of 6 metres by 2.1 metres. Modifications are proposed to the existing gates and fences in response to the amended built form of the centre.

- 9. Plans of the proposed development are provided below.

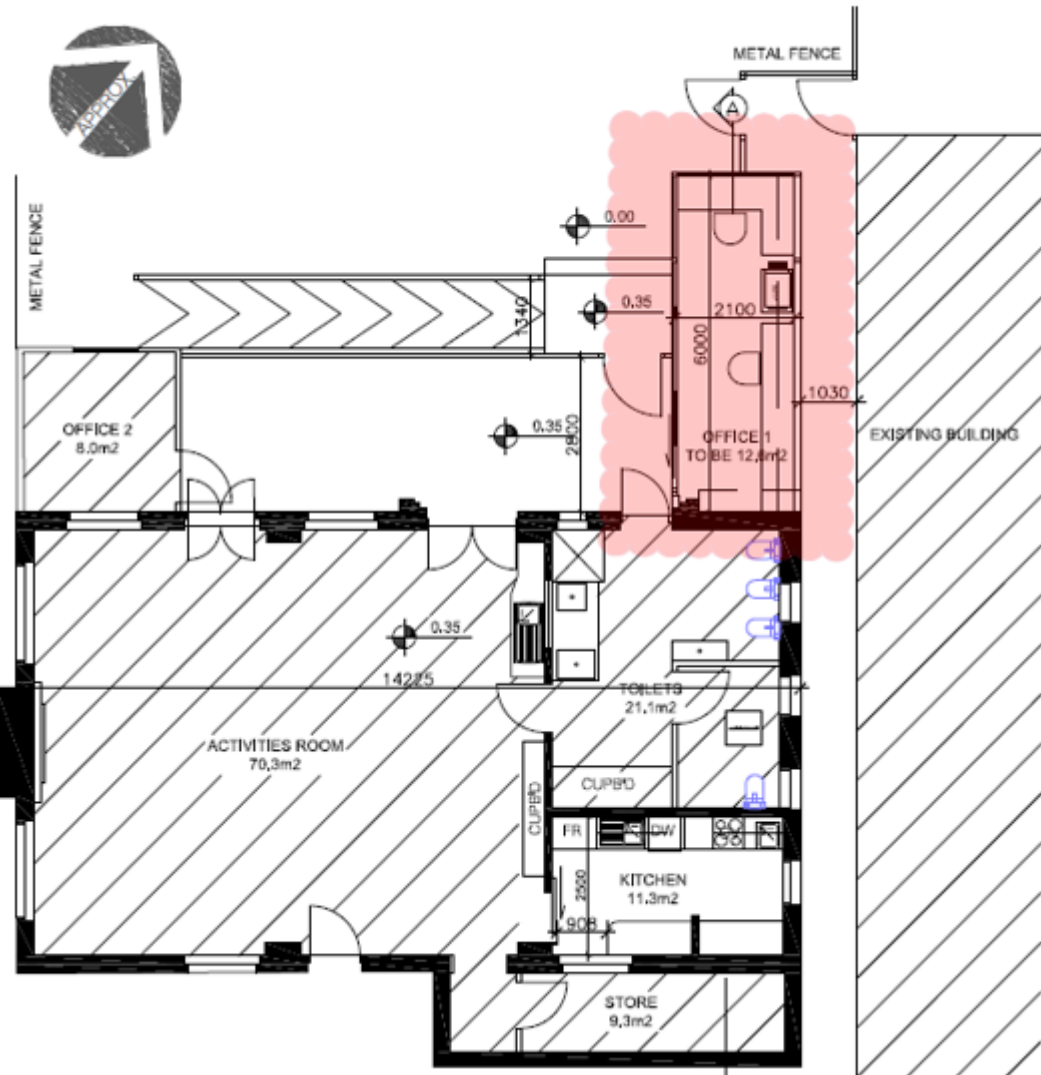


Figure 5: Floor Plan, administration office to be extended highlighted in red.



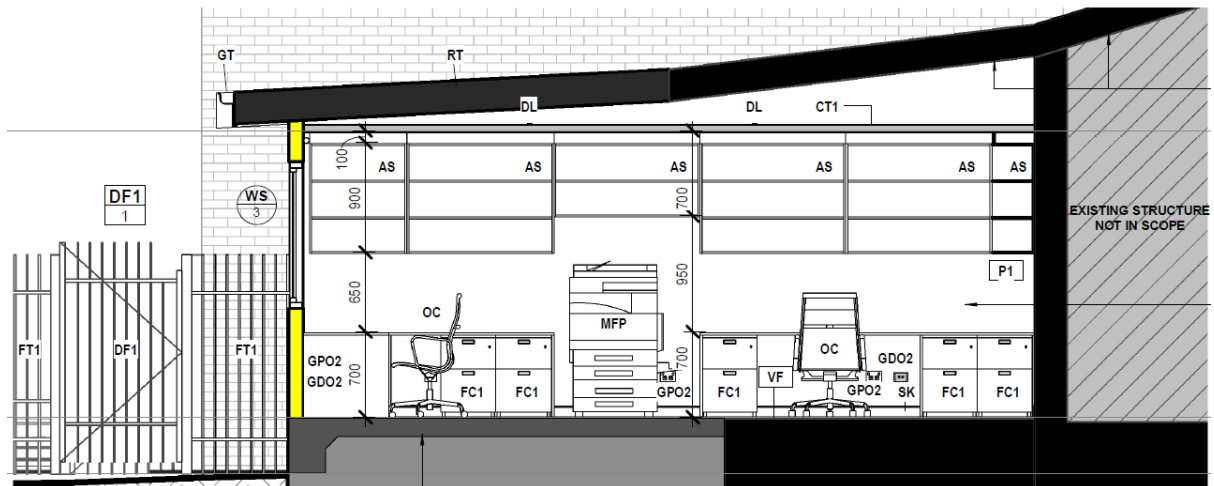


Figure 6: Section of western elevation

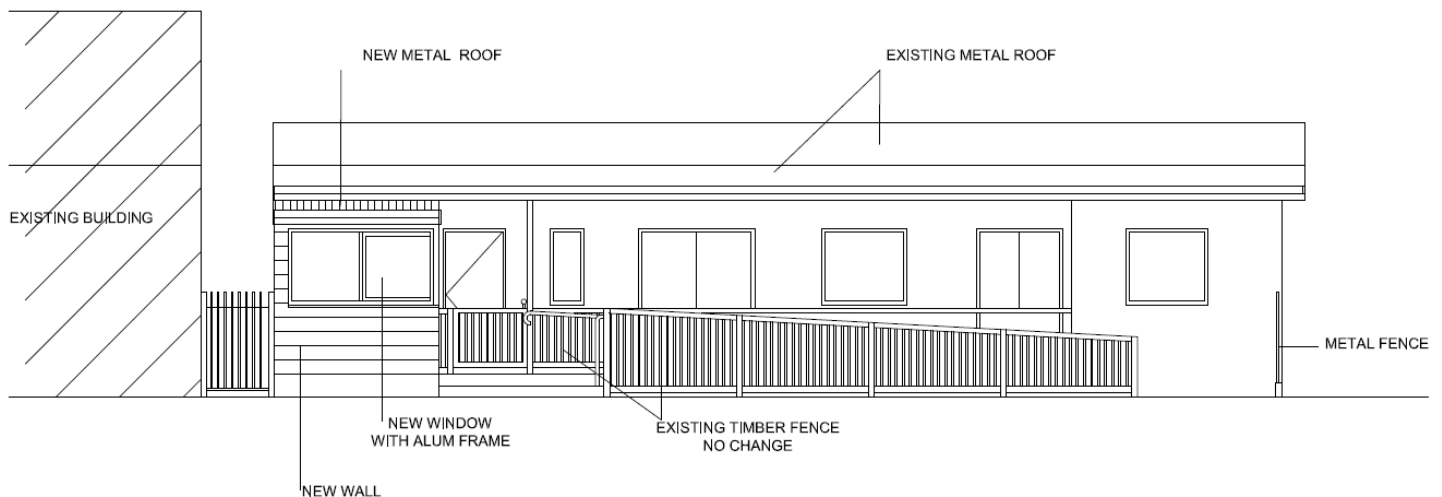


Figure 7: Northern Elevation Plan

### History Relevant to the Development Application

10. Development Application D/2014/698 was approved on 14 July 2014 and granted consent for alterations to the existing childcare centre, including demolition of existing storeroom and construction of new storeroom to rear of site, new entrance to existing building and new side fence and gate.
11. The applicant sought pre-lodgement advice on the proposal, with feedback being provided on 2 September 2019.
12. The subject application was lodged on 17 October 2019.
13. Following a preliminary assessment of the application, including a site inspection, the applicant was requested to amend the plans to provide further details and address BCA requirements regarding floor to ceiling height .

14. Amended plans were provided on 11 and 13 November 2019.
15. These amended plans are the subject of assessment of this report.

### **Economic/Social/Environmental Impacts**

16. The application has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979, including consideration of the following matters:

### **Environmental Planning Instruments and DCPs**

#### **State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017**

17. The existing use of the site is as a 'centre-based child care facility', and as such, is subject to the provisions of the above SEPP.
18. Part 3 of the SEPP applies to early education and care facilities, which includes a centre-based child care facility.
19. The proposed development did not require concurrence of the Regulatory Authority under Clause 22 of the SEPP, as the proposed alterations and additions to the office administration component of the centre as the amount of unencumbered indoor or outdoor play areas provided still exceeds the minimum requirement.
20. Clause 23 of the SEPP requires all applications for development to take into consideration any applicable provisions of the *Child Care Planning Guideline*. The relevant matters to be considered under Section 3 of the Guideline for the proposed development are outlined in the table below.

<b>Matters for Consideration</b>	
<b>Consideration</b>	<b>Comment</b>
3.1 Site selection and location	The child care centre has already been approved and is operational. Nevertheless, the location of the site is considered suitable and meets objectives of the Guideline.
3.2 Local character, streetscape and the public domain interface	<p>The proposed alterations and additions respect the character and appearance of the existing building and surrounds in terms of building form and scale.</p> <p>The new development will be positioned behind the front building line of neighbouring 31 Cardigan Street mitigating any impact to the streetscape.</p>

<b>Matters for Consideration</b>	
	<p>Access to the site will continue to be by the Darling Street entry as the existing gate and fence are to remain in place post development.</p>
<p>3.3 Building orientation, envelope and design</p>	<p>The centre has a north-south orientation allowing sufficient solar access into the building and onto both the indoor play areas and the outdoor play area.</p> <p>The extension does not include any windows or openings facing private open space, living rooms and bedrooms of the adjoining residential properties</p> <p>The design of the building allows for accessible and safe access in accordance with the National Construction Code and the Guidelines.</p>
<p>3.4 Landscaping</p>	<p>The proposal does not include external landscaping. The existing landscaping provided is considered satisfactory.</p>
<p>3.5 Visual and acoustic privacy</p>	<p>The proposal is not considered to detrimentally impact privacy of adjoining properties in that the extension is not creating any windows or openings facing the neighbouring property.</p> <p>As the works are less than 50% of the existing floor area the requirement to use acoustic fencing during construction is not required.</p> <p>The works will not create additional indoor/outdoor play space and will not increase the number of children on site, in turn the requirement to provide an acoustic report is not necessary as there will be no increase in children and existing acoustic amenity will be maintained.</p>
<p>3.6 Noise and air pollution</p>	<p>The office extension will act to further buffer noise received from Darling Street traffic.</p> <p>The site is located in an area that is sufficiently removed from any potential external sources of air pollution.</p>
<p>3.7 Hours of operation</p>	<p>The proposal will not affect the hours of operation of the child care centre.</p>

<b>Matters for Consideration</b>	
3.8 Traffic, parking and pedestrian circulation	The site does not include any parking facilities, and the proposal will be maintaining the existing Darling Street pedestrian access point.

21. In addition to the matters of consideration under Section 3 of the Guidelines, Section 4 of the Guidelines requires developments to be considered against the provisions of the *Education and Care Services National Regulation*. These considerations are outlined below.

<b>Applying the National Regulations</b>	
<b>Regulation</b>	<b>Comment</b>
104 Fencing or barrier that encloses outdoor space	The outdoor space will continue to remain secured by a 1.8m high fence.
106 Laundry and hygiene facilities	The proposed development will not impact existing laundry and hygiene facilities.
107 Unencumbered indoor space	The proposed development will not encroach on the unencumbered indoor space.
108 Unencumbered outdoor space	<p>The centre caters for 18 children and as such is required to provide 126sqm (7sqm per child) of unencumbered outdoor space. The site currently provides 360.1sqm of unencumbered outdoor space.</p> <p>The proposed siting of the office extension removes approximately 2.1sqm of unencumbered outdoor space. The centre will still provide 358sqm of unencumbered outdoor space which is well above the requirement.</p>
109 Toilet and hygiene	The proposed development will not impact existing toilet and hygiene facilities.
110 Ventilation and natural light	The indoor space currently utilised by the children will not be impacted by the proposed development.
111 Administrative space	The proposed development intends to upgrade the existing administrative space provided.

112 Nappy change facilities	The proposed development will not impact upon existing nappy change facilities.
113 Outdoor space – natural environment	The proposed development will not impede access to the outdoor space currently provided.
114 Outdoor space - shade	<p>The centre has a north-south orientation allowing sufficient solar access into the building and on to both the indoor play areas and the outdoor play area.</p> <p>The proposed development will have minimal impact upon existing shadowing, the site will continue to utilise the natural shade provided by the trees on and surrounding site.</p>

22. The proposed development does not alter the location of the centre, the existing provision of unencumbered indoor and outdoor space or the site area. Therefore, these non-discretionary development standards in Clause 25 are not applicable in the assessment of the subject application.
23. As the centre is located within a heritage conservation area, consideration will be given to the colour of building materials under Clause 25(2)(d) of the SEPP. This is addressed further in the LEP compliance table.
24. The development is considered generally acceptable when assessed against the above stated provisions and the SEPP generally, which are replicated in large part within Council's planning controls.

#### Sydney Local Environmental Plan 2012

25. The site is located within the SP2 Infrastructure (Community Facility) zone. The proposal is alterations and additions to the existing use of the site that is defined as a 'centre-based child care facility'. The use of the site as a centre-based child care facility is consistent with the purpose shown on the Land Zoning Map as a Community Facility, and is therefore permissible in the zone.
26. The relevant matters to be considered under Sydney Local Environmental Plan 2012 for the proposed development are outlined below.

## Compliance Tables

Development Control	Compliance	Comment
4.3 Height of Buildings	Yes	<p>A maximum height of 9m is permitted.</p> <p>The maximum height of the proposed new works is 3.21m.</p>
4.4 Floor Space Ratio	Yes	<p>A maximum FSR of 1.25:1 is permitted.</p> <p>The existing development has a FSR of 0.20:1 (or 140sqm).</p> <p>The proposal results in the creation of an additional 7.5sqm of gross floor area. This equates to the development having a FSR of 0.21:1 (or 147.5sqm), which is compliant with the development standard.</p>
5.10 Heritage conservation	Yes	<p>On the Building Contributions Map, the site is identified as a neutral item in the Lyndhurst Conservation Area.</p> <p>The proposed addition has been designed to be consistent with the materiality of the existing centre. Noting the neutral listing of the existing building/s on site, the proposed additions are not considered to detract from the site and surrounds of the wider conservation area.</p> <p>The development proposes to match the colour and materials of the existing building.</p>
<p>Division 4 Design excellence</p> <p>6.21 Design Excellence</p>	Yes	<p>Subject to conditions, the proposed development satisfies the requirements of this provision.</p> <p>The design achieves an appropriate standard of architectural design, with materials and detailing that is appropriate to the existing building and does not negatively impact the surrounding conservation area.</p>

Development Control	Compliance	Comment
Division 1 Car parking ancillary to other development  7.9 Other land uses - centre based child care facilities	Yes	A maximum of 2 car parking spaces are permitted  No car parking space is proposed.
7.14 Acid Sulphate Soils	Yes	The site is identified as containing class 2 Acid Sulphate Soil. The proposed works consist of minor excavation and as such, not likely to lower the watertable. No acid sulphate soils management plan is required.
7.15 Flood planning	Yes	The site is subject to possible flooding to its south-eastern corner. The City's Interim Floodplain Management Policy provides a concession for minor additions up to 40m <sup>2</sup> of habitable floor area at or above the existing floor level.  It is noted that the proposed new floor area is 12.6m <sup>2</sup> .  The proposal meets the requirements for concessional development and is acceptable.

### Sydney Development Control Plan 2012

27. The relevant matters to be considered under Sydney Development Control Plan 2012 for the proposed development are outlined below.

#### 2. Locality Statements – St Phillips

The subject site is located in the St Phillips locality. The proposed alterations and additions are considered to be in keeping with the unique character of the area and design principles in that it generally responds to and retains the scale and proportion of development within the area.



3. General Provisions	Compliance	Comment
3.5 Urban Ecology	Yes	The proposed development does not involve the removal of any trees, nor are the works proposed in the tree preservation zone of existing trees and will not adversely impact on the local urban ecology.
3.9 Heritage	Yes	<p>The existing building is identified as a neutral building within a Conservation Area.</p> <p>As discussed the LEP compliance table, the proposed development is considered appropriate and is sympathetic to the surrounding conservation area.</p>
3.11 Transport and Parking	Yes	<p>A maximum of 2 car parking spaces are permitted.</p> <p>The proposed development will not change the amount of children on site, nor will it increase or decrease the gross floor space enough to warrant a change in permissible car spaces allocated to the centre.</p> <p>The existing site does not have parking facilities. The centre will be maintaining its pedestrian access points on Darling and Broughton Street.</p>
3.12 Accessible Design	Yes	<p>The existing building provides suitable access and facilities for persons with disabilities in accordance with the DCP and the BCA.</p> <p>The proposed development will not interfere with the buildings existing access arrangements. The office extension itself will continue to be accessible for persons with disabilities in accordance with the DCP and the BCA.</p>

<b>4. Development Types</b>	<b>Compliance</b>	<b>Comment</b>
<b>4.2 Residential flats, commercial and mixed use developments</b>		
4.2.1 Building height	Yes	A maximum of 2 storeys is permitted.  The proposed development is 1 storey in height.
4.2.2 Building Setbacks	Yes	The addition is setback 7.5m from the Broughton Street Boundary.  The office extension falls behind the front building line of the eastern neighbour at 31 Cardigan Street.

#### **SDCP 2012 - Section 4.4.4. Child Care Centres**

28. Clause 26 of SEPP (Educational Establishments and Child Care Facilities) 2007 overrides most of the provisions contained in Section 4.4.4 of the SDCP 2012. However, the provisions of 4.4.4 of the SDCP 2012 that are of pertinence and are not addressed by the SEPP are outlined below.

<b>4.4 Other Development Types and Uses</b>	<b>Compliance</b>	<b>Comment</b>
<b>4.4.4 Child care centres</b>		
4.4.4.4 Design of play areas	Yes	The office extension further enables clear lines of sight to allow for staff supervision from the office to other areas of the child care centre.
4.4.4.7 Safety and security	Yes	The proposal incorporates windows on the north elevation which enables natural surveillance over the outdoor playground and the Darling Street entrance.

#### **Other Impacts of Development**

29. The proposed development is capable of complying with the BCA.

### **Suitability of the site for Development**

30. The proposal is considered to be suitable for the site. The premises are in a residential surrounding and is considered a compatible use within it surrounds.

### **Internal Referrals**

31. Where relevant, the conditions of other sections of Council have been included in the proposed conditions.

The application was discussed with the Heritage and Urban Design Specialists, Public Domain Team and Child Care Services who advised that the proposal is acceptable subject to the recommended conditions.

### **External Referrals**

#### **Notification, Advertising and Delegation (No Submissions Received)**

32. In accordance with Schedule 1 of the Sydney DCP 2012, the proposed development is required to be notified. The application was notified for a period of 14 days between 25 October 2019 and 9 November 2019. A total of 100 properties were notified and no submissions were received.
33. Some minor amendments to the plans were made at Councils request post notification. The amendments are not considered to result in any significant additional environmental impacts and as such the application was not required to be re-notified.

### **Public Interest**

34. It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

### **S7.11 Contribution**

35. The development is not subject to a S7.11 development contribution as it is for works being undertaken on behalf of Council, which is a type of development listed in Table 2 of the City of Sydney Development Contributions Plan 2015 and is excluded from the need to pay a contribution. A contribution is therefore not payable.

### **Relevant Legislation**

36. Environmental Planning and Assessment Act 1979.

**Conclusion**

37. The subject application proposes alterations and additions to the existing child care centre on the site, known as the Broughton Street Kindergarten. The application proposes demolition of the existing office and construction of a new office administration area. The proposed works do not alter the number of children at the child care centre and the proposed works encroach on 2.1sqm of the existing unencumbered outdoor play area of the centre, the outdoor play area will continue to achieve the required amount of outdoor space.
38. The application is referred to the Local Planning Panel as the Council is both the applicant and land owner of the subject site.
39. The proposed development has been assessed as complying with the relevant provisions of the Sydney LEP 2012, the Sydney DCP 2012 and relevant SEPPs.
40. The subject DA is recommended for approval, subject to conditions.

**GRAHAM JAHN, AM**

Director City Planning, Development and Transport

James Cooper, Planner

# **Attachment A**

<b>Recommended Conditions of Consent</b>
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# CONDITIONS OF CONSENT

## SCHEDULE 1

### (1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2019/1155 dated 17 October 2019 and the following drawings prepared by Nordon Jago & City of Sydney Projects:

Drawing Number	Drawing Name	Date
WD.001A	Office Extension Work	24.10.2019
NB 01	Proposed Floor Plan & Section A-A	30.08.2019
NB 02	Proposed Site Plan and Office Elevation	30.08.2019
1.1	Elevation 1- a	13.11.2019
1.2	Elevation 1- b	13.11.2019
1.3	Elevation 1- c	13.11.2019
1.4	Elevation 1- d	13.11.2019
4	Site	13.11.2019
01	Proposed Site Floor	13.11.2019

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

### (2) EROSION AND SEDIMENT CONTROL - LESS THAN 250SQM

Where less than 250 square metres are being disturbed, no formal plan is required however, the site is to be provided with sediment control measures and these must be implemented so that sediment, including soil, excavated material, building material or other materials cannot fall, descend, percolate, be pumped, drained, washed or allowed to flow to the street, stormwater system or waterways.

### (3) STORMWATER AND DRAINAGE - MINOR DEVELOPMENT

The drainage system is to be constructed in accordance with Council's standard requirements as detailed in Council's 'Stormwater Drainage Connection Information' document dated July 2006. This information is available on Council's website - [www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au).

The development is to be designed so that the flow of pollutants from the site due to stormwater is reduced.

Council's 'Stormwater Drainage Manual', also available on Council's website, contains information on whether on-site stormwater detention (OSD) would be required for the development. If OSD is required, a Positive Covenant

must be registered on the title of the development site, prior to the issue of any Occupation Certificate, for all drainage systems involving OSD to ensure maintenance of the approved OSD system regardless of the method of connection.

**(4) ASBESTOS REMOVAL WORKS**

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Safework NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal Licence which ever applies.

A copy of the relevant licence shall be made available to any authorised Council officer on request within 24 hours.

**(5) COVERING OF LOADS**

All vehicles involved in the excavation and/or demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

**(6) LOADING AND UNLOADING DURING CONSTRUCTION**

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site.
- (b) If 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) 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.

**(7) NO OBSTRUCTION OF PUBLIC WAY**

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

**(8) BARRICADE PERMIT**

Where construction/building works require the use of a public place including a road or footpath, approval under Section 138 of the *Roads Act 1993* for a



Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

**(9) OCCUPATION CERTIFICATE TO BE SUBMITTED**

An Occupation Certificate must be obtained from the Principal Certifier and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

**(10) HOURS OF WORK AND NOISE – OUTSIDE CBD**

The hours of construction and work on the development must be as follows:

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436 - 1981 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.

Note: The *City of Sydney Code of Practice for Construction Hours/Noise 1992* allows extended working hours subject to the approval of an application in accordance with the Code and under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

## SCHEDULE 2

### PRESCRIBED CONDITIONS

**The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2000* apply:**

- Clause 98 Compliance with *Building Code of Australia* and insurance requirements under the *Home Building Act 1989*
- Clause 98A Erection of signs
- Clause 98B Notification of *Home Building Act 1989* requirements
- Clause 98C Conditions relating to entertainment venues
- Clause 98D Conditions relating to maximum capacity signage
- Clause 98E Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 8A of the *Environmental Planning and Assessment Regulation 2000*. This can be accessed at: <http://www.legislation.nsw.gov.au>

# **Attachment B**

<b>Selected Drawings</b>
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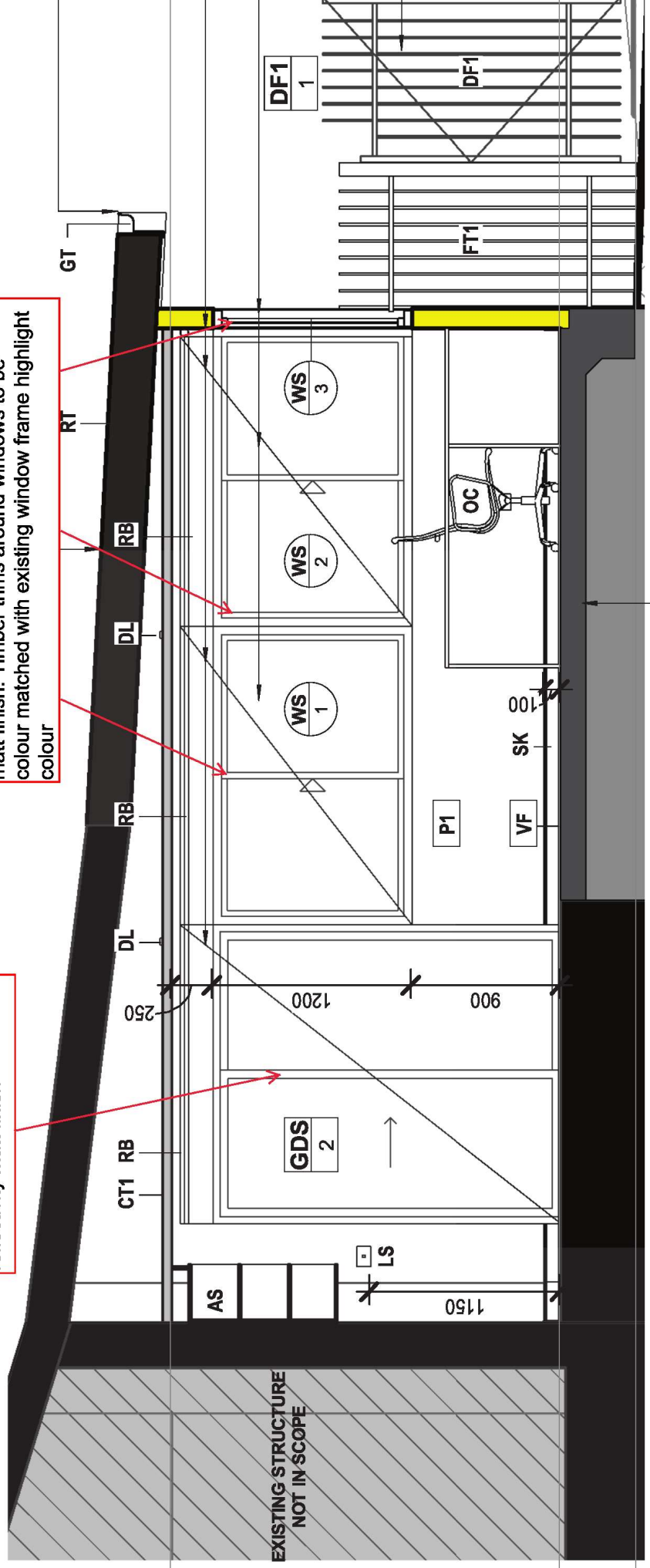






Aluminum Sliding Door with low reflectivity matt finish

Aluminium frame sliding windows with low reflectivity matt finish. Timber trims around windows to be colour matched with existing window frame highlight colour



\*\*Note: Lighting Fixtures, GPO, GDO and Switch To Electrical Engineer's Details

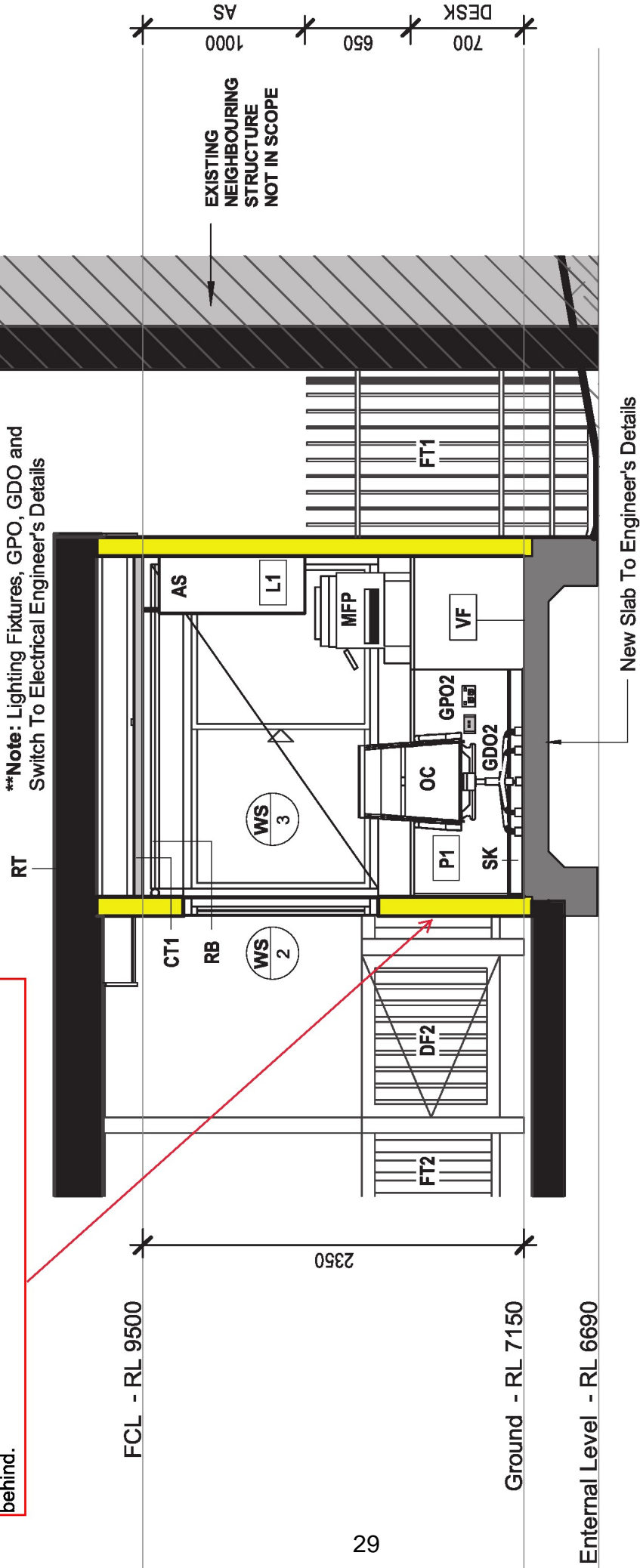
— New Slab To Engineer's Details

# 1.1 Elevation 1 - a

1 : 50

Date - 13.11.19

Western face of addition to be blueboard construction with rendered finish. Texture and colour to match existing masonry/render wall. P50 shadowline express joint between old and new faces - sealed with weatherproof membrane behind.



## Elevation 1 - b

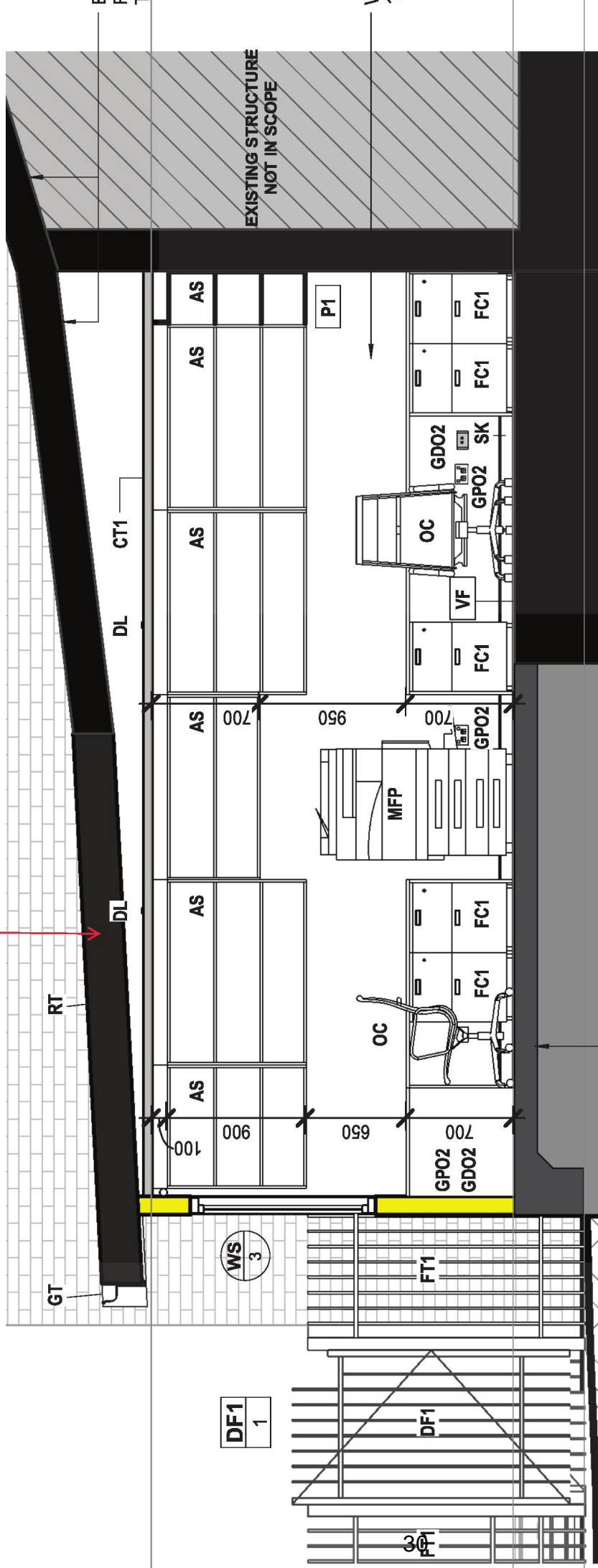
1.2

1 : 50

Date - 13.11.19



Barge Boards to be primed and painted. Match colour to existing Verandah Fascia



\*\*Note: Lighting Fixtures, GPO, GDO and Switch To Electrical Engineer's Details

# Elevation 1 - c

1.3

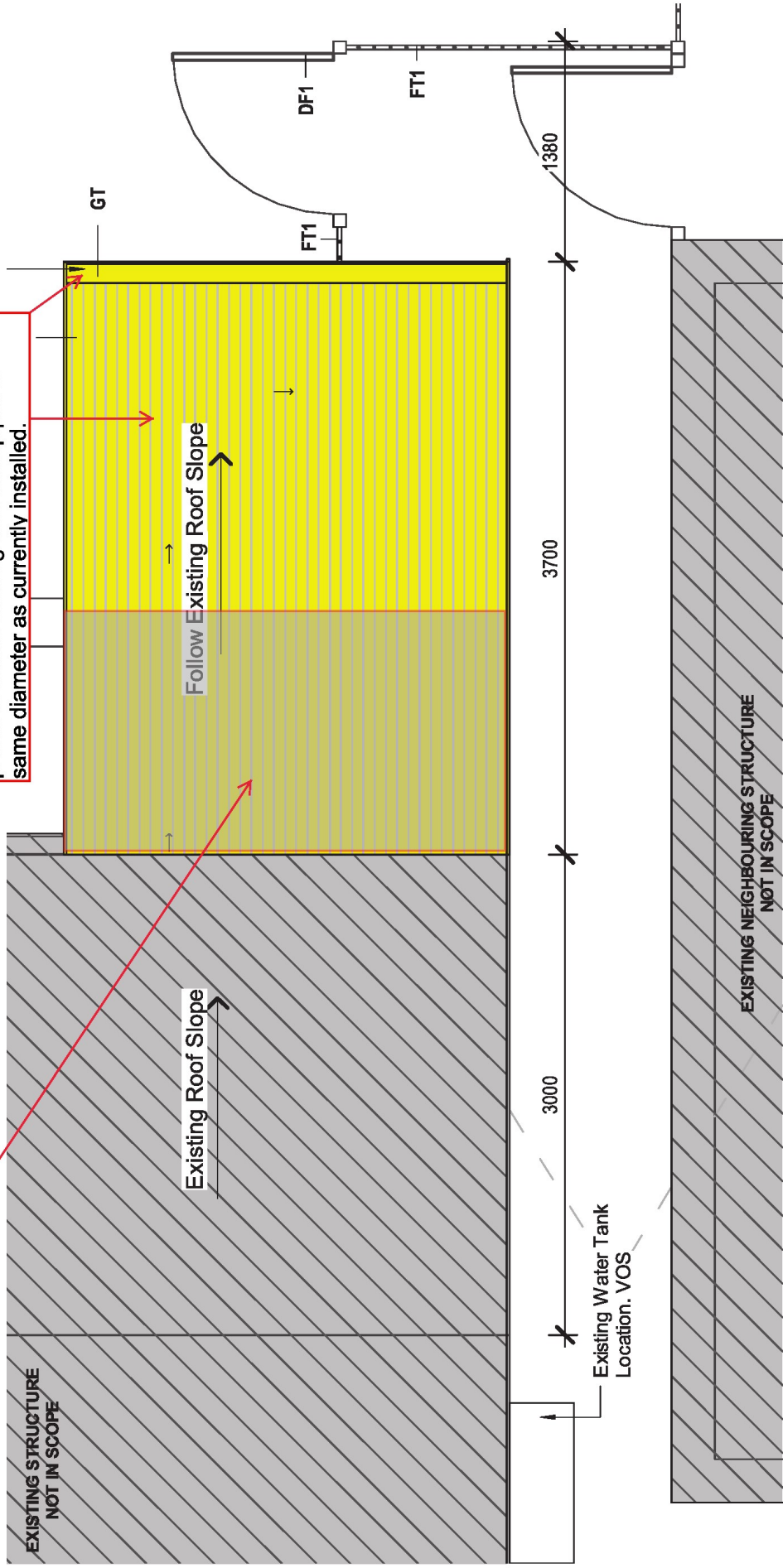
1 : 50

Date - 13.11.19



Leave existing verandah roof as same profile. Replace sheets as required to integrate with new addition roof.

New roof sheeting and gutter for new addition. Colorbond low profile corrugated sheet to match profile and colour of existing main roof and verandah roof. Colorbond/Bluescope gutter profile to match existing with downpipes of same diameter as currently installed.

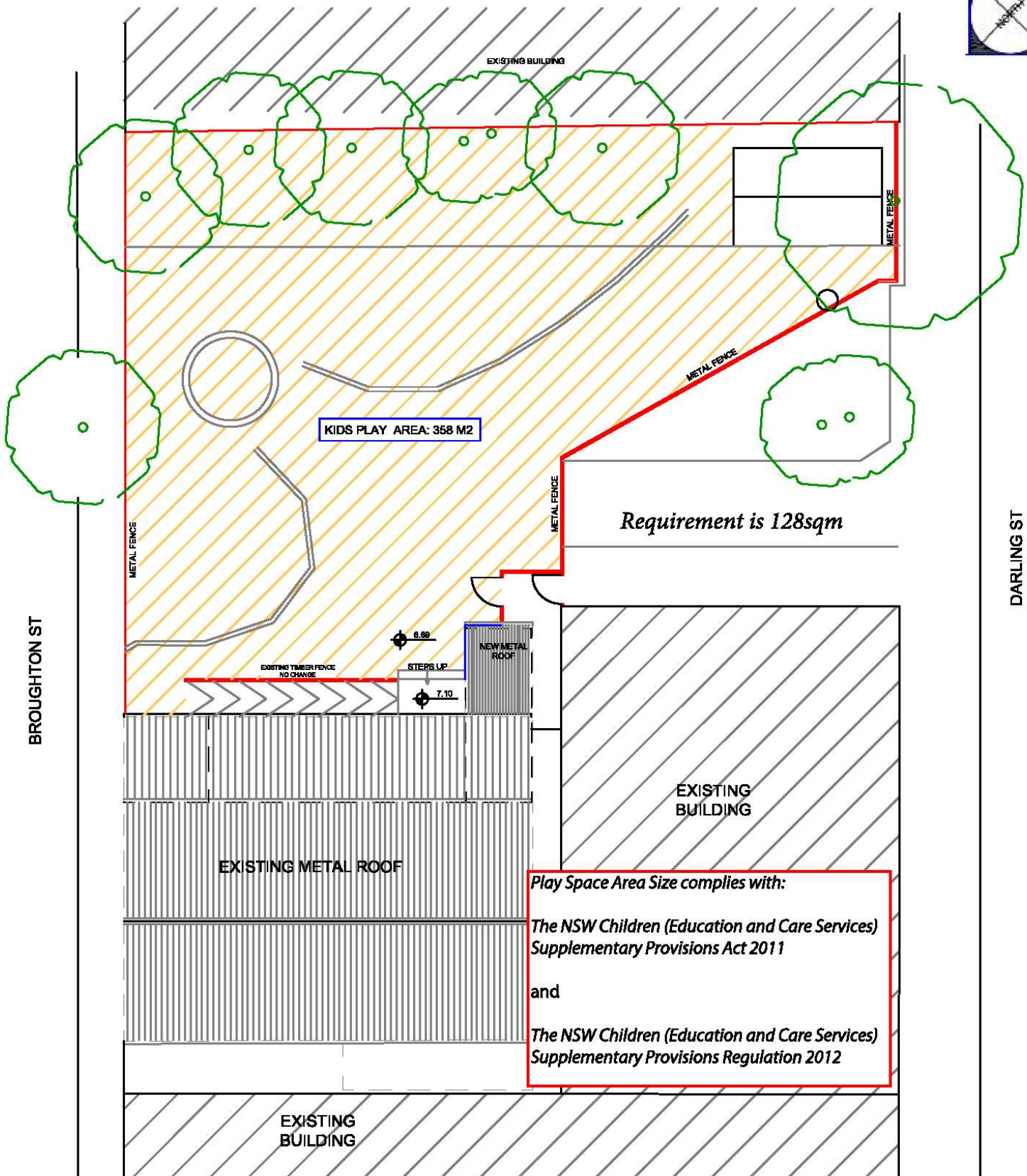


Site

4

1 : 50

Date - 13.11.19



80 Broughton Street, Glebe. Unencumbered Play Space *excluding Office Addition & access*

01 PROPOSED SITE FLOOR  
1:200

Date - 13.11.19



**Item 7.****Development Application: 107-125 Railway Parade, Erskineville - D/2019/842****File No.: D/2019/842****Summary**

<b>Date of Submission:</b>	7 August 2019  Amended by updated drawings received 11 October 2019.
<b>Applicant:</b>	Solgen Energy Pty Ltd
<b>Owner:</b>	The City of Sydney
<b>Cost of Works:</b>	\$164,000
<b>Zoning:</b>	R1 Residential Zone. The proposed works are defined as 'electricity generating works' that are ancillary to the existing use of the site as an emergency services facility. These works and existing land use are permissible with consent.
<b>Proposal Summary:</b>	<p>The subject application seeks consent for the installation of photovoltaic solar panels to rooftop of the existing building at 107-125 Railway Parade, Erskineville.</p> <p>The application is reported to the Local Planning Panel for determination as the land owner of the site is the City of Sydney Council.</p> <p>The application was notified for a 14-day period between 16 July 2019 and 10 August 2019. As a result, no submissions were received.</p> <p>The applicant submitted amended plans and additional information on 11 October 2019 and 22 October 2019.</p> <p>The proposal has been assessed as being generally consistent with the planning controls applicable to the site and is recommended for approval, subject to the imposition of conditions.</p>
<b>Summary Recommendation:</b>	The development application is recommended for approval, subject to conditions.

- Development Controls:**
- (i) State Environmental Planning Policy (Infrastructure) 2007
  - (ii) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEP)
  - (iii) Sydney Local Environmental Plan 2012
  - (iv) Sydney Development Control Plan 2012

- Attachments:**
- A. Recommended Conditions of Consent
  - B. Selected Drawings

**Recommendation**

It is resolved that consent be granted to Development Application No. D/2019/842 subject to the conditions set out in Attachment A to the subject report.

**Reasons for Recommendation**

The application is recommended for approval for the following reasons:

- (A) The proposed development is consistent with Section 4.15 of the Environmental Planning and Assessment Act 1979, in that it achieves the objectives of the planning controls for the site and does not result in adverse environmental impacts for the reasons outlined in this report.
- (B) The proposal is consistent with the objectives of the R1 General residential zone, and will have an acceptable impact on neighbouring amenity.
- (C) The proposal complies with Sydney Local Environmental Plan 2012 Clause 4.3 Height of Buildings control.
- (D) The proposal complies with the provisions of State Environmental Planning Policy (Infrastructure) 2007.
- (E) The proposal respects the heritage significance of the conservation area and nearby heritage items.
- (F) For the reasons above and as outlined in this report, the proposed development is in the public interest.



## Background

### The Site and Surrounding Development

1. A site visit was carried out by staff on 23 September 2019.
2. The site is irregularly shaped, with an area of approximately 2514sqm. It has a primary street frontage to Railway Parade and secondary street frontages to Clara Street, Ada Street and Sydney Street.
3. The site is divided into two uses:
  - (a) the western part of the site houses the PACT performing arts building and ancillary structures. The main building is a single storey warehouse style building.
  - (b) the eastern part of the site houses the State Emergency Services (City of Sydney), providing emergency and rescue services. The building is a single storey warehouse style building with sawtooth roof, supplemented by a lower single storey extension.
4. The subject development application concerns the State Emergency Services building on the eastern portion of the site.
5. Surrounding land uses are predominately residential and commercial. To the north of the site, on the opposite side of Railway Parade, is land that houses railway infrastructure and ancillary depot and office uses associated with the railway. The majority of other surrounding uses are residential. A three storey residential flat building is sited on land to the east of the site, on the opposite side of Clara Street. The remainder of the surrounding development to the south of the site consists of two-storey residential terrace houses.
6. The site is located within Kingsclear Heritage Conservation Area (C3), and the existing buildings on site are classified as detracting buildings within the conservation area.
7. There a number of heritage listed properties within the vicinity of the site, as detailed below:
  - (a) To the north of the site, on the opposite side of Railway Parade, is State heritage item (Eveleigh Railway Workshop, 01140);
  - (b) Another State heritage item is the Pressure Tunnel and Shafts (01630) that runs partly underneath the site, but is not categorised as being part of the site. The state heritage item listing specifies the properties included in the listing, however the subject site is not one of the properties included;
  - (c) To the east of the site, on the opposite side of Clara Street and within the residential apartment building property at 127 Railway Parade is the locally listed heritage item, a former factory chimney stack (I2247);
  - (d) To the southeast of the site, on the opposite side of Clara Street, is the residential terrace group at 14-18 Clara Street (I607); and
  - (e) To the west of the site, on the opposite side of Sydney Street, is the residential terrace group (I620) at 91-105 Railway Parade.

8. Photos of the site and surrounds are provided below:



**Figure 1:** Aerial image of subject site and surrounding area. The red polygon identifies the full extent of the site. The green polygon identifies the part of the site to which the proposal relates.



**Figure 2:** Site viewed from Railway Parade, looking east. The dotted red line identifies the wider site. The dashed green line identifies the part of the site to which the proposal relates. The locally heritage listed former factory chimney stack at 127 Railway Parade can be seen in the background.





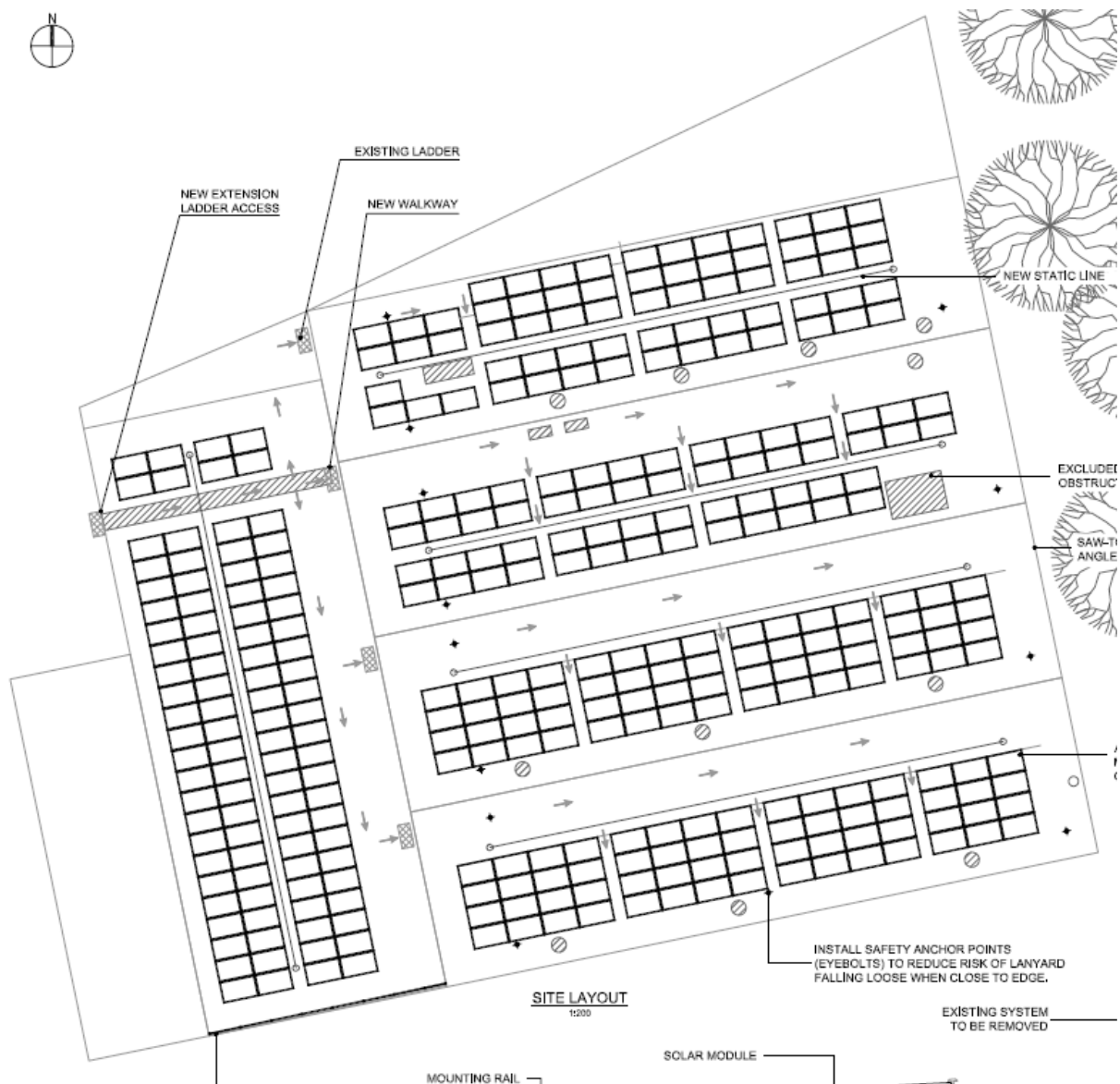
**Figure 3:** The part of the site to which the proposal relates, looking south west along Railway Parade.



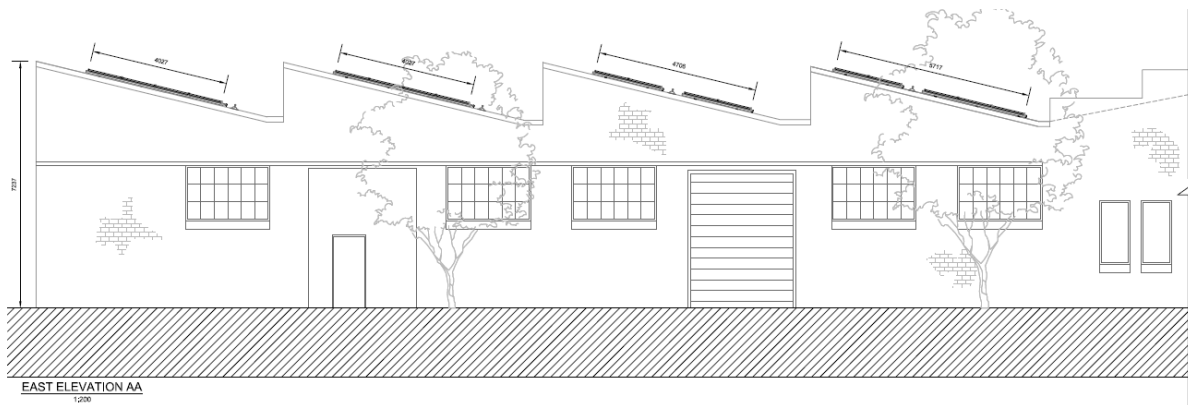
**Figure 4:** View from Ada Street looking north along Clara Street towards Railway Parade. The site is located on the left of the photo. The three storey residential flat building is on the right of the photo.

## Proposal

9. The application seeks consent for the installation of photovoltaic solar panels to the sawtooth roof of the existing warehouse building and to the single storey extension on the west side of the building. The building is currently occupied by the State Emergency Services (SES).
10. A total of 337 solar panels are proposed to be installed on the roof. The panels are to be installed parallel to the roof slopes, 132mm above the plane of the roof.
11. Structures required for access and maintenance of the solar panels are also proposed, comprising of a ladder, walkway and handrail to the roof above the western single storey part of the site.
12. A Plan and elevation of the proposed development are provided below at Figures 5 and 6



**Figure 5:** Roof plan of the site to illustrate the siting and number of solar panels proposed



**Figure 6:** East elevation (Clara Street)

### History Relevant to the Development Application

13. The development application was lodged on 7 August 2019.
14. In correspondence, dated 14 August 2019, it was requested that the applicant provide the following further information:
  - Elevations of the proposal showing the height of the solar panels above ground level and
  - Completion of a section of the application form.
15. On 5 September 2019, an additional request to the application for further information was made requesting a clear and accurate roof plan.
16. On 11 October 2019, the applicant provided the following:
  - An elevation showing the height of the solar panels.
  - An amended roof plan.
17. This elevation and amended roof plan are the subject of the current assessment report.
18. On 22 October 2019, the applicant provided an amended application form, as had been requested on 14 August 2019.

### Economic/Social/Environmental Impacts

19. The application has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979, including consideration of the following matters:
  - (a) Environmental Planning Instruments and DCPs.

### State Environmental Planning Policy (Infrastructure) 2007

20. The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.

21. The proposal is not exempt development under clause 39, as the solar panels cover an area greater than 150sqm,

#### Clause 34

22. The application is subject to Division 4 (Electricity generating works or solar energy systems) Clause 34 (Development permitted with consent). Clause 34(7) and 34(8) of this SEPP permits the installation of solar energy systems in the R1 residential zone up to a maximum capacity of 100kW, with consent.
23. The proposed solar panels have a direct current (DC) rating of 111.12kW and an alternating current (AC) of 92kW. The electricity from the solar panels will be converted to AC, therefore the capacity of the installation will be 92kW, in compliance with the provisions of Clause 34.

#### Clause 45

24. The application is subject to Clause 45 (Subdivision 2 Development likely to affect an electricity transmission or distribution network) of the SEPP as the development will be carried out within 5m of an exposed overhead electricity power line.
25. In accordance with the Clause, the application was referred to Ausgrid for a period of 21 days and no response was received. The application can therefore be determined.

#### Clause 85

26. The application is subject to Clause 85 (Subdivision 2 Development in or adjacent to rail corridors - notification and other requirements) of the SEPP as the development involves the placing of a metal finish on a structure and is adjacent to a rail corridor used by electric trains.
27. In accordance with the Clause, the application was referred to Sydney Trains on 9 August 2019. Sydney Trains wrote back on 18 September 2019, asking whether additional information about the proposal was available beyond the exhibition information. The assessing planning officer responded stating no further information was available, and to reiterate the description of the proposal. Sydney Trains' initial response was not received within 21 days of the notification, and no further response was received. As such, the application can be determined.

#### **Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP)**

28. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SREP.
29. The Sydney Harbour Catchment Planning Principles must be considered in the carrying out of development within the catchment. The key relevant principles include:
  - (a) protect and improve hydrological, ecological and geomorphologic processes;
  - (b) consider cumulative impacts of development within the catchment;
  - (c) improve water quality of urban runoff and reduce quantity and frequency of urban run-off; and
  - (d) protect and rehabilitate riparian corridors and remnant vegetation.

30. The site is within the Sydney Harbour Catchment and eventually drains into the Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development. The development is consistent with the controls contained within the deemed SEPP.

### Sydney Local Environmental Plan 2012

31. The site is located within the R1 - General Residential zone. The proposed works are defined as 'electricity generating works' that are ancillary to the existing use of the site as an 'emergency services facility'. These works and existing land use are permissible, with consent in the zone.
32. The relevant matters to be considered under Sydney Local Environmental Plan 2012 for the proposed development are outlined below.

#### Compliance Tables

Development Control	Compliance	Comment
4.3 Height of Buildings	Yes	A maximum height of 15m is permitted.  A maximum height of the proposed new works are is 6.7m, which complies with the building height development standard.
4.4 Floor Space Ratio	Yes	A maximum floor space ratio of 1.75:1 is permitted. The proposal does not alter the gross floor area of the building.



Development Control	Compliance	Comment
5.10 Heritage conservation	Yes	<p>The proposal will not detract from the heritage significance of nearby heritage items and of the conservation area.</p> <p>The proposal is not within the curtilage of nearby State listed heritage items, being either the Eveleigh Railway Workshop or the Pressure Tunnel and Shafts. These heritage items are not affected by the proposal.</p> <p>The site is in Kingsclear Heritage Conservation Area (C3), and is classified as a detracting building. The majority of the proposed solar panels will not be visible from public spaces due to their minimal projection above the plane of the roof (132mm), orientation, the shape of the roof and the existence of a parapet to Railway Parade. The most visible solar panels will be those to the single storey western part of the building, which will be visible when viewed from Railway Parade from the west.</p> <p>The proposal is in keeping with the industrial style of the subject building. The limited visibility of the proposal ensures it does not detract from the character of the surrounding heritage conservation area nor from the neighbouring heritage items.</p>

<b>Part 6 Local Provisions - Height and Floor Space</b>	<b>Compliance</b>	<b>Comment</b>
6.21 Design excellence	Yes	<p>The proposed development satisfies the requirements of this provision</p> <p>The location of the development, taking into consideration the surrounding uses and the character of the existing and surrounding buildings, is suitable for the proposed solar panel installation.</p> <p>The proposal also respects the characteristics of the heritage conservation area and nearby heritage items. See clause 5.10 Heritage conservation, above, for further discussion regarding heritage issues</p>
7.22A Use of other existing non-residential buildings in Zone R1	Yes	The building is currently a non-residential building in Zone R1. The proposal does not change the use of the building, and therefore the provisions of clause 7.22A do not apply.

<b>Part 7 Local provisions - general</b>	<b>Compliance</b>	<b>Comment</b>
Division 1 Car parking ancillary to other development	Yes	No change is proposed to the number of car parking spaces on site.
7.14 Acid Sulfate Soils	Yes	The site is identified as containing class 5 acid sulfate soil. There are no ground level works proposed, therefore no special measures are required.

### **Sydney Development Control Plan 2012**

33. The relevant matters to be considered under Sydney Development Control Plan 2012 for the proposed development are outlined below.

#### **2. Locality Statements – Erskineville Oval**

The subject site is located in the Erskineville Oval locality. The proposed solar energy system is considered to be in keeping with the unique character of the area and design principles in that it respects the built form of the heritage conservation area and character of nearby heritage items.

3. General Provisions	Compliance	Comment
3.2.7 Reflectivity	Yes	Glare from the solar panels will be minimised as the panels are not angled towards any buildings of a similar height, and the windows of nearby buildings do not look down onto the proposed location of the solar panels.
3.5 Urban Ecology	Yes	The proposed development does not involve the removal of any trees and will not adversely impact on the local urban ecology.
3.6 Ecologically Sustainable Development 3.6.3 Photovoltaic solar panels	Yes	Under Section 3.6.3, consideration must be given to the location and placement of the solar panels to factor in development potential on adjacent sites.  Permissible building forms on nearby sites are unlikely to affect the operation of the solar panels in the future. The site is separated by a minimum distance of 11m from neighbouring sites to the north, west and east.
3.9 Heritage	Yes	The subject site is a detracting building located in a heritage conservation area, with heritage items nearby.  The proposal will conserve the heritage significance of the conservation area and nearby heritage items.  See further discussion under the heading 5.10 Heritage Conservation within the LEP compliance table above.
3.14 Waste	Yes	A condition is recommended for the development to comply with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development to ensure waste is managed effectively during the installation of the solar panels.

3. Development Types	Compliance	Comment
4.11 Building height	Yes	The proposal does not affect the number of storeys of the existing building.
4.1.2 Building setbacks	Yes	There is no numerical setback requirement for development at the site.  The proposal does not affect the setbacks of the existing building, and the solar panels are setback a minimum of 1.5m from the edge of the site.
4.1.3 Residential amenity 4.1.1.1 Solar access	Yes	The solar panels will have a maximum protrusion of 132mm above the existing roof plane, will be set in a minimum of 1.5m from the edge of the existing roof, and will be lower than the highest point of the existing roof. The panels will therefore not cause any reduction in solar access to neighbouring properties.

#### Other Impacts of the Development

34. The proposed development is capable of complying with the BCA. It is part of a Class 5 building.
35. It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

#### Suitability of the site for the Development

36. The proposal is of a nature in keeping with the overall function of the site. The premises are in a mixed commercial and residential surrounding, and the proposal is ancillary to the existing use of the site.

#### Internal Referrals

37. The application was discussed with the Heritage and Urban Design Specialists. No objection was raised to the proposal.

#### External Referrals

38. Ausgrid and Sydney Trains were notified of the application, and no responses were received after a period of 21 days. As such, the application can be determined. See under the heading State Environmental Planning Policy (Infrastructure) 2007 for further discussion.

**Notification, Advertising and Delegation**

39. In accordance with Schedule 1 of the Sydney DCP 2012, the proposed development is required to be notified. The application was notified for a period of 14 days between 9 August 2019 and 24 August 2019. 140 properties were notified, and no submissions were received.

**Public Interest**

40. It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

**S7.11 Contribution**

41. The development is not subject to a S7.11 development contribution. The proposal will not result in a net increase in the number of residents, workers or visitors, and there is no change of use of the site. Therefore, a contribution is not payable.

**Relevant Legislation**

42. Environmental Planning and Assessment Act 1979.

**Conclusion**

43. The application seeks consent for the installation of photovoltaic solar panels onto the rooftop of the existing building and associated works to allow access and maintenance.
44. Additional information has been submitted during the assessment of the application to clarify the height of the proposed structures and clarity on the siting of the panels on the roof top.
45. The application was notified in accordance with the Sydney DCP 2012, and no submissions were received.
46. The proposed installation of the solar panels and associated structures have been assessed of being appropriately sited on the building in minimise their visibility from the public domain to minimise any impacts on the character of the conservation area and on neighbouring amenity.
47. The proposal has been assessed as being consistent with the relevant planning legislation and policies applicable to the site and type of development.
48. The application is recommended for approval, subject to the imposition of conditions.

**GRAHAM JAHN, AM**

Director City Planning, Development and Transport

David Knight, Planner

# **Attachment A**

<b>Recommended Conditions of Consent</b>
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## CONDITIONS OF CONSENT

### SCHEDULE 1A

#### APPROVED DEVELOPMENT/DESIGN MODIFICATIONS/COVENANTS AND CONTRIBUTIONS/USE AND OPERATION

**Note:** Some conditions in Schedule 1A are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of Occupation Certificate, where indicated.

#### (1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2019/842 dated 7 August 2019 and the following drawings prepared by Solgen Energy Group:

Drawing Number	Drawing Name	Date
D-GE-12625P41-101 rev M	111.21kWP Photovoltaic System Layout	17.09.19
D-GE-12625P41-106 rev A	East Elevation AA	11.10.19

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

## SCHEDULE 1B

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

#### (2) WASTE AND RECYCLING MANAGEMENT

The proposal must comply with the relevant provisions of Council's *Guidelines for Waste Management in New Developments 2018* which requires facilities to minimise and manage waste and recycling generated by the proposal.

#### (3) APPLICATION FOR HOARDINGS AND SCAFFOLDING INSTALLED ON OR ABOVE A PUBLIC ROAD AND OPERATING HOISTING DEVICES INCLUDING BUILDING MAINTENANCE UNITS OVER A PUBLIC ROAD

- (a) A separate application under Section 68 of the *Local Government Act 1993* and Section 138 of the *Roads Act 1993* is to be made to Council to erect a hoarding and/or scaffolding (temporary structures) on or above a public road (footway and/or roadway).
- (b) Where an approval (Permit) is granted allowing the placement of temporary structures on or above a public road the structures must comply fully with Council's *Hoarding and Scaffolding Policy; Guidelines for Hoardings and Scaffolding*; and the conditions of approval (Permit) granted including:
  - (i) maintaining a current and valid approval for the full duration that the temporary structure/s is in place;
  - (ii) maintaining temporary structure/s in a structurally sound and stable condition for the full duration of installation (Clause 2.11.1);
  - (iii) bill posters and graffiti being removed within 24 hours of their placement (Clause 2.11.2);
  - (iv) maintaining temporary structures and the public place adjoining the work site in a clean and tidy condition including repainting and/or repair of graphics (Clauses 2.11.1, 2.11.4, 2.14.1 and 3.9.3);
  - (v) maintaining a watertight deck (Type B hoardings) to prevent liquids including rainwater, falling onto the footway/roadway surfaces (Clauses 3.9.1 and 3.9.4);
  - (vi) approved site sheds on the decks of a Type B hoarding being fully screened from the public place (Clause 3.9.5);
  - (vii) material and equipment not being placed or stored on the deck of Type B hoardings, unless specifically approved by Council (Clause 3.9.4);
  - (viii) providing and maintaining operational artificial lighting systems under Type B hoardings including at high-bay truck entry points (Clause 3.9.9); and
  - (ix) ensuring all required signage is provided and maintained (Clauses 3.9.3, 3.9.6, 3.9.8, 3.10.1 and 4.2).

If it is proposed to operate a hoisting device including a building maintenance unit above a public road which swings, hoists material/equipment and/or slews any part of the device over the public road, a separate application under Section 68 of the *Local Government Act 1993* and Section 138 of the *Roads Act 1993* must be made to Council to obtain approval.

**Note:** 'Building maintenance unit' means a power-operated suspended platform and associated equipment on a building specifically designed to provide permanent access to the faces of the building for maintenance (*Work Health and Safety Regulation 2011*).

## **SCHEDULE 1C**

### **DURING CONSTRUCTION/PRIOR TO OCCUPATION/COMPLETION**

#### **(4) OCCUPATION CERTIFICATE TO BE SUBMITTED**

An Occupation Certificate must be obtained from the Principal Certifier and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

#### **(5) HOURS OF WORK AND NOISE – OUTSIDE CBD**

The hours of construction and work on the development must be as follows:

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.
- (c) Notwithstanding the above, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a permit being issued by Council under Section 68 of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993.

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Unit, prior to works proceeding

The *City of Sydney Code of Practice for Construction Hours/Noise 1992* allows extended working hours subject to the approval of an application in accordance with the Code and under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

#### **(6) 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 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) 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.

#### **(7) NO OBSTRUCTION OF PUBLIC WAY**

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

#### **(8) USE OF MOBILE CRANES**

The following requirements apply:

- (a) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (b) The use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes outside of approved hours of construction can occur, subject to a permit being issued by Council under Section 68 of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993.

## SCHEDULE 2

### PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2000* apply:

- Clause 98 Compliance with *Building Code of Australia* and insurance requirements under the *Home Building Act 1989*
- Clause 98A Erection of signs
- Clause 98B Notification of *Home Building Act 1989* requirements
- Clause 98C Conditions relating to entertainment venues
- Clause 98D Conditions relating to maximum capacity signage
- Clause 98E Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 8A of the *Environmental Planning and Assessment Regulation 2000*. This can be accessed at: <http://www.legislation.nsw.gov.au>

# **Attachment B**

<b>Selected Drawings</b>
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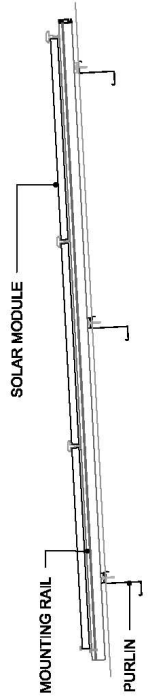
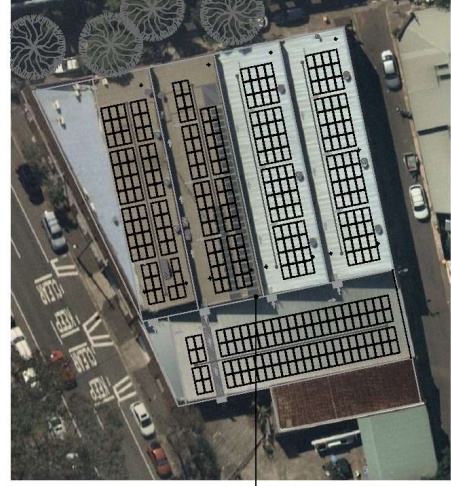
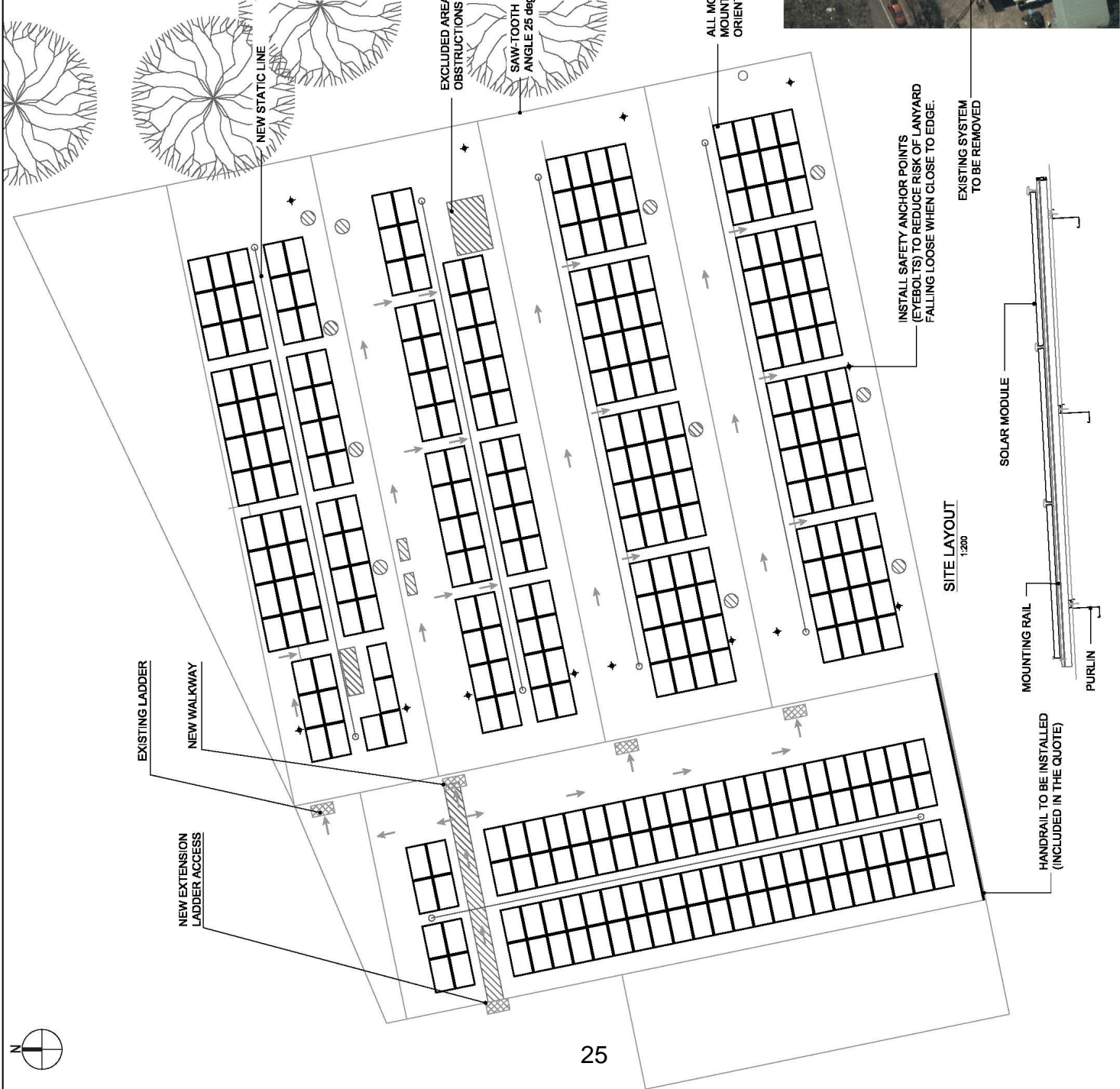
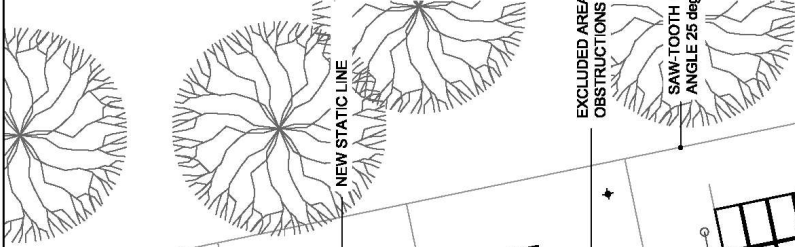
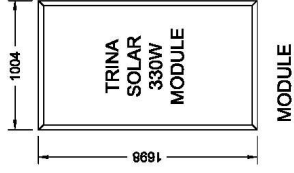


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2. DO NOT SCALE FROM THE DRAWINGS.
3. ALL DIMENSIONS ARE IN MILLIMETERS AND LEVELS IN MILLIMETERS UNLESS NOTED OTHERWISE. ALL DIMENSIONS TO BE VERIFIED ON SITE.
4. EXACT LOCATION OF ALL PARTS OF THE INSTALLATION TO BE DETERMINED ON SITE.
5. DETAILED SHADING ANALYSIS TO BE CONDUCTED ON SITE.
6. SREWED ROOF FIXINGS TO REPLACE EXISTING ROOF SCREWS.

ITEM	SPECIFICATION	QTY
MODULE	TRINA 330W	337
INVERTER	SOLAREDDGE SE 25	3
INVERTER	SOLAREDDGE 17	1
OPTIMISERS	SOLAREDDGE P730	169
TOTAL		1114.21KWP

ITEM	UNIT	QTY
STATIC LINE	METER	125
WALKWAY	METER	11.5



Rev	Description	Date	Checked	Author
M	REVISION FOR REVIEW	17/05/19	N.M.	R.M.
L	REVISION FOR REVIEW	19/05/19	N.M.	R.M.
K	REVISION FOR REVIEW	20/04/19	N.M.	R.M.
J	REVISION FOR REVIEW	14/02/19	N.M.	R.M.
I	REVISION FOR REVIEW	14/02/19	N.M.	R.M.
H	MODULES REVISED	11/02/18	R.K.	R.M.

**PROJECT:**

SES BUILDING  
107-135 BALWAY PARADE, FISHERVILLE NSW 2045

CLIENT:  
THE COUNCIL OF THE CITY OF SYDNEY  
456 KENT STREET SYDNEY NSW 2000

SOLGEN ENERGY PTY LTD  
T: 1300 880 704 WEB: www.solgen.com.au  
F: 1300 880 970 EMAIL: info@solgen.com.au

DRAWING TITLE:  
111.21KWP PHOTOVOLTAIC SYSTEM LAYOUT

DRAWING No. D-GE-12625P41-101

SCALE: AS SHOWN Date: 10/05/2019 Drawn: R.M. Checked: R.M. Author: R.M.

Rev

M

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6. SREWED ROOF FIXINGS TO REPLACE EXISTING ROOF SCREWS.

No.	Description	Date	Checked	Author
A.	PRELIMINARY DESIGN	11.03.18	A.J.	N.M.

**PROJECT:**  
**SES BUILDING**  
 107-115 BALUWAY PARADE, FISKENVILLE NSW 2045

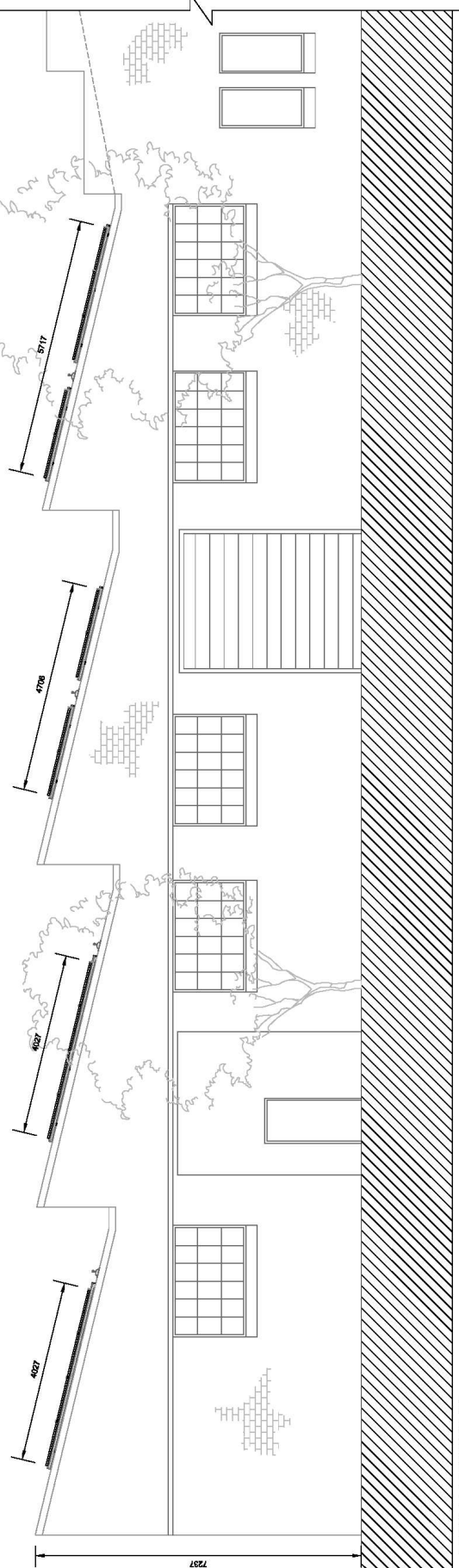
**CLIENT:**  
**THE COUNCIL OF THE CITY OF SYDNEY**  
 455 KENT STREET SYDNEY NSW 2000

**SOLGEN ENERGY PTY LTD**  
 T: 1300 880 704 WEB: www.solgen.com.au  
 F: 1300 880 970 EMAIL: info@solgen.com.au

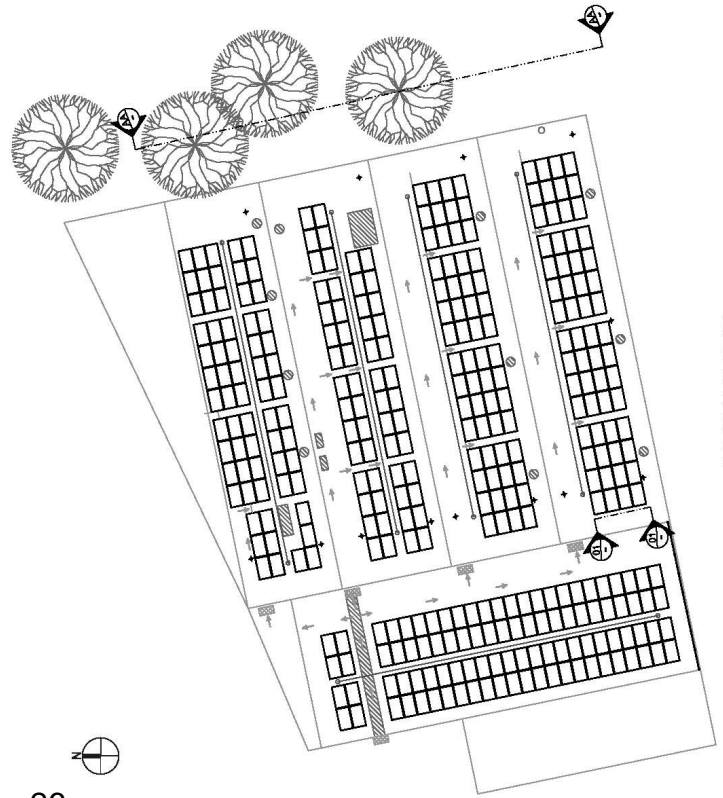
**DRAWING TITLE:**  
**EAST ELEVATION**  
**AA**

SCALE	DRAWN	CHECKED	DATE	DATE	DATE	DATE	DATE	DATE
AS SHOWN	11.03.18	11.03.18	11.03.18	11.03.18	11.03.18	11.03.18	11.03.18	11.03.18

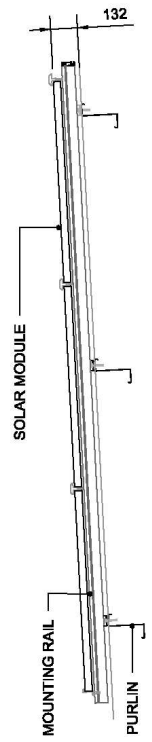
**DRAWING No.** D-GE-12625P41-106  
**Rev** A



**EAST ELEVATION AA**  
 1:200



**SATELLITE VIEW**  
 NTS



**ELEVATION 01**  
 NTS

**Item 8.****Development Application: 55 Pitt Street Redfern****File No.:** D/2019/843**Summary**

**Date of Submission:** 7 August 2019  
Amended by updated drawings received 21 October 2019

**Applicant:** Solgen Energy Pty Ltd

**Owner:** City of Sydney

**Cost of Works:** \$40,000

**Zoning:** SP2 Infrastructure zone. The proposed works are defined as 'electricity generating works' that are ancillary to the existing use of the site as a centre based childcare facility. These works and existing land use are permissible with consent.

**Proposal Summary:** The application seeks consent for the installation of photovoltaic solar panels on the rooftop of the existing building at 55 Pitt Street, Redfern.

The application is reported to the Local Planning Panel for determination as the land owner of the site is the City of Sydney Council.

The applicant submitted amended plans and additional information on 14 October and 22 October.

The application was notified for 14 day period between 9 August and 29 August 2019. No submissions were received.

The proposal has been assessed as being generally consistent with the planning controls applicable to the site and is recommended for approval, subject to the imposition of conditions.

**Summary Recommendation:** The development application is recommended for approval, subject to conditions.

**Development Controls:** Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005  
State Environmental Planning Policy (Infrastructure) 2007  
Sydney Local Environmental Plan 2012 (Gazetted 12 December 2012, as amended)  
Sydney Development Control Plan 2012 (in force on 12 December 2012, as amended)

**Attachments:**

- A. Recommended Conditions of Consent
- B. Selected Drawings

**Recommendation**

It is resolved that consent be granted to Development Application No. D/2019/843 subject to the conditions set out in Attachment A to the subject report.

**Reasons for Recommendation**

The application is recommended for approval for the following reasons:

- (A) The proposed development is consistent with Section 4.15 of the Environmental Planning and Assessment Act 1979, in that it achieves the objectives of the planning controls for the site and does not result in adverse environmental impacts for the reasons outlined in this report.
- (B) The proposal is consistent with the objectives of SP2 Infrastructure zone, and will have an acceptable impact on neighbouring amenity.
- (C) The proposal complies with Sydney Local Environmental Plan 2012 Clause 4.3 Height of Buildings control.
- (D) The proposal complies with the provisions of the State Environmental Planning Policy (Infrastructure) 2007.
- (E) The proposal respects the heritage significance of the conservation area and nearby heritage items.
- (F) For the reasons above and as outlined in this report, the proposed development is in the public interest, subject to conditions.



## Background

### The Site and Surrounding Development

1. A site visit was carried out by Council staff on 17 October 2019.
2. The site is rectangular in shape, with an area of approximately 1052sqm. It has a primary street frontage to Pitt Street and a secondary street frontage to Burnett Street. The site is located close to the intersection of Pitt Street and Redfern Street.
3. A single storey building with a skillion roof is contained within the site occupied by a centre-based childcare facility known as 'Redfern Occasional Child Care'.
4. The land falls from the north-west to south-east by approximately 1 metre.
5. Surrounding land uses are predominately single and two storey residential dwellings. Adjoining the site are two storey attached terrace dwellings. To the east is a residential unit complex bounded by Burnett Street, Wells Street and Chalmers Street in Redfern.
6. The site is not a heritage item but is located within the Redfern Estate Heritage Conservation Area (C56)
7. Photos of the site and surrounds are provided below:



**Figure 1:** Aerial image of subject site and surrounding area



**Figure 2:** Site viewed from Pitt Street, Redfern



**Figure 3:** Looking eastward from the front boundary within the site.





**Figure 4:** Looking north-westward from Burnett Street, Redfern

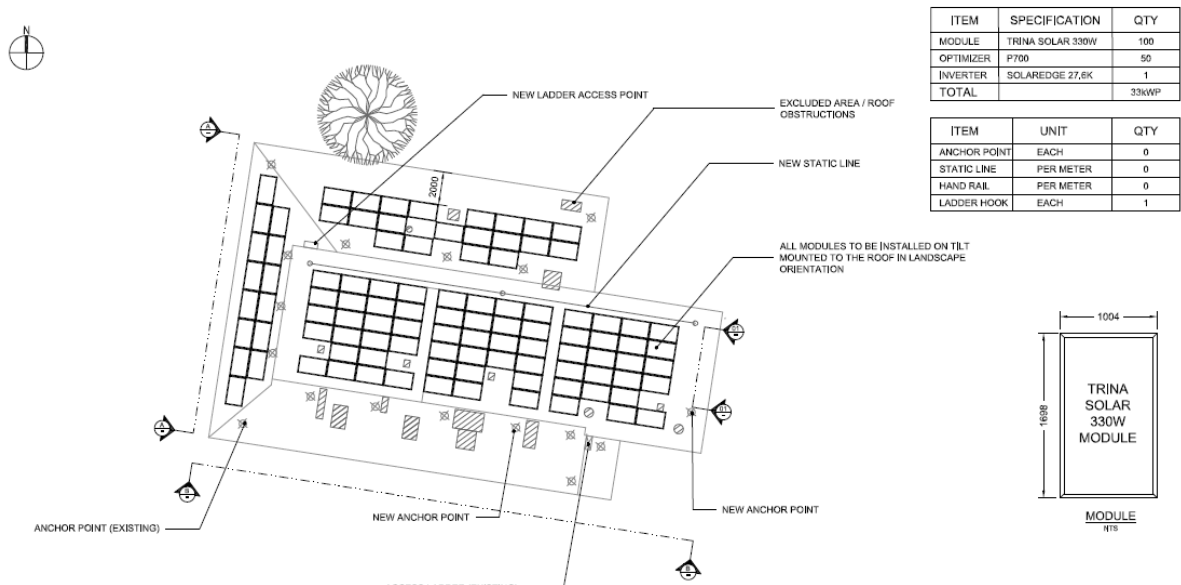


**Figure 5:** Looking south-westward from Burnett Street



**Proposal**

8. The application seeks development consent for the installation of photovoltaic solar panels to the skillion roof. The building is currently occupied by a centre-based childcare facility known as 'Redfern Occasional Childcare'.
9. The photovoltaic panels are to have a direct current (DC) rating of 33kWp (kilowatt peak). The panels are to be flush mounted to the roof.
10. Structures required for access and maintenance of the solar panels are also proposed, comprising a new ladder and static line to the roof.
11. Plans and elevations of the proposed development are provided below.



**Figure 6:** Roof plan

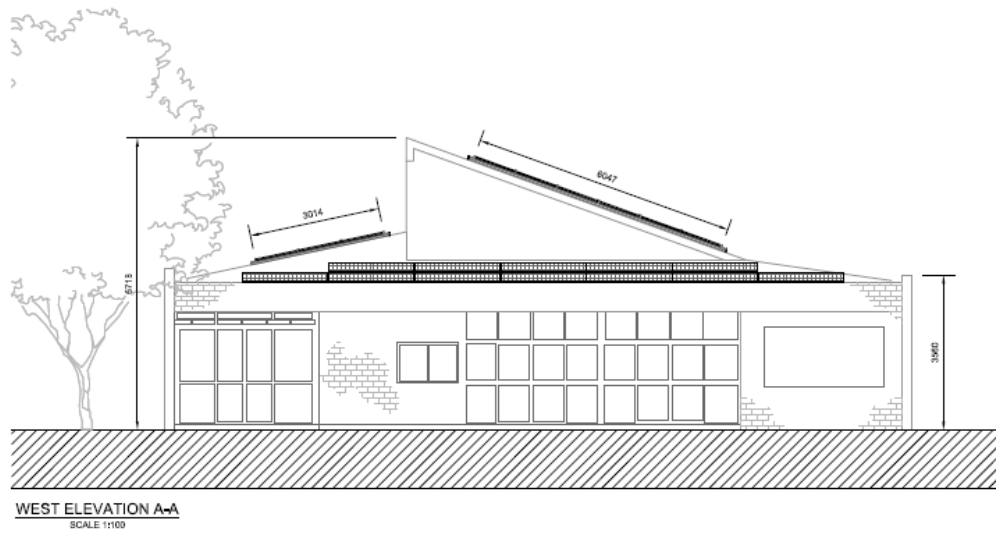


Figure 7: West elevation

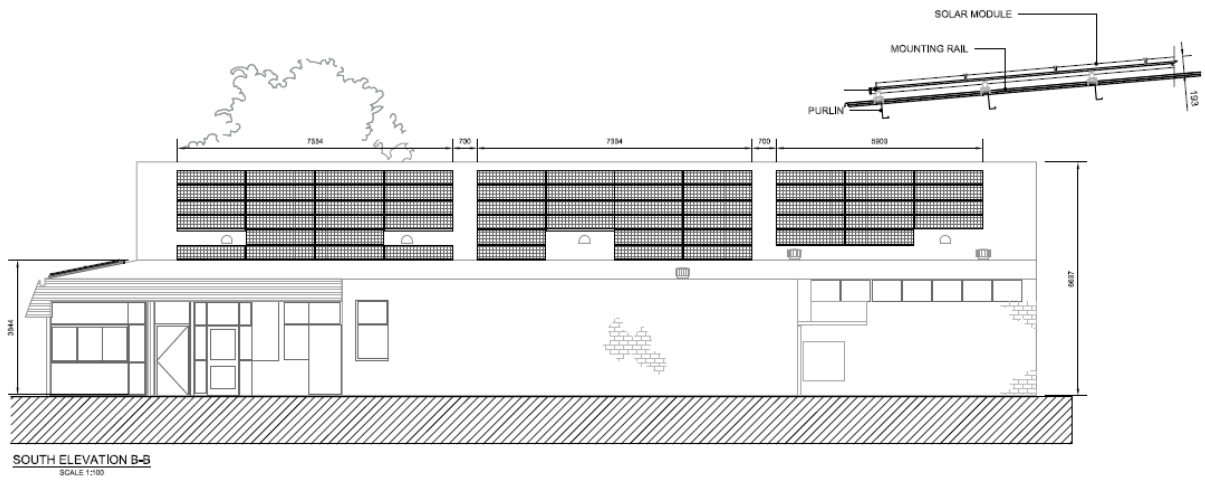
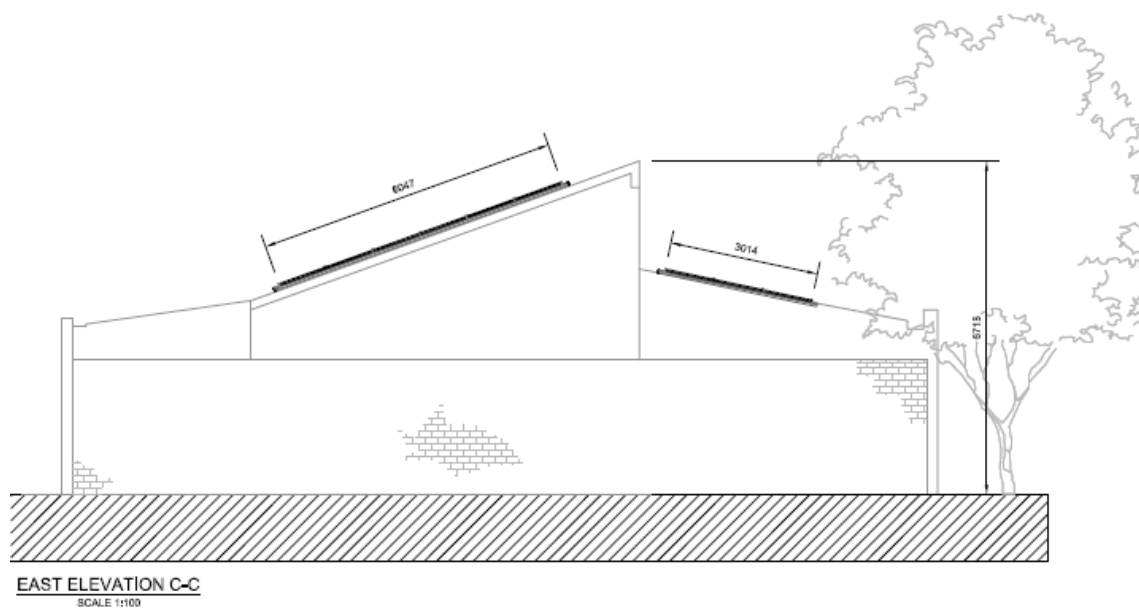


Figure 8: South elevation



**Figure 8:** East elevation

### History Relevant to the Development Application

12. On 27 October 1994, development consent (U94/000759) was granted for a change of use of an existing aged persons activity centre to a child care centre for up to 20 children. The approval also included an ancillary office for the Council's Family Day Care Scheme.

### Economic/Social/Environmental Impacts

13. The application has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979, including consideration of the following matters:
  - (a) Environmental Planning Instruments and DCPs.

### State Environmental Planning Policy (Infrastructure) 2007

14. The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.
15. The proposal is not exempt development as the solar panels cover an area greater than 150sqm, the panels are within 10 metres of adjoining properties, and the maximum capacity of the system is greater than 10kW. The application is subject to Division 4 (Electricity generation works or solar energy systems) Clause 34 (Development permitted with consent). Clause 34 (7) permits the installation of solar energy systems on any land. Clause 34 (8) permits a maximum capacity of 100kW. The site is within the SP2 - Infrastructure Zone adjoining the R1 Residential Zone. The maximum capacity of the system is 33kW.

### Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP)

16. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SREP.
17. The Sydney Harbour Catchment Planning Principles must be considered in the carrying out of development within the catchment. The key relevant principles include:
  - (a) protect and improve hydrological, ecological and geomorphologic processes;
  - (b) consider cumulative impacts of development within the catchment;
  - (c) improve water quality of urban runoff and reduce quantity and frequency of urban run-off; and
  - (d) protect and rehabilitate riparian corridors and remnant vegetation.
18. The site is within the Sydney Harbour Catchment and eventually drains into the Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development. The development is consistent with the controls contained within the deemed SEPP.

### Sydney Local Environmental Plan 2012

19. The site is located within the SP2 - Infrastructure zone. The proposal is consistent the 'Community Purpose' listed on the Land Zoning Map and is permissible with consent. The installation of solar panels is ancillary to the existing use of the site as a centre-based childcare facility and is permissible. The proposal will provide a source of renewable electricity to the facility.
20. The relevant matters to be considered under Sydney Local Environmental Plan 2012 for the proposed development are outlined below.

#### Compliance Tables

Development Control	Compliance	Comment
4.3 Height of Buildings	Yes	A maximum height of 12 metres is permitted.  A maximum height of the proposed new works are is 6.7 metres, which complies with the building height development standard.
4.4 Floor Space Ratio	Yes	A maximum FSR of 1.25:1 is permitted. The proposal will not alter the gross floor area of the building.

<b>Development Control</b>	<b>Compliance</b>	<b>Comment</b>
5.10 Heritage conservation	Yes	<p>The proposed development would not result in adverse heritage impacts.</p> <p>The site is a detracting building in a heritage conservation area.</p> <p>The proposal is not attached to any wall or roof facing a primary road.</p> <p>See discussion under the heading Issues.</p>

<b>Part 6 Local Provisions - Height and Floor Space</b>	<b>Compliance</b>	<b>Comment</b>
Division 4 Design excellence	Yes	<p>The proposed development satisfies the requirements of this provision.</p> <p>The location of the development, taking into consideration the surrounding uses and the character of the existing and surrounding buildings, is appropriate. It respects the characteristics of the heritage conservation area and nearby heritage items.</p>

<b>Part 7 Local Provisions - General</b>	<b>Compliance</b>	<b>Comment</b>
Division 1 Car parking ancillary to other development	Yes	No change is proposed to the number of car parking spaces on site.
7.14 Acid Sulphate Soils		The site is identified as containing class 5 Acid Sulphate Soil. There are no ground level works proposed.

**Sydney Development Control Plan 2012**

21. The relevant matters to be considered under Sydney Development Control Plan 2012 for the proposed development are outlined below.

**2. Locality Statements – Prince Alfred Park South**

The subject site is situated in the Prince Alfred Park locality. The proposed solar energy system is considered to be in keeping with the unique character of the area and design principles in that it respects the existing built form, the character of the heritage conservation area and the character of nearby heritage items.

<b>3. General Provisions</b>	<b>Compliance</b>	<b>Comment</b>
3.2.7 Reflectivity	Yes	Glare from the solar panels will be minimised as the panels are not angled towards any buildings of a similar height. The habitable room windows of nearby buildings do not look directly down upon the proposed location of the solar panels.
3.5 Urban Ecology	Yes	The proposed development does not involve the removal of any trees and will not adversely impact on the local urban ecology.
3.6 Ecologically Sustainable Development 3.6.3 Photovoltaic solar panels	Yes	Under Section 3.6.3, consideration must be given to the location and placement of the solar panels to factor in development potential on adjacent sites.  Permissible building forms on nearby sites are unlikely to affect the operation of the solar panels in the future as adjoining sites are low density residential.
3.9 Heritage	Yes	The proposed development would not result in adverse heritage impacts.  The site is a detracting building in a heritage conservation area.  The proposal is not attached to any wall or roof facing a primary road.  See discussion under the heading issues

3. General Provisions	Compliance	Comment
3.14 Waste	Yes	A condition is recommended for the development to comply with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development to ensure waste is managed effectively during the installation of the solar panels.

3. Development Types	Compliance	Comment
4.11 Building height	Yes	The proposal does not affect the number of storeys of the existing building.
4.1.2 Building setbacks	Yes	<p>There is no numerical setback requirement for development at the site.</p> <p>The proposal does not affect the setbacks of the existing building, and the solar panels are setback a minimum of 1.9m from the edge of the site.</p>
4.1.3 Residential amenity 4.1.1.1 Solar access	Yes	The solar panels will have a maximum protrusion of 193mm above the existing roof plane, will be set in a minimum of 1.8m from the edge of the existing roof, and will be lower than the highest point of the existing roof. The panels will therefore not cause any reduction in solar access to neighbouring properties.

## Issues

### Heritage

22. The site is within the Redfern Estate Heritage Conservation Area (C56) and is identified as a detracting building. The panels are flush mounted to the roof facing north, west and south elevations. The panels are not attached to any wall or roof facing a primary road.
23. The panels have been positioned in such a way that they minimise visual impact to adjoining properties and the heritage conservation area. The majority of the solar panels will not be readily visible from the public domain due to their height, orientation and shape of the roof.



24. The most visible panels will be those to the southern facing roof viewed from Burnett Street and the balconies of the residential apartments adjoining Burnett Street to the south east. The roof is angled to the south and is set back greater than 10 metres to the closest residential balcony south-east of the roof. While the roof can be clearly seen from these balconies, this is an oblique angled view and is acceptable. The setbacks ensure panels will not pose an adverse amenity impact on any habitable room windows.
25. The proposal generally complies with the relevant aims, objectives and controls of the DCP.

#### **Other Impacts of the Development**

26. The proposed development is capable of complying with the BCA.
27. It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

#### **Suitability of the site for the Development**

28. The proposal is of a nature in keeping with the overall function of the site. The premises are in a community/residential surrounding.

#### **Internal Referrals**

29. The application was discussed with the Heritage and Urban Design Specialists. They advised the application is acceptable subject to recommended conditions.

#### **External Referrals**

##### **Notification, Advertising and Delegation**

30. In accordance with Schedule 1 of the Sydney DCP 2012, the proposed development is required to be notified. The application was notified for a period of 14 days between 9 August 2019 and 24 August 2019. A total of 306 properties were notified, and no submissions were received.

#### **Public Interest**

31. It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

#### **S7.11 Contribution**

32. The development is not subject to a S7.11 development contribution as it comprises alterations to an existing building for the installation of photovoltaics. No change of use or increase in floor area is proposed. A contribution is therefore not payable.

**Relevant Legislation**

33. Environmental Planning and Assessment Act 1979.

**Conclusion**

34. The application seeks consent for the installation of photovoltaic solar panels on the rooftop of the existing building and associated works to allow access and maintainance.
35. Additional information has been submitted during the assessment of the application to clarify the height of the proposed structures and clarify the siting of the panels on the rooftop.
36. The application was notified in accordance with the Sydney DCP 2012, and no submissions were received.
37. The proposed installation of the solar panels and associated structures have been assessed of being appropriately sited on the building in minimise their visibility from the public domain, to minimise any impacts on the character of the conservation area and on neighbouring amenity.
38. The proposed development is compatible with the character of the heritage conservation area and will not detract from the existing building.
39. The applicaiton is recommended for approval, subject to the imposition of conditions.

**GRAHAM JAHN, AM**

Director City Planning, Development and Transport

Natalie Wells, Planner

# **Attachment A**

**Recommended Conditions of Consent**

**55 Pitt Street, Redfern**

## CONDITIONS OF CONSENT

### SCHEDULE 1A

#### APPROVED DEVELOPMENT/DESIGN MODIFICATIONS/COVENANTS AND CONTRIBUTIONS/USE AND OPERATION

**Note:** Some conditions in Schedule 1A are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of Occupation Certificate, where indicated.

#### (1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2019/843 dated 7 August 2019 and the following drawings prepared by Solgen Energy Group:

Drawing Number	Drawing Name	Date
GE-12625P66-107.3 rev A	Site plan	21.10.2019
GE-12625P66-107 rev B	West and south elevation	23.08.2019
GE-12625P66-107.2 rev A	East elevation	21.10.2019
D-GE-12625P66-101 rev G	33kWP Photovoltaic System Layout	01.09.2019

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

## SCHEDULE 1B

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

#### (2) WASTE AND RECYCLING MANAGEMENT

During construction the proposal must comply with the relevant provisions of Council's *Guidelines for Waste Management in New Developments 2018* which requires facilities to minimise and manage waste and recycling generated by the proposal.

#### (3) APPLICATION FOR HOARDINGS AND SCAFFOLDING INSTALLED ON OR ABOVE A PUBLIC ROAD AND OPERATING HOISTING DEVICES INCLUDING BUILDING MAINTENANCE UNITS OVER A PUBLIC ROAD

- (a) A separate application under Section 68 of the *Local Government Act 1993* and Section 138 of the *Roads Act 1993* is to be made to Council to erect a hoarding and/or scaffolding (temporary structures) on or above a public road (footway and/or roadway).
- (b) Where an approval (Permit) is granted allowing the placement of temporary structures on or above a public road the structures must comply fully with Council's *Hoarding and Scaffolding Policy; Guidelines for Hoardings and Scaffolding*; and the conditions of approval (Permit) granted including:
  - (i) maintaining a current and valid approval for the full duration that the temporary structure/s is in place;
  - (ii) maintaining temporary structure/s in a structurally sound and stable condition for the full duration of installation (Clause 2.11.1);
  - (iii) bill posters and graffiti being removed within 24 hours of their placement (Clause 2.11.2);
  - (iv) maintaining temporary structures and the public place adjoining the work site in a clean and tidy condition including repainting and/or repair of graphics (Clauses 2.11.1, 2.11.4, 2.14.1 and 3.9.3);
  - (v) maintaining a watertight deck (Type B hoardings) to prevent liquids including rainwater, falling onto the footway/roadway surfaces (Clauses 3.9.1 and 3.9.4);
  - (vi) approved site sheds on the decks of a Type B hoarding being fully screened from the public place (Clause 3.9.5);
  - (vii) material and equipment not being placed or stored on the deck of Type B hoardings, unless specifically approved by Council (Clause 3.9.4);
  - (viii) providing and maintaining operational artificial lighting systems under Type B hoardings including at high-bay truck entry points (Clause 3.9.9); and
  - (ix) ensuring all required signage is provided and maintained (Clauses 3.9.3, 3.9.6, 3.9.8, 3.10.1 and 4.2).

If it is proposed to operate a hoisting device including a building maintenance unit above a public road which swings, hoists material/equipment and/or slews any part of the device over the public road, a separate application under Section 68 of the *Local Government Act 1993* and Section 138 of the *Roads Act 1993* must be made to Council to obtain approval.

**Note:** 'Building maintenance unit' means a power-operated suspended platform and associated equipment on a building specifically designed to provide permanent access to the faces of the building for maintenance (*Work Health and Safety Regulation 2011*).

## **SCHEDULE 1C**

### **DURING CONSTRUCTION/PRIOR TO OCCUPATION/COMPLETION**

#### **(4) OCCUPATION CERTIFICATE TO BE SUBMITTED**

An Occupation Certificate must be obtained from the Principal Certifier and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

#### **(5) HOURS OF WORK AND NOISE – OUTSIDE CBD**

The hours of construction and work on the development must be as follows:

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.
- (c) Notwithstanding the above, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a permit being issued by Council under Section 68 of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993.

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Unit, prior to works proceeding

The *City of Sydney Code of Practice for Construction Hours/Noise 1992* allows extended working hours subject to the approval of an application in accordance with the Code and under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

#### **(6) 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 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) 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.

**(7) NO OBSTRUCTION OF PUBLIC WAY**

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

**(8) USE OF MOBILE CRANES**

The following requirements apply:

- (a) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (b) The use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes outside of approved hours of construction can occur, subject to a permit being issued by Council under Section 68 of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993.

## SCHEDULE 2

### PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2000* apply:

- Clause 98 Compliance with *Building Code of Australia* and insurance requirements under the *Home Building Act 1989*
- Clause 98A Erection of signs
- Clause 98B Notification of *Home Building Act 1989* requirements
- Clause 98C Conditions relating to entertainment venues
- Clause 98D Conditions relating to maximum capacity signage
- Clause 98E Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 8A of the *Environmental Planning and Assessment Regulation 2000*. This can be accessed at: <http://www.legislation.nsw.gov.au>

# **Attachment B**

**Selected Drawings**

**55 Pitt Street, Redfern**

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Rev	Description	Date	Checked	Author
A	PRELIMINARY DESIGN	21.10.19	NM	ELM

**PROJECT:**

REDFERN OCCASIONAL CHILD CARE CENTRE  
55 PITT STREET, REDFERN, NSW 2016

**CLIENT:**

SYDNEY CITY

**SOLGEN ENERGY PTY LTD**

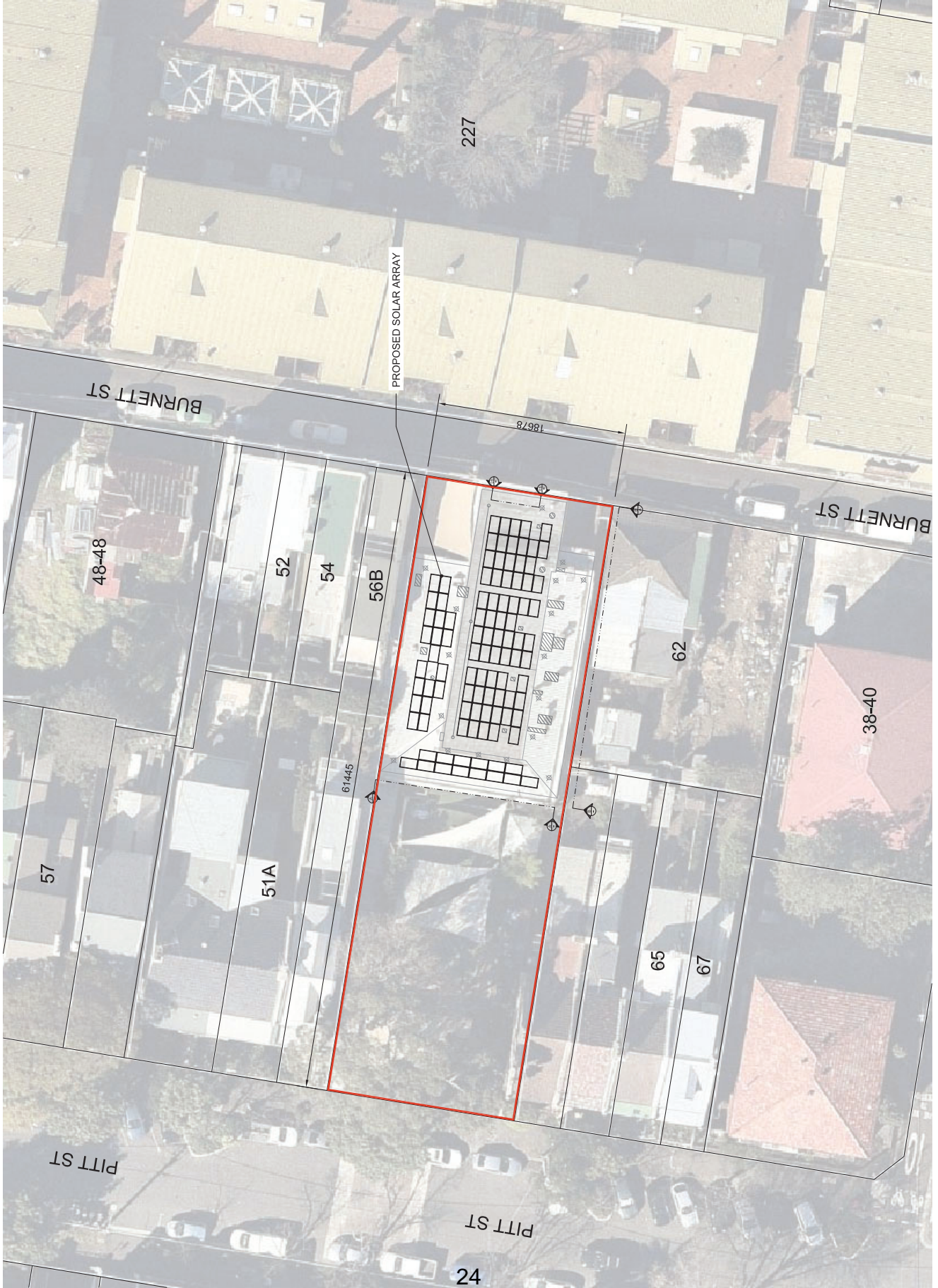
T: 1300 660 704 WEB: www.solgen.com.au  
F: 1300 660 370 EMAIL: info@solgen.com.au

**DRAWING TITLE:**

SITE PLAN

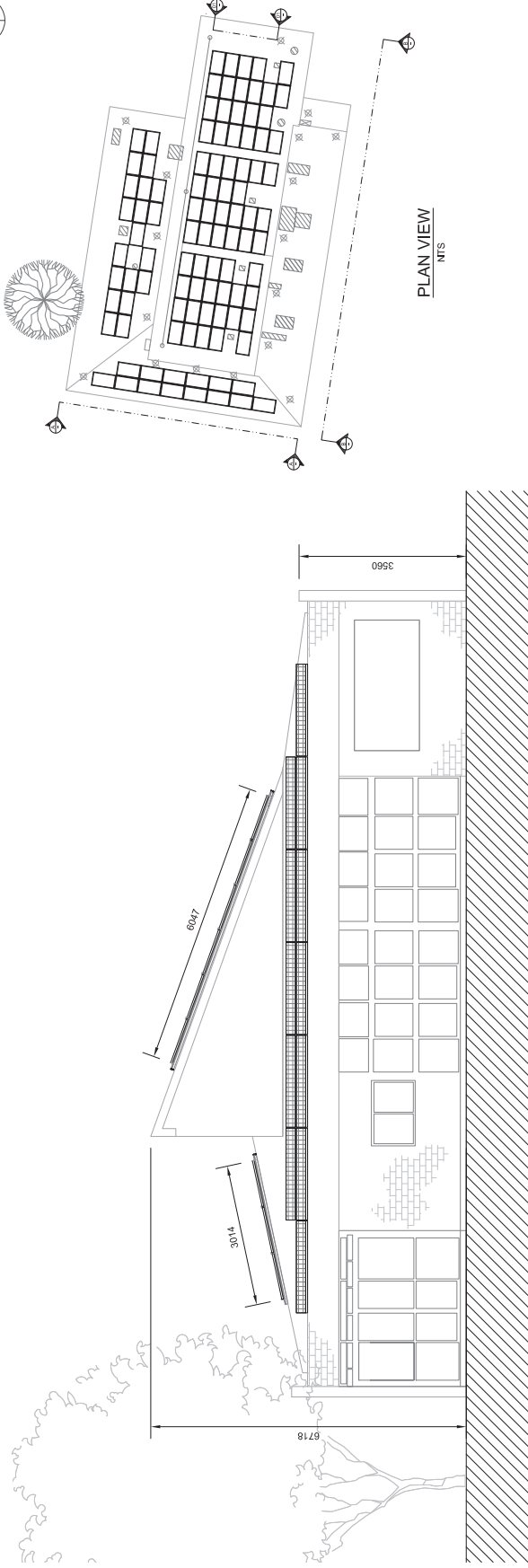
SCALE	DRAWN BY	CHECKED BY	DATE	REVISED BY	DATE	SIZE
A3 SHOWN	M. JAMES	M. JAMES	21.10.19	M. JAMES	21.10.19	A3

SITE VIEW  
NTS



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**WEST ELEVATION A-A**  
SCALE 1:100

25

**SOUTH ELEVATION B-B**  
SCALE 1:100

Rev	Description	Date	Checked	Approved
B	PRELIMINARY DESIGN	14.05.19	N/A	N/A
A	PRELIMINARY DESIGN	23.04.19	N/A	N/A

**PROJECT:**

**REDFERN OCCASIONAL CHILD CARE CENTRE**  
55 PITT STREET, REDFERN, NSW 2016

**CLIENT:**

SYDNEY CITY

**SOLGEN ENERGY PTY LTD**

T: 1300 660 704 WEBSITE: [www.solgen.com.au](http://www.solgen.com.au)  
F: 1300 660 370 EMAIL: [info@solgen.com.au](mailto:info@solgen.com.au)

**DRAWING TITLE:**

**SOLAR PV ELEVATIONS**

SCALE	ISSUED	DATE	BY	REV	SIZE	
AS SHOWN	AS SHOWN	23/04/2019	23/04/2019	23/04/2019	A3	
DRAWING No. <b>GE-12625P66-107</b>					Rev	B



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Rev	Description	Date	Checked/Authorised
A	PRELIMINARY DESIGN	21.10.19	NM

**PROJECT:**  
**REDFERN OCCASIONAL CHILD CARE CENTRE**  
 55 PITT STREET, REDFERN, NSW 2016

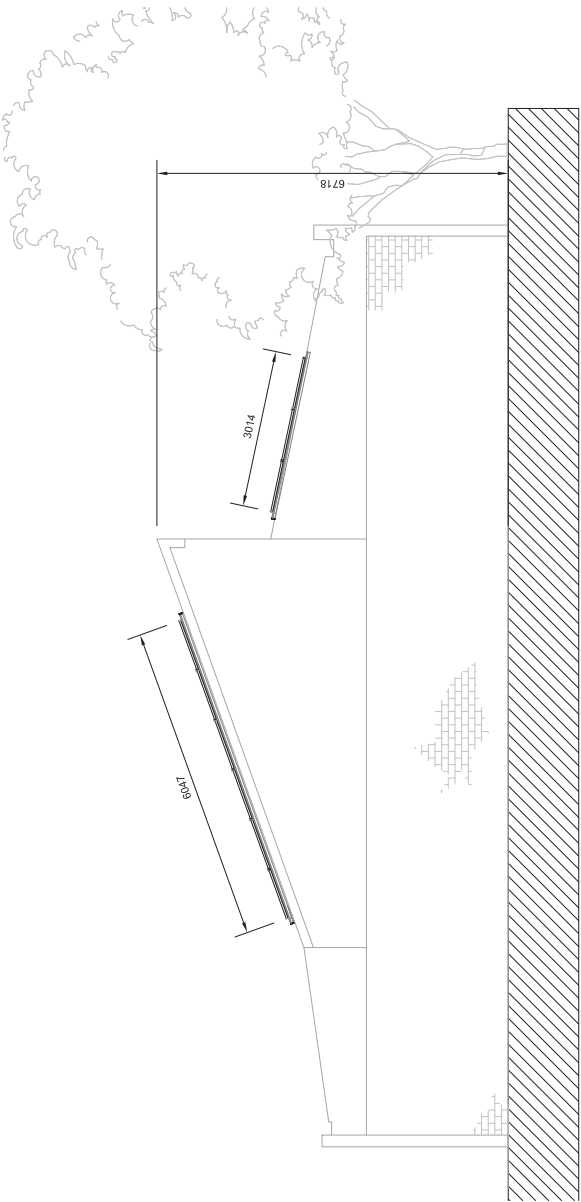
**CLIENT:**  
**SYDNEY CITY**

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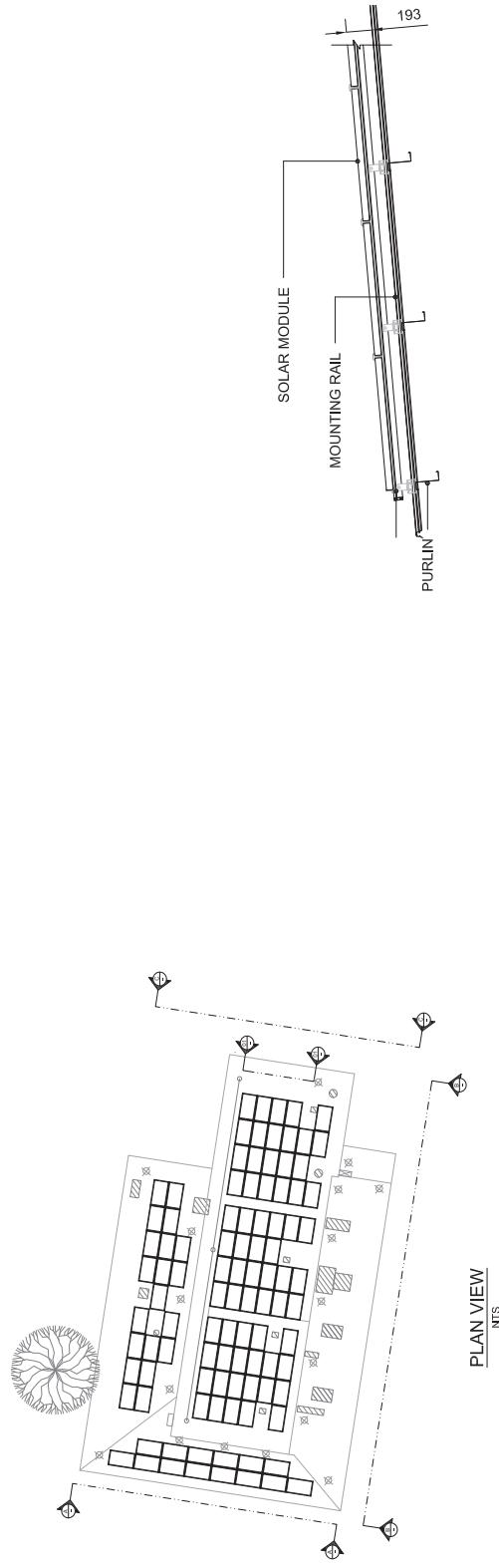
**DRAWING TITLE:**  
**SOLAR PV EAST ELEVATION**

SCALE	DRAWN BY	CHECKED BY	APPROVED BY	DATE	SIZE
AS SHOWN	NM	NM	NM	21.10.19	A3

**DRAWING No. GE-12625P66-107.2**



**EAST ELEVATION C-C**  
 SCALE 1:100



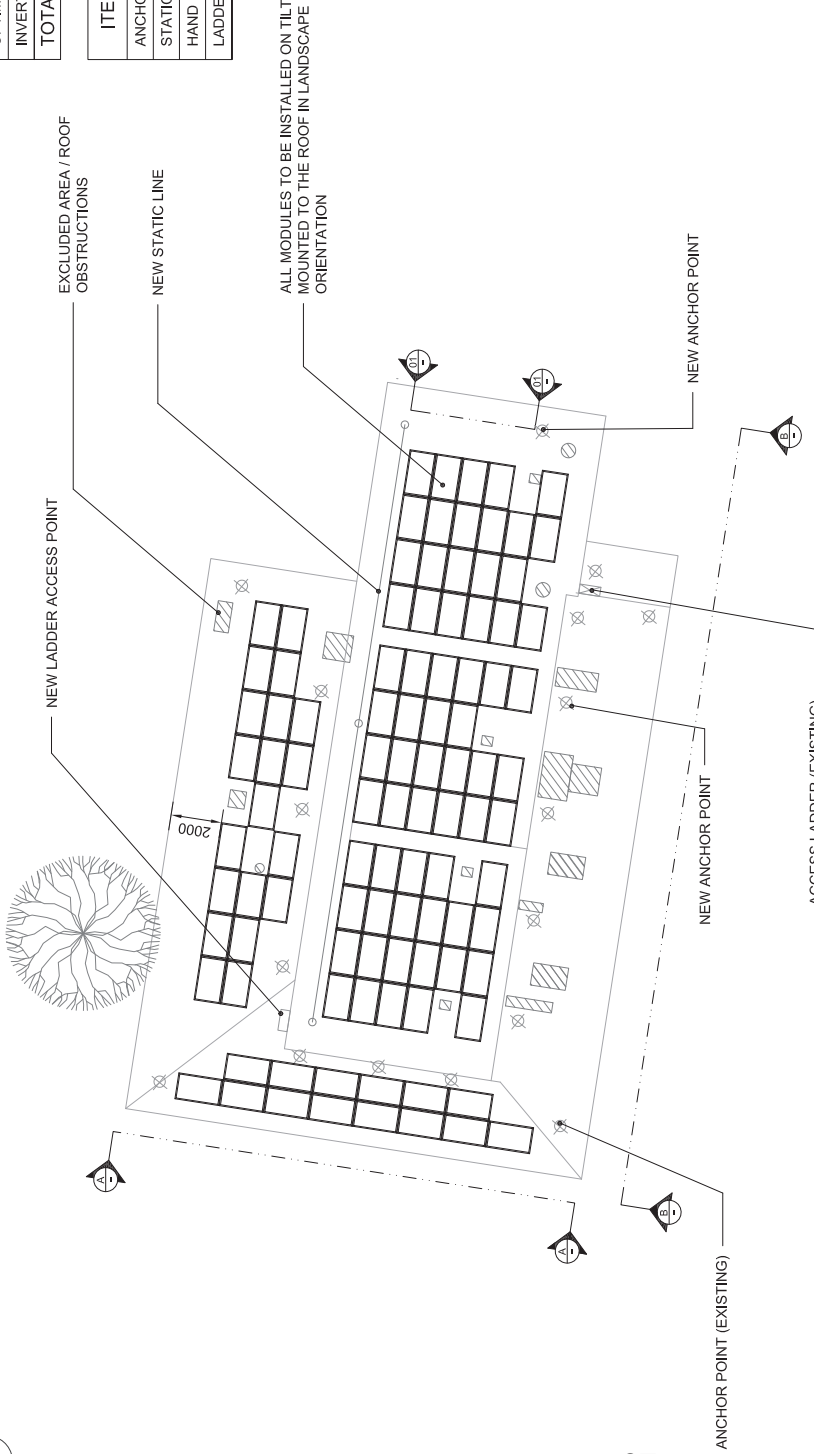
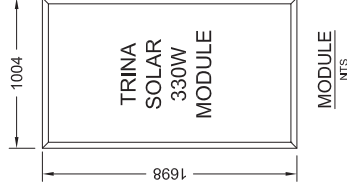
**PLAN VIEW**  
 NTS

**GENERAL NOTES:**

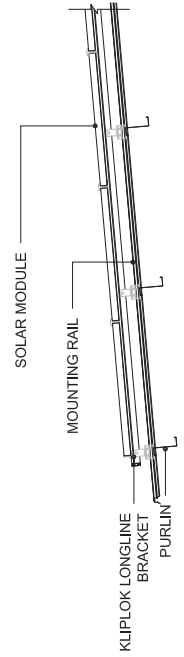
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- EXACT LOCATION OF ALL PARTS OF THE INSTALLATION TO BE DETERMINED ON SITE.
- DETAILED SHADING ANALYSIS TO BE CONDUCTED ON SITE.
- ALL CLAMPED ROOF FIXINGS MUST BE INSTALLED DIRECTLY ABOVE ROOF PURLINS.

ITEM	SPECIFICATION	QTY
MODULE	TRINA SOLAR 330W	100
OPTIMIZER	P700	50
INVERTER	SOLAREEDGE 27.6K	1
TOTAL		33kWp

ITEM	UNIT	QTY
ANCHOR POINT	EACH	0
STATIC LINE	PER METER	0
HAND RAIL	PER METER	0
LADDER HOOK	EACH	1



**SITE LAYOUT**  
1:2000



Rev	Description	Date	Checked	Approved
G	REPLACE THE PANELS	18.06.19	N.M.	N.M.
F	ITEMS ADDED	23.04.19	N.M.	N.M.
E	REPLACED SOLAR PANELS	19.11.18	S.K.	R.O.A.
D	REPLACED SOLAR PANELS	28.12.17	M.S.	T.O.
C	ACCESS SYSTEM	28.12.17	M.S.	T.O.
B	PRELIMINARY DESIGN	01.06.17	M.S.	T.O.

PROJECT:  
**REDFERN OCCASIONAL CHILD CARE CENTRE**  
 55 PITT STREET, REDFERN, NSW 2016

CLIENT:  
**SYDNEY CITY**

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DRAWING TITLE:  
**33kWp PHOTOVOLTAIC SYSTEM LAYOUT**

SCALE: DRAWN BY: SOLGEN (D.A.M/MB) AUTOCHECKED BY: A3  
 AS SHOWN DATE: 08.06.2017 TIME: 09:00:00  
 DRAWING No.: D-GE-12625P66-101 Rev G

## Item 9.

### Report to the Local Planning Panel - Status of Applications

**File No:** X019228

#### Summary

The purpose of this report is to inform members of the Local Planning Panel (LPP) of the applications that are to be reported to the LPP; applications that have been subject to modification applications and appeals of applications determined by the LPP.

Attachment A contains a list of applications due to be determined by the LPP. The list includes the application's reference number, address of the proposal, the description of the proposal, the target meeting date and the reason why the application is referred to the LPP for determination.

Attachment B contains a summary of Land and Environment Court appeal information relating to applications determined by the LPP or appeals related to deemed refusals of applications that would have been determined by the LPP.

Attachment C contains a list of applications for modification lodged in first quarter 2019/20 on previous LPP approvals.

#### Recommendation

It is resolved that the subject report be received and noted.

#### Attachments

- Attachment A.** Applications to be Reported to Local Planning Panel
- Attachment B.** Appeals related to the Local Planning Panel
- Attachment C.** List of Modification Applications Related to Local Planning Panel Approvals



**Background**

1. There are currently 31 development applications lodged with Council that are to be considered and determined by the LPP (as at 25 November 2019). The list includes applications on the December agenda. The application list is sorted by target meeting date. The list is in Attachment A.
2. Details of new Land and Environment Court appeals that relate to LPP decisions or applications that were due to be determined by the LPP but were subject of a deemed refusal appeal are in Attachment B. Additionally, on-going or completed matters will have the status or outcome listed in the table.
3. There are currently two modification applications relating to LPP approvals that are under assessment and there were three modification applications approved in the first quarter of 2019-20. The list is in Attachment C.

**Relevant Legislation**

4. Environmental Planning and Assessment Act 1979.

**GRAHAM JAHN, AM**

Director, City Planning, Development and Transport

James Farrar, Administration Officer

# **Attachment A**

**Applications to be reported to the Local  
Planning Panel**

## Applications to be reported to the Local Planning Panel

Application number	Address	Description	Meeting target	Reason for LPP determination
D/2019/1155	80 Broughton Street GLEBE	Alterations and additions to existing childcare centre. Proposal seeks to enlarge existing administration office. No change to the hours of operation or child numbers is proposed.	11/12/2019	Conflict of Interest. Council is owner
D/2019/657	326-328 Botany Road ALEXANDRIA	Concept Development Application seeking in-principle approval for demolition of the existing buildings and consent for a concept building envelope to a maximum height of 40m, with indicative uses of ground floor shops, offices at upper levels and a roof level bar and for associated public domain works and land dedication. This application is for Integrated Development requiring the approval of Water NSW under the Water Management Act 2000.	11/12/2019	Sensitive development. VPA
D/2019/842	107-125 Railway Parade ERSKINEVILLE NSW 2043	Installation of photovoltaic solar panels to rooftop of the existing building.	11/12/2019	Conflict of Interest. Council is owner
D/2019/843	55 Pitt Street REDFERN NSW 2016	Installation of photovoltaic solar panels to rooftop of existing building.	11/12/2019	Conflict of Interest. Council is owner
D/2019/875	100 Joynton Avenue ZETLAND NSW 2017	Change of use of part of ground floor to a community health services facility involving fit-out works and signage. Proposed hours of operation are 8:00am to 5:30pm, Monday to Friday.	11/12/2019	Conflict of Interest. Council is owner
D/2019/991	382-388 Botany Road BEACONSFIELD NSW 2015	Use of premises as a restricted premises retail adult shop with primary access from Botany Road and associated alterations. Proposed trading hours are 9.00am to 8.00pm Monday to Saturday inclusive and 10.00am to 8.00pm Sunday.	11/12/2019	Sensitive development. Restricted premises

Application number	Address	Description	Meeting target	Reason for LPP determination
D/2018/774	589-591 Elizabeth Street REDFERN NSW 2016	Demolition of all structures on site, earthworks, site remediation, construction of a 4 storey building for use as hotel accommodation, basement car park and ancillary licensed cafe. The licensed cafe proposed hours are 7.00am – 9.00pm, 7 days a week.	05/02/2020	Departure from development standard
D/2019/1135	13-15 Kellett Street POTTS POINT NSW 2011	Use of the ground level as a restricted premises in conjunction with the existing licensed bar and restaurant known as 'Dollhouse Nightspot', with hours of operation of 24 hours, 7 days per week. The application includes alterations to the external rear courtyard wall to provide emergency egress. The site has a rear frontage to Mansion Lane.	05/02/2020	Sensitive development
D/2019/1176	122-124 Flinders Street DARLINGHURST NSW 2010	Use public footway on South Dowling Street for outdoor seating in association with licensed premises 'The Taphouse'. The proposed outdoor dining area comprises 20.8 square meters of area. Proposed hours of use are 12.00 midday – 9.30pm, Monday to Sunday inclusive.	05/02/2020	Conflict of Interest. Council is footpath owner
D/2019/189	45 Amy Street ERSKINEVILLE NSW 2043	Demolition of existing dwelling and construction of a two storey boarding house with attic space within rear roof dormer and two front dormers. Boarding house consists of eight boarding rooms and two motorcycle and bicycle parking.	05/02/2020	Contentious development
D/2019/291	57 Ashmore Street ERSKINEVILLE NSW 2043	Integrated development application under the Water Management Act 2000. The proposal (at 'Block D') is for site preparation works and demolition of existing structures, construction of six, 2 storey plus attic terrace houses with roof top terraces, excavation for one basement level within each terrace to accommodate a car stacker, storage area and media room. The proposal includes subdivision, tree removal, and public domain works including new roads.	05/02/2020	Departure from development standards

Application number	Address	Description	Meeting target	Reason for LPP determination
D/2019/412	86 Foveaux Street SURRY HILLS NSW 2010	Alterations and additions to the existing building including a second floor addition, front balcony, green roof and Strata Subdivision of the site	05/02/2020	Departure from development standard
D/2019/517	191-195 Botany Road WATERLOO NSW 2017	Demolition of existing two storey building and car park at 195 Botany Road, construction of a 6 storey commercial building with ground floor retail and basement car parking at 195 Botany Road and subdivision. This application is for Integrated Development requiring the approval of Water NSW under the Water Management Act 2000.	05/02/2020	Departure from development standard
D/2019/554	4 Coneill Place FOREST LODGE NSW 2037	The demolition of an existing dwelling, subdivision of the land into 2 lots and construction of 2 x 2 storey detached dwellings with swimming pools.	05/02/2020	Departure from development standard
D/2019/621	21 Kellett Street POTTS POINT NSW 2011	Demolition of existing single storey garage and construction of a new six storey boarding house with 8 rooms and communal outdoor living/kitchen on the top floor.	05/02/2020	Departure from development standard
D/2019/726	2 Edward Street PYRMONT NSW 2009	Alterations to existing building including additional end of trip facilities, changes to lobby entrance and upgrades to the facade including replacement of the existing awning and additional signage. Internal works to an existing cafe.	05/02/2020	Contentious development
D/2019/880	1-3 Goddard Street ERSKINEVILLE NSW 2043	New four-storey boarding house development, containing 37 boarding rooms inclusive of on-site manager's room, new basement level, with associated site works and landscaping.	05/02/2020	Contentious development

Application number	Address	Description	Meeting target	Reason for LPP determination
D/2019/989	345-355 George Street SYDNEY NSW 2000	Construction of a two storey addition above the existing commercial for new commercial space. Proposal includes an external deck area with landscaping.	05/02/2020	Departure from development standard
D/2019/1006	181 Harris Street PYRMONT NSW 2009	Change of use of the existing building from commercial premises to a 10 room boarding house, addition of a third storey to the building, and associated internal and external alterations.	26/02/2020	Departure from development standard
D/2019/1159	94-104 Epsom Road ZETLAND NSW 2017	Tree removal, excavation, remediation, shoring and piling to facilitate the future construction of three 4 to 14 storey mixed use buildings with 2 basement levels proposed under Development Application D/2019/976 and which is being assessed at the same time. This application is for Integrated Development and requires the approval of Water NSW under the Water Management Act 2000.	26/02/2020	Conflict of Interest. Council is owner
D/2019/811	385 Wattle Street ULTIMO NSW 2007	Demolition of existing building and construction of new part four / part five storey mixed use building comprising ground floor retail and student accommodation on all levels (72 boarding rooms total). The proposal includes excavation, remediation, the construction of one basement level providing 18 car parking spaces and bike parking, and landscaping of the site.	26/02/2020	Sensitive development VPA and departure from development standard
D/2018/1581	135-139 McEvoy Street ALEXANDRIA NSW 2015	Proposed demolition of existing building and construction of 6 storey building to McEvoy Street, and a 4 storey building to the rear comprising 34 residential apartments, ground floor commercial tenancy and 2 levels of basement car parking accessed from McEvoy Street. The proposal is Integrated Development under the Water Management Act 2000, requiring the approval of Water NSW.	18/03/2020	Sensitive development VPA

Application number	Address	Description	Meeting target	Reason for LPP determination
D/2019/1026	5-11 Mentmore Avenue ROSEBERY NSW 2018	Alterations and additions to the existing building and change of use to a licensed entertainment facility, licensed function centre and office premises. The proposed hours of operation for the entertainment facility are 9am to 12am Monday to Saturday. The proposed hours of operation for the function centre are 10am to 5pm Monday to Saturday, and the proposed hours for the office are 9am to 6pm Monday to Sunday. The proposed capacity is 540 patrons.	18/03/2020	Departure from development standard
D/2019/1234	62 Glebe Point Road GLEBE NSW 2037	Alterations and additions to existing mixed use building including third storey extension, internal reconfiguration and front facade works.	18/03/2020	Departure from development standard
D/2019/1262	542-544 King Street NEWTOWN NSW 2042	Alterations to the theatre formally known as 'New Theatre' including the like for like replacement of the awning fronting King Street.	18/03/2020	Sensitive development. Public entertainment venue
D/2019/578	22-28 Mandible Street ALEXANDRIA NSW 2015	Concept development application for a 35 metre high commercial building comprising indicative ground floor retail and parking, and indicative office use above.	18/03/2020	Sensitive development VPA
D/2019/684	634 Botany Road ALEXANDRIA NSW 2015	Concept Development Application seeking in-principle approval for demolition of existing buildings, and for a concept building envelope to a height of 24.47m for ground floor shops, shop top housing, road widening and publicly accessible through site link and vehicular access to Ralph Street. This application is Integrated Development requiring approval under the Water Management Act 2000.	18/03/2020	Sensitive development VPA and departure from development standard
D/2019/732	15 O'Riordan Street ALEXANDRIA NSW 2015	Demolition of existing structures on site and construction new office administration building and service vehicle facility with on-site parking for Ausgrid Infrastructure Network Management Facility, shop and associated landscaping and public domain improvement works.	18/03/2020	Sensitive development VPA



Application number	Address	Description	Meeting target	Reason for LPP determination
D/2019/854	171A Euston Road ALEXANDRIA NSW 2015	Modifications to existing concrete batching plant including increase in annual total production from 450,000 to 525,000 tonnes per year (5,000 tonnes per day), construction of a two storey truck parking lot, additional batching house and other alterations within the site. The proposed upgrade is to operate 24/7 (as per DU/1999/798/A for a trial period). The proposal is Designated Development under the Environmental Planning and Assessment Regulations 2000, and is Integrated Development under the Protection of the Environmental Operations Act 1997 and Water Management Act 2000, requiring a licence and approval from the NSW Environment Protection Authority, and approval from Water NSW.	08/04/2020	Sensitive development. Designated development
D/2019/969	499-501 Kent Street SYDNEY NSW 2000	Stage 1 Concept Development Application for a 22 storey mixed use (residential/commercial/retail) tower above a heritage item.	08/04/2020	Sensitive development. Demolition of a heritage item.
D/2019/1082	1049 Bourke Street WATERLOO NSW 2017	Concept DA seeking in principle approval for demolition and for a concept building envelope to a height of approximately 22m, with indicative basement car-parking, ground level retail, servicing and accommodation entries and boarding rooms on upper levels. This application is for Integrated Development requiring the approval of Water NSW under the Water Management Act 2000.	29/04/2020	Sensitive development VPA

List is current as at 25/11/2019

# **Attachment B**

<p><b>Appeals Related to the Local Planning Panel</b></p>
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## Appeals Related to the Local Planning Panel

Application number	Address	Description	Appeal date	Status
Lodged in current reporting quarter				
D/2019/120	810-812A George Street HAYMARKET	Partial demolition of existing building, retention of George Street facade, excavation for one basement level, and construction of 15 storey building for use as backpackers accommodation. The proposal includes 291 dorm beds and 4 double private rooms providing for a maximum of 299 guests, a cafe, bar, pool, terrace, communal facilities and services. The building has been reduced by a storey and reduced the maximum occupancy by 12 people.	19/07/2019  Appeal 2 days after determination	Appeal of LPP refusal on 17/07/2019  Listed for s.34 on 06/03/20
Lodged prior to current reporting quarter				
D/2019/136	127-131 Macquarie Street SYDNEY	Two illuminated top of building 'Crescent Wealth' business signs to be installed on the north and west elevations of existing roof structure	07/05/2019  Appeal on day 77 of assessment	Deemed refusal appeal  5/11/19-s34 conference terminated.  Listed for hearing 18-19/06/20
D/2018/1605	9 Power Avenue ALEXANDRIA	Demolition of existing commercial building, construction of new 4 story residential apartment building containing 14 apartments and associated bicycle parking and storage	01/03/2019  Appeal on day 70 of assessment	Deemed refusal appeal  Matter heard on 13/11/19. Judgment reserved.

Application number	Address	Description	Appeal date	Status
D/2018/1314	22-38 Yurong Street , DARLINGHURST	Integrated Development for alterations and additions to an approved mixed use development (D/2015/421) to convert part of the retained commercial building into 4 apartments and 1 live/work apartment. Alterations to approved basement including additional excavation and a car stacker for 5 additional cars. The application has been amended to include air-conditioning units on the lower and upper roof. The site also has frontages to Stanley Lane and Stream Street.	21/01/2019  Appeal on day 83 of assessment	Deemed refusal appeal  Listed for s.34 conference on 22/11/19
D/2017/1332	278 Palmer Street DARLINGHURST	Alterations and additions to the existing building including a part one and part two storey addition, new basement for storage and services, and change of use to a residential flat building containing 10 apartments and a rooftop terrace.	27/11/2018  Appeal 20 days after determination	Appeal of refusal by LPP on 07/11/2018 as per staff recommendation  Matter heard on 6-8/11/19. Judgment reserved.
D/2018/335	400/65 Cowper Wharf Roadway WOOLLOOMOOLOO	Alterations and additions to an existing mixed-use building to include a green roof for the Level 4, Penthouse apartment.	12/11/2018  Appeal 33 days after determination	Appeal of refusal by LPP on 10/10/2018 as per staff recommendation  Listed for hearing on 5-6/02/2020
D/2018/525	137-153 Crown Street DARLINGHURST	Alterations and additions to existing commercial premises including construction of fourth floor and internal alterations and change of use of ground floor to retail. Proposed trading hours are 7.00am – 6.00pm, Mondays to Sundays inclusive.	15/10/2018  Appeal on day 150 of assessment	Deemed refusal appeal  Listed for hearing on 12-13/3/20.

Application number	Address	Description	Appeal date	Status
D/2017/1606	42 Hardie Street DARLINGHURST	Alterations and additions to the existing building for the construction of a part-4, part-5 and part-6 storey mixed-use development containing basement storage and services; ground floor retail space and an apartment; and aboveground apartments. Seven apartments are proposed. Pedestrian access is proposed from Hardie Street. No car parking is proposed.	29/05/2018  Appeal on day 191 of assessment	Deemed refusal appeal  Listed for hearing on 18-19/3/20.
D/2017/1426	27 Church Street CAMPERDOWN	Demolition of existing building and construction of a three storey plus attic level residential flat building comprising five apartments with terraces.	27/09/2018	Refused by LPP as per staff recommendation 28/03/2018  Listed for hearing on 12-13/12/19.
Completed appeals in current reporting quarter				
D/2019/226	9 Power Avenue ALEXANDRIA	Alterations and additions to the existing commercial building including addition of a 3rd storey	26/04/2019  Appeal on day 48 of assessment	Deemed refusal appeal  11/10/19 - Judgment handed down on 11 October 2019.  Appeal upheld on amended plans and conditions.
D/2018/875	86-92 Harris Street PYRMONT	Partial excavation of the site and construction of a five storey commercial building with two basement levels of car parking.	21/12/2018  Appeal on day 143 of assessment	Judgment handed down.  Appeal upheld on amended plans following s.34 agreement.

Application number	Address	Description	Appeal date	Status
D/2018/1407	17-19 Dunning Avenue ROSEBERY	Alterations and additions to the existing building to construct a 4 storey commercial building	11/01/2019 Appeal on day 52 of assessment	Judgment handed down on 16/10/19. Appeal upheld on amended plans.
D/2018/194	52 Argyle Place MILLERS POINT	Alterations and additions to a dwelling house. Works include internal and external changes, rear extension, excavation, landscaping, services upgrade, air conditioning and conservation works. The application is Integrated Development under the Heritage Act 1977, requiring approval of the NSW Heritage Council.	20/12/2018 Appeal 168 days after determination	Judgment handed down on 1/08/19. Appeal upheld on amended plans.
D/2017/1809	9 Power Avenue ALEXANDRIA	Demolition of existing commercial building, site remediation, construction of a new 4 storey mixed use development containing 12 residential apartments with communal open space on the roof, one commercial tenancy at ground floor and associated bicycle parking and storage.	19/12/2018 Appeal 7 days after Court refusal	Judgment handed down on 7/08/19. Appeal dismissed.

List current as at 25/11/2019

# **Attachment C**

**List of Modification Applications lodged on  
Local Planning Panel approvals**

## List of Modification Applications lodged on Local Planning Panel Approvals

Application number	Address	Description	Lodgement date	Status
D/2018/360/A	29-33 Bourke Road ALEXANDRIA	Section 4.55(2) modification to design including reduced basement excavation, internal alterations and amended building footprint.	05/07/2019	Under assessment
D/2017/1552/D	26-30 City Road CHIPPENDALE	Section 4.55(1A) modification seeking the removal of 1 glazed window and infill with brickwork on the front facade	29/08/2019	Approved
D/2018/1615/A	132-138 McEvoy Street ALEXANDRIA	S4.55(1) Amend condition 75 (B) to address Council error	06/09/2019	Approved
D/2018/1305/A	208-218 Riley Street SURRY HILLS	S4.55 1 - Delete conditions 2, 6 and 7 as double ups with conditions in D/2018/1451	23/10/2019	Approved
D/2018/1451/A	208-218 Riley Street SURRY HILLS	Section 4.55 (1A) of consent for minor external and internal alterations including relocation of the lift core, changes to approved fenestration, materials and façade planting and internal alterations including lowering of the loading dock level, reconfiguration of the basement and ground floor.	7/11/2019	Under assessment

As at 25/11/19