

Local Planning Panel

Meeting No 87

Wednesday 20 September 2023

Notice Date 13 September 2023

minutes

Index to Minutes

ITEM	PAGE NO
1. Disclosures of Interest	2
2. Confirmation of Minutes	2
3. Development Application: 50 Bray Street, Erskineville - D/2022/1278	3
4. Development Application: 502-514 Elizabeth Street and 272-276 Cleveland Street, Surry Hills - D/2022/600	10
5. Development Application: 19-21 Buckland Street, Chippendale - D/2022/1359.....	14

Present

Mr Steven Layman (Chair), Ms Penny Murray, Mr Brendan Randles and Mr John McInerney AM.

At the commencement of business at 5.01pm, those present were:

Mr Layman, Ms Murray, Mr Randles and Mr McInerney.

The Manager Planning Assessments was also present.

The Chair opened the meeting with introductory comments about the purpose and format of the meeting and an acknowledgement of country.

Order of Business

The Panel agreed that the order of business be altered, such that Item 4 be dealt with prior to Item 3, for the convenience of registered speakers.

Item 1 Disclosures of Interest

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

No members disclosed any pecuniary or non-pecuniary interests in any matter on the agenda for this meeting of the Local Planning Panel.

Item 2 Confirmation of Minutes

The Panel noted the minutes of the Local Planning Panel of 6 September 2023, which have been endorsed by the Chair of that meeting.

Item 3 Development Application: 50 Bray Street, Erskineville - D/2022/1278

The Panel:

- (A) upheld the variation requested to the Height of Buildings development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012; and
- (B) granted consent to Development Application Number D/2022/1278 subject to the conditions set out in Attachment A to the subject report, subject to the following amendments (additions shown in **bold italics**, deletions shown in ~~strikethrough~~):

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2022/1278 dated 07/12/2022 and the following drawings prepared by Katris Architects:

Drawing Number	Drawing Name	Date
A002 Rev C	Ground Floor Plan/ Site Plan	21/08/2023
A003 Rev C	Level 1	21/08/2023
A004 Rev C	Attic Plan	21/08/2023
A005 Rev C	Roof Plan	21/08/2023
A006 Rev C	Sections	21/08/2023
A007 Rev C	North & South Elevations	21/08/2023
A008 Rev C	East & West Elevations	21/08/2023
A008B Rev C	East & West North & Eastern Elevations without fencing	21/08/2023
A019 Rev C	Demolition Plan	21/08/2023

and the following drawings prepared by Greenland Design Landscape Architects

Drawing Number	Drawing Name	Date
2644.GD.01 Rev B	Landscape Plan	29/05/2023

Drawing Number	Drawing Name	Date
2644.GD.02 Rev B	Landscape Details & Specification	29/05/2023

and the following drawing prepared by Victor John Mansell:

Drawing Number	Drawing Name	Date
205618-3	Plan of Proposed Subdivision of Lot A D.P 110203	undated

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) Details of the balustrade and privacy screen to the first floor level are to be provided at a 1:50 scale which detail the dimensions of the height, spacing and size of these elements. The details should illustrate where the screen is positioned in relation to the balustrade and to the balcony hob and depict how these elements are fixed.
- (b) The patio of Building 2 must be reduced in width by 450mm at the eastern end.
- (c) Details of the privacy screen to the rear patio of Buildings 1 and 2 are to be provided at a 1:50 scale and must include materiality, finishes, and spacing between privacy blades.
- (d) Frosted glazing is to be provided to the ground floor WCs at Building 1 and 2.
- (e) Details of the retractable canvas awning are to be specified, including manufacturer's products, finishes/colours.
- (f) The blade wall of Building 1 on the western boundary is to be reduced in height by approximately 800mm so that it is no higher than the top of the adjoining boundary fence.
- (g) The rear fence must be 1.8m in height including where the fence steps in height.
- (h) The downpipes must be repositioned behind the screens on the Level 1 balconies of Buildings 1 and 2.
- (i) ***Operable fanlights are to be provided to the windows above the front doors of Buildings 1 and 2.***

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

(28) PARTY WALLS BETWEEN LOTS 1 AND 2

- (a) ~~The part(s) of the common boundaries between the lots in the subdivision occupied by the shared walls of the abutting buildings are to be shown as "Party Wall" on the final Plan of Subdivision in order to invoke the statutory provisions of Section 181B of the *Conveyancing Act, 1919* and create the required Easements for Support.~~ **Where the design of the building walls adjacent to the common boundary between Lots 1 and 2 depart from independent and unattached construction, and a shared structural wall is constructed, the final Plan of Subdivision shall note the wall as a party wall, to invoke the provisions of Section 88BB(1)b of the *Conveyancing Act, 1919* and create cross-easements for support.**
- (b) ~~The party walls must be of masonry construction and extend at a minimum to the underside of the roof structure.~~ **Where the walls are constructed independently, and not shared structurally, offsets from the walls to the boundaries must be shown on the subdivision plan, or, if there is no gap, the plan must be noted as "Separate Walls", pursuant to clause 63(e) of the *Surveying And Spatial Information Regulation 2017*.**

(32) FLOOD PLANNING LEVELS

The development must be constructed to comply with the recommended flood planning level of 14.3 AHD **for Buildings 1 and 2, and 14.2 AHD for Building 3** as indicated in the report titled "Flood Risk Management Report" prepared by Telford Civil dated October 2022 **as amended May 2023**.

Details must be submitted to the Registered Certifier prior to the issue of any Construction Certificate demonstrating that the development will comply with the recommended flood planning levels.

(45) TREE PROTECTION ZONE

- (a) Before the commencement of works, Tree Protection Zone/s (TPZ) must be established around all trees to be retained not less than the distance indicated in the TPZ schedule below.
- (b) Tree protection must be installed and maintained in accordance with the Australian Standard 4970 Protection of Trees on Development Sites and with the following schedule:

TPZ Schedule

Tree No.	Species Name	Location	Radius (m) From Trunk
1 to 3	<i>Fraxinus graffithii</i> (Evergreen Ash)	Bray Street (Street Trees)	3.5
4	<i>Shinus molle</i> (Peppercorn Tree)	49 Devine Street (Rear Yard)	9.5 4

Note: Only applies to the TPZ within the subject development site and the public domain.

- (c) Ground surface protection must be installed if construction access is required through any TPZ of this condition where hard surface / paving is not existing. The ground protection must be:
 - (i) Protected with boarding (ie scaffolding board or plywood sheeting or similar material), placed over a layer of mulch to a depth of at least 75mm and geotextile fabric;
 - (ii) The protective boarding must be left in place for the duration of the construction and development.
- (d) The following works must be excluded from within any TPZs **of trees 1-3 (street trees)**:
 - (i) Excavation except for the localised siting of piers / demolition of the concrete slab;
 - (ii) Soil cut or fill including trenching;
 - (iii) Soil cultivation, disturbance or compaction;
 - (iv) Stockpiling, storage or mixing of materials;
 - (v) The parking (except existing on street parking), storing, washing and repairing of tools, equipment and machinery;
 - (vi) The disposal of liquids and refuelling;
 - (vii) The disposal of building materials;
 - (viii) The siting of offices or sheds;
 - (ix) Any action leading to the impact on tree health or structure.
- (e) Any trenching works for services / hydraulics / drainage etc must not be undertaken within any TPZ. Alternative installation methods for services, such as directional boring/drilling, or redirection of services must be employed.
- (f) All work undertaken within or above the TPZ must be:
 - (i) Carried out in accordance with a work methodology statement prepared by an Arborist (minimum AQF Level 5) and written approval is obtained from Council's Tree Management Officer before its implementation; and
 - (ii) Supervised by a Project Arborist (minimum AQF Level 5).

(60) TREE PROTECTION DURING CONSTRUCTION

All trees that will be affected by the development within the property and on any adjoining land, must be protected in accordance with the Australian Standard 4970 Protection of Trees on Development Sites and as follows:

- ~~(a) Stockpiling, storage or mixing of materials, washing of equipment, vehicle parking, disposal of liquids, machinery repairs and refuelling, disposal of building materials such as cement slurry, siting of offices or sheds and the lighting of fires, must not occur within 9.5 metres of the trunk of any tree to be retained (including trees within adjoining properties).~~
- ~~(b) Excavation (except for localised siting of piers) must not occur within 9.5 metres of the trunk of the trees (including trees within adjoining properties). If excavation is proposed within this zone, Council's Tree Management Officer must be contacted immediately and the excavation must be carried out in accordance with Council's direction.~~
- ~~(c) Excavations for the footings where they are within (insert distance) metres of any tree (including trees in adjoining properties) must be undertaken using non-destructive methods (such as by hand) to ensure no tree roots greater than 40mm diameter are damaged, pruned or removed.~~
- ~~(d) Footings must be relocated / realigned if any tree root greater than 40mm in diameter is encountered during excavations. A minimum of 150mm clearance must be provided between the tree root and footing.~~
- ~~(e) Tree trunk and major branch protection must be undertaken prior to the commencement of any works. The protection must be installed and certified by a qualified Arborist (minimum AQF 3) and must include:

 - ~~(i) Tree trunk/s and/or major branches must be protected by wrapped thick carpet underlay or similar padding material to limit damage;~~
 - ~~(ii) Timber planks (50mm x 100mm must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion;~~
 - ~~(iii) Tree trunk and major branch protection is to remain in place for the duration of construction and development works, and must be removed at the completion of the project.~~~~
- ~~(f) The consent from Council's Tree Management Officer must be obtained prior to the undertaking of any tree pruning works, including tree roots greater than 40mm in diameter. Only minor pruning works will be approved by Council.~~

(75) NOISE – COMMERCIAL PLANT / INDUSTRIAL EQUIPMENT IN THE DEVELOPMENT

- (a) Noise from commercial plant and **equipment in the** industrial development must not exceed a project amenity/intrusiveness noise level or maximum noise level in accordance with relevant requirements of the NSW EPA [Noise Policy for Industry 2017 \(NPfI\)](#) unless agreed to by the City's Area Planning Manager. Further:
 - (i) Background noise monitoring must be carried out in accordance with the long-term methodology in [Fact Sheet B](#) of the NPfI unless otherwise agreed by the City's Area Planning Manager.

- (ii) ~~Commercial~~ Plant is limited to heating, ventilation, air conditioning, refrigeration and energy generation equipment.
- (b) An $L_{Aeq,15 \text{ minute}}$ (noise level) emitted from the development must not exceed the $L_{A90, 15 \text{ minute}}$ (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:
 - (i) The noise level and the background noise level must both be measured with all external doors and windows of the affected residence closed.
 - (ii) Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premises.
- (c) Corrections in [Fact Sheet C](#) of the NPfl are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

Reasons for Decision

The application was approved for the following reasons:

- (A) The proposal is generally consistent with the relevant objectives and controls of the Sydney Local Environmental Plan 2012 (LEP) and Sydney Development Control Plan 2012 (DCP).
- (B) Based upon the material available to the Panel at the time of determining this application, the Panel is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6(3) of the Sydney LEP 2012, that compliance with the Height of Buildings development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 4.3 of the Sydney LEP 2012; and
 - (ii) the proposal is in the public interest because it is consistent with the objectives of the R1 General Residential zone and the Height of Buildings development standard.
- (C) The proposed development complies with the maximum floor space ratio development standard contained in clause 4.4 of the Sydney Local Environmental Plan 2012
- (D) The proposed development provides an appropriate contribution that is suitable in terms of its context, scale and built form which is consistent with the desired future character of the area, subject to conditions. As such, the proposed development exhibits design excellence in accordance with the requirements contained in clause 6.21C of the Sydney Local Environmental Plan 2012.
- (E) The development is generally consistent with the objectives of the Sydney Development Control Plan 2012.
- (F) Suitable conditions of consent are recommended, and the development is considered to be in the public interest.
- (G) Condition 1 was amended to refer to the correct title of an elevation drawing.
- (H) Condition 2 was amended in line with a Design Advisory Panel Residential Subcommittee recommendation, to improve amenity.
- (I) Condition 28 was amended to allow for construction as a party wall or construction as structurally independent walls.

- (J) Condition 32 was amended to refer to the correct flood planning levels for Building 3 and to refer to the amended Flood Risk Management Report dated May 2023.
- (K) Condition 45 was amended to ensure the adequate protection of the tree during construction, whilst ensuring that there is no conflict between the wording of the condition and the proposed development.
- (L) Condition 60 was deleted as the condition is duplicating requirements for the protection of trees that are already covered through Conditions 45 and 62.
- (M) Condition 75 was amended for clarity to address neighbouring residents' concerns.

Carried unanimously.

D/2022/1278

Speakers

David Banks.

Chris Katris (Katris Architects) – on behalf of the applicant, and Anthony Betros (ABC Planning) – on behalf of the applicant.

Item 4 Development Application: 502-514 Elizabeth Street and 272-276 Cleveland Street, Surry Hills - D/2022/600

The Panel:

- (A) upheld the variation requested to the height of buildings development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012;
- (B) upheld the variation requested to the floor space ratio development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012; and
- (C) pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, granted a deferred commencement consent to Development Application Number D/2022/600 subject to the conditions set out in Attachment A to the subject report, subject to the following amendments (additions shown in ***bold italics***, deletions shown in ~~strike through~~):

(2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) The basement carpark must be setback 5.5 metres from the northern property boundary (Goodlet Street) to allow for the retention of the existing paperbark street trees.
- (b) The signage zone shown on the corner of Goodlet and Elizabeth Street is not approved and is to be deleted from the plans.
- (c) The letterboxes are to be relocated to a secure location.
- (d) The design of the footpath awning on Cleveland Street is to be amended so that the clearance height between the footpath and the kerb is no less than 3.2m at any given point.
- (e) The architectural plans are to be amended to include markups and additional annotations regarding requirements and output capacity for PV systems. To maintain consistency with sustainability reporting in the development application; annotations are required to clearly identify a photovoltaic system, totalling a peak capacity in line with previously reported 45 kWp.
- (f) ***On the ground floor of the Elizabeth Street frontage, the second bay from the corner of Goodlet Street and Elizabeth Street within Tenancy 6 is to be provided with an 'in-go' in the form of a recessed doorway, as per the other shopfronts further to the south.***

The modifications are to be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager Planning prior to the issue of a construction certificate.

(33) ALLOCATION OF PARKING

The number of car parking spaces to be provided for the development, **with the exception of the small rigid vehicle loading dock**, must ~~comply with~~ **not exceed** the table below. Details confirming the parking numbers must be submitted to the satisfaction of the Registered Certifier prior to the issue of a Construction Certificate.

Car Parking Type	Number
Office and business parking	16
Accessible office and business parking	2
Retail parking	8
Subtotal	26
Motorcycle parking	3
Small Rigid Vehicle loading dock(s)	1
Total	30

(94) TREE ROOT INVESTIGATION

Prior to determining the final location of the underground car park and the design of the footing along the boundary:

- (a) Exploratory root investigation must be undertaken by a qualified Arborist (minimum AQF Level 5) along the north alignment. This shall consist of carefully removing the asphalt and hand digging a trench along the boundary to expose tree roots to a minimum depth of 800mm below the existing grade. An assessment of tree root size, number and condition must be provided (including photos) in a report and submitted to Council's Area Planning Manager for approval prior to installation of the driveway and crossover.
- (b) In the event any large structural roots (greater than 40mm diameter) are identified as a result of the exploratory root investigation, the underground carpark is likely to require ~~five~~ **5.5** metres' setback from the boundary to ensure the street tree is not compromised as a result of the works.
- (c) In the event any large structural roots (greater than 40mm diameter) are identified as a result of the exploratory root investigation, the design of the northern footing must be constructed without the use of a continuous strip footing. The construction method shall include pier and beam footing or other root sensitive methods, to ensure tree roots greater than 40mm in diameter are not damaged, pruned or removed during construction of the wall.
- (d) Any root pruning approved by Council must be undertaken by a qualified Arborist with a minimum AQF level 3.

Reasons for Decision

The application was approved for the following reasons:

- (A) The proposal satisfies the objectives of the Environmental Planning and Assessment Act, 1979, in that subject to the imposition of the recommended conditions of consent, it is generally consistent with the planning controls applicable to the site, and where variances are proposed these are acceptable for the reasons outlined in the report to the Local Planning Panel.
- (B) Based upon the material available to the Panel at the time of determining this application, the Panel is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6(3) of the Sydney LEP 2012, that compliance with the height of buildings and floor space ratio development standards is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clauses 4.3 'Height of buildings' and 4.4 'Floor space ratio' of the Sydney LEP 2012; and
 - (ii) the proposal is in the public interest because it is consistent with the objectives of the MU1 'Mixed Use' zone and the height of buildings and floor space ratio development standards.
- (C) The proposal otherwise satisfies the objectives and provisions of State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, the Sydney Local Environmental Plan 2012, and the Sydney Development Control Plan 2012.
- (D) The proposal is consistent with the objectives of the MU1 'Mixed Use' zone and the SP2 'Infrastructure' zone.
- (E) The proposal will contribute to the conservation of the Goodlet Street heritage conservation area (C63) through the retention and enhancement of part of 502-508 Elizabeth Street.
- (F) The proposed development appropriately responds to the site and its context, with a building that is appropriate in terms of its height, floorspace and architectural expression, and achieves design excellence.
- (G) The proposed land uses are permissible within the zone and will support the vitality of the area. Subject to the recommended conditions of consent, the proposed land uses will positively contribute to the amenity of the locality and will not result in adverse impacts.
- (H) The public interest is served by the approval of the development, as amendments to the design have generally addressed the concerns of Council staff and the community, and the recommended conditions of consent will mitigate any environmental impacts that could potentially arise from the construction and operation of the proposed development.
- (I) Condition 2 was amended to more genuinely reflect the original shopfronts.
- (J) Condition 33 was amended, except as it relates to the loading dock, to allow for fewer car parking spaces without the need to modify the development consent.

- (K) Condition 94 was amended to correct a typographical error, ensuring consistency with Condition 2 and aligning with the recommendations of the City's Tree Management Unit.

Note: The Panel drew the attention of Council and the Director of City Planning Development and Transport to the continuing heritage impact of 1950's road widening reservations along Cleveland Street.

Carried unanimously.

D/2022/600

Speakers

Margaret McCullagh-Dennis.

Michael Grassi (Podia) – on behalf of the applicant, Michael Rowe (Ethos Urban) – on behalf of the applicant, and Adam Haddow (SJB) – on behalf of the applicant.

Item 5 Development Application: 19-21 Buckland Street, Chippendale - D/2022/1359

The Panel:

- (A) upheld the variation requested to Clause 4.3 'Height of buildings standard' in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012; and
- (B) granted consent to Development Application Number D/2022/1359 subject to the conditions set out in Attachment A to the subject report, subject to the following amendments (additions shown in **bold italics**, deletions shown in ~~strikethrough~~):

(2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

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

(4) RETENTION OF STEEL BEAMS

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

(5) MATERIALS AND SAMPLES – MAJOR DEVELOPMENT

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

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

(11) BUILDING HEIGHT

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

(22) WASTE AND RECYCLING MANAGEMENT – GENERAL

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

(25) NO OBSTRUCTIONS

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

(46) ALLOCATION OF PARKING

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

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

(51) LEVEL 4 LANDSCAPE TERRACE

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

requirements, location of any anchor points, gates, and transport of materials and green waste.

- (b) Prior to the issue of an Occupation Certificate, structural and waterproofing certifications for the ~~green roof~~ **landscaped terrace** are to be submitted to and approved by the Principal Certifying Authority.
- (c) All landscaping in the approved plan must be complete prior to the issue of an Occupation Certificate.

(54) WASTE AND RECYCLING MANAGEMENT – COMMERCIAL

- (a) The Waste and Recycling Management Plan accompanying this Development Application has been approved by this consent [Trim 2023/000856].
- (b) All requirements of the approved Waste and Recycling Management Plan must be implemented during construction and operation of the development and include:
 - (i) Dedicated space to be provided within the development for the storage and recycling of bulky waste, problem waste, strip out and food waste;
 - (ii) Collection points for waste and recycling must be wholly located within the boundary of the development;
 - (iii) ***With the exception of vehicle size requirements*** the nominated waste and recycling storage areas must be constructed to meet the relevant conditions required by the City's Guidelines for Waste Management in New Developments 2018;
 - (iv) Provision and storage within the boundary of the development of waste and recycling receptacles and any bulky waste at all times;
 - (v) Commercial tenancies must have a commercial waste contract(s) in place prior to commencement of business trading;
 - (vi) The path of travel between the bin storage areas/bulky waste storage areas and the designated waste/recycling collection point is to have a minimum 1,200mm wall-to-wall clearance, be slip-proof, of a hard surface, be free of obstructions and at no point have a gradient exceeding 1:14. The use of a lift is permitted, but consideration should be given to the inclusion of a service lift in this instance.

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

UPON COMPLETION OF THE DEVELOPMENT

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

(104) LOADING DOCK SCHEDULE/REISTER REGISTER

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

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

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

Reasons for Decision

The application was approved for the following reasons:

- (A) Based upon the material available to the Panel at the time of determining this application, the Panel is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6(3) of the Sydney LEP 2012, that compliance with the 'Height of buildings' development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 4.3 of the Sydney LEP 2012; and
 - (ii) the proposal is in the public interest because it is consistent with the objectives of the MU1 Mixed Use zone and the 'Height of buildings' development standard.
- (B) The proposal satisfies the design excellence provisions of clause 6.21C of the Sydney Local Environment Plan 2012.
- (C) The design of the development responds appropriately to the scale of surrounding buildings.
- (D) The development, subject to conditions, will not adversely affect the character of the (C9) Chippendale Heritage Conservation Area, and is compatible with the character of the (2.3.1) Chippendale locality.
- (E) Conditions 2, 4, 5, 11, 22, 25, 46, 51, 54 and 104 were amended to clarify the scope of the conditions and correct typographical errors.

Carried unanimously.

D/2022/1359

Speakers

Nell O'Brien (Gyde Consulting) – on behalf of the applicant, and Brian Mariotti (AJC Architects) – on behalf of the applicant.

Wednesday 20 September 2023

18

The meeting of the Local Planning Panel concluded at 6.12pm.

CHAIR