

# Local Planning Panel

Meeting No 2

Wednesday 11 April 2018

Notice Date 4 April 2018

*minutes*

*city of villages*

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### Present

Mr Richard Pearson (Chair), Professor Helen Lochhead, Mr Shaun Carter and Ms Amelia Thorpe.

At the commencement of business at 5.00 pm, those present were:

Mr Pearson, Prof. Lochhead, Mr Carter and Ms Thorpe.

The Director City Planning, Development and Transport was also present.

### Apologies

Nil.

**Item 1      Disclosures of Interest**

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 meeting of 28 March 2018 which had previously been endorsed by the Chair.

**Item 3      Matters Arising from the Minutes**

There were no matters arising from the minutes of the Local Planning Panel meeting of 28 March 2018.

**Item 4 Development Application: 98-106 Kippax Street, Surry Hills**

The Panel:

- (A) Supported the variation to Clause 4.3 Height of Buildings development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environment Plan 2012.
- (B) Granted consent to Development Application No. D/2017/225 subject to the conditions recommended in [Attachment A](#) to the planning officer's report and subject to the following amendments (additions shown in ***bold italics*** and deleted text shown in ~~strikethrough~~):

**(2) Design Modifications to Development**

The drawings must be revised to reflect the following design modifications, to the satisfaction of Council's Area Planning Manager, prior to the issue of any Construction Certificate:

- (a) balustrades identified as being constructed using 'Balustrade Type 2' shall consist of ***solid metal panels with a vertical profile to match cladding type CL2*** ~~fixed metal louvres that are angled to prevent direct overlooking between the site and the adjoining residential building at 81 Foveaux Street. Detailed balustrade drawings shall be submitted to a scale of 1:20;~~
- (b) all natural ventilation chimneys shall be constructed using metallic materials painted a matt colour to match 'Charcoal';
- (c) the ground level awning along Kippax Street shall be re-designed to provide adequate clearance from existing street trees to allow for future growth. A minimum clearance of 1 metre must be provided between the awning and existing street tree trunks;
- (d) the internal layout of the retail tenancy at the south-western corner of the site facing Kippax Street must be amended to provide W.C. facilities;
- (e) to provide convenient access and symmetry of openings within the access corridors, apartments numbered 101, 201, 301, 401 and 501 are to be provided with double doors at the western end of their respective access corridors. The doors must be constructed as follows:
  - (i) using active and inactive leafs that may be opened to full width to permit the passage of large objects; and
- (f) to allow for the changes specified in condition 2(e) above, the bathrooms and the adjoining bedrooms numbered 'bed 2' must be relocated by approximately 900mm towards the southern boundary. Bedrooms numbered 'bed 1' and their respective balconies must not be altered.

**(8) Compliance with Submitted Materials and Samples Board**

The design details of the proposed building facade including all external finishes, colours and glazing must be in accordance with the materials schedule and sample board, and specifications prepared by MHNDUNION, dated **7 March 2018 (Trim: 2018/155996)** 2 February 2018.

**(39) Compliance with the Acoustic Report prior to Construction and or Occupation Certificates**

- (a) All performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report prepared by Renzo Tonin and Associates (NSW) Pty Ltd, dated 12 May 2017, ref TJ229-01F02 Acoustic Report for DA (r2), titled 98-106 KIPPAX STREET, SURRY HILLS ACOUSTIC ASSESSMENT FOR DEVELOPMENT APPLICATION, Council Ref 2017/284317-01 must be implemented as part of the detailed design assessment and implemented into the design drawings prior to the commencement of the use of the premises in accordance with the requirements of (b) and (c) below and to the satisfaction of the certifying authority.
- (b) Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant\* (see definition below) to be in accordance with the requirements of the DA acoustic report prepared by Renzo Tonin and Associates (NSW) Pty Ltd, dated **12 May 2017** ~~4/11/2016~~, ref TJ229-01F02 Acoustic Report for DA (r2), titled 98-106 KIPPAX STREET, SURRY HILLS ACOUSTIC ASSESSMENT FOR DEVELOPMENT APPLICATION, Council Ref 2017/284317-01.
- (c) Prior to the issue of an Occupation Certificate, a suitable qualified acoustic consultant is to provide a written Acoustic Verification Report to the satisfaction of the Principle Certifying Authority that the development complies with the requirements set out in the Report and in (a) and (b) above.

Note: Suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member

Carried unanimously.

### **Reasons for Decision**

The Panel approved the application as:

- (A) The proposed development is consistent with section 4.15 of the Environmental Planning and Assessment Act 1979 in that it satisfies the provisions of the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012 and for the reasons outlined in the report submitted to the Local Planning Panel;
- (B) The proposed development has a six storey height that is suitable for the condition of the site and its context and that will not have any significant impact on views across the site;
- (C) The proposed development is consistent with the provisions of the Apartment Design Guide (ADG) in that it achieves high amenity for the residents of the building in relation to communal open space, natural light, cross-ventilation, private open space and privacy;
- (D) The public interest is served by the approval of an application that provides high amenity for residents and that is in keeping with its immediate context and neighbouring residential development in relation to visual bulk and scale and neighbourhood character;
- (E) The proposed variation to the height control is well founded on planning grounds and will not result in any significant additional impacts beyond those a height compliant development would create;
- (F) The amendments to conditions were based on further advice provided to the Panel by City officers on 11 April 2018.

D/2017/225

### **Speakers**

The following people addressed the Local Planning Panel on Item 4 – Mr Murray Donaldson (Urbis), on behalf of the applicant.

## Item 5 Development Application: 444-450 Gardeners Road, Alexandria

The Panel:

- (A) Supported the variation to Clause 4.3 Height of Buildings development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environment Plan 2012.
- (B) Granted deferred commencement consent to Development Application No. D/2017/240 subject to the conditions recommended in [Attachment A](#) to the planning officer's report and subject to the following amendments (additions shown in ***bold italics*** and deleted text shown in ~~striketrough~~):

### (A) Part A - Deferred Commencement Conditions

#### (3) Design Modifications

The design of the building must be modified as follows:

- (a) The entry to all ground floor tenancies are designed to be accessible from the public way.
- (b) The parapet is to be at the outer face of all elevations and a height of 1.2m above the finished roof level.
- (c) A side boundary fence to the communal open space at 456-458 Gardeners Road is to be provided for privacy and security, with details of the material and finish to be provided.
- (d) A proportion of operable to fixed glazing is to be increased to both elevations of the Birmingham Street building and the northern elevation of the Gardeners Road building. A schedule confirming Effective Openable Area of 5% of floor area served is to be provided for each apartment type.
- (e) Fanlights are to be provided within the fixed panel above the sliding doors.
- (f) A high quality finish, including material or compositional variation is to be provided to the western blank wall lining the pedestrian entry from Birmingham Street.
- (g) All fire egress doors are to be reconfigured to swing in the direction of egress.
- (h) ***The ends of the side boundary walls must align with the existing side walls of the adjoining properties to Birmingham Street, with vertical shadow lines to be provided where the new side boundary walls abut the existing side walls of the adjoining properties.***

**(4) Permission to Carry Out Works to 684 Botany Road, Alexandria**

*The owner of 684 Botany Road, Alexandria is to be contacted in writing and written permission sought from that owner to carry out works to the exposed western wall of 684 Botany Road, Alexandria, being to render and paint the said exposed western wall to match the existing colour of 684 Botany Road, Alexandria ("the rendering works"). The written response from the owner (if any) together with a copy of the written request for permission is to be provided to the satisfaction of the Director City Planning, Development and Transport.*

**(B) Part B – Conditions of Consent**

**Schedule 1A**

**(2B) Works to 684 Botany Road, Alexandria**

*If the owner of 684 Botany Road, Alexandria has given written permission to carry out the rendering works referred to in Part A Condition 4 then the rendering works shall be carried out and completed to the satisfaction of the Director City Planning, Development and Transport prior to the issue of an Occupation Certificate.*

Carried unanimously.

**Reasons for Decision**

The Panel approved the application as:

- (A) The development, subject to the design amendments and the imposition of appropriate conditions as recommended in the officer's report, is consistent with the objectives of the planning controls for the site as outlined in the report to the Local Planning Panel;
- (B) The built form and design of the building addresses the heights and setbacks of neighbouring developments and is appropriate within the streetscape;
- (C) The imposed design modification conditions will ensure that design excellence is met, and that good quality materials and façade detailing is achieved;
- (D) The amendments to the development application made during the assessment process have addressed the matters raised by the community, subject to compliance with the conditions imposed relating to noise from rooftop plant and retention of street trees;
- (E) The proposed variation to the height control is well founded on planning grounds and will not result in any significant additional impacts beyond those a height compliant development would create;
- (F) The amendments to conditions were based on further advice provided to the Panel by City officers on 11 April 2018.

D/2017/240

**Speakers**

The following people addressed the meeting of the Local Planning Panel on Item 5 – Mr Andrew Harvey (Urbis), on behalf of the applicant.



The meeting of the Local Planning Panel concluded at 5.33 pm.

CHAIR