

Relevant Information for the Local Planning Panel

FILE: D/2017/1552 **DATE:** 3 July 2018

TO: Local Planning Panel

FROM: Graham Jahn, Director City Planning, Development and Transport

SUBJECT: Information Relevant To Item 5 – 26-30 City Road, Chippendale

Alternative Recommendation

That the Local Planning Panel adopt the recommendation in the planning officer's report dated 4 July 2018, and make further and following amendments to the Conditions of Consent in Schedule 1 as outlined below. The proposed amendments to conditions are shown in ***bold italics*** and any deletion of text is shown in ~~strikethrough~~

(A) Amend Condition 1 to read as follows:

(1) STAGED CONSTRUCTION AND OCCUPATION CERTIFICATES

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

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

(B) Amend Condition 13 to read as follows:

(13) LANDSCAPED (GREEN) ROOFS

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

~~approved by the Principal Certifier. A copy of the maintenance plan is to be kept on site at all times during construction and shall be produced to Council on request following completion. The Maintenance Manual shall include as a minimum:~~

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

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

- (i) ***Frequency and methodology of different maintenance requirements including the removal of green waste.***
- (ii) ***Details of safety procedures.***

(C) Amend Condition 14 to read as follows:

(14) LANDSCAPING OF THE SITE

- (a) Detailed landscape plans, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate relevant to that stage of construction of the development under condition 1. The plans must include:
- (i) ~~Location of existing and proposed structures on the site including, but not limited to, existing and proposed trees, paved areas, planted areas on slab, planted areas in natural ground, lighting and other features~~ ***Location of existing and proposed structures, services and hard landscaping including, but not limited to, paved areas, planted areas in natural ground, planted areas on slab, in pots, seating walls, walls and ramps, potting area, fixed furniture, privacy screens, stepping stones, lighting and other features.***
 - (ii) Details of earthworks and soil depths including mounding and retaining walls, planter boxes (if applicable) ***and pots***. The minimum soil depths for planting on slab must be 1000mm for trees, 450mm for shrubs and 200mm for groundcovers, ***noting soil levels exclude drainage and mulch layers.***
 - (iii) Location, numbers, type and supply of plant species, with reference to NATSPEC ***Australian Standards.***
 - (iv) Details of planting procedure and maintenance.
 - (v) Details of drainage, waterproofing and watering systems.
 - (vi) ***Detailed design and construction details for screens within the lower ground communal open space, areas of porous paving***
 - (vii) ***Detailed grading plan and sections with resolved levels to ensure the design results in no impact on Trees A and B.***
 - (viii) ***Location, numbers, type and supply of plant species, with reference to Australian Standards AS2303 'Tree stock for landscape use'.***

(ix) ***A minimum of two (2) of the site trees shall be species must that will attain a minimum mature height of eight (8) metres and minimum mature canopy spread of six (6) metres. Palms, fruit trees and species recognised to have a short life span will not be accepted as suitable replacements.***

(x) ***New trees must be planted in natural ground (where possible) with adequate soil volumes to allow maturity to be achieved. Indicative soil volumes are detailed in Section D (Technical Guidelines) of the City's Street Tree Master Plan. Soil volumes shall be annotated on the plans and it should be noted that planter boxes on slab will not be accepted for tree planting unless there is no viable alternative.***

(xi) ***New trees must be appropriately located away from existing buildings and structures to allow maturity to be achieved without restriction.***

(b) A maintenance plan is to be submitted to and approved by the Principal Certifier prior to the issue of any Construction Certificate relevant to that stage of construction of the development under condition 1. The maintenance plan is to be complied with during occupation of the property.

(c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued relevant to that stage of development under condition 1.

(D) Delete Condition 24. This condition has been combined with condition 14.

(E) Amend Condition 52 to read as follows:

(52) BUILDING HEIGHT

(a) The height of the building must not exceed RL 34.600 (AHD) to the top of the lift overrun and ~~RL 33.300 (AHD)~~ to the top of the parapet.

(b) Prior to any Occupation Certificate being issued for the boarding house, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifier.

(F) Amend Condition 87 to read as follows:

(87) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

(a) All loading and unloading associated with construction activity must be accommodated on site, ***where possible***.

(b) If ~~during excavation~~ it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.

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

Background

The applicant has provided a written response to the officer's recommendation (see Attachment A) requesting the following modifications to the recommended conditions at Attachment A to the planner's report:

Condition 1 - Staged Construction

Response: No objection is raised to the modification of the condition, such that it reads as follows:

(1) STAGED CONSTRUCTION AND OCCUPATION CERTIFICATES

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

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

Condition 3 - Design Modifications - Boarding House

The applicant requests that Conditions 3(a), 3(b), 3(e) and 3(h) are deleted, and that Condition 3(d) is amended. Condition 3 reads as follows:

Condition 3(a)

Response: The revised solar access diagrams at Attachment B do not accurately represent the existing and proposed built form of the existing Rose Street terraces, particularly regarding the provision of fences. As shown in figure 1 below, the height of the fence on the north boundary of no. 35 Rose Street is not accurately represented. It is noted that the existing ground level at nos. 35 and 37 Rose Street is higher than that at the rear of the proposed terrace houses and as such the fence between the proposed terraces and no. 35 Rose Street is likely to be higher than that shown on the diagrams.

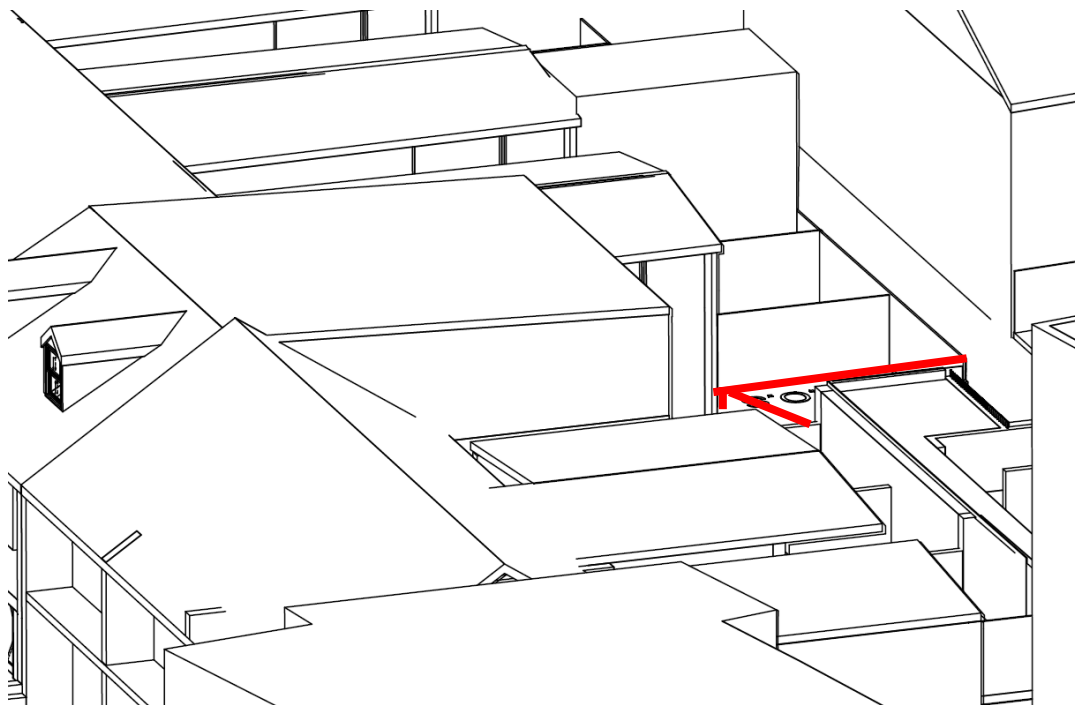


Figure 1: View from the sun at 9am. The red line shows the height of the fence, corresponding to that of the southern boundary and therefore restricting solar access.

At 10am, solar access to the rear of nos. 35 and 37 will be retained. At 11am solar access to the rear of the terraces will see a slight improvement. However officers are of the opinion that, contrary to the applicant's statement, the rear of the properties do not currently receive solar access at midday and will continue to be overshadowed due to the former Grace Bros. building.

Between 1pm and 3pm, the rear of no. 37 Rose Street currently receives some solar access, which will be lost without the reduction in the scale of the boarding house. This will have a lasting impact not only during midwinter but potentially for the days and weeks either side.

As such, and with regard to the matter of bulk and scale, Council officers reaffirm their assessment in the planner's report that, as the development exceeds the maximum 15 metre Sydney LEP 2012 height standard and 3 storey height control, the development should minimise impacts to the character and amenity of the surrounding area. Reducing the scale of the building will improve solar access to the private open spaces of nos. 35 and 37 Rose Street as well provide a transition in scale from City Road to Rose Street. While the modification will result in the loss of potentially 8 rooms, the development will still provide approximately 65 low rent boarding rooms. The deletion of the condition is not supported.

Condition 3(b)

Response: The applicant has not provided any evidence from Ausgrid to state that the screen cannot be relocated to align with the adjoining glass line, which in the opinion of Council's Heritage and Urban Design Specialists will have an improved urban design outcome. Furthermore the applicant has not provided any justification as to why public artwork cannot be provided on the realigned screen. As such the deletion of the condition is not supported.

Condition 3(d)

Response: The applicant has not provided any information to justify the addition of this wording to the condition. From officer's experiences with similar proposals, the location of the substation has not had a determinative factor on the depth of the awning. The condition is consistent with section 3.2.4 of the Sydney DCP 2012 and as such the amended wording to the condition is not supported.

Condition 3(e)

Response: The windows fronting City Road face west and will be unobstructed during midsummer afternoon sun. Section 4.2.3.4 of the Sydney DCP 2012 "Design features to manage solar access" states that high performance tinting and glazing as a midsummer sun control device is not appropriate. Officers are confident that external fixed sun shading devices using robust materials can provide greater sun shading during midwinter than solely high performance glazing that will not be adversely impacted by traffic exhaust. This will also minimise the need for air conditioning in affected rooms, reducing energy consumption.

Condition 3(h)

Response: The lift overrun and any ventilation exhausts to the roof will be visible from the opposite side of City Road and Victoria Park. Roof plant clutter and services to satisfy the National Construction Code are a common issue with bare roof construction. Providing a parapet to match the height of the lift overrun will conceal these structures, reducing clutter on the roof. A masonry finish will be consistent with the City Road facade and as such the deletion or modification of the condition is not supported. Lightweight fence-type structures are undesirable.

Condition 52 - Building Height

The applicant has requested that the condition be amended with regard to the height of the parapet such that it is consistent with that under Condition 3(h).

Response: The modification to the condition is supported and is recommended to read as follows:

(52) BUILDING HEIGHT

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

Condition 87 - Loading and unloading during construction

Response: In the time since the report was finalised, Council officers have updated the standard condition regarding loading and unloading during construction, which deletes parts (d) and (e). As such, Condition 87 is recommended to be replaced by the following wording:

(87) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site, ***where possible***.
- (b) ~~If during excavation~~ 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) ~~—— In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.~~
- (e) ~~The structural design of the building must allow the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.~~
- (f) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval under Section 68 of the Local Government Act 1993 must be obtained.

Floor space ratio

The applicant is challenging Council's assessment with regard to the calculation of gross floor area for the boarding house. The applicant states refers to Clause 6.13 of the Sydney LEP 2012 which provides an additional 0.3:1 FSR for "end of trip facilities". As such, the applicant asserts that the development, specifically the gross floor area of the bike parking area for the Foyer51 boarding house, does not exceed the maximum FSR for the site.

Response: Clause 6.13 of the Sydney LEP 2012 relates to land "used only for the purposes of commercial premises". As the development is not for commercial premises, the clause does not apply and the development is not eligible for end of journey floor space up to 0.3:1.

Landscape conditions

Council's Landscape officer responded to the amended plans after the finalisation of the report and recommended the standard conditions for ground and roof level landscaping be amended.

Prepared by: David Zabell, Specialist Planner

Attachments

Attachment A. The applicant's letter to the Local Planning Panel, prepared by Mecone dated 29 June 2018

Attachment B. The applicant's revised view from the sun diagrams

Approved



**GRAHAM JAHN AM, DIRECTOR CITY
PLANNING DEVELOPMENT AND
TRANSPORT**