

Relevant Information for Local Planning Panel

FILE: D/2022/1359 **DATE:** 20 September 2023

TO: Local Planning Panel Members

FROM: Andrew Thomas, Executive Manager Planning and Development

SUBJECT: Information Relevant To Item 5 – 19-21 Buckland Street - D/2022/1359

Alternative Recommendation

It is resolved that:

- (A) 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 be upheld; and
- (B) consent be granted to Development Application No D/2022/1359, subject to the conditions detailed in Attachment A to the subject report to the Local Planning Panel on 20 September 2023, 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 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.**

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

Reason

To require amendments to the approved plans and supporting documentation following assessment of the development.

(4) RETENTION OF STEEL BEAMS

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

Reason

To clarify the scope of approved demolition.

(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, Planning Assessments prior to a Construction Certificate being issued. The proposed glazing should have a 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'.

Reason

To ensure well-lit internal spaces that do not rely on artificial lighting and glazing with a neutrality of colour that is compatible with the characteristics of the retained building and context.

(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.

Reason

To ensure the constructed development complies with the approved height.

(22) WASTE AND RECYCLING MANAGEMENT – GENERAL

Excluding vehicle dimension requirements, The **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.

Reason

To ensure that waste and recycling is appropriately managed.

(25) NO OBSTRUCTIONS

All **Any new works to the Buckland Street and Graton Street** public footways and **surrounding** 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.

Reason

To ensure there are no obstructions on public footways and paths of travel.

(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

Reason

To ensure the allocation of parking is in accordance with the Council's DCP.

(51) LANDSCAPE TERRACE

This condition applies to the Level 4 accessible terrace.

- (a) A detailed **landscape** plan including plans and details drawn to scale, and technical specifications, 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.

Reason

To ensure that the accessible terrace is designed to accommodate suitable landscaping and to ensure that adequate maintenance procedures are put in place.

(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*** 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.

Reason

To ensure that waste and recycling is appropriately managed.

(104) LOADING DOCK SCHEDULE/~~REGISTER~~ 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.

Background

On Monday 18 September 2023, the applicant submitted a letter to Council requesting several amendments to Attachment A – Recommended Conditions of Consent for Item 5 – D/2023/1359 – 19-21 Buckland Street, Chippendale.

Council assessment staff and relevant referral units have reviewed the letter and propose the above amendments to conditions, which primarily relate to the clarification of the scope of recommended conditions and the correction to typographical errors.

The applicant has also sought changes to the below conditions. Council does not support the amendment to these conditions, and this is discussed further below.

Condition (9) Encroachments – Neighbouring Properties

The application proposes a minor encroachment into the fire escape of 1 Grafton Street, Chippendale which serves as a right of way easement to the benefit of 19-21 Buckland Street, Chippendale. The applicant submits that the 88B instrument provided with the development application enables works to be conducted within the adjoining property and proposes that Condition (9) be amended to allow encroachments enabled by the 88B. Council assessment staff have reviewed the covenant and note that the proposed encroachment is not consistent with the provisions of the instrument. Additionally, it is noted that the owner's consent of 1 Grafton Street, Chippendale has not been submitted with this application. In order to ensure the appropriate interpretation of the development consent, this condition is not recommended to be amended.

Condition 13 – Section 7.11 Contributions Payable

The application proposes an amendment to the condition to reduce the amount of the contribution. The applicant's 7.11 calculations for this site have been reviewed. The applicant has incorrectly applied the 'existing' GFA calculation to the "office premises (4 or more storeys)" option instead of the "office premises (3 storeys or less)" option when applying the relevant exclusions for the site's existing use in Council's Development Contributions Calculator. This accounts for a substantial variation between Council's 7.11 Contribution calculation and the applicant's calculation. It is recommended that the condition remain unchanged.

Condition 14 – Affordable Housing Contribution

The application proposes an amendment to the condition to reduce the amount of the contribution. The subject site is currently in use as an office premises. Within the residual lands, the 7.13 contribution rate applies to new or more intensely used floor areas. The basis of the applicants position is that the contribution should apply only to the additional floors.

The proposed development is essentially a new building with retained facades at the lower levels. Whilst the proposed use of the ground floor and first floor (which is to be demolished and reconstructed) are proposed to continue to operate as an office premises the use of the premises as a whole will be more intensely used than the existing development on site. There has been insufficient time to fully consider whether or not a reduction is warranted and in this regard it is recommended that the condition remain unchanged at this time. Any alternate can be considered via the submission of a S4.55 modification application.

Condition 26 – Energy Efficiency of Buildings

DCP Control 3.6.1(8) requires that a proposal of this type and scale be required to achieve a 5-star NABERs rating. The applicant notes that concessions are contained within this control for heritage items and suggests that a 4-star rating be applied to the proposal. Council notes that the building is not a heritage item, and based on submitted information, is likely to be able to achieve a NABERs rating of 5-stars. As such, the condition is recommended to be maintained.

Condition 38 – Public Domain Lighting Upgrade

Council's Public Domain Unit have reviewed the applicant's request to limit the scope of this condition to the frontage of the development site. The Public Domain Unit have advised that the lighting design must show the area along Buckland St (From Broadway to Ausgrid pole SY07380) and Grafton Street (From Buckland St to Moorgate Street), to ensure that lighting level compliances can be accurately determined and achieved. This will inform locations of lighting fixtures. For public safety reasons, the City must ensure that compliant lighting levels are met outside the new development, and this may include lighting works slightly outside of the immediate frontage. The scope of works cannot be properly determined without full consideration of luminance levels from Broadway to Ausgrid pole SY07380. The condition is recommended to be maintained.

Condition 78 – Drainage and service pit lids

The Public Domain team have reviewed the applicant's suggested amendments and note that 'Existing' must be retained within the condition wording, as any existing grates or pit lids within the extent of public domain fronting the site must comply with current standards. The condition is recommended to be maintained.

Prepared by: Thomas Walters, Planner

Attachments

Attachment A. Response to Recommended Conditions of Consent

Approved



ANDREW THOMAS

Executive Manager, Planning and
Development