

ITEM 7. DEVELOPMENT APPLICATION: 437 WATTLE STREET ULTIMO

FILE NO: D/2007/2522

SUMMARY

Date of Submission: 20 December 2007. Amended Plans received 6 May 2008 and 18 August 2008.

Applicant: Tsang & Lee

Proposal Summary: Alterations and additions to four (4) existing terraces and new residential building with 14 units on 4 levels, (with basement car park for 7 vehicles) to be constructed behind the existing terraces that front Wattle Street (18 Units total).

Six submissions were received relating to height, heritage, traffic, overshadowing and loss of vegetation. The applicant was asked to amend the proposal and the amended drawings were renotified. One submission was received in regard to the amended plans dealing with traffic and the use of Blackwattle Lane. This submission can be dealt with via conditions of consent.

The proposal is below the height limit and marginally above the FSR control (by 27 sqm). The proposal will not result in significant additional overshadowing or negative visual impact to streetscape.

Summary: The proposal was originally considered by Council on 4 August 2008. It was requested at this meeting that the item be referred to the Design advisory Panel for further consideration. A sub committee of the panel reviewed the proposal on 29 July 2008 and recommended the following:

- The 'internalised' foyer should be redesigned to be naturally lit and ventilated for a more sustainable outcome.
- The courtyard to the terraces could have better sun access through a reduction in the bulk of the proposed apartment building i.e. setback of the fourth floor.
- The entry to the lifts should be accessible.

Summary (continued):

In light of the above the applicant requested that determination of the matter be deferred so that they may address the concerns of the panel.

These matters have now been satisfactorily addressed so that:

- The floor plans have been amended to provide light & natural ventilation to the entrance lobby and core above
- The setback on the fourth floor has been increased and the building at the rear has been stepped back at the upper level to reduce the impact.
- Disabled access has been provided.

The proposal is now considered acceptable.

Summary Recommendation:

The Development Application is recommended for approval subject to conditions.

Attachments:

A - Plans & Elevations

B - Report to the Planning Development and Transport Committee on 28 July 2008

RECOMMENDATION

It is resolved that consent be granted subject to the following conditions:

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/2007/2522 dated 20 December 2007 and the following drawings:

Drawing Number	Architect	Date
DA 02 Rev B C – Floor Plans Basement and Ground Floor	Tsang & Lee Architects	April 19 August 2008
DA 03 Rev B C – Floor Plans 1 st and 2 nd Floor	Tsang & Lee Architects	April-19 August 2008
DA 04 Rev B C – Floor Plan 3 rd Floor and existing terrace elevations	Tsang & Lee Architects	April 19 August 2008
DA 05 Rev B D- Elevations	Tsang & Lee Architects	April-19 August 2008
DA 06 Rev B C – Sections	Tsang & Lee Architects	April-19 August 2008

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 DETAILS (MINOR DEVELOPMENT)

- (a) A materials sample board detailing all proposed finishes must be submitted for the approval of Council prior to a Construction Certificate being issued.

(3) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) A detailed landscape plan of the communal open space located on the roof terrace is to be provided.
- (b) A detailed landscape plan is to be submitted which is to indicate the replacement tree planting to take place on site.

The amendments are to be submitted for the approval of Council prior to a Construction Certificate being issued.

(4) FLOOR SPACE RATIO - ALL OTHER AREAS

The following applies to Floor Space Ratio:

- (a) The Floor Space for the residential use must not exceed 2.04:1; calculated in accordance with the South Sydney Local Environmental Plan 1998. For the purposes of the calculation of FSR, the Gross Floor Area, for the residential component is 1321.7 sq m.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under the South Sydney Local Environmental Plan, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

(5) BUILDING HEIGHT

- (a) The height of the building must not exceed RL 19.58 (AHD) to the top of the building and RL 17.33 (AHD) to the parapet of the building.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the height of the building, to the satisfaction of the Principal Certifying Authority.

(6) SECTION 94 CONTRIBUTION – ULTIMO PYRMONT

A contribution under section 94 of the *Environmental Planning and Assessment Act 1979* must be paid in accordance with the following:

Cash Contribution Required

- (a) In accordance with the adopted "*Ultimo Pyrmont Contributions Plan 1994*" a cash contribution must be paid to Council in accordance with this condition.

Amount of Contribution

- (b) The amount of the contribution is ~~\$162,464.74~~ **\$164,876.08**

Note: The contribution will be indexed annually, see paragraph (f) below.

Purposes for which Contribution Required

- (c) The contribution is required, and must be held and applied in accordance with the Act and the *Ultimo Pymont Contributions Plan 1994*, for the purposes, and in the proportions, set out as follows:
 - (i) Open Space - 64%
 - (ii) Community Facilities - 9.5%
 - (iii) Roads and Associated Infrastructure - 26.2%
 - (iv) Administration - 0.3%

Certification of Contribution

- (d) Certification of the Section 94 Contribution calculation, including verification of gross floor area and resident/worker population as applicable, and indexation of the contribution in accordance with the "*Ultimo Pymont Contributions Plan 1994*" (if applicable) must be submitted for the approval of Council, prior to a Construction Certificate being issued

If the Construction Certificate is to be issued by a Principal Certifying Authority, they must seek Council's endorsement of the calculation prior to its issue.

Timing of Payment

- (e) The contribution must be paid prior to the issue of a construction certificate. Payment may be by **EFTPOS** (debit card only), **CASH** or a **BANK CHEQUE** made payable to the City of Sydney. Personal or company cheques will not be accepted.

Indexing

- (f) The contribution rate in "*Ultimo Pymont Section 94 Contributions Plan 1994*" will be adjusted in accordance with clause 19 of the Plan being not less than annually.
- (g) If the contribution rate is adjusted between the date on which this consent is granted and payment of the contribution, then the figure in paragraph (b) to this condition will be indexed and calculated according to the then current contribution rate.
- (h) Please contact Council's Planning Administration staff to confirm the amount payable, prior to payment.

(7) REFLECTIVITY

(8) ACCESS RAMP TO CAR PARK

The applicant shall check the design of the ramp to ensure compliance of the relevant requirements in the Australian Standard and that there is sufficient ground clearance for cars running along the ramp and at the approaches to and from Blackwattle Lane.

(9) CONCAVE MIRRORS TO BE INSTALLED

Concave mirrors shall be installed to provide sight line between opposite traffic using the curved ramp.

(10) PROHIBITION ON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME

(11) SIGNAGE TO INDICATE NON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME

(12) CAR PARKING SPACES AND DIMENSIONS

A maximum of 7 off-street car parking spaces must be provided. The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

(13) SEALING OF CAR PARK

(14) HOLDING AREAS

(15) SECURITY GATES

(16) SIGNS AT EGRESS

(17) VEHICLES ENTER/LEAVE IN FORWARD DIRECTION

(18) ALLOCATION FOR VISITOR PARKING

(19) LOADING WITHIN SITE

(20) ARTICULATED VEHICLES

(21) TRAFFIC WORKS

(22) CONSERVATION OF TERRACES

(a) The interiors of the terraces are not to be reconfigured i.e. stairs and cross walls are to remain intact.

(b) Conservation works that retrieve the significant fabric of the terraces are to be undertaken and a schedule of such works must be prepared prior to the issue of a Construction Certificate.

(23) ARCHAEOLOGICAL INVESTIGATION

(24) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION – MINOR WORKS

SCHEDULE 1B

Prior to Construction Certification/Commencement of Work/Health and Building

Note: Prior to the issue of the Construction Certificate, sufficient information must be forwarded to the certifying authority (whether Council or a private accredited certifier) illustrating compliance with the relevant requirements of the Building Code of Australia (and a copy forwarded to Council where Council is not the certifying authority). If Council is to be the certifying authority, please contact the Building Unit to discuss the requirements prior to submission of the application for construction certificate.

(25) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

(26) USE OF BLACKWATTLE LANE

At no time is Blackwattle Lane to be used for the parking of any vehicles during the demolition or construction phase of the project.

(27) STRUCTURAL CERTIFICATION FOR DESIGN – BCA (ALL BUILDING CLASSES)

(28) STRUCTURAL CERTIFICATION FOR PARTY WALLS

(29) GEOTECHNICAL REPORT AND CERTIFICATION

(30) BCA - NEW BUILDINGS WORKS - CLASS 2-9 BUILDINGS

(31) ANNUAL FIRE SAFETY STATEMENT FORM

(32) FIRE SAFETY CERTIFICATE TO BE SUBMITTED

(33) COMPLIANCE WITH ACOUSTIC REPORT

(a) The development shall be designed and constructed to include the recommendations in the noise assessment report No 3042 prepared by RSA acoustics dated November 2007

(b) The principal Certifying Authority (PCA) shall ensure that a statement from an accredited acoustic consultant certifying that the acoustic mitigation measures identified in the noise assessment report No 3042 prepared by RSA Acoustics dated November 2007 are suitably incorporated into the development, and the noise criteria in the subject report have been satisfied prior to the issue of an occupation certificate.

(34) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL

(35) ASBESTOS REMOVAL

(36) ASBESTOS REMOVAL SIGNAGE

(37) CLASSIFICATION OF WASTE

(38) SKIPS AND BINS

(39) NOTIFICATION OF ASBESTOS REMOVAL

- (40) MECHANICAL VENTILATION**
- (41) AIR CONDITIONERS IN RESIDENTIAL BUILDINGS**
- (42) CAR PARK VENTILATION**
- (43) EROSION AND SEDIMENT CONTROL – BETWEEN 250 AND 2,500SQM**
- (44) SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)**
- (45) UTILITY SERVICES**
- (46) TELECOMMUNICATIONS PROVISIONS**
- (47) REDUCTION OF NOISE FROM EXTERNAL SOURCES (RESIDENTIAL AND SERVICED APARTMENTS)**
- (48) ACOUSTIC PRIVACY BETWEEN UNITS**
- (49) FLOOR TO CEILING HEIGHT**
- (50) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES**
- (51) ADAPTABLE HOUSING**
- (52) INSTALLATION OF DUAL-FLUSH TOILETS**
- (53) INSTALLATION OF WATER EFFICIENT TAPS**
- (54) INTERNAL LIGHTING SYSTEM**
- (55) PHYSICAL MODELS**
- (56) SUBMISSION OF ELECTRONIC MODELS PRIOR TO CONSTRUCTION CERTIFICATE AND PRIOR TO OCCUPATION CERTIFICATE**
- (57) LANDSCAPING OF THE SITE**
- (58) PLANTING ON SLAB**
- (59) PUBLIC DOMAIN PLAN**
- (60) ALIGNMENT LEVELS**
- (61) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT**
- (62) TREE PROTECTION DURING CONSTRUCTION**
- (63) FOOTPATH DAMAGE BANK GUARANTEE**
- (64) DILAPIDATION REPORT – MINOR**
- (65) DEMOLITION/SITE RECTIFICATION (if cost is under \$50m)**

The following conditions apply to the development:

- (a) Demolition or excavation must not commence until a Construction Certificate has been issued for construction of the substantive building.
- (b) Prior to the Construction Certificate being issued, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (c) Without limiting the generality of paragraph (b), the Deed must provide for:
 - (i) a bank guarantee to be provided in the sum of \$121, 091.dollars as security for the costs of such works provided that:
 - a. the maximum liability under the Deed must not exceed \$121, 091 dollars; and
 - b. the Council may accept a lesser amount as security if substantiated by detailed design and Quantity Surveyor costing for works which meet the objectives of the condition.
 - (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
 - a. demolition of the existing building has commenced but not been completed;
 - b. the existing building has been demolished; or
 - c. the site has been excavated; or
 - d. the structure has commenced to be erected;that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the consent authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:
 - e. make the building safe and attractive at ground level;
 - f. allow the ground level to be landscaped and made attractive from any public vantage point; or
 - g. for the hole to be covered to allow it to be landscaped and made attractive from any public vantage point; or
 - h. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenatable stage;

AND to call on such bank guarantee to cover the cost thereof.

- (d) If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in an unattractive building site appearance, then the Council will have the readily enforceable rights to:
 - (i) require certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (c) (ii) e - h to take place on the site; and
 - (ii) in the event of default, must have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the cost of the works.
- (e) The Deed may provide for the release of the Bank Guarantee at such time that the Final Occupation Certificate for the approved development is released. If the approved development also relates to works to existing buildings, the relevant Final Occupation Certificate is the one that relates to that part of the approved development which involves the demolition and new construction.

(66) STRATA SUBDIVISION – SEPARATE DA REQUIRED

(67) APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(68) HOURS OF WORK AND NOISE – OUTSIDE CBD

(69) LOADING AND UNLOADING DURING CONSTRUCTION

(70) BASIX

(71) CONTROL OF DUST EMISSIONS

(72) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

SCHEDULE 2

The prescribed conditions in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000 apply to the development.

BACKGROUND

1. The proposal for alterations and additions to four (4) existing terraces and new residential building with 14 units on 4 levels, (with basement car park for 7 vehicles) to be constructed behind the existing terraces that front Wattle Street (18 Units total) was considered by Council on 4 August 2008, where it was resolved that consideration of the matter be deferred, as requested by the applicant, in order to respond to comments made by the sub committee of the Design Advisory Panel of 29 July 2008 in regard to the following matters:
 - (a) the 'internalised' foyer should be redesigned to be naturally lit and ventilated for a more sustainable outcome;
 - (b) the courtyard to the terraces could have better sun access through a reduction in the bulk of the proposed apartment building i.e. setback of the fourth floor; and
 - (c) the entry to the lifts should be accessible.
2. Further plans were submitted showing the following changes:
 - (a) the floor plans have been amended to provide light & natural ventilation to the entrance lobby and core above;
 - (b) the setback on the fourth floor has been increased and the building at the rear has been stepped back at the upper level to reduce the impact; and
 - (c) disabled access has been provided.
3. These changes are shown below (also see plans attached):

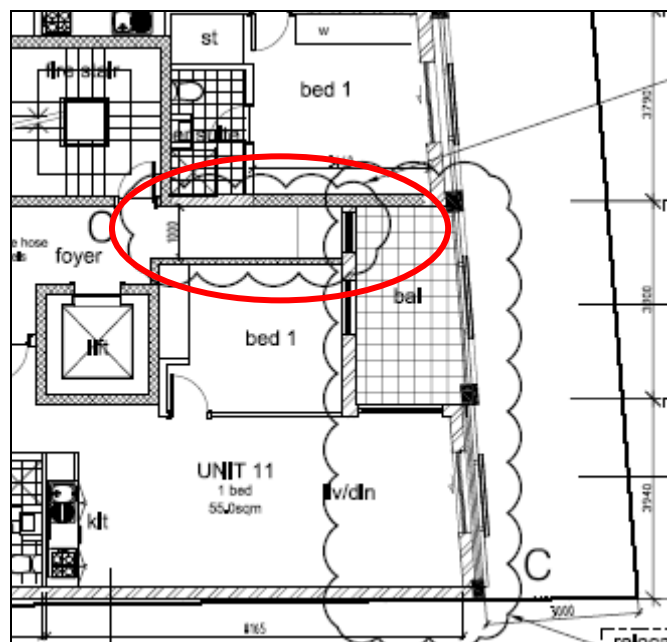


Figure 1. Corridor from foyer to window providing natural Light and Ventilation on each level

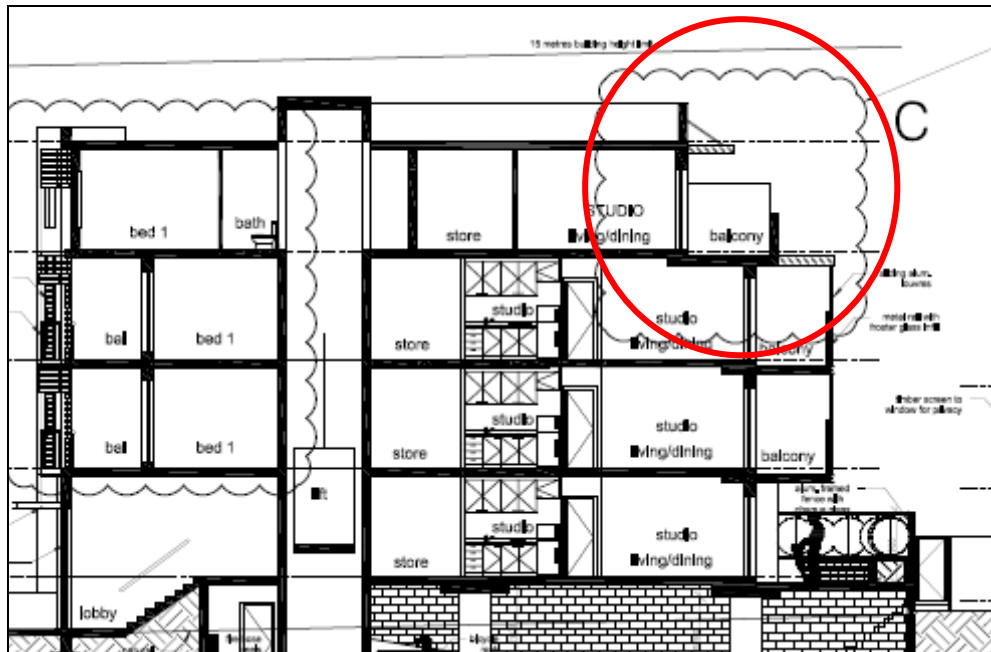


Figure 2. Increased setback at fourth floor

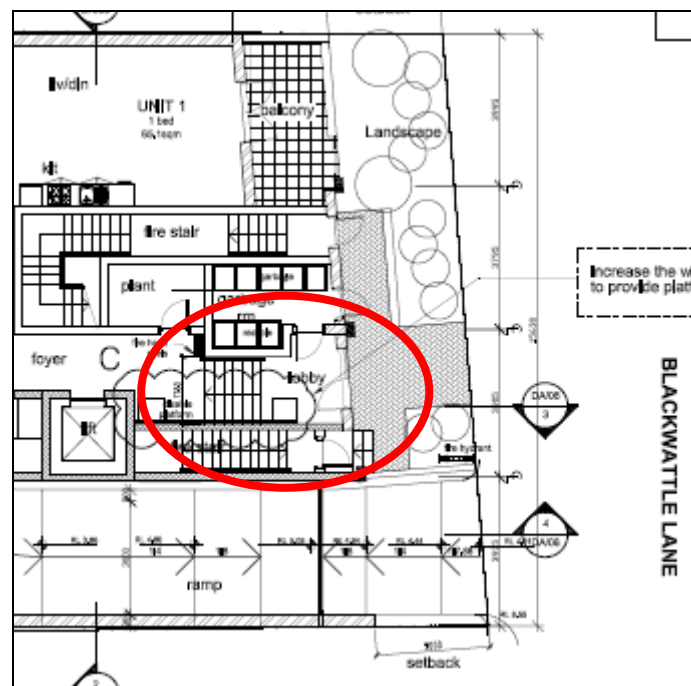


Figure 3 Disabled Access provided to lobby

4. The proposal is now considered acceptable.
5. Six submissions were received relating to height, heritage, traffic, overshadowing and loss of vegetation. The applicant was asked to amend the proposal and the amended drawings were renotified, the re-amended plans were not renotified as the impacts were less than the original proposal. One submission was received in regard to the amended plans dealing with traffic and the use of Blackwattle Lane. This submission can be dealt with via conditions of consent.

6. The proposal is below the height limit and marginally above the FSR control (by 27 sqm). The proposal will not result in significant additional overshadowing or negative visual impact to streetscape

SECTION 79C ASSESSMENT

7. Besides the above matters, the original assessment found in the report at Attachment B is still relevant and is applicable to the revised proposal the subject of this report.

CONCLUSION

8. The proposal generally satisfies the relevant planning instruments. The changes made by the applicant improve the overall amenity of the site.
9. It is recommended that the application be approved subject to the changes outlined above.

GIOVANNI CIRILLO

Director City Planning and Regulatory Services

(Christopher Corradi, Senior Planner)