

**ITEM 3. REVIEW OF STANDARD DEVELOPMENT APPLICATION CONDITIONS****FILE NO: S043361****SUMMARY**

The Standard Development Application Conditions have been in use since February 2006. They were recently reviewed for minor anomalies and omissions and updated to reflect changes in legislation and presented to the Planning Development and Transport Committee on 5 May 2008.

On 12 May 2008 Council endorsed the public exhibition of the amendments, subject to additional conditions and amendments, for a period of 28 days. The findings of the exhibition are now being presented to the Planning Development and Transport Committee. Two submissions were received from the Australian Institute of Architects and Urban Taskforce Australia. Copies of their submissions are provided in **Attachment B**.

Subsequent to the report to Committee in May, additional alterations and improvements have been identified by the City's Prosecutors Office and other Council Units. The proposed amendments are detailed in **Attachment A**.

**RECOMMENDATION**

It is resolved that:

- (A) Council approve the amendments to the City of Sydney: Standard Development Application Conditions contained in **Attachment A** to the subject report; and
- (B) a further review of the Standard Conditions be undertaken 12 months thereafter.

**ATTACHMENTS**

**Attachment A:** Further Amendments to Schedules 1A, 1B and 1C of the Standard Development Application Conditions and Conditions for Place of Public Entertainment Venues (Note: This attachment will be circulated separately from the Agenda Paper and to Councillors only and will be available on Council's website and for viewing at Council's One Stop Shop and Neighbourhood Service Centres).

**Attachment B:** Australian Institute of Architects and Urban Taskforce Australia Submissions

**Attachment C:** Resolution of Council of 12 May 2008

**BACKGROUND**

1. The City of Sydney: Standard Development Application Conditions have been in use since February 2006. A review of the standard conditions was recently undertaken to address identified anomalies and changes in legislation.
2. The recent review was presented to the Planning Development and Transport Committee on 5 May 2008. The Committee recommended that Council approve the amendments to the standard conditions for public exhibition and seek input from relevant industry bodies.
3. At its meeting on 12 May 2008, Council endorsed the public exhibition of the revised standard conditions, subject to additional conditions and amendments. A copy of the resolution of Council is provided in **Attachment C**.
4. The revised standard conditions were publicly exhibited for a period of 28 days from 1 July to 29 July 2008. Council also sought review and input on the revised standard conditions from the following relevant industry bodies:
  - (a) Australian Conservation Foundation;
  - (b) Australian Institute of Architects;
  - (c) Planning Institute of Australia;
  - (d) Property Council of Australia;
  - (e) Total Environment Centre; and
  - (f) Urban Taskforce Australia.
5. Two submissions were received from the Australian Institute of Architects (AIA) and Urban Taskforce Australia (UTA). Copies of their submissions are provided in **Attachment B**. The comments raised in their letters are summarised as follows:
  - (a) AIA welcomes Condition 5 (Design Quality Excellence) of Schedule 1A and Conditions 4 (Heritage Interpretation Strategy) and 26 (Re-Use of Traditional Kerb Materials) of Schedule 1B.

**Comment:** Noted.

- (b) UTA objects to Condition 5 (Design Quality Excellence) of Schedule 1A. Contractual agreements between the applicant and architect are of no proper concern to Council and Council cannot assume the right to require approval prior to change of an architect.

**Comment:** Given that it is important to aim for design quality excellence in developments and that the condition is supported by the AIA, no change is recommended.

- (c) AIA welcomes Condition 2 (Timber Front Dormers) of Schedule 1B, however, suggested sub-clause (e) is amended to “Roof materials must match the existing *original* roof materials”.

**Comment:** Use of the standard condition is for circumstances where matching the existing materials is considered acceptable following a full and proper planning, heritage and urban design assessment. Where it is preferable to match the original materials, where they no longer exist, a specific non-standard condition would be used. No change to the condition is recommended.

- (d) AIA raised a concern that Condition 8 (Structural Integrity of Retained Facade) of Schedule 1B endorses the practice of facadism. Recommends that where a heritage building is considered worthy of listing and protecting the whole building should be retained.

**Comment:** The intent of the condition is not to endorse facadism and the condition is only used in exceptional circumstances following a full and proper planning, heritage and urban design assessment. In addition, the condition is not heritage specific and may be used in any instance where a facade is to be retained as part of a development. No change to the condition is recommended.

- (e) With respect to Condition 30 (Disposal of Surplus Salvaged Materials) of Schedule 1B, AIA considers that Council should require that notification about future sales of surplus salvaged materials be publicly recorded.

**Comment:** Council cannot mandate the public sales notification of private material. Such a requirement would be onerous, as salvaged material may be sold to numerous people over a long period of time. In addition, the requirement would not be enforceable. No change to the condition is recommended.

- (f) With respect to Conditions 85 (Access and Facilities for Persons with Disabilities) and 86 (Adaptive Housing) of Schedule 1B, AIA considers that the original architect needs to be (preferably) involved in relation to modifications to comply with the Access DCP.

**Comment:** Conditions 85 and 86 are applied to new developments where the original architect is generally involved. A note to the planner advises that the condition has design implications that need to be considered before the DA is determined. No changes to the conditions are recommended.

- (g) With respect to Conditions 87 (Ecologically Sustainable Development) and 88 (Energy Efficiency of Buildings) of Schedule 1B, AIA considers that other rating measures for heritage buildings should be used rather than relying solely on the Australian Building Greenhouse Rating (ABGR) scheme.

**Comment:** Conditions 87 and 88 are standard conditions applied to new developments. A note to the planner advises that heritage Items are possible exceptions to these conditions. No changes to the conditions are recommended.

6. Subsequent to the report to the Planning Development and Transport Committee in May 2008, additional minor alterations and improvements to the revised standard conditions have been identified by the City's Prosecutors Office and other Council Units. The additional amendments are detailed in **Attachment A**. All changes and new inclusions are shown in strikethrough and bold italics. For ease of reference, a list of amendments is also provided at the beginning of each schedule.

**GIOVANNI CIRILLO**

Director City Planning and Regulatory Services

(Evita Lake, Senior Planner)