

Relevant Information for Local Planning Panel

FILE: D/2018/1360 **DATE:** 3 April 2019

TO: Local Planning Panel Members

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

SUBJECT: Information Relevant To Item 6 – Development Application: 21 O’Connor Street, Chippendale

Recommendation

That the Local Planning Panel do not agree to the submission of amended plans.

Background

Item 6 – Development Application: 21 O’Connor Street, Chippendale is recommended for refusal.

Council officers raised a number of concerns during the assessment of the application and requested that the application be amended. These concerns included non-compliance with the height control and the provision of the roof top terrace. Although the application was subject of amended plans, the height of the building and the provision of the roof top terrace remained unchanged.

In response to the reasons for refusal, the applicant has submitted additional information and amended plans. The applicant has provided a cover letter in Attachment A requesting the amended plans be approved with appropriate conditions or alternatively that the panel defer the application for Council staff to assess the amended plans.

The applicant has also provided a cover letter in Attachment B addressing heritage considerations. The letter states that the amended proposal maintains the limited significance of the building and provides for a sympathetic and well-considered alteration to its upper level. It further states that the addition is not excessive in bulk and scale and will not have a detrimental impact on the character of the building and the wider conservation area.

The amended plans delete the roof terrace and external stair and are provided in Attachment C. While the deletion of the roof terrace and external stair is considered positive, the applicant's Clause 4.6 requests to vary the height and floor space ratio development standards failed to demonstrate that compliance with the standards is unreasonable or unnecessary or that there were sufficient environmental planning grounds to justify contravening the standard. An amended Clause 4.6 variation request has not been submitted.

Council's fees and charges provide that a major modification of an application prior to determination is subject to a fee of 50 per cent of the original DA fee (minor modification 25 per cent). A 50 per cent fee is approximately \$768. No additional fees have been paid.

The applicant submitted amended plans and additional information on 29 March 2019 after the assessment of the application had been completed, the report to the Local Planning Panel had been finalised and the agenda for 3 April meeting had been published.

Clause 55 (1) of the Environmental Planning and Assessment Regulation 2000 allows for the submission of amended plans but only with the agreement of the consent authority. The Clause reads as follows:

(1) A development application may be amended or varied by the applicant (but only with the agreement of the consent authority) at any time before the application is determined.

It is recommended that the Local Planning Panel do not agree to the submission of amended plans at this late stage.

Prepared by: Zeb McInnes, Planner

Attachments

- Attachment A.** Cover Letter
- Attachment B.** Heritage Letter
- Attachment C.** Amended Plans

Approved



GRAHAM JAHN AM

Director City Planning, Development and Transport

Attachment A

Cover Letter



Local Planning Panel
City of Sydney
GPO Box 1591
Sydney NSW 2001

29 March 2019

21 O'Connor Street, Chippendale – DA D/2018/1360

Dear Sir or Madam,

This letter has been prepared by Kreis Grennan Architecture to accompany revised drawings and documentation to be considered by City of Sydney's Local Planning Panel on 3 April 2019 for DA application D/2018/1360.

Background

The Development Application was submitted to council on 8 November 2018. On 20 November 2018 the architects attended a site inspection with the owner and council's planner Zeb McInnes.

Planning Assessment

On 20 December 2018 the applicant received a letter outlining 8 points with council's concerns and issues relating to the proposal. The applicant submitted revised drawings on 23 January 2019 addressing these points, listed below with comments:

- Surrounding development is predominantly two storeys. The site is subject to a 9m height control in the Sydney LEP 2012 and a two storey height control in the Sydney DCP 2012. The existing building is two storeys with an attic-like mansard addition. The proposed third storey and rooftop terrace results in a non-compliance with both controls, which is considered excessive and is not supported. It is recommended that the design be amended to remove the roof terrace and stair and maintain an attic-like addition above the two storeys.*

 - There are a number of surrounding warehouse developments over two storeys, including three, four and five storeys. Several warehouses in near proximity with very similar footprint of around 90 square meters are higher than the current proposal
 - The design was amended to pitch in the walls to match the existing roof line and create an attic-like mansard addition, with walls at 15 degrees pitch.
 - The applicant decided to retain the roof terrace and stair, as it was considered to have a minimal visual and privacy impact to the surrounding dwellings – as demonstrated in drawing 092.
- City staff would be supportive of a tree being planted within a deep soil zone in the new courtyard. A floating stair and careful placement of footings should be investigated to minimise impacts to the tree.*

 - Planting was included in the courtyard and considered to be sufficient. A large tree is difficult to be accommodated in such a tight space.



3. *The proposed removal of the window frames is not supported. It is recommended that operable steel framed windows are reinstated to all openings within the proposed void.*
 - Design was amended to include window frames, without glazing to provide effective cross ventilation via the stair core.
4. *Opportunities for natural cross ventilation through the provision of operable roof lights or clerestory windows should be investigated.*
 - Cross ventilation was considered to be adequate, but operable skylights could be conditioned if required.
5. *Additional information is required to confirm overshadowing impacts as the shadow diagrams do not show the full extent of shadows along Smithers Street.*
 - New drawings 066 was submitted demonstrating no impact to Smithers Street dwellings
6. *Additional information is required to fully define overlooking impacts.*
 - New drawing 902 was submitted demonstrating limited impact to visual privacy to adjoining dwellings
7. *Further investigation into predominant colours in the local areas should be undertaken to justify whether the proposed dark grey colour is compatible. Alternative colour options should be considered.*
 - Investigation of neighbourhood shown precedents of dark grey colour scheme used in warehouses.
8. Consideration should be given to the removal of the WC within the commercial studio. It appears to be intrusive within the space and another WC is provided in the adjacent store.
 - The applicant wanted to maintain two WC on ground floor to allow for flexibility of the space usage.

The applicant was under the impression that it had adequately addressed council's concerns and issues adequately as per the 8 points listed above.

Local Planning Panel

On 27 March 2019 the applicant was advised via email that the Development Application has been recommended for refusal to be determined by the Local Planning Panel on 3 April 2019.

The key reasons for refusals were listed as:

1. The site is subject to a maximum building height of 9m under the Sydney LEP 2012. The proposal has a maximum building height of 10.83m, which exceeds the standard by 18.45%.
2. The site is subject to a maximum floor space ratio of 1.5:1 under the Sydney LEP 2012. The proposal has a floor space ratio of 1.93:1, which exceeds the standard by 25%.



3. The proposal has been considered by the Design Advisory Panel Residential Subcommittee who recommended the applicant maintain an attic-like addition, retain the window frames, and provide further information in relation to overlooking and overshadowing impacts.
4. The proposal results in an unacceptable non-compliance with the Sydney LEP 2012 height control and Sydney DCP 2012 height in storeys control, will result in overlooking impacts, is excessive in bulk and scale, and is unsympathetic to the contributory building and conservation area.

In response to council's continuing issues with the proposal and the proposed recommendation for refusal, the applicant has further revised the proposal to be considered by the Local Planning Panel.

1. Deletion of the roof terrace and access stair, building height

- Resolves objections and issues raised in relation to visual privacy to the surrounding dwellings.
- Reduces overall height from 10.8m to 9.9m, a 10% variation to the LEP height control is sought.
- Whilst the proposal increases the building height by 350mm to provide better amenity ceiling height to the attic level, it is important to note that the existing building already exceeds the LEP height limit.
- It should be noted that is precedence on O'Connor Street with warehouse buildings in excess of the proposed 9.9m height.
- As demonstrated in the Clause 4.6 variation, compliance with the height control is unreasonable and unnecessary in the circumstances of the case, there are sufficient environmental planning grounds to justify contravention of the height control and the proposal will be in the public interest, noting the proposal will have a positive contribution on the conservation area.

2. FSR Controls

- The overall Gross Floor Area of the building is actually reduced from 199sqm to 192sqm – a reduction of 7sqm of Gross Floor Area.
- The proposed addition at attic level is to replace an existing attic and has been amended by pitching in the walls to match the existing roof line, with a minor increase in height to provide adequate floor to ceiling heights.
- The additional floor area at attic level is limited to 13sqm and will not result in any unreasonable impact for adjoining properties or result in a visually intrusive building within the streetscape or conservation area.
- As demonstrated in the Clause 4.6 variation, compliance with the FSR control is unreasonable and unnecessary in the circumstances of the case, there are sufficient environmental planning grounds to justify contravention of the FSR control and the proposal will be in the public interest, noting the proposal will reduce the overall gross floor area and will have a positive contribution on the conservation area.



3. Attic like roof addition

- The proposal was amended, as per council request, with pitched walls at 15 degree to present an attic-like roof addition
- The walls are further recessed back then the existing building walls, with external fins for solar control
- The revised proposal includes a metal roof with box gutter and solar panels

4. Overlooking, unsympathetic to the contributory building

- Deletion of roof terrace removes overlooking concerns.
- Three, four and five storey warehouse developments are common in the surrounding area, refer to submitted drawing 903 with storey analysis
- Refer to letter and statement by Heritage Consultant John Oultram, supporting the proposed alteration and addition.
- Presentation of street view render, showing existing and proposed streetscape, demonstrating a sympathetic development of the contributory building.

5. Other matters

- A large planter was added with a tree in the courtyard.

The applicant, consulting architect and town planner have registered and will present at the Local Planning Panel to provide details of how the application has been amended to address all of council's concerns and objections raised.

Councils concerns have been addressed, resolving the reasons for refusal as void.

It is requested that the Local Planning Panel review the application, including the latest design revision, and determine the application for D/2018/1360 to be **approved** with appropriate conditions. Alternatively, the panel can defer the application for council staff to assess the amended plans.

Your sincerely,

Chris Kreis
Director

Attachment B

Heritage Letter

JOHN OULTRAM HERITAGE & DESIGN

Level 2, 386 New South Head Road

DOUBLE BAY NSW 2028

(Access from Knox Lane)

PO Box 1441

DOUBLE BAY NSW 2028

Telephone: (02) 9327 2748

Email: heritagedesign@bigpond.com

ABN 23 581 172 790

29th March 2019

A Rodgers & B. Mullin

c/o Kreis Grennan Architecture,

319-325 Trafalgar Street,

Petersham,

NSW 2049

Attention: Christian Grennan

Dear Sirs,

**Re: 21 O'Connor Street, Chippendale – Proposed Alterations and Additions
D/2018/1360**

Further to your recent correspondence, we are writing to comment on the response received from Council regarding the above outlined in the Local Planning Panel Report dated 3rd April 2019.

The application was accompanied by a Heritage Impact Statement prepared by this office dated November 2017.

1.0 Heritage Issues

(B) The proposal results in unsympathetic alterations and additions to a contributory building within the Chippendale Heritage Conservation Area (C9). The proposal is therefore contrary to the requirements of Clause 5.10 of the Sydney LEP 2012 and Section 3.9 of the Sydney DCP 2012.

Response:

The HIS contained a detailed history of the place and an assessment of significance that concluded:

...we consider that the building would not meet any of the Heritage Branch criteria for identification as a place of local significance and could only be considered to be a neutral building in the conservation area.

HIS p. 21

The building was likely identified as a Contributory building on the basis that it was of some age but the current building largely dates from 1957. It has been altered to a residence and has a modern, roof top addition.

The character statement for Chippendale notes:

The consistency of terrace rows and pre-war and post-war industrial warehouses, their scale and proportions, roof design and materials palette, is important to the significance of the heritage conservation area.

SDCP Section 2.3 p. 2.3-1

The building dates from well into the Post War era and is a very modest structure with few features of note.

The proposed design seeks to maintain the building with an increase in scale at the roof where the modern mansard will be replaced to a similar detail to a slightly larger footprint and height to give a reasonable level of amenity to the top floor.

Section 2.3 of the SDCP calls for:

High quality additions and alterations are encouraged to maintain the character of the conservation area and protect residential amenity.

and

(i) Design additions and alterations to retain the scale and massing of front elevations and the original roof form as viewed from the primary street frontages.

(j) Retain and protect early industrial and pre war, interwar and post war warehouse buildings.

SDCP Section 2.3 p. 2.3-2

The post war building will be retained with limited change to its visible elevations. The current roof form is modern resulting from the later mansard and this will be replaced to a similar form.

We considered that the rooftop terrace would have little visual impact but the applicant is willing to delete this element.

2.0 Summary

Overall we consider that the proposals clearly maintain the limited significance of the building and provide for a sympathetic and well-considered alteration to its upper level. It is not excessive in its bulk and scale and will not have a detrimental impact on the character of the building and the wider conservation area.

Yours faithfully,



JOHN OULTRAM

Attachment C

Amended Plans

DOCUMENT REGISTER

21 O'CONNOR ST, CHIPPENDALE
17-090

Day	1	22	27
Month	11	1	3
Year	18	19	19

DRAWING NO.	DRAWING TITLE	SHEET SIZE	ISSUE
	1 of 1		
	ARCHITECTURAL DRAWINGS		
000	COVER SHEET + LOCATION	A3	A B C
001	BASIX COMMITMENTS	A3	A B
020	EXISTING FLOOR PLANS	A3	A B
021	EXISTING FLOOR PLANS	A3	A B
030	PROPOSED FLOOR PLANS	A3	A B C
031	PROPOSED FLOOR PLANS	A3	A B C
032	DRAINAGE CONCEPT PLAN	A3	A B C
060	SHADOW DIAGRAMS - EXISTING - 21st JUNE	A3	A B C
061	SHADOW DIAGRAMS - EXISTING - 21st JUNE	A3	A B
062	SHADOW DIAGRAMS - EXISTING - 21st JUNE	A3	A B
063	SHADOW DIAGRAMS - PROPOSED - 21st JUNE	A3	A B
064	SHADOW DIAGRAMS - PROPOSED - 21st JUNE	A3	A B
065	SHADOW DIAGRAMS - PROPOSED - 21st JUNE	A3	A B
066	SHADOW DIAGRAMS - SMITHERS ST. ELEV.	A3	A
067	CALCULATIONS	A3	A B C
100	PROPOSED ELEVATIONS	A3	A B C
101	PROPOSED ELEVATIONS	A3	A B C
102	PROPOSED ELEVATIONS	A3	A B C
103	PROPOSED MATERIALS	A3	A B C
200	PROPOSED SECTIONS	A3	A B C
201	PROPOSED SECTIONS	A3	A B C
900	3D EXTERIOR	A3	A B C
901	3D EXTERIOR	A3	A B C
902	ROOFTOP - OVERLOOKING IMPACTS	A3	A
903	NUMBER OF STOREYS PLAN	A3	A
904	NUMBER OF STOREYS FOR NON TERRACE BUILDINGS	A3	A
	SURVEY	A3/A1	✓
	HILL & BLUME / 16.6.2017		
	STATEMENT OF ENVIRONMENTAL EFFECTS	A4	✓
	A SQUARED PLANNERS / -		
	HERITAGE REPORT	A4	✓
	JOHN OULTRAM HERITAGE & DESIGN / -		
	BASIX	A4	✓
	NO. - A298571_02		
	COST SUMMARY REPORT	A4	✓
	BDA CONSULTANTS PTY LTD		

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Nominated Architect:
Christian Grennan NSW Architect #9036

Kreis Grennan Architecture

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PROJECT:
ALTERATIONS TO 21 O'CONNOR STREET, CHIPPENDALE

CLIENT:
A. RODGERS & B. MULLIN

DRAWING TITLE:
COVER SHEET + LOCATION

PROJECT REFERENCE:
17-090

SCALE:
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ISSUE:
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SIZE:
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NUMBER OF STOREYS PLAN

- 2 STOREYS
- 2 STOREYS TERRACE DWELLING + ATTIC
- 3 STOREYS
- 4 STOREYS



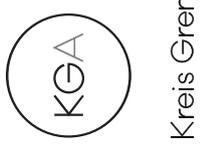
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ISSUE DATE: 27/3/19
 DESCRIPTION: DA AMENDMENT-2

PROJECT: **ALTERATIONS TO 21 O'CONNOR STREET, CHIPPENDALE**
 CLIENT: **A. RODGERS & B. MULLIN**

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NUMBER OF STOREYS FOR NON TERRACE BUILDINGS

- 2 STOREYS
- 3 STOREYS
- 4 STOREYS



DRAWING TITLE:
NUMBER OF STOREYS FOR NON TERRACE BUILDINGS
 PROJECT REFERENCE:
 17-090

ISSUE DATE DESCRIPTION
 A 27/3/19 DA AMENDMENT-2

PROJECT:
ALTERATIONS TO 21 O'CONNOR STREET, CHIPPENDALE

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CLIENT:
A. RODGERS & B. MULLIN

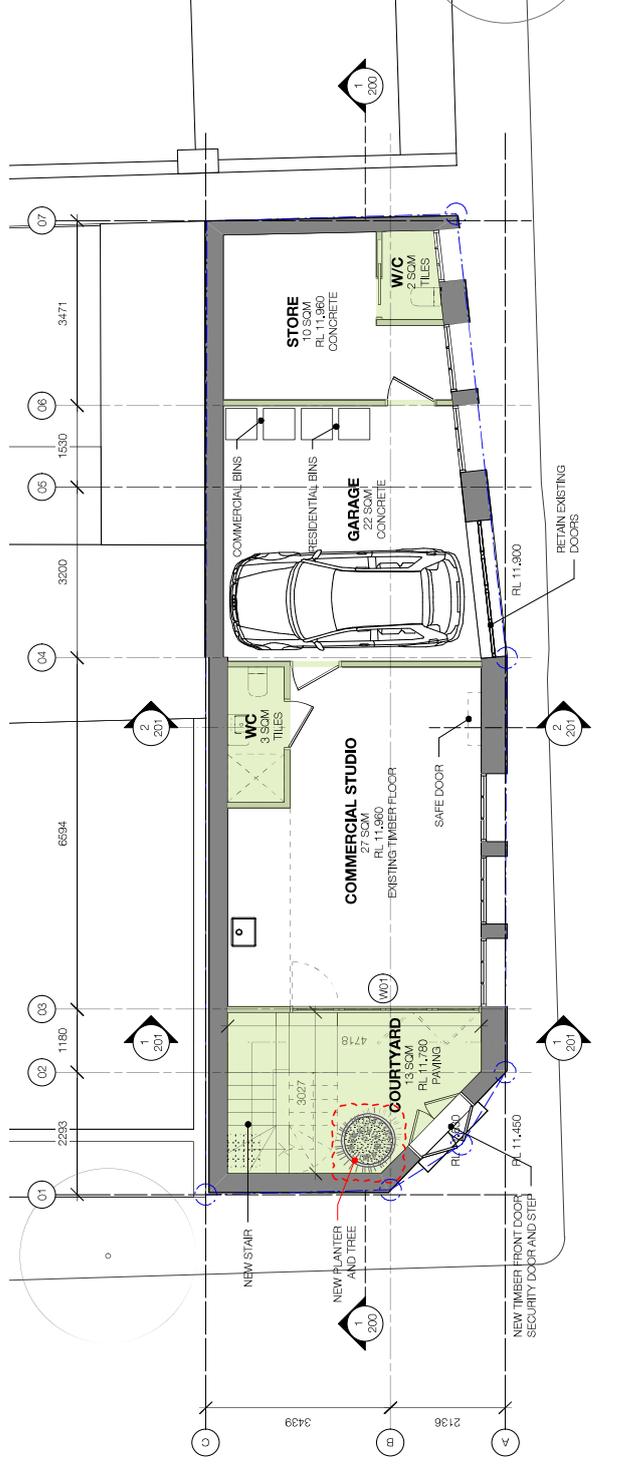
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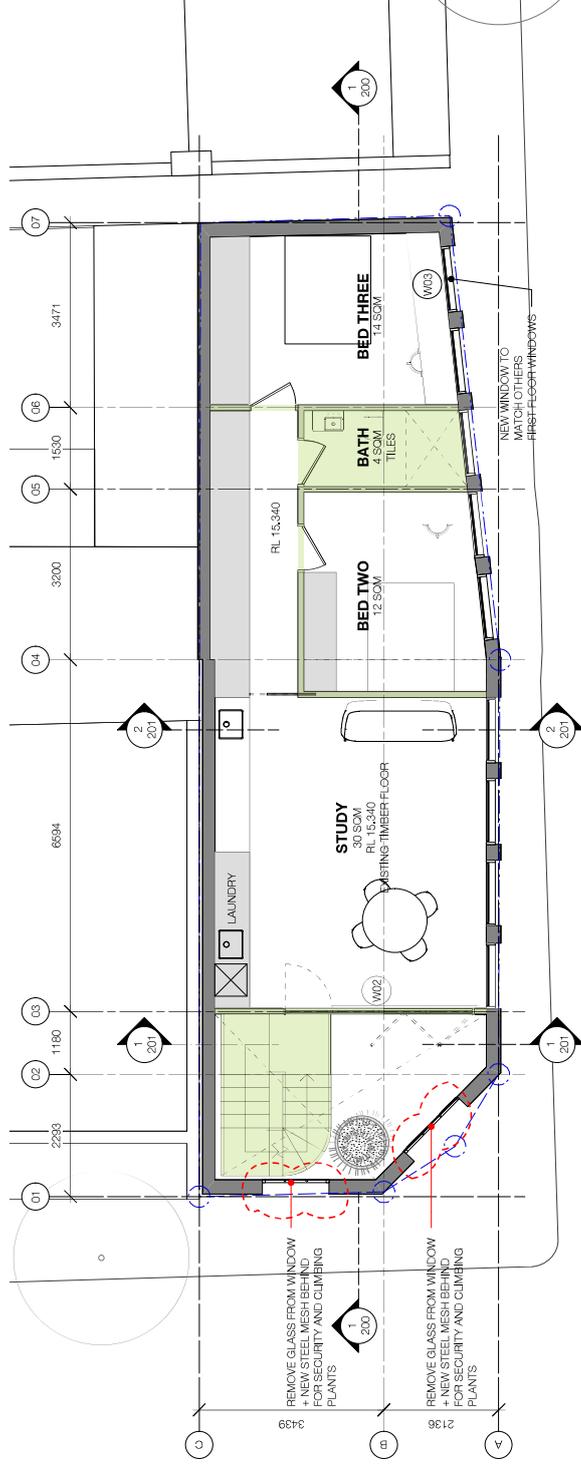
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 FZ

SIZE:
 A3



1 GROUND FLOOR



2 FIRST FLOOR

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**ALTERATIONS TO 21 O'CONNOR
 STREET, CHIPPENDALE**

ISSUE	DATE	DESCRIPTION
A	01/11/18	DA SUBMISSION
B	22/1/19	DA AMENDMENT
C	27/3/19	DA AMENDMENT-2

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PROPOSED FLOOR PLANS

PROJECT REFERENCE:
17-090

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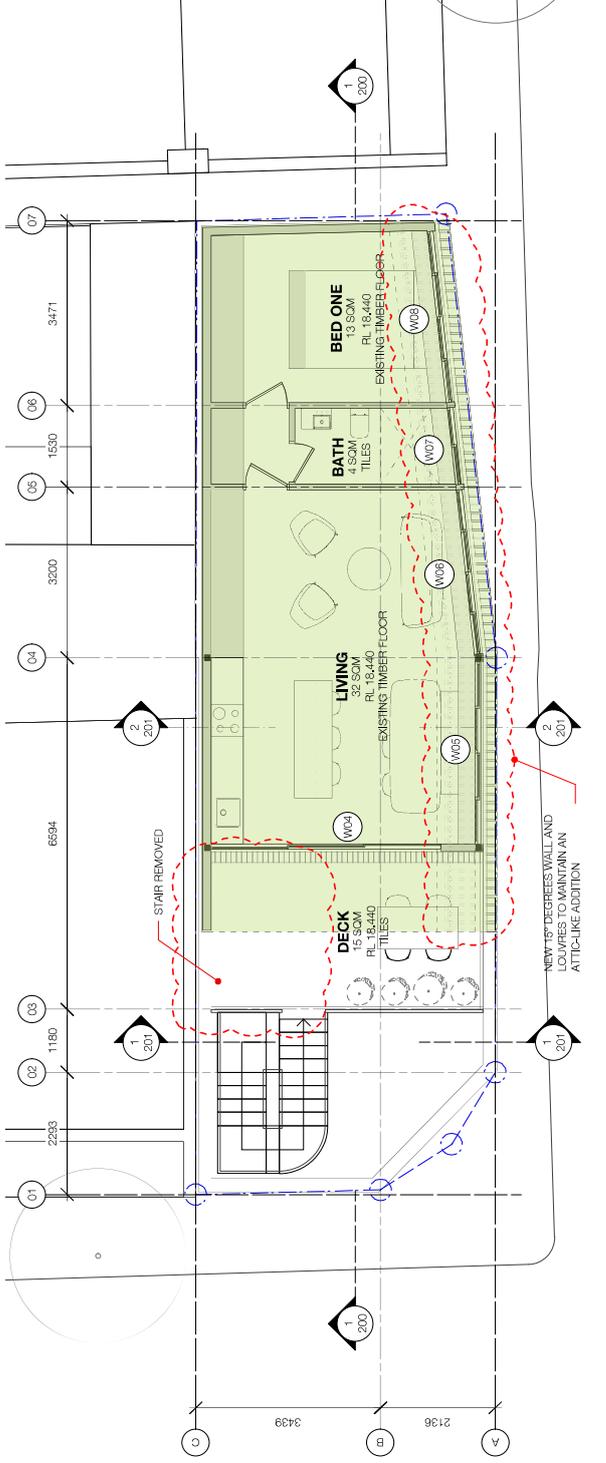
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A. RODGERS & B. MULLIN

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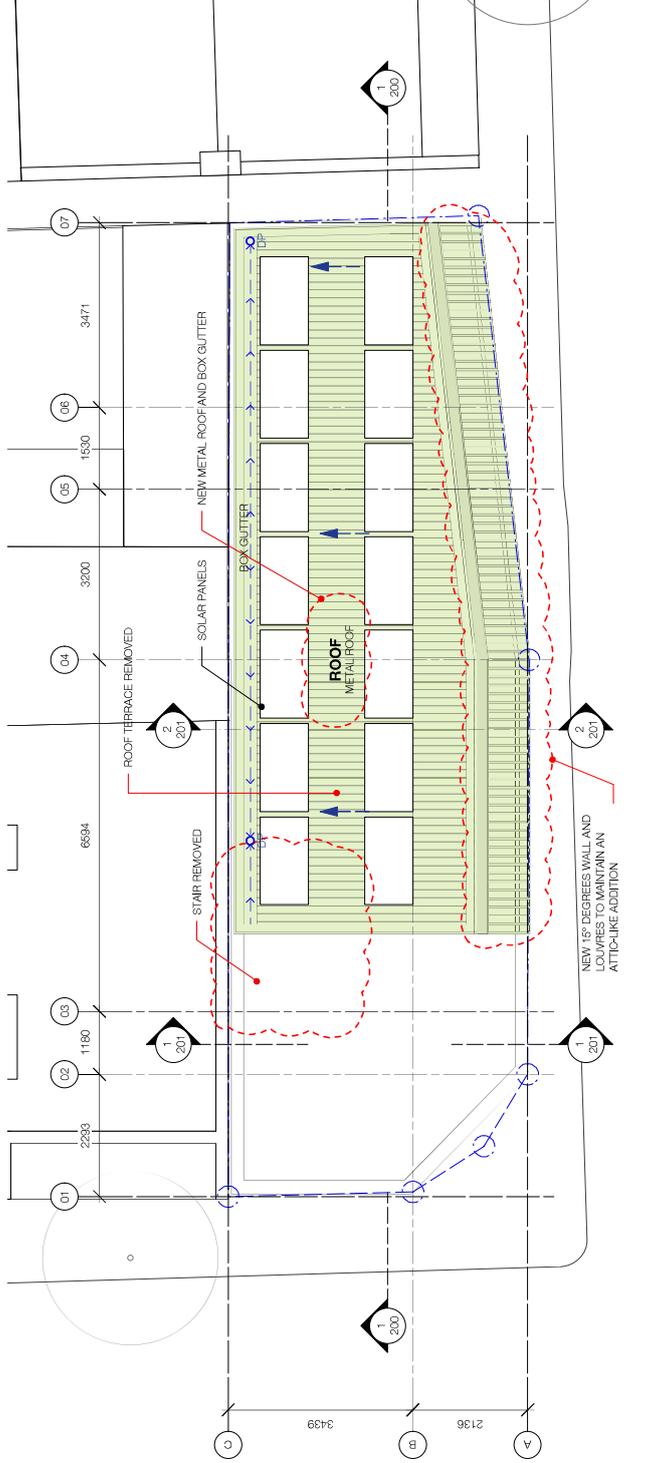
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1 SECOND FLOOR



2 ROOF

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ISSUE	DATE	DESCRIPTION
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B	22/1/19	DA AMENDMENT
C	27/3/19	DA AMENDMENT-2

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PROPOSED FLOOR PLANS

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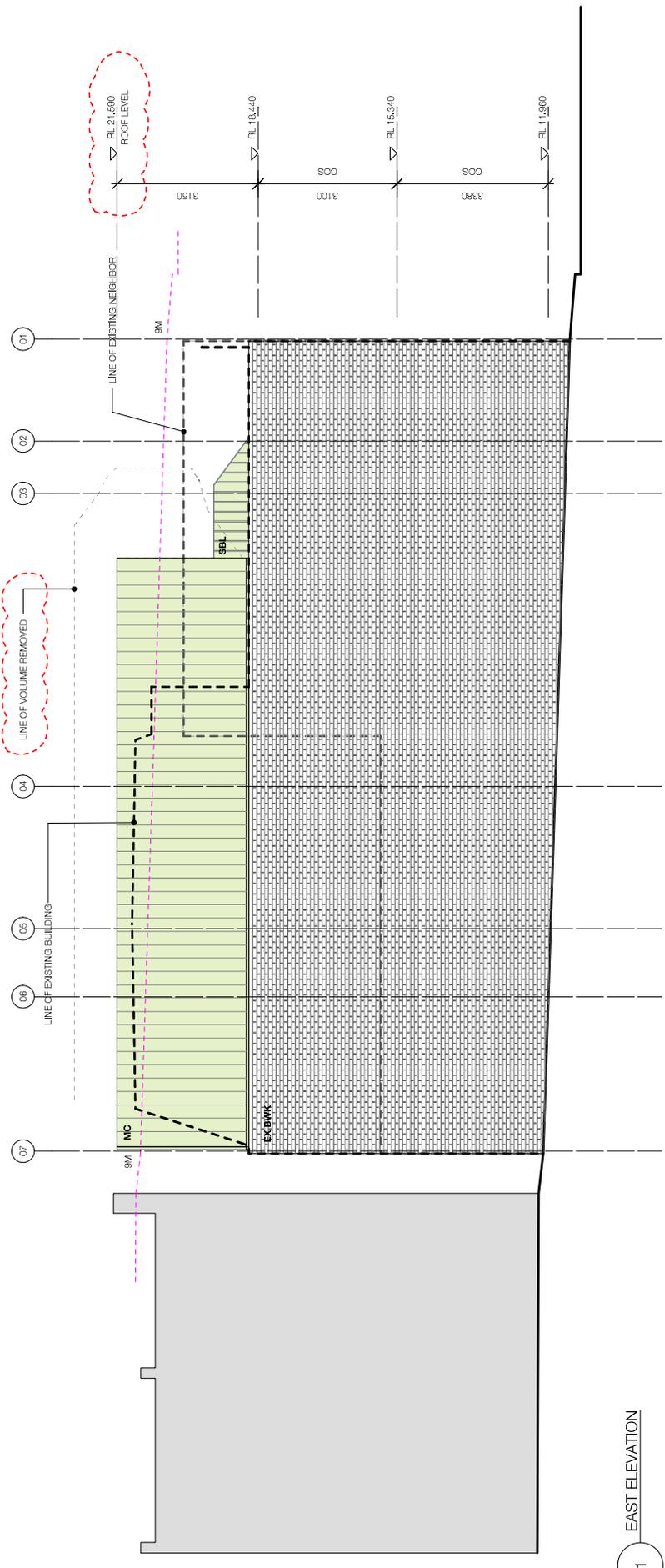
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ISSUE:
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PROJECT REFERENCE:
17-090

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A3



1 EAST ELEVATION

SCHEDULE OF EXISTING COLOURS & FINISHES

EX BWK EXISTING BRICKWORK WHITE COLOUR	
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SCHEDULE OF PROPOSED COLOURS & FINISHES

RND RENDER PAINT FINISH DARK GREY COLOUR	
PBWR PAINTED BRICKWORK DARK GREY COLOUR	
AL ALUMINIUM COURSES GOLD/BRONZE/MATTE COLOUR	
MC METAL CLADDING DARK GREY COLOUR	
MA ALUMINIUM LOUVRES GOLD/BRONZE/MATTE COLOUR	
SBL STEEL BALLUSTRADE DARK GREY COLOUR	
MR METAL ROOF DARK GREY COLOUR	

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B 22/1/19 DA AMENDMENT
C 27/3/19 DA AMENDMENT-2

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PROPOSED ELEVATIONS

PROJECT REFERENCE:
17-090

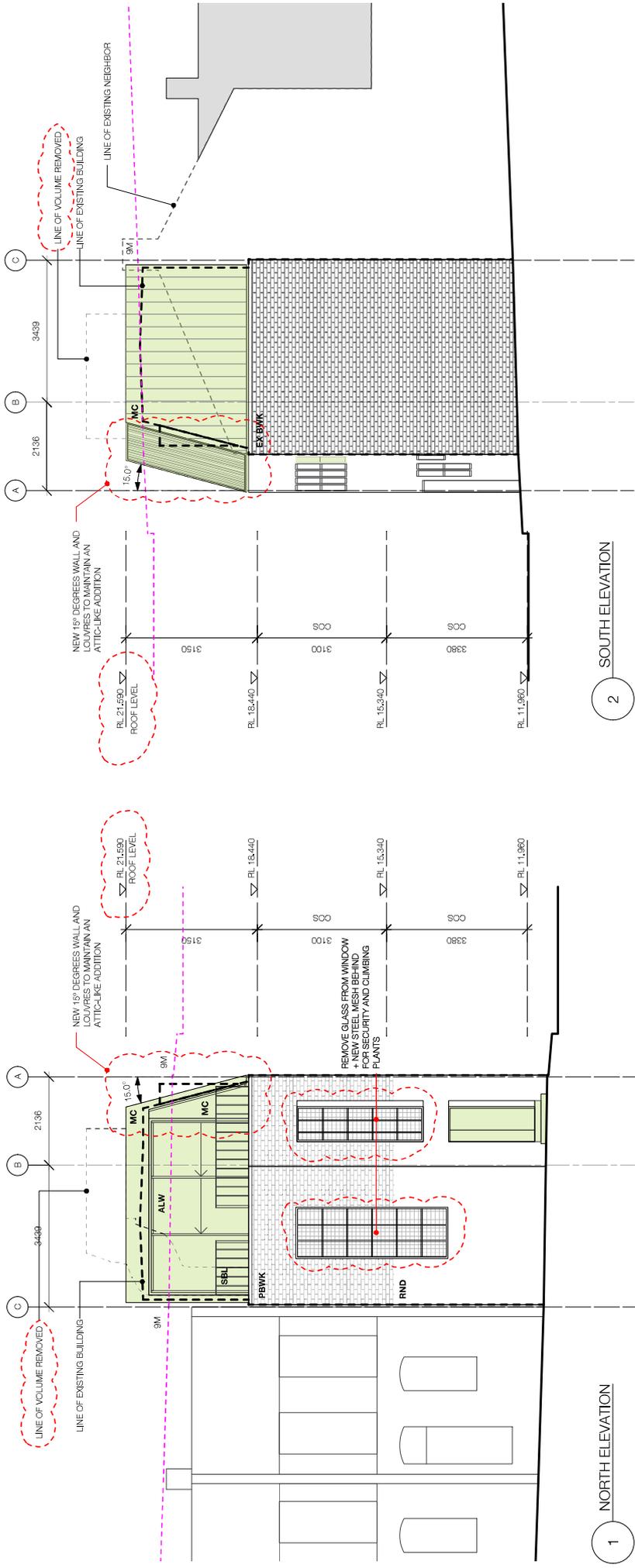
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SCHEDULE OF EXISTING COLOURS & FINISHES

EX BWK	EXISTING BRICKWORK WHITE COLOUR
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SCHEDULE OF PROPOSED COLOURS & FINISHES

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PBWR	PAINTED BRICKWORK DARK GREY COLOUR	MC	METAL CLADDING DARK GREY COLOUR						

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ISSUE **DATE** **DESCRIPTION**

A	01/11/18	DA SUBMISSION
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DRAWING TITLE:
PROPOSED ELEVATIONS

PROJECT REFERENCE:
17-090

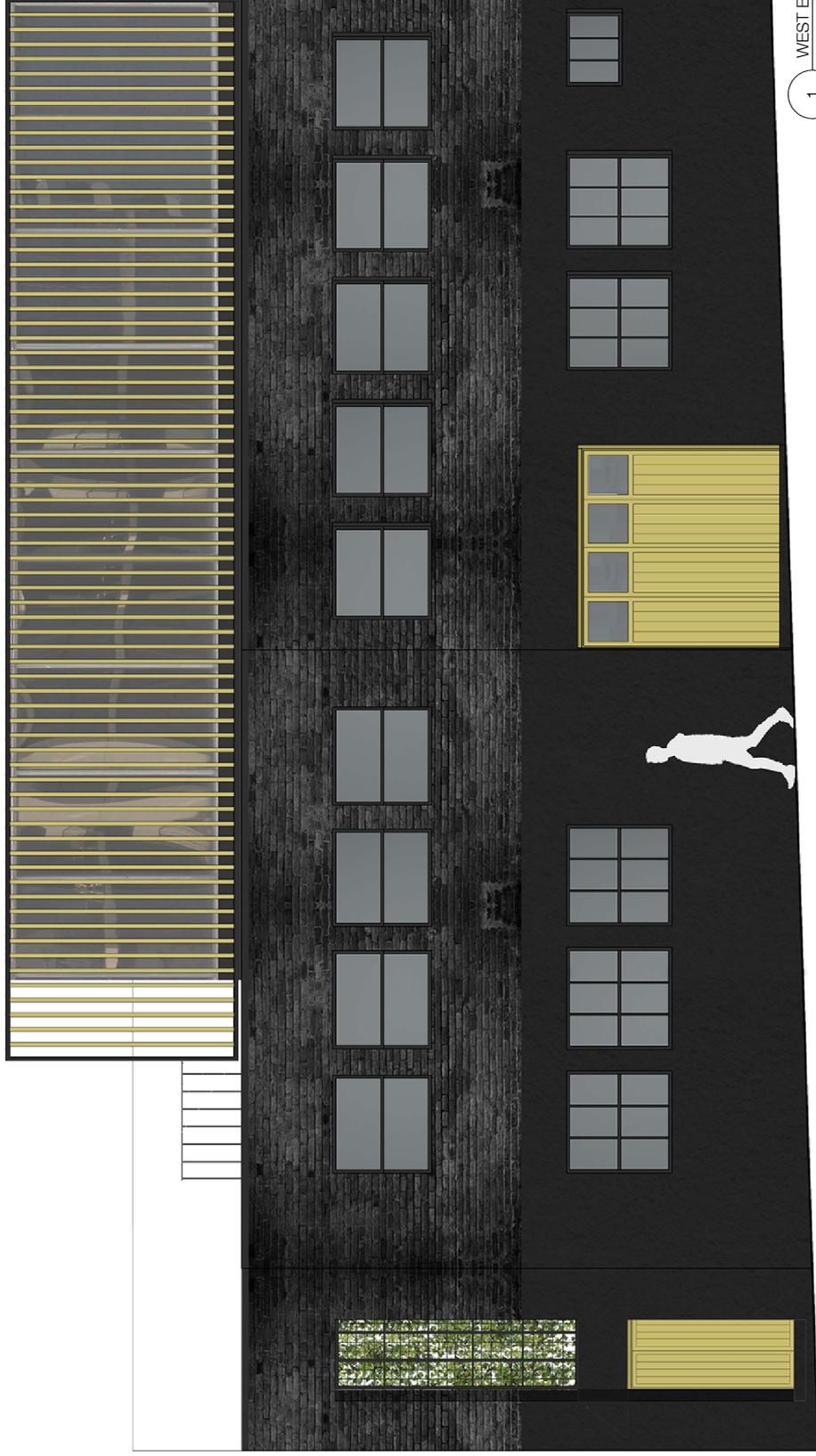
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1 WEST ELEVATION

SCHEDULE OF PROPOSED COLOURS & FINISHES



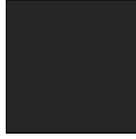
RND
RENDER PAINT FINISH
DARK GREY COLOUR



PBWR
PAINTED BRICKWORK
DARK GREY COLOUR



AL
ALUMINIUM LOUVRES
GOLD/BRONZE MATTE
COLOUR



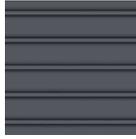
MC
METAL CLADDING
DARK GREY COLOUR



MA
METAL AWNING
GOLDEN/BRONZE MATTE
COLOUR



SBL
STEEL BALUSTRADE
DARK GREY COLOUR



MR
METAL ROOF
DARK GREY COLOUR

Ground Floor
319-325 Tratalgar Street
Peterborough, NSW 2049
info@kreisgrennan.com.au
p: 02 9560 0888

Nominated Architect:
Christian Grennan NSW Architect #6036

TO BE READ IN CONJUNCTION WITH ALL DOCUMENTS.
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PROJECT:

**ALTERATIONS TO 21 O'CONNOR
STREET, CHIPPENDALE**

CLIENT:
A. RODGERS & B. MULLIN

ISSUE

DESCRIPTION
A 01/11/18 DA SUBMISSION
B 22/1/19 DA AMENDMENT
C 28/3/19 DA AMENDMENT-2

DRAWING TITLE:

PROPOSED MATERIALS

PROJECT REFERENCE:

17-090

SCALE:
NTS

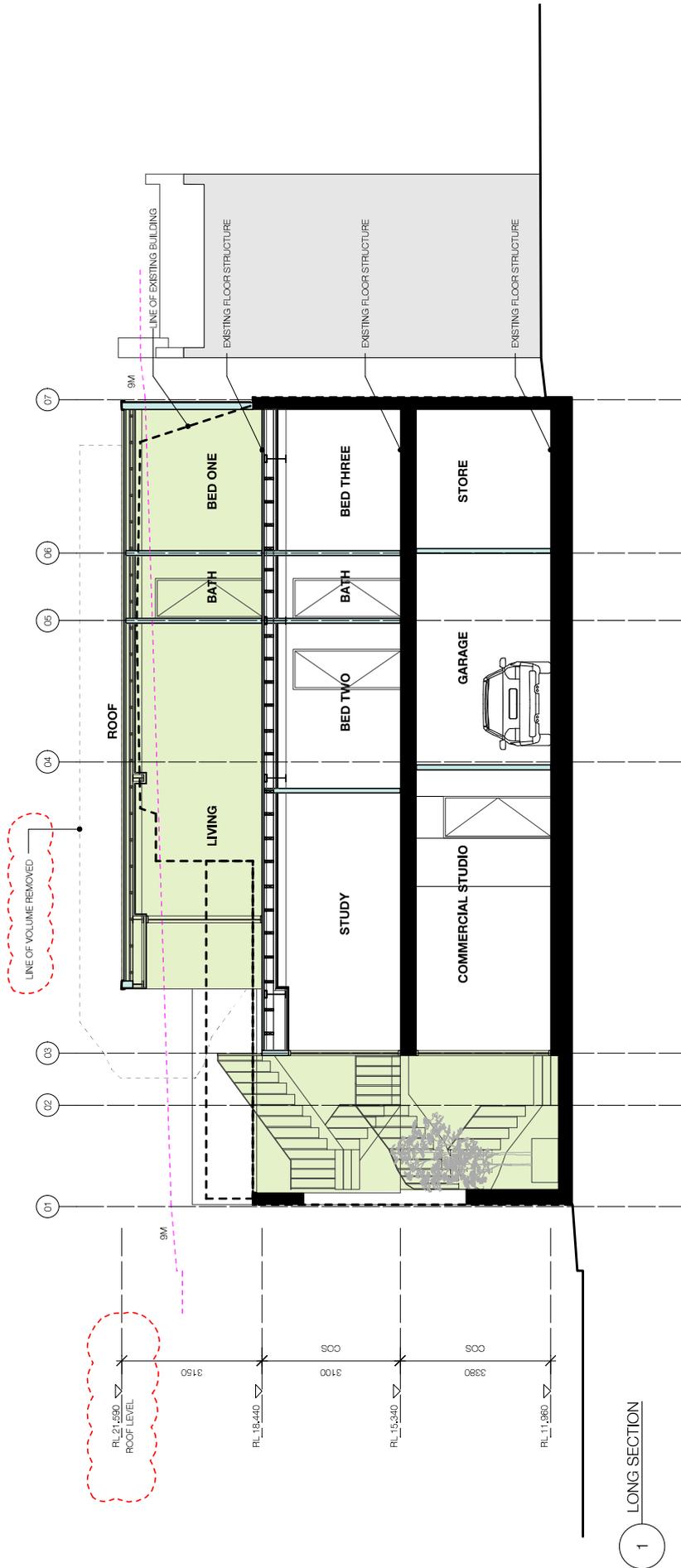
ISSUE:

C

SIZE:
A3

DWG #:
103





1 LONG SECTION

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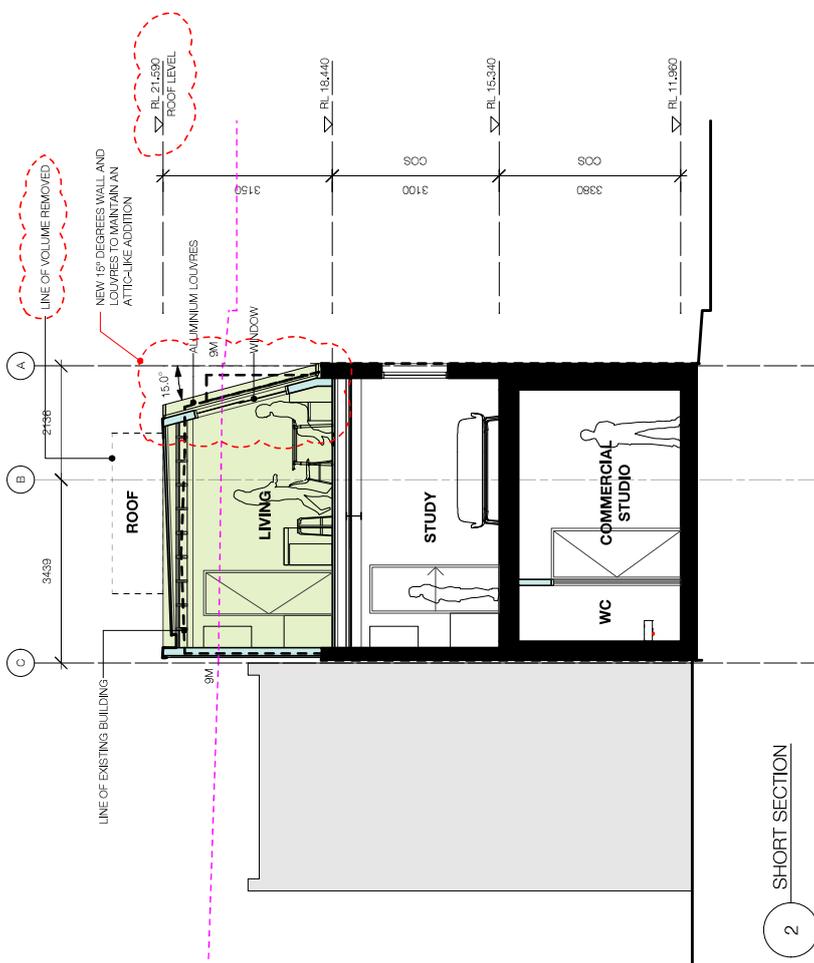
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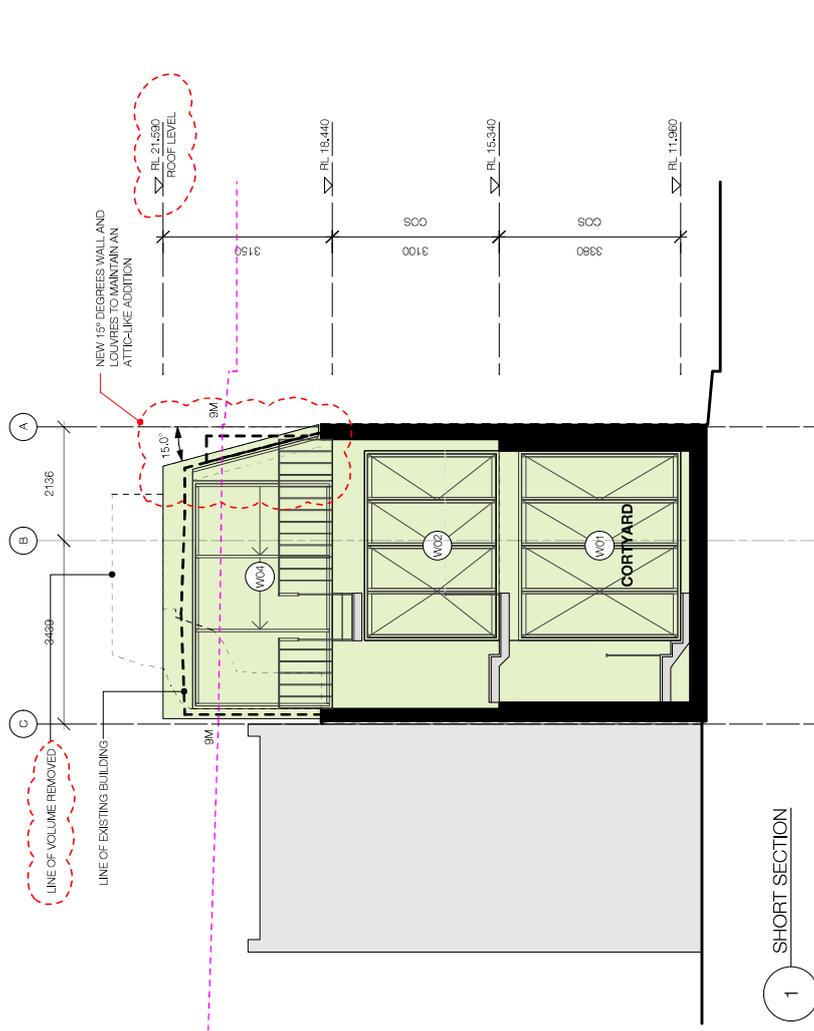
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 A 01/11/18 DA SUBMISSION
 B 22/1/19 DA AMENDMENT

DRAWING TITLE: **PROPOSED SECTION**
 PROJECT REFERENCE: 17-090
 DRAWN: FZ
 SCALE: 1:100
 ISSUE: B
 DWG #: 200





1 SHORT SECTION



2 SHORT SECTION

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DRAWING TITLE:
PROPOSED SECTION
 PROJECT REFERENCE:
17-090
 DRAWN:
FZ
 SCALE:
1:100
 ISSUE:
B

SIZE:
A3
 DWG #:
201



Kreis Grennan Architecture



1 EXISTING VIEW - NORTH-WEST

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ISSUE DATE DESCRIPTION
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 C 27/3/19 DA AMENDMENT-2

DRAWING TITLE:
3D EXTERIOR
 PROJECT REFERENCE:
17-090

SCALE:
NTS

DRAWN:
FZ

ISSUE:
C

SIZE:
A3

DWG #:
900



Kreis Grennan Architecture



1 PROPOSED VIEW - NORTH-WEST

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DRAWING TITLE:
3D EXTERIOR

DRAWN:
FZ

ISSUE:
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SIZE:
A3

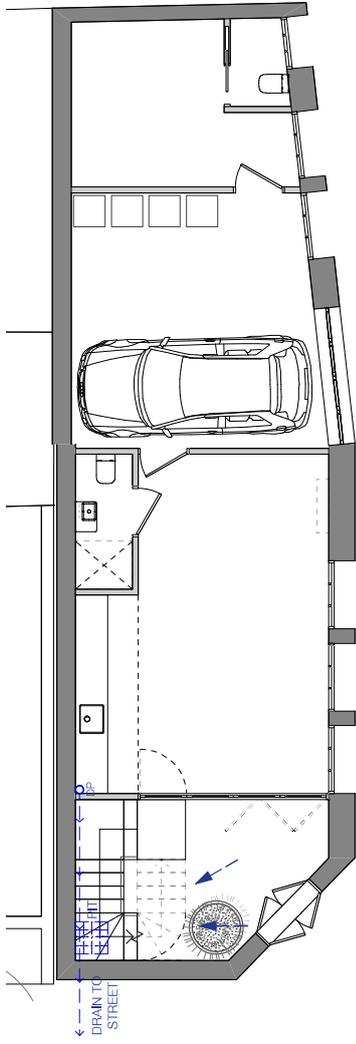
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PROJECT REFERENCE:
17-090

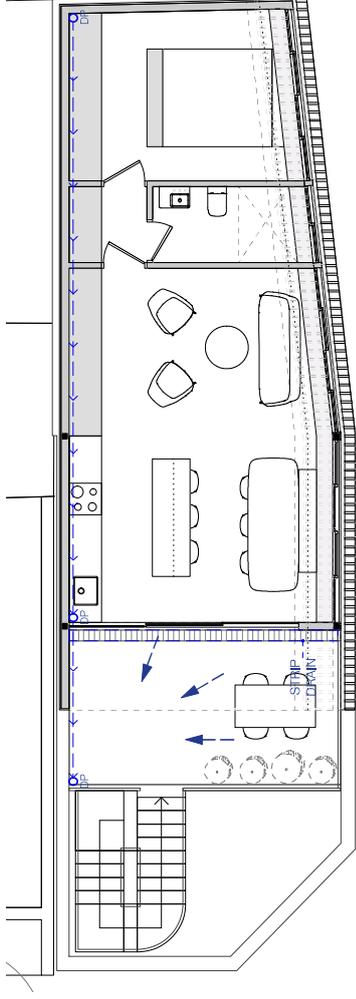
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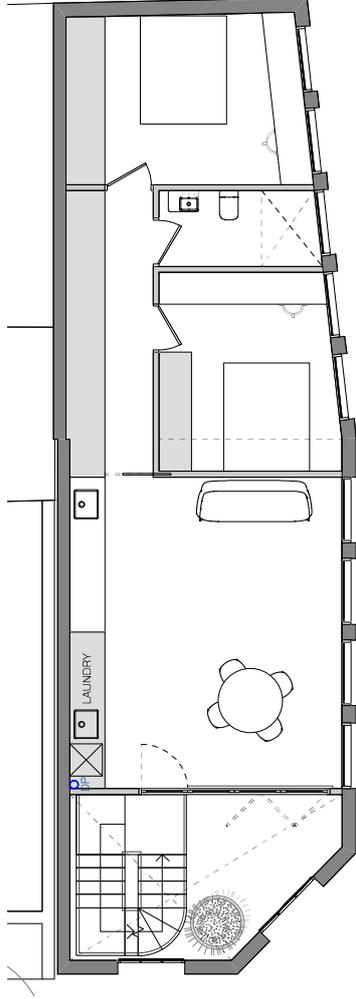
Kreis Grennan Architecture



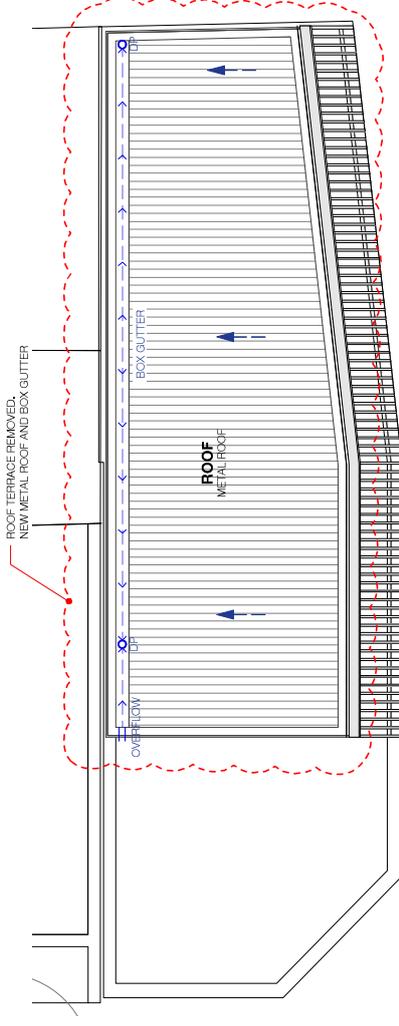
1 GROUND FLOOR



3 SECOND FLOOR



2 FIRST FLOOR



4 ROOF

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ISSUE DATE DESCRIPTION
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DRAWING TITLE:
CONCEPT DRAINAGE PLANS

PROJECT REFERENCE:
17-090

SCALE:
1:100

DRAWN:
FZ

ISSUE:
C

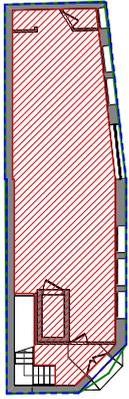
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DWG #:
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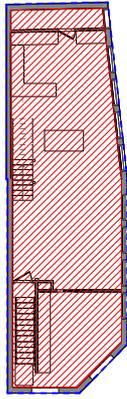


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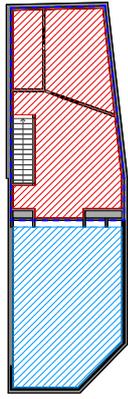
EXISTING



1 GROUND FLOOR

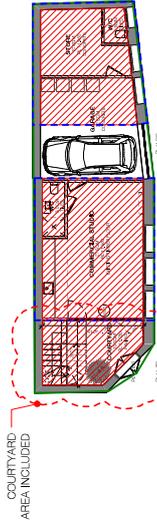


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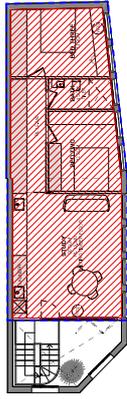


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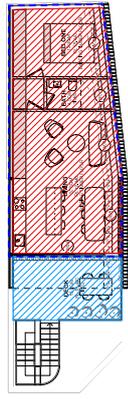
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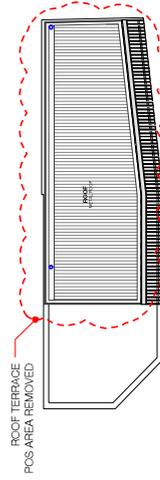
5 GROUND FLOOR



6 FIRST FLOOR



7 SECOND FLOOR



8 ROOF

	EXISTING	PROPOSAL
SITE AREA (SQM)	96.2	96.2
GFA (SQM)	199.5	192.2
FSR	2.1	2.0
SITE COVERAGE	100%	100%
PRIVATE OPEN SPACE (SQM)	35.8	15.5
TOTAL FLOOR AREA	241.1	203.7

LEGEND

- TOTAL FLOOR AREA
- GROSS FLOOR AREA (GFA)
- PRIVATE OPEN SPACE (POS)
- SITE AREA



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DRAWING TITLE:
CALCULATIONS

PROJECT REFERENCE:
17-090

SCALE:
1:250

ISSUE:
C

SIZE:
A3

DWG #:
067