

## Resolution of Local Planning Panel

**6 November 2024**

### Item 7

#### Development Application: 277-279 Broadway, Glebe - D/2024/71

The Panel:

- (A) upheld the request to contravene clause 4.3 'Height of Buildings' development standard in accordance with clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012;
- (B) upheld the request to contravene Section 69(1)(a) relating to maximum co-living room sizes, of the State Environmental Planning Policy (Housing) 2021 in accordance with clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012; and
- (C) granted consent to Development Application Number D/2024/71 subject to the conditions set out in Attachment A to the subject report, subject to the following amendments (additions shown in **bold italics**, deletions shown in ~~strike through~~):

**(3) SECTION 7.11 CONTRIBUTIONS PAYABLE - CONTRIBUTION TOWARDS PUBLIC AMENITIES – CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2015 – WEST PRECINCT**

Council has identified the development will increase demand for public amenities and facilities. Pursuant to Section 7.11 of the Environmental Planning and Assessment Act, 1979 (as amended), and the City of Sydney Development Contributions Plan 2015 the following monetary contributions are required towards the cost of public amenities.

<u>Contribution Category</u>	<u>Amount</u>
Open Space	<del>\$979,471.58</del> <b>\$981,104.94</b>
Community Facilities	<del>\$325,294.34</del> <b>\$326,083.27</b>
Traffic and Transport	<del>\$1,507.02</del> <b>\$1,472.20</b>
Stormwater Drainage	\$0.00

Total ~~\$1,306,272.93~~ **\$1,308,660.40**

The City of Sydney will index the above contribution for inflation at the time of payment using the following formula.

$C_{\text{payment}} = C_{\text{consent}} \times (CPI_{\text{payment}} \div CPI_{\text{consent}})$

Where:

$C_{\text{payment}}$  = Is the contribution at time of payment;

$C_{\text{consent}}$  = Is the contribution at the time of consent, as shown above;

$CPI_{\text{payment}}$  = Is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment; and

$CPI_{\text{consent}}$  = Is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being – 139.1 for the June 2024 quarter.

The contribution must be paid prior to the issue of any Construction Certificate in relation to this development.

Please contact Council's Planning Administration staff at [planningsystemsadmin@cityofsydney.nsw.gov.au](mailto:planningsystemsadmin@cityofsydney.nsw.gov.au) to request a letter confirming the indexed contribution amount payable.

Once the letter confirming the indexed contribution is obtained, payment may be made at any of the City's Neighbourhood Service Centres or the One Stop Shop at Town Hall House. Acceptable payment methods are EFTPOS (debit card only), cash (up to 10K only), Credit Card (up to 50K only) or a bank cheque made payable to the City of Sydney. Personal or company cheques will not be accepted.

## **(6) FLOOR SPACE RATIO - ALL OTHER AREAS**

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the development must not exceed ~~3.6:1~~ **3.65:1** calculated in accordance with Sydney Local Environmental Plan 2012. For the purposes of the calculation of FSR, the Gross Floor Area of the business component is ~~347~~ **361sqm**, for the residential component is 4080sqm (areas below ground level of Broadway excluded), and the total Gross Floor Area is 4,441sqm.
- (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 Sydney Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifier.

**(8) USE - SEPARATE DA REQUIRED**

No consent is granted or implied for the fitout ~~or specific use~~ of:

- Ground level retail tenancies.
- Basement mezzanine level commercial tenancy, and retail tenancies.
- ~~Basement level gym and retail tenancy.~~

**No consent is granted or implied for the fitout or specific use of:**

- **Basement level gym.**

A development consent or Complying Development Certificate (as appropriate) is required to be obtained for the fitout and/or use prior to that fitout or use commencing.

**(10) SIGNS - SEPARATE DA REQUIRED**

A separate development application for any proposed signs additional to those approved as part of this consent (other than exempt or complying signs) must be submitted to and approved by Council prior to the erection or display of any such signs.

The submitted signage strategy prepared by SJB Architects (Ref: DA-8002 Rev 3, DA-8003 Rev 3) is to be updated with the deletion of signage type C from (2) elevation south (above the awning) ~~prior to endorsement of the strategy~~ **and submitted to the Area Planning Manager for approval.**

**(22) BICYCLE PARKING AND END OF TRIP FACILITIES**

(a) The minimum number of bicycle parking spaces and end of trip facilities to be provided within the site boundary for the development must comply with the table below.

Bicycle Parking Type	Number	Requirements
Residential	120	Spaces must be a class 1-2 bicycle locker [i]
Residential visitor	14	Spaces must be Class 3 bicycle rails
Non-residential	<del>7</del> 10	Spaces must be Class 2 bicycle facilities
Non-residential visitor	<del>4</del> 7	Spaces must be Class 3 bicycle rails
End of Trip Facility Type	Number	
Showers with change area	2	
Personal lockers	12	

All bicycle parking spaces and end of trip facility must be provided on private land. The public domain cannot be used to satisfy this condition.

Notes:

- (i) ~~If a basement storage area on title that is large enough to store a bike and is no smaller than a class 1 bike locker this can be counted as a space.~~
- (b) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Registered Certifier confirming prior to and form part of the Construction Certificate being issued.

**(61) PLAN OF MANAGEMENT**

- (a) An updated Plan of Management for the co-living use is to be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of an Occupation Certificate for the site/use.
- (b) A copy of the plan is to be kept on site by the site manager.
- (c) ***The use must always be operated / managed in accordance with the Plan of Management approved in accordance with the process specified at (a) above. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.***
- (d) ***The Proponent may update and revise the Plan of Management by submitting the updated Plan of Management to Council's Area Planning Coordinator / Manager for approval.***

**(80) THROUGH-SITE LINK**

The pedestrian through-site link between Glebe Point Road to Grose Street is to be open for access to the public between the hours of ~~6.00~~ **7.00am** to 10.00pm Monday to Sunday **or for other times as provided in writing by the City's Area Planning Manager.**

**(81) HOURS OF OPERATION**

***The hours of operation for retail and commercial premises are restricted to between:***

***Monday to Sunday: 7.00am to 10.00pm***

***Reason***

***To ensure the premises operates within the approved hours of operation.***

*(Remaining conditions to be renumbered accordingly)*

## Reasons for Decision

The application was approved for the following reasons:

- (A) The proposal is permissible with consent in the E1 Local Centre Zone.
- (B) Based upon the material available to the Panel at the time of determining this application, the Panel is satisfied that:
  - (i) the applicant has demonstrated that compliance with the height of buildings development standard in clause 4.3 of the Sydney LEP is unreasonable or unnecessary in the circumstances and that there are sufficient environmental planning grounds to justify the contravention of the development standard in accordance with the requirements of Clause 4.6(3) of the Sydney Local Environmental Plan 2012; and
  - (ii) the applicant has demonstrated that compliance with the maximum room size development standard in Section 69(1)(a) of the State Environmental Planning Policy (Housing) 2021 is unreasonable or unnecessary in the circumstances and that there are sufficient environmental planning grounds to justify the contravention of the development standard in accordance with the requirements of Clause 4.6(3) of the Sydney Local Environmental Plan 2012.
- (C) The proposed development complies with the maximum Floor Space Ratio development standard contained in Clause 4.4 of the Sydney Local Environmental Plan 2012 and Section 68(2)(a) of State Environmental Planning Policy (Housing) 2021.
- (D) The proposal provides communal living area and communal open space in accordance with Chapter 3 Part 3 Section 68(2) of State Environmental Planning Policy (Housing) 2021.
- (E) The proposal is generally consistent with the standards for co-living housing under Chapter 3 Part 3 Section 69 of State Environmental Planning Policy (Housing) 2021.
- (F) The proposal exhibits design excellence in accordance with the requirements contained in Clause 6.21C of Sydney Local Environmental Plan 2012.
- (G) The proposal retains the heritage significance of the Glebe Point Road Heritage Conservation Area and heritage items within the vicinity of the site.
- (H) The proposal promotes uses that attract pedestrian traffic along the ground floor frontage of Grose Street, Glebe.
- (I) The proposal is generally consistent with the relevant objectives and provisions of Sydney Development Control Plan 2012.
- (J) Condition 3 was amended to accurately reflect the contributions calculation.
- (K) Condition 6 was amended to accurately reflect the approved development.
- (L) Condition 8 was amended to allow for a first use of retail and commercial occupancies.
- (M) Condition 10 was amended to clarify how the amendments to the strategy are to be made.

- (N) Condition 22 was amended to reflect the correct class of bicycle parking spaces and to redistribute commercial parking spaces as agreed by the City Transport Planning Unit.
- (O) Condition 61 was amended to clarify the requirement for ongoing compliance with and operation of the Plan of Management, and to provide for the Plan of Management to be updated subject to the approval of Council's Area Planning Manager.
- (P) Condition 80 was amended to allow flexibility for the opening times of the through site link.
- (Q) Condition 81 was added to address the inclusion of first use for retail and commercial tenancies.

Carried unanimously.

D/2024/71