

30 June 2021

At 5.00 pm

Local Planning Panel

Agenda

- 1. Disclosures of Interest
- 2. Confirmation of Minutes
- 3. Development Application: 52 Waterloo St, Surry Hills D/2021/242
- 4. Development Application: 15-17 William Street, Alexandria D/2020/1059
- 5. Report to the Local Planning Panel Status of Applications



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- 1. Register to speak by calling Secretariat on 9265 9702 or emailing secretariat@cityofsydney.nsw.gov.au before 10.00am on the day of the meeting.
- 2. Check the recommendation in the LPP report before speaking, as it may address your concerns so that you just need to indicate your support for the recommendation.
- 3. Note that there is a three minute time limit for each speaker and prepare your presentation to cover your major points within that time.
- 4. Avoid repeating what previous speakers have said and focus on issues and information that the LPP may not already know.
- 5. If there is a large number of people interested in the same item as you, try to nominate three representatives to speak on your behalf and to indicate how many people they are representing.

At the start of each LPP meeting, the Chair may re-order agenda items so that those items with speakers can be dealt with first.

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Item 1.

Disclosures of Interest

In accordance with section 4.9 of the Code of Conduct for Local Planning Panel Members, all Panel members are required to sign a declaration of interest in relation to each matter on the agenda.

Pursuant to the provisions of Clause 15 of Schedule 4B of the Environmental Planning and Assessment Act 1979, members of the Local Planning Panel are required to disclose pecuniary interests in any matter on the agenda for this meeting of the Local Planning Panel.

Panel members are also required to disclose any non-pecuniary interests in any matter on the agenda for this meeting of the Local Planning Panel.

In both cases, the nature of the interest must be disclosed.

Item 2.

Confirmation of Minutes

Minutes of the following meetings of the Local Planning Panel, which have been endorsed by the Chairs of those meeting, are submitted for noting:

Meetings of 8 June 2021 and 9 June 2021

Item 3.

Development Application: 52 Waterloo St, Surry Hills - D/2021/242

File No.: D/2021/242

Summary

Date of Submission: 17 March 2021

Applicant: Con Haralambis

Architect/Designer: Candalepas Associates

Owner: Con and Antonia Haralambis

Planning Consultant: SJB Planning

Heritage Consultant: GBA Heritage Consultants

Cost of Works: \$141,900.00

Zoning: B4 - Mixed Use Zone, proposal permitted with consent

Proposal Summary: Alterations and additions to an existing restaurant (tenancy

G07) including a new seating enclosure within the approved outdoor dining area and the installation of an indoor pizza oven. The application seeks to exceed the floor space ratio development standard by more than 10 per cent and is therefore referred to the Local Planning

Panel for determination.

Summary Recommendation: The development application is recommended for

approval, subject to conditions.

Development Controls: (i) Sydney Local Environmental Plan 2012

(ii) Sydney Development Control Plan 2012

Attachments: A. Recommended Conditions of Consent

B. Selected Drawings

C. Clause 4.6 Variation Request - Floor Space Ratio

Recommendation

It is resolved that:

- (A) the variation requested to clause 4.4 'Floor space ratio' in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld in this instance; and
- (B) consent be granted to Development Application No. D/2021/242 subject to the conditions set out in Attachment A to the subject report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The proposal is consistent with the objectives of the B4 Mixed Use Zone.
- (B) The proposal generally satisfies the relevant controls relating to food and drink premises.
- (C) Based upon the material available to the Panel at the time of determining this application, the Panel is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6(3) of the Sydney LEP 2012, that compliance with the floor space ratio development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 4.3 of the Sydney LEP 2012;
 - (ii) the proposal is in the public interest because it is consistent with the objectives of the B4 Mixed Use zone and the floor space ratio development standard.
 - (iii) The proposal is considered to address the design excellence provisions at Clause 6.21(4) of SLEP 2012 in that it is to be comprised of contemporary materials and detailing that are consistent with the existing building and maintains a high degree of architectural design quality appropriate to the surrounding locality and streetscape.

Background

The Site and Surrounding Development

- The site has a legal description of Lot 11, DP 1149697, known as 52 Waterloo Street, Surry Hills. It is irregular in shape with an area of approximately 1,672sqm. It has a primary street frontage of 36.5m to Waterloo Street and a 52m frontage to Adelaide Street. The site is located close at the intersection of Waterloo and Adelaide Street. The topography has a slight fall from east to west.
- 2. The site contains a four to five storey mixed use building with ground floor retail commercial lots (G01 to G09) and 52 residential apartments at the upper floors. Three of the ground level tenancies are currently occupied by Orto Trading Co. (G07), Mark and Vinny's Spaghetti and Spritz (G08), and Izakaya Fujiyama (G09). The building facade is composed of glazed bi-fold doors and off-form concrete finishes. Outdoor seating is provided at ground level along both Waterloo Street and Adelaide Street. The subject Development Application (DA) relates exclusively to Tenancy G07.
- 3. The surrounding area is characterised by a mixture of land uses, primarily being commercial and residential. The locally listed heritage item I1488 known as the former "Readers Digest" building is located opposite the site to the north on Adelaide Street. To the south is located the locally listed heritage item I1518 former Clarendon Hotel, now known as the Dove and Olive. To the west is located a row of two storey Victorian terrace dwellings and to the east is a 5 storey mixed use development with a ground floor showroom and residential units above.
- 4. The site is not a heritage item but is located within the Little Riley Street heritage conservation area C65. The site is identified as a neutral building.
- 5. The site is located within the Surry Hills Central locality and is not identified as being subject to flooding.
- 6. A site visit was carried out on 13 May 2021. Photos of the site and surrounds are provided below:



Figure 1: Aerial view of site and surrounds



Figure 2: View of existing outdoor seating area at intersection of Adelaide St and Waterloo St



Figure 3: Site viewed from opposite side of Waterloo Street looking south



Figure 4: View of north elevation of existing ground floor outdoor area



Figure 5: View of site in an east direction on Adelaide Street



Figure 6: view of site in a west direction on Adelaide Street



Figure 7: Reader's Digest building to north of site on Waterloo Street



Figure 8: View south on Waterloo Street

History Relevant to the Development Application

Appeal

7. The proposal is subject to a Class 1 appeal against the deemed refusal (non-determination) of the application.

Development Applications

- 8. The following applications are relevant to the current proposal:
 - D/2006/1083 A stage 2 consent was approved on the 28 May 2007 for the
 demolition of the existing building and construction of a part 5 and part 6 level
 mixed use building with 9 commercial units at ground level and 54 residential
 units on the upper floors and 62 car parking spaces in 3 levels of basement.
 - The Development Consent has subsequently been modified (modifications A-G), however, the modifications are not relevant to the application that is the subject of this report.
 - **D/2010/1716** Development consent was granted on 1 December 2011 for the fitout and use of tenancies G07, G08 and G09 fronting Adelaide and Waterloo Streets as licensed cafes/restaurants.
 - D/2010/1716/A Modification of development consent was granted on 28 May 2012 to amend Condition 2 (Hours of Operation) to extend the trial hours for a further two years and divide the different tenancies into separate conditions.
 - **D/2010/1716/B** Modification of development consent was granted on 13 June 2013 to amend Conditions 2A, 2B and 2C (Hours of Operation) regarding the extended hours of operation on a further trial period for each tenancy.
 - D/2010/1716/C Modification of development consent was granted on 11 August 2015 to amend condition 2A, 2B and 2C to continue the extended trial trading hours.
 - D/2010/1716/D Modification of development consent was granted on 11 August 2020 to amend condition 2A, 2B and 2C to continue the extended trial trading hours.
 - **D/2012/278** Development consent was granted on 28 February 2012 for the partial enclosure of the outdoor area fronting Adelaide Street associated with retail tenancy G07 Orto Restaurant. The consent was not implemented and lapsed in 2017. The consent granted approval for the enclosure of the same area as that proposed in the current application.

Compliance Action

9. The site is not subject to current compliance action.

Proposed Development

- 10. The application seeks consent for the following:
 - The partial enclosure of the existing outdoor seating area fronting Adelaide Street.
 - The proposed new seating enclosure would include bi-fold doors to the Waterloo Street facade, pre-finished zinc cladding and sliding glazed windows to Adelaide Street facade and a solid metal roof with operable glazed skylights.
 - The proposal includes a change of operator from the existing Orto restaurant to Mark and Vinny's restaurant who are relocating from the adjacent tenancy G08.
 The application also includes the installation of a new pizza oven within the existing restaurant G07.
 - It is not proposed to change the approved indoor/outdoor hours and patron capacity of the existing restaurant as approved under the operational consent D/2010/1716 with the latest modification approved on 11 August 2020 under modification application D/2010/1716/D.
 - Application D/2010/1716/D which was approved on the 11 August 2020 includes operational conditions for all three existing tenancies G07, G08 and G09. The current application relates to tenancy G07 only. Consequently, the operational conditions of consent of D/2010/1716/D applicable to retail unit G07 shall continue to apply together with the conditions for the proposed new seating enclosure.

11. Plans and elevations of the proposed development are provided below.

proposed new seating enclosure

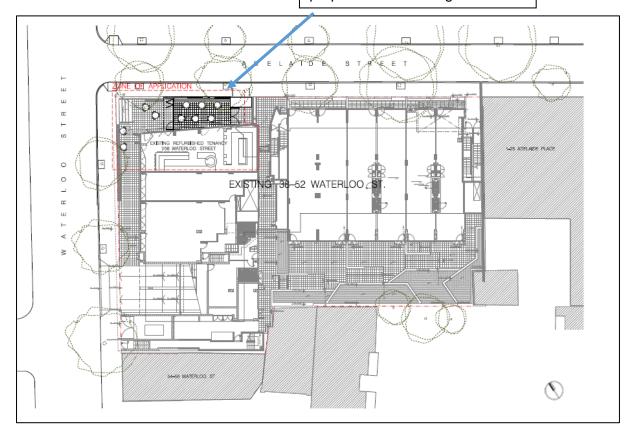


Figure 9: Proposed site and floor plan with application site outlined in red

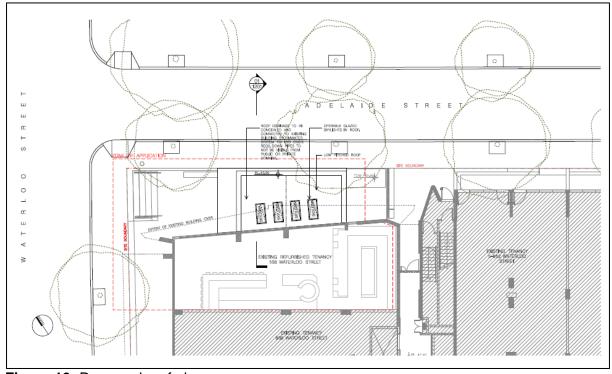


Figure 10: Proposed roof plan

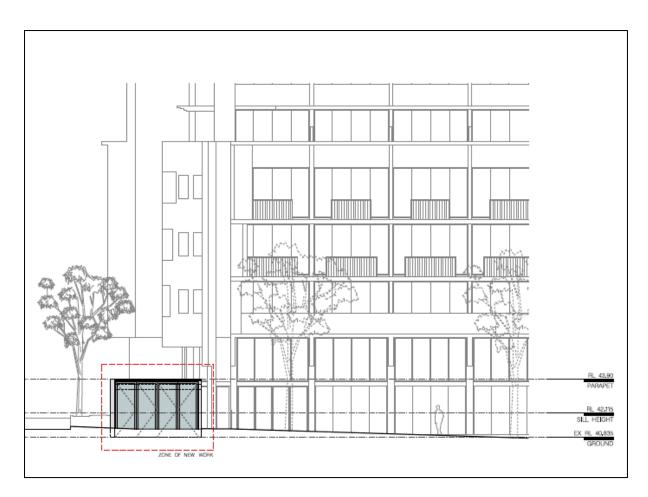


Figure 11: Proposed west elevation to Waterloo Street with enclosure outlined in red

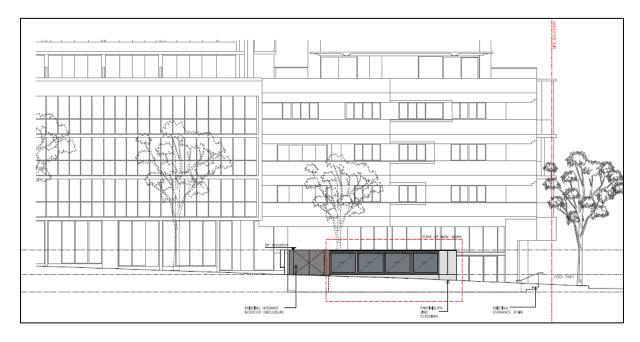


Figure 12: Proposed north elevation to Adelaide Street

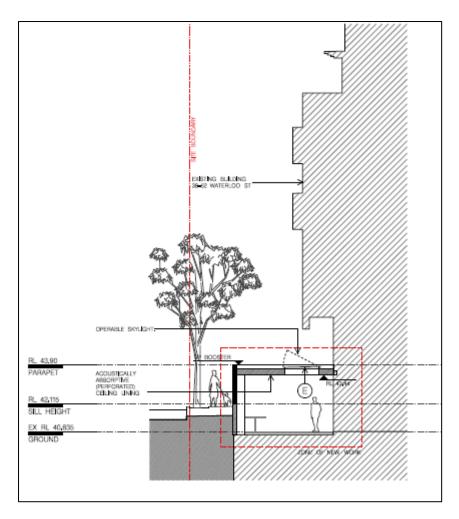


Figure 13: Proposed short section

Assessment

12. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

- 13. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SREP. The SREP requires the Sydney Harbour Catchment Planning Principles to be considered in the carrying out of development within the catchment.
- 14. The site is within the Sydney Harbour Catchment and eventually drains into Sydney Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development. The development is consistent with the controls contained within the deemed SEPP.

Local Environmental Plans

Sydney Local Environmental Plan 2012

15. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided in the following sections.

Part 2 Permitted or prohibited development

| Provision | Compliance | Comment |
|--|------------|---|
| 2.3 Zone objectives and Land Use Table | Yes | The site is located in the B4 Mixed Use zone. The proposed development is associated with an existing food and drink premises and is permissible with consent in the zone. The proposal generally meets the objectives of the zone. |

Part 4 Principal development standards

| Provision | Compliance | Comment |
|---|------------|---|
| 4.3 Height of buildings | Yes | A maximum building height of 15m is permitted. |
| | | The proposal is at ground floor level only and will not increase the height of the existing building. |
| 4.4 Floor space ratio | No | A maximum floor space ratio of 2.5:1 is permitted. |
| | | A floor space ratio of 3.05:1 is proposed. The existing building already exceeds the floor space ratio control. A request to vary the floor space ratio development standard in accordance with Clause 4.6 has been submitted. See further details in the 'Discussion' section below. |
| 4.6 Exceptions to development standards | No | The proposed development seeks to vary the development standard prescribed under Clause 4.4. A Clause 4.6 variation request has been submitted with the application. |
| | | See further details in the 'Discussion' section below. |

Part 5 Miscellaneous provisions

| Provision | Compliance | Comment |
|----------------------------|------------|--|
| 5.10 Heritage conservation | Yes | The site is not a heritage item. The site is located within the Little Riley Street Heritage Conservation Area (C65) and is identified as a neutral item. A Heritage Impact Statement has been submitted with the application. The proposed new seating enclosure will not have a detrimental impact on the conservation area or nearby heritage items including the Readers Digest building opposite the site. The proposed development has been reviewed and is |
| | | supported by the Council's Heritage Specialist. |

Part 6 Local provisions – height and floor space

| Provision | Compliance | Comment |
|------------------------|------------|--|
| 6.21 Design excellence | Yes | The proposed development is of a high standard and uses materials and detailing which are compatible with the existing development along the street and will contribute positively to the character of the area. |

Part 7 Local provisions – general

| Provision | Compliance | Comment |
|---|---|---------|
| Division 1 Car parking ancillary to other development | | ment |
| Other land uses | Yes The proposed development does include the provision of additional par or lead to an intensification of the site | |

Development Control Plans

Sydney Development Control Plan 2012

16. An assessment of the proposed development against the relevant provisions within the Sydney Development Control Plan 2012 is provided in the following sections.

Section 2 – Locality Statements

17. The site is located within the Surry Hills Central locality. The proposed development is in keeping with the unique character and the design principles of the locality in that the development responds to and complements existing heritage items including streetscapes and lanes and responds to the mixed-use character of the area. In addition, the proposal supports the commercial precinct around Waterloo Street between Kippax and Devonshire Streets, defined by remnant commercial warehouses, and landmarks such as the Reader's Digest building.

Section 3 – General Provisions

| Provision | Compliance | Comment | |
|---------------------------------------|------------|---|--|
| 3.1 Public Domain Elements | Yes | The proposed development is contained within the boundaries of the site and does not include works within the public domain. Appropriate conditions are recommended to ensure there is no encroachment of adjoining properties. | |
| 3.5 Urban Ecology | Yes | The proposed development does no involve the removal of any trees and will not have an adverse impact on the local urban ecology. | |
| 3.9 Heritage | Yes | The site is not a heritage item. The site is located within the Little Riley Street Heritage Conservation Area (C65) and is identified as a neutral building. A Heritage Impact Statement has been submitted which details that the proposed new seating enclosure would not have a detrimental impact on the conservation area together with the surrounding heritage items including the Readers Digest building opposite the site. The proposed development is supported by the Council's Heritage Specialist. | |
| 3.14 Waste | Yes | A condition is recommended by the Council's Health unit to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development. | |
| 3.15 Late Night Trading Management | Yes | The premises is not located within a late night trading area and the use is defined as a category B premises. | |

| Provision | Compliance | Comment | |
|-----------|------------|---|--|
| | | Indoor base trading hours are permitted between 7am-10pm with extended hours permitted until 12 midnight. | |
| | | Outdoor trading hours are permitted between 7am-8pm with extended hours permitted between 8-10pm. | |
| | | The proposed trading hours of the new seating enclosure are between 8.00am to 10.00pm. | |
| | | In accordance with the recommendations included within the Acoustic Report prepared by Koikas Acoustics, the enclosed outdoor dining area will operate in 'open mode' (i.e. bi-fold doors, windows, and skylights open) until 9pm. The enclosed area will operate in 'closed mode' (i.e. bi-fold doors and sliding windows closed) from 9pm to 10pm. Additionally, the internal bi-fold doors to the main restaurant will be 75 per cent closed from 9pm to 10pm. | |
| | | The proposed trading hours and patron capacity (112 indoors/30 external) is retained as approved under D/2010/1716/D. The patron capacity of the new seating enclosure would be restricted to a maximum of 18 persons at any one time. | |
| | | The proposed hours are supported by the Council's Licensing Unit subject to the Plan of Management dated March 2021 for the proposed new seating enclosure. The Plan of Management approved for the operational consent D/2010/1716/D of the restaurant dated 18 August 2020 would continue to apply. | |

Section 4 – Development Types

4.2 Residential Flat, Commercial and Mixed Use Developments

| Provision | Compliance | Comment |
|---|------------|--|
| 4.2.1 Building height | | |
| 4.2.1.1 Height in storeys and street frontage height in storeys | Yes | The site is permitted a maximum building height of 4 storeys |
| | | The proposal would not increase the height of the existing building. |
| 4.2.2 Building setbacks | Yes | There are no setbacks applicable to the application site. |
| | | See further details in the 'Design' section below. |
| 4.2.3 Amenity | | |
| 4.2.3.1 Solar access | Yes | The proposed ground floor enclosure would not lead to overshadowing of surrounding sites. |
| 4.2.3.10 Outlook | Yes | The proposed ground floor enclosure is surrounded by significantly larger buildings and consequently would not adversely affect outlook. |
| 4.2.3.11 Acoustic privacy | Yes | The partial enclosure of the existing outdoor seating area would reduce the level of noise/disturbance associated with the existing outdoor area. An acoustic report has been submitted which contains noise mitigation measures and is supported by the City's Health Unit. |

| Provision | Compliance | Comment | |
|---|------------|---|--|
| | | In accordance with the recommendations included within the Acoustic Report prepared by Koikas Acoustics, the enclosed outdoor dining area will operate in 'open mode' (i.e. bi-fold doors, windows, and skylights open) until 9pm. The enclosed area will operate in 'closed mode' (i.e. bi-fold doors and sliding windows closed) from 9pm to 10pm. See further details in the 'Discussion' section below. | |
| 4.2.9 Non-residential development in the B4 Mixed Uses Zone | Yes | Subject to conditions, the development will not adversely impact the amenity of neighbouring residential properties. | |

Discussion

Clause 4.6 Request to Vary a Development Standard

- 18. The site is subject to a maximum floor space ratio (FSR) control of 2.5:1. The development resulting from the proposed enclosure of part of the existing outdoor seating area will have a FSR of 3.05:1
- 19. The existing building has a gross floor area (GFA) of 5,064.1sqm and a FSR of 3.03:1, which equates to a variation of 21.29 per cent.
- 20. The proposal involves a minor addition of 36sqm of GFA resulting in a new FSR of 3.05:1 and a total variation of 22 per cent to the FSR development standard.
- 21. A written request has been submitted to Council in accordance with Clause 4.6(3)(a) and (b) of the Sydney LEP 2012 seeking to justify the contravention of the development standard by demonstrating:
 - (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.
 - (b) That there are sufficient environmental planning grounds to justify contravening the standard.
 - (c) The proposed development will be consistent with the objectives of the zone.
 - (d) The proposed development will be consistent with the objectives of the standard.

Applicant's Written Request - Clause 4.6(3)(a) and (b)

- 22. The applicant seeks to justify the contravention of the floor space ratio development standard on the following basis:
 - (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) the development is consistent with the standard and zone objectives, even with the proposed variation: Yes, the proposal remains consistent with the objectives of the FSR standard in that despite the non-compliance, the proposal does not involve any change to the existing retail use and ensures the use and viability of the existing restaurant
 - (ii) there are no additional significant adverse impacts arising from the proposed non-compliance: Yes, the proposal does not include a change to the existing operating hours of the restaurant or an increase in patron numbers. Consequently, the proposal will not lead to an intensification of the site. The proposed partial enclosure of the existing outdoor seating area together with the minor nature of the enclosure will not significantly affect the existing building form; and
 - (iii) important planning goals are achieved by the approval of the variation. Yes, the minor nature of the proposal would not harm the visual amenities of the area. In addition, the proposed new seating area would enclose part of the existing outdoor which would lessen the level of noise and consequently would not have an adverse impact on residential amenities.
 - (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) The existing building on the site has a GFA of 5,064.1 sqm and resultant FSR of 3.03:1, which exceeds the FSR standard by 21.2 per cent (as approved under DA/2006/1083/G).
 - (ii) The proposed increase to GFA of 36 sqm is a direct result of the proposed alterations and additions to an area that was previously excluded from GFA (i.e. outdoor dining area).
 - (iii) The proposed new structure is a minor addition to the site and is consistent with the bulk and scale of the existing building. The single storey structure is in part nestled below the street level and is similar in height and scale to the existing hydrant booster enclosure located adjacent to the proposed works.
 - (iv) The proposed structure includes a flat roof and will appear 'sunken' when viewed from Adelaide Street (to the north) and Waterloo Street (to the north-west) due to the significantly lower finished floor level of the existing outdoor dining area compared to the level of the Adelaide Street footpath. Further, the proposed materials provide a high level of transparency to the structure, which will minimise its perceived bulk.

- (v) The external materials and finishes (i.e. glazed bi-fold doors, aluminium framing, sliding glazed windows, prefinished zinc cladding, and metal finishes) of the proposed structure are consistent with that of the existing building and are sympathetic to the architectural design and character of the locality;
- (vi) Noting that no change is proposed to the operating hours or patron capacity of Tenancy G07, the proposal will not result in any intensification of uses at the site or any change to existing traffic and parking arrangements.
- (vii) The proposal maintains the significance of the Little Riley Street Heritage Conservation Area. The proposed works involve minor alterations to an existing contemporary building and will have no adverse impact on the fabric, setting, or view corridors of nearby Heritage Items.
- (viii) Noting the minor scale of proposed works, the proposal does not give rise to any significant adverse amenity impacts to surrounding commercial and residential properties with regard to overshadowing, visual and acoustic privacy, bulk and scale, or view loss.
- (ix) The proposed development is similar to the development approved under D/2012/278 for an enclosure to part of the outdoor dining area of Tenancy G07 (i.e. the same structure in the same location), but which was not constructed. Specifically, the resultant GFA of the proposal is commensurate with the GFA as approved under DA/2012/278; and
- (x) The proposed development is consistent with the existing and desired scale, design, and character of surrounding development and the streetscape.
- (c) The proposed development will be consistent with the objectives of the zone:
 - (i) The site is located in the B4 Mixed use zone. The objectives of this zone are:
 - to provide a mixture of compatible land uses.
 - to integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling; and
 - to ensure uses support the viability of centres.
 - (ii) The proposal is consistent with the objectives of the zone.
- (d) The proposed development will be consistent with the objectives of the standard in that the proposal seeks to improve the amenity of the outdoor dining area of an existing restaurant in terms of climate control, weather protection and noise mitigation. This will assist in the ongoing economic success of the restaurant, which in turn, will support the viability of the wider Surry Hills mixed use centre.

Consideration of Applicant's Written Request - Clause 4.6(4) (a) (i) and (ii)

- 23. Development consent must not be granted unless the consent authority is satisfied that:
 - (a) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 of Clause 4.6 being that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard; and
 - (b) The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Does the written request adequately address those issues at Clause 4.6(3)(a)?

24. The applicant has correctly referred to the test established in Wehbe v Pittwater Council [2007] NSW LEC 827 to demonstrate that compliance with the standard is unreasonable or unnecessary in the circumstances of the case. Specifically, the applicant has satisfactorily demonstrated that the proposal meets the objectives of the development standard, notwithstanding the non-compliance with the standard.

Does the written request adequately address those issues at clause 4.6(3)(b)?

25. The applicant has adequately demonstrated that there are sufficient environmental planning grounds that justify contravention of the floor space ratio development standard. In this instance, the proposal generally complies with other LEP and DCP controls relating to the bulk and scale of the site and does not result in adverse visual privacy, acoustic privacy or overshadowing impacts to neighbouring properties. In addition, there is no intensification in density, as the structure facilitates part of the existing patron capacity to be accommodated indoors.

Is the development in the public interest?

- 26. With regard to varying development standards, the public interest is conceived as being protected where a development meets the objectives of the zone and the development standard sought to be varied.
- 27. The development is consistent with the objectives of the floor space ratio development standard. The development reflects the desired character of the locality and the proposal has been designed to minimise adverse impacts on surrounding amenity. In addition, the proposal is consistent with the objectives of the B4 Mixed Use zone which are:
 - to provide a mixture of compatible land uses: The proposal does not include a change to the approved retail use;
 - to integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling: The proposal does not involve a change to the existing use which is in close proximity to public transport links;

 ensures uses support the viability of centres: The partial enclosure of the existing outdoor area includes a minor addition to GFA of 36sq and does not include a change to the existing operating hours of the restaurant or an increase in patron numbers. Consequently, the proposal will not lead to an intensification of the site and therefore will have no impact on the viability of nearby centres.

Conclusion

28. For the reasons provided above the requested variation to the floor space ratio standard is supported as the applicant's written request has adequately addressed the matters required to be addressed by cl 4.6 of the Sydney Local Environmental Plan 2012 and the proposed development would be in the public interest because it is consistent with the objectives of the floor space ratio development standard and the B4 Mixed Use zone.

Design

- 29. The proposal has been reviewed by the Heritage and Urban Design Specialists Panel and is supported for the following reasons:
 - The proposed new structure is a minor addition and is consistent with the bulk and scale of the existing building and similar in bulk to the existing hydrant enclosure. Although the proposed structure projects slightly from the existing north elevation, there is no established setback prescribed for the area and the projection is relatively minor within its setting and would not be harmful to the character of the area or the appearance of the building.
 - The proposed structure includes a flat roof and will appear 'sunken' when viewed from Adelaide Street (to the north) and Waterloo Street (to the north-west) due to the significantly lower finished floor level of the existing outdoor dining area compared to the level of the Adelaide Street footpath. In addition, the proposed materials provide a high level of transparency to the structure, which will minimise its perceived bulk.
 - The external materials and finishes (i.e. glazed bi-fold doors, aluminium framing, sliding glazed windows, prefinished zinc cladding, and metal finishes) of the proposed structure are consistent with that of the existing building on the site and are sympathetic to the architectural design and character of the locality.
 - the structure will have no environmental impacts by way of overshadowing, privacy, view loss or loss of vegetation/landscaping.
 - the structure has been designed with materials to complement the existing building.
 - the proposal will not have a detrimental impact on surrounding heritage buildings including the Readers Digest building opposite.
 - Council's Heritage and Urban Design Specialist recommended conditions of consent, including full details of drainage to be provided prior to the issue of a Construction Certificate. These are included in the recommended conditions of consent.

• In addition, although assessed under the South Sydney LEP 1998 (with draft Sydney LEP 2012 being a matter for consideration), a very similar enclosure in terms of design, bulk and massing was approved in 2012 under application D/2012/278. The consent was not acted upon and lapsed in 2017.

Noise/Impact on Amenity

30. The proposed partial enclosure of the outdoor seating will help reduce the level of noise and disturbance as noise would be contained within the structure. An acoustic report has been submitted which includes a range of noise mitigation measures including the closure of windows and doors of the new seating area between 9pm and 10pm, the laminated glazing to be a minimum of 6.38mm thick with acoustic seals and the installation of a acoustic panels below the ceiling. The report has been reviewed and is supported by the Council's Health Specialist subject to conditions.

Hours of Operation

- 31. The premises is not located within a late night trading area and the use is defined as a category B premises. Indoor trading hours are permitted between 7.00am to 10.00pm base hours with an extension to midnight. Outdoor trading hours are permitted between 7.00am to 8.00pm with extended hours permitted between 8.00pm to 10.00pm.
- 32. The proposed trading hours of the new seating enclosure are between 8.00am to 10.00pm Monday to Sundays which comply with the permissible base indoor hours and are within the approved "outdoor" trading hours of the restaurant approved under D/2010/1716/D.
- 33. The proposed trading hours and patron capacity (142) is retained as approved under D/2010/1716/D. The patron capacity of the new seating enclosure would be restricted to a maximum of 18 persons at any one time. The proposed hours are supported by the Council's Licensing Unit subject to conditions.
- 34. The Health and Building unit have requested a condition be applied requesting additional mechanical ventilation requirements for the proposed pizza oven as no details have been provided with the application. The condition requires that details of the proposed system be submitted to and approved in writing prior to the issue of a Construction Certificate.

Consultation

Internal Referrals

35. The application was discussed with Council's Building Services Unit; Environmental Health Unit, Licensed Premises Unit and Heritage and Urban Design Unit who advised that the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the Notice of Determination.

Advertising and Notification

36. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified for a period of 14 days between 22 March 2021 and 6 April 2021. A total of 181 properties were notified and one submission was received.

37. The submission raised the following issues:

Issue: The approved DA should make it clear that the current/prior conditions of operation still apply whereby the existing bifold doors and windows be closed to the outdoor structure by 10pm as is currently required. Regular communication with all units of 38-52 Waterloo Street should be maintained and not just individual units.

Response: The proposed new seating area is only intended to operate between 8.00am to 10.00pm consistent with the existing approved hours of operation for the outdoor area.

The submitted Plan of Management, which is required to be complied with under the recommended conditions of consent, requires regular communication (every 2 months at a minimum) with the nearest affected residential property above the restaurant, together with residential properties opposite the restaurant on Waterloo Street. This is considered sufficient to allow Council to monitor the operation of the premises. In addition, the proposal does not increase the patron numbers for the restaurant and subsequently would not intensify the use of the site. Furthermore, conditions of consent require the bi-fold door and windows to be closed by 9pm which is consistent with the submitted acoustic report which includes a range of additional noise mitigation measures including:

- 6.38mm laminated glass with acoustic seals on all glazed windows and doors
- Windows and doors of the new seating enclosure to be closed between 9pm to 10pm
- Insulated roof framing

Financial Contributions

Contribution under Section 7.11 of the EP&A Act 1979

38. The development is subject to a Section 7.11 development contribution under the provisions of the City of Sydney Development Contributions Plan 2015.

| Contribution | Total |
|-------------------------|------------|
| Open space | \$2,273.40 |
| Community facilities | \$2,142.10 |
| Traffic and transport | \$356.39 |
| Stormwater and drainage | \$0.00 |
| | \$4,771.89 |

39. A condition relating to this development contribution has been included in the recommended conditions of consent in the Notice of Determination. The condition requires the contribution to be paid prior to the issue of a construction certificate.

Relevant Legislation

40. Environmental Planning and Assessment Act 1979.

Conclusion

- 41. It is considered that the proposed enclosure of the existing outdoor seating area fronting Adelaide Street is modest in terms of its bulk and scale, and, being situated within an existing outdoor dining area the floor level for which is below street level, the proposal will have no environmental impacts by way of overshadowing, privacy, view loss or loss of vegetation/landscaping.
- 42. The structure has been designed with materials to complement the existing building and the Council's Urban Designers consider the new structure to be acceptable from a streetscape point of view.
- 43. The structure will result in no additional seating / patron capacity and as such will not lead to an intensification of use of the site. It will also result in reduced noise impacts from the restaurant.
- 44. The proposed development will not result in any adverse heritage impacts.
- 45. The application is recommended for approval subject to conditions.

ANDREW THOMAS

Executive Manager Planning and Development

Derek Smyth, Planner

Attachment A

Recommended Conditions of Consent

CONDITIONS OF CONSENT

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/2021/242 dated 17 March 2021 and the following drawings:

| Drawing Number | Drawing Name | Date |
|----------------|--------------------------|---------|
| DA-1000 A | Coversheet | 10/3/21 |
| DA-1101 A | Site Plan | 10/3/21 |
| DA-1101 A | Ground Floor Plan | 10/3/21 |
| DA-1102 A | Roof Plan | 10/3/21 |
| DA-1201 | Section & West Elevation | 10/3/21 |
| DA-1301 | North Elevation | 10/3/21 |

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) SECTION 7.11 CONTRIBUTIONS PAYABLE - CONTRIBUTION TOWARDS PUBLIC AMENITIES - CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2015 - EAST 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.

| Contribution Category | <u>Amount</u> |
|-----------------------|---------------|
| Open Space | \$2,273.40 |
| Community Facilities | \$2,142.10 |
| Traffic and Transport | \$356.39 |
| Stormwater Drainage | \$0.00 |
| Total | \$4,771.89 |

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

Cpayment = Cconsent x (CPIpayment ÷ CPIconsent)

Where:

Cpayment = Is the contribution at time of payment;

Consent = Is the contribution at the time of consent, as shown above;

CPIpayment = 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

CPI1consent = Is the Consumer Price Index (All Groups Index) for Sydney at

the date the contribution amount above was calculated being

- 118.5 for the March 2021 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 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.

(3) COMPLIANCE WITH PREVIOUS CONSENT

The conditions of consent of D/2010/1716/D shall continue to apply to this development.

(4) HOURS OF OPERATION - SENSITIVE USES

The hours of operation are regulated as follows:

(a) The hours of operation of the enclosed area must be restricted to between 8.00am and 10.00pm Monday to Sunday.

(5) MAXIMUM CAPACITY

The maximum capacity of patrons within the enclosed area is 18 persons, the capacity of patrons within the remaining outdoor seating area is 30 persons.

(6) PLAN OF MANAGEMENT

The use must always be operated / managed in accordance with the approved Plans of Management Tenancy G.07, 52 Waterloo Street, Surry Hills prepared by SJB and dated March 2021(Council reference - 2021/115452).

(7) EXTERNAL DOORS AND WINDOWS TO BE CLOSED AFTER 9PM.

Consistent with the Plan of Management, all external doors and windows of the new seating enclosure shall be shut after 9pm.

(8) MATERIALS AND SAMPLES SCHEDULE - MINOR DEVELOPMENT

A detailed materials, colours and finishes schedule keyed to each building elevation must be submitted to and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager to a Construction Certificate being issued. The materials and samples schedule/board must not include generic material or colour descriptions, or use terminology such as 'or similar'.

(9) DRAINAGE DETAILS

Full details of drainage for the new seating enclosure including construction details, at a scale of 1:50, showing roof fall, outlet points, and down pipes must be submitted to and approved by Council's Area Coordinator/Area Planning Manager Planning Assessments prior to a Construction Certificate being issued.

(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 under Council's exempt and complying DCPs) must be submitted to and approved by Council prior to the erection or display of any such signs.

(11) SIGNS/GOODS IN THE PUBLIC WAY

No signs or goods are to be placed on the footway or roadway adjacent to the property.

(12) NEIGHBOURHOOD AMENITY

- (a) Signs must be placed in clearly visible positions within the restaurant requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.
- (b) The management must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the management must be responsible for the control of noise and litter generated by patrons of the premises and must ensure that patrons leave the vicinity of the premises in an orderly manner to the satisfaction of Council. If so directed by Council, the management is to employ private security staff to ensure that this condition is complied with.

(13) COMPLAINTS

Where a noise complaint is received by Council from a place of different occupancy (including commercial premises) and the complaint is substantiated by a Council Officer, the Council may employ a consultant to measure noise emanating from the property and to recommend (if necessary) appropriate actions to ensure compliance with the Condition (3) "Noise – Licensed Premises". The consultant must be a full member of the Australian Acoustic Society (AAS), Institution of Engineers Australia (IEA) or the Australia of Acoustical Consultants (AAAC). The cost of such appointment and associated work shall be borne by the operator, who shall also ensure the recommendations of the acoustic consultant are implemented.

(14) COMPLIANCE WITH THE ACOUSTIC REPORT PRIOR TO CONSTRUCTION AND OR OCCUPATION CERTIFICATES

- (a) All relevant performance parameters (including but not limited to requirements, engineering assumptions and recommendations) in the DA Acoustic Report prepared by "Koikas Acoustics", Council reference 2021/115449, dated 16 February 2021, must be implemented in the development prior to the commencement of its use.
- (b) Prior to the issue of any relevant Construction Certificate, the final construction drawings and final construction methodology must be assessed and reported to be in accordance with the requirements of the DA Acoustic Report in (a) above, with reference to relevant documentation. This must be done by a Suitably Qualified Acoustic Consultant* (see definition below). This work will be to the satisfaction of the accredited certifier.
- (c) Prior to the issue of any Occupation Certificate, a Suitably Qualified Acoustic Consultant* is to provide a written Acoustic Verification Report to the satisfaction of the Principal Certifier that the development complies with the requirements set out in the Report and in (a) and (b) above.
 - <u>Note</u>: Suitably Qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustical Society, Institution of Engineers Australia or the Association of Australian Acoustical Consultants at the grade of member firm.
- (d) All physical aspects of the building's structure installed in order to meet performance parameters in accordance with this condition must be maintained at all times.

(15) NOISE - COMMERCIAL PLANT / INDUSTRIAL DEVELOPMENT

- (a) Noise from commercial plant and industrial development must not exceed a project amenity/intrusiveness noise level or maximum noise level in accordance with relevant requirements of the NSW EPA <u>Noise Policy for</u> <u>Industry 2017 (NPfI)</u> unless agreed to by the City's Area Planning Manager. Further:
 - (i) Background noise monitoring must be carried out in accordance with the long-term methodology in <u>Fact Sheet B</u> of the NPfl unless otherwise agreed by the City's Area Planning Manager.
 - (ii) Commercial plant is limited to heating, ventilation, air conditioning, refrigeration and energy generation equipment.
- (b) An L_{Aeq,15 minute} (noise level) emitted from the development must not exceed the L_{A90, 15 minute} (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:
 - (i) The noise level and the background noise level must both be measured with all external doors and windows of the affected residence closed.

- (ii) Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premise.
- (c) Corrections in <u>Fact Sheet C</u> of the NPfI are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

(16) ASBESTOS REMOVAL WORKS

- (a) All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Safework NSW, holding either a Friable (Class A) or a Non-Friable (Class B) Asbestos Removal Licence which ever applies.
 - A copy of the relevant licence must be made available to any authorised Council officer on request within 24 hours.
- (b) Five days prior to the commencement of licensed asbestos removal, Safework NSW must be formally notified of the works. All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification must identify the licensed asbestos removal contractor and include a contact person for the site together with telephone number and email address.
- (c) All work must be carried out in accordance with the Work Health and Safety Regulation 2017 and the NSW Government and SafeWork NSW document entitled How to manage and control asbestos in the work place: Code of Practice (Safework NSW) December 2011 and the City of Sydney Managing Asbestos Policy dated 21 October 2013 and associated guidelines.
- (d) The asbestos removalist must use signs and barricades to clearly indicate the area where the asbestos removal work is being performed. Signs must be placed in positions so that people are aware of where the asbestos removal work area is and should remain in place until removal is completed and clearance to reoccupy has been granted. Responsibilities for the security and safety of the asbestos removal site and removal must be specified in the asbestos removal control plan (where required). This includes inaccessible areas that are likely to contain asbestos.
- (e) Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs must be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs must be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs must be in accordance with AS 1319 -1994 Safety Signs for the Occupational Environment for size, illumination, location and maintenance.
- (f) Asbestos waste must only be transported and disposed of at an EPA licensed waste facility.
- (g) No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).

- (h) No asbestos laden skips or bins are to be left in any public place without the written approval of Council.
- (i) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.

The site notice board must include the following:

- (i) contact person for the site;
- (ii) telephone and facsimile numbers and email address; and
- (iii) site activities and time frames.

(17) CLASSIFICATION OF WASTE

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the *Environment Operations Act 1997* and the *NSW DECC Waste Classification Guidelines, Part1: Classifying Waste (July 2009)*. The classification of the material is essential to determine where the waste may be legally taken. The *Protection of the Environment Operations Act 1997* provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

(18) FOOD PREMISES - ADDITIONAL MECHANICAL VENTILATION REQUIREMENTS

- (a) The cooking appliances require an approved air handling system designed in accordance with AS1668.1 - The Use of Ventilation and Air-conditioning in Buildings – Fire and Smoke Control in Buildings and AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings, and must incorporate the following:
 - (i) The discharge exhaust air must be directed in a vertical, or near vertical direction above the roof, and
 - (ii) The cooking appliances must not burn any charcoal, wood or other solid fuel.
- (b) Details of the proposed system must be submitted to and approved by Council's Health and Building Unit in writing prior to the issue of a Construction Certificate.

(19) WASTE/RECYCLING COLLECTION

(a) The collection of waste and recycling must only occur during the designated zone collection times as outlined in the City's Waste Policy – Local Approvals Policy for Managing Waste in Public Places 2017. (b) Garbage and recycling must not be placed on the street for collection more than half an hour before the scheduled collection time. Bins and containers are to be removed from the street within half an hour of collection.

(20) HAZARDOUS AND INDUSTRIAL WASTE

Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the NSW Work Cover Authority pursuant to the provisions of the following:

- (a) Protection of the Environment Operations Act 1997
- (b) Protection of the Environment Operations (Waste) Regulation 2005
- (c) Waste Avoidance and Resource Recovery Act 2001
- (d) Work Health and Safety Act 2011
- (e) Work Health and Safety Regulation 2017.

SCHEDULE 1B

PRIOR TO CONSTRUCTION CERTIFICATE/COMMENCEMENT OF WORK/HEALTH AND BUILDING

(21) BCA COMPLIANCE - ALTERATIONS AND ADDITIONS - UPGRADE OF BUILDING IS REQUIRED

- (a) Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, the proposed building work must comply with the *Building Code of Australia* (BCA) including:
 - (i) Structural provisions Part B1;
 - (ii) Fire resistance and stability Part C1;
- (c) If compliance with the conditions listed in (a) above cannot be achieved through the deemed-to-satisfy pathway, an alternative solution in accordance with Part A2 of the BCA must be prepared and submitted to the Accredited Certifier illustrating how the relevant performance provisions are to be satisfied, and must form part of the approval prior to a Construction Certificate being issued.

(22) ANNUAL FIRE SAFETY STATEMENT FORM

An annual Fire Safety Statement must be given to Council and Rescue NSW commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued or the use commencing, whichever is earlier.

(23) FLASHINGS TO BOUNDARY WALLS

A flashing must be provided to prevent water entering between the proposed and existing external boundary walls of the adjoining properties.

<u>Note</u>: Attachments or connections to party walls may require the consent of the adjoining property owner/s.

(24) APPLICATION FOR HOARDINGS AND SCAFFOLDING INSTALLED ON OR ABOVE A PUBLIC ROAD AND OPERATING HOISTING DEVICES INCLUDING BUILDING MAINTENANCE UNITS OVER A PUBLIC ROAD

- (a) Where a hoarding and/or scaffolding (temporary structures) are proposed to be installed on or above a road reservation (footway and/or roadway), a separate application under Section 68 of the *Local Government Act 1993* and Sections 138/139 of the *Roads Act 1993* must be submitted to and approved by Council for such structures.
- (b) Where an approval (Permit) is granted allowing the placement of temporary structures on or above a public road the structures must comply fully with Council's *Hoarding and Scaffolding Policy; Guidelines for Hoardings and Scaffolding;* and the conditions of approval (Permit) granted including:

- (i) maintaining a current and valid approval for the full duration that the temporary structure/s is in place;
- (ii) maintaining temporary structure/s in a structurally sound and stable condition for the full duration of installation (Clause 2.11.1);
- (iii) bill posters and graffiti being removed within 24 hours of their placement (Clause 2.11.2);
- (iv) maintaining temporary structures and the public place adjoining the work site in a clean and tidy condition including repainting and/or repair of graphics (Clauses 2.11.1, 2.11.4, 2.14.1 and 3.9.3);
- (v) maintaining a watertight deck (Type B hoardings) to prevent liquids including rainwater, falling onto the footway/roadway surfaces (Clauses 3.9.1 and 3.9.4);
- (vi) approved site sheds on the decks of a Type B hoarding being fully screened from the public place (Clause 3.9.5);
- (vii) material and equipment not being placed or stored on the deck of Type B hoardings, unless specifically approved by Council (Clause 3.9.4);
- (viii) providing and maintaining operational artificial lighting systems under Type B hoardings including at high-bay truck entry points (Clause 3.9.9); and
- (ix) ensuring all required signage, artwork or historic images are provided and fully maintained to the City's requirements (Clauses 3.4, 3.9.3, 3.9.6, 3.9.8, 3.10.1 and 4.2).

If it is proposed to operate a hoisting device including a building maintenance unit above a public road which swings, hoists material/equipment and/or slews/wind vanes any part of the device over the public road, a separate application under Section 68 of the *Local Government Act 1993* and Sections 138/139 of the *Roads Act 1993* must be made to Council to obtain approval.

Note: 'Building maintenance unit' means a power-operated suspended platform and associated equipment on a building specifically designed to provide permanent access to the faces of the building for maintenance (*Work Health and Safety Regulation 2017*).

(25) STORMWATER AND DRAINAGE - MINOR DEVELOPMENT

The drainage system is to be constructed in accordance with Council's standard requirements as detailed in Council's 'Stormwater Drainage Connection Information' document dated July 2006. This information is available on Council's website - www.cityofsydney.nsw.gov.au.

A Positive Covenant must be registered on the title for all drainage systems involving On-site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.

(26) BARRICADE PERMIT

Where construction/building works require the use of a public place including a road or footpath, approval under Section 138 of the Roads Act 1993 for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

SCHEDULE 1C

DURING CONSTRUCTION/PRIOR TO OCCUPATION/COMPLETION

(27) OCCUPATION CERTIFICATE TO BE SUBMITTED

An Occupation Certificate must be obtained from the Principal Certifier and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

(28) HOURS OF WORK AND NOISE - OUTSIDE CBD

The hours of construction and work on the development must be as follows:

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.
- (c) Notwithstanding the above, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a permit being issued by Council under Section 68 of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993.

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Unit, prior to works proceeding

The City of Sydney Code of Practice for Construction Hours/Noise 1992 allows extended working hours subject to the approval of an application in accordance with the Code and under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

(29) ENCROACHMENTS - NEIGHBOURING PROPERTIES

No portion of the proposed structure shall encroach onto the adjoining properties.

(30) ENCROACHMENTS - PUBLIC WAY

No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

(31) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site, where possible.
- (b) If, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate application under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993 must be submitted to and approved by Council.

SCHEDULE 2

PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2000* apply:

| Clause 98 | Compliance with <i>Building Code of Australia</i> and insurance requirements under the <i>Home Building Act 1989</i> | |
|------------|--|--|
| Clause 98A | Erection of signs | |
| Clause 98B | Notification of Home Building Act 1989 requirements | |
| Clause 98C | Conditions relating to entertainment venues | |
| Clause 98D | Conditions relating to maximum capacity signage | |
| Clause 98E | Conditions relating to shoring and adequacy of adjoining property | |

Refer to the NSW State legislation for full text of the clauses under Division 8A of the *Environmental Planning and Assessment Regulation 2000*. This can be accessed at: http://www.legislation.nsw.gov.au

Attachment B

Selected Drawings

DEVELOPMENT APPLICATION

PROJECT: SEATING ENCLOSURE – G07/52 WATERLOO STREET SURRY HILLS

CLIENT:

CON & ANTONIA HARALAMBIS

PROJECT No: 5590

ARCHITECT:

CANDALEPAS ASSOCIATES

309 SUSSEX ST SYDNEY NSW 2000 T: 9283 7755 F: 9283 7477

DRAWING SCHEDULE

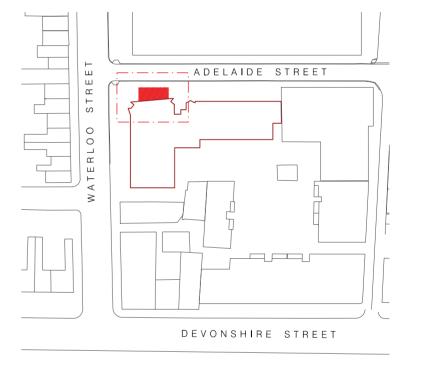
COVER SHEET DA-1000 SITEPLAN

DA-1050 DA-1101 GROUND FLOOR PLAN

DA-1102 ROOF PLAN

SECTION & WEST ELEVATION DA-1201

DA-1301 NORTH ELEVATION



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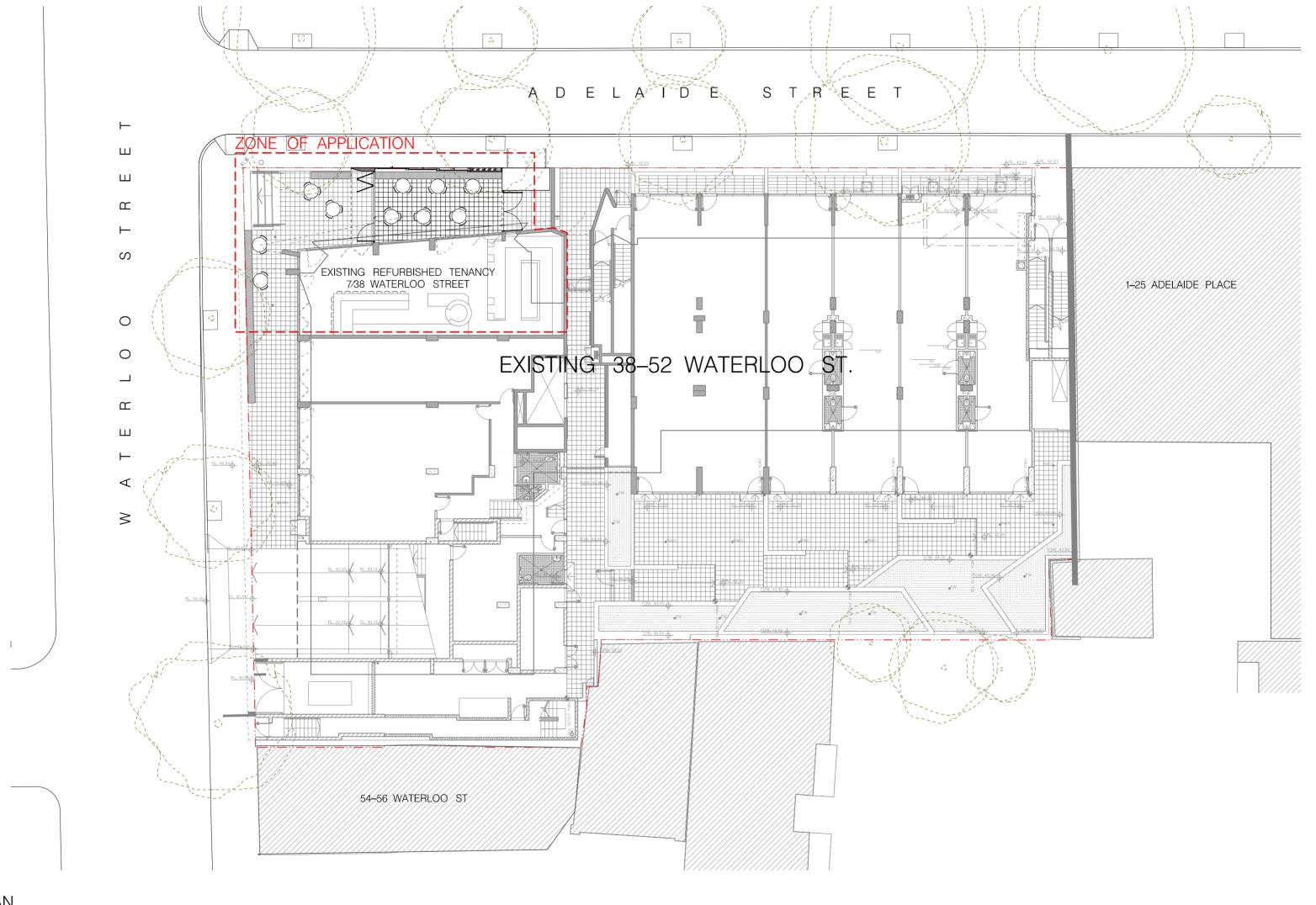
ARCHITECT: CANDALEPAS ASSOCIATES 309 SUSSEX ST SYDNEY NSW 2000

T: 02 9283 7755 F: 02 9283 7477 E: architects@candalepas.com.au NSW ARCHITECTS REG No. – 5773

WATERLOO STREET SEATING ENCLOSURE CON & ANTONIA HARALAMBIS

SCALE: NTS

JOB No. 5590 DATE: DRAWING: MARCH 2021 COVERSHEET CHECKED 1: AV/EP CHKD2/APPD: EP DRAWING No. ISSUE DRAWN BY: EP DA - 1000 Α.



O1 SITE PLAN
1:200

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NSW ARCHITECTS REG No. - 5773

WATERLOO STREET SEATING ENCLOSURE
CLIENT:
CON & ANTONIA
HARALAMBIS

SCALE: AS NOTED@A2

MARCH 2021

CHECKED 1:
AVEP

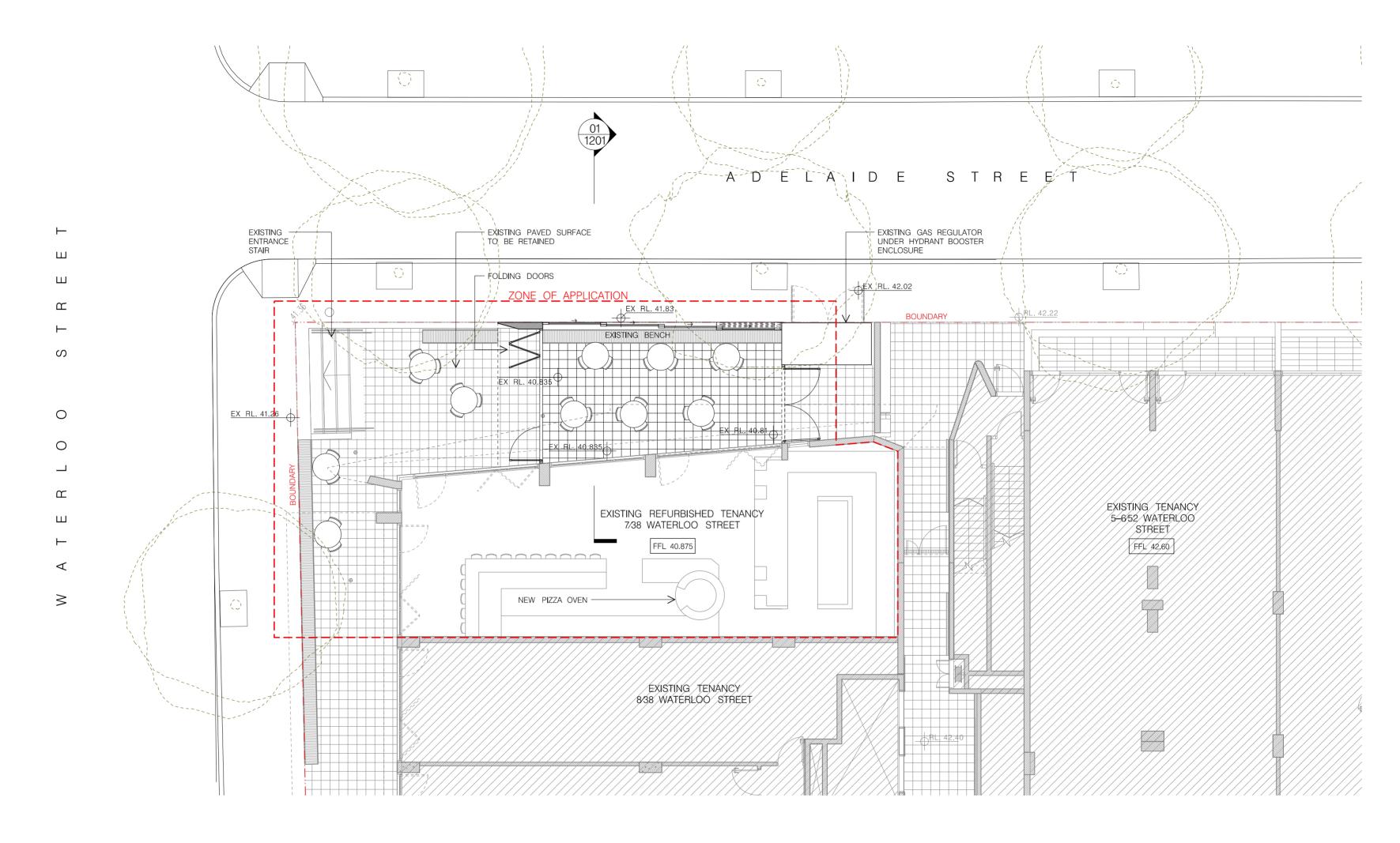
CHKD2/APPD:
EP

DRAWN BY:

DATE:
MARCH 2021
CHECKED 1:
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WATERLOO STREET SEATING ENCLOSURE
CLIENT:
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SCALE: AS NOTED@A2

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MARCH 2021
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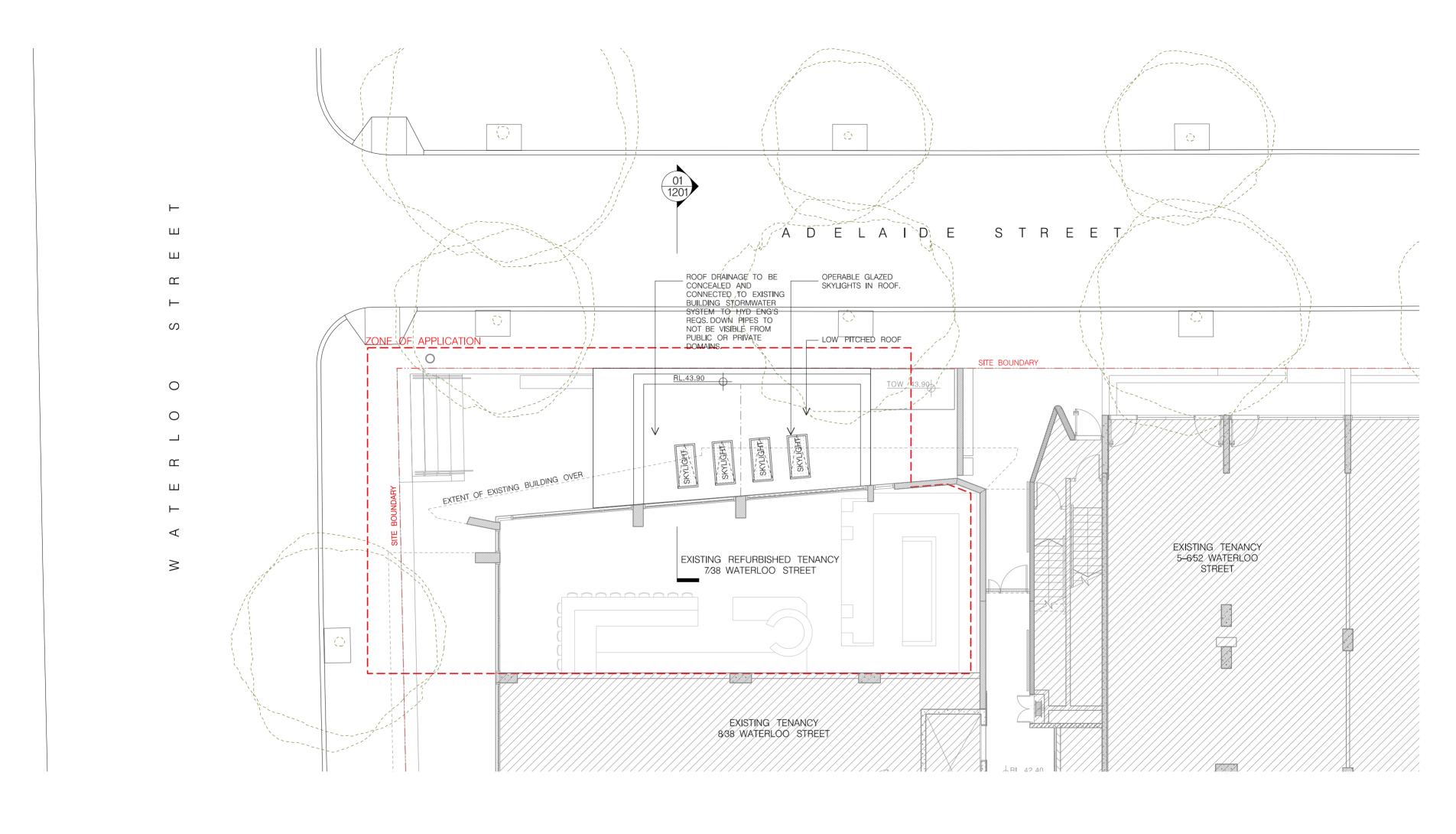
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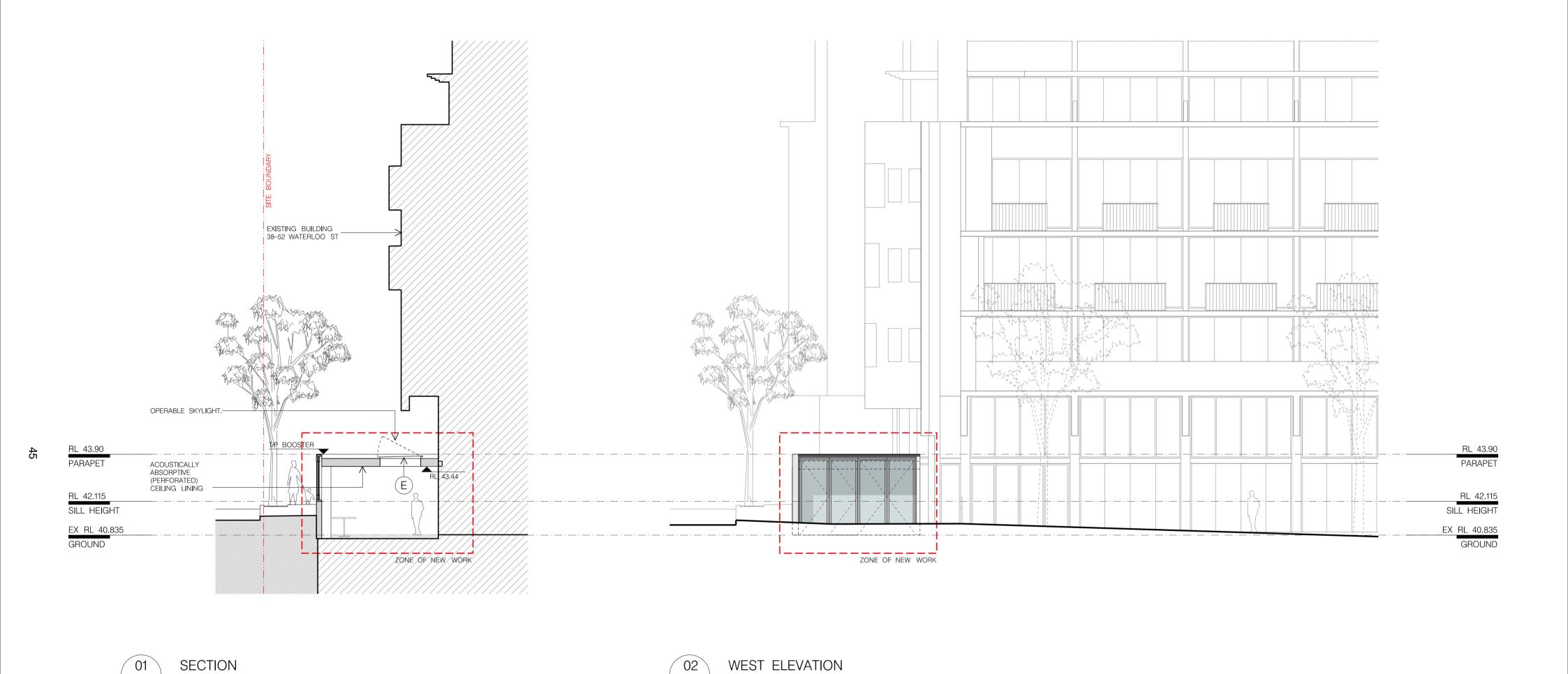
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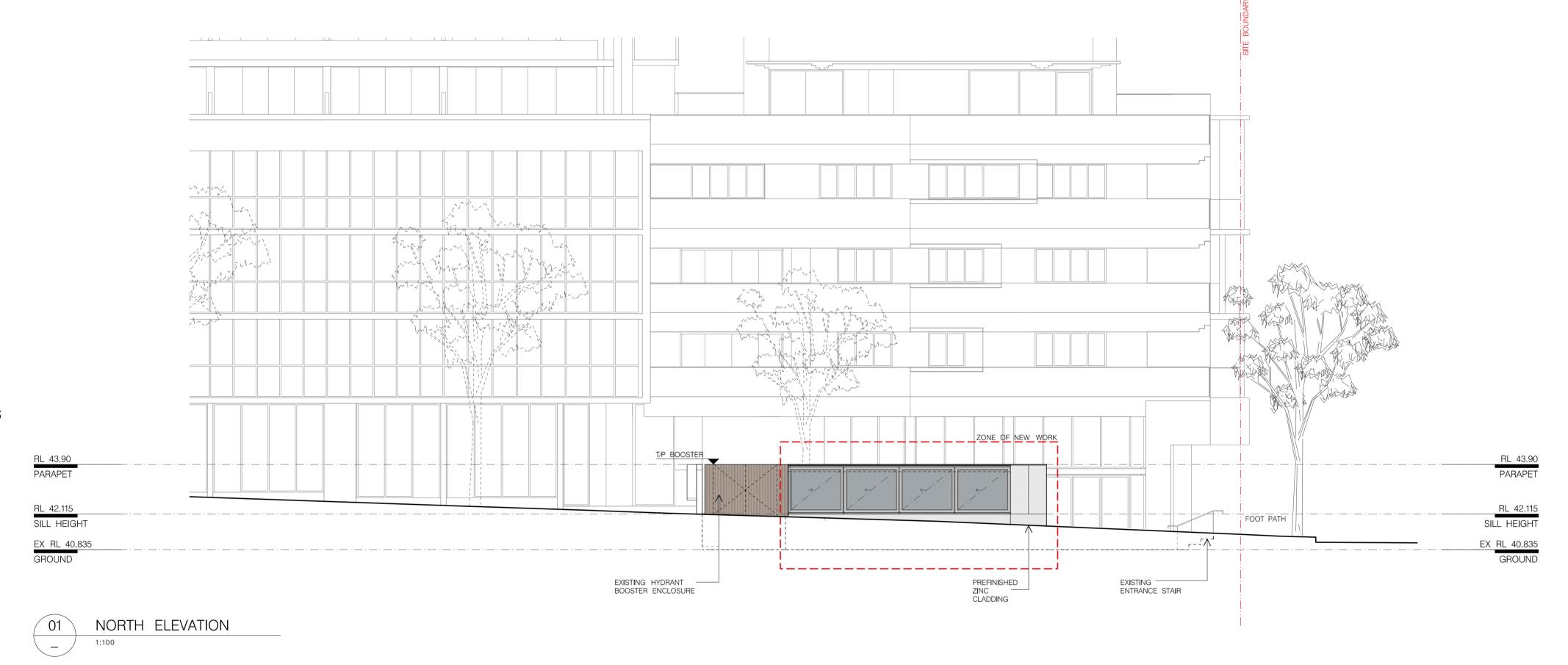
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Attachment C

Clause 4.6 Variation Request – Floor Space Ratio

SJB Planning



Clause 4.6 – Exceptions to Development Standards Request to Vary Clause 4.4 – Floor Space Ratio

Address: 52 Waterloo Street, Surry Hills

Proposal: External alterations and additions to an existing retail unit (Tenancy G07)

Date: 02 June 2021

1.0 Introduction

This is a written request to seek an exception to a development standard pursuant to Clause 4.6 – Exceptions to Development Standards of the Waverley Local Environmental Plan (WLEP) 2012. The development standard for which the variation is sought is Clause 4.4 – Floor Space Ratio under SLEP 2012.

2.0 Description of the planning instrument, development standard and proposed variation

2.1 What is the name of the environmental planning instrument that applies to the land?

The Sydney Local Environmental Plan (SLEP) 2012.

2.2 What is the zoning of the land?

The land is zoned B4 Mixed Use.

2.3 What are the Objectives of the zone?

The objectives of the zone are:

- To provide a mixture of compatible land uses;
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling; and
- · To ensure uses support the viability of centres.

2.4 What is the development standard being varied?

The development standard being varied is the 'Floor Space Ratio' development standard.

2.5 Is the development standard a performance based control?

No. The Floor Space Ratio development standard is a numeric control.

2.6 Under what Clause is the development standard listed in the environmental planning instrument?

The development standard is listed under Clause 4.4 of SLEP 2012.

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2.7 What are the objectives of the development standard?

The objectives of the FSR development standard are contained in Subclause 4.4(1)(a)-(d), and are:

- "(a) to provide sufficient floor space to meet anticipated development needs for the foreseeable future,
- (b) to regulate the density of development, built form and land use intensity and to control the generation of vehicle and pedestrian traffic,
- (c) to provide for an intensity of development that is commensurate with the capacity of existing and planned infrastructure,
- (d) to ensure that new development reflects the desired character of the locality in which it is located and minimises adverse impacts on the amenity of that locality."

2.8 What is the numeric value of the development standard in the environmental planning instrument?

Clause 4.4 establishes a maximum FSR of 2.5:1 for the site, as illustrated in the extract of the Floor Space Ratio Map included in Figure 1 below.



Figure 1: Extract of SLEP 2012 Floor Space Ratio Map (site outlined in blue)

2.9 What is the proposed numeric value of the development standard in the development application?

The proposed development involves a minor addition of 36 m² of Gross Floor Area (GFA) to the existing and approved building on the site (i.e. 0.71% increase in GFA).

The existing and approved building on the site has a GFA of 5064.1 m² and resultant FSR of 3.03:1 (as approved under DA/2006/1083/G). The proposal will result in a total FSR of 3.05:1, which equates to an increase of 0.02:1.

2.10 What is the percentage variation (between the proposal and the environmental planning instrument)?

By virtue of the fact that the existing building on the site exceeds the FSR standard by 21% (as approved under DA/2006/1083G), the proposal will result in a total variation of 22% (i.e. a minor increase of 0.71%).

3.0 Assessment of the Proposed Variation

3.1 Overview

Clause 4.6 Exceptions to Development Standards establishes the framework for varying development standards applying under a local environmental plan.

Objectives to Clause 4.6 at 4.6(1) are as follows:

- "(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances."

Clause 4.6(3)(a) and 4.6(3)(b) require that a consent authority must not grant consent to a development that contravenes a development standard unless a written request has been received from the applicant that seeks to justify the contravention of the standard by demonstrating that:

- "(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard."

Clause 4.6(4)(a)(i) and (ii) require that development consent must not be granted to a development that contravenes a development standard unless:

- "(a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out."

Clause 4.6(4)(b) requires that the concurrence of the Secretary be obtained, and Clause 4.6(5) requires the Secretary in deciding whether to grant concurrence must consider:

- "(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning;
- (b) the public benefit of maintaining the development standard; and
- (c) any other matters required to be taken into consideration by the Secretary before granting concurrence."

This application has been prepared in accordance with the NSW Department of Planning, Infrastructure and Environment (DPI&E) guideline *Varying Development Standards: A Guide*, August 2001, and has incorporated as relevant principles identified in the following judgements:

- Winten Property Group Limited v North Sydney Council [2001] NSWLEC 46;
- · Wehbe v Pittwater Council [2007] NSWLEC 827;
- Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009 ('Four2Five No 1');
- Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 ('Four2Five No 2');
- Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 248 ('Four2Five No 3');
- Micaul Holdings Pty Limited v Randwick City Council (2015) NSWLEC 1386;
- Randwick City Council v Micaul Holdings Pty Ltd (2016) NSW LEC7;

- · Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118;
- RebelMH Neutral Bay v North Sydney Council [2019] NSWCA 130;
- Baron Corporation v The Council of the City of Sydney [2019] NSWLEC 61; and
- Al Maha Pty Ltd v Huajun Investments Pty Ltd [2018] NSWCA 245.

3.2 Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

3.2.1 Is a development which complies with the standard unreasonable or unnecessary in the circumstances of the case?

A development that strictly complies with the FSR standard is unreasonable or unnecessary in this circumstance for the following reasons:

- The existing building on the site has a GFA of 5064.1 m² and resultant FSR of 3.03:1, which exceeds the FSR standard by 21% (as approved under DA/2006/1083/G);
- The proposed increase to GFA is a direct result of the proposed alterations and additions of 36 m² to an area that was previously excluded from GFA (i.e. outdoor dining area);
- The proposal will not affect the maximum building height of the existing mixed use building on the site. The structure is similar in height and scale to the existing hydrant booster enclosure situated adjacent to the location of proposed works; and
- The proposal remains consistent with the objectives of the FSR standard outlined in Subclause 4.4(1) despite the non-compliance, as demonstrated below:
 - (a) to provide sufficient floor space to meet anticipated development needs for the foreseeable future
 - The proposal has no effect on the ability for floor space to be accommodated on the subject site to meet the future development needs of the City of Sydney LGA.
 - (b) to regulate the density of development, built form and land use intensity and to control the generation of vehicle and pedestrian traffic
 - The proposed increase to GFA is a direct result of alterations and additions to an area that was
 previously excluded from GFA (i.e. outdoor dining area). Accordingly, the proposal does not
 significantly increase the density of the existing mixed use building on the site;
 - Noting the minor scale of proposed works, the predominant built form of the existing building will largely remain unaltered by the proposal. No change is proposed to the existing maximum building height; and
 - Given that no change is proposed to the operating hours or patron capacity of Tenancy G07, the
 development will not result in any intensification of uses or increased vehicular/pedestrian traffic at
 the site.
 - (c) to provide for an intensity of development that is commensurate with the capacity of existing and planned infrastructure
 - Noting that no change is proposed to the operating hours or patron capacity of Tenancy G07, the
 development will not result in any intensification of uses at the site. As such, the proposal will not
 generate any additional infrastructure demand.
 - (d) to ensure that new development reflects the desired character of the locality in which it is located and minimises adverse impacts on the amenity of that locality

- The overall scale of the development as proposed, is commensurate with the scale of the existing mixed use building at the site. Therefore, existing privacy, solar access, and view impacts will largely remain unaltered; and
- Notwithstanding the non-compliance with the FSR standard, the proposed development has had regard to, and respects the amenity and character of neighbouring properties and the surrounding locality.

3.2.2 Would the underlying objective or purpose be defeated or thwarted if compliance was required?

The underlying objective or purpose of the development standard would not be defeated or thwarted if compliance was required.

3.2.3 Has the development standard been virtually abandoned or destroyed by the Council's own actions in departing from the standard?

The development standard has not been abandoned.

3.2.4 Is the zoning of the land unreasonable or inappropriate?

The zoning of the land is reasonable and appropriate given the site's location, which has a history of mixed use (i.e. retail, commercial, and residential) development.

3.3 Are there sufficient environmental planning grounds to justify contravening the development standard?

It is considered that there are sufficient environmental planning grounds to justify contravening the development standard, being:

- The existing building on the site has a GFA of 5064.1 m² and resultant FSR of 3.03:1, which exceeds the FSR standard by 21% (as approved under DA/2006/1083/G);
- The proposed increase to GFA of 36 m² is a direct result of the proposed alterations and additions to an area that was previously excluded from GFA (i.e. outdoor dining area);
- The proposed new structure is a minor addition to the site and is consistent with the bulk and scale of the existing building. The single storey structure is in part nestled below the street level and is similar in height and scale to the existing hydrant booster enclosure located adjacent to the site of proposed works;
- The proposed structure includes a flat roof and will appear 'sunken' when viewed from Adelaide Street (to the north) and Waterloo Street (to the north-west) due to the significantly lower finished floor level of the existing outdoor dining area compared to the level of the Adelaide Street footpath. Further, the proposed materials provide a high level of transparency to the structure, which will minimise its perceived bulk;
- The external materials and finishes (i.e. glazed bi-fold doors, aluminium framing, sliding glazed windows, prefinished zinc cladding, and metal finishes) of the proposed structure are consistent with that of the existing building on the site and are sympathetic to the architectural design and character of the locality;
- Noting that no change is proposed to the operating hours or patron capacity of Tenancy G07, the proposal will not result in any intensification of uses at the site or any change to existing traffic and parking arrangements;
- The proposal maintains the significance of the Little Riley Street Heritage Conservation Area. The proposed works involve minor alterations to an existing contemporary building and will have no adverse impact on the fabric, setting, or view corridors of nearby Heritage Items;
- Noting the minor scale of proposed works, the proposal does not give rise to any significant adverse amenity impacts to surrounding commercial and residential properties with regard to overshadowing, visual and acoustic privacy, bulk and scale, or view loss;

- The proposed development is similar to the development approved under DA/2012/278 for an enclosure to part of the outdoor dining area of Tenancy G07 (i.e. the same structure in the same location), but which was not constructed. Specifically, the resultant GFA of the proposal is commensurate with the GFA as approved under DA/2012/278; and
- The proposed development is consistent with the existing and desired scale, design, and character of surrounding development and the streetscape.

3.4 Is the proposed development in the public interest because it is consistent with the objectives of the particular standard and the objectives for development in the zone?

3.4.1 Objectives of the FSR standard

As demonstrated at Part 3.2.1 of this Statement, the proposal remains consistent with the objectives of the FSR standard outlined in Subclause 4.4(1) despite the non-compliance.

3.4.2 Objectives of the zone

The proposal remains consistent with the objectives of the B4 Mixed Use zone, despite the non-compliance with the FSR control as demonstrated in the assessment of the objectives below.

"To provide a mixture of compatible land uses."

The proposal does not involve any change to the approved retail, commercial, and residential uses at the site.

"To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling."

The proposal does not involve any change to the approved retail, commercial, and residential uses at the site, which is located in close proximity to a range of public transport options.

"To ensure uses support the viability of centres."

The proposal seeks to improve the amenity of the outdoor dining area of an existing restaurant, in terms of climate control, weather protection, and noise mitigation. This will assist in the ongoing economic success of the restaurant, which in turn, will support the viability of the wider Surry Hills mixed use centre.

The proposal will also improve the relationship between the subject site and the public domain and therefore contribute to a viable and vibrant centre. The proposed new structure will provide a physical separation between the restaurant dining area and the public domain yet will maintain a visual connection by way of the proposed translucent and operable window and door openings.

3.5 Whether contravention of the development stand raises any matter of significance for the State or regional environmental planning?

The contravention is a local matter and does not raise any matter of state or regional significance. Council can assume the Secretary's concurrence under Planning Circular PS 18-003 issued on 21 February 2018.

3.6 How would strict compliance hinder the attainment of the objects specified in Section 1.3 (a), (b) and (c) of the Act?

The objects specified in Section 1.3 (a), (b), and (c) are as follows:

| Objective | | Comment |
|-----------|--|---|
| (a) | to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources, | The proposal will promote the social and economic welfare of the site and wider Surry Hills locality. The proposed additions will facilitate an efficient and practical use of an existing and well-designed mixed use building situated in a prominent and desirable location. |
| (b) | to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment, | The proposal demonstrates ecologically sustainable development. The proposed operable bi-fold doors, windows, and skylights will act as a means of passive heating and cooling and will provide weather control (i.e. shading and rain protection), as well as natural ventilation. |
| (c) | to promote the orderly and economic use of land, | The proposal maintains the approved retail uses (i.e. food and drink premises) at the site. |

Table 1: EP&A Act 1979 - Section 1.3 objectives compliance assessment

3.7 Is there public benefit in maintaining the development standard?

Generally, there is public benefit in maintaining standards. However, there is also public benefit in maintaining a degree of flexibility in specific circumstances.

In this case, a non-compliance currently exists, and no public benefit would accrue in the circumstances of requiring strict numerical compliance with the FSR development standard.

3.8 Is the objection well founded?

Yes, the proposal is consistent with the objectives of the B4 Mixed Use zone and the FSR development standard. It is considered that the objection is well founded in this instance and that granting an exception to the development can be supported in the circumstances of the case.

4.0 Conclusion

The proposed variation is based on the reasons contained within this formal request for an exception to the Floor Space Ratio standard.

The proposal accords with the stated objectives for the B4 Mixed Use zone and the Floor Space Ratio development standard (Clause 4.4). The proposal is consistent with surrounding mixed use development and will have a positive amenity outcome for restaurant patrons and surrounding commercial and residential properties. As such, it is considered that the proposal is consistent with the planning purposes for the area.

Noting the minor nature of the proposed works, the additional FSR does not contribute to significant adverse amenity impacts by way of bulk and scale, overshadowing, acoustic and visual privacy impacts, or view loss. The proposal maintains an appropriate built form on the site and does not result in a structure that is out of proportion or scale with surrounding development. The external building materials of the proposed structure are consistent with that of the existing mixed use building on the site, and are sympathetic to the design of surrounding development.

A development strictly complying with the numerical FSR standard would not significantly improve the amenity of surrounding land uses. In fact, the proposed enclosure of the dining area seeks to mitigate acoustic spill from that part of the site and provide improved climate control and shading. In the context of the locality, it would be unreasonable for strict compliance to be enforced.

The non-compliance is not considered to result in any precedents for future development within the locality or broader LGA, given the site circumstances and surrounding pattern of development.

As demonstrated in this submission, it would be unreasonable for strict compliance with the FSR control to be enforced. It is concluded that the variation to the FSR development standard is well founded as compliance with the standard is both unnecessary and unreasonable in the circumstances of this case.

Item 4.

Development Application: 15-17 William Street, Alexandria - D/2020/1059

File No.: D/2020/1059

Summary

Date of Submission: The application was lodged on 19 October 2020.

Applicant: David Findlay

Architect: Derek Raithby Architecture

Owner: Balglen Pty Ltd.

Planning Consultant: ABC Planning

DAPRS: 2 February 2021

Cost of Works: \$8,814,325

Zoning: The proposed multi-dwelling houses are permissible with

consent within the B4 Mixed Use Zone.

Proposal Summary: The proposal involves the demolition of an existing

warehouse. It is intended to excavate and remediate the site and to construct 14 x terrace style, 3-4 storey multi dwelling houses. Torrens Title (stratum) subdivision of the

site is proposed.

The applicant has made a public benefit offer in order to provide community infrastructure contribution as required under Clause 6.14 of the Sydney Local Environmental Plan 2012 (SLEP2012). Consequently, the application is required to be determined by the Local Planning Panel. This is in accordance with the Local Planning Panels Direction - Development Applications, dated 30 June 2020.

The applicant has made a public benefit offer to provide a monetary contribution towards Green Square community

infrastructure.

In accordance with Clause 6.14 of SLEP2012, the contribution (if accepted) allows for an additional FSR provision of 0.5:1 and a total FSR of 1.5:1 (GFA: 1,651.5sqm).

The proposal has an FSR of 1.55:1 and exceeds the relevant SLEP2012 development standards. A request to vary the FSR development standard has been made pursuant to Clause 4.6 of the Sydney LEP 2012. The written request to vary the standard significantly understates the GFA that is proposed and does not demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case. The written request fails to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard. The proposal falls within the 15m height control established at Clause 4.3 of SLEP2012.

The application was notified for 21 days, in accordance with Council's Community Participation Plan. Two submissions were received objecting to the proposal. Issues raised include excessive building scale, visual privacy and solar access.

The application fails to satisfy FSR standards and fails to achieve design excellence by providing poor design and amenity outcomes. The proposal fails to provide sufficient separation distance between the rear of terraces and consequently fails to provide adequate outlook or privacy. The high density of the development also results in poorly planned landscaped areas and insufficient deep soil areas. Consequently, the application is recommended for refusal.

Summary Recommendation:

This proposal is recommended for refusal.

Development Controls:

- (i) Environmental Planning and Assessment Act 1979 and Regulation 2000;
- (ii) State Environmental Planning Policy No 55— Remediation of Land;
- (iii) State Environmental Planning Policy (Infrastructure) 2007;
- (iv) State Environmental Planning Policy (BASIX) 2004;
- (v) Sydney Local Environmental Plan 2012 (Gazetted 14 December 2012, as amended);
- (vi) Sydney Development Control Plan 2012 (in force on 14 December 2012, as amended); and
- (vii) City of Sydney Development Contributions Plan 2015.

Attachments:

- A. Selected Drawings
- B. Clause 4.6 Variation Request Floor Space Ratio

Recommendation

It is resolved that consent be refused for Development Application No. D/2020/1059 for the following reasons:

- (A) The applicant has failed to provide documents to demonstrate that the proposed change of land use will not increase the risk to health given a more sensitive land use is proposed. As such, the proposal fails to satisfy the provisions of the State Environmental Planning Policy (SEPP) No 55.
- (B) The proposed development provides poor amenity for its intended future occupants and to the occupants of neighbouring buildings, and fails to satisfy key Aims at Clauses 1.2(h) and 1.2(j) of the Sydney Local Environmental Plan 2012, that are to protect the amenity and quality of life of the local community, provide a high quality urban form and design excellence and to reflect the desired future character of the locality.
- (C) The applicant has failed to provide a written statement that is satisfactory in addressing the provisions of Clause 4.6 of the Sydney Local Environmental Plan 2012 with regard for the non-compliance with the floor space ratio development standard prescribed under Clause 4.4 of the Sydney Local Environmental Plan 2012.
- (D) The application fails to satisfy the relevant Green Square Community Infrastructure provisions under Clause 6.14 of the Sydney Local Environmental Plan 2012. In particular the proposal fails to satisfy key objective 6.14(1)(b) as the proposal does not reflect the desired character of the locality and fails to minimise adverse impacts on the amenity of the locality. In failing to satisfy the objective of the clause, the land is not eligible for an amount of additional floor space in accordance with Clause 6.14(4) of the Sydney Local Environmental Plan 2012.
- (E) Having considered the matters in 6.21(4), the building fails to meet the minimum standards required to demonstrate design excellence. In particular, the proposal fails to provide high residential amenity for its intended future occupants and to the occupants of neighbouring buildings and fails to provide suitable building bulk, massing and modulation and fails to provide excellence and integration of landscape design.
- (F) The proposed development exceeds the development standard for the maximum number of car parking spaces set out at Clause 7.5 of Sydney Local Environmental Plan 2012.
- (G) The applicant has failed to provide a requested Stormwater Concept Design, and as such, fails to satisfy the provisions of part 3.7.2 of Sydney Development Control Plan 2012 in relation to demonstrating how the development connects to the downstream drainage system.
- (H) The proposed development fails to satisfy a key design principle of the Beaconsfield locality, which is to provide a high quality built form in the southern area. The application fails to satisfy the provisions of part 2.5.2 of Sydney Development Control Plan 2012.

- (I) The proposal fails to provide adequate deep soil areas and adequate depth and volume to landscape planters and fails to satisfy the Sydney Landscape Code. The application fails to satisfy the provisions or parts 3.5.2 and 4.1.3.4 of Sydney Development Control Plan 2012 in relation to Urban Vegetation and in relation to Deep Soil Planting.
- (J) The proposal is not in keeping with the desired future character of the area, in accordance with section 2.5.2 of Sydney Development Control Plan 2012 and is not considered to be in the public interest.

Background

The Site and Surrounding Development

- 1. The site has a legal description of Lot 2 DP 559934, known as 15-17 William Street, Alexandria. The site is rectangular in shape with area of approximately 1,101sqm. The site has a primary street frontage of 35.7m to William Street and a secondary street frontage of 36.2m to William Lane. The site falls from William Street towards William Lane with a levels difference of approximately 2.8m.
- 2. The site contains a single storey warehouse at William Street. Due to the difference in the topography, the warehouse is a 2 storey building at William Lane.
- 3. The site is located within a precinct with a transitional urban character. The site is located within a row of properties on the western side of William Street bordered by Reserve Street to the north and Collins Street to the south. The subject site is the final 'remnant' commercial /industrial building on the western side of the street block to be converted to residential uses.
- 4. There are commercial warehouses located to the north-east of the site on the opposite side of William Street and to the south-east of the site at Collins Street.
- 5. At the northern boundary are located 6 x multi-dwelling townhouses that are on Strata Title (11-13 William Street Figure 4). Further to the north, at the corner of Reserve Street, is located a mixed use development containing residential apartments and multi-dwelling houses (1-9A William Street Figures 5);
- 6. At the southern boundary at 19A-19F William Street are located 6 x multi-dwelling townhouses that are on Torrens Title. Further to the south is located a residential development containing apartments (21-27 William Street Figures 6).
- 7. To the east of the site, on the opposite side of William Street, is located Beaconsfield Park containing open space, tennis courts and amenities. To the west of the site, on the opposite side of William Lane are located commercial premises that have frontages to O'Riordan Street.
- 8. The site is not a heritage item and is not located within a heritage conservation area. The site is located within the Green Square and Beaconsfield localities and is not identified as being subject to flooding.
- 9. A site visit was carried out on 9 February 2021. Photos of the site and surrounds are provided below.



Figure 1: Aerial view of site and surrounds



Figure 2: Site viewed from William Street, generally looking north-east



Figure 3: Site viewed from William Lane, generally looking south-east





Figure 4: 11-13 William Street to the northern boundary, viewed from William Street and William Lane





Figure 5: 1-9A William Street further to the north at the corner of Reserve Street, viewed from William Street and William Lane





Figure 6: 19A-19E William Street to the southern boundary, viewed from William Street and William Lane





Figure 7: 21 William Street further to the south at Collins Street, viewed from William Street and William Lane



Figure 8: 29-41 William Street further to the south at Collins Street, viewed from William Street and William Lane

History Relevant to the Development Application

Development Applications - Site

10. Historic consents relating to the operation of the site as a factory and for business identification signage were granted under applications D/1999/304 and D/2000/1162. There are no other applications that are relevant to the current proposal.

Neighbouring sites - North

- 1-9 William Street: D/2014/1028 (as amended) was approved for the demolition of existing buildings, remediation of site and the construction of a residential development.
- 12. 11-13 William Street: D/2012/1852 (as amended) was approved on 22 August 2013 by the Land and Environment Court for alterations and additions to an existing industrial warehouse building to create 6 x 2 storey townhouses with basement carparking.

Neighbouring sites - South

- 13. 19A-19F William Street: D/2013/62 (as amended) was approved on 13 July 2015 for the demolition of an existing warehouse and the construction of 6 x 3 storey townhouses and 2 x apartments with lower ground floor car parking.
- 14. 21-27 William Street: D/2015/145 (as amended) was approved by the Land and Environment Court on 17 March 2016 for the construction of a 4 storey residential flat building consisting of 36 apartments, one level of basement parking for 28 vehicles and associated site and landscaping works.

Compliance Action

15. The site is not subject to any compliance actions that are relevant to the subject application.

Amendments

- A request for additional information and amendments was sent to the applicant in March 2021, following an assessment of the proposed development by Council Officers.
- 17. The applicant was requested to amend drawings and provide supporting documents to address the following issues:
 - (a) non-compliance with the FSR standard;
 - (b) inadequate building separation and poor residential amenity;
 - (c) inadequate deep soil and landscape provisions;
 - (d) unclear solar access impacts; and
 - (e) waste facilities, contamination and stormwater issues.
- 18. The applicant responded to the request in April, by submitting amended drawings and solar diagrams. Council officers considered that while some improvements had been made the revised drawings failed to respond adequately to the issues raised.
- 19. In particular, the amended proposal continues to exceed the FSR standards and presents excessive building bulk, as evidenced by insufficient building separation, with resulting impacts upon the residential amenity of the subject site and neighbouring sites. Landscaped areas are inadequate to provide the intended privacy mitigation and the proposal exceeds the maximum car parking provisions.
- 20. A number of discussions have been held with the applicant in regard to the issues raised. Council officers remain concerned that FSR and separation issues will remain unresolved. Subsequently the application is being reported to LPP and recommended for refusal.
- 21. The amended drawings form the subject of the assessment.

Proposed Development

- 22. The amended application seeks consent for the following:
 - (a) demolition of an existing warehouse building;
 - (b) excavation of a basement level and site remediation;
 - (c) construction of 14 x 3-4 storey multi-dwelling houses (terraced townhouses), including 4 x 2 bedroom dwellings and 10 x 3 bedroom dwellings;
 - (d) vehicle access from William Lane and pedestrian entry to all dwellings from William Street and William Lane; and

- (e) site landscaping.
- 23. The multi-dwelling housing development is proposed to contain:
 - (a) a partial basement beneath dwellings T8-T14 that have a frontage to William Street and a ground level parking area beneath dwellings T1-T7 facing William Lane containing a communal bin storage area;
 - (b) ground level: open plan living areas opening onto terrace private open spaces within a central courtyard;
 - (c) Level 1: 2 bedrooms per dwelling;
 - (d) Level 2: third bedrooms for dwellings T3-T5 and T8-T14 and roof terraces for dwellings T1-T2, T6-T7; and
 - (e) third level: roof terraces for dwellings T8-T14.
- 24. Building facades are proposed to include the following materials (see discussion below in relation to the use of 'or similar'):
 - (a) face brick at the lower levels 1 and 2;
 - (b) Colourbond 'Monument' roof cladding for level 3 facades and painted balcony balustrades; and
 - (c) timber pergolas at the roof level and aluminium windows.
- 25. The proposal includes a public benefit offer, in the form of a monetary contribution, to provide for Community Infrastructure in the Green Square Locality. The offer has not been accepted by Council officers given the proposal fails to satisfy a key objective 6.14(1)(b) of SLEP2012, which is to provide a development that reflects the desired character of the locality and that minimises adverse impacts on the amenity of the locality.
- 26. Having considered the matters in 6.14(3), the consent authority cannot be satisfied the development is consistent with objective 6.14(1)(b) listed above. In failing to satisfy the objective of the clause, the monetary offer is not accepted and the land is not eligible for an amount of additional floor space in accordance with Clause 6.14(4) of SLEP2012. A Voluntary Planning Agreement (VPA) has not been drafted.
- 27. A full set of architectural drawings is provided at Attachment A. An extract from the architectural package is provided below.



Figure 9: Basement plan

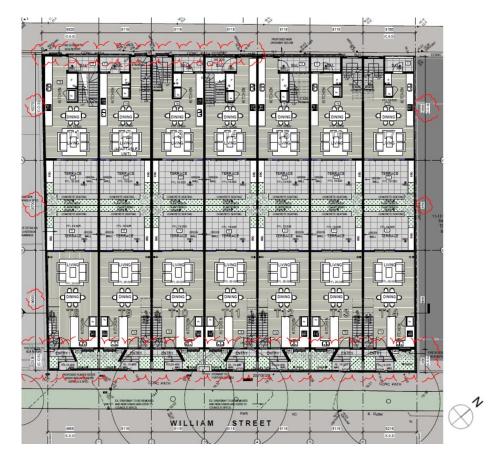


Figure 10: Ground level



Figure 11: Level 1



Figure 12: Roof level

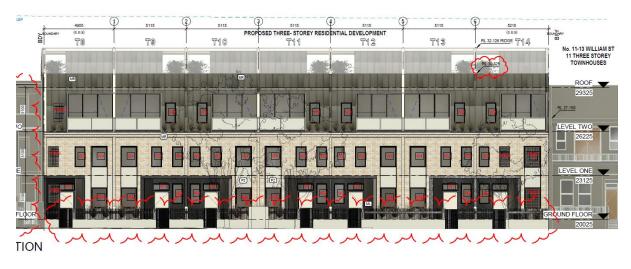


Figure 13: East elevation (William Street)



Figure 14: West elevation (William Lane)



Figure 15: Internal elevation (looking west towards William Lane)



Figure 16: Internal elevation (looking east towards William Street)

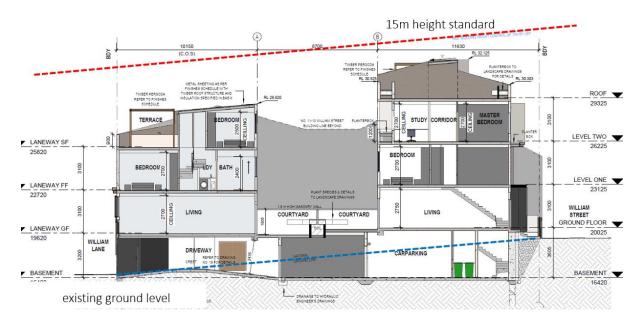


Figure 17: Section Plan showing partial basement under dwellings T8-T14 (William Street) and above ground parking areas under dwellings T1-T7 (William Lane)



Figure 18: Architectural render - William Street frontage

Assessment

28. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

State Environmental Planning Policies

State Environmental Planning Policy No 55 - Remediation of Land

- 29. The aim of State Environmental Planning Policy (SEPP) No 55 is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.
- 30. The proposal has been reviewed by Council's Health and Building specialists with regard for the provisions of the State Environmental Planning Policy No 55—Remediation of Land. The documents lodged with the application have been found to be unsatisfactory.
- 31. In particular:
 - (a) the Detailed Site Investigation (DESI) states that no assessment has been carried out for the presence of phenols or asbestos despite them being identified as contaminants of potential concern; and

- (b) whilst the applicant has engaged a NSW Accredited Site Auditor to peer review and audit the site investigation, there is no documentation from the Site Auditor to peer review the DESI and endorse its conclusions that the site is suitable for the proposed use.
- 32. The applicant was requested to provide an addendum to incorporate all further investigations that were recommended by the NSW EPA accredited Site Auditor. The applicant has failed to provide the requested documents at the time of assessment.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

33. The applicant provided supporting documents with the application that demonstrate the proposal is capable of satisfying the provisions of the BASIX SEPP.

State Environmental Planning Policy (Infrastructure) 2007

34. The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.

Division 5, Subdivision 2: Development likely to affect an electricity transmission or distribution network

Clause 45 Determination of development applications – other development

- 35. The application is subject to Clause 45 of the SEPP as the development involves the penetration of ground within 2m of an underground electricity power line.
- 36. As such, the application was referred to Ausgrid for a period of 21 days. A response was received and no objection was raised.

Local Environmental Plans

Sydney Local Environmental Plan 2012

37. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided in the following sections.

Part 1 Preliminary

| Provision | Compliance | Comment |
|------------------|------------|---|
| 1.2 Aims of Plan | No | The proposed development provides poor amenity for its intended future occupants and to the occupants of neighbouring buildings. The development fails to satisfy the Aims of SLEP 2012 at 1.2(h) and 1.2(j), in relation to the amenity and quality of life of the local community, in relation to achieving a high quality urban form and design excellence and the requirement to reflect the desired future character of the locality. |

Part 2 Permitted or prohibited development

| Provision | Compliance | Comment |
|--|------------|--|
| 2.3 Zone objectives and Land Use Table | Yes | The site is located in the B4 Mixed Use zone. The proposed development is defined as multi-dwelling housing and is permissible with consent in the zone. |

Part 4 Principal development standards

| Provision | Compliance | Comment |
|-------------------------|------------|--|
| 4.3 Height of buildings | Yes | A maximum building height of 15m is permitted. The proposal has a maximum height of approximately 14m and complies with the maximum height of buildings development standard. |
| 4.4 Floor space ratio | No | Clause 4.4 of SLEP 2012 allows for a maximum floor space ratio (FSR) of 1:1. In accordance with Clause 6.14 of SLEP2012, an additional FSR provision of 0.5:1 can be provided in relation to the provision for Green Square community infrastructure, increasing the maximum FSR for the site to 1.5:1 (GFA: 1,651.5sqm). |
| | | The proposal provides 1,702sqm of GFA, resulting in a floor space ratio of |

| Provision | Compliance | Comment |
|---|------------|---|
| | | 1.55:1, and exceeds the permissible standard by 50.5sqm or 3 per cent. |
| | | A request to vary the floor space ratio development standard in accordance with Clause 4.6 has been submitted. See further details in the 'Discussion' section below. |
| 4.6 Exceptions to development standards | No | The proposed development seeks to vary the development standard prescribed under Clause 4.4. A written statement addressing the provisions of Clause 4.6 of SLEP 2012 fails to recognise the extent of the variation to the FSR standard and does not meet the requirements of the clause. See further details in the 'Discussion' section below. |

Part 6 Local provisions – height and floor space

| Provision | Compliance | Comment | |
|---|--|---|--|
| Division 2 Additional floor space | Division 2 Additional floor space outside Central Sydney | | |
| 6.14 Community infrastructure floor space at Green Square | No | The proposed development is eligible for an additional floor space ratio of 0.5:1. A public benefit offer for a monetary contribution in accordance with Clause 6.14 of SLEP2012 has been submitted but is not supported. See discussion below in the issues section. | |
| Division 4 Design excellence | | | |
| 6.21 Design excellence | No | The current scheme fails to deliver the highest standard of architectural, urban and landscape design and is contrary to the design excellence provisions. See further details in the 'Discussion' section below. | |

Part 7 Local provisions – general

| Provision | Compliance | Comment | | |
|---|-------------------------------|--|--|--|
| Division 1 Car parking ancillary to other development | | | | |
| 7.5 Residential flat buildings, dual occupancies and multi dwelling housing | No | A maximum of 14 car parking spaces are permitted for 4 x 3 bedroom dwellings and 10 x 2 bedroom dwellings in the 'B' area. | | |
| | | The amended proposal includes 15 car parking spaces and fails to comply with the relevant development standards. | | |
| | | Clause 7.5(2) of SLEP2012 can be useful in increasing the maximum car parking provision, however does not apply in this instance. Given that no visitor parking spaces are shown on the architectural drawings, the maximum car parking provision cannot be increased above 14 spaces. | | |
| Division 3 Affordable housing | Division 3 Affordable housing | | | |
| 7.13 Contribution for purpose of affordable housing | Yes | The site is located within the Green Square affordable housing contribution area. | | |
| | | In the event the proposal was supported, it would be subject to a Section 7.13 contribution. | | |
| Division 4 Miscellaneous | l | | | |
| 7.14 Acid Sulfate Soils | Yes | The site is within a class 5 Acid Sulfate zone, which is 150m from a class 3 zone around the Alexandria Canal to the west. | | |
| | | The Detailed Site Investigation concludes that there is a very low risk of finding acid sulfate soils and basement excavation is not likely to encounter groundwater, which is approximately 6m below ground level. | | |
| | | Council's Health and Building specialists are satisfied that no additional information is required to address acid sulfate soils. | | |

| Provision | Compliance | Comment |
|--|------------|---|
| 7.19 Demolition must not result in long term adverse visual impact | Yes | The applicant has not requested that the construction process should be staged and has not indicated there would be substantial delays between demolition and construction works. |

Development Control Plans

Sydney Development Control Plan 2012

38. An assessment of the proposed development against the relevant provisions within the Sydney Development Control Plan 2012 is provided in the following sections.

Section 2 – Locality Statements

39. The site is located within the Beaconsfield locality. The proposed development is contrary to a key design principle of the locality, in that it does not result in high quality built form in the southern area of the neighbourhood which has a transitional urban character.

Section 3 - General Provisions

| Provision | Compliance | Comment |
|--|------------|--|
| 3.2. Defining the Public Domain | Yes | The proposal has been amended to elevate residential entries above the footpath level to provide for better visual privacy whilst retaining passive surveillance. |
| 3.5 Urban Ecology | No | The amended proposal provides insufficient planter volumes to provide for meaningful landscape screening and does not provide for canopy trees. The development does not have the ability to provide 15 per cent canopy coverage within 10 years and fails to satisfy the provisions of the Landscape Code. |
| 3.6 Ecologically Sustainable Development | Yes | Details have been provided to demonstrate the proposal is capable of satisfying BASIX requirements. |

| Provision | Compliance | Comment |
|---|------------|--|
| 3.8 Subdivision, Strata Subdivision and Consolidation | Yes | The proposed development involves Stratum subdivision of the site, providing a communal car parking level. The new allotments are regular in shape and would not have a detrimental impact on the setting of the site. |
| 3.9 Heritage | Yes | The site is not a heritage item and is not located within a heritage conservation area. |
| 3.10 Significant Architectural Building Types | Yes | The site contains a warehouse that is likely to be older than 50 years. Aerial photographs from 1975 show the warehouse in place. Despite this, the existing warehouse does not display any features that are remarkable or rare. The warehouse is utilitarian in character and has a simple rectangular form that is not reinforced with any particular features such as vertical brick piers, arches, articulated bays or feature windows. |
| 3.11 Transport and Parking Schedule 7.8.5 Accessible car parking spaces | No | A traffic impact assessment report submitted with the application states that a maximum of 14 car parking spaces are to be provided in accordance with the SLEP2012 maximum and that visitor parking is not provided. The report states that motorcycle parking is not required by SDCP 2012 other than a single space and that bike parking should be provided for all dwellings. Amended plans show 15 parking spaces and motorcycles and bicycle parking spaces provided within all garages. 2 adaptable car parking spaces are provided within the ground level of adaptable dwelling T2, resulting in a non-compliance with the SLEP2012 maximum car parking provision (see discussion above - Clause 7.5). |

| Provision | Compliance | Comment |
|--|------------|--|
| | | There are no provisions in SLEP2012 or SDCP2012 that require the provision of visitor car parking spaces within multidwelling development. However, the SLEP2012 maximum may be increased where visitor parking is provided [see discussion above in Clause 7.5(2) of SLEP2012]. |
| | | Part 3.11.4(6) of SDCP2012 states that where a residential development proposes less than the maximum number of car parking spaces (under SLEP2012), that the reduction in the number of spaces should be shared proportionally between resident parking spaces and visitor parking spaces. However, in this instance, it is proposed to provide 15 spaces, which is greater than the maximum. |
| 3.12 Accessible Design | Yes | A disability access report submitted with the application states that the proposal can comply with the provision of one adaptable dwelling. Dwelling T2 can be adapted with an internal lift to comply with the standards. |
| 3.13 Social and Environmental Responsibilities | Yes | The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles. |
| 3.14 Waste | No | The proposal does not provide a minimum 4sqm of dedicated space for residential bulky and problem waste storage within a lockable cage, designated screened area or room. |

Section 4 – Development Types

4.1 Single Dwellings, Terraces and Dual Occupancies

| Provision | Compliance | Comment |
|-------------------------|------------|---|
| 4.1.1 Building height | No | SDCP2012 recommends a maximum building height of 3 storeys. The proposal has a height of 4 storeys at the western edge of the development. See further details in the 'Discussion' section below. |
| 4.1.2 Building setbacks | Yes | The proposed development relates to the existing front and side setbacks patterns along William Street. |

4.1.3 Residential amenity

As demonstrated below, the proposed development will have acceptable residential amenity and will not have unreasonable impacts on the residential amenity of neighbouring properties.

| 4.1.3.1 Solar access | Yes | View from the sun diagrams demonstrate that proposed and neighbouring dwellings receive greater than 2 hours of solar access at the winter solstice. |
|----------------------------|-----|--|
| 4.1.3.2 Solar collectors | Yes | The proposal does not include the installation of photovoltaic solar panels. There are no existing PVC arrays located on the roof areas of neighbouring buildings. |
| 4.1.3.3 Landscaping | No | Minimal soil volumes are provided within the central courtyard to provide for landscaped privacy mitigation plantings. See discussion below. |
| 4.1.3.4 Deep soil planting | No | The amended proposal provides a narrow strip of deep soil at the William Street frontage with an effective width of 1.7m (61sqm or 5.5 per cent of site area). |
| | | The deep soil area does not allow for significant canopy trees and fails to comply with the 15 per cent control specified by SDCP2012. |

| Provision | Compliance | Comment |
|--------------------------------------|------------|--|
| 4.1.3.5 Private open space | Yes | Dwellings are provided with private open space at the ground level and on roof terraces. Private open spaces receive in excess of 2 hours' solar access on 21 June. |
| 4.1.3.6 Visual privacy | No | Insufficient building separation and directly opposing windows provides poor residential amenity in relation to visual and acoustic privacy. Mitigation measures include fixed and obscure windows that decrease natural ventilation and create a sense of enclosure within rooms. |
| 4.1.8 Balconies, verandahs and decks | No | Roof terraces rely on landscaped planter boxes to mitigate direct overlooking of the living spaces of neighbouring development and bedroom windows of dwellings within the same development. See discussion below. |

Section 5 – Specific Areas

| Provision | Compliance | Comment |
|--------------------------------|------------|---|
| 5.2 Green Square | No | The amended proposal provides residential accommodation with insufficient building separation, deep soil provision and poorly integrated landscape design. This results in poor residential amenity for adjoining and future residents that fails to complement the existing and desired future character of the neighbourhood. |
| 5.2.3 Community infrastructure | No | A public benefit offer has been submitted by the applicant to enable a monetary contribution towards community infrastructure within the Green Square locality. The offer has not been accepted due to poor design outcomes and the exceedance of floor space bonus provisions within Green Square. |

| Provision | Compliance | Comment |
|-----------|------------|--|
| | | The proposal fails to satisfy provision 6.14 of SLEP 2012 and Provision 5.2.3(1) of SDCP 2012, which specifies that consent may be granted for development up to the maximum gross floor area achievable under Clause 6.14 of Sydney LEP 2012, but only if the development contributes to the desired character of the locality in which it is located and has little or no impacts on the amenity of that locality. See discussion below in the Issues section. |

Discussion

Floor Space Ratio - Calculation

- 40. The maximum floor space ratio (FSR) is provided by:
 - (a) Clause 4.4 of SLEP 2012 that allows for a maximum floor space ratio (FSR) of 1:1; and
 - (b) Clause 6.14 of SLEP2012 allows for an additional provision of 0.5:1, subject to to the delivery of community infrastructure within Green Square community. Acceptance of such an offer increases the maximum FSR for the site to 1.5:1 (GFA: 1,651.5sqm).
- 41. The applicant has provided a gross floor area (GFA) diagram showing the proposal with a GFA of 1,629sqm, resulting in a FSR of 1.48:1.
- 42. The applicant's GFA diagram excludes all areas below the ground levels of the 14 x dwellings. However, these exclusions are reliant upon the area below dwellings T1-T7 meeting the SLEP2012 definition of a 'basement', which is:
 - (a) the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).
- 43. The area beneath dwellings T1-T7 is above the ground level of William Lane and does not constitute the definition of a basement. The area below dwellings T8-T14 is below the ground level of William Street and satisfies the definition.
- 44. The areas excluded by the applicant include approximately 73sqm of GFA that when included, result in a GFA of 1,710sqm and a FSR of 1.55:1. The proposal exceeds the permissible standard by 50.5sqm or three per cent.
- 45. These areas include a communal waste bin storage room (20sqm), bin storage areas, a second car parking space beneath dwelling T2 that exceeds the maximum car parking provision at Clause 7.5 of SLEP; and motorcycle parking spaces beneath each dwelling that are not required by SDCP2012 controls.

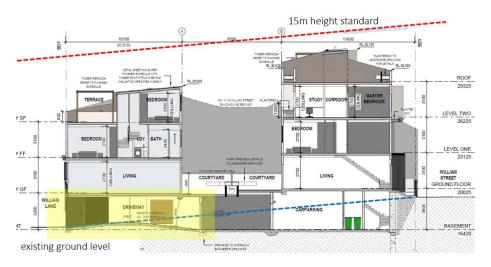


Figure 19: ground level parking area facing William Lane (shaded yellow) does not satisfy the SLEP2012 definition of a 'basement'

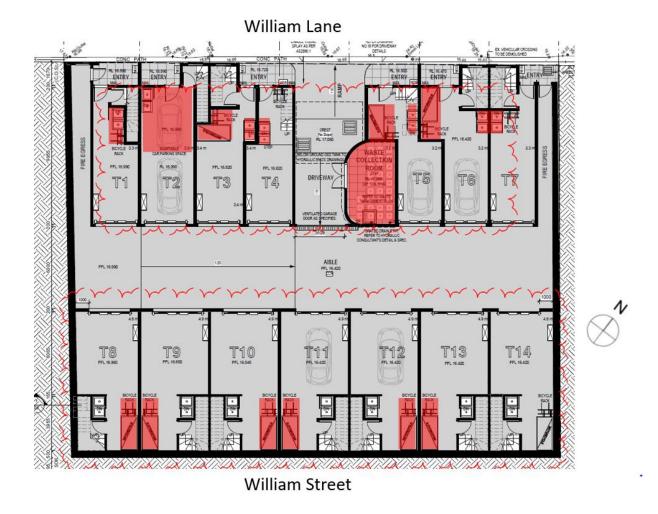


Figure 20: Areas within ground level parking area and basement that are excluded in applicant's GFA diagram but that should be included

FSR - Community infrastructure floor space at Green Square

- 46. In accordance with Clause 6.14 of SLEP2012, the proposed development is eligible for an additional FSR provision of 0.5:1 to provide for infrastructure within the Green Square locality. The proposal does not provide any infrastructure on the site and the contribution contained in the Public Benefit Offer is monetary.
- 47. The quantum of additional FSR is contingent on the consent authority being satisfied the development is consistent with the key objectives. In particular objective 6.14(1)(b), that requires development to reflect the desired character of the locality and that minimise adverse impacts on the amenity of the locality. In this regard, the subject proposal fails to achieve design excellence by providing poor design and amenity outcomes for future occupants of the site, primarily as a result of insufficient separation between dwellings.
- 48. There is no rationale for exceeding the controls, particularly where this also results in a development that results in a poor design outcome. Addressing the issues around residential amenity is likely to result in a decrease in floor space. This is to provide increased building separation. Further, the application does not address the FSR that has not been included within the parking areas of the development. The applicant has not provided a clause 4.6 statement that is satisfactory (see discussion below).
- 49. In failing to satisfy the objective of clause 6.14, the land is not eligible for an amount of additional floor space in accordance with Clause 6.14(4) of the Sydney Local Environmental Plan 2012 and Council as the consent authority is not obliged to accept the Public Benefit Offer that was lodged with the application. Consequently, the application cannot be supported.

Clause 4.6 Request to Vary a Development Standard

- 50. Clause 4.4 of the Sydney Local Environmental Plan 2012 (SLEP2012) allows for a maximum floor space ratio for the site of 1:1. The applicant has offered to enter into a Planning Agreement to provide for Green Square community infrastructure. In accordance with Clause 6.14 of SLEP 2012. The contribution (if it were to be accepted) allows for an additional FSR provision of 0.5:1 and a total FSR of 1.5:1 (GFA: 1,651.5sgm).
- 51. The applicant has provided GFA diagrams with the amended proposal that show FSR: 1.48:1 (GFA: 1,629sqm). However, the GFA diagrams do not include approximately 72.6sqm of GFA located within the ground level of the site at William Lane (beneath dwellings T1-T7), including a communal garbage room and areas of GFA located within the garages of dwellings T1-T7.
- 52. When included, the proposal has approximately 1,702sqm of GFA, resulting in a floor space ratio of 1.55:1. The proposal exceeds the permissible standard by 50.5sqm or three per cent.
- 53. A written request to vary the floor space ratio development standard in accordance with Clause 4.6 was submitted with the original proposal. The request identifies a non-compliance of only 6.5sqm and understates the extent of the non-compliance.

- 54. The written request seeks to justify the contravention of the development standard by demonstrating:
 - (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case;
 - (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (c) The proposed development will be consistent with the objectives of the zone; and
 - (d) The proposed development will be consistent with the objectives of the standard.
- 55. The applicant seeks to justify the contravention of the floor space ratio development standard on the following basis:
 - (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case on the following basis:
 - the proposed works represent a desirable and appropriate form of development on the subject site;
 - (ii) the proposed FSR non-compliance will be indiscernible from William Street, William Lane and the adjoining properties;
 - (iii) the bulk and scale of the development is compatible with surrounding existing development and is consistent with the desired future character of the area;
 - (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - the FSR variation will not be responsible for any unreasonable bulk or scale impacts, noting that the proposal complies with the LEP building height development standard and the DCP 3-storey height limit control (sic);
 - (ii) the proposed FSR variation is not responsible for any unreasonable adverse impacts to surrounding properties in terms of overshadowing, privacy and view loss;
 - (iii) the proposed density, scale and bulk of the development is appropriate and will not appear out of character when viewed in its context of other buildings in the vicinity; and
 - (iv) the proposal includes landscaping at the front and centre of the site on the Ground Floor and First Floor which will soften the built form and will retain existing street trees.

- (c) The proposed development will be consistent with the objectives of the zone;
 - the proposed works represent a desirable and appropriate form of development on the subject site and satisfy objective (a), which is to provide sufficient floor space to meet anticipated development needs for the foreseeable future;
 - the proposal complies with the LEP and DCP parking rates and satisfy objective (b), which is to regulate the density of development, built form and land use intensity and to control the generation of vehicle and pedestrian traffic;
 - (iii) the minor nature of the variation would not generate any inconsistency with objective (c), which is to provide for an intensity of development that is commensurate with the capacity of existing and planned infrastructure; and
 - (iv) the proposal provides a compatible building envelope without creating a development with overbearing height, bulk or scale and without compromising the desired future character of the area and that complies with the DCP 3-storey height limit control (sic) and satisfies objective (d), which is to ensure that new development reflects the desired character of the locality in which it is located and minimises adverse impacts on the amenity of that locality.
- (d) The proposed development will be consistent with the objectives of the FSR standard on the following basis:
 - (i) the proposed works represent a desirable and appropriate form of development on the subject site and will have a height, bulk and scale that is compatible with the 3-storey townhouse developments to the north of the subject site. The proposed development is suitably located in an area close to bus services and Green Square railway station.
 - (ii) As such, the proposal satisfies the objectives of the FSR standard, which are to provide a mixture of compatible land uses, integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling and to ensure uses support the viability of centres.
- 56. Development consent must not be granted unless the consent authority is satisfied that:
 - (a) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 of Clause 4.6 being that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard; and
 - (b) The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

- 57. In the circumstances of the application, the applicant has failed to adequately demonstrate by way of their submitted Clause 4.6 statement that compliance with the standard is unreasonable and unnecessary and that the objectives of the development standards are achieved, notwithstanding non-compliance with the standard. In particular:
 - (a) The written Clause 4.6 statement significantly understates the extent of the non-compliance with the FSR standard. The statement fails to detail the impacts of the proposal accurately and does not enable the consent authority to be satisfied that the arguments put forward in the written Clause 4.6 statement can be justified.
 - (b) The proposal provides dwellings with insufficient separation distance and that with a resulting density the provides poor residential amenity for occupants. The significant understatement of FSR and poor residential amenity demonstrate that key objectives of Clause 4.4(1)(b) and (d) of SLEP2012 are not achieved. The proposal fails to regulate the density of development and provide a built form and land use intensity that reflects the desired character of the locality and fails to minimise adverse impacts on the amenity of that locality.
 - (c) The understatement of FSR and provision of poor residential amenity do not enable the consent authority to be satisfied that key provisions of Clause 6.14(b) and (c) of SLEP0212 can be satisfied. These provisions aim to ensure that greater densities reflect the desired character of the localities in which they are allowed and that increased densities minimise adverse impacts on the amenity of those localities.
- 58. With regard for clause 4.6(3)(b) of Sydney LEP 2012, the written request provided by the applicant has failed to demonstrate there are sufficient environmental planning grounds to justify contravening the development standard. In particular:
 - (a) the statement outlines that the FSR variation is not responsible for any unreasonable adverse impacts to surrounding properties in terms of overshadowing, privacy and view loss, however fails to address that:
 - (i) significant privacy impacts result from insufficient separation distance between dwellings and from opposing windows at various levels of the building;
 - (ii) privacy mitigation measures, including fixed and obscure windows limit natural cross ventilation and create a sense of enclosure within bedrooms provide high residential amenity;
 - (iii) roof level terraces directly overlook neighbouring dwellings, with a dependence on landscaped planter boxes that are difficult to maintain and expensive to remove (upon failure) for future occupants; and
 - (iv) the applicant has failed to demonstrate that sufficient soil depths and volumes are provided at the center of the site where landscaped solutions are proposed to mitigate privacy impacts between dwellings.

- 59. The applicant's written request has significantly understated the extent of the departure from the development standard and has failed to adequately address the matters required to be demonstrated by subclause 4.6(3) of SLEP2012. The applicant's written request has failed to demonstrate that the proposed development will be in the public interest because it is not consistent with key objectives of the FSR development standard and with a key objective for development within the B4 Mixed Use zone in which the development is proposed to be carried out.
- 60. The applicant has failed to demonstrate by way of their clause 4.6 statement that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case. In particular, the applicant has failed to demonstrate by way of their clause 4.6 statement that the objectives of Clause 4.4 of Sydney LEP 2012 are achieved notwithstanding non-compliance with the standard.
- 61. For the reasons provided above, the requested variation to the floor space ratio development standard is not supported. The applicant's written request has not adequately addressed the extent of the non-compliance and the matters relevant to 4.6(3) of the Sydney LEP 2012.
- 62. Further, the applicant's written statement has not been successful in arguing that one of the five ways established in Wehbe has been satisfied, being that the objectives of the development standard are achieved notwithstanding non-compliance with the standard.
- 63. The applicant's written statement does not demonstrate the proposal is satisfactory in relation to the environmental planning grounds used to justify contravening the development standard. The proposed development is therefore not in the public interest as it is inconsistent with the objectives of the FSR standard that is applicable to the site.

Residential Amenity - Building Separation

64. Amended drawings show a separation distance of 8.7m between the eastern and western rows of townhouses. The separation distance fails to provide adequate separation between habitable rooms that have opposing windows. Poor residential amenity results from compromised visual and acoustic privacy (Figure 21 below).

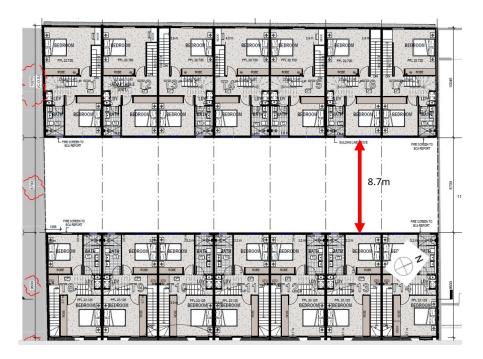


Figure 21: 8.7m building separation and opposing windows

65. The applicant states that the minimal separation strategy follows the approach adopted within a development to the south of the site at 29-41 William Street. Opposing dwellings are separated by 7.7m. This development has used obscure-glazed windows and obscure-glazed, angled balconies that face the internal courtyards (Figure 22 below).

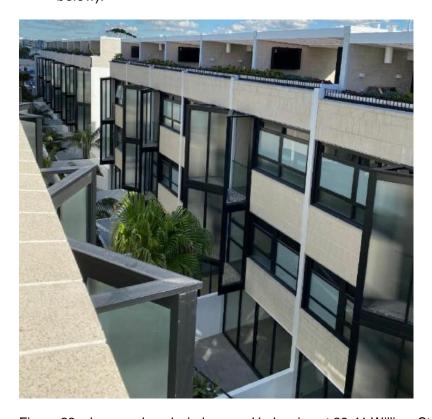


Figure 22: obscure-glazed windows and balconies at 29-41 William Street (source: applicant drawings)

66. The subject proposal provides fixed and obscure glazed windows to a height of 1.8m with smaller operable windows above that height (Figure 23 below). The fixed and obscure glazed windows reduce natural cross ventilation to the dwellings and create a sense of enclosure within bedrooms.

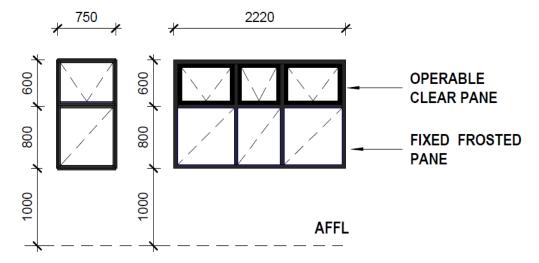


Figure 23: Proposed windows facing internal courtyards within the subject site, with fixed, obscureglazed windows to 1.8m and operable windows above

- 67. The Design Advisory Panel (Residential Subcommittee) advised that the Apartment Design Guide (ADG) can be used as a guide to assessment. The ADG specifies that a minimum of 12m separation should be provided between habitable windows or balconies.
- 68. The 12m separation distance specified by the ADG should establish a minimum target for this development in the absence of alternative mitigation strategies. Superior privacy mitigation strategies have been employed within neighbouring sites to the north and south of the subject site that were also designed by the project architect. Examples are discussed below in the following paragraphs.
- 69. At 1-9 William Street (D/2014/1028) residential apartment building:
 - (a) apartments at the northern part of the development have been designed so that habitable rooms face non-habitable rooms. Dwellings are separated by a genuine deep soil zone to enable growth of landscaped screening (Figure 24); and
 - (b) apartments at the southern part of the development have been designed with habitable to non-habitable interfaces between dwellings (Figure 24).

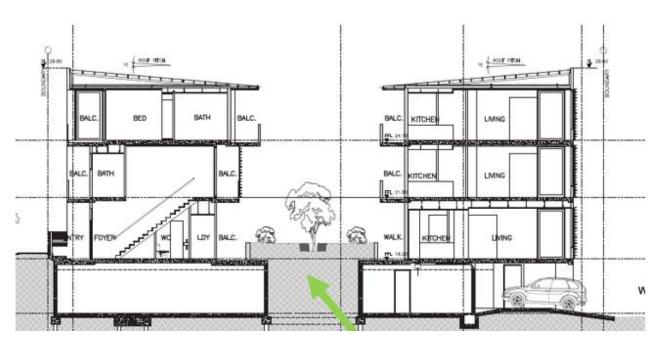


Figure 24: genuine deep soil separating apartments at 1-9 William Street

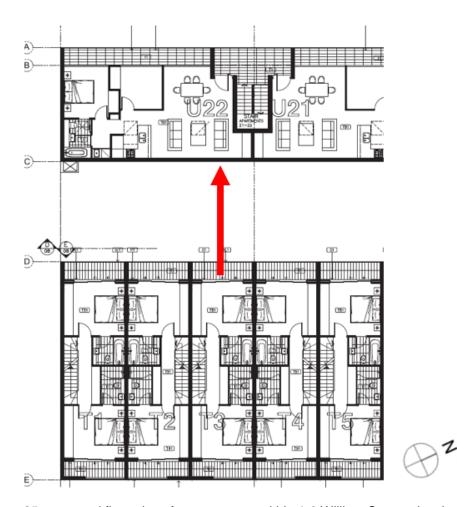


Figure 25: approved floor plans for apartments within 1-9 William Street, showing balconies facing blank walls opposite

- 70. At 19 William Street (D/2013/62) 6 x 3 storey townhouses and 2 x apartments:
 - (a) multi-dwelling houses have been designed such that their balconies face the external walls (with no windows) of apartments opposite (Figure 26).

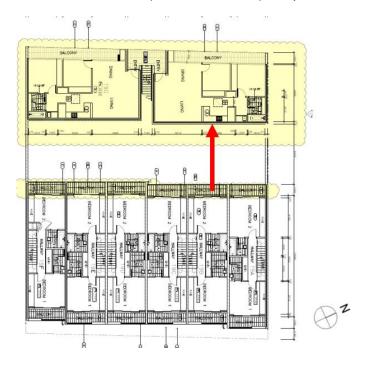


Figure 26: approved floor plans for dwellings at 19 William Street showing balconies facing blank walls opposite

- 71. At 21-27 William Street (D/2015/145) residential apartment building:
 - (a) dwellings have been designed with non-habitable to non-habitable interfaces and with an appropriate deep soil zone to enable growth of landscaped screening (Figure 27).

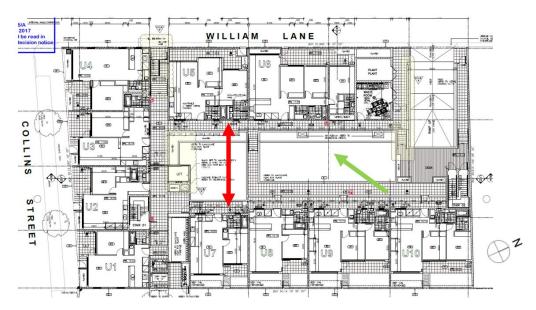


Figure 27: approved floor plans for apartments within 21-27 William Street, showing genuine deep soil, outward-facing living areas and no opposing windows

Visual Privacy - Landscaping

- 72. Amended drawings included a line of site diagram showing the degree of overlooking from the roof level of dwelling T1 (Figure 28 below). The diagram shows that visual privacy is proposed to be mitigated using planter boxes at the edges of the roof terraces.
- 73. The planter boxes provide horizontal separation and are landscaped, however they are to be maintained by the residents of individual Torrens titled dwellings and are unsafe given their elevation above ground levels. Given they will be difficult and dangerous to maintain, it is likely many of the planter boxes will fail throughout the development. This would result in a deleterious impact upon the building facades and result in visual privacy impacts.
- 74. This form of privacy mitigation provides an architectural feature that is difficult to maintain and expensive to remove for future owners.
- 75. The diagram illustrates that despite the planter box, the roof terrace will directly overlook the living spaces of neighbouring development at 19 William Street and the bedroom windows of dwellings within the same development at the eastern side of the site.

Site Landscaping

- 76. The scheme is reliant on site landscaping to mitigate visual privacy impacts caused by insufficient building separation. Issues with the proposal include:
 - (a) Only a small section of genuine deep soil is provided at the William Street frontage for the provision of meaningful plantings. Planters planter boxes at the central courtyard do not constitute genuine deep soil as defined by the City's Landscape Code as they are located on top of structures.
 - (b) Planter boxes within the central courtyards have areas of 3.9sqm and depths of 700mm. They are not sufficient to support small canopy trees with volumes of 2.7 cubic metres each, noting the Landscape Code requires 9 cubic metres and soil depths of 800mm.
 - (c) The proposal relies on numerous planter boxes throughout the building facades to soften its appearance at levels 2 and 3 of the building. The planter boxes are impractical and unsafe to maintain, and would be expensive to remove for future owners of the development.



Figure 28: Drawing extract provided by the applicant showing a high degree of mutual overlooking. Privacy impacts are proposed to be mitigated by planter boxes that are 2-3 storeys above ground levels, at the edges of the building. The planter boxes are dangerous to maintain considering there is no strata manager to arrange professional maintenance.

Design Excellence

- 77. The proposed development provides inadequate separation distance between opposite dwellings and fails to provide high residential amenity for future occupants. The impacts of directly opposing windows are proposed to be mitigated by fixed and obscure glazing that have resultant impacts for occupants by providing minimal window openings and unnecessary sense of enclosure.
- 78. Inadequate soil volumes are provided within central garden planters that are intended to facilitate sufficient landscape plantings to mitigate privacy impacts.
- 79. The proposal relies on numerous planter boxes throughout the building facades to soften its appearance. The planter boxes are impractical and unsafe to maintain due to their height and edge location, and in the event of multiple garden box failures, would have a deleterious impact on the building facades. They will be difficult to maintain and expensive to remove for future owners.
- 80. The building proposes facade treatments that are unclear in that the Schedule of Finishes refers to building materials 'or similar'. Front second level balconies use painted wall finishes that are incongruous to face brick lower sections and vertical wall cladding reads as a continuous vertical plane that adds to the excessive bulk of the upper level of the building.
- 81. The proposal fails to deliver the highest standard of architectural, urban and landscape design, with regard for the residential amenity for its intended future occupants and neighbouring buildings and with regard for suitable building bulk, massing and modulation. The proposal fails to provide excellence and integration of landscape design.

Consultation

Internal Referrals

- 82. The application was discussed with the City's Design Advisory Panel (Residential Subcommittee) and with other specialists. Objections were raised to the proposal as outlined below.
- 83. The City's Design Advisory Panel (Residential Subcommittee) and urban design specialist raised issues in relation to:
 - (a) The typology of the development, questioning whether the development should be considered a residential apartment building for the purposes of assessment and that there is inadequate separation distance between the eastern and western rows of dwellings.
 - Comment: all dwellings have direct access at the ground level from the roadway and as such, satisfy the definition of multi-dwelling houses. The ADG does not apply to the development, however is useful in providing a guide to assessment of residential amenity as outlined above.
 - (b) the proposal should not exceed the relevant FSR and the maximum height in storeys (3 storeys);
 - (c) increasing the provision of deep soil planting, preferably in the internal courtyards and separation distance between eastern and western dwellings. Setbacks should be increased at William Street to provide for canopy trees;
 - (d) air-conditioning units are shown in internal courtyards and should be located at the roof level;
 - (e) switch boards and fire services form prominent features at the building edges and should be integrated into the architecture of the building to ensure they are not visually dominating;
 - (f) insufficient detail in relation to solar access for neighbouring dwellings;
 - (g) aesthetics are underdeveloped including within central courtyards and use of 'or similar' for materials schedules.
 - Comment: the issues raised by the DAP Residential Subcommittee were included in a letter requesting amended drawings. Amended drawings were submitted for assessment, however do not resolve the issues outlined above.
- 84. The City's Landscape specialist raised issues in relation to:
 - (a) the aspiration for raised planters, green walls and a verdant green development at the ground level is not reflected in the proposed plans that show a series or narrow planters with minimal soil depth and soil volume;
 - (b) the proposed landscape not being feasible and not complying with the Sydney Landscape Code and planning control in relation to achieving desired privacy mitigation, canopy cover and maintenance.

- 85. The City's waste specialist raised issues in relation to inaccurate calculation of waste generation and that a bulky goods waste storage room has not been provided.
- 86. The City's Public Domain specialists advised that proposal involves stormwater being discharged to the kerb and gutter and that this will cause flooding at the basement entry. A Stormwater Quality Assessment and amended Stormwater Concept Design were requested. The applicant has failed to provide the requested stormwater details with the amended drawings.
- 87. The City's health and building specialist advised that the documents lodged with the application to address the provisions of the State Environmental Planning Policy No 55—Remediation of Land are unsatisfactory. An addendum document was requested to be peer reviewed by a Site Auditor resulting in either a Section A Site Audit Statement to endorse the previous conclusions within the DESI that the land is suitable for the proposed use or to provide a Remedial Action Plan (RAP) to make the Site Suitable for the proposed use. The applicant has failed to provide the requested contamination details with the amended drawings.
- 88. The City's transport specialist advised that the proposal should be redesigned to encourage Sustainable Transport (and Active Transport) in a manner which aligns with the targets and objectives set out in Sustainable Sydney 2030.
- 89. The City's surveyor is of the view that whilst the Draft Plan of Stratum Subdivision is generally satisfactory, there are several easements not shown that should be provided. Further, as there will be no Owners Corporation, it is recommended that a BMS (Building Management Statement) be prepared and registered with the subdivision and in the absence of a BMS, a positive covenant for maintenance of common areas, including the roof and external structure of the building be prepared.

External Referrals

Ausgrid

90. Pursuant to Section 45 of the SEPP (Infrastructure) 2007, the application was referred to Ausgrid for comment. A response was received raising no objections to the proposed development.

Water NSW

91. The application was referred to Water NSW for comment. A response was received raising no objections to the proposed development.

Advertising and Notification

- 92. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified and advertised for a period of 21 days between 28 October 2020 and 19 November 2020. Two submissions were received in objection to the proposal.
- 93. On 11 June, Council's assessing officer became aware of an issue with the original notification of the development application. Whilst site notices had been installed at the site boundaries, letters had not been sent out to neighbours. This was attributed to an IT issue.

- 94. Consequently, the application was re-notified for a period of 14 days, between 2 June and 24 June 2021. No submissions have been received to date following the renotification of the proposal.
- 95. Submissions received following the initial notification period raised the following issues:
 - (a) Issue: The proposal exceeds the FSR control and the height in storeys control, setting a poor precedent.
 - Response: the proposal exceeds the FSR and the height in storeys control. The scheme provides poor residential amenity due to inadequate building separation and is recommended for refusal.
 - (b) Issue: Loss of visual and acoustic privacy due to roof level terraces and overshadowing impacts.

Response: proposed roof terraces will overlook neighbouring dwellings in the event landscaping fails. See discussion above in the Issues section.

Financial Contributions

Contribution under Section 7.11 of the EP&A Act 1979

96. In the event the proposal was supported, it would be subject of a S7.11 contribution under the provisions of the City of Sydney Development Contributions Plan 2015.

Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

97. The site is located within the Green Square affordable housing contribution area. In the event the proposal was supported, it would be subject to a Section 7.13 contribution.

Relevant Legislation

98. Environmental Planning and Assessment Act 1979.

Conclusion

- 99. The application fails to accurately assess floor space ratio and the proposal exceeds the standards set out at clauses 4.4 and 6.14 of SLEP2012. While a public benefit offer to provide a monetary contribution toward community infrastructure in Green Square has been made, it is not supportable.
- 100. The applicant's request for a variation to the floor space ratio development standard fails to adequately address the requirements under clause 4.6 of SLEP2012 as outlined elsewhere in this report. The applicant fails to state the quantum of the non-compliance with the standard and has not demonstrated that compliance with the standard is unreasonable or unnecessary in the circumstances of the application.

- 101. The proposal is not considered to exhibit design excellence in accordance with the requirements of Clause 6.21 of Sydney Local Environmental Plan 2012 as it fails to deliver the highest standard of architectural, urban and landscape design. The proposal provides poor residential amenity for its intended future occupants.
- 102. The proposed development does not satisfy the matters for consideration provided by Section 4.15 of the Environmental Planning and Assessment Act 1979 in that it is not compliant with key provisions of SLEP2012 and SDCP2012. As such, the proposal fails to provide development that is suitable for the subject site.
- 103. The public interest cannot be served by the approval of an application that fails to meet the minimum amenity requirements of the relevant planning instruments and that is not in keeping with its immediate context and neighbouring development in relation to building separation, landscape and deep soil provision and neighbourhood character.

ANDREW THOMAS

Executive Manager Planning and Development

Adrian McKeown, Senior Planner.

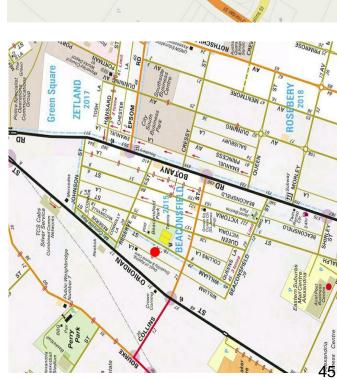
Attachment A

Selected Drawings

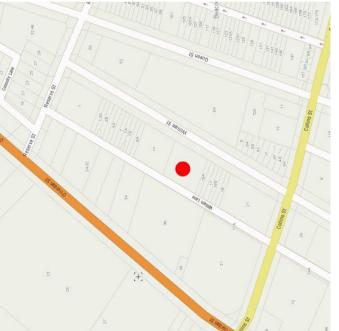


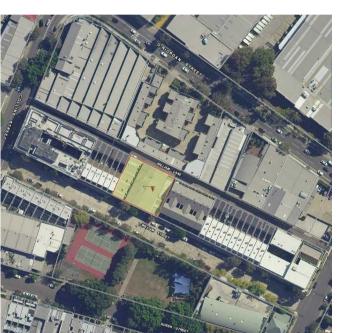
RESIDENTIAL DEVELOPMENT

15-17 William Street, Alexandria 2015 LOT 2 / DP 559934











Arial Photograph (maps.six.nsw.gov.au)

Street Directory (www.street-directory.com.au)

Street Directory (www.street-directory.com.au)

Arial Photograph (maps.six.nsw.gov.au)

DRAWING LIST

EVATIONS NORTH AND SOUT EVATIONS EAST AND WEST

| BASIX A | SSESSOR CONST | 3ASIX ASSESSOR CONSTRUCTION SUMMARY | | | |
|-------------|---------------------------------|--|--------|--------------|--|
| Ext. Walls: | Construction | Insulation | Colour | Details | |
| | Metal Clad | R2.5 added | Dark | As per plans | |
| | Concrete Lined | R1.5 added | Light | As per plans | |
| | Brick Veneer | R2.5 added | Varies | As per plans | |
| Int. Walls: | Construction | Insulation | | Details | |
| | Concrete with Plasterboard None | boardNone | | Intertenancy | |

| | Metal Clad | R2.5 added | | Dark | As per plans |
|-------------|---------------------------------|--------------------------|-----------|----------|--|
| | Concrete Lined | R1.5 added | | Light | As per plans |
| | Brick Veneer | R2.5 added | | Varies | As per plans |
| | | | | | |
| Int. Walls: | Construction | Insulation | | | Details |
| | Concrete with Plasterboard None | dNone | | | Intertenancy |
| | Plasterboard on Stud | R2.5 bulk | | | To garage |
| | | | | | |
| Floors: | Construction | Insulation | | | Details |
| | Concrete | R4.0 added | | | Above garage |
| | Concrete | R1.4 added | | | Where open below |
| | | | | | |
| Ceilings: | Construction | Insulation | | | Details |
| | Plasterboard | None | | | Below concrete |
| | Plasterboard | R4.0 bulk | | | Below metal deck |
| | | | | | |
| Roof: | Construction | Insulation | | Colour | Details |
| | Concrete | 80mm PIR or equiv (R4.0) | (R4.0) | Medium | As per plans |
| | Metal Deck | 60mm Anticon (R1.3) | 3) | Dark | As per plans |
| Windows: | Product ID | Glass | Frame | Uw/SHGCw | Details |
| Group A | ALM-001-03 A | Single Low E | Aluminium | 5.4/0.49 | Casement, Entry Door (T1,T4,T5,T8,T10,T11,T12) |
| Group B | ALM-002-03 A | Single Low E | Aluminium | 5.4/0.58 | Fixed, Louvre, Sliding (T1,T4,T5,T8,T10,T11,T12) |
| Group A | ALM-001-01 A | Single Clear | Aluminium | 6.7/0.57 | Casement, Entry Door (T2,T3,T6,T7,T9,T13,T14) |
| Group B | ALM-002-01 A | Single Clear | Aluminium | 6.7/0.70 | Fixed, Louvre, Sliding (T2,T3,T6,T7,T9,T13,T14) |
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SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 PART 7 DIVISION 1 CAR PARKING ANCILLARY TO OTHER DEVELOPMENT

- 7.5 RESIDENTIAL FLAT BUILDINGS, DUAL OCCUPANCIES AND MULTI DWELLING HOUSING
 (1) THE MAXIMUM NUMBER OF CAR PARKING SPACES FOR RESIDENTIAL FLAT BUILDINGS, DUAL
 OCCUPANCIES AND MULTI DWELLING HOUSING IS AS FOLLOWS—
 (B) ON LAND IN CATEGORY B—
 (I) FOR EACH STUDIO DWELLING—0.2 SPACES, AND
 (II) FOR EACH 3 EEDROOM DWELLING—0.4 SPACES, AND
 (III) FOR EACH 2 BEDROOM DWELLING—0.8 SPACES, AND
 (III) FOR EACH 2 BEDROOM DWELLING—0.8 SPACES, AND

| REQ. PARKING RATES | 4*0.8=3.2 SPACES | 10*1.1=11 SPACES | |
|--------------------|------------------|------------------|--|
| NO. OF DWELLING | 2 BEDROOM | 3 BEDROOM | |

| | NEW PARMING NAMES |
|----------|--------------------|
| - | 4*0.8=3.2 SPACES |
| × | 10*1.1=11 SPACES |
| | 3.2+11=14.2 SPACES |
| | SOMBLES |



| ACES | SPACES | S |
|------------------|--------------------|---------|
| 10*1.1=11 SPACES | 3.2+11=14.2 SPACES | COMPIES |
| 00 00 | _ | |









SYDNEY DEVELOPMENT CONTROL PLAN 2012

| FACILITIES |
|--------------|
| ASSOCIATED |
| ING AND |
| SIKE PARKING |
| 3.11.3 B |

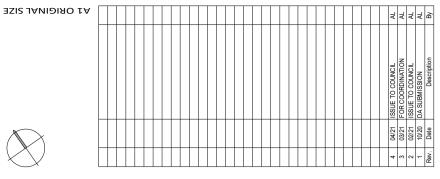
| RESIDENTIA | RESIDENTIAL ACCOMMODATION | IN 1 PER DWELLING | 1 VISITOR SPACE PER 10 DWELLING |
|------------|---------------------------|--|---------------------------------|
| | | | |
| | FINIS | FINISHES LEGEND | |
| Symbol | Type | Description | |
| BL1 | Type: Wall Finishes | Charcoal Powder Coated Balustrade | |
| BW | Type: Wall Finishes | Exposed red brick wall to client's choice | io. |
| SCR | Floor Finish | Polished concrete flooring | |
| CPT | Type: Floor Finish | Dyed nylon carpet | |
| 귱 | Window & Door Type | Window & Door Type Clear glass lourves with charcoal powder coated frame | vder coated frame |
| | | | |

| Description | Charcoal Powder Coated Balustrade | Exposed red brick wall to client's choice | Polished concrete flooring | Dyed nylon carpet | Clear glass lourves with charcoal powder coated frame | Charcoal Powder Coated Screens | Colourbond "Monument" or silimar | Dulux "Natural white" or similar | Dulux Tranquil Retreat' or similar | External balcony tiles | Wet area tiles | Oak timber flooring | Timber pergola | Charcoal Powder Coated Window Frame |
|-------------|-----------------------------------|---|----------------------------|--------------------|---|--------------------------------|----------------------------------|----------------------------------|------------------------------------|------------------------|--------------------|---------------------|-------------------|-------------------------------------|
| Type | Type: Wall Finishes | Type: Wall Finishes | Floor Finish | Type: Floor Finish | Window & Door Type | Metal Frame | Roof Finish | Wall Finish | Wall Finish | Type: Floor Finish | Type: Floor Finish | Floor Finish | Type: Wall Finish | Type:Window Frame |
| Symbol | BL1 | BW | SCR | CPT | G. | ML | MR | Ы | P2 | ī | 12 | TB | TP | W1 |

| E S | GENERAL NOTES | | | |
|-----|--|----------------------------------|--|--|
| MSB | MAIN SWITCH BOARD | EQ | EQUAL | |
| Ь | DOWN PIPE | ΕW | FLOOR WASTE | |
| 8 | DRAINOUTLET | 덈 | FINISHED FLOOR LEVEL | |
| RWO | RAIN WATER OUTLET | RW | RETAINING WALL | |
| ă | EXISTING | PRHS | PRHS PERMANENTLY FIXED RADIANT | |
| POS | POS PRIVATE OPEN SPACE | | HEAT ATTENUATION SOREENS | |
| WAI | WALL TYPES: | | | |
| | ; | | | |
| | - EXTERNAL WALL CBMENT RENDERS FINISHES SCHEDU | S TO BE ED AND P ILE. MUST | - EXTERNAL WALLS TO BE ZOOMM CONCRETE WALL, CBAIENT RENDERED AND PAINT AS SPECIFIED IN THE FINISHES SCHEDULE. MJST BE NON-COMBUSTIBLE. | |
| 1 | -ALL INTERNAL WA | ARI ISTIR | -ALL INTERNAL WALLS TO BE 110MM TIMBER STUD WALLS. MIST BE NON-COMBLISTIBLE WHERE REQUIRED TO BE FIRE- | |



BATTERY POWER BANK/ CHARGE STATION (TESLA)

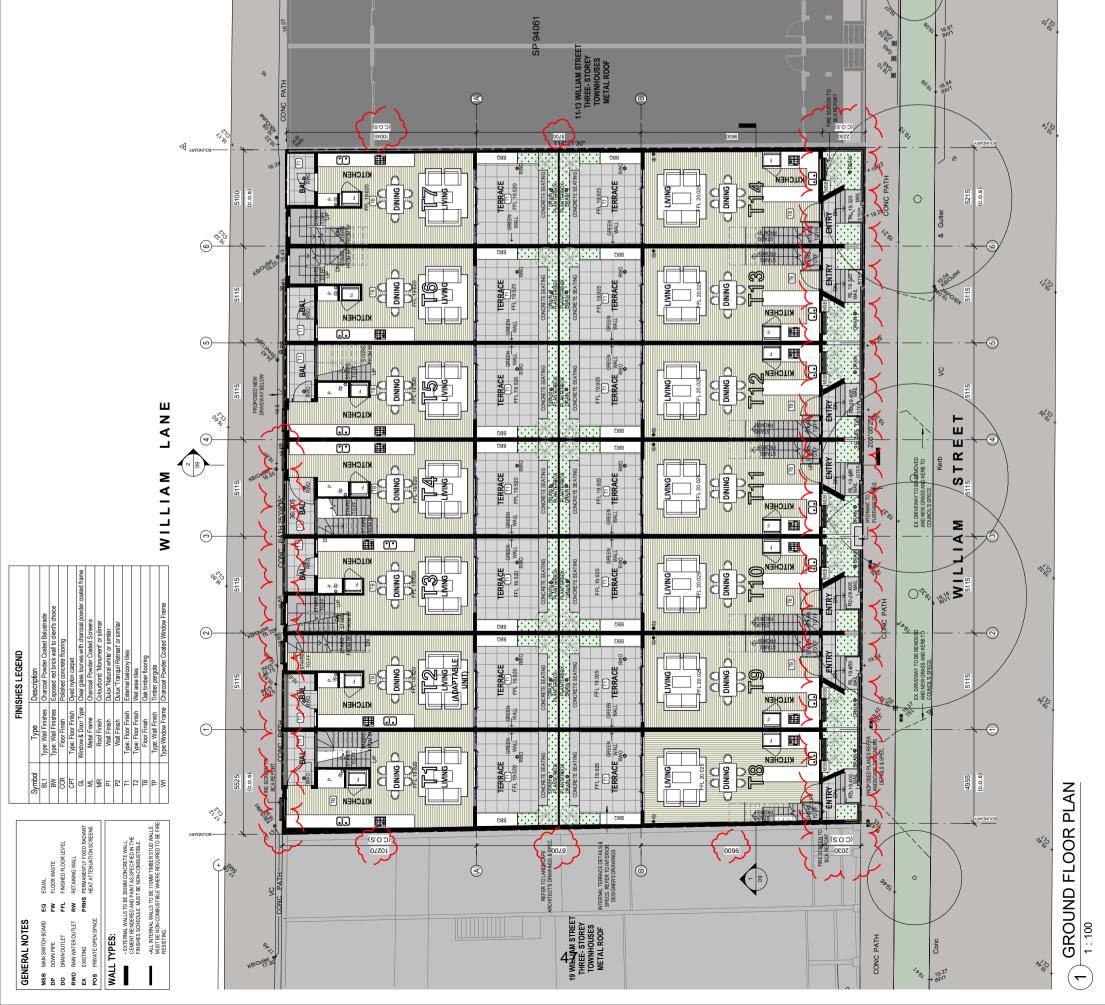


| | Address Phone e-mail | SOITETOT/ 300 MILLER ST, COMMERAY NSW 2062 (02)9922 5312 enquries@conzept.net.au |
|------------|----------------------------|---|
| ш О | BASIX Consultant | GRADWELL CONSULTING |
| ν μ | Address Phone | PO BOX 819 BOWRAL NSW 2576 0408964139 |
| Ψ | e-mail | david@gradwellconsulting.com |
| - - | Project: RESIDE | Project: RESIDENTIAL DEVELOPMENT |
| | 15-17 W | 15-17 William Street, Alexandria 2015 |
| . 10 | DRAWING TITLE | TLE |
| | | |

PLAN

BASEMENT F

| LAN | Drawing No | | | | SSION |
|---------------|------------|-------------------------------|-------------|--------------------|----------------|
| BASEMENT PLAN | 04/2020 | Scale: As indicated@A1:200@A3 | 2007 | AL / DR | NOISSIMEINS VA |
| | Date: | Scale: As indica | Project No. | Drawn/Checked AL / | (Q |



SYDNEY DEVELOPMENT CONTROL PLAN 2012

(1) Development is not be exceed the maximum number of storeys as shown on the Building height in storeys map. The maximum may only be achieved where it can be demonstrated that the proposed development:

(a) reinforces the existing and desired neighbourhood character;
(b) is consistent with the character, scale and form of surrounding buildings in heritage conservation areas; and
(c) does not detract from the character, and significance of the existing

DEREK RAITHBY ARCHITECTURE
443 PARRAIMATTA ROAD,
LE I C H H A R D T N S W 2 0 4 0
T: (0 2) 95 18 356 3 A BN :616 1317 40 2
DONOT SALL GOT ERAWANG NOTE TO THE SAL

Comments in the street frontage height of a building must not exceed the maximum height shown for the street frontage on the Building street frontage height storeys map.
(3) Where the Building street frontage height in storeys map does not

the maximum height, the maximum street frontage height is to generally be consistent with the street frontage heights of adjacent buildings, or the predominant street frontage height in storeys in the wicnity of the propose

A1 ORIGINAL SIZE

4.1.2 BUILDING SETBACKS
(1) Front setbacks are to be consistent with the Building setbacks map. Where no front setback is shown on the map, the front setback is to be consistent with the predominant setting in the street.

4.1.3.5 PRIVATE OPEN SPACE
(1) Private open space at the ground level is to have a minimum area of 16sqm

4.1.7.1 FRONT FENCES

and minimum dimension of 3m.

(2) Private open space is to be directly accessible from the living area of the dwelling and capable of serving as an extension of the living area

(1) Front fences are to be provided where it is a predominant feature of a stree frontage within a street block.
(2) Front fences are to align with the front property boundary or reflect the predominant fence alignment along the street.
(3) Height, materials and architectural design and styling of new fences must be consistent with fences that were typical of the period in which the street

was predominantly developed, or period the dwelling was built.

(4) The height of the fence above footpath level excluding the height of any retaining wall and as shown in Figure 4.19 is to be:

(a) 10 the rose above shown in Figure 4.19 is to be:

(b) 1.2m on open or partially transparent styles such as palisade or picket fences, and any associated posts and piers are to be no higher than 1.5m.

(5) The height of the fence must step to follow any change in level along the steet boundary.

(6) Fending is to be located to ensure sight lines between pedestrians and vehicles exiting the site are not obscured and so gates do not open over the public roadway or footpath.

ACOUSTIC NOTES

| RECOMMEND | RECOMMENDED PARTITION WALL SYSTEM | | |
|---------------------------|--|---|-------------------|
| PARTITION | CONSTRUCTION/ DESCRIPTION | A IRBORNE SOUND | IMPACT SOUND |
| FLOOR | SEPARATING SOUS, OR AN SOU FROM A PLANTROOM, LIFT SHAFT, STARMAN, PUBLIC CORRIDOR, PUBLIC LOBBY OR THE LIKE, OR PART OF A DIFFERENT CLASSIFICATION | Rw+ Cfr≥ 50 | Ln, w ≤ 62 |
| INTER- TENANCY WALL | 125 mm CONCRETE PANEL, 20mm CAVITY, 64mm STEEL STUDS, 70mm POLYESTER INSULATION & 13mm CEMENT RENDER TO EACH SIDE | Rw+ Ctr≥ 50 DISCONTINUOUS | NOT APPLICABLE |
| | 200 mm CONCRETE PANEL, 13mm CEMENT RENDER TO EACH SIDE | Rw+ Ctr≥ 50 | |
| COMMON | 125 mm THIOK CONORETE PANEL | Rw ≥ 50 | |
| DOOR | LOCATED IN A WALL SEPARTING AN SOUFROMA STARWAY, PUBLIC CORRIDOR, PUBLIC LOBBY OR THE LIKE | Rw ≥ 30 | NOT APPLICABLE |
| SERVICES | DUCT, SOIL, WASTE OR WATER SUPPLY PIPES LOCATED IN A WALL OR FLOOR CANITY AND SERVES OR PASSES THROUGH MORE THAN ONE SOU MOD INTING A STORMWATER PIPET. | Rw+ Or≥ 40 (HABITABLE) Rw+Ctr≥25 (OTHER) | NOT APPLICABLE |

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TOWNPLANNING

MR DAVID FINDLAY

3 04/21 ISSUE TO COUNCIL
2 03/21 FOR COORDINATION
1 10/20 DA SUBMISSION
Rev. Date Description

BASIX NOTES

THERMAL SPECIFICATIONS

11 TAA CONSULTING ENGINEERS 201/25 FALCON STREET CROWS NEST NSW 2056 0411778799 taaengineers@gmail.com

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LANDSCAPE

Consultant Address

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Project: RESIDENTIAL DEVELOPMENT 15-17 William Street, Alexandria 2015

t GRADWELL CONSULTING PO BOX 819 BOWRAL NSW 2576 0408964139 david@gradwellconsulting.com

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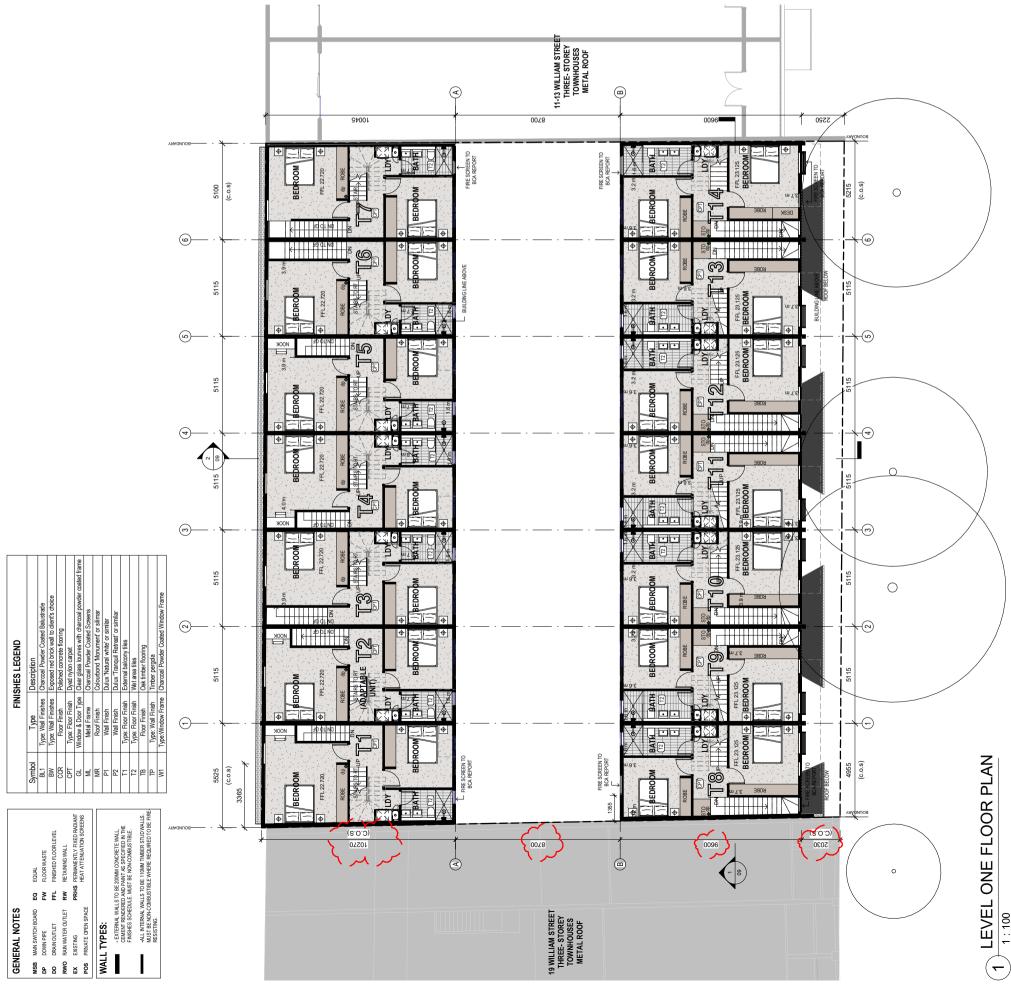
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GROUND FLOOR PLAN



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SYDNEY DEVELOPMENT CONTROL PLAN 2012

4.1.1 BUILDING HEIGHT

4.1. DoLLIUNG TRUGHT.

(1) Development is not to exceed the maximum number of storeys as shown on the Building height in storeys map. The maximum may only be achieved where it can be demonstrated that the proposed development:

(a) reinforces the existing and desired neighbourhood charader.

(b) is consistent with the character, scale and form of surrounding buildings in heritage conservation areas; and

(c) does not detract from the character, and significance of the existing building.

(2) The street frontage height of a building must not exceed the maximum height shown for the street frontage on the Building street frontage height in

DEREK RAITHBY ARCHITECTURE
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storeys map.

(3) Where the Building street frontage height in storeys map does not indicate.

the maximum height, the maximum street frontage height is to generally be consistent with the street frontage heights of adjacent buildings, or the predominant street frontage height in storeys in the vicinity of the propose building.

A1 ORIGINAL SIZE

4.1.2 BUILDING SETBACKS
(1) Front setbacks are to be consistent with the Building setbacks map. Where no front setback is shown on the map, the front setback is to be consistent with the predominant setting in the street.

4.1.3.5 PRIVATE OPEN SPACE

(1) Private open space at the ground level is to have a minimum area of 16sqm and minimum dimension of 3m. and minimum dimension of 3m. (2) Private open space is to be directly accessible from the living area of the dwelling and capable of serving as an extension of the living area

4.1.7.1 FRONT FENCES

(1) Front fences are to be provided where it is a predominant feature of a street fording within a street blook.

(2) Front fences are to align with the front property boundary or reflect the predominant fence alignment along the street.
(3) Height, materials and architectural design and styling of new fences must be consistent with fences that were typical of the period in which the street was predominantly developed, or period the dwelling was built.
(4) The height of the fence above footpath level excluding the height of any retaining wall and as shown in Figure 4.19 is to be:
(a) 0.9m for solid masorry fences; and
(b) 1.2m on open or partially transparent styles such as palisade or picket fences, and any associated posts and piers are to be no higher than 1.5m.
(5) The height of the fence must step to follow any change in level along the street boundary.

(6) Fending is to be located to ensure sight lines between pedestrians and vehicles exiting the site are not obscured and so gates do not open over the public roadway or footpath.

ACOUSTIC NOTES

| RECOMMENDED PARTITION WALL SYSTEM | | |
|---|---|-------------------|
| CONSTRUCTION DESCRIPTION | AIRBORNE SOUND | IMPACT SOUND |
| SEPARATING SOUS, OR AN SOU FROM A PLANT ROOM, LIFT SHAFT, STARWAY, PUBLIC CORRIDOR, PUBLIC LOBBY OR THE LIKE, OR PART OF A DIFFERENT CLASSIFICATION | Rw+ Clr≥ 50 | Ln, w s 62 |
| 125 mm CONORE TE PANEL, 20mm CAVITY, 64mm STEEL STUDS, 70mm POLYESTE RINSULATION & 13mm CBAENT RENDER TO EACH SIDE | Rw+ Ctr ≥ 50 DISCONTINUOUS | NOT APPLICABLE |
| 200 mm CONCRETE PANEL, 13mm CEMENT RENDER TO EACH SIDE | Rw+ Clr≥ 50 | |
| 125 mm THICK CONCRETE PANEL | Rw≥50 | |
| LOCATED IN A WALL SEPARTING AN SOU FROM A STARWAY, PUBLIC CORRIDOR, PUBLIC LOBBY OR THE LIKE | Rw ≥ 30 | NOT APPLICABLE |
| DUCT, SOIL, WASTE OR WATER SUPPLY PIPES LOCATED IN A WALL OR FLOOR CANTTY AND SERVISE OR PASSES THROUGH MORE THAN ONE SOU (INCLUDING A STORMMATER PIPE) | Rw+ Cr≥ 40 (HABITABLE) Rw+Ctr≥25 (OTHER) | NOT APPLICABLE |

RECOMMENDED PARTITION ROOR! CELING SYSTEMS
CARPET FLOORS - STAMDARD CARPET UNDERLAYS TIME THOCK OVER & GREATER THAN 150 mm CONCRETE.
100 mm DEEP CANITY BENEATHWITH 13 mm SUSPENDED PLASTERBOARD CELING WILL TYPICALLY PROVID

BASIX NOTES

COMPLETE DETAILS & REQUIREMENTS

THERMAL SPECIFICATIONS

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TOWNPLANNING

MR DAVID FINDLAY

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2. N GRALL RITURES OR APPLIANCES ACCORDING RATING SPECIFIED.
3. NO FIGHT PROTUES OR APPLIANCES ACCORDING RATING SPECIFIED.
3. NO HOT WATER RECIRCULATION SYSTEM OR DIVERSION TO BE INSTALLED.

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15-17 William Street,
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| | H | FINISHES LEGEND |
|---|---------------------|---|
| - | Type | Description |
| - | Type: Wall Finishes | Charcoal Powder Coated Balustrade |
| | Type: Wall Finishes | Exposed red brick wall to client's choice |
| | Floor Finish | Polished concrete flooring |
| | Type: Floor Finish | Dyed nylon carpet |
| | Window & Door Type | Clear glass lourves with charcoal powder coated frame |
| | Metal Frame | Charcoal Powder Coated Screens |
| | Roof Finish | Colourbond 'Monument' or silimar |
| | Wall Finish | Dulux "Natural white" or similar |
| | Wall Finish | Dulux Tranquil Retreat' or similar |
| | Type: Floor Finish | External balcony tiles |
| | Type: Floor Finish | Wet area tiles |
| | Floor Finish | Oak timber flooring |
| | Type: Wall Finish | Timber pergola |
| | Type:Window Frame | Type:Window Frame Charcoal Powder Coated Window Frame |

ACOUSTIC NOTES

| IMPACT SOUND | Ln, w≤ 62 | NOT APPLICABLE | | | NOT APPLICABLE | APPLICABLE |
|--------------------------|--|---|---|-----------------------------|---|---|
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| AIRBORNE SOUND | Rw+Ct ≥ 50 | Rw+ Ctr ≥ 50 DIS CONTINUOUS | Rw+ Ctr ≥ 50 | Rw≥ 50 | Rw≥ 30 | Rw+Cfr ≥ 40 (HABTABLE) Rw+Cfr ≥25 (OTHER) |
| CONSTRUCTION DESCRIPTION | SEPARATING SOUS, OR ANSOU PROM A PLANT ROOM, LIFT SHAFT, STARIANY, PUBLIC OORROOR, PUBLIC LOBY OR THE LUE, OR PART OF A DIFFERENT CLASSIFICATION | 125 mm CONCRETE PANEL, 20mm CAVITY, 64mm STEB. STUDS, 70mm POLYESTER INSULATION & 13mm CEMENT RENDER TO EACH SIDE | 200 mm CONCRETE PANEL, 13mm CEMENT RENDER TO EACH SIDE | 125 mm THICK CONCRETE PANEL | LOCATED IN A WALL SEPARTING AN SOU FROMA STAIRWAY, PUBLIC CORRIDOR, PUBLICLOBBY OR THE LIKE | DUCT, SOIL, WASTE OR WATER SUPPLY PPES LOCATED IN A WALL OR FLOOR CAVITY AND SERVES OR PASSES THROUGH MORE THAN ONE SOU (INCLUDINS A STORMMATER PIPE) |
| PARTITION | FLOOR | INTER- TENANCY WALL | | COMMON | DOOR | SERVICES |

RECOMMENDED PARTITION FLOOR / CELUNG SYSTEMS
CARPET RLOORS - STANDARD CARPET UNDER LAYS 1/mm THICK OVERA GREATER THAN 150 mm CONCORTE
100 mm DEEP CANITY BENEATH WITH 13 mm SUSPENDED PLASTERBOARD CELUNG WILL TYPICALLY PROVIDE AN L'I'M x 40.

REFER TO CERTIFICATE FOR COMPLETE DETAILS & REQUIREMENT: BASIX NOTES

THERMAL SPECIFICATIONS

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DEREK RAITHBY ARCHITECTURE
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MR DAVID FINDLAY

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BASIX

RESIDENTIAL DEVELOPMENT 15-17 William Street, Alexandria 2015

DRAWING TITLE
LEVEL TWO FLOOR PLAN

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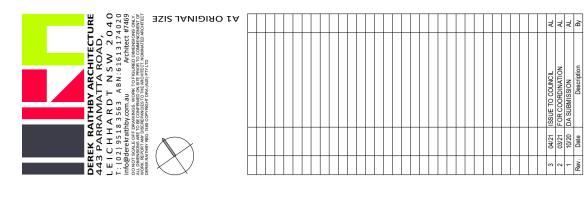
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|----------------|---|
| Wall Finishes | Charcoal Powder Coated Balustrade |
| Wall Finishes | Exposed red brick wall to client's choice |
| oor Finish | Polished concrete flooring |
| : Floor Finish | Dyed nylon carpet |
| w & Door Type | Clear glass lourves with charcoal powder coated frame |
| etal Frame | Charcoal Powder Coated Screens |
| oof Finish | Colourbond 'Monument' or silimar |
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| : Floor Finish | External balcony tiles |
| : Floor Finish | Wet area tiles |
| oor Finish | Oak timber flooring |
| : Wall Finish | Timber pergola |
| Window Frame | Charcoal Powder Coated Window Frame |
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GENERAL NOTES

EX EXISTING
POS PRIVATE OPEN SPACE

-ALL NTERNAL WALLS TO BE 110MM TIMBER STUD WALLS. MUST BE NON-COMBUSTIBLE WHERE REQUIRED TO BE FIR RESISTING.

FINISHES LEGEND

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| ACOUS | ACOUSTIC NOTES | | |
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| RECOMMEND | RECOMMENDED PARTITION WALL SYSTEM | | |
| PARTITION | CONSTRUCTION/ DESCRIPTION | AIRBORNE SOUND | IMPACT SOUND |
| FLOOR | SEPARATING SOUS, OR AN SOU FROM A PLANT ROOM, LIFT SHAFT, STARMAN, PUBLIC OORRDOR, PUBLIC LOBBY OR THE LIKE, OR PART OF A DIFFERENT CLASSIFICATION | Rw+ Ct ≥ 50 | Ln, w≤ 62 |
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| | 200 mm CONCRETE PANEL, 13mm CEMENT RENDER TO EACH SIDE | Rw+Ctr≥50 | |
| COMMON | 125 mm THICK CONCRETE PANEL | Rw≥ 50 | |
| DOOR | LOCATED IN A WALL SEPARTING AN SOU FROM A STARWAY, PUBLIC CORRIDOR, PUBLIC LOBBY OR THE LIKE | Rw≥ 30 | NOT APPLICABLE |
| SERVICES | DUCT, SOIL, WASTE OR WATER SUPPLY PIPES LOCATEDIN A WALL OR FLOOR CANTY AND SERVES OR PASSES THROUGH MORE THAN ONE SOU (INCLUDING A STORMMATER PIPE) | Rw+Ctr≥40 (HABITABLE) Rw+Ctr≥25 (OTHER) | NOT APPLICABLE |

RECOMMENDED PARTITION FLOOR / CELLING SYSTEMS
CARPET ROONS. - STANDARD CARPET UNDER LAYS 7 mm THICK OVER 8 GREATER THAN 150 mm CONCRETE
100 mm DEEP CANITY BENEATH WITH 13 mm SUSPENDED PLASTERBOARD CELLING WILL TYPC/ALLY PROVIDE AN L'NÎW 4-40.

BASIX NOTES

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e-mail anthony@abcoplan.com.au

MR DAVID FINDLAY

WATER THE APPLOANT MIST: 1. FLANTINDISENOUS OR LOWWATER USE SPECIES OF VEGETATION THROUGHOUT THE AREA OF LAND SPECIFIED FOR THE

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t DESIGN CONFIDENCE PTY LTD SHOP 235 BUCKINGHAM STREET SURRY HILLS NSW 2010 (02) 8399 3707 sydney@designconfidence.com

BCA Consultant Address

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e-mail enquires@conzept.net.au

LANDSCAPE

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RESIDENTIAL DEVELOPMENT 15-17 William Street,

t GRADWELL CONSULTING PO BOX 819 BOWRAL NSW 2576 0408964139 david@gradwellonsulting.com

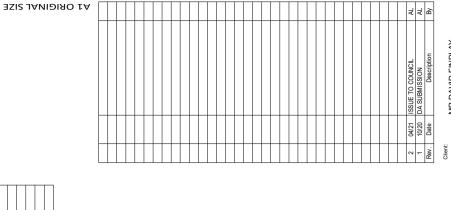
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FINISHES LEGEND

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NO. 11-13 WILLIAM STREET THREE STOREY TOWNHOUSES

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PROPOSED THREE STOREY RESIDENTIAL DEVELOPMENTS

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NO. 19 WILLIAM STREET THREE STOREY TOWNHOUSES

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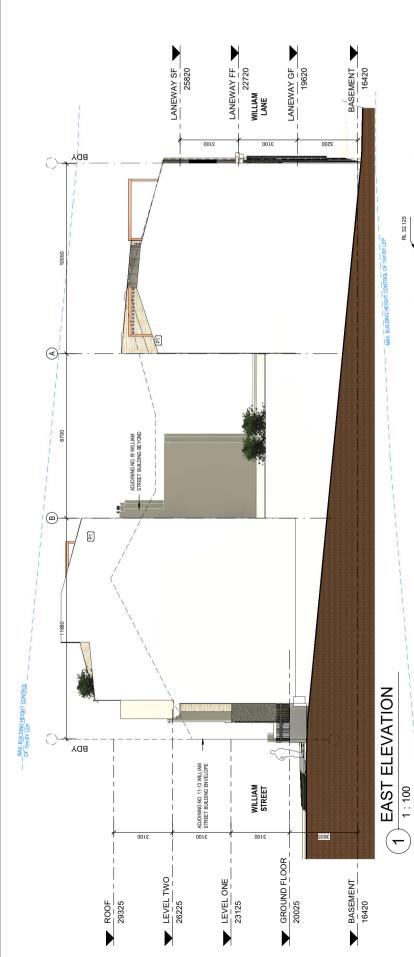
SOUTH ELEVATION (COURTYARD)

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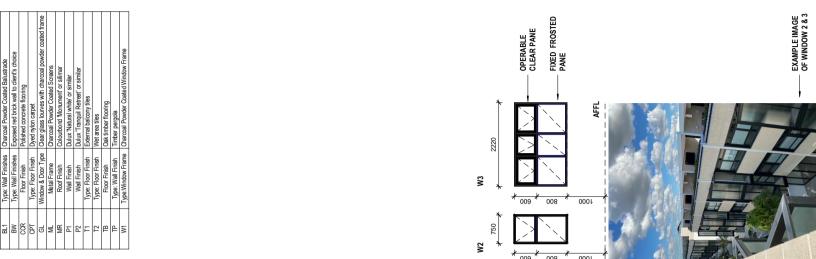
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| FINISHES LEGEND | Description | Charcoal Powder Coated Balustrade | Exposed red brick wall to client's choice | Polished concrete flooring | Dyed nylon carpet | Clear glass lourves with charcoal powder coated frame | Charcoal Powder Coated Screens | Colourbond Monument' or silimar | Dulux 'Natural white' or similar | Dulux Tranquil Retreat' or similar | External balcony tiles | Wet area tiles | Oak timber flooring | Timber pergola | |
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| FINI | Type | Type: Wall Finishes | Type: Wall Finishes | Floor Finish | Type: Floor Finish | Window & Door Type | Metal Frame | Roof Finish | Wall Finish | Wall Finish | Type: Floor Finish | Type: Floor Finish | Floor Finish | Type: Wall Finish | The about the same |
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| Symbol | Type | Description |
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| BW | Type: Wall Finishes | Exposed red brick wall to dient's choice |
| SS | Floor Finish | Polished concrete flooring |
| CPT | Type: Floor Finish | Dyed nylon carpet |
| 79 | Window & Door Type | Clear glass lourves with charcoal powder coated frame |
| ML | Metal Frame | Charcoal Powder Coated Screens |
| MR | Roof Finish | Colourbond Monument or silimar |
| Ы | Wall Finish | Dulux 'Natural white' or similar |
| P2 | Wall Finish | Dulux 'Tranquil Retreat' or similar |
| 11 | Type: Floor Finish | External balcony tiles |
| T2 | Type: Floor Finish | Wet area tiles |
| TB | Floor Finish | Oak timber flooring |
| Ш | Type: Wall Finish | Timber pergola |
| W1 | Type:Window Frame | Charcoal Powder Coated Window Frame |

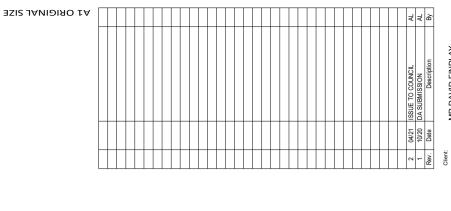


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ADJOINING NO. 19 WILLIAM STREET BUILDING ENVELOPE

LEVEL TWO

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| Consultant | DESIGN CONFIDENCE PTY LTD |
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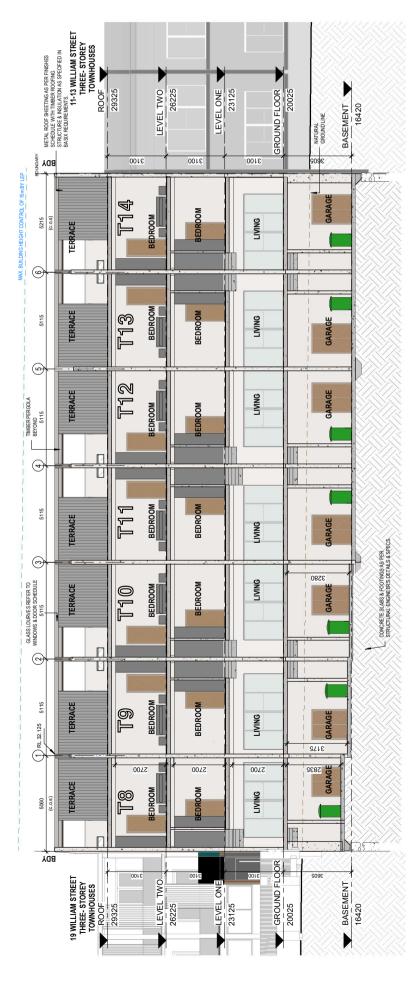
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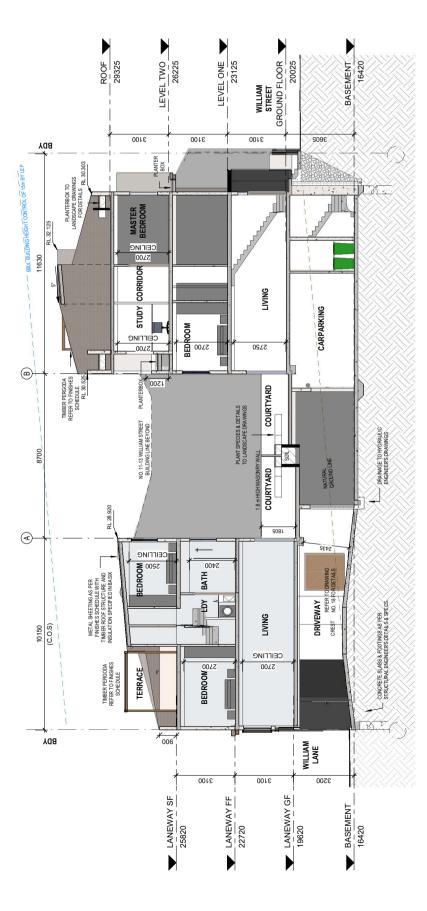
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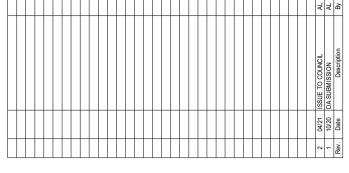


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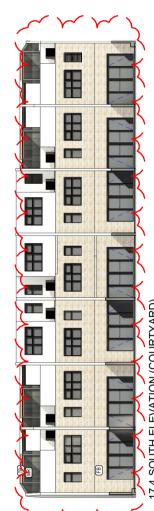
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| | Type Description | Type: Wall Finishes Charcoal Powder Coated Balustrade | Type: Wall Finishes Exposed red brick wall to client's choice | Floor Finish Polished concrete flooring | Type: Floor Finish Dyed nylon carpet | Window & Door Type Clear glass lourves with charcoal powder coated frame |
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| | Description | Charcoal Powder Coated Screens | Colourbond 'Monument' or silimar | Dulux Natural white' or similar | Dulux Tranquil Retreat' or similar | External balcony tiles |
| | Туре | Metal Frame | Roof Finish | Wall Finish | Wall Finish | Type: Floor Finish |
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| | | Type | Type: Floor Finish | Floor Finish | Type: Wall Finish | Type:Window Frame |
| | | Description | Wet area tiles | Oak timber flooring | Timber pergola | Charcoal Powder Coated Window Frame |

GENERAL NOTES:

BUILDER MAY CHOOSE SIMILAR MATERALS SUBJECT TO APPROVAL BY THE PRINCIPLE ARCHITECT AND CLIENT



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RESIDENTIAL DEVELOPMENT 15-17 William Street, Alexandria 2015

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Attachment B

Clause 4.6 Variation Request Floor Space Ratio

APPENDIX 1

CLAUSE 4.6 TO CLAUSE 4.4 OF SYDNEY LEP 2011 EXCEPTIONS TO DEVELOPMENT STANDARDS – FSR VARIATION

Demolition of the existing structures on the site and the construction of a multi-dwelling development comprising of 14 x 3-storey townhouses with basement parking and associated strata subdivision

15-17 WILLIAM STREET, ALEXANDRIA

PREPARED BY

ABC PLANNING PTY LTD

SEPTEMBER 2020

SYDNEY LEP 2012 - CLAUSE 4.6 EXCEPTION TO DEVELOPMENT STANDARDS

This Clause 4.6 variation request has been prepared to accompany the development application for the demolition of the existing structures on the site and the construction of a multi-dwelling development comprising of 14 x 3-storey townhouses with basement parking at 15-17 William Street, Alexandria.

Clause 4.6 of the Sydney 2012 allows the consent authority to grant consent for development even though the development contravenes a development standard imposed by the LEP. The clause aims to provide an appropriate degree of flexibility in applying certain development standards.

This Clause 4.6 variation request takes into account the relevant aspects of the Land and Environment Court judgement from *Initial Action Pty Ltd v Woollahra Council* [2017] NSWLEC 1734, as revised by the NSW Court of Appeal in Rebel MH Neutral Bay Pty Limited v North Sydney Council (2019) NSWCA 130.

Clause 4.6 Exceptions to development standards

- (1) The objectives of this clause are as follows:
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
 - (a)the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - (b) the concurrence of the Director-General has been obtained.
- (5) In deciding whether to grant concurrence, the Director-General must consider:
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

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Development Standard to be Varied

Clause 4.4 of Sydney LEP 2012 prescribes a FSR of 1:1. Clause 6.14 of the LEP allows or an additional FSR of 0.5:1 for Area 6 where Green Square community infrastructure⁸ is also provided. The proposal includes a Voluntary Planning Agreement, therefore the proposed development is subject to a FSR control of 1.5:1 (GFA: 1,651.5qm).

The proposed development will have a FSR of 1.51:1 (GFA: 1,658sqm), which does not comply with the FSR development standard and represents a variation of 0.4% from the numerical FSR standard in the LEP.

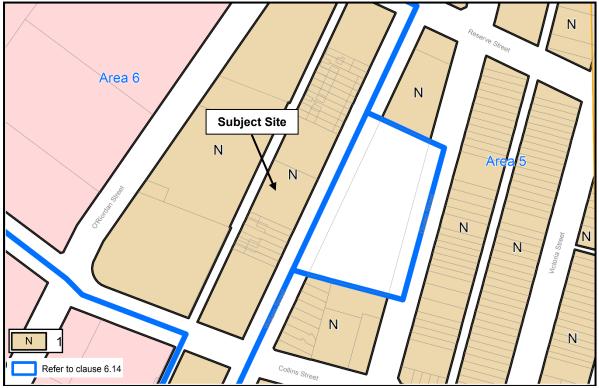


Figure 44: FSR Map

Justification for Contravention of the Development Standard

This written request is considered to justify the contravention of the development standard and addresses the matters required to be demonstrated by clause 4.6(3), of which there are two aspects. Both aspects are addressed below:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

Assessment: It is considered that strict compliance with the development standard for FSR on the site is unreasonable and unnecessary in the circumstances for the following reasons:

• It is considered that the proposed works represent a desirable and appropriate form of development on the subject site.

⁸ Green Square community infrastructure is defined as "development at Green Square for the purposes of recreation areas, recreation facilities (indoor), recreation facilities (outdoor), public roads, drainage or flood mitigation works."

- The proposed FSR non-compliance will be indiscernible from William Street, William Lane and the adjoining properties.
- The proposal is designed as two separate building elements with Townhouses 1 to 7 in the western building and Townhouses 8 to 14 in the eastern building. The upper levels of each building are recessed from the levels below. The proposal incorporates a high level of articulation to the eastern and western façades including the provision of openings and terraces. The articulation of the facades and the recessed upper levels will reduce the perceived bulk of the proposed development. Refer to extracts of the East Elevation and West Elevation below.
- The bulk and scale of the development is compatible with surrounding existing development and is consistent with the desired future character of the area. As demonstrated in the architectural plans submitted with this application and the table below, the proposed new building will have a height, bulk and scale that is compatible with the adjoining and surrounding 3-storey townhouse and 3- and 4-storey residential flat buildings along this section of William Street.

| | DA Number | Development Description | Approved Height | Approved FSR |
|----------------------|---------------------|--|-------------------------|-----------------|
| 1-9 William Street | D/2014/1028 | 4-storey residential flat building (at 1 William Street) and 3- storey townhouses at 3-9 William Street) | 14.6m | 1.5:1 |
| 11-13 William Street | D/2012/1852 | 3-storey townhouses | Below 15m | 1.73:1 |
| 15-17 William Street | Subject Proposal | 3-storey townhouses | 12.4m | 1.51:1 |
| 19 William Street | D/2013/62 | 3-storey townhouses and 2 apartments | 12.35m | 1.25:1 |
| 21-27 William Street | D/2015/145/B | 3-storey residential flat building | Below 15m (RL 32.95) | 1.51:1 |
| 6 William Street | D/2012/282 | 3-storey townhouses | 10.4m | 1.08:1 |
| 29-41 William Street | D/2016/1085/F | 3-storey townhouses | 13.5m | 1.55:1 |

- The FSR variation will not be responsible for any unreasonable bulk or scale impacts, noting that the proposal complies with the LEP building height development standard and the DCP 3-storey height limit control.
- The proposed FSR variation is not responsible for any unreasonable adverse impacts to surrounding properties in terms of overshadowing, privacy and view loss.
- As demonstrated on the Solar Access Diagrams submitted with this application, the proposal will not unreasonably overshadow the adjoining townhouse developments to the north and south.
- The FSR variation is well integrated into the high-quality, articulated design of the proposal and ensures that the built form will contribute positively to the locality.

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- The proposed density, scale and bulk of the development is appropriate and acceptable given the context of the locality and will not appear out of character when viewed in its context of other buildings in the vicinity.
- The proposed bulk and scale of the development is also compatible with the size and shape of the allotment.
- The proposal includes landscaping at the front and centre of the site on the Ground Floor and First Floor which will soften the built form. The proposal will retain the 3 existing street trees location along the William street frontage Refer to the Landscape Plan prepared by Sticks & Stones submitted with this DA.



Figure 45: Extract of the North and South Elevations demonstrating that the upper levels are recessed from the levels below which reduces the perceived bulk of the proposed development

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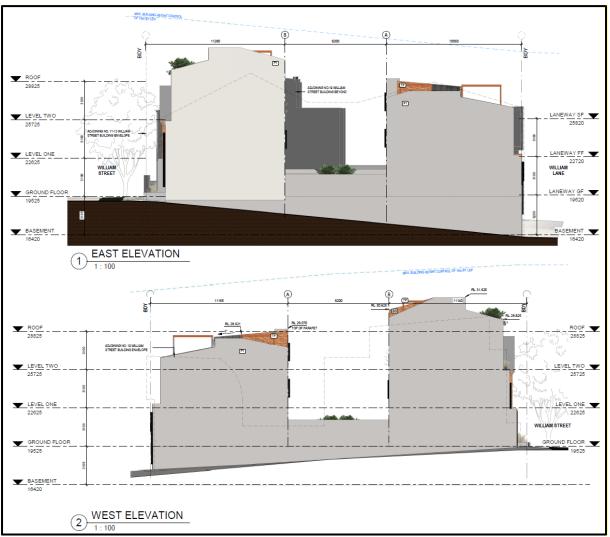


Figure 46: Extract of the East and West Elevations demonstrating that the upper levels are recessed from the levels below which reduces the perceived bulk of the proposed development

• Despite the non-compliance, the proposal achieves the objectives of the development standard and the B4 Mixed Use zone as demonstrated in the following table:

| Consistency with the objectives of the | FSR standard in the LEP |
|---|--|
| Objectives | Assessment |
| (a) to provide sufficient floor space to meet anticipated development needs for the foreseeable future. | The proposed works represent a desirable and appropriate form of development on the subject site. The proposal provides sufficient floor space to meet anticipated development needs for the foreseeable |
| | future. The bulk and scale of the development is compatible with surrounding existing development and is consistent with the desired future character of the area. As demonstrated in the architectural plans submitted with this application and the table above, the proposed new building will have a height, bulk and scale that is compatible with the adjoining and surrounding 3-storey townhouse and 3- and 4-storey residential flat buildings along this section of William Street. |

(b) to regulate the density of development, built form and land use intensity and to control the generation of vehicle and pedestrian traffic As demonstrated in the architectural plans submitted with this application, the proposed development will have a height, bulk and scale that is compatible with the 3-storey townhouse developments to the north of the subject site at 11-13 William Street and 3-9 William Street; the 4-storey residential flat building to the north of the subject site at 1 William Street; the 3-storey townhouse development to the south of the subject site at 19 William Street; the 3-storey residential flat building to the south of the subject site at 21-27 William Street; and the 3-storey townhouse development opposite the subject site to the southeast at 6 William Street.

The proposal is designed as two separate building elements with Townhouses 1 to 7 in the western building and Townhouses 8 to 14 in the eastern building. The upper levels of each building are recessed from the levels below. The proposal incorporates a high level of articulation to the eastern and western façades including the provision of openings and terraces. The articulation of the facades and the recessed upper levels will reduce the perceived bulk of the proposed development. Refer to extracts of the East Elevation and West Elevation above.

As demonstrated in the SEE, the proposal complies with the LEP and DCP parking rates.

(c) to provide for an intensity of development that is commensurate with the capacity of existing and planned infrastructure The proposed development is commensurate with the capacity of existing and planned infrastructure. The minor nature of the variation would not generate any inconsistency with this objective.

(d) to ensure that new development reflects the desired character of the locality in which it is located and minimises adverse impacts on the amenity of that locality.

The proposed FSR allows for achievement of a compatible building envelope without creating a development with overbearing height, bulk or scale and without compromising the desired future character of the area.

It is noted that the proposal complies with the DCP 3-storey height limit control.

The proposed FSR variation is not responsible for any unreasonable adverse impacts to surrounding properties in terms of overshadowing, privacy and view loss.

As mentioned above, the proposed development will have a height, bulk and scale that is compatible with the 3-storey townhouse developments to the north of the subject site at 11-13 William Street and 3-9 William Street; the 4-storey residential flat building to the north of the subject site at 1 William Street; the 3-storey townhouse development to the south of the subject site at 19 William Street; the 3-storey residential flat building to the south of the subject site at 21-27 William Street; and the 3-storey townhouse development opposite the subject site to the southeast at 6 William Street.

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Consistency with the objectives of the B4 Mixed Use zone **Objectives Assessment** It is considered that the proposed works represent a To provide a mixture desirable and appropriate form of development on the compatible land uses. subject site. To integrate suitable business. office, residential, retail and As demonstrated in the architectural plans submitted other development with this application, the proposed development will accessible locations so as to have a height, bulk and scale that is compatible with the maximise public transport 3-storey townhouse developments to the north of the patronage and encourage subject site at 11-13 William Street and 3-9 William walking and cycling. Street; the 4-storey residential flat building to the north To ensure uses support the of the subject site at 1 William Street; the 3-storey viability of centres. townhouse development to the south of the subject site at 19 William Street; the 3-storey residential flat building to the south of the subject site at 21-27 William Street; and the 3-storey townhouse development opposite the subject site to the southeast at 6 William Street. The proposal will contribute to a mixture of land uses in the area and support the viability of the area. The proposed development is suitably located in an area close to bus services and Green Square railway station. The proposal is therefore considered to satisfy the zone objectives. The proposed FSR variation is therefore not considered to generate any inconsistency with the zone objectives.

Based on the above assessment, it is considered that strict compliance with the LEP FSR standard is unreasonable and unnecessary in this instance.

(b) that there are sufficient environmental planning grounds to justify contravening the development standard

Assessment: It is considered that there are sufficient environmental planning grounds to justify varying the FSR development standard, which include:

- The proposed FSR non-compliance will be indiscernible from William Street, William Lane and the adjoining properties.
- The proposal is designed as two separate building elements with Townhouses 1 to 7 in the western building and Townhouses 8 to 14 in the eastern building. The upper levels of each building are recessed from the levels below. The proposal incorporates a high level of articulation to the eastern and western façades including the provision of openings and terraces. The articulation of the facades and the recessed upper levels will reduce the perceived bulk of the proposed development. Refer to extracts of the East Elevation and West Elevation above.
- The bulk and scale of the development is compatible with surrounding existing development and is consistent with the desired future character of the area. As demonstrated in the architectural plans submitted with this application and the table above, the proposed new building will have a height, bulk and scale that is compatible with the adjoining and surrounding 3-storey townhouse and 3- and 4-storey residential flat buildings along this section of William Street.

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- The FSR variation will not be responsible for any unreasonable bulk or scale impacts, noting that the proposal complies with the LEP building height development standard and the DCP 3-storey height limit control.
- The proposed FSR variation is not responsible for any unreasonable adverse impacts to surrounding properties in terms of overshadowing, privacy and view loss.
- As demonstrated on the Solar Access Diagrams submitted with this application, the proposal will not unreasonably overshadow the adjoining townhouse developments to the north and south.
- The FSR variation is well integrated into the high-quality, articulated design of the proposal and ensures that the built form will contribute positively to the locality.
- The proposed density, scale and bulk of the development is appropriate and acceptable given the context of the locality and will not appear out of character when viewed in its context of other buildings in the vicinity.
- The proposed bulk and scale of the development is also compatible with the size and shape of the allotment.
- The proposal includes landscaping at the front and centre of the site on the Ground Floor and First Floor which will soften the built form. The proposal will retain the 3 existing street trees location along the William street frontage Refer to the Landscape Plan prepared by Sticks & Stones submitted with this DA.
- Despite the non-compliance, the proposal achieves the objectives of the development standard and the zoning.

Based on the above points, it is considered that there are sufficient environmental planning grounds to permit the FSR variation in this instance.

Other Matters for Consideration

4(a)(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out

Assessment: The above assessment demonstrates that the proposed FSR satisfies the objectives of the FSR standard and the B4 Mixed Use zone.

Furthermore, it is considered that the variation does not raise any matters of public interest as there are no public views or detrimental streetscape outcomes associated with the minor FSR variation.

Given that the proposal is consistent with the desired future character for the area nominated by the specific controls in the LEP and DCP, and that there are no adverse or unreasonable impacts to the broader community, it is considered that there are no public interest matters which would prevent a variation to the FSR control.

- (5) In deciding whether to grant concurrence, the Director-General must consider:
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning

Assessment: The proposed FSR variation allows for the orderly and economic use of land as envisaged by the *Environmental Planning and Assessment Act, 1979*.

The proposed FSR allows for achievement of a compatible building envelope without creating a development with overbearing height, bulk or scale and without compromising the desired future character of the area.

The proposed FSR is therefore consistent with the State and Regional Policies, particularly urban consolidation principles which seek to provide additional height and density near transport and established services.

(b) the public benefit of maintaining the development standard

Assessment: There is no public benefit in maintaining the FSR standard given the limited amenity impacts associated with the development and the positive streetscape outcome that would arise from the redevelopment of the subject site.

(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

Assessment: There are not considered to be any additional matters to consider beyond those discussed above

Conclusion

For reasons mentioned herein, this Clause 4.6 variation is forwarded in support of the development proposal at 15-17 William Street, Alexandria and is requested to be looked upon favourably by the consent authority.

Item 5.

Report to the Local Planning Panel - Status of Applications

File No: X019228

Summary

The purpose of this report is to inform members of the Local Planning Panel (LPP) of the current applications under assessment that are to be reported to the LPP, of applications that have previously been determined by the LPP and have been subject to modification applications and of appeals relating to LPP applications.

Attachment A contains a list of applications due to be determined by the LPP. This list includes the application's reference number, address of the proposal, the description of the proposal, the target meeting date and the reason why the application is referred to the LPP for determination.

Attachment B contains a summary of Land and Environment Court appeal information relating to applications determined by the LPP or appeals relating to deemed refusals of applications that would have been determined by the LPP.

Attachment C contains a list of applications for modification lodged in the third quarter of 2020/21 on previous LPP approvals.

Recommendation

It is resolved that the subject report be received and noted.

Attachments

Attachment A. Applications to be Reported to Local Planning Panel

Attachment B. Appeals Related to the Local Planning Panel

Attachment C. List of Modification Applications Lodged on Local Planning Panel

Approvals

Background

- 1. There are currently 20 applications lodged with the City that are to be considered and determined by LPP.
- 2. The list of development applications is provided in Attachment A. The application list is sorted by target meeting date.
- 3. Attachment B details Land and Environment Court appeals that relate to LPP decisions or applications that were due to de determined by LPP but were subject to a deemed refusal appeal.
- 4. Attachment C lists modification applications relating to LPP approvals lodged in the third quarter of 2020/21. There were seven modifications lodged in the third quarter of 2020/21. One remains under assessment.

Relevant Legislation

5. Environmental Planning and Assessment Act 1979

ANDREW THOMAS

Executive Manager Planning and Development

James Farrar, Administration Officer

Attachment A

Applications to be Reported to the Local Planning Panel

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Applications to be Reported to the Local Planning Panel

| Application number | Address | Description | Meeting target | Reason for LPP determination |
|--------------------|-------------------------------------|--|-------------------|---|
| D/2020/1059 | 15-17 William Street ALEXANDRIA | Demolition of an existing warehouse, excavation, remediation and the construction of terraced, 3 storey multi-dwelling houses and the subdivision of the site. | 30/06/2021 | Sensitive development VPA |
| D/2021/242 | 52 Waterloo Street SURRY HILLS | Alterations/additions to commercial development - enclosure of outdoor dining area | 30/06/2021 | Departure from development standard |
| D/2021/292 | 22-26 Botany Road ALEXANDRIA | Demolition of buildings and construction of a mixed-use development including boarding house and retail premises. | 11/08/2021 | Contentious development |
| D/2020/1071 | 56-78 Oxford Street DARLINGHURST | Alterations and additions to 2 groups of existing buildings for mixed use development and associated signage strategy. The proposed uses include retail premises, food and drink premises, and tenancies for cultural and creative uses on the lower ground and ground levels, and commercial offices on the levels above. The proposed hours of operation of the tenancies on the lower ground and ground levels are 7.00am - 10.00pm, Mondays to Sundays inclusive. The sites also have a frontage to Foley Street, Crown Street, and Palmer Street. | 11/08/2021 | Conflict of interest Contentious development Sensitive development VPA Departure from development standard |

| Application number | Address | Description | Meeting target | Reason for LPP determination |
|--------------------|---------------------------------------|---|-------------------|---|
| D/2020/1072 | 110-122 Oxford Street DARLINGHURST | Alterations and additions and use of the existing building as a mixed-use development and associated signage strategy. The proposed uses include a 75-room hotel, retail premises, food and drink premises, and tenancies for cultural and creative uses on the lower ground and ground levels. The proposed hours of operation for the tenancies on the lower ground and ground levels are 7.00am – 10.00pm, Mondays to Sundays inclusive. The site also has a frontage to Foley Street. | 11/08/2021 | Conflict of interest Contentious development Sensitive development VPA Departure from development standard |
| D/2020/1171 | 21 Collins Street ALEXANDRIA | Concept DA seeking in-principle approval for demolition of the existing building and concept envelopes to a height of approximately 15m with indicative lower ground level retail, residential, vehicle circulation and services uses, and residential apartments (85 units) above. The proposal includes a public benefit offer for dedication of a 2.4m wide strip of land along the O'Riordan Street frontage for footpath widening. | 11/08/2021 | Sensitive development. VPA |
| D/2020/1426 | 20-26 Allen Street WATERLOO | Demolition, remediation, tree removal, lot consolidation and construction of a mixed-use development including retail premises and residential accommodation. This is Integrated Development requiring approval from Water NSW under the Water Management Act 2000. | 11/08/2021 | Sensitive development SEPP 65 |
| D/2021/372 | 36 Union Street ERSKINEVILLE | Alterations and additions to residential development | 11/08/2021 | Conflict of interest |

| Application number | Address | Description | Meeting target | Reason for LPP determination |
|--------------------|--|--|-------------------|---|
| D/2020/1361 | 242 Cleveland Street SURRY HILLS | Restoration and redevelopment of the Cathedral of the Annunciation of Our Lady site. Includes conservation works to the Cathedral building and construction of a crypt; demolition of the existing theological college building; alterations and additions to the former St Paul's rectory; and the construction of two, three storey buildings. The former rectory and the new buildings are proposed to be connected and accommodate worship spaces; function rooms; museum; library; offices; theological college domiciles and shared facilities, guest domiciles, bookstore and the Dean's residence. A café kiosk is also proposed. The proposed operating hours for all publicly accessible spaces are 8am to 8pm Monday to Sunday. Cathedral and function spaces to operate until 3am on Christmas Day and Easter Sunday (Greek Orthodox). The proposal is Integrated Development under the Heritage Act 1977. | 01/09/2021 | Departure from development standard |
| D/2020/1288 | 38-44 Mountain Street ULTIMO | Alterations and additions to commercial development | 01/09/2021 | Departure from development standard |
| D/2020/1387 | 410 Pitt Street HAYMARKET | D/2015/661 Stage 2 New Hotel. Demolition of existing building and construction of a 34-storey hotel development comprising 173 hotel rooms and one basement level. | 01/09/2021 | Contentious development |
| D/2020/993 | 422-424 Cleveland Street SURRY HILLS | Construction of mixed-use development comprising a 30-bedroom boarding house, cafe, and co-working space. | 01/09/2021 | Departure from development standard |
| D/2021/545 | 32 Bulwara Road PYRMONT | Alterations and additions to residential development | 22/09/2021 | Departure from development standard |

| Application number | Address | Description | Meeting target | Reason for LPP determination |
|--------------------|---|---|-------------------|--|
| D/2021/308 | 424-430 George Street SYDNEY | Alterations to use rooftop as a licensed food and drinks premises and art gallery. Proposed trading hours are 7am to 3am, Monday to Sunday inclusive. | 22/09/2021 | Contentious development |
| D/2020/1409 | 634 Botany Road ALEXANDRIA NSW 2015 | Demolition, retention of interwar warehouse building fronting Ralph Street, excavation, remediation and construction of shop-top housing development up to 7 storeys in height comprising residential apartments above ground-level retail and basement parking, provision of through site link, footpath widening to Botany Road and associated landscaping. This is an Integrated DA requiring approval under the Water Management Act 2000. | 22/09/2021 | Sensitive development SEPP 65 |
| D/2020/1419 | 219-231 Botany Road WATERLOO | Demolition, excavation, remediation and construction of a mixed-use development comprising 3 buildings, 7-storeys in height, a retail tenancy at ground level fronting Botany Road and 131 residential apartments above 2 basement levels, landscaping, dedication of land and works for footpath widening along Botany Road. A s4.56(2) application (D/2015/1358/C) to modify the previously approved concept envelope to accommodate roof structures, balconies and an additional, second basement level is being assessed concurrently. Both are for Integrated Development that require approval under the Water Management Act 2000. | 22/09/2021 | Sensitive development SEPP 65 and VPA |
| D/2021/304 | 93-105 Quay Street HAYMARKET | Alterations and additions to existing building and change of use to a boarding house and retail premises. | 13/10/2021 | Departure from development standard |

| Application number | Address | Description | Meeting target | Reason for LPP determination |
|--------------------|------------------------------|---|-------------------|--|
| D/2021/438 | 185-211 Broadway ULTIMO | New signage. Conversion of an existing billboard to an electronic advertising sign. The proposal also includes the removal of an existing advertising structure and installation of solar panels to power the new electronic signage. | 13/10/2021 | Sensitive Development - VPA |
| D/2021/499 | 576A Harris Street ULTIMO | Alterations/additions to an existing sex services premises. | 03/11/2021 | Sensitive development Sex services premises |
| D/2021/493 | 17-31 Cowper Street GLEBE | Demolition of existing buildings and construction of mixed-use development comprising 70 apartments, 5 dwelling houses and two commercial tenancies. | 24/11/2021 | Sensitive development SEPP 65 |

List is current as at 21 June 2021

Attachment B

Appeals Related to the Local Planning Panel

| New appeals | filed | | | |
|--------------------|-----------------------------------|---|---|---|
| Application number | Address | Description | Appeal date | Status |
| D/2021/242 | 52 Waterloo Street SURRY HILLS | Alterations/additions to commercial development - enclosure of outdoor dining area | 03/05/2021 Deemed Refusal Appeal on day 48 of assessment | Listed for directions on 1/6/21 |
| D/2020/1462 | 22-26 Botany Road ALEXANDRIA | Demolition of buildings and construction of a mixed use development including boarding house and retail premises. | 06/05/2021 Deemed Refusal Appeal on day 123 of assessment | Listed for directions on 9/6/21 |
| D/2020/917 | 21 Missenden Road CAMPERDOWN | Demolition of all structures and construction of a mixed use development | 29/03/2021 Deemed Refusal appeal on day 196 of assessment. And refused by LPP 07/04/2021 | Listed for s34 conference on 7/6/2021 second directions hearing on 14/6/2021 |
| D/2020/950 | 23 Hughes Street POTTS POINT | Alterations and additions to use building as boarding house | 24/02/2021 Appeal of LPP refusal 03/02/2021 | Listed for s34 conference 17/6/2021 second directions hearing on 25/6/2021 |

| Ongoing appe | Ongoing appeals | | | | |
|--------------|--|--|--|---|--|
| D/2019/665 | 21C Billyard Avenue , ELIZABETH BAY | Alterations and additions to an existing residential flat building at 10 Onslow Avenue, comprising an additional level to create a new living space and outdoor terrace to apartment No. 11. | 11/12/2020 Appeal 121 days after determination | Listed for hearing on 13 and 14/10/21 | |
| D/2020/244 | 24 Hardie Street DARLINGHURST | Alterations and additions to six terraces including rear five storey addition and basement level for use as a hotel with 69 rooms. Includes tree removal and lot consolidation. The site has a rear frontage to Hayden Place. | 9/06/2020 Appeal on day 84 of assessment | Appeal heard on 19- 20/05/21. Judgment reserved | |
| D/2019/1135 | 13-15 Kellett Street POTTS POINT | Use of the ground level as a restricted premises (adult entertainment premises) in conjunction with the existing licensed bar and restaurant known as 'Dollhouse Nightspot', with hours of operation of 24 hours, 7 days per week. The application includes alterations to the external rear courtyard wall to provide emergency egress. | 17/02/2020 Appeal 10 days after determination | Listed for hearing on 25-26/8/21 | |
| D/2019/517 | 191-195 Botany Road WATERLOO | Demolition of existing two storey building and car park at 195 Botany Road, construction of a 6 storey commercial building with ground floor retail and basement car parking at 195 Botany Road and subdivision. This application is for Integrated Development requiring the approval of Water NSW under the Water Management Act 2000. | 11/12/2019 Appeal on day 205 of assessment | Appeal dismissed 19/2/2021 S56A appeal against commissioner's judgement Filed 18/03/2021 listed for hearing 25/08/21 | |

| Completed appeals | | | | | | | | |
|--------------------|---------------------------------------|---|---|---|--|--|--|--|
| Application number | Address | Description | Appeal date | Status | | | | |
| D/2020/51 | 73-75 Wells Street REDFERN | Partial demolition of existing buildings, and construction of mixed use development with basement parking, ground floor retail space and 13 residential dwellings. | 2/07/2020 Appeal on day 161 of assessment | Section 34 conciliation conference adjourned to 30/11/20. Appeal upheld 14/12/2020 | | | | |
| D/2019/136 | 127-131 Macquarie Street SYDNEY | Two illuminated top of building 'Crescent Wealth' business signs to be installed on the north and west elevations of existing roof structure | 07/05/2019 Appeal on day 77 of assessment | Deemed refusal appeal Listed for hearing on 10- 11/11/20. Appeal upheld 14/12/2020 | | | | |
| D/2017/1332 | 278 Palmer Street DARLINGHURST | Alterations and additions to the existing building including a part one and part two storey addition, new basement for storage and services, and change of use to a residential flat building containing 10 apartments and a rooftop terrace. | 27/11/2018 Appeal 20 days after determination | Appeal of refusal by LPP on 07/11/2018 as per staff recommendation Matter heard on 6-8/11/19. Judgment reserved. Dismissed. | | | | |
| D/2020/325 | 40-50 Francis DARLINGHURST | Alterations and additions to the approved commercial development to extend the lift shaft to Building 1 to allow access to the rooftop plant area for maintenance. | 26/05/2020 Appeal on day 48 of assessment | Appeal upheld 24/02/2021 | | | | |
| D/2019/832 | 47 Crown Street WOOLLOOMOOLOO | Alterations and additions to two (2) existing semi- detached residential dwellings and construction of a four-storey residential flat building. | 17/12/2019 Appeal 27 days after determination | Appeal upheld 3/2/2021 Orders in accordance with the parties s34 agreement | | | | |

List current as at 20/05/2021

Attachment C

List of Modification Applications Lodged on Local Planning Panel Approvals

List of Modification Applications Lodged on Local Planning Panel Approvals

| Application number | Address | Description | Lodgement date | Status | Decision date |
|--------------------|---|---|----------------|-----------------------------|---------------|
| D/2020/297/B | 1-11 Oxford Street PADDINGTON | Section 4.55(1A) modification of consent to include demolition of part of the northern internal masonry wall (along gridline B and between gridlines 3 and 8) to improve protection to the state heritage listed Busby's Bore during construction of the development. | 07/01/2021 | Approved with Conditions | 04/02/2021 |
| D/2020/297/C | 1-11 Oxford Street PADDINGTON | S4.55 (1A) Modification of consent to amend Conditions 112, 113, 114, 115 and 162 to enable works to occur as part of the first construction certificate. | 14/01/2021 | Approved with Conditions | 01/03/2021 |
| D/2015/1358/C | 219-231 Botany Road WATERLOO | S4.56(2) application to modify approved concept envelope for a mixed-use development to accommodate roof structures, balconies and an additional, second basement level. Development application (D/2020/1419) for the detailed design of a mixed-use building up to 7-storeys in height is being assessed concurrently. Both are for Integrated Development that require approval under the Water Management Act 2000. | 04/02/2021 | Under Assessment | |
| D/2017/1393/A | 11-17 Eve Street ERSKINEVILLE | Section 4.55(2) modification of consent for internal and external modifications to a residential flat building. | 04/02/2021 | Approved with Conditions | 26/04/2021 |
| D/2020/55/A | 29-41 Hutchinson Street SURRY HILLS | Section 4.55(1A) - Modification of consent for alterations and additions to an existing commercial building. Application seeks to delete Condition 5 'Design Quality Excellence'. | 12/02/2021 | Approved with Conditions | 04/03/2021 |
| D/2017/1131/E | 23-47 Flinders Street SURRY HILLS | Section 4.55(1) modification of consent to include the west elevation at Maiden Lane as a stamped approved drawing in accordance with the previous approval D/2017/11318/D | 08/03/2021 | Approved with Conditions | 09/03/2021 |
| D/2020/377/A | 11-13 Greenknowe Avenue ELIZABETH BAY | S4.55(2) - Modification to consent to seek approval for the use of intrusive appliances during construction. | 29/03/2021 | Withdrawn | 03/05/2021 |