

Item 5.**Development Application: 21 Buckland Street, Alexandria - D/2025/1311****File Number:** D/2025/1311**Summary****Date of Submission:** 5 January 2026, amended 2 March 2026**Applicant:** Smith and Tzannes**Owner:** Kat Hunt and Brendan Hunt**Architect:** Smith and Tzannes**Planning Consultant:** Smith and Tzannes**Cost of Works:** \$618,499.00**Zoning:** MU1 Mixed Use zone

The proposal involves alterations and additions to an existing residential dwelling and is permitted with consent in the zone.

Proposal Summary: The proposed development involves alterations and additions to the existing residential dwelling on the site, including a new 3-storey addition at the rear and minor landscaping works.

The application is referred to the Local Planning Panel for determination as the development contravenes the floor space ratio development standard by more than 25%.

The Clause 4.6 variation to the floor space ratio development standard is supported.

One submission was made during the public notification period, which related to requirements to provide dilapidation report and boundary surveys and address construction noise and hours.

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
- (iii) SEPP (Sustainable Buildings) 2022

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Clause 4.6 Variation - Floor Space Ratio
- D. Submissions

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; and
- (B) consent be granted to Development Application Number D/2025/1311 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 development is consistent with the objectives of the MU1 Mixed Use zone.
- (B) The proposal generally satisfies the objectives and provisions of the Sydney Local Environmental Plan 2012 and, subject to conditions, will not create adverse amenity impacts nor cause disturbance in the neighbourhood.
- (C) The proposal is consistent with the relevant objectives of the Sydney Development Control Plan 2012.
- (D) Based upon the material available to the Panel at the time of determining this application, the Panel is satisfied that the applicant has demonstrated that compliance with the floor space ratio development standard in clause 4.4 of the Sydney LEP 2012 is unreasonable or unnecessary in the circumstances and that there are sufficient environmental planning grounds to justify the contravention of the development standard in accordance with the requirements of clause 4.6(3) of the Sydney LEP 2012.

Background

The Reason the Application is Reported to the Local Planning Panel

1. The application is reported to the Local Planning Panel for determination as it is identified in Schedule 3 of the Local Planning Panels Direction of 3 March 2024 as being within the following category(s):
 - (a) Departure from Development Standards
2. The development application falls within the category of Departure from Development Standard as the development involves a contravention of the floor space control by 60%, over the 25% threshold for Local Planning Panel delegation.

The Site and Surrounding Development

3. The site has a legal description of Lot 8 in DP 238882, known as 21 Buckland Street, Alexandria. It is rectangular in shape with area of approximately 83.3sqm. It has a primary street frontage of 4 metres to Buckland Street and a rear lane frontage of 2.6 metres to Wyndham Lane. The site is located close to the intersection of Buckland Street and Wyndham Street to the west.
4. The site contains an existing 2-storey terrace (dwelling house) and a small shed at the rear to Wyndham Lane.
5. The surrounding area is characterised by a mixture of land uses, primarily being residential dwellings on Buckland Street and Wyndham Street, and various commercial and light industrial uses located along Botany Road to the east.
6. The site is bounded by:
 - (a) Buckland Street to the south, with mixed use sites on the southern side of the Street;
 - (b) A residential cottage to the east which presents to Buckland Street as single storey and includes a rear-facing attic extension;
 - (c) A 2-storey mixed-use corner terrace to the west which is located at the intersection of Buckland Street and Wyndham Street; and
 - (d) Wyndham Lane to the rear with 2 and 3 storey residential terraces located across the Lane.
7. Alexandria Park is located directly to the southwest of the site across the intersection of Buckland and Wyndham Street, and Waterloo Metro Station is located approximately 275 metres walk to the northeast of the site.
8. The site is located within the Botany Road Precinct locality and within the Botany Road Precinct Opportunity Lands area.
9. A site visit was carried out on 4 February 2026. Photos of the site and surrounds are provided below:



Figure 1: Aerial view of site and surrounds



Figure 2: Site (centre) viewed from Buckland Street



Figure 3: Rear of site (maroon building and shed at rear) viewed from Wyndham Lane facing south



Figure 4: Site (left) viewed from down Buckland Street facing northwest



Figure 5: Site (only rear shed visible) viewed from across Wyndham Street facing southeast



Figure 6: South-facing view of rear yard and building



Figure 7: Rear yard viewed from existing first floor window

History Relevant to the Development Application

Development Applications

10. The following applications are relevant to the current proposal:

- **D/2010/1568** (subject site) – Development consent was granted on 30 November 2010 for alterations and additions to rear of terrace, and change of use from commercial to residential. While the approved works do not appear to have been carried out under this consent, internal records show that the site is currently a residential property.
- **U99-01051** (subject site) – Development consent was granted on 30 November 1999 for change of use from a residential dwelling to commercial offices. No structural works or major alterations were proposed.
- **D/2020/1366** (23 Buckland St) - Development consent was granted on 18 March 2021 for alterations and additions to the existing mixed-use building, including a third-storey addition. This approval relates to the building that adjoins the subject site to the west.

Amendments

11. Following a preliminary assessment of the proposed development by Council Officers, a request for additional information was sent to the applicant on 27 February 2026 requesting the following:
 - an amended Statement of Environmental Effects to address sections 4.1.4 and 4.1.7.2 of the Sydney DCP 2012
 - the existing Survey Plan noted in the Statement of Environmental Effects
 - clarification on the extent of works at the side boundaries
 - inclusion of the structure at the rear lane on the ground floor plan and floor area calculations
 - an amended Clause 4.6 Variation Request to reflect any change in the existing/proposed gross floor area
 - amended drawings to reflect approved extension to the existing building at 23 Buckland Street
 - comment on water runoff of the proposed new roof planes
12. The applicant responded to the request on 2 March 2026, and submitted:
 - amended drawings in accordance with the above points, and clarified that at the rear yard a 1.8 metre fence is proposed at the boundary to 23 Buckland Street and most of the boundary to 19 Buckland Street
 - the Survey Plan and amended Clause 4.6 Variation Request were provided and it was clarified that the proposed works do not encroach any boundaries

Proposed Development

13. The application seeks consent for alterations and additions to the existing 2-storey residential terrace on the site, including an additional storey at the rear. The proposed works involve the following:
 - (a) demolition of the existing rear extension at the ground floor, including the kitchen, bathroom, as well as part of the existing roof of the primary building at the first floor
 - (b) construction of a new 3-storey addition at the rear, including a kitchen, living area, laundry and bathroom at the ground floor, bedroom and bathroom at the first floor, and a bedroom at the second floor
 - (c) minor landscaping works between the ground floor living area and boundary to 19 Buckland Street, and paving works at the rear to facilitate the proposed terrace
 - (d) at the front facade, the ground floor windows will be replaced with new double hung windows and the doors/windows at the first floor will be replaced and involve minor demolition works to facilitate the new doors

14. The proposal involves an increase to the gross floor area (GFA) on the site, from 76sqm to 107sqm, resulting in a floor space ratio (FSR) change from 0.91:1 to 1.28:1. The existing FSR exceeds the 0.8:1 FSR control by 13.75% and the proposal involves a variation of 60%.
15. A building height of 9.1 metres is proposed, which is compliant with the maximum height of building control of 12 metres.
16. Plans and elevations of the proposed development are provided below.

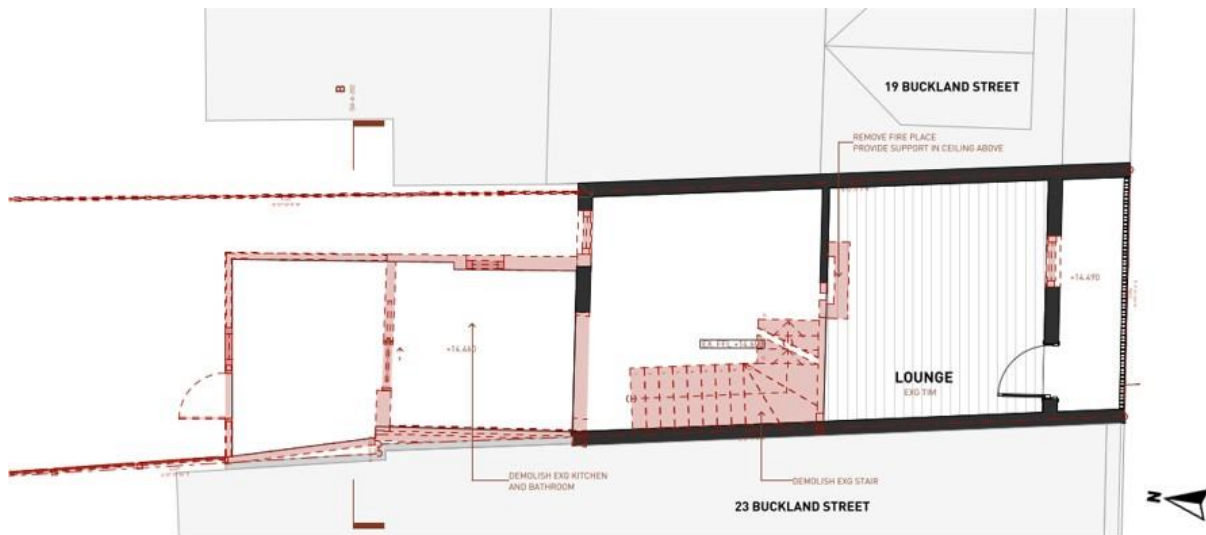


Figure 8: Proposed ground floor demolition plan



Figure 9: Proposed first floor demolition plan



Figure 10: Proposed second floor demolition plan



Figure 11: Proposed ground floor plan

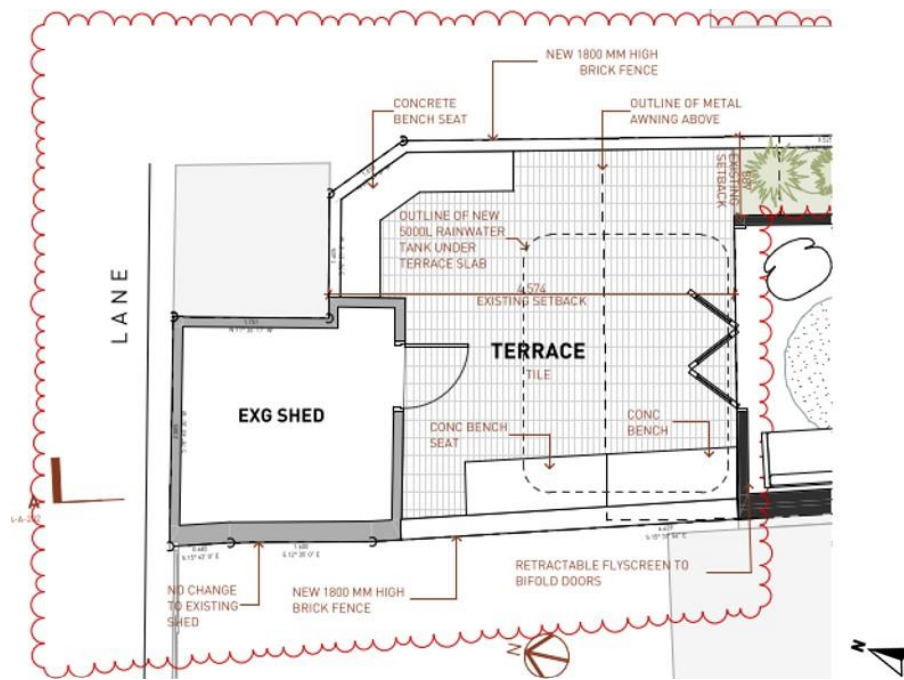


Figure 12: Proposed garden terrace plan (ground floor)

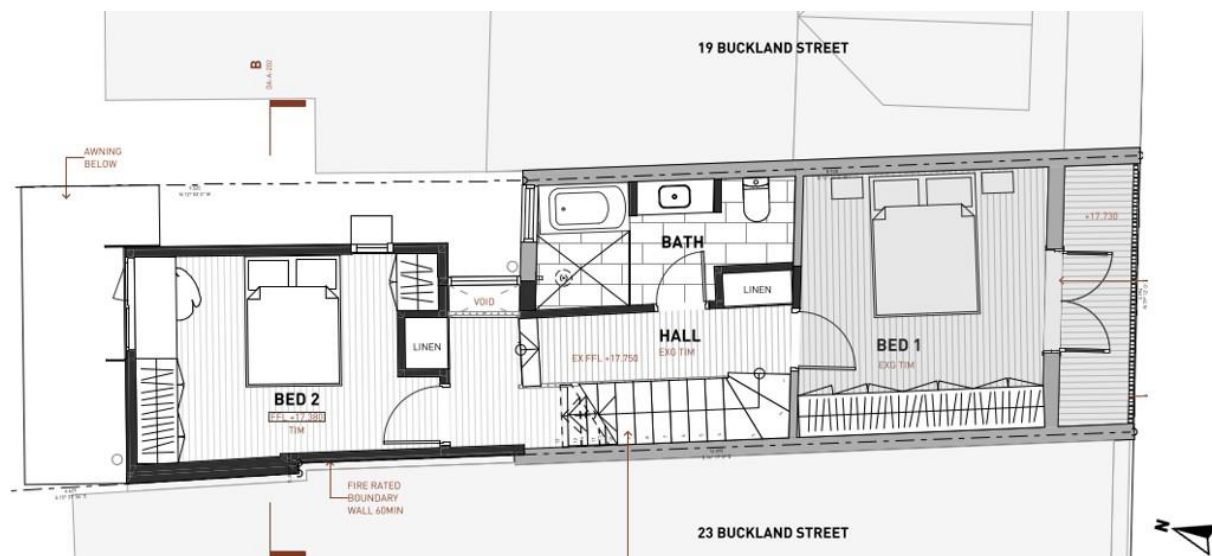


Figure 13: Proposed first floor plan

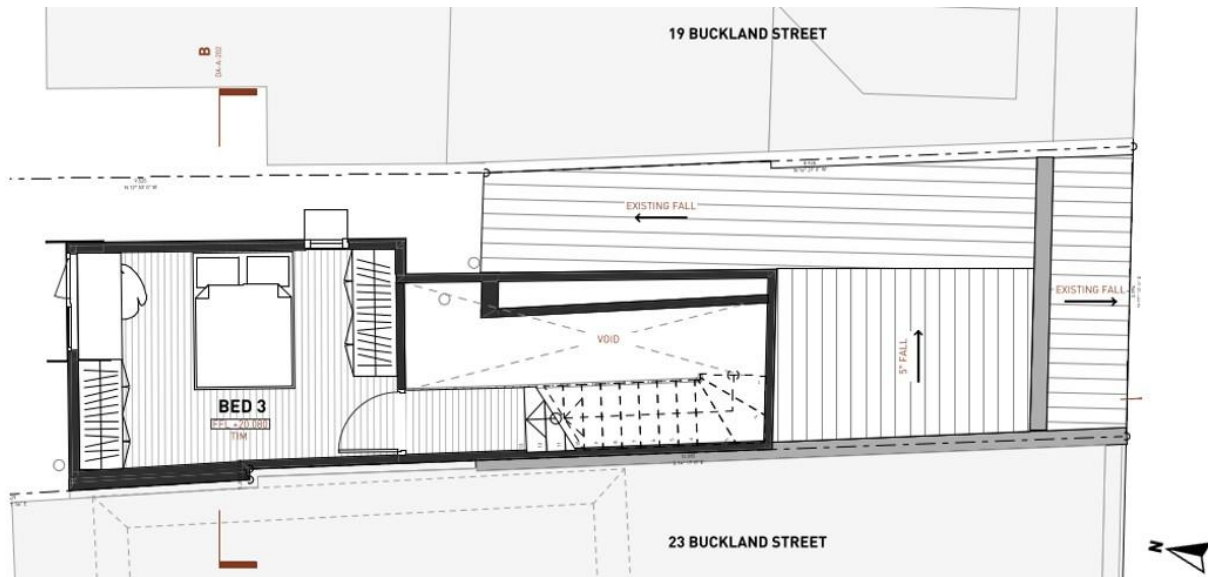


Figure 14: Proposed second floor plan

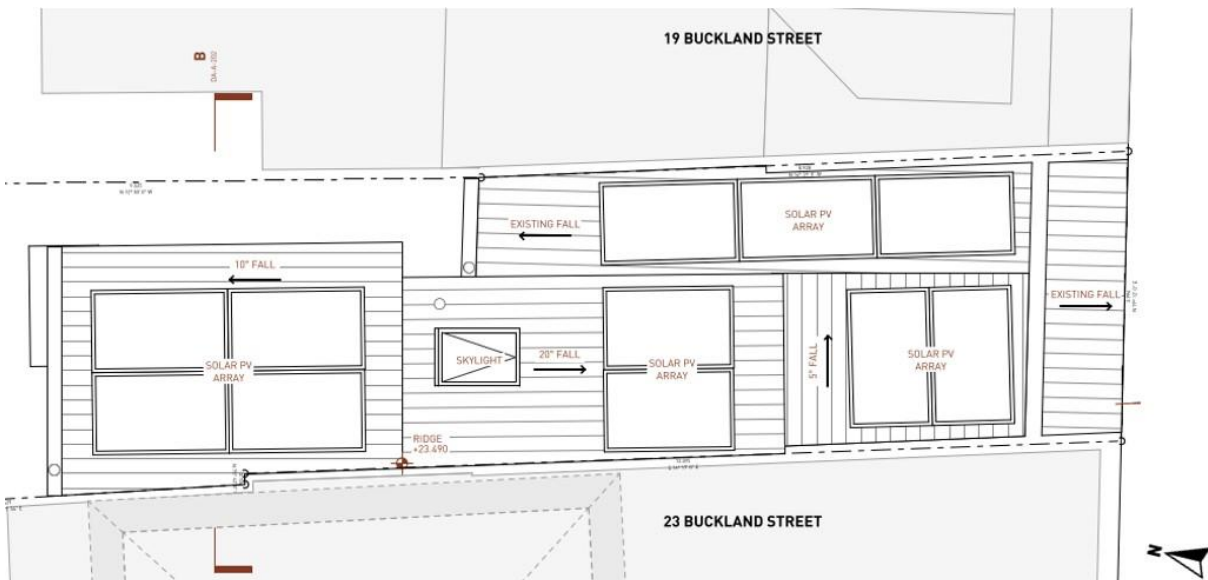


Figure 15: Proposed roof plan

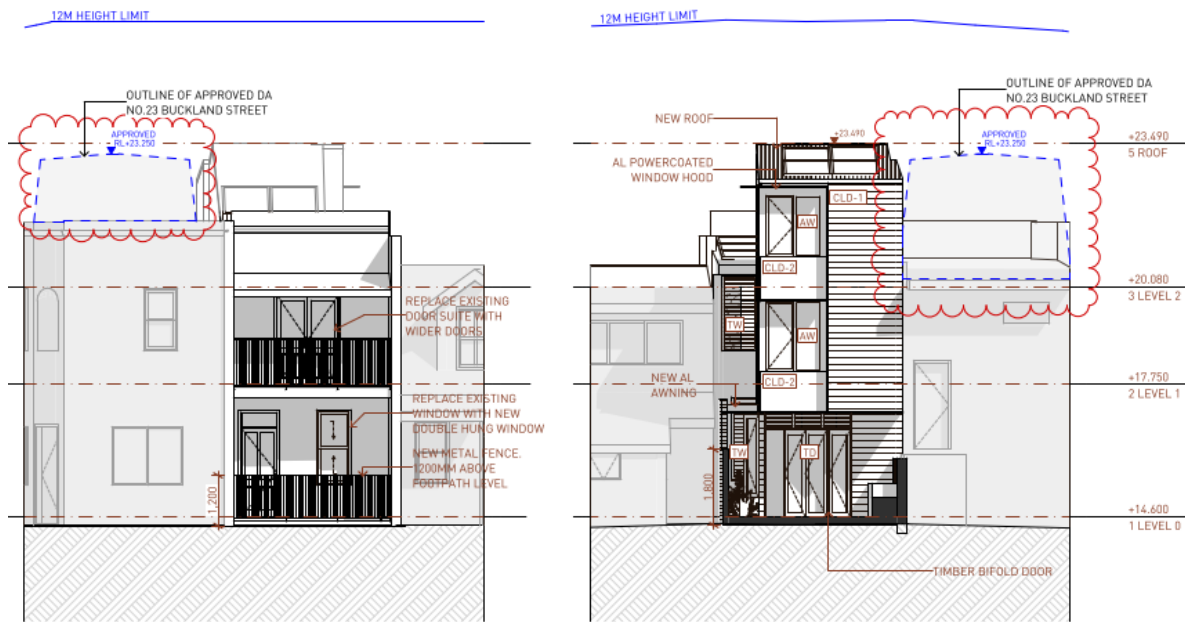


Figure 16: Proposed south (left) and north (right) elevation plans

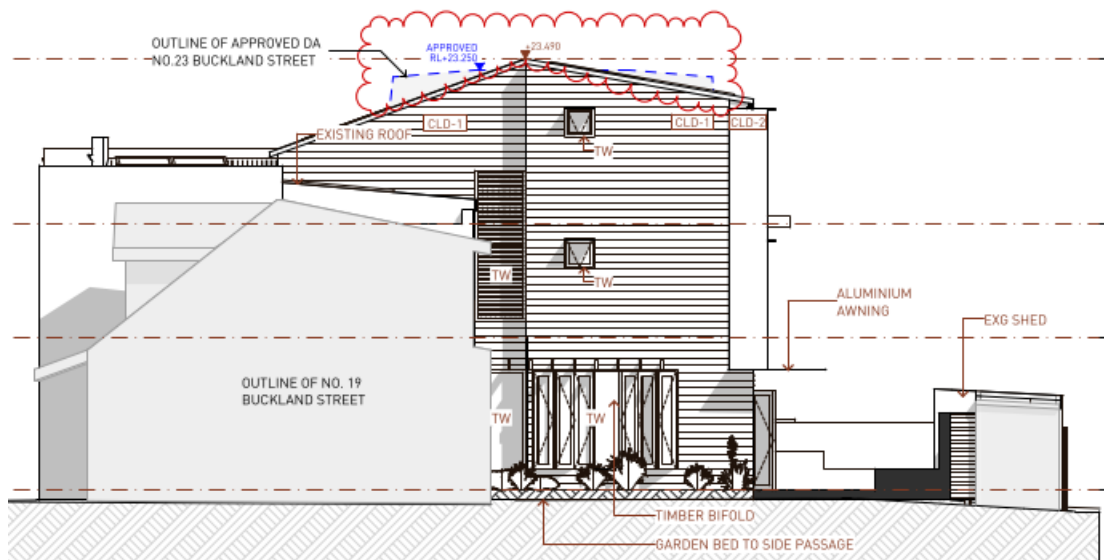


Figure 17: Proposed east elevation plan

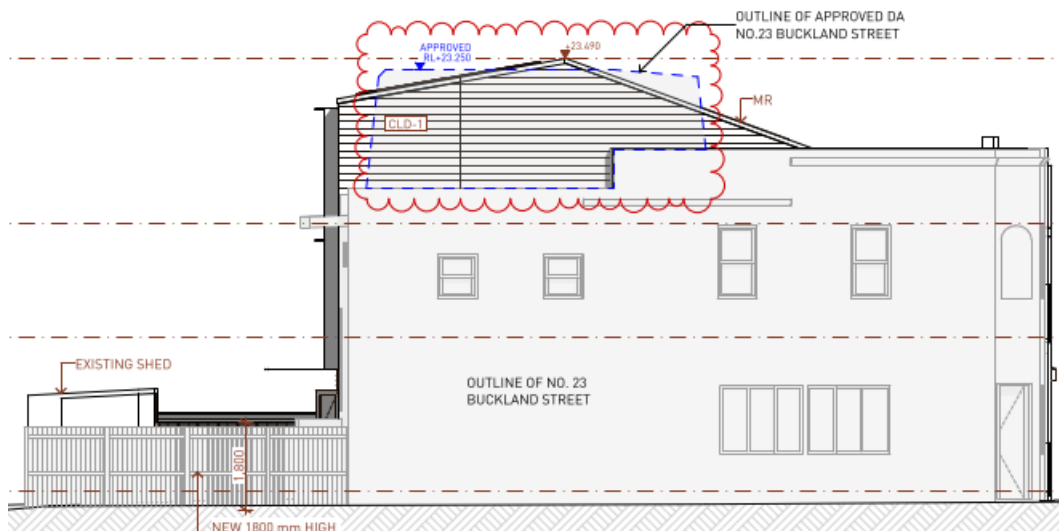


Figure 18: Proposed west elevation plan

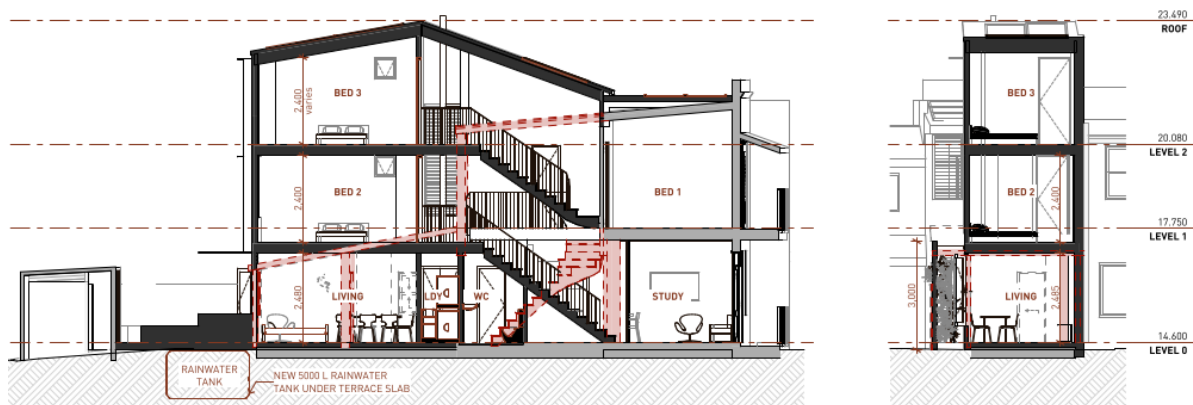


Figure 19: Proposed sections A (left) and B (right)

Assessment

17. 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 (Sustainable Buildings) 2022

18. The aims of this Policy are as follows—
- (a) to encourage the design and delivery of sustainable buildings
 - (b) to ensure consistent assessment of the sustainability of buildings
 - (c) to record accurate data about the sustainability of buildings, to enable improvements to be monitored

- (d) to monitor the embodied emissions of materials used in construction of buildings
- (e) to minimise the consumption of energy
- (f) to reduce greenhouse gas emissions
- (g) to minimise the consumption of mains-supplied potable water
- (h) to ensure good thermal performance of buildings

Chapter 2 Standards for residential development - BASIX

19. A BASIX Certificate has been submitted with the development application, with reference number 'A1825084'.
20. The BASIX certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal. A condition of consent is recommended ensuring the measures detailed in the BASIX certificate are implemented.

Local Environmental Plans

Sydney Local Environmental Plan 2012

21. 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 MU1 Mixed Use zone. The proposed development is defined as alterations and additions to a dwelling house 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 12 metres is permitted. A height of 9.1 metres is proposed.
4.4 Floor space ratio	No	A maximum floor space ratio of 0.8:1 or 66.65sqm is permitted. The existing floor space ratio of the site is 0.91:1 (76sqm) and a floor space ratio of 1.28:1 (107sqm) is proposed.

Provision	Compliance	Comment
		The proposed development does not comply with the maximum floor space ratio development standard. A variation to 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	Yes	The proposed development seeks to vary the development standard prescribed under Clause 4.4. A Clause 4.6 variation has been submitted with the application. See further details in the 'Discussion' section below.

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.21 Flood planning	Yes	The site is identified as being potentially subject to flooding. The proposed development benefits from the concession available under Section 3.2 of the City's Interim Floodplain Management Policy as it is considered to have minimal impact on the floodplain and will not present an unmanageable risk to life.

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 4 Design excellence		
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. The development achieves the principle of ecologically sustainable development and has an acceptable environmental impact with regard to the amenity of the

Provision	Compliance	Comment
		surrounding area and future occupants. The development therefore achieves design excellence.
Division 5 Site specific provisions		
6.60B Botany Road Precinct Opportunity Land	N/A	The site is within the Botany Road Precinct Opportunity Land area. However, as the proposal involves alterations and additions to residential accommodation (dwelling house), the development does not benefit from the FSR concessions under this section.

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development		
7.4 Dwelling houses, attached dwellings and semi-detached dwellings	Yes	A maximum of 2 car parking spaces are permitted. The proposed development includes no car parking spaces.
Division 4 Miscellaneous		
7.14 Acid Sulfate Soils	Yes	The site is located on land with class 5 Acid Sulfate Soils. The application does not propose works requiring the preparation of an Acid Sulfate Soils Management Plan.

Development Control Plans

Sydney Development Control Plan 2012

22. 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

23. The site is located within the Botany Road Precinct locality. The proposed development is in keeping with the unique character and the design principles of the locality.

Section 3 – General Provisions

Provision	Compliance	Comment
3.5 Urban Ecology	Yes	The proposed development does not involve the removal of any trees and will not have any adverse impact on the local urban ecology.
3.14 Waste	Yes	A condition has been recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.

Section 4 – Development Types**4.1 Single Dwellings, Terraces and Dual Occupancies**

Provision	Compliance	Comment
4.1.1 Building height	Yes	The site is permitted a maximum building height of 3 storeys generally and a maximum of 2 storeys at the street frontage. The proposed development is 3 storeys in height at the rear and the existing 2 storey terrace is retained at the street frontage. Therefore, the proposal complies with this section.
4.1.2 Building setbacks	Yes	The proposed development relates to the existing setback patterns along the street and respects the predominant rear building line of 19 Buckland Street and 23 Buckland Street, as well the cottages along Buckland Street to the east. No setback is proposed to the western boundary, while setbacks of between 887mm and 1,375mm are proposed to the eastern boundary. The zero setback to the west is acceptable as this matches the adjoining building, while the setbacks to the east are supported to reduce the imposition of the proposal on the adjoining site.
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.		

Provision	Compliance	Comment
4.1.3.1 Solar access	Yes	The development provides a minimum of 2 hours of solar access to the proposed living areas and rear private open space of the subject site and the adjoining site to the east, and results in only minor additional overshadowing of a first floor room at the adjoining site.
4.1.3.2 Solar collectors	Yes	The proposed solar panels at the roof level are located appropriately and are acceptable, subject to conditions. The proposed development will not overshadow any neighbouring solar panels.
4.1.3.3 Landscaping	Yes	The proposal involves minor landscaping works between the boundary to 19 Buckland Street and the proposed ground floor living area. The existing Frangipani tree at the rear will be retained and the proposal is generally in accordance with this section.
4.1.3.4 Deep soil planting	Yes	The site is less than 150sqm in size and therefore deep soil planting is not required. Notwithstanding, the existing tree will be retained.
4.1.3.5 Private open space	Yes	With consideration to the terrace proposed at the rear and the landscaped area adjacent to the ground floor living area, 19sqm of private open space is provided and is directly accessible from the living area.
4.1.3.6 Visual privacy	Yes	The proposal includes high sill heights for the small east-facing windows at the first and second levels, as well as privacy blades at the first and second levels which obscure views from bedrooms 2 and 3 to the rear yards of 19 Buckland Street and 23 Buckland Street.
4.1.4 Alterations and additions		
4.1.4.1 General	Yes	The proposed development does not remove significant building elements as seen from Buckland Street and respects the form, scale and setbacks of the dwelling and nearby sites.

Provision	Compliance	Comment
4.1.4.6 Additional storeys	Yes	The additional bulk proposed at the rear of the dwelling respects the existing built form and has considered how the frontage presents to Buckland Street. See further details in the 'Discussion' section below.
4.1.7.1 Front fences	Yes	The proposed front fence is 1.2 metres in height and maintains passive surveillance. It is constructed of metal in a palisade style and is in keeping with the character of the area.
4.1.7.2 Side and rear fences	Yes	The side fence to the boundary with 23 Buckland Street will be 1.8 metres in height and therefore complies. The side fence to the boundary with 19 Buckland Street will be predominantly 1.8 metres in height. A portion of the fence adjacent to the landscaped area and ground floor living area will be 3 metres in height to match the height of the bifold doors to the living area. In this instance, this is acceptable because the additional fence height will provide appropriate visual and acoustic screening between the ground floor living area the adjoining property. Further, this portion of the wall will structurally support the proposed timber pergola.

Section 5 – Specific Areas

Provision	Compliance	Comment
5.10 Botany Road Precinct	Yes	With consideration to the Botany Road Precinct being an area in transition and the site being in close proximity to Alexandria Park to the southwest, Botany Road to the west and Waterloo Metro Station about 275 metres to the northwest, the proposal aligns with the objectives of the Precinct and the intended future character of the locality.

Discussion

Bulk and scale

24. While the development exceeds the FSR control by 60%, in this case it is considered to be acceptable as the proposed design is otherwise in accordance with the relevant controls that apply to the site, as well as the desired future character of the section of Buckland Street where the site is located, and the Botany Road Precinct locality.
25. It is noted that the existing building typology on the subject site is most closely related to the adjoining building to the west at 23 Buckland Street. Further, the height of building development standard that applies to the site also relates to the adjoining site to the west, rather than those to the east.
26. The subject site and 23 Buckland Street are terraces that currently present as 2-storey buildings to the public domain, while the neighbouring sites to the east between 7 and 19 Buckland Street are single storey cottages. The proposed 3-storey addition at the rear can not be seen from Buckland Street
27. Figures 20 and 21 below illustrate that the development standards that apply to 23 Buckland Street and the cottages at 7 to 19 Buckland Street reflect the existing character of these sites, while there is a mismatch between what is permitted under the FSR development standard on the subject site and what is permitted under the height of building development standard.
28. 23 Buckland Street, which adjoins the site to the west, was granted approval for a third storey addition at the rear under consent D/2020/1366. The proposed 3-storey extension at the subject site will be built to the western boundary, while including setbacks to the eastern boundary of between 887mm and 1,375mm. This respects the bulk and scale of the adjoining properties and appropriately considers the different FSR, height and amenity controls set out for the block in the SLEP 2012 and SDCP 2012.

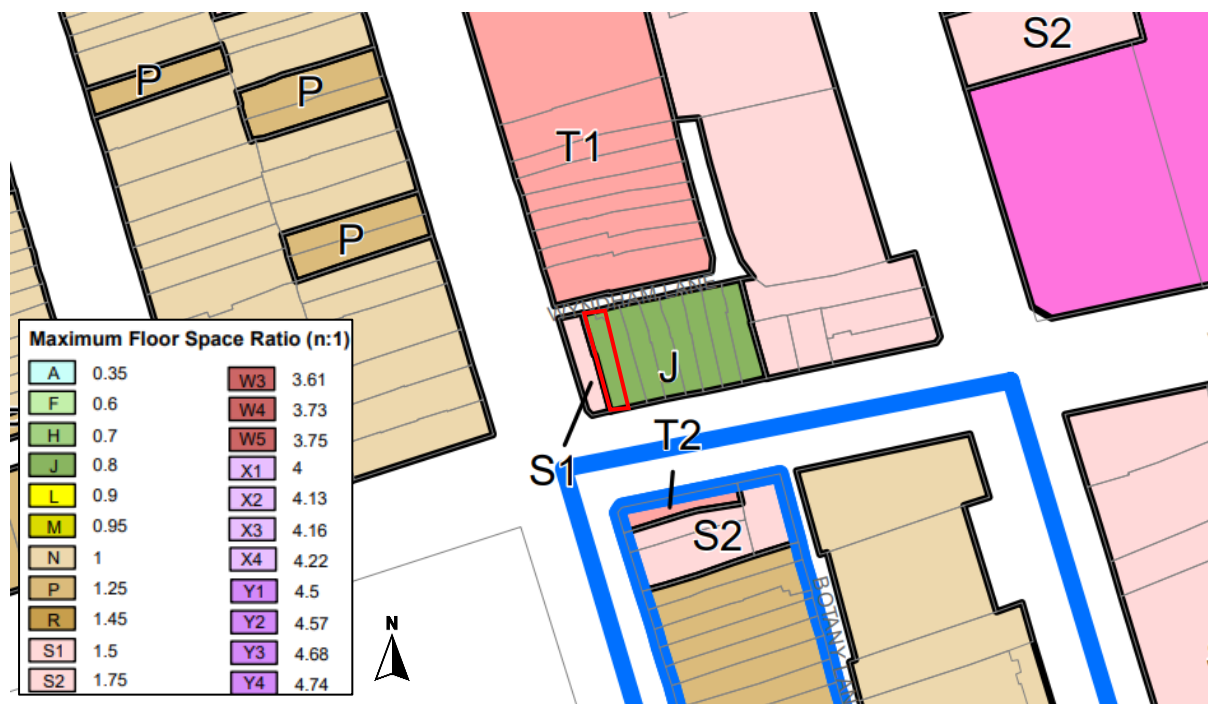


Figure 20: Sydney LEP 2012 - Floor space ratio map (subject site in red)



Figure 21: Sydney LEP 2012 - height of buildings map (subject site in red)

Contravention of a development standard pursuant to Clause 4.6 of the Sydney LEP

29. The site is subject to a maximum FSR control of 0.8:1. The proposed development has an FSR of 1.28:1.
30. Pursuant to the requirements of Regulation 35B of the Environmental Planning and Assessment Regulation 2021, the application has been accompanied by a document setting out the grounds on which the applicant seeks to demonstrate:
 - (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 standard;

Applicant's regulation 35B document

31. The applicant seeks to justify the contravention of the FSR 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 scale of the proposed development is reasonable in its context.
 - (i) The existing dwelling lacks amenity. Under the current controls, the site is mapped with an FSR of 0.8:1. Given the site area of 83.31sqm, this yields a maximum GFA of just 66.6sqm. This is insufficient for a functional 2-bedroom dwelling and falls below the minimum 70sqm benchmark applied to 2-bedroom apartments.

- (ii) The existing building has an FSR of 0.91:1. This exceeds the FSR standard that applies to the land (0.8:1) by 13.75% and does not currently result in any adverse environmental impact upon the adjoining sites or locality.
 - (iii) The proposal involves an additional 31sqm of floor area and restructures the internal layout to separate circulation from the primary rooms while introducing a third bedroom and an additional water closet, delivering an improved level of amenity. The proposal improves useability of the rear yard and retains the existing rear building line. The amenity of the site will be improved while having no substantial impact upon the adjoining sites or locality.
 - (iv) The design maintains a compact footprint, adding only 31sqm of new GFA. This results in a total GFA of 107sqm for a 3-bedroom dwelling. While this represents a further exceedance above the mapped permissible GFA, the outcome still constitutes a modest 3-bedroom home by contemporary standards and is proportionate to the site's functional needs.
 - (ii) The floor space ratio development standard does not align with the height of building development standard and the DCP controls.
 - (i) A review of the applicable DCP and LEP controls, alongside an assessment of the prevailing built form, demonstrates that the FSR mapped to the site is misaligned with the intended urban character and the established development pattern. The control does not reflect the strategic built form outcomes sought for the precinct and sits outside the scale envisioned in the surrounding planning framework. This disconnect indicates that the assigned FSR is not an accurate expression of the desired future character and further highlights that strict compliance with the mapped FSR would be unreasonable and unnecessary.
 - (ii) With reference to the height of building map, FSR map, DCP building height in stories map, and the DCP street frontage height map, the site is consistently identified for a larger 3-storey built form, aligning with the intended scale of 23 Buckland Street and 1–3 Buckland Street. The existing streetscape reinforces this expectation, with a prevailing larger typology clearly existing at numbers 23, 21 & 1, 3 Buckland Street while numbers 7-19 have a clear smaller 2 storey form. The FSR mapping is the sole outlier, creating an inconsistency between the built form controls and both the desired and existing spatial outcomes for the site.
 - (iii) The proposed development is consistent with the objectives of the zone, as detailed further in section (b) below.
 - (iv) Therefore, it would be unreasonable to require the proposed development to comply with the development standard.
- (b) That there are sufficient environmental planning grounds to justify contravention of the standard:
- (i) The proposed development is consistent with the objectives of Clause 4.4 of the LEP as detailed in items (ii) to (v) below.

- (ii) To provide sufficient floor space to meet anticipated development needs for the foreseeable future:
 - (i) The proposed development seeks an increase in FSR which anticipates the future needs of the area for additional residential space. Additional residential space is an anticipated need for the future of development as Alexandria moves towards higher density living. Affordable dwelling houses for family living are not well provided for in the Alexandria area.
- (iii) To regulate the density of development, built form and land use intensity and to control the generation of vehicle and pedestrian traffic:
 - (i) The proposal is of a bulk and scale that is consistent with development nearby and consistent with the DCP. The existing footprint of the building is maintained and there is no proposed increase in traffic as a result of carrying out the development as the dwelling remains a single family home.
- (iv) To provide for an intensity of development that is commensurate with the capacity of existing and planned infrastructure:
 - (i) The proposed development is within the capacity of existing and planned infrastructure of the location. The proximity of the development to both Waterloo Metro station and Alexandria Park means the locality is able to facilitate the proposed increase in residential floor space.
- (v) 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.
 - (i) The proposal reflects the desired character of Alexandria and is consistent with the scale of several nearby developments. The proposed increase in FSR has been considered with a design that is sensitive to the surrounding neighbourhood ensuring little to no adverse impacts on the amenity of the locality. The adjacent building was granted consent for 3 stories, and the proposed development is consistent with the height of this development and the permissible height in the LEP and DCP.
- (vi) The proposed development will not result in any unreasonable amenity impacts to adjoining properties, with overshadowing and privacy outcomes remaining within acceptable limits and compliant with the relevant provisions.

Precondition to granting consent where a development standard has been contravened

- 32. Development consent must not be granted unless the consent authority is satisfied that the applicant has demonstrated 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.
- 33. The applicant has demonstrated that compliance with the floor space ratio 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 for the following reasons.

34. The applicant has demonstrated that the proposed development achieves the objectives of the development standard. With consideration to the non-compliance of the existing building on the site, the height of building development standard that applies to the site and the relevant provisions set out in the SDCP 2012, the proposed development is consistent with the desired future character of the locality and it would be unreasonable to refuse the proposal on the basis of non-compliance with the FSR development standard alone.
35. Subject to the appropriate conditions, the development will not result in any significant adverse impact upon the site and surrounds as the proposed design is otherwise in accordance with the relevant amenity controls.

Conclusion

36. For the reasons provided above the variation to the FSR development standard is supported as the applicant has demonstrated the matters required to be addressed by cl 4.6 of the Sydney Local Environmental Plan 2012.

Consultation

Internal Referrals

37. The application was discussed with Council's:
 - (a) Urban Design Unit; and
 - (b) Tree Management Unit.
38. The above advised that the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the Notice of Determination.

Advertising and Notification

39. In accordance with the City of Sydney Community Participation Plan 2025, the proposed development was notified for a period of 14 days between 13 February 2026 and 27 February 2026. A total of 19 properties were notified and one submission was received.
40. The submissions raised the following issues:
 - (a) **Issue:** A dilapidation report and potential damage to adjoining property
Response: Conditions are recommended to be included in the Notice of Determination to ensure that a Dilapidation Report is prepared by an appropriately qualified structural engineer and submitted for the approval of the Registered Certifier prior to the issue of a construction certification.
 - (b) **Issue:** A boundary survey should be carried out

Response: Conditions are recommended to be included in the Notice of Determination to ensure that the appropriate surveys are carried out.

- (c) **Issue:** Noise and construction hours

Response: Conditions are recommended to be included in the Notice of Determination to ensure that the works are carried out in accordance with the standard permitted construction hours for sites outside the central business district.

Financial Contributions

Contribution under Section 7.11 of the EP&A Act 1979

41. The City of Sydney Development Contributions Plan 2015 applies to the site. However, the development is for alterations and additions to an existing dwellings house, being a type of development listed in Table 2 of the Plan which is excluded from the need to pay a contribution.

Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

42. As the development is development for the purposes of residential accommodation that will result in the creation of less than 200 square metres of gross floor area, the development is excluded and is not subject to a Section 7.13 affordable housing contribution.

Housing and Productivity Contribution

43. The development is not subject to a Housing and Productivity Contribution under the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.
44. While the site is located within the Greater Sydney region, the development is not a type of residential development to which the Housing and Productivity Contribution applies.

Relevant Legislation

45. Environmental Planning and Assessment Act 1979.

Conclusion

46. The proposed development involves alterations and additions to the existing residential dwelling on the site, including a new 3-storey addition at the rear and minor landscaping works.
47. The proposal generally satisfies the relevant provisions of the City's controls. The development is consistent with the objectives of the MU1 Mixed Use zone.

48. The proposed development is consistent with the objectives of FSR development standard and the consent authority is satisfied that compliance with the development standard would be unreasonable and unnecessary in this instance.
49. Subject to the imposition of conditions set out in Attachment A, the proposed development will not result in any unacceptable adverse impacts and will facilitate the continued need for residential accommodation in the locality. Therefore, the proposal is recommended for approval.

ANDREW THOMAS

Executive Manager Planning and Development

Callum Byrnes-Krickl, Planner