

Item 6.**Development Application: 553 Crown Street, Surry Hills - D/2026/49****File Number:** D/2026/49**Summary****Date of Submission:** 23 January 2026

Amended plans received 19 February 2026

Applicant: CONSUME PTY LIMITED**Architect/Designer:** studioplusthree**Owner:** Imbert Wai Lun Kong**Planning Consultant:** CONSUME PTY LIMITED**Heritage Consultant:** Ruth Daniel**Cost of Works:** \$995,500**Zoning:** The site is located within the E1 - Local Centre zone. The use is defined as a "Health Services Facility" and is permissible with consent within the zone.**Proposal Summary:** Proposed change of use to a Health Services Facility (Dentistry Practice) with associated alterations and additions, signage and hours of operation.

The application is referred to the Local Planning Panel as the proposal seeks a variation of the floor space ratio development standard within the Sydney Local Environmental Plan 2012 by more than 10%.

The application was notified between 27 January 2026 and 11 February 2026 and one submission was received.

Summary Recommendation: The development application is recommended for approval, subject to conditions.**Development Controls:**

- (i) SEPP (Resilience and Hazards) 2021
- (ii) SEPP (Industry and Employment) 2021

- (iii) SEPP (Transport and Infrastructure) 2021
- (iv) SEPP (Biodiversity and Conservation) 2021
- (v) Sydney Local Environmental Plan 2012
- (vi) Sydney Development Control Plan 2012

Attachments:

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

Recommendation

It is resolved that:

- (A) consent be granted to Development Application Number D/2026/49 subject to the conditions set out in Attachment A to the subject report; and
- (B) the variation requested to Clause 4.4 of the Sydney LEP 2012 in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The proposed development is consistent with the objectives of the E1 Local Centre zone.
- (B) The proposed development satisfies the relevant objectives, provisions and aims of the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.
- (C) Having considered the matters in Clause 6.21 of the Sydney LEP 2012, the proposal exhibits design excellence.
- (D) Based upon the material available to the Panel when 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.
- (E) The proposal is in the public interest because it is consistent with the objectives of the E1 Local Centre zone and the floor space ratio development standard.

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:
 - (a) Departure from Development Standards
2. The development application falls within the category of Departure from Development Standard as the floor space ratio development standard within the Sydney Local Environmental Plan is proposed to be varied by 11.6%.

The Site and Surrounding Development

3. The site has a legal description of Lot B in DP220130, known as 553 Crown Street, Surry Hills. It is rectangular in shape with area of approximately 66.8sqm. It has a primary street frontage of 4 metres to Crown Street with a secondary street frontage of 4 metres to a privately owned laneway. The site is located close to the intersection of Crown and Cleveland Streets. Levels on the site fall by 1m from west to east.
4. The site contains a 2 storey Victorian shop with dwelling above with a splayed, recessed entrance, intact decorative mouldings, and concrete tile roof.
5. The surrounding area is characterised by a mixture of land uses, primarily being commercial, mixed use and residential. Development adjoining the site includes:
 - (a) to the west on the other side of the private lane is 547-549 Crown Street, a 3 and 4 storey residential flat building that fronts Cleveland Avenue and Crown Street
 - (b) to the east of the site on the other side of Crown Street is 636 and 638 Crown Street, a pair of 3 storey terrace buildings currently used as shop-top housing
 - (c) to the north and south are 551 Crown street and 555 Crown Street, which form a row with the subject site. 555 Crown Street is used as a restaurant and 551 is used as a commercial office with first floor dwelling.
6. The site is located within the High Holborn Street heritage conservation area C64 and is identified as a contributing building. To the east of the site is Heritage Item: I1515 - Terrace group at 636 and 638 Crown Street.
7. The site is located within the Surry Hills South locality and is identified as being subject to flooding.
8. A site visit was carried out on 13 February 2026. Photos of the site and surrounds are provided below.



Figure 1: Aerial view of site and surrounds



Figure 2: Site viewed from Crown Street facing west



Figure 3: External view facing south showing private rear lane



Figure 4: Internal view facing east to Crown Street



Figure 5: Internal site view facing northwest



Figure 6: External view facing east showing rear wall of terrace building and party wall between 551 and 553 Crown Street

History Relevant to the Development Application

Development Applications

9. The following applications are relevant to the current proposal:
- **D/2002/298** – Development consent was granted on 16 May 2002 for internal alterations and use of premises as a beauty salon, operating between 8am-8pm Mon, Tues, Wed, Fri and Sat; 8am to 9pm Thursdays and 10am to 5pm Sundays.

Amendments

10. Following a preliminary assessment of the proposed development by Council Officers, a request for amendments was sent to the applicant on 17 February 2026 to update the Gross Floor Area drawings to include the storage space contained underneath the stairs.
11. The applicant responded to the request on 19 February 2026, and submitted an updated Statement of Environmental Effects, updated Gross Floor Area diagram and 4.6 variation request.

Proposed Development

12. Development approval is sought for the following:
- Change of use to a health services facility (dentistry practice) with hours of operation of 6:00am to 10:00pm, 7 days a week.
 - Removal of internal flooring, stair, internal fireplaces, internal and external walls to rear kitchen, dining and living room, first floor terrace and roofing, front balcony flooring.
 - Construction of rear wing addition and internal fit out for the use as a dentistry practice including 4 treatment rooms, reception and waiting area, accessible bathroom, staff room and sterilisation room.
 - Restoration of shopfront façade and first floor front balcony.
 - Signage including projecting wall sign and window sign.
 - Installation of photovoltaic panels, heat pump, air conditioner condenser and skylights to roof.
13. Plans and elevations of the proposed development are provided below.

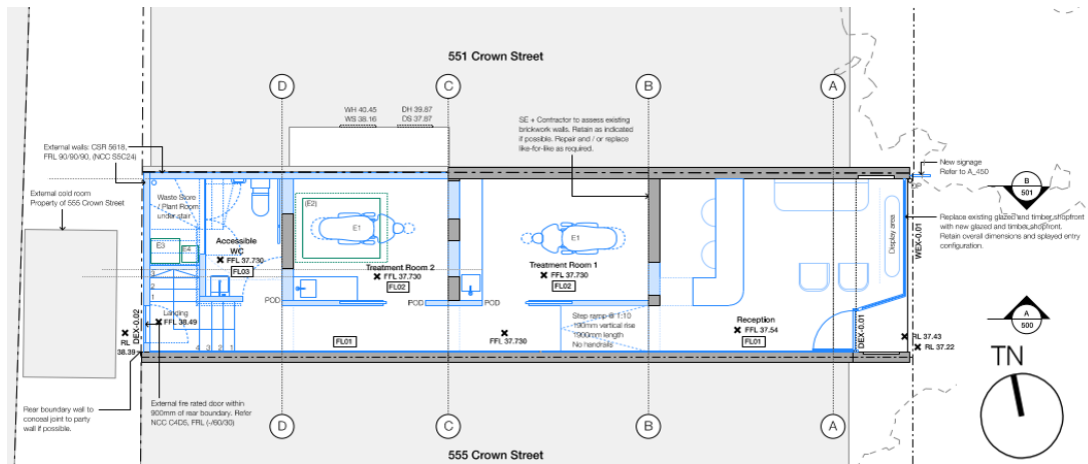


Figure 7: Proposed ground floor plan

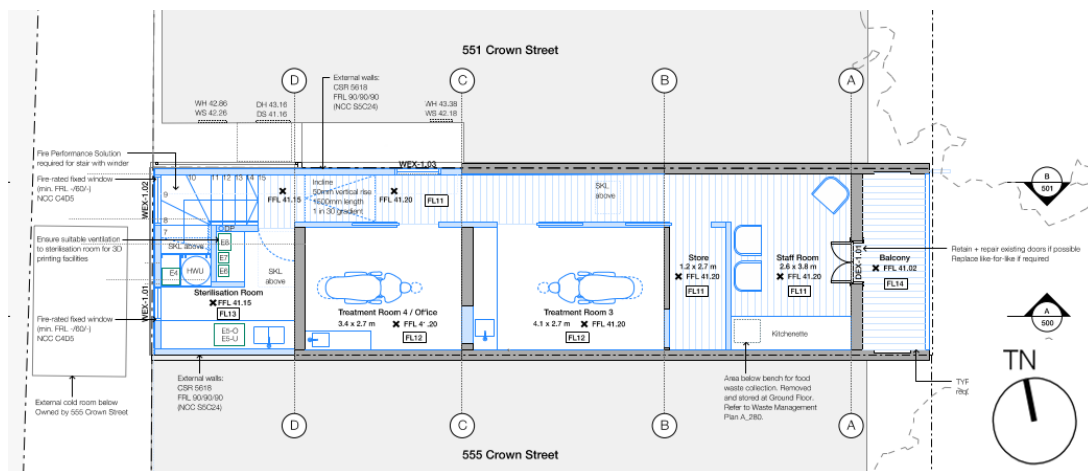


Figure 8: Proposed first floor plan

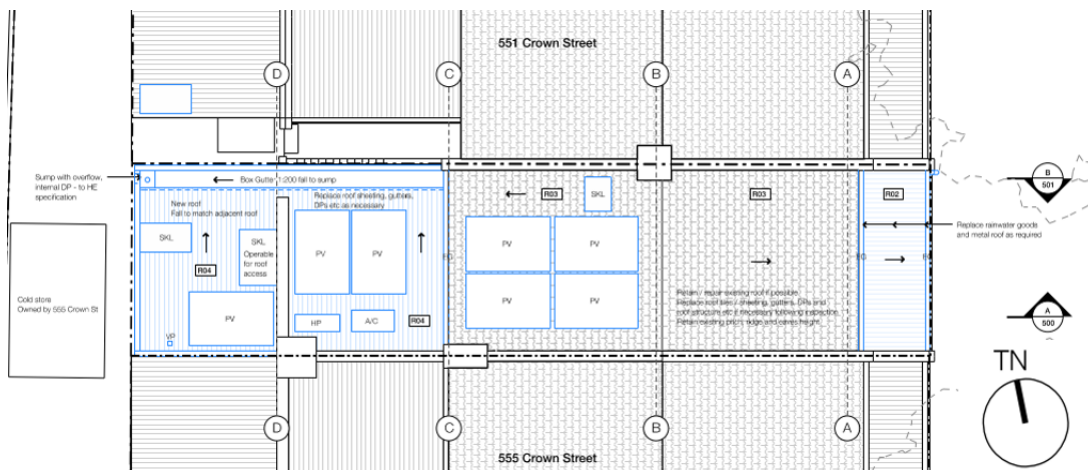


Figure 9: Proposed roof plan

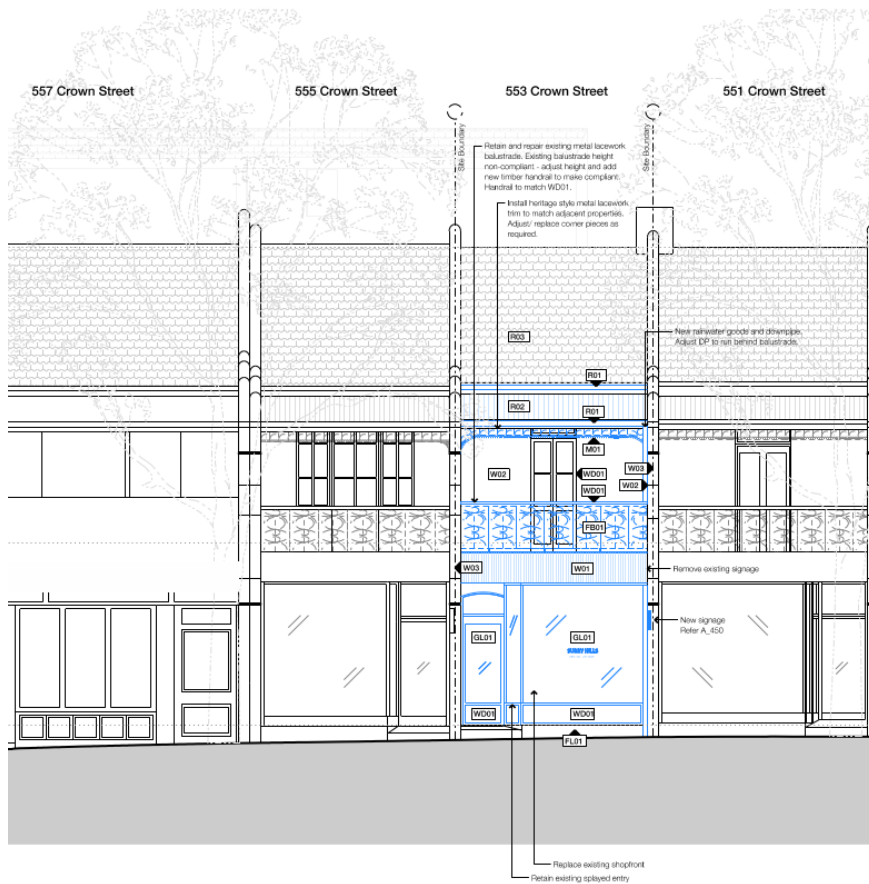


Figure 10: Proposed eastern (street) elevation

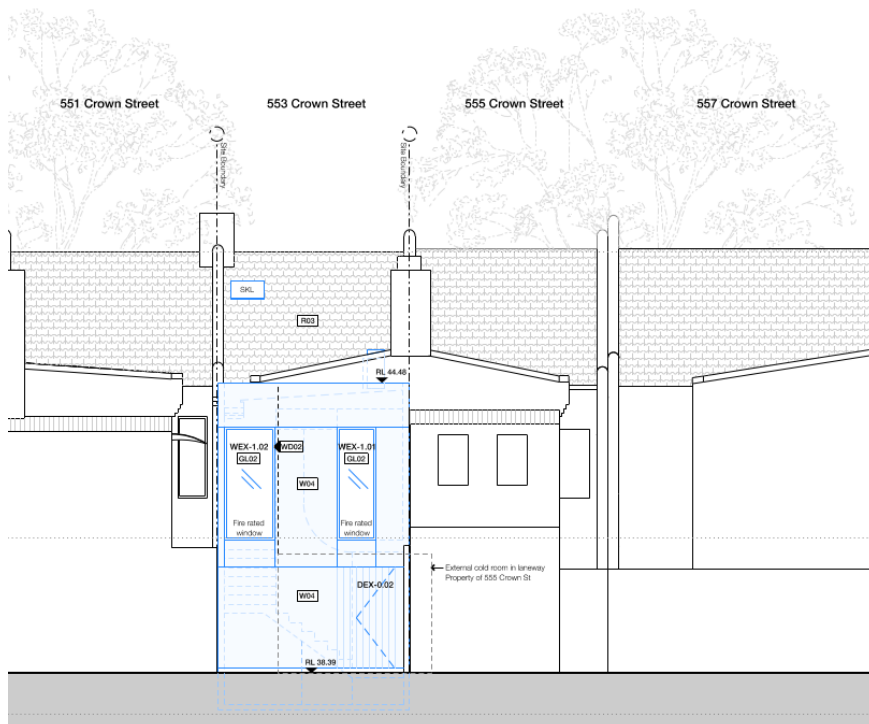


Figure 11: Proposed western elevation

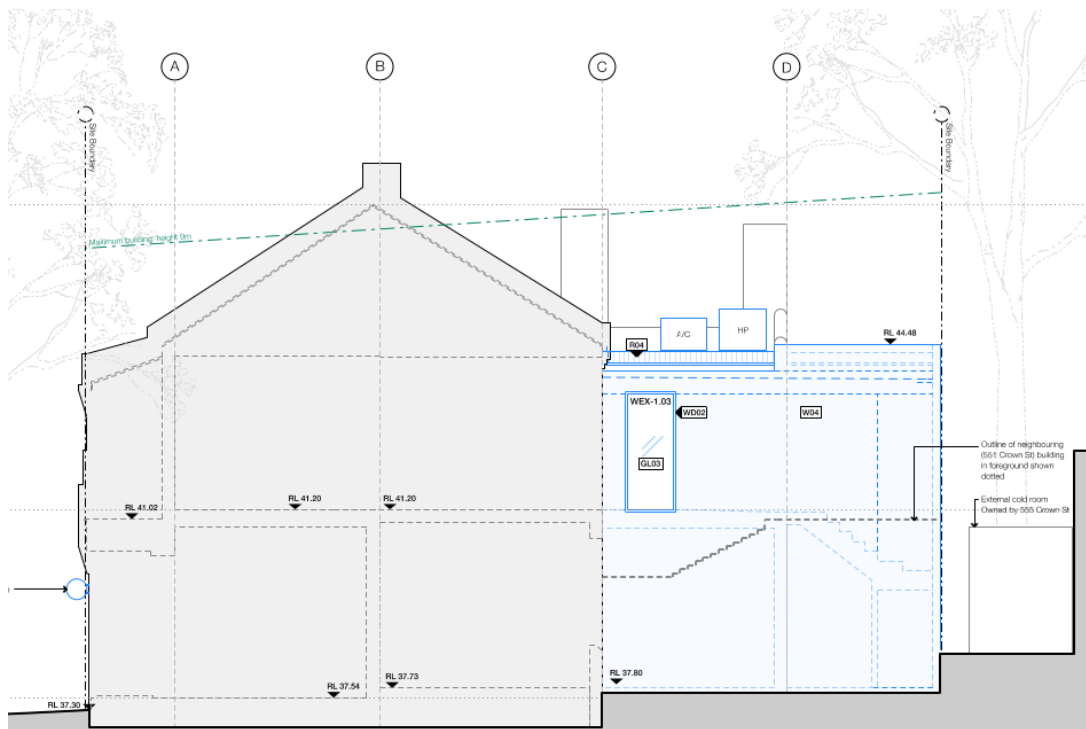


Figure 12: Proposed northern elevation

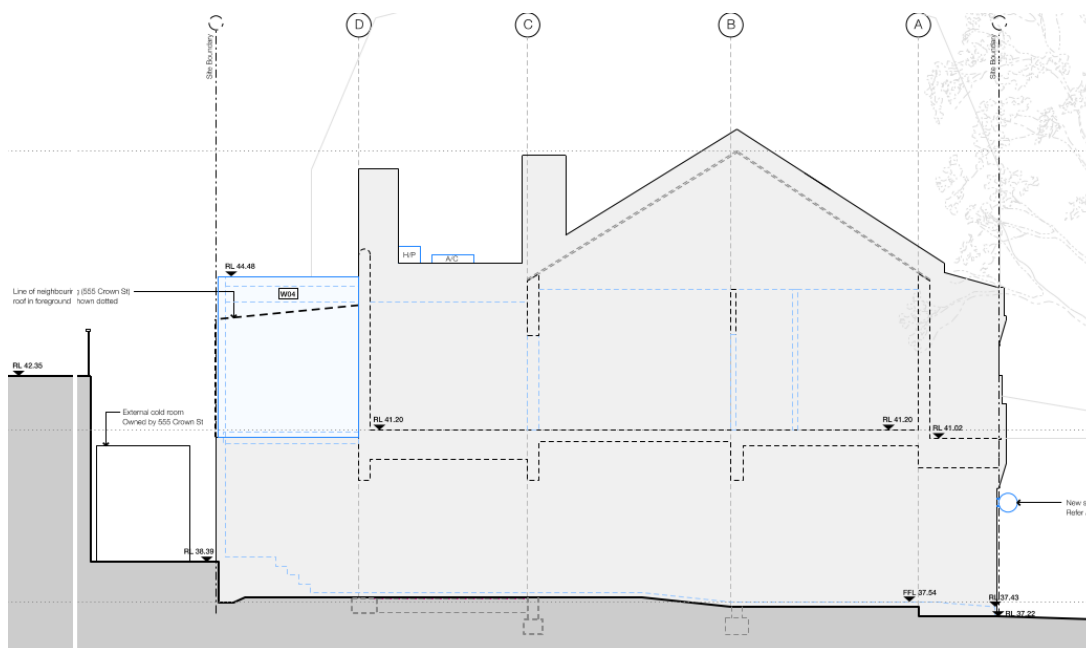


Figure 13: Proposed southern elevation



Figure 14: Proposed photomontage

Assessment

14. 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 (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land

32. The aim of SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land 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.
33. Clause 4.6(1) of the SEPP requires the consent authority to consider whether land is contaminated prior to the consent of development on that land. Given that the long term use of the site has been commercial, it is unlikely that the site is contaminated, and further investigation is not considered necessary.

State Environmental Planning Policy (Industry and Employment) 2021 – Chapter 3 Advertising and Signage

34. The aim of SEPP (Industry and Employment) 2021 – Chapter 3 Advertising and Signage is to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.
35. The proposed signage has been considered against the objectives of the policy and an assessment against the provisions within the assessment criteria set out in Schedule 5 is provided in the table below.

Provision	Compliance	Comment
1. Character of the area	Yes	The proposed signage is generally consistent with the character of the area, subject to conditions.
2. Special areas	Yes	The proposed signage does not detract from the amenity or visual quality of the locality or the Bourke Street South Heritage Conservation area, subject to conditions.
3. Views and vistas	Yes	The proposed signage does not obscure or compromise any important views. It does not dominate the skyline and has no impact on the viewing rights of other advertisers.
4. Streetscape, setting or landscape	Yes	The proposed signage is of an appropriate scale, proportion and form and provides a positive contribution to the streetscape and setting of the area.
5. Site and building	Yes	The scale, proportion and positioning of the proposed signage is acceptable and the materiality is compatible with the finishes and colours of the building.
6. Associated devices and logos	Yes	The logo has been designed as an integral part of the signage or structure on which it is to be displayed.
7. Illumination	Yes	Conditions of consent are recommended to ensure that the illumination does not result in unacceptable glare, affect safety or detract from the amenity of any residential accommodation.

Provision	Compliance	Comment
8. Safety	Yes	The proposed signage will not reduce the safety for pedestrians, cyclists or vehicles on public roads or areas.

36. The proposed signage is consistent with the objectives of SEPP (Industry and Employment) 2021 – Chapter 3 Advertising and Signage as set out in Clause 3.1 and satisfies the assessment criteria specified in Schedule 5.

Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 2 (Vegetation in Non Rural Areas) 2017

37. No removal of vegetation is proposed, and the application is consistent with the aims of Chapter 2.

Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 6 Water Catchments

38. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SEPP. The SEPP requires the Sydney Harbour Catchment Planning Principles to be considered in the carrying out of development within the catchment.
39. 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 SEPP are not applicable to the proposed development.

Local Environmental Plans

Sydney Local Environmental Plan 2012

40. 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 E1 Local Centre zone. The proposed development is defined as Health Services Facility (Dentistry Practice) 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 9m is permitted. A height of 6.61m is proposed. The proposed development complies with the maximum height of buildings development standard.
4.4 Floor space ratio	No	A maximum floor space ratio of 1.5:1 or 100.2sqm is permitted. A floor space ratio of 1.67:1 or 111.8sqm is proposed. 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
5.10 Heritage conservation	Yes	The site is located within the High Holborn Street heritage conservation area C64 and is adjacent to Heritage item I515 - 'Terrace houses including interiors', at 636-638 Crown Street, directly opposite the site on the eastern side of Crown Street. Conditions of consent 2. b-d have been requested for the balustrade to have a separated hand rail, detail of rainwater services and detail of the entryway floor

Provision	Compliance	Comment
		treatment to be specified within the materials and samples schedule. A condition for the front balcony to be reinstated is has also been recommended as condition 13. The proposed development will not have detrimental impact on the heritage significance of the heritage conservation area subject to conditions.
5.21 Flood planning	Yes	The site is identified as being subject to flooding at the 1% Annual Exceedance Probability event. The application benefits from concessions contained within 3.2 (a) (ii) within the city's Interim Floodplain Management Policy as it is additions to an existing commercial building of less than 20% of the existing gross floor area of the building.

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 surrounding area and future occupants. The development therefore achieves design excellence.

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 3 Affordable housing		
7.13 Contribution for purpose of affordable housing	Yes	The contribution for affordable housing does not apply to the proposal.
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**

41. 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

42. The site is located within the Surry Hills South 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 an adverse impact on the local urban ecology.
3.7 Water and Flood Management	Yes	The site is identified as being on flood prone land. See discussion under section 5.21 in part 5 - miscellaneous provisions table above.
3.9 Heritage	Yes	Refer to discussion under 5.10 of the LEP compliance table above.
3.12 Accessible Design	Yes	The BCA assessment report and access report provided with the application outlines compliance with relevant standards and legislated requirements

Provision	Compliance	Comment
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.
3.15 Late Night Trading Management	Yes	Hours of 6:00am to 10:00pm, Monday to Sunday are proposed. The hours of operation for a Category C retail or business premises within a Local Centre Area is limited to between 7:00am to 2:00am per table 3.8 within the DCP. The site is to be used for the purpose of a dentist practice with limited expected noise impacts to the immediate surrounds.
3.16 Signage and Advertising	Yes	The proposed development includes the provision of one projecting wall sign and one window sign. The site is contained within a Village Main Street control area as shown on the City's Signage Precincts Map contained within the DCP and accords with controls contained within 3.16.12.15. Subject to recommended conditions for footpath clearance and illumination, detail for signage materials and for the sign to be above the wall mouldings to have greater clearance from the footpath, the signs are able to exhibit design excellence and are supported. The requirement for a signage strategy can be waived as the signage proposed is minor in nature and satisfies the objectives of the DCP in relation to signage.

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 2 storeys. The proposed development is 2 storeys in height and does not alter the street frontage height.
4.2.2 Building setbacks	Yes	The rear building alignment contains a nil setback. This matches the rear first floor alignment of 555 Crown Street adjacent to the south and is only 0.2-0.3 metres greater than the adjacent northern first floor setback to 551 Crown Street, which also retains a breezeway on its southern elevation.
4.2.3 Amenity		
4.2.3.1 Solar access	Yes	The solar analysis diagrams provided with the application indicate the addition does not result in any loss of solar access to habitable room windows or private open spaces during midwinter.
4.2.6 Waste and recycling Management	Yes	A condition is recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.

Discussion

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

43. The site is subject to a maximum Floor Space Ratio (FSR) standard of 1.5:1 or 100.2sqm of gross floor area. The proposed development has a FSR of 1.67:1 (variation of 11.6%) or 111.8.sqm of gross floor area.
44. 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

45. 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) By modestly increasing the available floor space within an existing commercial building, the development will better meet the functional needs of its intended use (a dental clinic) and contribute to the supply of commercial floor space in the local centre. Strict compliance with the 1.5:1 FSR standard would unreasonably limit the floor space available for the clinic, given the site's very small land area. Requiring compliance would necessitate forgoing approximately 11.6 square metres of usable floor area that is needed for the clinic's operations, restricting serviceability to the community. This would undermine Objective (a), rather than serve it, as it would frustrate the site's capacity to provide adequate floor space for a viable commercial use on this site. By allowing a slight exceedance, the development optimises the use of an existing building in a location where additional commercial floor space is beneficial to serve the local community's needs.
 - (ii) The proposal will maintain a built form and density that is in harmony with the surrounding context, thereby upholding the intent of Objective (b). The minor increase in floor space equates to a negligible change in density and will not perceptibly alter the building's external bulk or scale..
 - (iii) The proposed FSR variation will not exceed the capacity of the infrastructure available to the site. The additional floor space above the FSR standard will not place any discernible extra demand on utilities or infrastructure. Public transport capacity along Crown Street and nearby Cleveland Street, and the light rail and Central Station within walking distance, is more than sufficient to accommodate the negligible increase in patronage or employees associated with the expanded clinic floor area. Likewise, other utilities have existing capacity for the small increase in floor space and associated usage. As such, the development's intensity remains commensurate with infrastructure capacity, satisfying Objective (c) notwithstanding the numerical FSR exceedance.
 - (iv) The proposal is carefully designed to respect the existing character of the South Surry Hills locality and to avoid adverse amenity impacts, thereby fulfilling Objective (d) despite the FSR non-compliance. The minor additions are located to the side and rear of the building and within an area already built-up to a 2-storey form, so there is no change to the Crown Street streetscape or to the heritage character when viewed from public domains. In terms of amenity impacts, detailed analysis confirms there will be no adverse overshadowing on key sensitive areas.

- (v) Based on the above assessment, the proposal satisfies the First Method in *Wehbe v Pittwater Council* [2007] NSWLEC 827; the objectives of the FSR development standard are achieved regardless of the non-compliance. The underlying planning intentions of the 1.5:1 FSR control are met in this case through a development that remains in character, causes no adverse impacts, and provides needed floor space for the site's use. Moreover, as noted earlier, elements of the Fourth Method in *Wehbe* are also relevant: the numerical standard in this historic terrace context is somewhat arbitrary, given that many buildings were constructed prior to the imposition of current FSR limits. The minor nature of the non-compliance (11.6%) in a setting where a rigid application of the standard is not critical to achieving planning objectives further supports the conclusion that strict compliance is unreasonable and unnecessary.
- (b) That there are sufficient environmental planning grounds to justify contravention of the standard:
 - (i) The exceedance is 11.6 m², or 11.6%, which is minor in magnitude. This small amount of extra floor space is virtually indiscernible externally and does not manifest in any appreciable difference in building bulk, scale or height. In practical terms, the streetscape presentation and urban form outcome of a compliant scheme (FSR 1.5:1) versus the proposed scheme (FSR 1.67:1) would be effectively identical. This indicates that the objectives and impacts tied to the FSR control are not compromised by the small variation.
 - (ii) The ground-floor breezeway and external staircase currently represent under-utilised space in the building. By enclosing the breezeway and internalising the stair, the development recovers floor area within the existing footprint, enhancing the functionality and usability of the premises without extending beyond the overall building's envelope. Allowing the infill and associated FSR exceedance is therefore justified as it leads to a more rational and beneficial use of the space on environmental planning grounds. The FSR variation is justified by the site-specific context, yielding a better design that aligns with their surroundings. These design improvements are possible only with the FSR flexibility and constitute sound planning grounds for the variation.
 - (iii) In this heritage conservation area context, the preferable approach to adding floor space is to utilise and extend the existing building in a sympathetic manner, rather than to contemplate more intensive redevelopment. The 11.6 m² of extra space is achieved through minor additions that preserve the heritage fabric and aesthetic of the contributory item. The submitted Heritage Impact Statement confirms that the additions have no adverse heritage impact.
 - (iv) Detailed analysis has shown that the extra floor area will not cause any negative environmental impacts: there is no material change in shadowing, privacy, traffic, or demand on infrastructure attributable to the additional 11.6 m². The site remains compliant with all other applicable controls, including height, setbacks, heritage considerations, and land use. The absence of adverse impacts is an important site-specific circumstance here, demonstrating that the objectives of the zone and the development standards are upheld despite the variation. This aligns with the intent of

Clause 4.6 to allow flexibility where strict adherence to a numerical standard is unwarranted in light of the proposal's planning merits.

- (v) In light of the above, it is evident that compelling environmental planning grounds exist to justify the proposed contravention of the FSR development standard. Conversely, there are no overriding planning grounds that would necessitate strict compliance with the 1.5:1 standard in this case. Enforcing the standard would be an unnecessary impediment to an otherwise acceptable development. The request has therefore demonstrated full satisfaction of Clause 4.6(3)(b). The contravention is justified by site-specific circumstances and results in a development outcome that aligns with the objectives of the standard and the zone, consistent with the intent of Clause 4.6 of the LEP.

Precondition to granting consent where a development standard has been contravened (3)

- 46. 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.
- 47. The applicant's has demonstrated that compliance with the standard is unreasonable or unnecessary in the circumstances as the proposal is compliant with the relevant objectives of the standard, notwithstanding the numerical noncompliance.
- 48. The applicant has demonstrated that there are sufficient environmental planning grounds to justify contravening the standard. The design proposed is a rationalised, well-considered design with bulk and scale commensurate with neighbouring developments in the immediate vicinity and does not result in an adverse environmental impact.
- 49. The proposal is in keeping with the objectives of the E1 Local Centre Zone.

Conclusion

- 50. For the reasons provided above the variation to the floor space ratio is supported as the applicant has demonstrated the matters required to be addressed by cl 4.6 of the Sydney Local Environmental Plan 2012.

Visual Privacy

- 51. A condition of consent has been recommended for Windows WEX-1.02 and WEX-1.01 on the western or rear elevation be translucent to minimise the loss of visual privacy/ overlooking to the residential apartments on the other side of the private lane. Although not required by the DCP, this request is considered reasonable as it mitigates the likely impact of the proposed development as specified within the aims of plan and design excellence clauses of the SLEP 2012 contained at 1.3 and 6.21C respectively.

Boundary Windows

- 52. The proposed development includes boundary windows at the rear (western) boundary to the private lane.
- 53. The proposed windows along the western boundary relate to the stair and sterilisation rooms which have skylights.

54. A condition is recommended requiring that the windows be sealed, bricked up or otherwise enclosed prior to the construction of any building abutting, adjoining or adjacent to the windows. A positive covenant is required to be registered on the title of the property.
55. This will ensure that the constructed development does not inhibit the future redevelopment of adjoining sites.

Consultation

Internal Referrals

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

External Referrals

58. No external referrals were required.

Advertising and Notification

59. In accordance with the City of Sydney Community Participation Plan 2025, the proposed development was notified for a period of 14 days between 27 January 2026 and 11 February 2026. A total of 122 properties were notified and one submission was received.
60. The submission raised the following issues:
 - (a) **Issue:** Parking

Response: The Sydney DCP and LEP do not require the site to provide off-street parking. Whilst the proposal may generate additional on-street parking demand, on-site parking is not possible given the physical constraints of the site. The site is easily accessed by public transport, cycling or walking.
 - (b) **Issue:** Disabled access

Response: The access report identifies that step-free access is not possible from the street as site is within a Heritage Conservation Area, and step-free access would require alterations to the presentation of the building to the street. A performance solution, such as a temporary and portable ramp may be an acceptable solution and will be addressed as part of the construction certificate by the certifier.

Financial Contributions

Contribution under Section 7.11 of the EP&A Act 1979

61. The City of Sydney Development Contributions Plan 2015 applies to the site. The development is not subject to a section 7.11 local infrastructure contribution under this Plan as the change in use results in a net worker population decrease.

Housing and Productivity Contribution

62. The development is subject to a Housing and Productivity Contribution (Base component) under the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.
63. The site is located within the Greater Sydney region, the development is a type of commercial development to which the Housing and Productivity Contribution applies, and the development is not of a type that is exempt from paying a contribution.
64. A condition relating to the Housing and Productivity Contribution has been included in the recommended conditions of consent.

Relevant Legislation

65. Environmental Planning and Assessment Act 1979.

Conclusion

66. The application seeks approval for the change of use to a health services facility including alterations and additions, and new signage.
67. 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.
68. The proposal will not result in unreasonable adverse impact in terms of overshadowing or visual privacy subject to recommended conditions and is of an appropriate bulk and scale within the context of the subject site and streetscape.
69. The proposed health services facility use is suitable within the context of the site and desired future character of the area.

- 70. The proposed development exhibits design excellence in accordance with the provisions of Clause 6.21C of the Sydney LEP 2012.
- 71. Subject to conditions, the development is in the public interest and recommended for approval

ANDREW THOMAS

Executive Manager Planning and Development

Max Di Rosario, Planner