

Item 12.**Development Application: 206-208 King Street, Newtown**

File No.: D/2017/1700

Summary

Date of Submission:	8 December 2017 Amended plans were submitted on 2 March 2018, 3, 10, 20 April and 21 May 2018.
Applicant:	Seg Ben Kwong
Architect:	Eco.factor Architects
Developer:	Wei Feng, Po Hu, Yan Zhang, Seg Ben Kwong
Owner:	Wei Feng, Po Hu, Yan Zhang, Seg Ben Kwong
Cost of Works:	\$2,173,807
Proposal Summary:	<p>Development application for the change of use and fit out of part of ground floor, first floor and second floor of existing three storey heritage listed commercial building to a boarding house. The proposal consists of 10 boarding house rooms. Proposed works include signage; a new lift and stairs; new windows, entrances and awning; and new roof addition, planter boxes, balustrade, and outdoor furniture at roof level.</p> <p>The application is referred to the Local Planning Panel for determination as the application proposes a variation to the floor space ratio (FSR) development standard by more than 10% and a Clause 4.6 request has been submitted to vary the motorcycle parking requirements of the Affordable Rental Housing SEPP 2009 (as amended) (ARHSEPP).</p> <p>The preliminary assessment of the application identified issues relating to details of the roof addition, on-site waste management, and bicycle parking.</p> <p>The proposal has been amended during the assessment to address concerns raised in the preliminary assessment.</p>

Proposal Summary:**(continued)**

The existing building exceeds the FSR and building height development standards for the site as prescribed by Sydney Local Environmental Plan 2012 (LEP). The proposed roof addition will result in a minor non-compliance with the building height development standard and a decrease in the non-compliance with the FSR development standard. The proposed roof addition provides for lift and stair access to the communal open space at roof level.

The proposal exceeds the 15m building height development standard of Clause 4.3 of the LEP by 0.3m (2% breach) and the 2:1 FSR development standard of Clause 4.4 of the LEP by 112.6sqm (20.2% breach). A written request seeking a variation to the building height and FSR development standards have been submitted in accordance with Clause 4.6 of the LEP.

The proposal does not provide two motorcycle parking spaces on site as required by Clause 30(1)(h) of the ARHSEPP. A Clause 4.6 request has been submitted seeking a variation of the motorcycle parking requirement.

The application was advertised and notified for a period of 21 days from 14 December 2017 to 11 January 2018. No submissions were received in response to the development application.

The proposal in its amended form is generally compliant with relevant planning controls and results in a built form that preserves the heritage significance of the heritage item and is consistent with the desired future character of the area.

Summary Recommendation:

The development application is recommended for approval, subject to conditions.

Development Controls:

- (i) State Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005
- (ii) State Environmental Planning Policy (Affordable Rental Housing) 2009
- (iii) Sydney Local Environmental Plan 2012 (Gazetted 14 December 2012, as amended)
- (iv) Sydney Development Control Plan 2012 (in force on 14 December 2012, as amended)

Developer Contributions

- (i) City of Sydney Development Contributions Plan 2015

- Attachments:**
- A. Recommended Conditions of Consent
 - B. Proposed Drawings
 - C. Clause 4.6 Variation Requests

Recommendation

It is resolved that:

- (A) the variation sought to Clause 4.3 Building height in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be supported in this instance;
- (B) the variation sought 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 supported in this instance;
- (C) the variation sought to Clause 30(1)(h) (Standards for boarding houses) in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be supported in this instance; and
- (D) consent be granted to development application No. D/2017/1700, 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 B2 - Local Centre zone and the relevant development controls for the site.
- (B) The non-compliance with building height and floor space ratio development standards are acceptable given the scale and design of the proposed roof addition.
- (C) The proposed conservation works to the heritage item have a positive impact on the streetscape and are consistent with the characteristics of the heritage item and heritage conservation area.
- (D) The non-compliance with the motorcycle parking development standard is offset by the site's close proximity to public transport nodes.
- (E) Subject to compliance with the recommended conditions, the proposed boarding house will provide acceptable amenity for occupants.
- (F) The approval is not anticipated to result in any significant impacts on the surrounding land uses.

Background

The Site and Surrounding Development

1. The site has a legal description of Lot 7 DP 66635 and is commonly known as 206-208 King Street, Newtown.
2. The site is rectangular in shape, with an area of approximately 278.6sqm. It has an 8.95m street frontage to King Street to the north west and a 30.42m street frontage to Brown Street to the south west. The rear of the site backs onto Buckland Lane to the south east.
3. Existing on site is a three storey commercial building which has full site coverage. The ground floor contains a convenience store and restaurant and the first and second floors are currently vacant.
4. Surrounding uses are commercial and residential. King Street is characterised by retail and commercial uses and to the south east, the site is adjacent to a six storey residential flat building at 2-6 Brown Street.
5. The site is locally listed Heritage Item 1996, 'Commercial building including interior' and is located with the King Street Heritage Conservation Area (CA47).
6. Photos of the site and surrounds are provided below at Figures 1 to 9, inclusive.



Figure 1: Aerial image of subject site and surrounding area



Figure 2: Site viewed from King Street looking east



Figure 3: Site viewed from Brown Street looking north west



Figure 4: Site viewed from King Street looking south



Figure 5: Site viewed from Bucknell Lane looking west



Figure 6: Existing rooftop looking north west towards King Street



Figure 7: Existing rooftop looking south east towards Bucknell Lane



Figure 8: Internal view of first floor previously used as a hospitality school



Figure 9: Internal view of a second floor room previously used as a boarding room

Proposal

7. The application seeks consent for the fit out of part of the ground floor, first floor and second floor of an existing three storey commercial building for use as a boarding house.

8. In detail, consent is sought for the following:

(a) Ground Floor

- (i) Communal living area (26.5sqm), entrance lobby, toilet and waste collection room.
- (ii) Installation of new lift for disabled access and refurbishment of stairwell.
- (iii) Replacement entrance door and façade on King Street elevation.
- (iv) New windows, double doors and façade on Brown Street elevation.
- (v) Replacement and extension of awning on Brown Street elevation.
- (vi) New doors and installation of louvers on Bucknell Lane elevation.

(b) First and Second Floors

- (i) Five boarding rooms with bathrooms, kitchens and storage (4 x double occupancy rooms, and 1 single occupancy room).
- (ii) Laundry facilities.
- (iii) Communal seating area.
- (iv) Installation of new lift for disabled access.
- (v) Refurbishment and extension of stairwell.
- (vi) Reinstatement and repair of all windows, doors and façade.

(c) Roof Level

- (i) Demolition of existing roof addition and metal roof.
- (ii) Installation of new lift for disabled access and stair access.
- (iii) Construction of roof addition containing new lift, stairs, and a display for the old lift motor.
- (iv) Communal open space area (95.7sqm) including light weight shade structure, balustrade, planter boxes, bench seating and outdoor furniture.
- (v) Relocation of existing condenser and installation of safety balustrade.

(d) Signage

- (i) Removal of 1 illuminated vertical projecting sign on King Street elevation.
- (ii) 1 wall mounted sign on King Street elevation (1200x590mm).
- (iii) 1 building identification sign on King Street elevation (85x300).
- (iv) 1 awning fascia sign on Brown Street elevation (2350x580mm).
- (v) 1 wall mounted sign on Brown Street elevation (3150x835mm)
- (vi) New content on existing under awning sign on Brown Street elevation (1800x300x450mm).

9. Plans of the proposed development are provided below at Figures 10 to 16, inclusive, and a full set of plans is provided at Attachment B.

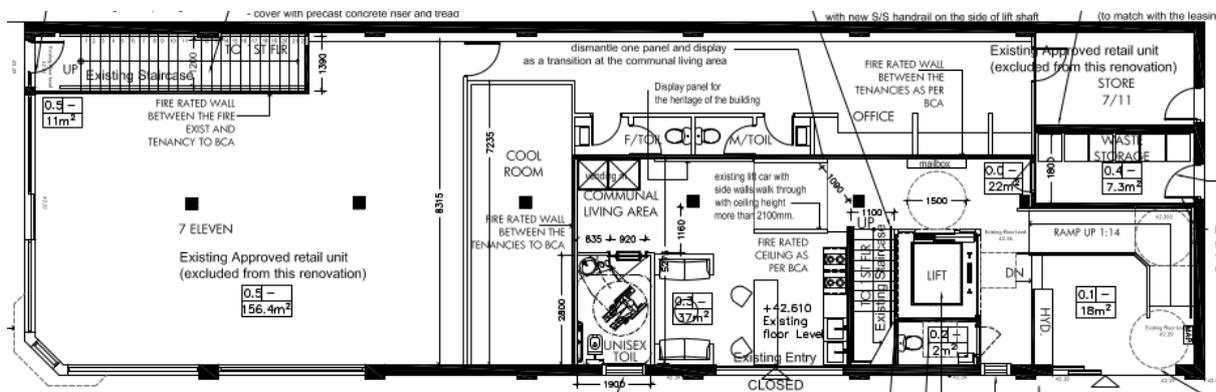


Figure 10: Proposed ground floor plan

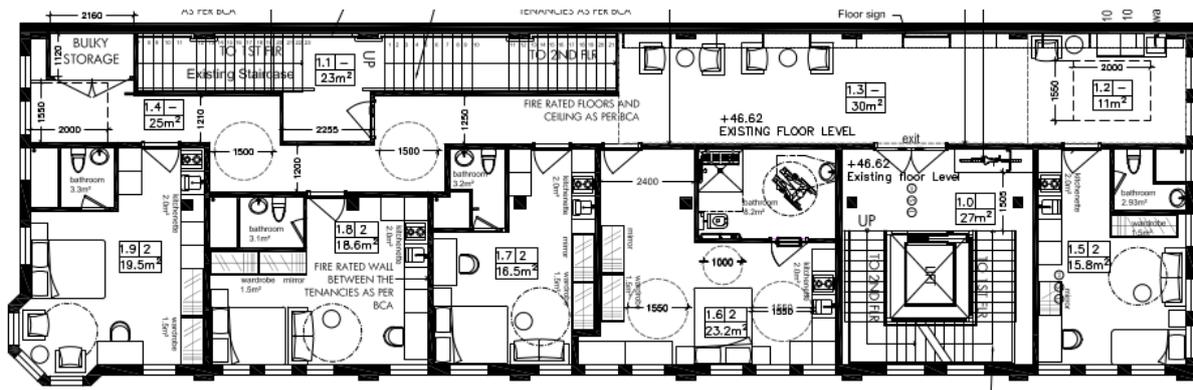


Figure 11: Proposed first floor plan

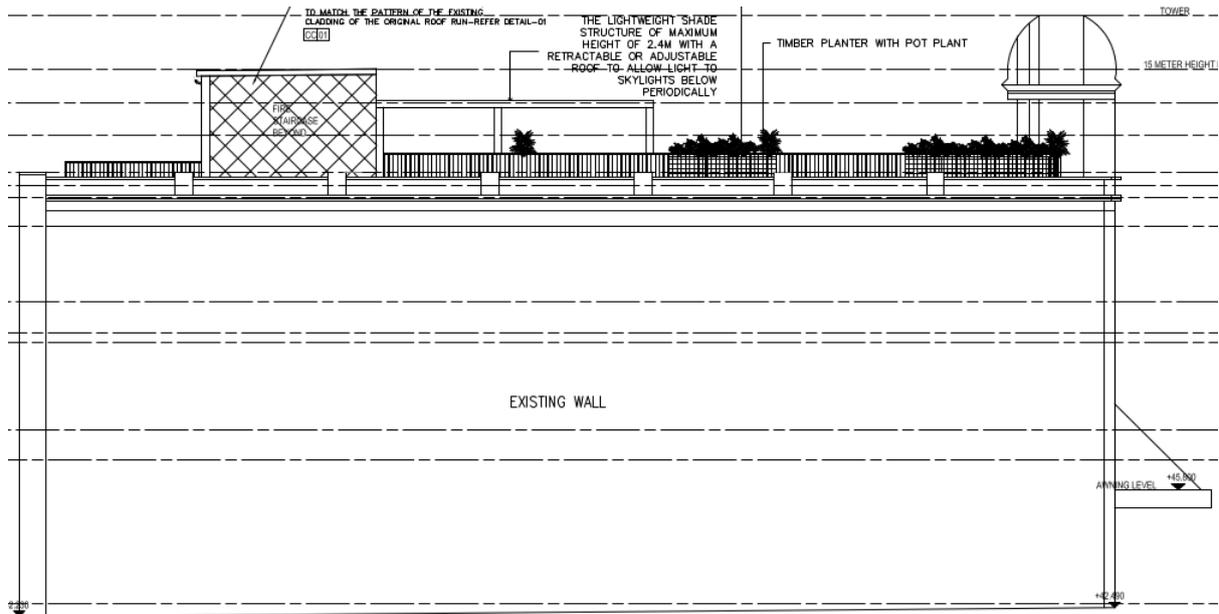


Figure 15: Proposed north east elevation that adjoins 204 King Street

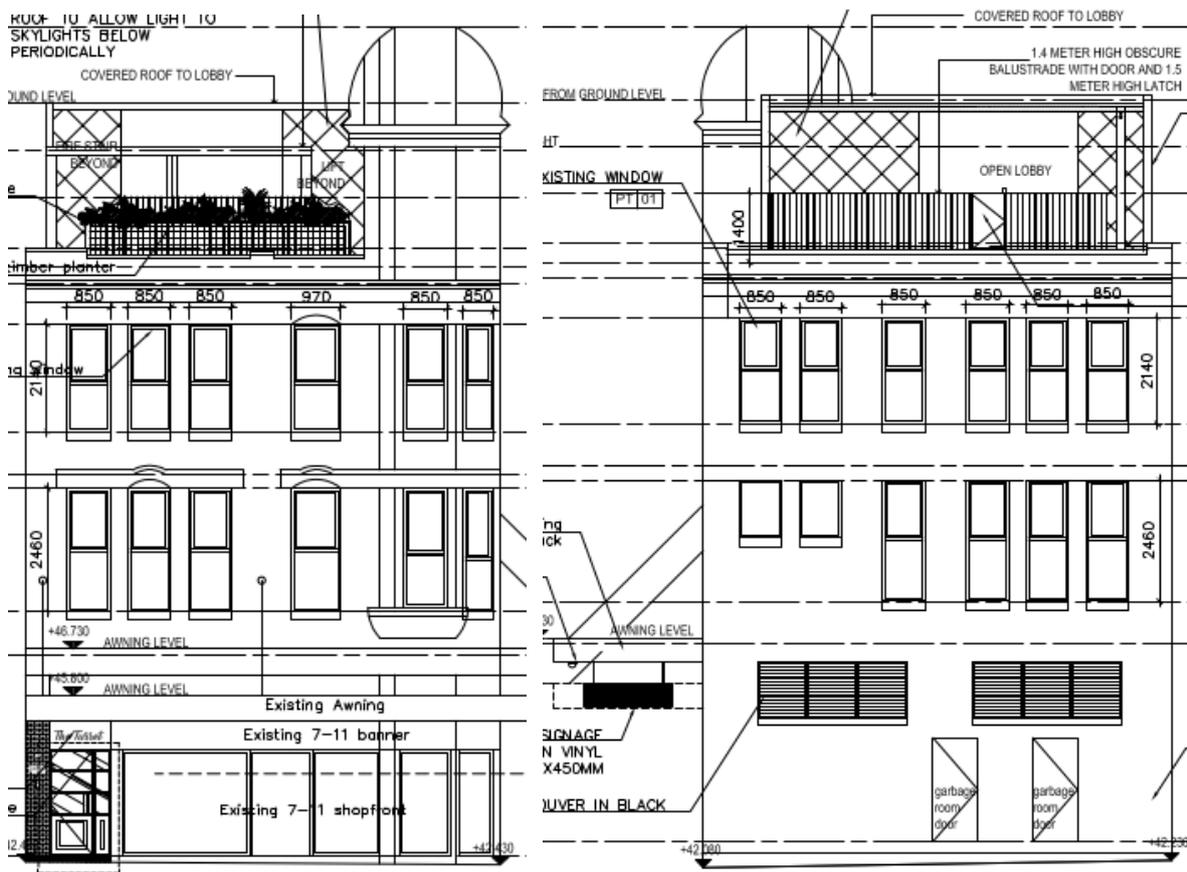


Figure 16: Proposed north west elevation fronting King Street (left) and south east elevation fronting Bucknell Lane (right)

History Relevant to the Development Application

Previous Development Applications

10. On 21 June 1990, development application D/1990/162 was approved for 'Use ground floor as shops, first floor as school and second floor as offices'.
11. On 7 September 1994, development application D/1994/460 was refused for 'Erect partitions for furniture showroom (Proposed office/showroom for furniture sales and separate flat on the first floor of the existing premises)'.
12. On 6 July 1994, development application D/1994/548 was approved for ' Use of second floor as design studio and model making (Proposed to use part of the second floor for design studio and architectural model making)'.
13. On 21 July 1995, development application D/1995/335 was approved for 'Refurbishment of accommodation facilities (Change of use of first floor to create residence at rear and office area. Use second floor for accommodation containing 7 bedrooms)'.
14. On 24 January 1997, development application D/1996/988 was approved for 'Use part of the first floor as residential accommodation (Use part of first floor as student type accommodation - 3 rooms)'.
15. On 21 May 1998, development application D/1998/162 was approved for 'Alterations to existing store (To refurbish existing convenience store including new shop front awning and signage)'.
16. On 20 June 2000, development application D/1999/471 was approved for 'Alterations and additions to travel agent (Change of use of ground floor to travel agent, first floor to hostel accommodation and alterations and additions to existing second floor accommodation)'.
17. On 21 December 2001, development application D/2000/1407 was approved for 'New under awning sign and 2 bathrooms on second floor'.
18. On 10 October 2007, development application D/2007/590 was approved for 'Fitout and use of proportion of ground floor for cafe, and fitout and use of first floor for offices and hospitality school'. This application has been subject to the amendment a number of times and the latest consent is D/2007/590/H.
19. On 1 June 2009, development application D/2009/604 was approved for 'Reduce width of existing awning by 1000m, located on the corner of Brown Street and King Street'.
20. On 14 October 2009, development application D/2009/1527 was approved for 'Widen door to existing café and insert double doors'. This application has been subject to Section 4.55 modification D/2009/1527/A to provide disability access on site.

Current Development Applications

21. The development application was lodged on 8 December 2017.

22. The preliminary assessment of the development application raised issues with the character and design of the roof addition, on-site waste management, and bicycle parking. In addition, further details were requested in relation to FSR calculations, a Clause 4.6 request for a variation to the building height development standard, signage, access to the roof top terrace and window details.
23. The proposal has been amended to address concerns raised during the assessment. Amended plans were received on 2 March 2018, 3, 10, 20 April and 21 May 2018. The amended plans submitted on 20 April 2018 are the subject of the assessment within this report.

Economic/Social/Environmental Impacts

24. The application has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979, including consideration of the following matters:
 - (a) Environmental Planning Instruments and DCPs.

State Environmental Planning Policy No 64—Advertising and Signage

25. The application proposes the following signage:
 - (a) 1 flat wall mounted sign on the King Street elevation containing laser cut text 'The Turret' (1200x590mm).
 - (b) 1 digital cut sign '206-208' on King Street elevation (85x300).
 - (c) Laser cut text 'The Turret' in black against brick façade on the Brown Street elevation (3150x835mm).
 - (d) Awning fascia sign on the Brown Street elevation containing laser cut text 'The Turret' (2350x580mm).
 - (e) Existing illuminated under awning sign on the Brown Street elevation containing new vinyl text 'The Turret' (1800x300x450m).
26. The existing illuminated vertical projecting sign at first floor on the King Street elevation is not shown on the proposed plans and it is considered that it is to be removed as part of the development application. This sign has historic approval (D/1986/482 and D/1998/162) however, it is not consistent with the objectives of the SEPP 64 and it is considered to be a detracting element. The removal of this sign is a vast improvement to the front façade of the building and will have a positive impact on the heritage item and the conservation area. The removal of the sign would be consistent with the objectives of SEPP 64 and is supported. A condition is recommended to ensure the sign is removed as part of the restoration and refurbishment works to the front façade of the building,
27. SEPP 64 was gazetted on 16 March 2001 and aims 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.

28. Clause 8 of SEPP 64 states the following:

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.

Assessment Criteria

29. The following table outlines the manner in which the proposed signage addresses the assessment criteria of SEPP64.

1. Character of the area	Comment
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Subject to the removal of the existing illuminated vertical projecting sign, the proposal is considered to be generally consistent with the commercial character of the area, existing signage on the subject site, and other examples of signage further on King Street and Brown Street.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposal is consistent with the retail and commercial signage within the surrounding area. There are no other examples of illuminated vertical projecting signs above ground floor awnings within the locality. The removal of the existing vertical projecting sign is consistent with the theme of advertising signage within the area.
2. Special areas	Comment
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	Subject to the removal of the existing vertical projecting sign, the proposal is consistent with the retail and commercial character of development within the area.
3. Views and vistas	Comment
Does the proposal obscure or compromise important views?	No

3. Views and vistas	Comment
Does the proposal dominate the skyline and reduce the quality of vistas?	No
Does the proposal respect the viewing rights of other advertisers?	Yes

4. Streetscape, setting or landscape	Comment
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Yes, the removal of the vertical projecting sign on the King Street frontage and amendments to existing signage on the Brown Street frontage will result in a reduction in the total number and size of the existing signage.
Does the proposal screen unsightliness?	No
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No
Does the proposal require ongoing vegetation management?	No

5. Site and building	Comment
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Yes, the signage is contained at ground floor which is in keeping with the existing commercial advertising on the building. The removal of the existing vertical projecting sign at first floor will be consistent with the scale, proportions and location of all other existing signage on the site located at ground floor level.

5. Site and building	Comment
Does the proposal respect important features of the site or building, or both?	Yes, the removal of the existing vertical projecting sign will ensure that windows and upper floor facades are not subject to signage.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Yes

6. Associated devices & logos with advertisements & advertising structures	Comment
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	No

7. Illumination	Comment
Would illumination result in unacceptable glare?	No
Would illumination affect safety for pedestrians, vehicles or aircraft?	No
Would illumination detract from the amenity of any residence or other form of accommodation?	No
Can the intensity of the illumination be adjusted, if necessary?	The illuminated under-awning sign is already approved and is acceptable.
Is the illumination subject to a curfew?	No

8. Safety	Comment
Would the proposal reduce the safety for any public road?	No
Would the proposal reduce the safety for pedestrians or bicyclists?	No

8. Safety	Comment
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No

30. The proposed signage is consistent with the aims and objectives of Clause 3 of SEPP64 and as such, is supported.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP)

31. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SREP.
32. The Sydney Harbour Catchment Planning Principles must be considered in the carrying out of development within the catchment. The key relevant principles include:
- (a) protect and improve hydrological, ecological and geomorphologic processes;
 - (b) consider cumulative impacts of development within the catchment;
 - (c) improve water quality of urban runoff and reduce quantity and frequency of urban run-off; and
 - (d) protect and rehabilitate riparian corridors and remnant vegetation.
33. The site is within the Sydney Harbour Catchment and eventually drains into the 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 with the deemed SEPP.

34. The development is consistent with the controls contained with the deemed SEPP.

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

35. BASIX Certificate 921878M has been submitted with the development application.
36. The BASIX certificate lists measures to satisfy BASIX requirements which have been incorporated in the proposal. A condition is recommended ensuring the measures detailed in the BASIX certificate are implemented.

State Environmental Planning Policy (Affordable Rental Housing) 2009

37. The ARHSEPP aims to provide a consistent planning regime for the provision of affordable rental housing and to facilitate the delivery of new affordable rental housing by providing incentives by way of identifying non-discretionary development standards.
38. Under Clause 29, compliance with any of the following standards must not be used to refuse consent (i.e. if the development complies with these standards they cannot form part of any refusal).

Clause 29 – Standards that cannot be used to refuse a boarding house (i.e. if the development complies with these standards they cannot form part of any refusal)		
Standard	Complies	Comment
1(c)(i) – Density and scale expressed as FSR	No	<p>The development will exceed the maximum FSR of 2:1, with a proposed FSR of 2.4:1.</p> <p>The existing building has an FSR of 2.48:1.</p> <p>The site is a heritage item and is not eligible for bonus FSR, however Clause 29(4) allows a consent authority to vary the standards in clauses 29(1) and 29(2).</p> <p>The variation is supported, as the existing building exceeds the permitted FSR and the proposed development results in a decrease of the existing non-compliance. This is discussed in the Issues section of this report.</p>
<p>2(a) Building height</p> <p>The proposed building height must not exceed the maximum permitted under an EPI</p>	No	<p>The development will exceed the maximum building height of 15m, with a proposed maximum height of 15.3m metres.</p> <p>The existing building includes a lift overrun that has a height of 2.1m.</p> <p>The variation is supported, as the increase in building height is a result of proposed lift and stair access to the communal open space. This is discussed in Issues section of this report.</p>

Clause 29 – Standards that cannot be used to refuse a boarding house (i.e. if the development complies with these standards they cannot form part of any refusal)		
Standard	Complies	Comment
<p>2(b) Landscaped area</p> <p>Front setback to be consistent with streetscape</p>	Yes	<p>The proposal was referred to Council's Landscape Officer and the proposed roof top terrace is considered acceptable. A condition is recommended to achieve a landscaped roof that is accessible and includes provision for appropriate plantings, drainage and materials.</p> <p>It is noted that the existing front facade, which is constructed to the street alignment, is being retained and therefore there is zero front setbacks to the street. This is consistent with other buildings within the row.</p>
<p>2(c) Solar access</p> <p>Min. 1 communal living area to receive min. 3 hours direct sunlight between 9:00am and 3:00pm in midwinter.</p>	No	<p>The communal living area is proposed at ground floor on the south western side of the site. Due to its orientation the living area is not able to receive a minimum of 3 hours direct sunlight between 9:00am and 3:00pm in mid-winter.</p> <p>Given the living area has large glazed windows to provide light and ventilation, and there are two other communal gathering areas located at first and second floors, the proposed communal living area is considered acceptable.</p> <p>In addition, the communal open space area located at roof level will receive a minimum of 3 hours direct sunlight between 9:00am and 3:00pm in mid-winter for the use of all occupants.</p>
<p>2(d) Private open space</p> <p>(i) Min. 20sqm with min. 3m width</p>	Yes	<p>An area of 95.7sqm of outdoor communal open space is provided at roof level with a minimum width of 3.9m.</p>

Clause 29 – Standards that cannot be used to refuse a boarding house (i.e. if the development complies with these standards they cannot form part of any refusal)		
Standard	Complies	Comment
2(e) Parking (i) 0.2 parking spaces provided for each boarding house room for sites in an accessible area.	No	The development does not provide onsite car parking. Given the proximity of the site to the city and public transport availability, the proposed lack of car parking is acceptable in this instance.
2(f) Accommodation size (i) Min.12sqm for single lodger rooms (ii) Min.16sqm for double lodgers rooms (excluding any area used as a private kitchen/ bathroom)	Yes	All 10 boarding rooms comply with the minimum accommodation size requirements. The single occupancy rooms have a minimum size of 15.7sqm and the double occupancy rooms have a minimum size of 16.2sqm, excluding private kitchens and bathrooms as stated by the Clause.

39. Clause 30 states that a consent authority must not grant development consent to which Division 3 applies unless it is satisfied of each of the following:

Clause 30 – Standards for boarding house		
Standard	Complies	Comment
1(a) At least one communal living room is to be provided	Yes	One communal living room is provided and communal seating areas are located at first and second floor.
1(b) No boarding room is to have a gross floor area (excluding private kitchen or bathroom facilities) of more than 25m ²	Yes	All boarding rooms have a gross floor area of less than 25sqm excluding kitchen and bathroom facilities. The maximum room size is 24.6sqm.
1(c) No boarding room to be occupied by more than 2 adult lodgers	Yes	All boarding rooms are single or double occupancy.

Clause 30 – Standards for boarding house		
Standard	Complies	Comment
1(d) Adequate bathroom and kitchen facilities available for use of each lodger	Yes	Each boarding room is provided with a kitchen and bathroom. Communal laundry facilities are located at first and second floor.
(1e) A boarding room or on-site dwelling to be provided for a boarding house manager if boarding house has a capacity of 20 or more lodgers	N/A	The boarding house will have a maximum of 18 occupants and therefore no manager accommodation is required to be provided on site.
1(g) If the boarding house is zoned primarily for commercial purposes, no part of the ground floor that fronts a street will be used for residential purposes except where permitted under an EPI.	Yes	The LEP permits boarding houses with consent within the B2 - Local Centre zone.
1(h) At least 1 bicycle and 1 motorcycle parking space to be provided for every 5 rooms.	Partial compliance	<p>The application proposes two bicycle spaces in accordance with the standard.</p> <p>No motorcycle parking is provided on site however, the applicant has submitted a Clause 4.6 request to vary this development standard.</p> <p>See discussion under the heading Issues.</p>

Clause 30A – Character of the local area

40. Clause 30A states that a consent authority must not consent to development consent for a boarding house unless it has taken into consideration whether the design of the development is compatible with the character of the local area.
41. The site is located within a mixed use heritage conservation area. Subject to conditions the proposed boarding house, which utilises the existing three storey building envelope with minor external alterations at ground floor and provision for a roof terrace, is in keeping with the character of the area and respects the heritage item and heritage conservation area.
42. The proposed use and intensity are in keeping with the character of the surrounding area. As such the application is consistent with clause 30A of the SEPP.

Sydney LEP 2012

43. The site is located within the B2 - Local Centre zone. The proposed use is defined as a boarding house and is permissible.
44. The relevant matters to be considered under Sydney Local Environmental Plan 2012 for the proposed development are outlined below.

Compliance Table		
Development Control	Compliance	Comment
4.3 Height of Buildings	No	<p>A maximum height of 15m is permitted.</p> <p>A height of 15.3m is proposed.</p> <p>The variation is supported, as the increase in building height is a result of proposed lift and stair access to the communal open space at roof level. This is discussed in the Issues section of this report.</p>
4.4 Floor Space Ratio	No	<p>A maximum FSR of 2:1 is permitted.</p> <p>A FSR of 2.4:1 is proposed.</p> <p>The variation is supported, as the existing building exceeds the permitted FSR and the proposed development results in a decrease of this non-compliance. This is discussed in the Issues section of this report.</p>
4.6 Exceptions to development standards	Yes	Supported as discussed in Issues section of this report.
5.10 Heritage conservation	Yes	<p>The site is a heritage item (1996) and is located with the King Street Heritage Conservation Area (CA47).</p> <p>See discussion under the heading Issues.</p>

Part 6 Local Provisions - Height and Floor Space	Compliance	Comment
Division 4 Design excellence	Yes	Subject to conditions outlined under the Issues heading below, the proposed development satisfies the requirements of this provision. The design achieves a high standard of architectural design, with materials and detailing appropriate to both the existing heritage item, surrounding buildings and conservation area.

Part 7 Local Provisions - General	Compliance	Comment
Division 1 Car parking ancillary to other development	Yes	No car parking is proposed and the proposal complies with this provision.
7.14 Acid Sulphate Soils	Yes	The site is identified as containing class 5 Acid Sulfate Soil. Council's Health and Building Unit have reviewed the proposal and are satisfied the land is suitable for the proposed use.

Sydney DCP 2012

45. The relevant matters to be considered under Sydney Development Control Plan 2012 (DCP) for the proposed development are outlined below.

2. Locality Statements – North Newtown

The subject site is located in the North Newtown locality. Subject to conditions the proposed development is considered to be in keeping with the unique character of the area and design principles in that it responds to and complements the heritage item and its setting within the heritage conservation area. In addition, the proposal serves to retain the scale and massing of the front elevation of the building when viewed from King Street.

3. General Provisions	Compliance	Comment
3.2 Defining the Public Domain	Yes	Subject to conditions the proposed development will enhance the public domain by maintaining an active street frontage to King Street.
3.5 Urban Ecology	Yes	The proposed development will retain the existing street trees and will not adversely impact on the local urban ecology.
3.6 Ecologically Sustainable Development	Yes	The proposal satisfies BASIX and environmental requirements.
3.9 Heritage	Yes	<p>The site is a heritage item (1996) and is located with the King Street Heritage Conservation Area (CA47).</p> <p>See discussion under the heading Issues.</p>
3.11 Transport and Parking	Yes	<p>The DCP does not specify minimum bicycle parking requirements for boarding houses.</p> <p>Amended plans were submitted incorporating two bicycle parking spaces within the lift lobby at first and second floor level. Council's Transport Specialist has reviewed the revised bicycle parking and raises no objection to the proposal subject to conditions.</p>
3.12 Accessible Design	Yes	<p>The proposal includes provision for appropriate access and facilities for persons with disabilities. The main entrance to the boarding house is located off Brown Street and includes an accessibility ramp to the lift car, one accessible boarding room is provided at first floor level and an accessible toilet is located adjacent to the communal living space at ground floor level.</p> <p>A condition of consent is recommended requiring the development to comply with relevant standards for accessibility.</p>

3. General Provisions	Compliance	Comment
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	Yes	<p>The original proposal included a waste storage room at ground floor and bins were to be transported through the entrance lobby for kerbside collection.</p> <p>Amended plans and a revised Waste Management Plan were submitted for a larger waste collection room at ground floor with separate access to Bucknell Lane. The Waste Management Plan specifies that waste will be collected on-site by a private contractor</p> <p>Council's Waste Management Specialist has reviewed the amended proposal and raises no objection to the waste management arrangements subject to conditions.</p>
3.16 Signage and Advertising	Yes	<p>The application site is located within the King Street Newtown signage precinct and the proposal includes the removal of 1 vertical projecting sign and new building identification signs. The signs include the logo 'The Turret', being the name of the boarding house, and the street number of the site.</p> <p>The existing vertical projecting sign on the King Street façade does not comply with the requirements of the DCP particularly in relation to its upper floor location and negative impact on the heritage item. The sign is a detracting element and its removal is considered to be an example of positive conservation works to the façade as part of the development application. The removal of the sign is supported.</p>

3. General Provisions	Compliance	Comment
		The proposed signs are consistent with the objectives and provisions of the DCP in terms of scale, design and location. The signs are designed to fit within the architectural elements of the heritage item and are located at ground floor awning level and below only. The signs do not create visual clutter and are compatible with the materials, finishes and colours of the building and streetscape.
3.16.1 Signage Strategy	No	A waiver of the requirement for a signage strategy is sought as it is considered the proposal is minor in nature, and satisfies the objectives of the DCP in relation to signage.

4.4.1 Boarding Houses	Compliance	Comment
4.4.1.1 Subdivision	Yes	The DCP does not permit strata or community title subdivision of boarding houses. No subdivision is proposed.
4.4.1.2 Bedrooms		
<p>(1) The gross floor area of a bedroom is to be at least:</p> <p>(a) 12sqm (including 1.5sqm for wardrobe); plus</p> <p>(b) 4sqm when second adult occupant is intended; plus</p> <p>(c) 2.1sqm for any ensuite (which must include a hand basin and toilet); plus</p> <p>(d) 0.8sqm for any shower in the ensuite; plus</p> <p>(e) 1.1sqm for any laundry; plus</p> <p>(f) 2sqm for any kitchenette</p>	Yes	<p>The proposed rooms have gross floor areas ranging between 15.7sqm and 24.6sqm, each room being provided with an ensuite and kitchen.</p> <p>It is noted that the ensuites within the single occupancy rooms have floor areas of 2.9sqm and the minimum requirement is 3sqm when a shower is provided. This is a minor non-compliance and the boarding room bathrooms are considered acceptable.</p>

4.4.1 Boarding Houses	Compliance	Comment
(2) Each bedroom must have access to natural light	Yes	All boarding rooms will have access to natural light.
(3) Ensure ceiling height for double bunks is 2.7m	N/A	No boarding rooms with double or triple bunks are proposed.
(4) Each bedroom is to meet the fire safety standards of a sole occupancy unit for a class 3 building in the BCA	Yes	<p>As stated within the accompanying BCA Report, the proposed boarding house is classified as a Class 3 building, with each room meeting the applicable fire safety standards.</p> <p>The proposal has been reviewed by Council's Building Unit and no objection is raised in relation to the fire safety standard of bedrooms subject to conditions.</p>
4.4.1.3 Communal kitchen areas	Yes	<p>Each boarding room has a kitchenette that contains a sink, stove top cooker, bench and storage. Space is provided underneath the benches for a refrigerator within each unit and a condition is recommended to ensure that refrigerators are provided for residents.</p> <p>A condition is recommended for the double occupancy rooms to have stove tops set away from the boarding room entry door for safety.</p> <p>The common room on the ground floor has a kitchen also. It has two stove top cookers, two sinks, bench and cupboard space.</p> <p>It is considered that adequate cooking facilities have been provided for the residents.</p>
4.4.1.4 Communal Living Areas and Open Space		
(1) Provide indoor communal living areas with a minimum area of 12.5sqm or 1.25sqm per resident and a width of 3m	Yes	<p>The communal living area has an area of 26.5sqm with a width of 4.6m.</p> <p>Two additional communal seating areas are located at first and second floors with areas of 7.1sqm and 6.1sqm respectively.</p>

4.4.1 Boarding Houses	Compliance	Comment
<p>(2) Indoor communal living areas are to be located</p> <p>(a) near commonly used spaces with transparent doors to enable natural surveillance from resident circulation</p> <p>(b) adjacent to communal open space</p> <p>(c) to receive a minimum 2 hours solar access to at least 50% of the windows during 9am and 3pm on 21 June</p> <p>(d) on each level of a multistorey boarding house where appropriate; and</p> <p>(e) where they will have minimal impact on bedrooms and adjoining properties</p>	Partial compliance	<p>The living area is located next to the entrance lobby with large windows and the proposal includes communal seating areas at first and second floor adjacent to communal laundry facilities.</p> <p>The common areas will have minimal impact on bedrooms and adjoining properties with the primary communal living space located at ground floor.</p> <p>The proposed primary communal living area is not located adjacent to the communal open space area. However, the living area at ground floor is easily accessible with lift access to the roof level outdoor space.</p> <p>Due to its orientation the living area is not able to receive a minimum of 3 hours direct sunlight between 9:00am and 3:00pm in mid-winter. On balance, the communal living area receives adequate daylight and ventilation from a large window and double doors and the proposed communal living room is acceptable.</p>
<p>(3) Communal open space is to be provided with a minimum area of 20sqm and a minimum dimension of 3m</p>	Yes	<p>The communal open space is required to have a minimum area of 20sqm and a minimum dimension of 3m. The proposed open space has an area of 95.7sqm and a minimum dimension of 3.9m.</p>

4.4.1 Boarding Houses	Compliance	Comment
<p>(4) Communal outdoor open space is to be located and designed to:</p> <p>(a) Generally be north facing to receive a minimum 2 hours solar access to at least 50% of the area during 9am and 3pm on 21 June</p> <p>(b) be provided at ground level in a courtyard or terrace area, where possible</p> <p>(c) provide partial cover from weather</p> <p>(d) incorporate soft or porous surfaces for 50% of the area</p> <p>(e) be connected to communal indoor</p> <p>(f) contain communal facilities such as barbeques, seating and pergolas where appropriate</p> <p>(g) be screened from adjoining properties and the public domain with plantings, such as trellis with climbing vines</p>	Partial compliance	<p>The communal outdoor space is on the roof level of the building and will receive a minimum 2 hours solar access to at least 50% of the area during 9am and 3pm on 21 June.</p> <p>A light weight shade structure is provided on the roof top terrace. The structure provides an appropriate form of shade and shelter for occupants.</p> <p>A condition is recommended to require details of lighting to the roof top terrace to be submitted and approved to ensure the terrace is safe and usable until 10pm.</p> <p>Planter boxes are provided around the perimeter of the open space area which provide soft landscaping and assist with screening from nearby properties.</p> <p>No BBQ area is proposed however, communal seating is provided and the proposed communal open space is acceptable.</p>
<p>(5) 30% of all bedrooms are to have access to private open space with a minimum 4sqm in the form of balcony or terrace area.</p>	No	<p>The proposed development does not include private open space for bedrooms. It is considered that balcony additions would result in incongruous additions to the elevations of the heritage item and would fail to preserve the heritage significance of the item and heritage conservation area. In addition a large area of open space is available for all occupants to utilise at roof level. The non-compliance with this provision is considered acceptable in this instance.</p>

4.4.1 Boarding Houses	Compliance	Comment
4.4.1.5 Bathroom, laundry and drying facilities		
<p>(1) Communal bathroom facilities accessible to all residents 24 hours per day are to be provided with at least:</p> <p>(a) one wash basin, with hot and cold water, and one toilet for every 10 residents, or part thereof, for each occupant of a room that does not contain an ensuite; and</p> <p>(b) one shower or bath for every 10 residents, or part thereof, for each occupant of a room that does not contain a shower.</p>	Yes	<p>Each room is provided with a bathroom and therefore communal bathrooms are not required. One toilet and one communal accessible toilet are located at ground floor for the use of occupants.</p> <p>The proposal includes washing machines, dryers and laundry tubs at first and second floor.</p>
<p>(2) Laundry facilities are to be provided</p> <p>(a) one 5kg capacity automatic washing machine and one domestic dryer for every 12 residents or part thereof; and</p> <p>(b) at least one large laundry tub with hot and cold running water.</p>	Yes	The proposal includes one 10kg capacity washing machine, one 10kg capacity dryer and one laundry tub at both first and second floor.
<p>(3) Drying facilities, such as clotheslines located in a communal open space, are to be located to maximise solar access and ensure that the usability of the space is not comprised.</p>	Partial compliance	No outdoor drying area is provided however, the 10kg capacity dryers located at first and second floor level are acceptable.

4.4.1 Boarding Houses	Compliance	Comment
4.4.1.6 Amenity, safety and privacy		
(1) Boarding houses are to maintain a high level of resident amenity, safety and privacy	Yes	The proposed layout of the boarding house will provide occupants with an adequate level of amenity and privacy. Communal spaces are safe and accessible and appropriate separation distances with bedrooms are provided.
(2) Boarding houses are to be designed to minimise and mitigate any impacts on the visual and acoustic privacy of neighbouring buildings	Yes	<p>The majority of the boarding rooms are south west facing and look across Brown Street. There are two south east facing units, which look across Buckland Lane to the rear. The communal areas face south west and north west. The roof terrace is set away from the residential flat building to the south east of the site. The buildings to the north and west are commercial and therefore, do not present adverse privacy and acoustic concerns for future residents of the boarding house.</p> <p>A condition is recommended to restrict use of the outdoor common area between 10.00pm and 7.00am the following day, and the doors to the internal communal living area shall not be open after 10.00pm and before 7.00am, the following day.</p> <p>This will minimise any adverse impacts for neighbouring properties.</p>
(3) The consent authority may request an acoustic report	Yes	An acoustic report has been provided with the application, which has been reviewed by Council's Health Unit and subject to compliance with the recommendations contained therein, is satisfactory.

4.4.1 Boarding Houses	Compliance	Comment
(4) Boarding houses classified as class 3 by the BCA are to make private contracting arrangements for garbage disposal	Yes	<p>Amended plans and a revised Waste Management Plan were submitted for a larger waste collection room at ground floor with separate access to Bucknell Lane. The Waste Management Plan specifies that waste will be collected on-site by a private contractor</p> <p>Council's Waste Management Specialist has reviewed the amended proposal and raises no objection to the waste management arrangements subject to conditions.</p>
(5) A boarding house with more than 75 rooms is to be supported by a traffic report	N/A	The proposed boarding house contains 10 rooms and this provision does not apply.
4.4.1.7 Plan of Management		
(1) An operating 'Plan of Management' is to be submitted with a development application for demand for and new or existing boarding houses to ensure that it operates with minimal impact on adjoining owners and maintains a high level of amenity for residents, including details of:		
(a) the boarding house staffing arrangements	N/A	No manager's room is required and therefore this is not required to be addressed within the Plan of Management.
(b) any house rules	Yes	The Plan of Management adequately addresses the house rules for the boarding house including resident behaviour, maintenance of rooms, common areas, access, room occupancy information, details of how complaints will be handled, and general information on room furnishings, cleaning, health, and safety and security requirements.

4.4.1 Boarding Houses	Compliance	Comment
(c) plans outlining the occupancy rate for each sleeping room, room furnishings, provisions of communal areas and facilities, and access and facilities for people with a disability	Yes	<p>The Plan of Management outlines the total number of rooms, being 10 rooms. 8 rooms are identified as double occupancy rooms, one of which is accessible. 2 rooms are identified as single occupancy rooms.</p> <p>The Plan of Management outlines an inventory for each room and provisions for communal space and facilities.</p>
(d) measures to minimise unreasonable impact to the habitable areas of adjoining properties, including the management of communal open spaces	Yes	<p>The hours of use for the common areas are discussed above.</p> <p>The Plan of Management details how complaints will be handled, which is satisfactory.</p>
(e) waste minimisation, recycling and collection arrangements, including the servicing of 'sharps' and sanitary napkin receptacles	Yes	On-site waste management is outlined within the Plan of Management. This is further supported by the submitted Waste Management Plan and floor plans as discussed above.
(f) professional cleaning and pest and vermin control arrangements, which at a minimum should include the weekly professional cleaning of shared facilities such as kitchens and bathrooms	Yes	The Plan of Management states that regular pest control measures will be implemented to ensure the complex is free of threats and a Pest Management Plan is to be in place prior to occupation.
<p>(g) safety and security measures including, but not limited to:</p> <p>(i) perimeter lighting</p> <p>(ii) surveillance or security camera systems</p> <p>(iii) fencing and secure gates</p> <p>(iv) room and access key arrangements</p> <p>(v) a landline telephone for residents to ring emergency services</p>	Yes	<p>A swipe card will be issued to all occupants to access the common areas and individual rooms.</p> <p>The Plan of Management refers to safety and security measures for all residents which includes but is not limited to measures such as internal signage indicating the manager's contact number, emergency contact numbers for essential services such as fire, ambulance and police, installation of entrance lighting and all residents to have their own keys.</p>

4.4.1 Boarding Houses	Compliance	Comment
<p>(h) internal signage including:</p> <p>(i) the name and contact number of the property caretaker or manager</p> <p>(ii) emergency contact numbers for essential services</p> <p>(iii) house rules</p> <p>(iv) a copy of the annual fire safety statement and current fire safety schedule</p> <p>(v) and floor plans that will be permanently fixed to the inside of the door of each bedroom to indicate the available emergency egress routes from the respective bedroom</p>	Yes	<p>A visible sign is to be placed at the entrance of the building and within the foyer which provide the contact number of the manager for neighbours and residents to call if required.</p> <p>Identification signs will be installed for each boarding room, the communal living room and the communal open space.</p> <p>Internal signage will be displayed in each boarding room and communal living areas to inform occupants of maximum number of occupants per room, House Rules, emergency contact numbers for essential services, annual fire safety statement and current fire safety schedule, and emergency egress routes and evacuation plan.</p> <p>The hours of use of communal open space prominently displayed within the communal open space.</p>

Issues

Clause 4.6 Variations to development standards - Floor space ratio and building height

46. The existing turret at the front of the building exceeds the building height development standard however the existing roof addition complies with the maximum height control as prescribed by the LEP. The proposed roof addition will result in a minor non-compliance with the building height development standard.
47. The existing building exceeds the floor space ratio (FSR) development standard for the site as prescribed by the LEP.
48. The proposal results in an overall decrease in the existing gross floor area at ground, first and second floor level by 22.27sqm as a result of increased areas of vertical circulation (lift and stair access) which are excluded from the floor space ratio calculation. The proposed roof addition is also excluded from this calculation as the only enclosed areas of floor space are the stair, lift and old lift motor. The table below illustrates the existing and proposed FSR and building height of the roof additions.

Development standard	Existing building	Proposed building
Floor space ratio 2:1	2.48:1 (134.87sqm or 24.2% variation)	2.4:1 (112.6sqm or 20.2% variation)
Building height 15m	13.9m roof addition (complies)	15.3m roof addition (0.3m or 2% variation)

49. A rooftop communal area is proposed as part of the boarding house development. In order to provide equitable access to this space, lift access is required. It is the provision of this enlarged structure, including the lift and stair access, which results in an increased non-compliance with the height development standard as prescribed by the LEP. See Figures 17 and 18 below.

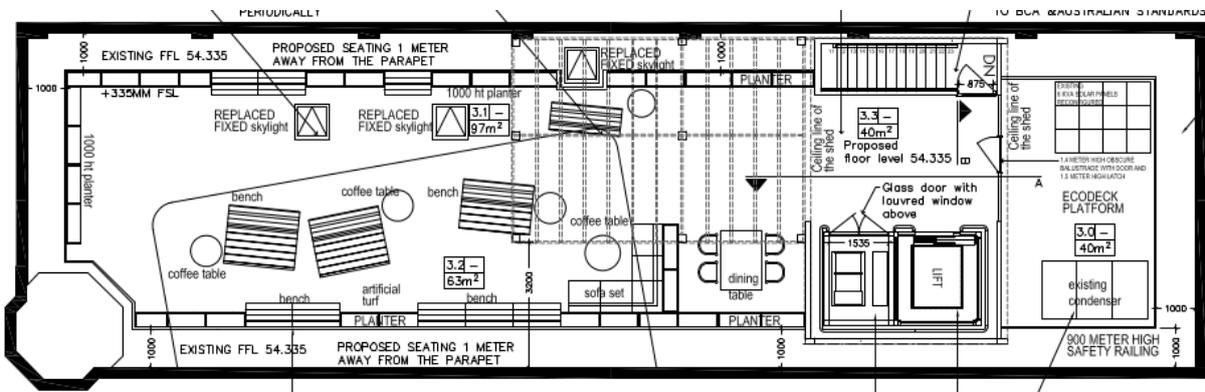


Figure 17: The roof plan showing the additional floor area

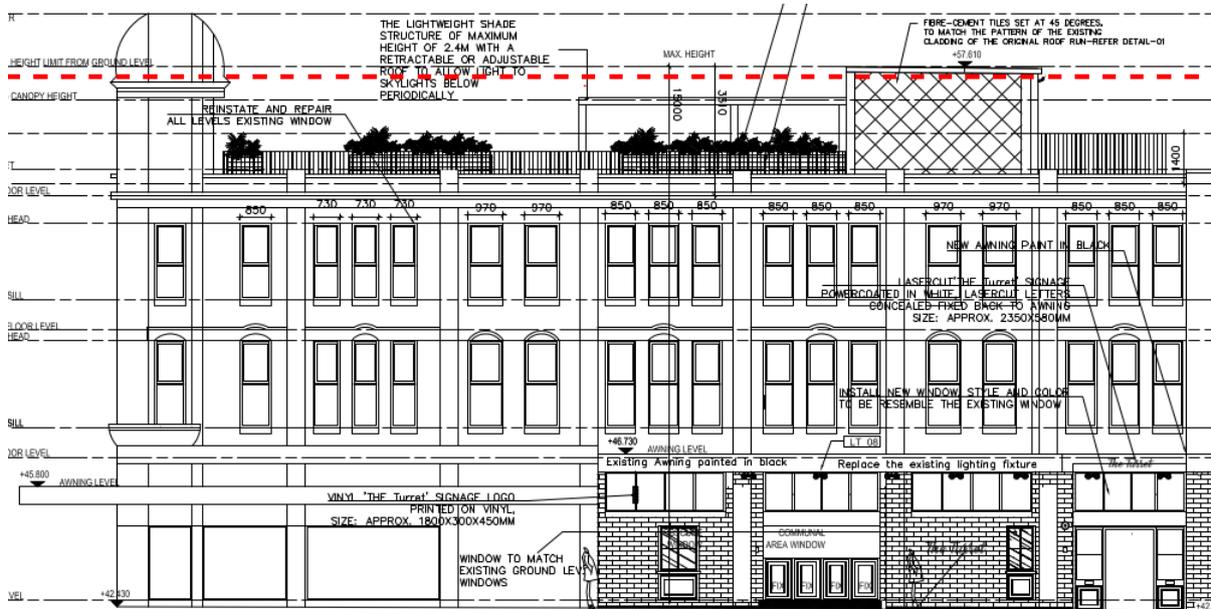


Figure 18: The Brown Street elevation showing the 15m height limit

50. The proposed roof addition replaces an existing lift over run structure shown in Figures 19 and 20 below. The proposed addition is modest in size with appropriate setbacks from the street. The bulk of the new form is concentrated to the north east and east of the roof and the structure will not appear significantly different in scale and appearance to that of the existing structure, when viewed from King Street and northern Brown Street. The proposed roof addition has been reviewed by Council's Heritage and Urban Design Specialists who raise no objection to the visual bulk and appearance of the structure. The addition is considered to be generally consistent with the objectives of Section 4.1.1 of the DCP and is considered acceptable.



Figure 19: View of existing roof structure looking east



Figure 20: View of existing roof structure looking north

51. The applicant has lodged a written request for an exception to the development standards Clause 4.3 Building height and Clause 4.4 Floor space ratio in accordance with Clause 4.6(3) of the LEP. Clause 4.6 allows the consent authority to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes.
52. The applicant has provided the following points in arguing that the standard is unreasonable or unnecessary in this instance:
 - (a) The proposal does not involve building works resulting in a net increase in the existing FSR.
 - (b) The proposal facilitates the provision of additional affordable housing within close proximity of several forms of public transport, employment opportunities, and education facilities.
 - (c) The proposal involves the retention of the existing retail premises on the ground floor, which will continue to serve the needs of people who live in, work in and visit the local area. It will also continue to provide activation of the King Street frontage.
 - (d) The existing floor area regulates the density of development, built form and land use intensity that can be achieved on this site. There will not be any increase in traffic or parking demand as a result of the proposal and pedestrian traffic will be regulated through dedicated access points.
 - (e) The proposal will allow the preservation of a contributory building within the King Street Conservation Area and Special Character Area and is therefore considered to be consistent with the character of the local area.

- (f) A boarding house is considered to be an appropriate residential use above the existing retail space, and it will support the vitality of the King Street commercial precinct.
 - (g) The minor increase in height is the result of minimum clearances required for the new lift shaft which provides access to the roof top communal open space for all persons. Given the proposal involves adaptive reuse of a heritage-listed building of local significance, the lift shaft height is fixed and cannot be altered. The height of the pergola structure matches this same height to ensure there is adequate clearance for people standing under it.
 - (h) The roof top communal open space is considered to be integral to the proposal in that it provides significant amenity for boarders by providing an area for gathering, social interaction, access to natural light and sunshine, and panoramic views.
 - (i) The lift shaft and pergola are setback from front, side and rear boundaries; will not dominate the view of the building from the street level; and is below, well behind, and remains subservient to, the height of the existing turret, which has a height of 16.69m.
 - (j) The additional height will have no impact on adjoining properties in terms of overshadowing or obstructing views.
 - (k) The very minor variation to the height limit will not impact on the ability of the site to provide an appropriate height transition between the adjoining multi-storey residential development to the south-east and the surrounding heritage items/heritage conservation.
53. As per Clause 4.6(4)(a)(i), it is considered that the applicant has suitably addressed that compliance with the development standard is not reasonable or necessary in the circumstance. It is also considered that the applicant has suitably addressed that there are environmental planning grounds to justify the contravention of the development standard. This is further discussed below when assessing the contravention against the zone and development standard objectives.

Floor space ratio

54. The proposed development is considered to be consistent with the objectives of Clause 4.4 (Floor space ratio) for the following reasons:
- (a) The proposal results in an overall decrease in total FSR and is considered acceptable in terms of density, built form and land use intensity of the existing building and site. The scale of the development and intended occupancy is not considered to result in vehicle and pedestrian traffic that would be unacceptable for King Street and the vicinity of the site.
 - (b) The development involves the adaptive reuse of an existing building with the exception of the replacement roof addition and roof top terrace. The existing infrastructure is considered to be capable of providing for the proposed development.

- (c) The proposal is in keeping with the character of the existing heritage item and its setting in the locality. The proposed materials of the roof addition minimises the visual impact of the addition and the roof top terrace is appropriately setback from neighbouring residents to the south east. The proposal is considered to minimise adverse impacts on the amenity of the North Newtown locality.

Building height

- 55. The proposed development is considered to be consistent with the objectives of Clause 4.3 (Height of buildings) for the following reasons:
 - (a) The roof addition does not exceed the maximum height of the existing heritage item and would not exceed the height of the neighbouring six storey residential flat building at 2-6 Brown Street. As such, the height of the development is considered to be appropriate to the context of the site.
 - (b) The proposed development allows for a communal roof terrace which will provide amenity for the occupants of the site.
 - (c) The height of the roof addition allows equitable access to and use of the communal roof terrace.
 - (d) The communal roof terrace is the only area of communal open space will received direct sunlight at midwinter. This is consistent with the requirements for communal open space.
 - (e) The additional height does not interrupt views of vistas. Additionally it does not result in an unacceptable level of overshadowing and is not considered to result in any adverse privacy or amenity impacts.
- 56. The proposed development is considered to be consistent with the objectives of the B2 Local Centre zone in terms of FSR and building height, as it enables land uses that provide facilities or services to meet the needs of people who live in, work in and visit the local area, and ensures uses support the vitality of local centres.
- 57. The non-compliance with FSR and building height development standards is related to the existing building footprint, and the replacement roof addition containing the lift and stair access. The development provides good amenity, represents an acceptable heritage outcome, does not adversely impact on the amenity of surrounding residents and presents a good design outcome.
- 58. Therefore, it is considered that all the requirements of Clause 4.6 of the LEP are satisfied and the Clause 4.6 exception to the development standards is supported.

Heritage and Urban Design

- 59. The site is listed as a heritage item and comprises a three storey federation style commercial building. The building contains original external and internal fabric including brick façade, double-hung timber windows, pressed metal ceilings and the lift motor room. The proposal is subject to the relevant heritage provisions of the LEP and DCP.
- 60. The proposed use is acceptable on heritage grounds given the building has formerly been used for educational, commercial and accommodation uses.

61. The internal works are acceptable as original features are retained and incorporated into the design of the building. The window design, timber stair and pressed metal ceilings are retained and the original lift car is interpreted near the new lift in the communal living area on the ground floor which is supported.
62. With regard to the proposed external alterations, Council's Heritage Specialist supports the repainting of external timber and render, removal of external sign at first floor, repair of console to the tower and repair to flashings. These conservations works are considered to have a positive impact on the design and appearance of the heritage item.
63. At ground floor level, the building has been modified to accommodate commercial uses. The proposed external materials at ground floor are 'clay brick tiles'. The applicant has not submitted any further details of the proposed materials. A condition is recommended requiring details to be submitted of the proposed ground floor exterior to ensure the materials are in keeping with the character and appearance of the heritage item.
64. Design modifications were sought in relation to the scale of the roof addition and how this reads from King Street and north Brown Street. Amendments include the reduction in size of the roof addition; an increased setback of the roof top terrace from the parapet of 1m; the removal of side windows; and the refining of external cladding of the addition to be in keeping with the existing roof addition cladding. The proposed cladding consists of fibre cement tiles set at the same angle as the existing tiles and the colour of the addition is to be submitted to Council for approval by way of condition. See Figure 21 which shows the cladding of the existing roof addition.



Figure 21: View of cladding to existing roof structure.

65. The revised details have been reviewed by Council's Heritage and Urban Design Specialists and the amendments are supported.

66. Notwithstanding this, appropriate conditions are recommended to preserve the heritage character of the existing heritage item and ensure the new built form is compatible with the surrounding conservation area. The recommended conditions ensure that:
- (a) the works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building;
 - (b) the significant fabric and features of the item are protected during the process of demolition and construction;
 - (c) a heritage consultant experienced in heritage restoration and renovation works is commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project;
 - (d) any archaeological discoveries are appropriately managed;
 - (e) the existing vertical projecting sign is to be removed; and
 - (f) new materials match the existing in terms of colours, finishes, sizes, profile and properties.
67. The proposed development is considered to conserve the heritage significance of the heritage item and conservation area and is consistent with the objectives of the Clause 5.10 of the LEP and Section 3.9.5 of the DCP.

Motorcycle parking

68. The proposal seeks to vary the development standard for motorcycle parking for boarding houses, as contained in the State Environmental Planning Policy (Affordable Rental Housing) 2009 pursuant to Clause 30(1)(h), which states that at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every five boarding rooms.
69. Based upon the above requirements, the proposed development is required to provide for two motorcycle parking spaces.
70. The application does not provide motorcycle parking spaces and a Clause 4.6 request has been submitted to vary Clause 30(1)(h) of ARHSEPP. A total of two bicycle parking spaces have been provided within the lift lobby at first and second floor level.
71. The objective of the development standard is to reduce the reliance on car transport and promote alternative forms of transport of bicycles and motorcycles.
72. The applicant has submitted a written request which sufficiently demonstrates that strict compliance with the development standard to provide motorcycle parking is unreasonable or unnecessary in this instance. The proposal provides a total of two bicycle spaces at first and second floor level, which complies with the SEPP requirements. Given that the site is located in close proximity to public transport and amenities with regular and direct access to the city centre, the lack of motorcycle parking is not considered to be detrimental to the amenity of the building.

73. The proposed development meets the objectives of the B2 - Local Centre zone in that it will continue to provide a range of uses that serve the needs of people who live in, work in and visit the local area and will allow appropriate residential uses to support the vitality of local centres. The lack of motorcycle provision will not diminish the quality of the development and is acceptable in this instance. It is noted that no motorbike parking is required for the site under LEP controls.
74. It is considered that there is sufficient planning grounds to justify the proposed variation to the development standard required by the SEPP and that strict compliance with the requirement is unreasonable or unnecessary in this instance and it is recommended that the Clause 4.6 be supported.

Other Impacts of the Development

75. The proposed development is capable of complying with the BCA. The building is Class 3 Boarding House and Class 6 Shop/commercial at ground floor.
76. It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

Suitability of the site for the Development

77. The proposal is of a nature in keeping with the overall function of the site. The premises are in a commercial/residential surrounding and amongst similar uses to that proposed.

Internal Referrals

78. The application was discussed with the Heritage and Urban Design Specialists; Building Services Unit; Environmental Health; Public Domain; Safe City; Surveyors; Transport and Access and Waste Management; who advised that the proposal is acceptable subject to the recommended conditions.
79. The conditions of other sections of Council have been included in the proposed conditions.

External Referrals

Notification, Advertising and Delegation (No Submissions Received)

80. In accordance with Schedule 1 of the DCP, the proposed development is required to be notified and advertised. As such the application was notified and advertised for a period of 21 days between 14 December 2017 and 11 January 2018, no submissions were received.

Public Interest

81. It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

S7.11 Contribution

82. The boarding house will provide affordable rental housing accommodation however, it is not to be provided by a social housing provider. Consequently, the proposed development is not excluded and will be subject to a S7.11 contribution under the provisions of the City of Sydney Development Contributions Plan 2015.

83. The applicant has not provided justification for credits to be applied for any existing workers on the site other than the ground floor commercial use.

84. The following monetary contribution is required towards the cost of public amenities:

(a) Open space	\$72,879.65
(b) Community facilities	\$14,796.50
(c) Traffic and transport	\$11,903.80
(d) Stormwater drainage	\$4,707.16
Total	\$104,287.11

Relevant Legislation

85. The Environmental Planning and Assessment Act 1979.

Conclusion

86. The proposal generally complies with the aims and objectives of the relevant policies and planning controls.
87. The amended proposal is suitable in the subject location, which is accessible to public transport and compatible with surrounding land uses and with future plans for the locality. The proposed conservation works to the existing heritage item are considered to have a positive impact on the streetscape and the roof addition is acceptable in terms of visual bulk is consistent with the characteristics of the heritage item and heritage conservation area.
88. The proposal represents a high quality design and will have a positive impact on the public domain.
89. Although the proposal does not comply with the number of motorcycle spaces required by the ARHSEPP 2009, it is considered that strict compliance with the control is unnecessary and unreasonable in this case. In addition, the proposed variations to FSR and building height development standards under Clause 4.6 of Sydney LEP 2012 are supported.
90. Accordingly, it is considered that the proposed development is acceptable and is recommended for approval, subject to conditions of consent.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

Sheena McGuire, Planner