

**Item 14.****Development Application: 145 Young Street, Redfern****File No.: D/2018/236****Summary****Date of Submission:** 12 March 2018**Applicant:** Mr Frank Seebacher**Designer:** Design Plus Drafting**Owner:** Mr Frank Seebacher and Mrs Justine Smith**Cost of Works:** \$83,600**Proposal Summary:** The subject application seeks consent for alterations and additions to an existing dwelling house at 145 Young Street, Redfern.

In detail, the proposal seeks to excavate and extend the existing subfloor beneath the front bedroom to create a new store room and install a new light and ventilation shaft within the front verandah to serve this store room. It also seeks the widening of the dining roof at ground floor level and the partial infill of the existing southern boundary breezeway on the lower ground floor level and extension of the dining room is also proposed.

The application was notified for a 14-day period between 14 March 2018 and 29 March 2018. No submissions were received.

The application is reported to the Local Planning Panel due to the extent of breach to the Floor Space Ratio (FSR) development standard.

The site has a FSR development standard of 0.8:1. The existing dwelling has a gross floor area (GFA) of 96.4sqm. The proposal results in the creation of an additional 3.1sqm. This equates to a total GFA of 99.5sqm, which results in a FSR of 1.05:1 This is a 31% exceedance to the FSR development standard.

The applicant has submitted a written request seeking to vary the FSR development standard under the provisions

of Clause 4.6 of the Sydney LEP 2012, which is supported in this instance.

**Proposal Summary:** Subject to the deletion of the light and ventilation shaft, the proposal is considered to be consistent with the objectives, standards and guidelines of the relevant planning controls  
**(continued)**

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

**Development Controls:**

- (i) Environmental Planning and Assessment Act 1979
- (ii) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- (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)

**Attachments:**

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Clause 4.6 Variation Request
- D. Shadow Diagrams

**Recommendation**

It is resolved that:

- (A) Pursuant to the provisions of Clause 4.6 of the Sydney Local Environmental Plan 2012, the variation sought to Clause 4.4 Floor Space Ratio contained in the Sydney Local Environmental Plan 2012 be supported in this instance; and
- (B) Consent be granted to Development Application No. D/2018/236 subject to the conditions set out in Attachment A to this report.

**Reasons for Recommendation**

The application is recommended for approval for the following reasons:

- (A) It is consistent with the objectives of the R1 - General Residential zone in that the proposed alterations and additions improve the functionality and liveability of the single dwelling without adverse impacts to the existing bulk and scale;
- (B) The submitted Clause 4.6 variation is supported as the proposed exceedance of the FSR development standard relates to an additional 3.1m<sup>2</sup> of gross floor area arising from the extension of the lower ground floor level dining room. The variation proposed is minor and does not contribute to bulk or scale. Subject to the deletion of the light and ventilation shaft the proposal will be consistent with the objectives and standards of the planning controls for the site, and will not result in any adverse environmental or heritage impacts.

## Background

### The Site and Surrounding Development

1. A site visit was carried out by staff on 14 March 2018. The site has a legal description of Lot 3 DP 228224, and is commonly known as 145 Young Street, Redfern. The site is located on the eastern side of Young Street, between Zamia Street and Phillip Street.
2. The site is rectangular in shape with area of approximately 94.8sqm. The site has a primary street frontage of 4 metres to Young Street. There is a fall of approximately 2.5 metres across the site from east to west.
3. Existing on the site is a two-storey plus attic attached dwelling. Due to the fall of the street, the dwelling presents as single storey plus attic when viewed from Young Street.
4. The site is not identified as a heritage item, however, is identified as a contributory building in the Baptist Street Conservation Area ('C53').
5. Surrounding land uses are predominantly residential and characterised by terrace house dwellings. To the west of the site, on the opposite side of Young Street, are the social housing towers at Waterloo. Figures 1 to 3, below, illustrate photos of the site and surrounds.



Figure 1: Aerial image of subject site and surrounding area.



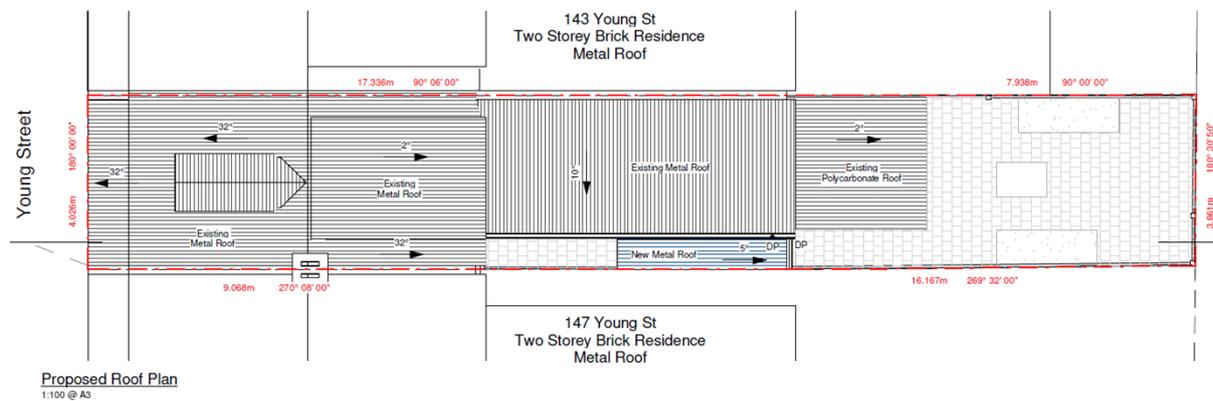
Figure 2: Site viewed from Young Street.



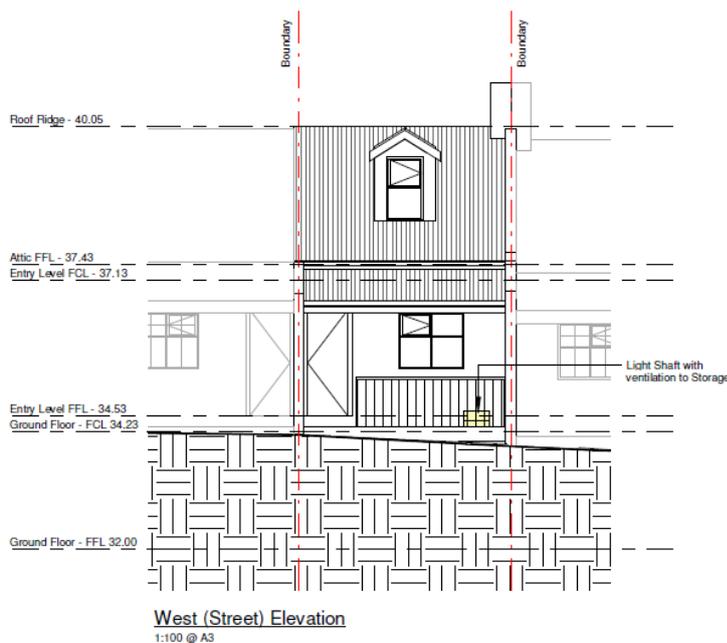
Figure 3: Rear view of the property.

**Proposal**

6. The application seeks consent for alterations and additions to the existing dwelling on the site consisting of:
  - Excavation of the existing subfloor of the lower ground level to create a new storage area;
  - Extension of the lower ground level towards the southern boundary to increase the width and area of the existing dining room; and
  - Installation of a new light and ventilation shaft in the front verandah facing Young Street to service the new lower ground floor storage room.
7. Plans of the proposed development are provided below at Figures 4 to 6. A full set of drawings is provided at Attachment B.



**Figure 4:** Proposed Roof Plan.



**Figure 5:** Proposed West Elevation

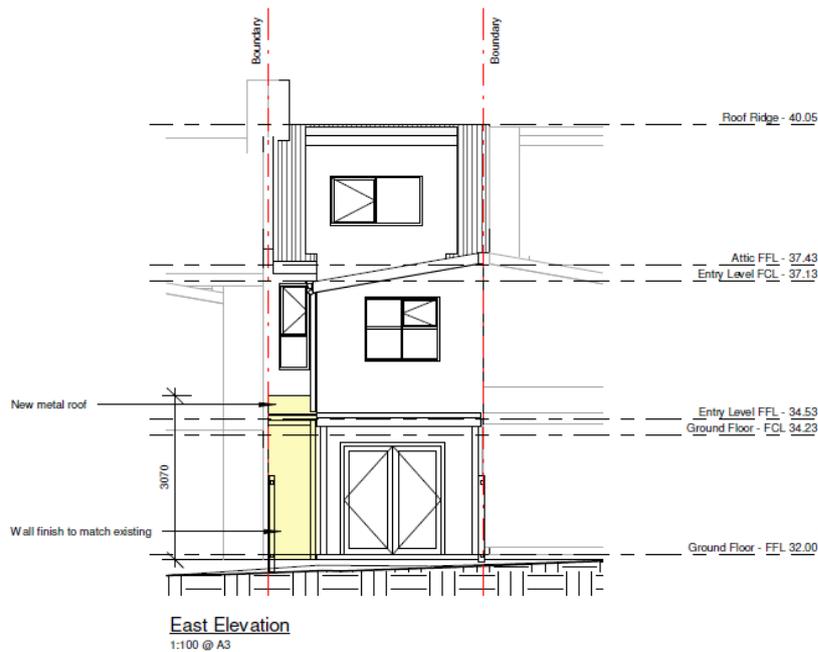


Figure 6: Proposed East Elevation

### Economic/Social/Environmental Impacts

8. 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 (Building Sustainability Index: BASIX) 2004

9. The BASIX Certificate has been submitted with the development application.
10. 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.

### Sydney LEP 2012

11. The site is located within the R1 General Residential zone. The proposed development is for alterations and additions to an existing dwelling house. Dwelling houses are a permissible use within the zone.

12. The relevant matters to be considered under Sydney Local Environmental Plan 2012 for the proposed development are outlined below.

## Compliance Tables

<b>Development Control</b>	<b>Compliance</b>	<b>Comment</b>
4.3 Height of Buildings	Yes	A maximum height of 6m is permitted.  The new building works have a maximum height of 3.07m..
4.4 Floor Space Ratio	No	A maximum FSR of 0.8:1 is permitted.  The existing dwelling has a gross floor area of 96.4sqm, which equates to a FSR of 1.02:1.  The proposed development would result in the creation of an additional 3.1sqm of GFA. This would increase the FSR to 1.05:1. The applicant has submitted a written request to vary the FSR development standard by 31% under the provisions of Clause 4.6 of SLEP 2012.  Refer to the discussion provided below under the heading Issues.
4.6 Exceptions to development standards	Yes	The proposal seeks to vary the FSR development standard prescribed under Clause 4.4 of the Sydney LEP 2012.  See discussion under the heading Issues.

<b>Part 5 Miscellaneous Provisions</b>	<b>Compliance</b>	<b>Comment</b>
5.10 Heritage conservation	Partial compliance	The subject site is a contributory building in the Baptist Street heritage conservation area.  The application has been reviewed by the City's Heritage Specialist.  No objection is raised to the creation of the new subfloor storage room or the extension of the existing lower ground floor level dining room, subject to conditions.

Part 5 Miscellaneous Provisions	Compliance	Comment
		<p>The installation of the proposed light and ventilation shaft in the front veranda is not supported as it detracts from the contributory item and streetscape presentation.</p> <p>Further discussion is provided below under the heading 'Issues'.</p>

Part 6 Local Provisions - Height and Floor Space	Compliance	Comment
6.21 Design excellence	Yes	<p>Subject to the deletion of the light and ventilation shaft from the proposal, the application is considered to exhibit design excellence and be compatible with the existing dwelling. On this basis, the provisions of this clause are satisfied.</p>

Part 7 Local Provisions - General	Compliance	Comment
7.4 Car parking - Dwelling houses, attached dwellings and semi-detached dwellings	Yes	<p>A maximum of two car parking spaces are permitted.</p> <p>No car parking spaces are proposed or existing on the site.</p>
7.14 Acid Sulphate Soils	Yes	<p>The site is identified as containing class 5 Acid Sulphate Soil. The proposed development does not trigger the requirements of this clause.</p>

**Sydney DCP 2012**

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

**2. Locality Statements – Baptist Street**

The subject site is located in the Baptist Street locality. The proposed development is considered to be in keeping with the unique character of the area and design principles, in that it protects the streetscape character and preserves the consistent row of terrace houses. New works are predominately contained at the lower ground level and to the rear of the site retaining the scale of the existing dwelling as viewed from Young Street.

<b>3. General Provisions</b>	<b>Compliance</b>	<b>Comment</b>
3.6 Ecologically Sustainable Development	Yes	The proposal satisfies BASIX and environmental requirements.
3.9 Heritage	Yes	Refer to discussion in the LEP compliance table above and in the Issues section below.

<b>4. Development Types</b>	<b>Compliance</b>	<b>Comment</b>
<b>4.1 Single dwellings, terraces and dual occupancies</b>		
4.1.1 Building height	Yes	<p>A maximum of 1 storey is permitted.</p> <p>The existing dwelling presents as 1-storey and attic when viewed from Young Street, which is consistent with this control. Due to the topography of the site, the dwelling is able to accommodate a lower ground floor that is not visible from Young Street. The rear of the site is not visible from the public domain.</p> <p>The new works do not alter the height or height in storeys of the existing building.</p>

4. Development Types  4.1 Single dwellings, terraces and dual occupancies	Compliance	Comment
4.1.2 Building setbacks	Yes	<p>The lower ground level extension of the dining room is proposed to be built to the southern boundary. This is a partial infill of the existing southern side boundary breezeway.</p> <p>The extent of extension in this location is modest in scale and is single storey being limited to the lower ground floor level. These new works are not uncharacteristic with extensions undertaken on neighbouring dwellings</p>
4.1.3 Residential amenity	Yes	The proposal does not impact on the existing residential amenity and will not have any unreasonable impacts on the residential amenity of neighbouring properties including privacy, solar access and private open space.
4.1.4 Alterations and additions	Yes	The proposed development will not result in an increase in the total height of the existing dwelling. It is considered to be of an appropriate scale and character with regard to the existing building, streetscape and conservation area.

## Issues

### Heritage

14. The site is a contributory building located within the Baptist Street Conservation Area.
15. As detailed in the compliance table, above, no objection has been raised on heritage grounds to the creation of the subfloor storage room or to the extension of the dining room on the lower ground floor level.
16. Concern has been raised with regard to the proposed installation of the light and ventilation shaft that protrudes on to the front verandah.

17. The proposed location of the light and ventilation shaft, will be visible from Young Street and as a result will not comply with the following sections of the DCP:
  - Section 3.9.7 Contributory Buildings - alterations and additions must not significantly alter the appearance of principal facades of a contributory building, except to remove detracting elements.
  - Section 3.9.6 Heritage Conservation Areas - development should respond sympathetically to views to and from the site, and have an appropriate interface with the public domain.
18. The proposed location of the light and ventilation shaft on front verandah is not supported as:
  - (a) it is uncharacteristic to Victorian terraces within the conservation area;
  - (b) is considered to have a prominent and visible position from the public domain; and
  - (c) alters the principal facade of the contributory building as viewed from Young Street.
19. It is recommended that a condition be imposed requiring the deletion of the light and ventilation shaft. There is no amenity or building code issue with removing this shaft, as the room it is proposed to service is a storage area and is not a habitable room.

#### **Storage Area**

20. Subject to the deletion of the light and ventilation shaft, there are no windows proposed for the new storage area. This space cannot be used as a habitable room as there would be inadequate daylight and ventilation for potential future occupants.
21. It is recommended that a condition be imposed to specify that this storage area must not be used as a habitable room and must be used for storage purposes at all times.
22. It is also recommended that permission in writing be obtained from each of the neighbouring properties if underpinning is required to support the party walls.

#### **Floor Space Ratio**

23. Pursuant to Clause 4.4 of the Sydney LEP 2012, the site has a FSR control of 0.8:1.
24. The development seeks to add a further 3.1 square metres of gross floor area (GFA), which would be the new floor space to create the lower ground floor level dining room widening.
25. The documentation submitted with the application states that the proposed additional GFA results in a FSR of 0.99:1. However, these calculations are incorrect as they are not based off the site area of 94.8sqm identified in the submitted Survey Plan.

26. It is noted that the proposed new storage area is excluded from the total GFA of the building, as the use and location of the storage area meets the GFA exclusion criteria as basement storage in the Sydney LEP 2012.
27. With the proposed 3.1 square metres of additional GFA, the total GFA in excess of the development standard is 23.66 square metres. This equates to a total FSR for the site of 1.05:1, which is a 31% variation to the development standard. A summary of the existing and proposed FSR and GFA is provided in the table below:

FSR Control	Existing FSR / GFA	Proposed FSR / GFA	Non-compliance
0.8:1 / 75.84sqm	1.02 / 96.4sqm	1.05:1 / 99.5sqm	Existing - 20.56sqm / 27%  Proposed - 23.66sqm / 31%

28. The applicant has requested an exception to the FSR development standard in accordance with Clause 4.6 of the Sydney LEP 2012. The Local Planning Panel may grant an exception pursuant to the Section 9.1 Direction granted by the Minister for Planning on 23 February 2018.
29. The applicant submits that the proposed FSR of the development is consistent with the FSR objectives of Clause 4.4 of the Sydney LEP 2012 in that:
- The proposal would not compromise the character or nature of the area sought by the local environmental planning framework.
  - The non-compliant FSR does not result in any unreasonable visual or amenity impacts.
  - The non-compliant FSR does not result in any unreasonable overshadowing impacts, largely because the works are single storey.
  - The FSR non-compliance assists with providing improved amenity for residents.
30. The proposed FSR of 1.05:1 is considered acceptable in this instance as:
- The proposed development continues to provide for the housing needs of the community and maintains the existing land use pattern of predominantly residential uses, and is therefore consistent with the objectives of the R1 - General Residential zone.
  - The proposal is consistent with the objectives of the FSR development standard pursuant to Clause 4.4 of the Sydney LEP 2012 as the proposal does not increase the density or intensity of the existing use on the site, and will not impact on the character and amenity of the Baptist Street locality with works contained to the rear and below existing ground level.

- The additional 3.1 square metres is considered minor, and further, it is located at the lower ground level and to the rear of the site, resulting in no change to the principal facade of the dwelling and no significant change to the external built form at the rear.
  - The proposed exceedance of the FSR standard will not result in any significant adverse amenity impacts to surrounding development.
31. It is therefore considered that the written statement provided by the applicant has sufficiently justified that strict numeric compliance with the development standard is unreasonable and unnecessary in this instance.
32. The proposal is in the public interest as it is consistent with the objectives of the zone and the FSR development standard.
33. For the reasons outlined above, there are sufficient environmental planning grounds to justify contravening the FSR development standard and it is recommended that a Clause 4.6 exemption be granted.

#### **Other Impacts of the Development**

34. The proposed development is capable of complying with the BCA.
35. 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**

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

#### **Internal Referrals**

37. The application was discussed with the Heritage and Urban Design Specialists.
38. Where relevant, the conditions of other sections of Council have been included in the proposed conditions.

#### **External Referrals**

#### **Notification, Advertising and Delegation (No Submissions Received)**

39. In accordance with Schedule 1 of the Sydney DCP 2012, the proposed development is required to be notified. As such the application was notified for a period of 14 days between 14 March 2018 and 29 March 2018. No submissions were received.

#### **Public Interest**

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

## S7.11 Contribution

41. The development is exempt from the provisions of the City of Sydney Development Contributions Plan 2015 as alterations and additions to an existing single dwelling are exempt from a contribution under Section 1.3 of the Plan.

## Conclusion

42. The proposal is for alterations and additions to a dwelling house including excavation and extension of the lower ground level to create a new storage room, extension of the lower ground floor dining room and the installation of a new light and ventilation shaft to service the store room.
43. The inclusion of the light and ventilation shaft within the front verandah is not supported on heritage grounds as it detracts from the contributory item and streetscape presentation. This shaft is recommended for deletion by way of a condition. This light and ventilation shaft is not essential to use of the new storage room, as this is not a habitable use and does not required natural light and ventilation.
44. The proposed development results in the creation of an additional 3.1sqm of gross floor area resulting from the extension of the lower ground floor level dining room. The new storage area is excluded from inclusion in the calculation of gross floor area as it meets the LEP definition of basement storage. As a result of the additional gross floor area, the total FSR of the development is proposed at 1.05:1.
45. The applicant has submitted a written request to vary the FSR development standard under the provisions of the Sydney LEP 2012. This Clause 4.6 variation has been supported in this instance as the proposal remains consistent with the objectives of FSR development standard as well as the objectives of the R1 - General Residential zone. Further, the additional GFA is considered minor and results in no change to the principal facade of the dwelling and no significant change to the existing building form.
46. Subject to the deletion of the light and ventilation shaft, the proposal is considered to be consistent with the objectives, standards, and guidelines of the relevant planning controls.
47. Accordingly, the Development Application is recommended for approval, subject to conditions.

**GRAHAM JAHN, AM**

Director City Planning, Development and Transport

Mia Music, Planner