

Item 5.**Development Application: 26-30 City Road Chippendale****File No.:** D/2017/1552**Summary**

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|----------------------------|--|
| Date of Submission: | 10 November 2017 Amended plans submitted 20 April and 31 May 2018 |
| Applicant: | Mecone |
| Architect: | DKO Architecture (NSW) Pty Ltd |
| Developer: | SGCH Portfolio Ltd |
| Owner: | NSW Land and Housing Corporation |
| Cost of Works: | \$18,904,131 |
| Land Use: | Permissible in the B4 - Mixed Use zone |
| Proposal Summary: | The application proposes: <ul style="list-style-type: none">• Demolition of three buildings containing 39 social housing units;• Subdivision;• Construction of a five storey building containing 73 boarding rooms, communal facilities, car parking and landscaping;• One retail tenancy; and• Construction of two x three storey terrace dwellings |

Proposal Summary:
(continued)

The boarding rooms will be divided between Foyer51, containing 53 boarding rooms for youth at risk of homelessness, and 20 affordable rent boarding rooms operated by St George Community Housing (SGCH). The boarding houses will be operated by registered community housing providers with rent provided at below market rent. The terrace dwellings are not proposed to form part of the boarding house and are not proposed to be rented as affordable housing.

The application is presented to the Local Planning Panel for determination as the proposed development seeks to vary the height of buildings development standard and vary the motorbike parking development standard by more than 10%. It is also noted that the City of Sydney has resolved to provide a \$3 million grant to St George Community Housing.

The development has been amended to alter the building expression to City Road; include the construction of two terrace dwellings to Rose Street; provide four motorbike spaces and reduce the number of boarding rooms from 77 to 73.

The building accommodating the boarding houses will exceed the maximum 12 metre height of buildings development standard by up to 3.2 metres (26.6%) measured to the top of the lift overrun and 2.62 metres to the top of the parapet (21.8%). A request to vary the standard has been made pursuant to Clause 4.6 of the Sydney Local Environmental Plan 2012 (Sydney LEP 2012). The building also exceeds the maximum three storey height control under Sydney Development Control Plan 2012 (Sydney DCP 2012). Subject to design modifications to reduce the bulk of the building at the rear, the variation to the standard is in the public interest and is supported.

The development will provide four motorbike spaces, less than the minimum 15 required by the SEPP (Affordable Rental Housing) 2009. A request to vary the standard has been made pursuant to Clause 4.6 of the Sydney LEP 2012. The variation to the standard is in the public interest and is supported.

The development is able to comply with the maximum permitted floor space ratio for the site.

Proposal Summary:
(continued)

Subject to conditions which include the reduction of the bulk of the boarding houses and terrace dwellings at the rear, the development as amended results in an improved relationship with the adjoining heritage item on City Road and the Chippendale conservation area. The development provides a reasonable standard of amenity for residents of the boarding houses and terrace dwellings, and will not adversely impact the amenity of neighbouring properties.

The application was initially exhibited for 28 days, and then for a further 28 days following the first submission of amended plans. A total of seven submissions were received from six neighbouring properties raising the following concerns:

- Height, bulk and scale
- Parking and traffic
- Construction impacts
- Visual privacy
- Safety
- Overshadowing
- Amenity

The objections are addressed further in the report.

Subject to conditions, the development is generally compatible with the built form and amenity controls for the site.

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

Development Controls:

- (i) State Environmental Planning Policy (Affordable Rental Housing) 2009
- (ii) Affordable Rental Housing Guidelines 2009
- (iii) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- (iv) State Environmental Planning Policy (Infrastructure) 2007
- (v) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP)
- (vi) Sydney Local Environmental Plan 2012
- (vii) Sydney Development Control Plan 2012
- (viii) City of Sydney Development Contributions Plan 2015

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Design Report
- D. Clause 4.6 Variation Request
- E. Views from the Sun Diagrams

Recommendation

It is resolved that:

- (A) the Local Planning Panel support the variation sought to Clause 4.3 Height of building" in accordance with Clause 4.6 'Exceptions to development standards' in Sydney Local Environmental Plan 2012 in this instance;
- (B) the Local Planning Panel support the variation sought to the minimum motorbike spaces required under Clause 30(1)(h) of the State Environmental Planning Policy (Affordable Rental Housing) 2009 in accordance with Clause 4.6 "Exceptions to development standards" in Sydney Local Environmental Plan 2012 in this instance; and
- (C) consent be granted to Development Application No. D/2017/1552, 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) Subject to conditions, the development will result in the addition of 65 affordable rental boarding rooms in the City of Sydney local government area, the majority of which will accommodate youth at risk of homelessness. The boarding houses will be owned and operated by registered affordable housing providers. It is noted that New South Wales Land and Housing Corporation are entitled under the State Environmental Planning Policy (Affordable Rental Housing) 2009 to demolish affordable housing under its ownership without development consent. As such the loss of 39 social housing units is not a matter for consideration under this application.
- (B) The exceptions to Clause 4.3 "Height of buildings" development standard in Sydney Local Environmental Plan 2012 and three storey height control in Sydney Development Control Plan 2012 are acceptable subject to design modifications reducing the bulk of the building at the rear, which will provide a transition in scale from the taller buildings on City Road to the two storey terraces on Rose Street.
- (C) The exception to Clause 30(1)(h) regarding the minimum motorbike parking standard in State Environmental Planning Policy (Affordable Rental Housing) 2009 is acceptable with regard to the site's proximity to good public transport, services, employment, education and leisure facilities, the provision of cycle parking exceeding the minimum requirements and the compatibility with the City's policy of reducing vehicular traffic generation. The development has been amended to provide four motorbike spaces which improves upon the original proposal where none were provided.
- (D) Conditions of consent are recommended to reduce the scale of the terrace dwellings to be compatible with adjoining properties and in accordance with the built form controls of the Sydney Development Control Plan 2012.
- (E) The development, as amended, provides affordable housing on site without adversely impacting the character of the Chippendale conservation area (C9) and the amenity of neighbouring properties.

- (F) The development provides a reasonable standard of amenity for residents of the boarding house and terrace dwellings, with regard to the constraints of the site.
- (G) Subject to conditions, the development is in the public interest.

Background

The Site and Surrounding Development

1. A site visit was carried out by Council staff on 23 March 2018.
2. No. 26-30 City Road is legally known as Lot 1 DP 81927 and Lot 10 DP 545694, is 1,501sqm in area and has frontages to City Road, Rose Street and Myrtle Lane. The site is irregularly shaped and best characterised as two parcels of land: one square block with a wide frontage to City Road and a rectangular block with a narrow frontage to Rose Street. The site is owned by the NSW Land and Housing Corporation, occupied by a three storey apartment building with basement parking fronting City Road, a three storey building with ground floor parking fronting Rose Street and a two storey building in between.
3. The site is located within the Chippendale conservation area (C9) however it is not a heritage item.

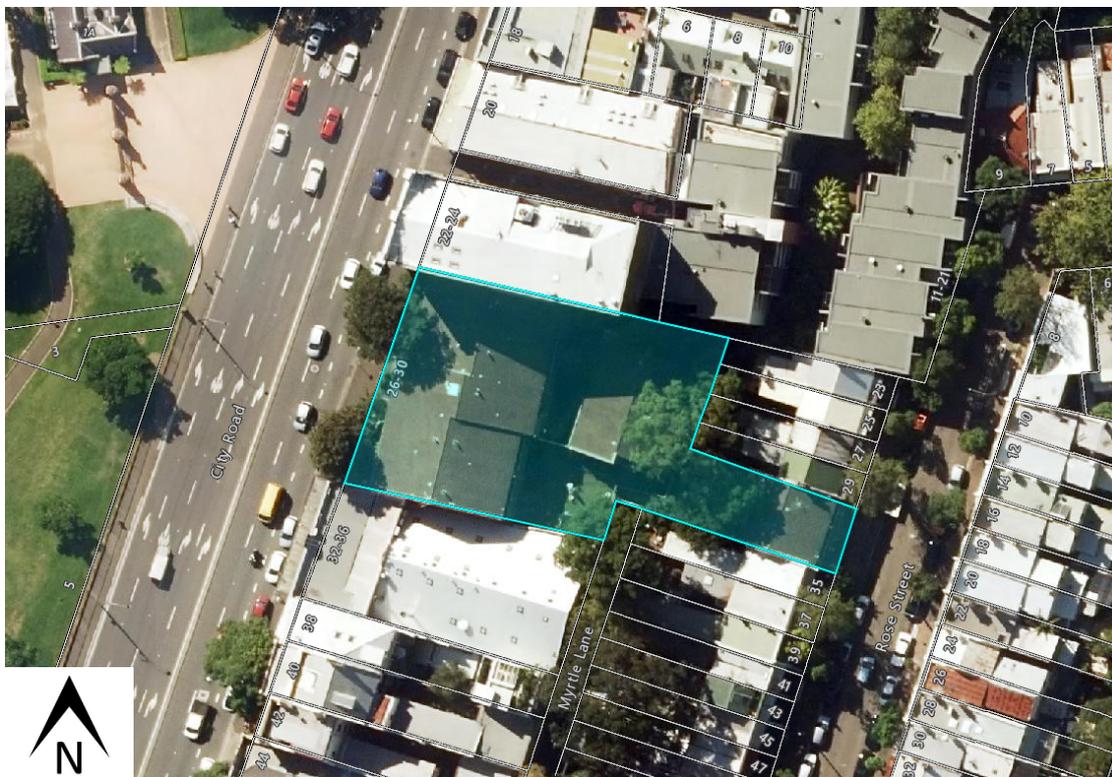


Figure 1: Aerial image of subject site and surrounding area



Figure 2: The subject site viewed from City Road

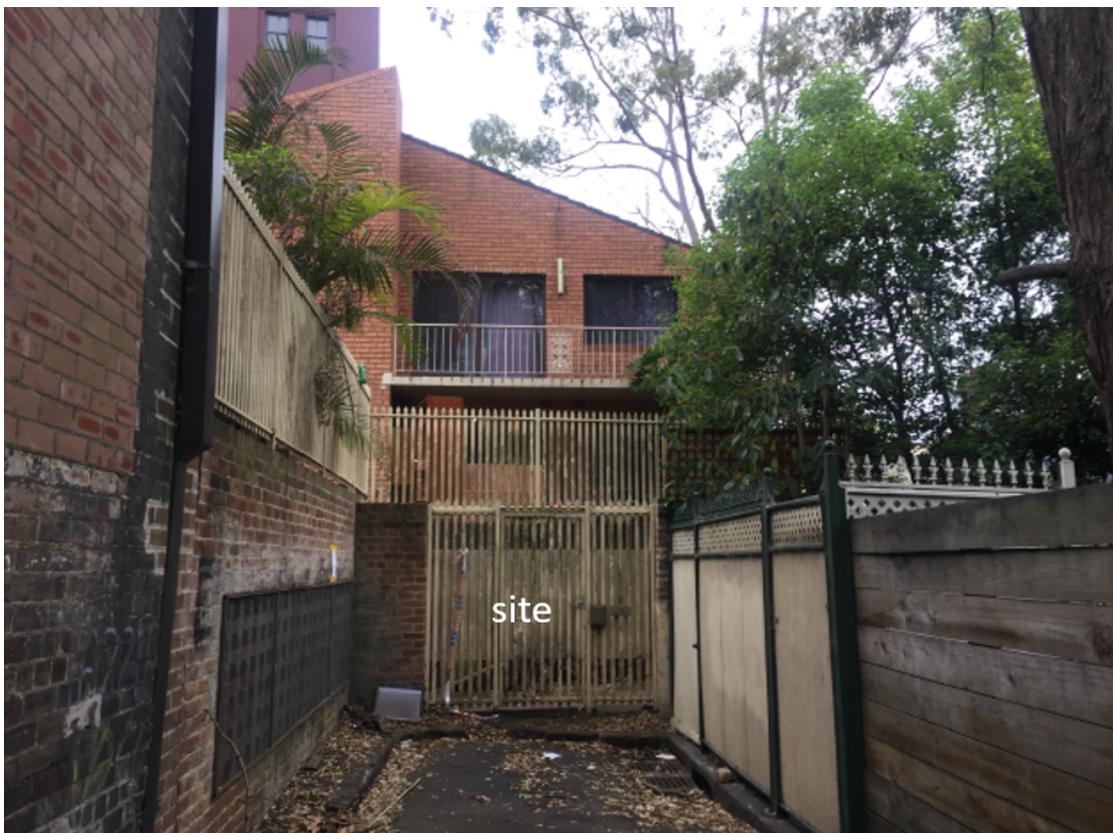


Figure 3: The subject site viewed from Myrtle Lane



Figure 4: The subject site viewed from Rose Street

4. City Road is characterised by a mix of commercial buildings and residential terraces, with Victoria Park located to the west of the site. A six storey commercial office building and local heritage item (item 174, the former Grace Bros warehouse) adjoins the site to the north at no. 22-24 City Road. The building is used as office space by the University of Notre Dame. To the south is a two storey commercial building occupied by a cafe known as Toby's Estate.



Figure 5: View of the former Grace Bros warehouse adjoining the site to the north



Figure 6: Toby's Estate cafe, adjoining the site to the south

5. Rose Street is characterised by residential terrace dwellings.



Figure 7: Terrace dwellings adjoining the site to the north



Figure 8: Terrace dwellings adjoining the site to the south

Proposal

6. The application proposes demolition, subdivision and staged construction of: Stage 1- a five storey building containing two boarding houses fronting City Road and one retail premise and Stage 2 - two x three storey terrace dwellings fronting Rose Street.
7. 53 self-contained boarding rooms with ancillary communal facilities are to be dedicated to "Youth Foyer/Foyer51", a joint affordable housing program between Uniting and St George Community Housing (SGCH) providing housing for youth at risk of homelessness. 19 self-contained boarding rooms and one manager's suite will be dedicated to affordable housing, targeting 'essential workers' and operated by SGCH. Uniting and SGCH are registered affordable housing providers and as such will offer accommodation at below market rate to residents. Each boarding room will contain private kitchen and bathroom facilities.
8. The terrace dwellings to the rear will remain under the ownership of the NSW Land and Housing Corporation. The dwellings are not proposed to be operated as affordable housing.
9. While signage is identified on the photomontages, no signage is proposed as part of the application.
10. A summary of the proposal is contained below:

(a) Demolition

- (i) Demolition of all existing buildings
- (ii) Removal of 11 trees

(b) Subdivision

- (i) Creation of Lot 20 fronting City Road with an area of 1257.9sqm
- (ii) Creation of Lots 21 and 22 fronting Rose Street with an area of 121.7sqm each

(c) Boarding houses building

Lower ground floor

- (i) Foyer51 (shown in yellow on the plans)
 - a. Lobby
 - b. Communal facilities for residents including kitchen, lounge area, dining room, toilets, family room and laundry
 - c. Communal outdoor area and landscaping
 - d. Office area and meeting room
 - e. Storage and plant
 - f. Waste storage
 - g. Bike parking x 22
 - h. Two x car spaces and four x motorbike spaces

- (ii) SGCH (shown in purple on the plans)
 - a. Laundry
- (iii) Retail
 - a. Bike parking x 3

Ground floor

- (i) Foyer51
 - a. 12 x boarding rooms
- (ii) SGCH
 - a. Lobby
 - b. Bike parking x 5
- (iii) One retail tenancy with an area of 90.65sqm
- (iv) Other services
 - a. Waste holding room
 - b. Substation
 - c. Services

First floor

- (i) Foyer51
 - a. 24 x boarding rooms

Second floor

- (i) Foyer51
 - a. 17 x boarding rooms
- (ii) SGCH
 - a. 7 x boarding rooms

Third floor

- (i) SGCH
 - a. 12 x boarding rooms
 - b. Manager's room with outdoor terrace
 - c. Communal living room
 - d. Roof terrace
 - e. Plant

(d) Terrace dwellings

- (i) Two x three storey terrace dwellings

11. The application has been amended as follows:
- (a) Inclusion of the construction of two x three storey terrace dwellings fronting Rose Street.
 - (b) Reduction of the number of boarding rooms from 77 to 73.
 - (c) Relocation of the fire stairs at the rear and increase the area of landscaping and communal open space associated with Foyer51.
 - (d) Refinements to the architectural expression fronting City Road.
 - (e) The removal of one x car space and the addition of four x motorbike spaces.
12. The amended application was exhibited for 28 days due to the inclusion of the terrace dwellings as an indicative 'concept' scheme. The applicant has since further amended the application to include the construction of the terrace dwellings as part of this application, rather than as a 'concept'.
13. A selection of the amended plans are provided below, a full set is available at Attachment B.



Figure 9: A photomontage of the boarding house on City Road, looking south



Figure 10: A photomontage of the rear of the boarding house building viewed from the internal courtyard, looking south



Figure 11: The front (west) elevation to City Road

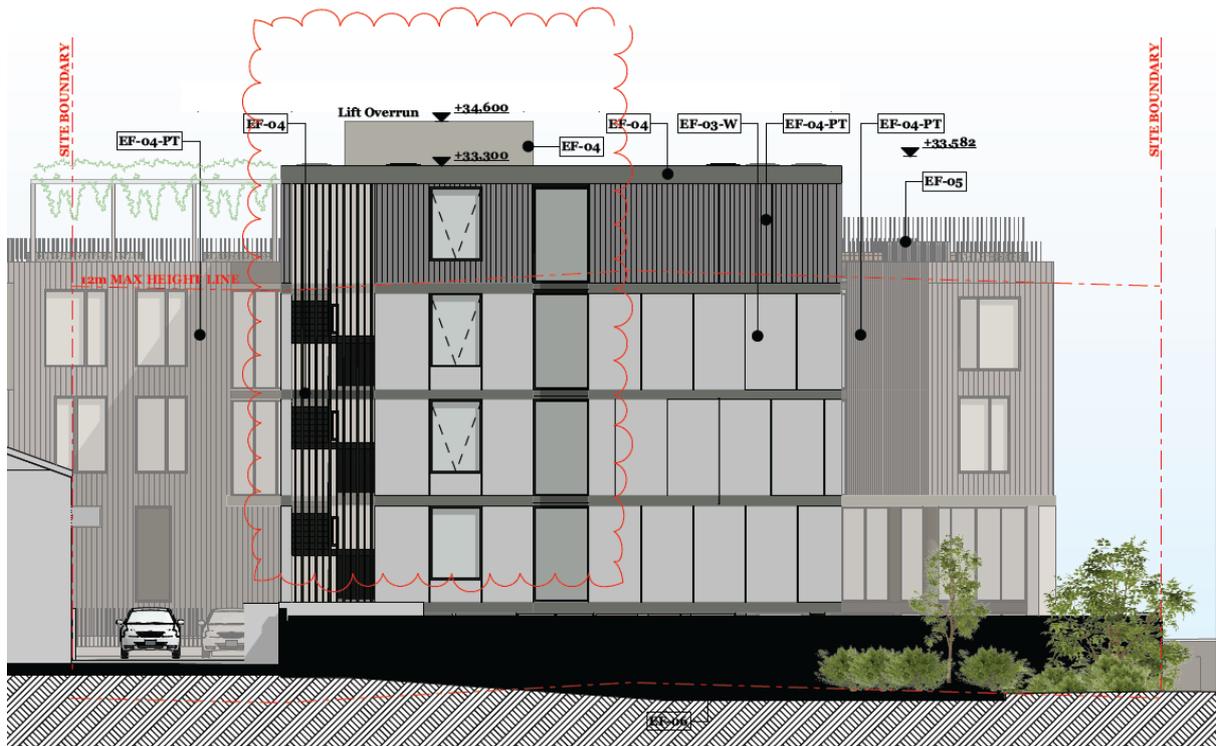


Figure 12: The rear (internal, east) elevation

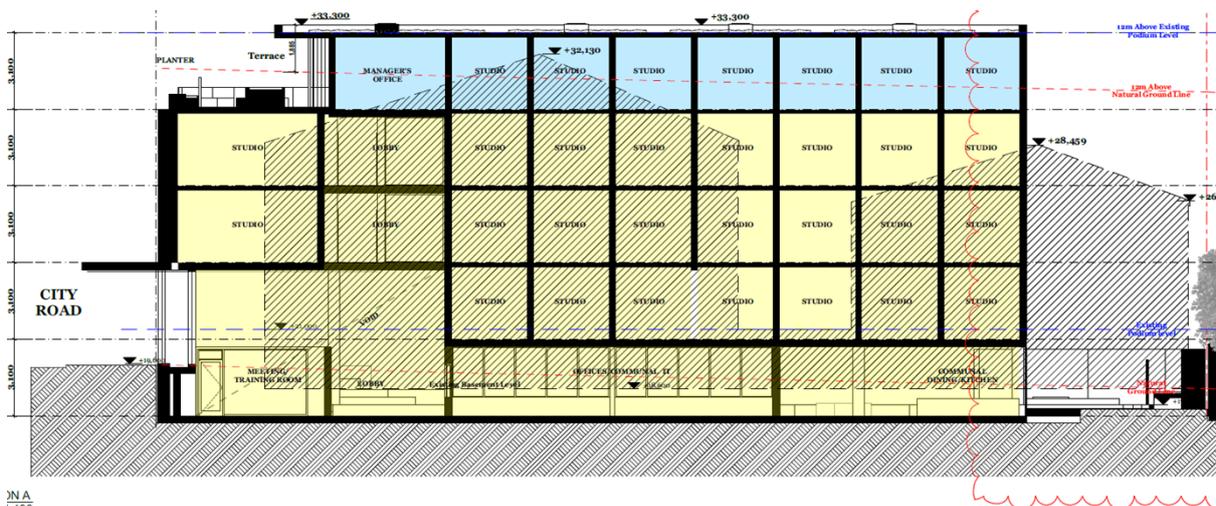


Figure 13: East-west section through the boarding house building, with an outline of the existing buildings behind

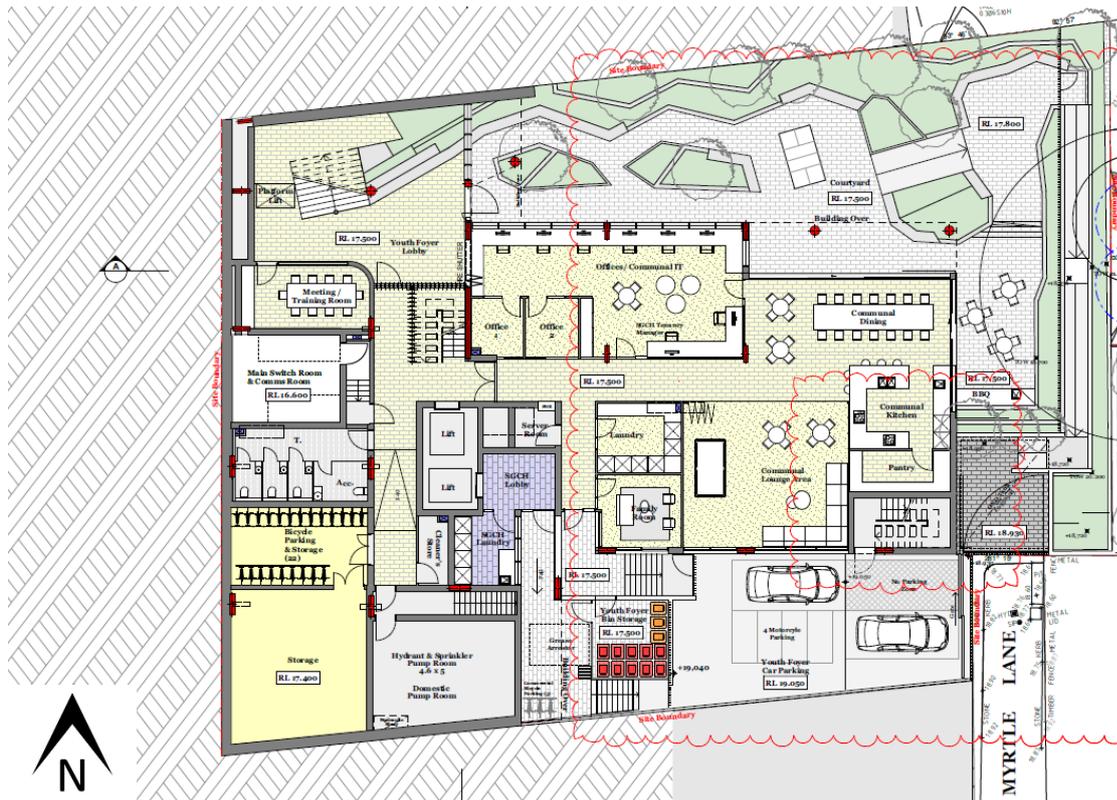


Figure 14: The lower ground floor of the boarding house

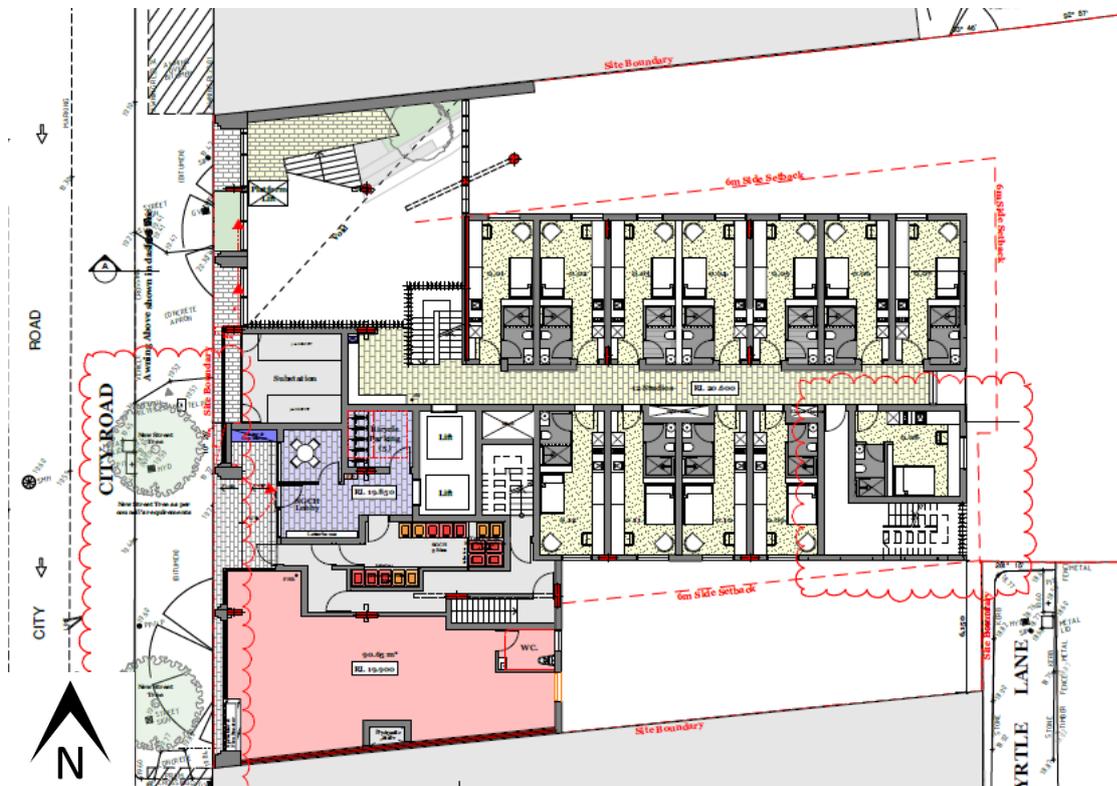


Figure 15: The ground floor of the boarding house with the retail premise in red

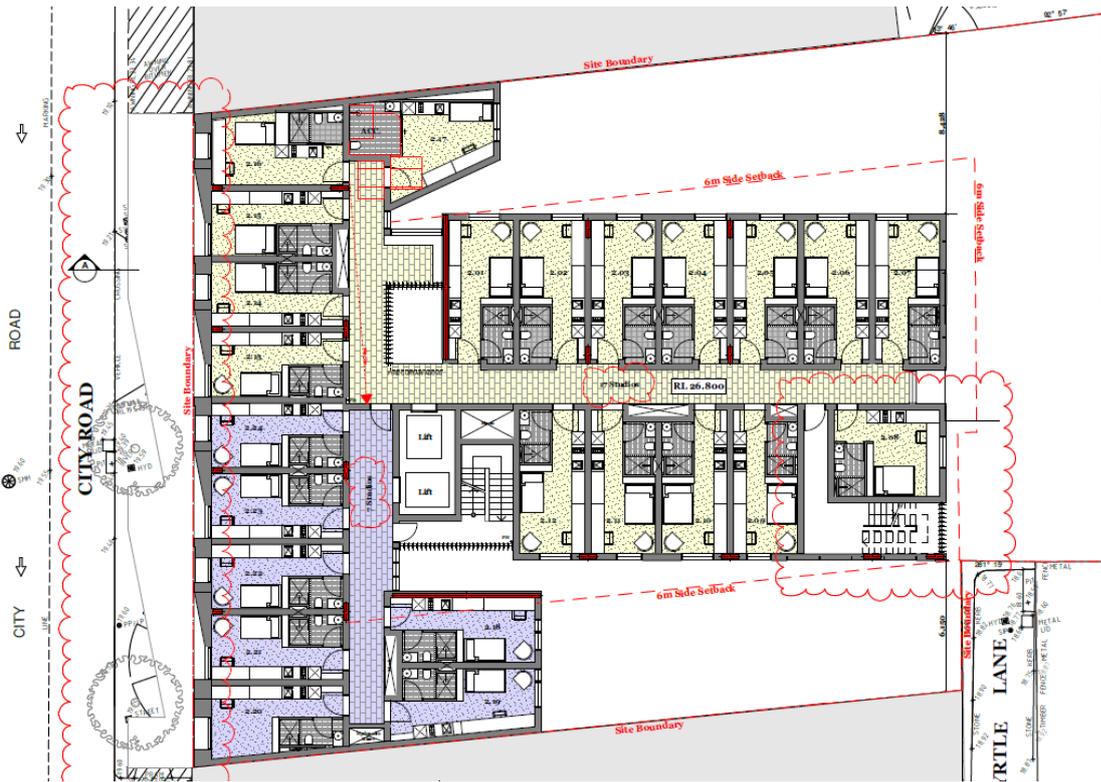


Figure 16: A typical floor containing boarding rooms (Foyer51 in yellow and SGCH in purple)



Figure 17: The front (east) elevation of the proposed terrace dwellings on Rose Street

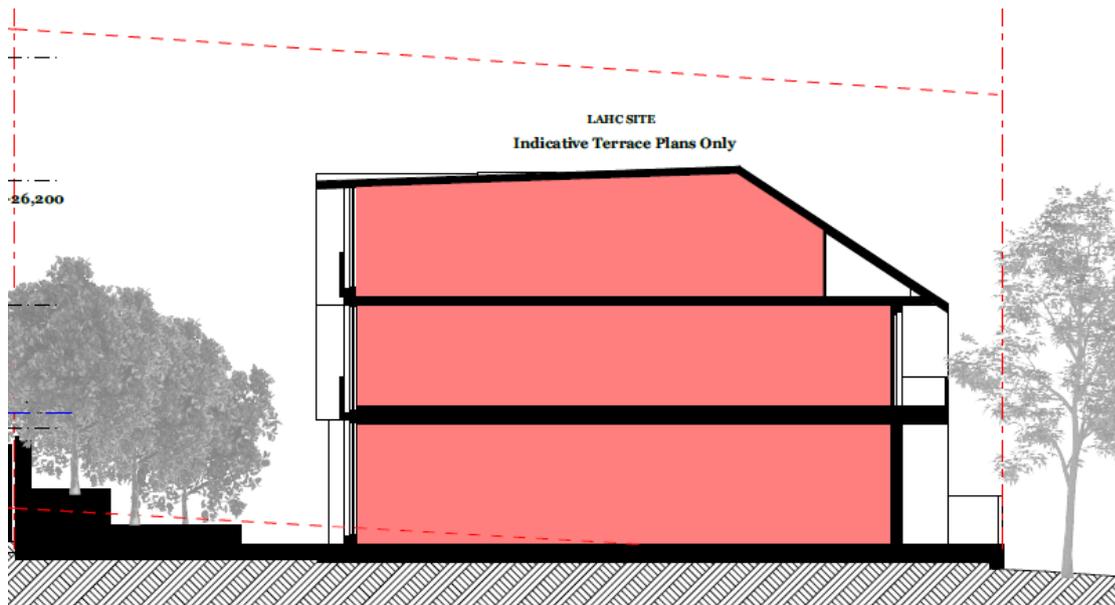


Figure 18: East-west section of the proposed terrace dwellings



Figure 19: The original photomontage and building expression to City Road

History Relevant to the Development Application

14. On 19 June 2017 Council resolved to approve a grant of \$3 million to SGCH towards the proposed development subject to conditions including:
 - (a) Approval of development consent for the proposed development
 - (b) The grant of funds are to be paid when a Construction Certificate has been awarded
 - (c) All dwellings supported through this grant will remain as affordable housing in perpetuity
 - (d) The City may require a caveat over the land title to protect the subsidised land use

Economic/Social/Environmental Impacts

15. 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 55—Remediation of Land

16. Clause 7 of the SEPP requires Council to consider whether the site is contaminated and if remediation is required.
17. The existing use of the site is residential and the site is not registered as contaminated. However the site adjoins land use for manufacturing and commercial storage. There are no records regarding the specific use of these sites however Council's Environmental Health specialists have reviewed the application and consider that the risk of contamination is low.
18. Conditions of consent are recommended requiring a protocol in the event that contaminated soils are found, notwithstanding the low risk involved. Furthermore the development is required to use imported virgin natural excavated soils.

State Environmental Planning Policy (Infrastructure) 2007

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

Clause 101

20. The application is subject to Clause 101 of the SEPP as the site has frontage to City Road, which is a classified road. The application is considered to satisfy Clause 101 of the Infrastructure SEPP subject to conditions of consent, as it will remove the redundant driveway to City Road and acoustic conditions have been included within the recommended Conditions of Consent. The development is designed such that air intake points are located away from City Road which will ameliorate the impact of vehicle emissions on occupants.

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

21. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SREP.
22. 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.
23. 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.

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

24. BASIX Certificates have been submitted for the boarding houses and the terrace dwellings reflecting the amended plans.
25. The BASIX certificates list measures to satisfy BASIX requirements which have been incorporated in the proposal. Conditions are recommended ensuring the measures detailed in the BASIX certificates are implemented.

State Environmental Planning Policy (Affordable Rental Housing) 2009

26. Of relevance to the subject application, the SEPP aims to:
 - (a) Provide a consistent planning regime for the provision of affordable rental housing.
 - (b) Facilitate the delivery of new affordable rental housing.
 - (c) Mitigate the loss of existing affordable rental housing.
 - (d) Facilitate an expanded role for not-for-profit providers.
 - (e) Facilitate the development of housing and services for the homeless and other disadvantaged people.

Demolition and loss of social housing

27. The existing buildings are low-rental residential buildings (social housing) operated by the NSW Land and Housing Corporation as at 28 January 2000 as defined under the SEPP and have continued to operate as such since. The development as amended proposes the demolition of the existing 39 social housing apartments on site and the construction of 73 self-contained boarding rooms operated by a registered affordable housing provider.

28. Clause 40(1)(b) permits the NSW Land and Housing Corporation to demolish dwellings and associated structures on land owned by the Corporation without development consent. With this in mind and having regard to the proposed development, no objections are raised to the demolition and loss of 39 social housing dwellings and their replacement as proposed.
29. The development is therefore not subject to the provisions of Part 3 – Retention of Existing Affordable Rental Housing.
30. Under Clause 29, compliance with any of the following standards must not be used to refuse consent.

Compliance table

| Clause 29 – Standards that cannot be used to refuse a boarding house | | |
|---|-----------------|--|
| Standard | Complies | Comment |
| 1(c)(i) – The maximum permitted FSR is 1.5:1 + 0.5:1 | Yes | Subject to conditions requiring the reduction in bulk at the rear of the building, the development will comply with the maximum permitted FSR of 2:1. |
| 2(a) Building height, if the development complies with the maximum permitted building height | No | The development exceeds the maximum 12 metre height standard for the site. Subject to conditions, requiring the reduction in bulk at the rear of the building, non-compliance with the height standard is acceptable. Further discussion is provided under the Issues heading. |
| 2(b) Landscaped area, if the landscape treatment to the front setback area is compatible with the streetscape | Yes | The development removes the existing landscaped frontage to City Road. Notwithstanding the development is compatible with the adjoining commercial buildings which have a zero setback to the street and no landscaping. Sufficient landscaping is provided within the development, and street trees are proposed to City Road in accordance with the City's Street Tree Master Plan. |

| Clause 29 – Standards that cannot be used to refuse a boarding house | | |
|--|--------------------|---|
| Standard | Complies | Comment |
| 2(c) Solar access, where the development provides 3 hours of solar access to one living area from 9am to 3pm during midwinter | Partial compliance | <p>Foyer51</p> <p>The site is constrained by the topography of the development and overshadowing caused by the heritage listed commercial building to the north. As such, the communal living areas at lower ground level do not receive direct solar access during midwinter.</p> <p>Further discussion is provided under the Issues heading.</p> <p>SGCH</p> <p>The communal living area located on level 3 will receive three hours solar access during midwinter, from midday to 3pm.</p> |
| <p>2(d)</p> <p>(i) One area of 20sqm with a minimum dimension of 3 metres is provided for residents</p> <p>(ii) One area of 8sqm with a minimum dimension of 2.5sqm for the manager's unit</p> | Yes | <p>Foyer51</p> <p>The development provides approximately 220sqm of communal open space at lower ground level.</p> <p>SGCH</p> <p>The development provides approximately 127sqm of communal open space on the roof.</p> <p>Manager's unit</p> <p>The manager's unit is provided private open space exceeding the minimum controls.</p> |

| Clause 29 – Standards that cannot be used to refuse a boarding house | | |
|---|-----------------|---|
| Standard | Complies | Comment |
| <p>2(e) Parking, if</p> <p>(i) 0.2 parking spaces provided for each boarding house room for sites in an accessible area</p> <p>(iii) not more than 1 parking space for staff residing on the site</p> | No | <p>Foyer51</p> <p>The policy recommends 11 spaces are provided for residents. One boarding house manager will reside on site.</p> <p>The development has been amended to provide two car spaces. The reduced amount of parking is consistent with Council's policy to reduce vehicle trips and is acceptable.</p> <p>SGCH</p> <p>No onsite parking is provided for residents.</p> <p>The site is in an accessible location and supplemented by bike parking. The provision of no parking is consistent with Council's parking controls and is therefore acceptable.</p> <p>Further discussion is provided under the Issues heading.</p> |
| <p>2(f) Accommodation size</p> <p>(i) Minimum 12sqm for single lodger rooms</p> <p>(excluding any area used as a private kitchen/ bathroom)</p> | Yes | <p>Excluding kitchens and bathrooms, the boarding rooms exceed the minimum recommended room sizes. A condition of consent is recommended limiting occupancy to one person per room as proposed in the application.</p> |

31. The layout and design of the boarding house will not achieve the maximum height and minimum solar access and car parking provisions. Further discussion is provided under the Issues heading.
32. 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:

Foyer51

Compliance table

| Clause 30 – Standards for boarding house | | |
|--|-----------------|--|
| Standard | Complies | Comment |
| 1(a) At least one communal living room is to be provided | Yes | Communal facilities are provided at the lower ground floor level |
| 1(b) No boarding room is to have a gross floor area (excluding private kitchen or bathroom facilities) of more than 25m ² | Yes | The boarding rooms are less than 25sqm. |
| 1(c) No boarding room to be occupied by more than 2 adult lodgers | Yes | The boarding rooms are proposed to accommodate a single resident. |
| 1(d) Adequate bathroom and kitchen facilities available for use of each lodger | Yes | Each boarding room is provided a private kitchen and bathroom. Communal facilities are provided at the lower ground floor level. |
| (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 | Yes | One boarding room will be provided on the top floor to manage both boarding houses. Additional staff for Foyer51 will be on site 24/7. |
| 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 site is zoned B4 Mixed Use zone, which permits residential uses at the ground floor. Notwithstanding, the application proposes a retail use at ground floor and is generally consistent with Council's controls for street activation. |

| Clause 30 – Standards for boarding house | | |
|--|--------------------|--|
| Standard | Complies | Comment |
| 1(h) At least 1 bicycle and 1 motorcycle parking space to be provided for every 5 rooms. | Partial compliance | <p>Foyer51 is required to provide a minimum of 11 bike parking spaces and 11 motorbike parking spaces.</p> <p>The development provides 22 bike parking spaces and therefore exceeds the minimum standard.</p> <p>The development as amended provides four motorbike spaces.</p> <p>A Clause 4.6 variation to the standard is proposed and is acceptable in the circumstances. Further discussion is provided under the Issues heading.</p> |

SGCH boarding house

Compliance table

| Clause 30 – Standards for boarding house | | |
|--|-----------------|---|
| Standard | Complies | Comment |
| 1(a) At least one communal living room is to be provided | Yes | A communal living area is provided on the top floor and adjacent to the roof terrace. |
| 1(b) No boarding room is to have a gross floor area (excluding private kitchen or bathroom facilities) of more than 25m ² | Yes | The boarding rooms are less than 25sqm. |
| 1(c) No boarding room to be occupied by more than 2 adult lodgers | Yes | The boarding rooms are proposed to accommodate a single resident. |
| 1(d) Adequate bathroom and kitchen facilities available for use of each lodger | Yes | Each boarding room is provided with a private kitchen and bathroom. |

| Clause 30 – Standards for boarding house | | |
|--|--------------------|--|
| Standard | Complies | Comment |
| (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 | Yes | A boarding room is dedicated to the onsite manager. |
| 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 site is zoned B4 Mixed Use zone, which permits residential uses at the ground floor. Notwithstanding, the application proposes a retail use at ground floor and is generally consistent with Council's controls for street activation. |
| 1(h) At least 1 bicycle and 1 motorcycle parking space to be provided for every 5 rooms. | Partial compliance | <p>The boarding house is required to provide four bike spaces and four motorbike spaces.</p> <p>Five bike parking spaces are provided exceeding the minimum standard.</p> <p>No motorbike spaces are provided contrary to the control. A Clause 4.6 variation to the standard is proposed and is acceptable in the circumstances. Further discussion is provided under the Issues heading.</p> |

Clause 30A – Character of the local area

33. 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.
34. The development proposes a brick facade to City Road referencing the materials used in the adjoining heritage listed warehouse and throughout the Chippendale conservation area. New street trees and roof top landscaping will soften the building, contributing to the greenery of the City. Public art is proposed in accordance with the City's controls which will add to the interest and character of the streetscape. The architectural expression has been amended during the course of the assessment in response to concerns raised by Council's Design Advisory Panel and, subject to conditions, is compatible with the character of the City Road streetscape.

35. However, the development exceeds the maximum height of buildings development standard and height in storeys control, and is particularly pronounced at the rear of the site. As discussed further under the Issues heading, design modifications are recommended to reduce the bulk of the building and the extent of the non-compliance proposed to Council's height controls.
36. Subject to design modifications, the development is compatible with the character of the local area and satisfies clause 30A of the SEPP.

Sydney LEP 2012

37. The site is located within the B4 - Mixed Use zone. The application proposes a boarding house and residential dwellings, and a separate retail tenancy, which are permissible in the zone with consent.
38. The relevant matters to be considered under Sydney Local Environmental Plan 2012 for the proposed development are outlined below.

Compliance Tables

| Development Control | Compliance | Comment |
|-------------------------|------------|--|
| 4.3 Height of Buildings | No | <p>The site is permitted a maximum building height of 12 metres.</p> <p>The proposed terrace dwellings will be approximately 9.6 metres in height and comply with the standard.</p> <p>The proposed boarding houses will have a building height of 15.2 metres measured to the top of the lift overrun, equal to 26.6% over the maximum height standard.</p> <p>Further discussion is provided under the Issues heading.</p> |
| 4.4 Floor Space Ratio | No | <p>The site is permitted a maximum FSR of 1.5:1.</p> <p>The proposed terrace dwellings will each have a FSR of 1.4:1 and comply with the standard. Subject to design modifications the FSR will decrease.</p> <p>The boarding house is permitted a bonus 0.5:1 FSR above the maximum standard under the Sydney LEP 2012 pursuant to Clause 1(c)(i) of the SEPP (Affordable Rental Housing) 2009. The development results in an FSR of 2.02:1, exceeding the maximum 2:1 permitted for the development.</p> |

| Development Control | Compliance | Comment |
|---|------------|--|
| | | <p>Subject to design modifications, the development is anticipated to have a FSR of 1.87:1 compliant with the maximum permitted</p> <p>Further discussion is provided under the Issues heading.</p> |
| 4.6 Exceptions to development standards | Yes | <p>The applicant has submitted a request for an exception to Clause 4.3 "Height of buildings standard". Subject to design modifications the exception is acceptable.</p> <p>Further discussion is provided under the Issues heading.</p> |
| 5.10 Heritage conservation | Yes | <p>The site is located within the Chippendale conservation area (C9) and is identified as a detracting item within the conservation area in accordance with section 3.9 of the Sydney DCP 2012.</p> <p>No objection is raised to the demolition of the existing buildings.</p> <p>The development as amended is compatible with the character and appearance of the conservation area, particularly the commercial form on City Road and the terrace form to Rose Street. Subject to design modifications regarding the bulk and scale of the buildings, the development will be a positive contribution to the conservation area.</p> <p>Further discussion is provided under the Issues heading.</p> |

| Part 6 Local Provisions - Height and Floor Space | Compliance | Comment |
|---|-------------------|--|
| 6.21 Design excellence | Yes | Subject to conditions to reduce the bulk of the rear of the boarding houses and the rear of the terrace dwellings, the development is generally consistent with the City's design excellence provision. Further discussion is provided under the Issues heading. |

| Part 7 Local Provisions - General | Compliance | Comment |
|--|-------------------|--|
| 7.14 Acid Sulphate Soils | Yes | <p>The development proposes excavation.</p> <p>The site is not affected by acid sulphate soils and as such a management plan is not required.</p> |
| 7.15 Flood planning | Yes | <p>The site is affected by flooding on the northwest corner, adjacent to the entrance to the lower ground floor and communal facilities of Foyer51 (fronting City Road).</p> <p>A flood assessment report has been submitted identifying minimum floor heights to mitigate flooding, in accordance with the City's Interim Floodplain Management Policy. The floor levels are consistent with those identified within the report, and are generally level with the adjoining footway.</p> <p>Conditions of consent are recommended requiring the development be constructed in accordance with the minimum recommended floor levels whilst maintaining accessibility into the lobbies and retail premise</p> |
| 7.19 Demolition must not result in long term adverse visual impact | Yes | The application has been amended to include the construction of the terraces fronting Rose Street as part of this consent, satisfying the provisions of Clause 7.19. |

Sydney DCP 2012

39. The relevant matters to be considered under Sydney Development Control Plan 2012 for the proposed development are outlined below.
40. Variations to the controls have been assessed with regard to Section 1.1 of the Sydney DCP 2012, which requires variations to comply with the objectives of the control, result in a better outcome than strict compliance with the control and to not adversely impact local amenity.

2.3.1 Chippendale Locality Statement

The subject site is located in the Chippendale locality, which is characterised by a mix of warehouse and residential terrace typologies. Their scale and proportions, roof design and materials palette are important to the significance of the heritage conservation area. High quality additions are encouraged to maintain the character of the locality and residential amenity.

Infill development is required to respond to the height, massing and predominant proportions of heritage and contributory items, particularly terrace rows. Development is to respect the curtilage of heritage items and retain residential uses in the neighbourhood.

The development as amended is consistent with the locality statement in that the building responds positively to the adjoining heritage item and conservation area. Subject to design modifications, the development will be consistent with the scale of the surrounding area, particularly the terrace houses to Rose Street, and retains the residential use of the site.

| 3. General Provisions | Compliance | Comment |
|----------------------------|------------|---|
| 3.1 Public Domain Elements | Yes | <p>A public art strategy has been submitted which proposes the use of an indigenous artist and identifies two locations for public art both visible from City Road (within the lobby of Foyer51 and to the front facade of the building).</p> <p>The themes and locations of the public art resonate with the use of the site, which will have a strong connection to the local indigenous community and provide interest to the general public. The public art strategy is generally consistent with the Interim Guidelines for Public Art in Private Developments and is supported.</p> |

| 3. General Provisions | Compliance | Comment |
|------------------------------------|--------------------|---|
| | | A detailed public art plan including the location of the public art and commitment to funding being equal to a minimum of 1% of construction costs is required to be submitted prior to any Construction Certificate being issued. |
| 3.2.2 Addressing the public domain | Yes | <p>Boarding house</p> <p>City Road is identified on the active frontages map and as such is subject to the provisions of section 3.2.3.</p> |
| 3.2.3 Active frontages | Partial compliance | <p>The boarding house and retail premises positively address City Road, with the ground floor generally at grade to the public domain. Three entrances are provided with good visibility and surveillance of the footway providing interest and safety to the street.</p> <p>At 18 metres (62%) the frontage is less than 70% glass line as recommended. Furthermore the glass line to the Foyer51 lobby, at 9.1 metres, is greater than the maximum recommended 8 metres.</p> <p>The variations to the controls are reasonable in this instance as the development is constrained by the requirement for a substation and hydrant boosters. The lobbies and shopfronts are distributed across the frontage providing legibility and minimising large expanses of solid walls to the street. A decorative screen is proposed to the substation providing interest to the public domain. Deleting the wall in front water/gas meter box will further reveal the glass line of the SGCH lobby. Subject to conditions, the variation is consistent with the provisions of section 1.1.</p> |

| 3. General Provisions | Compliance | Comment |
|--|------------|--|
| | | <p>Terrace dwellings</p> <p>Rose Street is not identified as an active frontage. Notwithstanding, the terrace dwellings are aligned to the footway and are compatible with the form of the adjoining terrace rows.</p> |
| 3.2.4 Footpath awnings | Yes | <p>City Road is identified on the continuous awnings map and is subject to section 3.2.4.</p> <p>An awning is proposed to City Road, with cut-out sections to accommodate street trees. The design is generally acceptable, subject to conditions requiring the awning to have a minimum depth of two metres and to be setback a minimum 1 metre from the kerb to accommodate utility poles.</p> |
| 3.2.8 External lighting | Yes | <p>Conditions of consent are recommended requiring the development to provide lighting through a public domain plan.</p> |
| 3.5.1 Biodiversity | Yes | <p>The application proposes two street trees consistent with the Street Tree Master Plan. A condition of consent is recommended requiring landscape plans to improve biodiversity.</p> |
| 3.5.2 Urban vegetation | Yes | <p>Conditions of consent are recommended requiring two trees to be planted within the courtyard of the boarding house and one tree in each of the rear yards of the terrace dwellings.</p> |
| 3.5.3 Tree management | Yes | <p>The application proposes the removal of 11 trees from the site. The removal of the trees is acceptable subject to replacement trees being planted. Further discussion is provided under the Internal Referrals heading.</p> |
| 3.6 Ecologically Sustainable Development | Yes | <p>The applicant has submitted BASIX Certificates and a Section J report, demonstrating compliance with the controls.</p> |

| 3. General Provisions | Compliance | Comment |
|---|------------|--|
| 3.7 Water and Flood Management | Yes | The development proposes onsite stormwater detention and is designed to mitigate flooding impacts. Conditions of consent are recommended accordingly. |
| 3.8 Subdivision, Strata Subdivision and Consolidation | Yes | <p>The application proposes land subdivision creating a lot to City Road and two lots to Rose Street. The two lots to Rose Street reflect the established subdivision pattern and are supported.</p> <p>The lot containing the boarding house reflects the varied subdivision pattern of City Road, is regular in shape and supports the use and intensity of development proposed.</p> <p>Subject to conditions, the proposed subdivision is consistent with the controls.</p> |
| 3.9 Heritage | Yes | The site is identified as a detracting item with the Chippendale conservation area (C9). The development as amended and subject to design modifications discussed further under the Issues heading is compatible with the character and appearance of the conservation area and is supported. |
| 3.11 Transport and Parking | Yes | <p>The development provides bike parking exceeding the minimum standards and, subject to conditions, is acceptable.</p> <p>The provision of car parking has been reduced and designed to be manoeuvrable in accordance with relevant Australian Standards.</p> <p>Servicing the site will be undertaken from the existing loading zone on City Road, to which RMS and Council's Traffic and Transport officer have raised no objections.</p> <p>The provision of motorbike parking has increased to provide four spaces.</p> <p>Further discussion is provided under the Issues heading.</p> |

| 3. General Provisions | Compliance | Comment |
|--|------------|--|
| 3.12 Accessible Design | Yes | A condition has been recommended for the proposed development to provide appropriate access and facilities for persons with disabilities in accordance with the DCP and the NCC. |
| 3.13 Social and Environmental Responsibilities | Yes | <p>The boarding houses will be staffed 24/7 and are designed to promote passive surveillance of the street and communal areas.</p> <p>The retention of affordable housing on site is supported.</p> |
| 3.14 Waste | Yes | <p>Waste collection is proposed from City Road, utilising an existing loading zone adjacent to the site. No objections are raised from Council's Traffic and Transport unit and RMS. A condition of consent is recommended requiring waste collection to be undertaken from Myrtle Lane in the event the loading area is removed.</p> <p>The waste management plan is generally consistent with Council's waste minimisation policy and is acceptable.</p> |

41. The following table regards the terrace dwellings proposed fronting Rose Street.

| 4.1 Single dwellings, terraces and dual occupancies | Compliance | Comment |
|---|------------|--|
| 4.1.1 Building height | Yes | <p>The site is permitted a maximum height of three storeys. The application proposes two x three storey dwellings.</p> <p>The terrace dwellings are recommended to be reduced to two storeys in keeping with the form of adjoining terrace rows.</p> <p>Further discussion is provided under the Issues heading.</p> |
| 4.1.2 Building setbacks | Yes | The front and rear alignments are consistent with neighbouring properties. |

| 4.1 Single dwellings, terraces and dual occupancies | Compliance | Comment |
|---|------------|--|
| 4.1.3.1 Solar access | No | <p>The existing lots are significantly overshadowed by existing buildings such that no solar access is provided to the rear yards during midwinter. Non-compliance with the control is therefore established and acceptable in this instance.</p> <p>The view from the sun diagrams do not identify existing boundary fences, which would obstruct solar access to the private open space of neighbouring properties. Updated view from the sun diagrams were not submitted with the amended plans. Notwithstanding, the three storey form is likely to cause additional overshadowing of the private open space of dwellings to the south. Subject to design modification conditions discussed further under the Issues heading, solar access to these properties will not be adversely affected by the proposal.</p> |
| 4.1.3.3 Landscaping | Yes | Conditions of consent are recommended requiring landscape plans for the terrace dwellings, including the addition of one tree to the rear yard of each lot. |
| 4.1.3.4 Deep soil planting | Yes | The combined site area of the lots is more than 150sqm and as such it is reasonable to require deep soil equal to 15% of the site area to be evenly split across the sites. A condition of consent is recommended accordingly. |
| 4.1.3.5 Private open space | Yes | The dwellings are provided more than 16sqm of private open space with a dimension greater than 3 metres at the rear of the site. |

| 4.1 Single dwellings, terraces and dual occupancies | Compliance | Comment |
|---|--------------------|---|
| 4.1.3.6 Visual privacy | Partial compliance | Rear elevation plans of the terrace dwellings have not been provided. Notwithstanding, conditions of consent are recommended requiring the form of the terraces to emulate those adjoining, which will mitigate any visual privacy issues. |
| 4.1.7 Fences | Yes | The proposed fences to Rose Street are compatible with the form and scale of the adjoining terrace rows and are supported, subject to details of materials being provided prior to the issue of any Construction Certificate for the dwellings. |
| 4.1.8 Balconies, verandahs and decks | Yes | The form of the balconies is distinguished from the Victorian terraces adjoining the site and are acceptable. No rear balconies or roof terraces are proposed. |
| 4.1.9 Car parking | Yes | The car parking to Myrtle Lane has been amended to ensure manoeuvrability. The redundant vehicle crossovers to Rose Street will be removed in accordance with the Public Domain Plan. |

42. The following table regards the built form of the boarding house and operation of the retail premise.

| 4.2 Residential flat, commercial and mixed use developments | Compliance | Comment |
|---|------------|---|
| 4.2.1 Building height | No | <p>The site is permitted a maximum building height of three storeys.</p> <p>The boarding house building will be five storeys and exceeds the standard.</p> <p>A variation to the control is acceptable subject to reducing the bulk of the building at the rear to provide a step-down towards the two storey terraces fronting Rose Street.</p> <p>Further discussion is provided under the Issues heading.</p> |
| 4.2.2 Building setbacks | Yes | <p>The surrounding area is characterised by varying side and rear setbacks.</p> <p>The five metre setback above the three storey street wall is sufficient to minimise the perception of bulk when viewed from City Road.</p> <p>Subject to design modifications, sufficient setbacks are provided from adjoining boundaries to the side and rear to protect the character and amenity of the surrounding area.</p> |
| 4.2.3.1 Solar access | Yes | <p>Subject to design modifications reducing the bulk at the rear of the building, the development will not adversely overshadow neighbouring properties fronting Rose Street.</p> <p>Further discussion is provided under the Issues heading.</p> |
| 4.2.3.3 Internal common areas | Yes | <p>The internal hallways have access to natural light and ventilation with an outlook towards the rear of the site.</p> |
| 4.2.3.4 Design features to manage solar access | No | <p>A condition of consent is recommended requiring the provision of fixed external shading devices to west facing windows.</p> |

| 4.2 Residential flat, commercial and mixed use developments | Compliance | Comment |
|---|--------------------|--|
| 4.2.3.5 Landscaping | Yes | An amended landscape plan has been submitted and is supported. Conditions of consent are recommended requiring maintenance plans to be submitted to and approved by the Principle Certifier. |
| 4.2.3.6 Deep soil planting | Partial compliance | <p>The deep soil area is equal to approximately 16%, exceeding the minimum 10% recommended.</p> <p>The area of deep soil is not consolidated in one area and has a minimum dimension less than 10 metres. Notwithstanding, the landscape plans are supported and will provide for stormwater retention. As such, a variation to the control is acceptable.</p> |
| 4.2.3.9 Ventilation | Partial compliance | Windows to boarding rooms and common areas are able to be opened to provide natural ventilation. However, mechanical ventilation is provided to rooms fronting City Road to mitigate noise and pollution. The ventilation system has been considered within the BASIX certificate and is acceptable. |
| 4.2.3.10 Outlook | Yes | All rooms are provided good outlook without adversely impacting visual privacy. |
| 4.2.3.11 Acoustic privacy | Yes | <p>An acoustic report accompanies the application demonstrating that acoustic impacts from City Road can be mitigated in accordance with the controls. A condition of consent is recommended requiring the recommendations of the acoustic report to be implemented in the construction of the building.</p> <p>Conditions of consent are recommended regarding the use of common areas to minimise acoustic impacts on neighbouring properties.</p> |

| 4.2 Residential flat, commercial and mixed use developments | Compliance | Comment |
|--|--------------------|---|
| 4.2.4 Fine grain, architectural diversity and articulation | Yes | The architectural expression of the building has been amended to reflect the character of the streetscape and is compatible in scale with the surrounding area. |
| 4.2.5.2 Courtyard buildings and perimeter street block buildings | Partial compliance | <p>Courtyard buildings are encouraged to provide a connection between public and private communal spaces either visually or by through site links.</p> <p>The proposed courtyard is located at lower ground floor level and inaccessible to the public for security reasons. However the open space is visually connected through the glazed entrance to Foyer51.</p> |
| 4.2.5.3 Development on busy roads and active frontages | Partial compliance | The development does not provide a minimum length of masonry structure equal to 65% of the frontage and does not include acoustic screening. Notwithstanding, an acoustic report accompanies the application demonstrating that the acoustic privacy of boarding rooms fronting City Road can be protected and is acceptable. |
| 4.2.6 Waste minimisation | Yes | A waste management plan accompanies the application and is generally acceptable. Waste storage areas are located in discreet locations and will not adversely impact the character and amenity of neighbouring properties. Conditions of consent are recommended requiring the boarding houses to engage a commercial waste contractor. |
| 4.2.7 Heating and Cooling Infrastructure | Yes | The heating infrastructure is located within a centralised location on the roof. |

| 4.2 Residential flat, commercial and mixed use developments | Compliance | Comment |
|---|------------|---|
| 4.2.9 Non-residential uses in the B4 - Mixed Use Zone | Yes | Conditions of consent are recommended limiting any future retail premise to trade from 7am to 10pm every day and limiting noise impacts to neighbouring properties. The fit-out and specific retail use of the premise will be subject to a future application. |

43. The table below regards the Youthfoyer component of the boarding house and its compliance with Council's boarding house controls.

| 4.4.1 Boarding houses | Compliance | Comment |
|--|--------------------|--|
| 4.4.1.1 Subdivision | Yes | Conditions are recommended prohibiting strata and community title subdivision of the boarding house. |
| 4.4.1.2 Bedrooms | Yes | All boarding rooms exceed 12sqm. Sufficient area is provided for storage, kitchens, laundry and bathrooms in accordance with the controls. |
| 4.4.1.3 Communal kitchen areas | Yes | Each boarding room is provided a private kitchen with cooking and cleaning facilities. Notwithstanding, a communal kitchen is provided at the lower ground floor with three sinks and two stove tops. |
| 4.4.1.4 Communal living areas and open space | Partial compliance | The development provides internal and external communal spaces exceeding minimum area requirements. However, these spaces will not receive solar access for much of the year, and boarding rooms are not provided private open space contrary to the minimum 30% of boarding rooms recommended. Further discussion is provided under the Issues heading. |

| 4.4.1 Boarding houses | Compliance | Comment |
|---|-------------------|--|
| 4.4.1.5 Bathroom, laundry and drying facilities | Yes | Private bathrooms are provided within each boarding room, with additional toilets provided at the lower ground level. Communal laundry facilities are provided adjacent to the common areas. A condition of consent is recommended requiring an external drying area. |
| 4.4.1.6 Amenity, safety and privacy | Yes | The building has been designed with regard to the safety, security and privacy of residents within the boarding house. Bedroom windows are oriented away from neighbouring properties, with sufficient border landscaping providing visual separation between the rear of adjoining terraces and the proposed common areas. |
| 4.4.1.7 Plan of Management | Yes | A Plan of Management accompanies the application and adequately addresses the provisions of the control. |

44. The table below regards the affordable rental boarding housing component of the development and its compliance with Council's boarding house controls.

| 4.4.1 Boarding houses | Compliance | Comment |
|------------------------------|-------------------|---|
| 4.4.1.1 Subdivision | Yes | Conditions are recommended prohibiting strata and community title subdivision of the boarding house. |
| 4.4.1.2 Bedrooms | Yes | All boarding rooms exceed 12sqm. Sufficient area is provided for storage, kitchens, laundry and bathrooms in accordance with the controls. |

| 4.4.1 Boarding houses | Compliance | Comment |
|---|--------------------|---|
| 4.4.1.4 Communal living areas and open space | Partial compliance | <p>Sufficient internal and external communal facilities are provided for residents exceeding the controls with regard to solar access and area.</p> <p>30% of boarding rooms are recommended to be provided private open space. No boarding rooms are provided private open space. Variation to the control is acceptable having regard to the generous communal facilities provided.</p> <p>Further discussion is provided under the Issues heading.</p> |
| 4.4.1.5 Bathroom, laundry and drying facilities | Partial compliance | <p>Private bathrooms are provided within each boarding room.</p> <p>A communal laundry is provided at lower ground level. A condition of consent is recommended requiring an external drying area.</p> |
| 4.4.1.6 Amenity, safety and privacy | Yes | <p>The building has been designed with regard to the safety, security and privacy of residents within the boarding house.</p> <p>Bedroom windows are oriented away from neighbouring properties, with sufficient border landscaping providing visual separation between the rear of adjoining terraces and the proposed common areas.</p> |
| 4.4.1.7 Plan of Management | Yes | <p>A Plan of Management accompanies the application and adequately addresses the provisions of the control.</p> |

Issues

Height - Boarding House

45. The applicant has submitted a request to vary the maximum 12 metre "height of buildings" development standard pursuant to clause 4.6 of the Sydney LEP 2012. The boarding house building will be a maximum height of 15.2 metres to the top of the lift overrun (26.6% over the maximum) and 2.62 metres to the top of the parapet (21.8% over the maximum). Furthermore, at five storeys, the building exceeds the maximum permitted three storey height control under section 4.2.1 of the Sydney DCP 2012.

46. The height of the terrace dwellings is below the 12 metre height standard and as such are not discussed in this section.

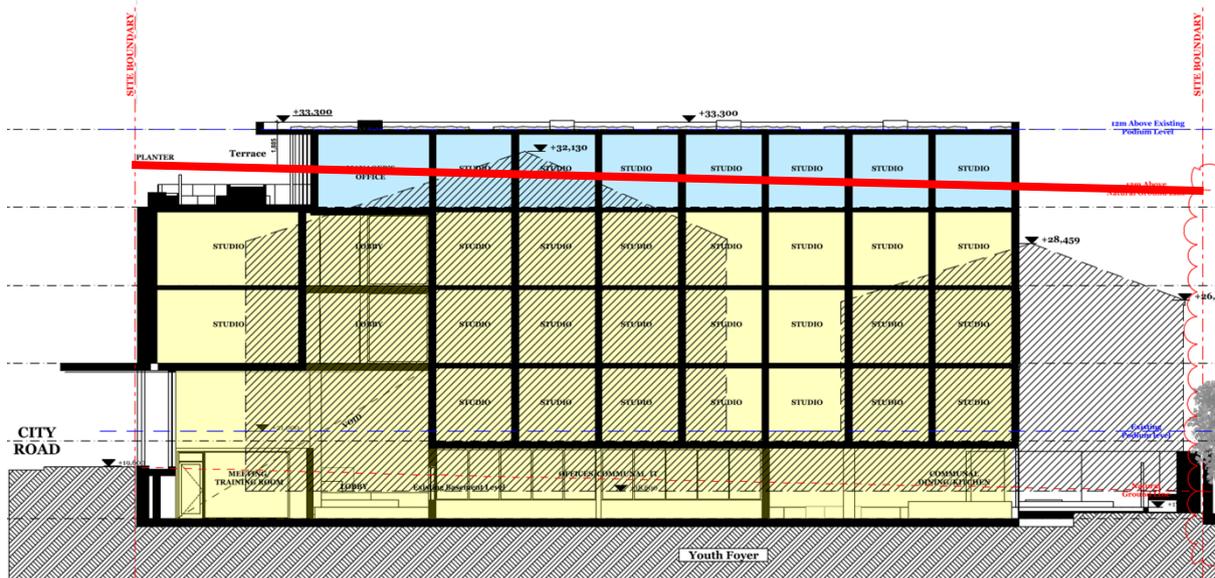


Figure 20: A section with the 12 metre standard (in red) and existing buildings illustrated

47. A statement in support of the variation to the height standard pursuant to Clause 4.6 of the Sydney LEP 2012 has addressed the relevant matters for consideration under subsection (3), being that compliance with the standard is both unreasonable and unnecessary and that there are sufficient environmental planning grounds to justify contravening the development standard. The statement is included at Attachment D to this report. The applicant stated the following specifically to address subsection (3):

- The building exceeds the height standard due to the increase in permitted FSR under the SEPP (Affordable Rental Housing).
- The existing buildings on site exceed the maximum height of buildings development standard.
- The portion of the building that exceeds the height of buildings development standard is setback five metres from the front boundary, reducing visibility from the public domain and reflecting the predominant 2-3 storey street wall on City Road.
- If the height of the building was measured from the existing podium, the proposal would exceed the standard by only 300mm.
- The building is well below the height of the adjoining six storey former warehouse.
- The proposal has significant social benefits. 12 boarding rooms and the manager's room are located above the height standard, contributing to the provision of affordable housing in the City. Furthermore Family and Community Services and Treasury have an interest in the proposal.
- The development complies with the objectives of the height standard and B4 - Mixed Use zone and raises no conflict of state or regional planning significance.

- The development results in a better outcome than that provided for under the DCP.
 - Non-compliance with the standard is in the public benefit.
48. In accordance with subsection (4), development consent cannot be granted where the applicant's submission has not adequately addressed the matters for consideration under subsection (3) and where the proposal is not in the public interest because it is inconsistent with the objectives of the height standard and the objectives of the zone.
49. The objectives of the B4 - Mixed Use zone are as follows:
- To provide a mixture of compatible land uses.
 - To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
 - To ensure uses support the viability of centres.
50. The relevant objectives of the height standard are as follows:
- (a) to ensure the height of development is appropriate to the condition of the site and its context
 - (b) to ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas
 - (c) to promote the sharing of views
51. With regard to objectives (a) and (b), the visual impact of the non-compliance from City Road is minimised by setting back the top floor five metres from the front boundary. When viewed from City Road, the development provides an adequate transition between the six storey building to the north and the two and three storey buildings to the south. The character and appearance of the proposal is an improvement on the current situation, notwithstanding its greater street presence.
52. However, the height of the building at the rear does not respond to the condition of the site and its context, in particular the topography and relationship to the terrace dwellings fronting Rose Street. While amendments have been made to relocate an external fire stair to within the envelope of the building, the change does not resolve the sense of overbearing caused by the development on this elevation. Figures 20 and 21 below illustrate these impacts caused by the height non-compliance at the rear of the site. Further discussion regarding overshadowing caused by the proposal is provided below.

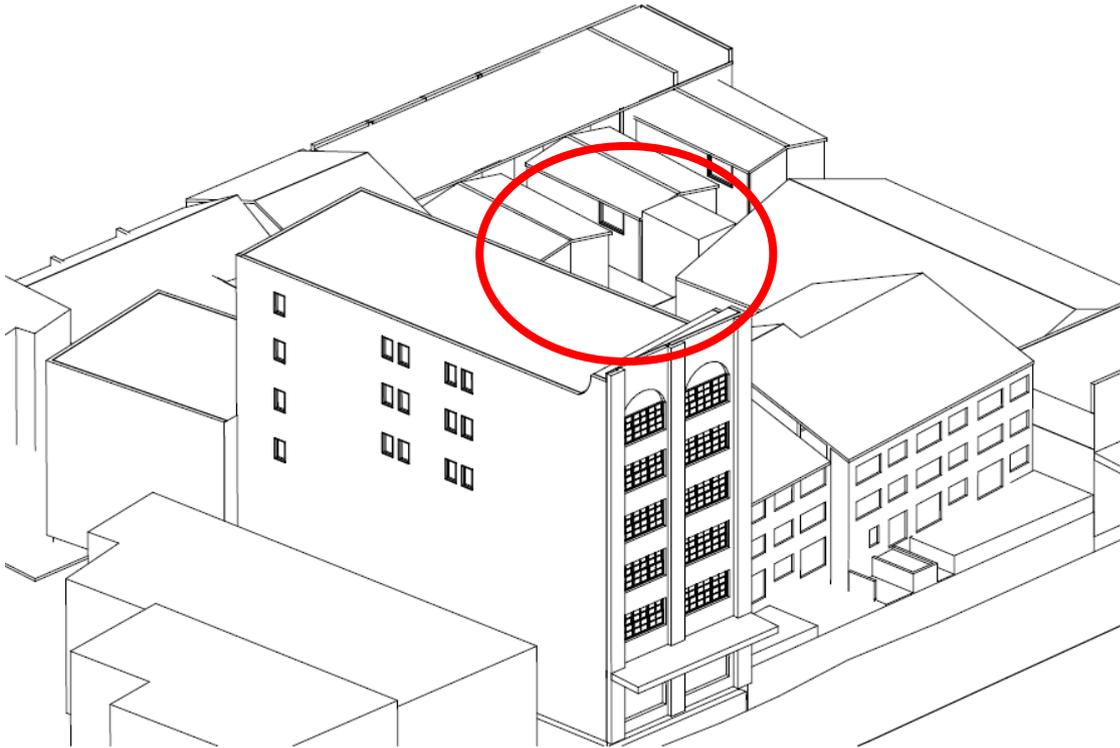


Figure 21: The existing view from the sun model at 1.30pm midwinter

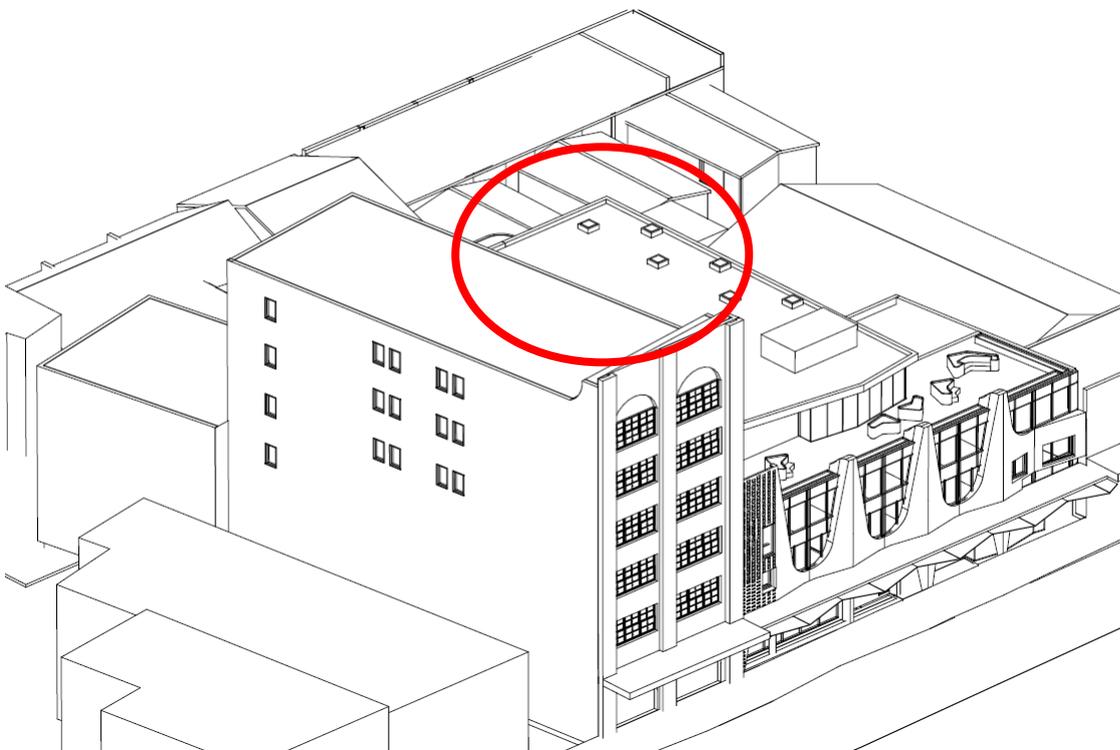


Figure 22: The proposed view from the sun model at 1.30pm midwinter (earlier elevational treatment)

53. The applicant has undertaken testing of various building envelopes to balance the amenity of the development and its impacts on neighbouring properties. These drawings and discussions are contained at Attachment C to this report. It is noted that these drawings do not include assessments against maximum height and floor space standards which renders these drawings difficult to compare to the preferred envelope.
54. In support of the maximum height of buildings development standard, section 4.2.1 of the Sydney DCP 2012 states that development must not exceed the maximum three storey height control, and that the maximum may only be achieved where it can be demonstrated that the proposed development:
- reinforces the neighbourhood character;
 - is consistent with the scale and form of surrounding buildings in heritage conservation areas; and
 - does not detract from the character and significance of the existing building.
55. Noting that the site slopes from City Road to Rose Street, the existing buildings on site range from two to three storeys and the site is permitted a maximum three storeys pursuant to section 4.2.1 of the Sydney DCP 2012, it is recommended that a transition be provided from five storeys to three by setting back the top two floors of the building at the rear by six metres. Figures 20 and 21 below illustrate the impact of the proposed change, which will result in the loss of approximately eight bedrooms having regard to the relocation of the fire stairs.

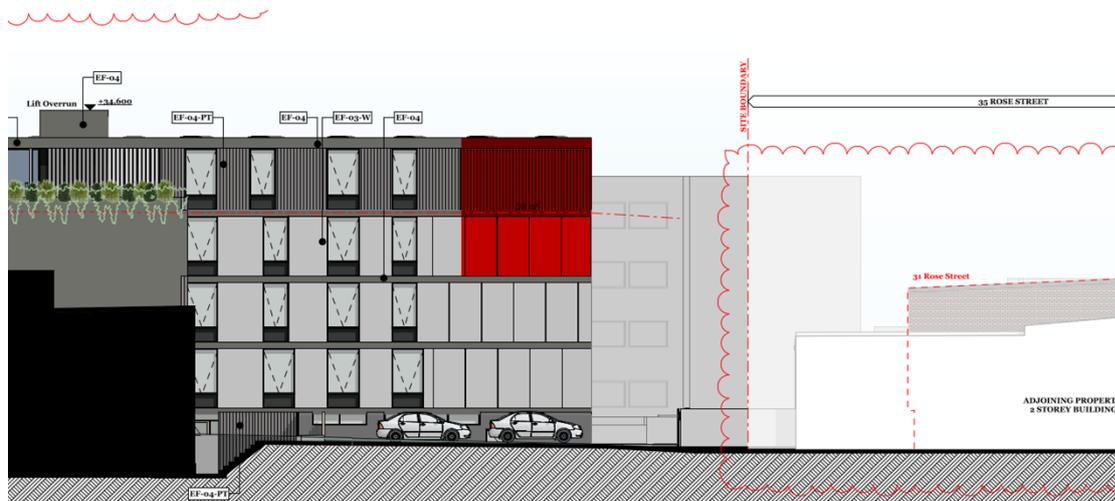


Figure 23: The south elevation and the relationship to the adjacent terrace dwellings, with the setback area shown in red.



Figure 24: Level 3 of the boarding house with the recommended setback in red identifying the loss of boarding rooms

56. The applicant has established that strict compliance with the height of buildings standard is both unreasonable and unnecessary, and that there are sufficient environmental planning grounds to support an exception to the standard. Nevertheless, the extent of the exception sought does not adequately address the impacts to neighbouring properties and result in an optimal planning outcome. The proposed design modification to the rear of the building strikes a balance between flexibility and protecting the character of the conservation area and the amenity of neighbouring properties. Through this design modification, the development will satisfy objectives (a) and (b) of the height of buildings development standard, and will result in the development complying with the maximum permissible Floor Space Ratio (refer to discussion below).
57. With regard to (c) the development will not adversely impact views from neighbouring properties. A continuous masonry parapet set in from the building edge in line with the lift overrun to the same height is to conceal all plant and vents. A condition has been added accordingly.

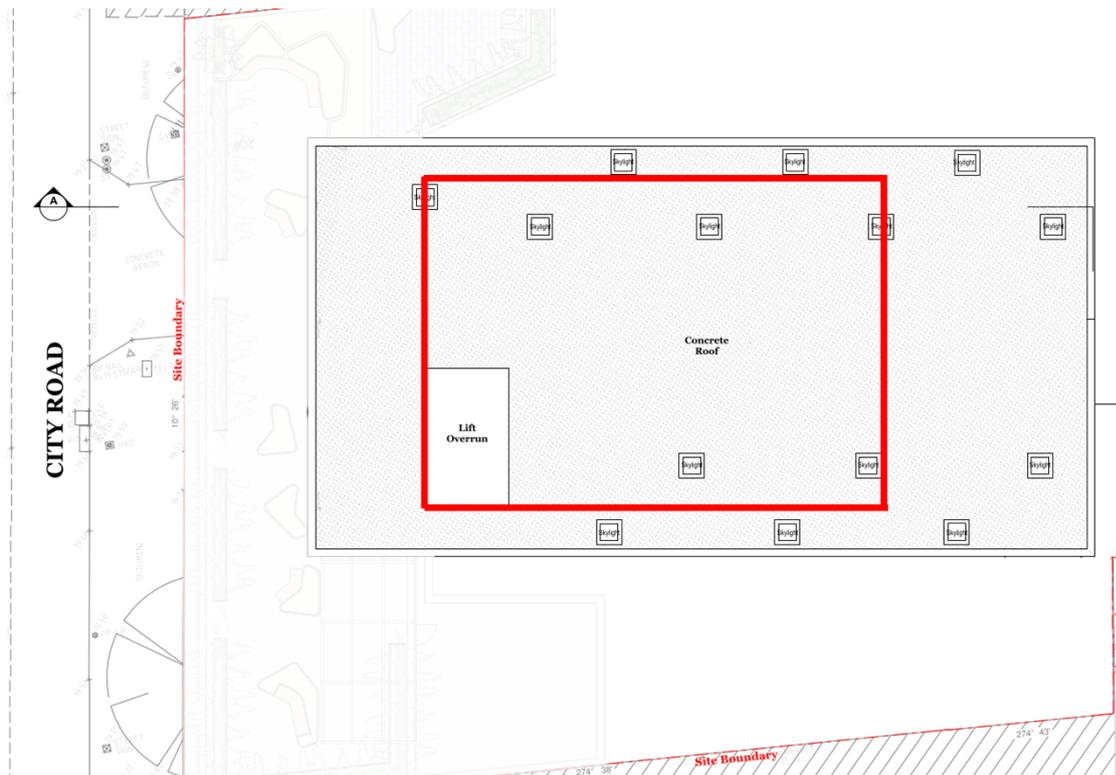


Figure 25: Approximate line of the parapet recommended to the roof



Figure 26: Approximate line of the parapet recommended to the roof

- 58. The variation to the height of buildings development standard does not raise any matters of conflict with the objectives of the B4 - Mixed Use zone.

59. Subject to design modifications, the applicant's statement seeking a variation to the height of buildings development standard satisfies the tests under subclause (3), and the variation is consistent with the objectives of the height standard and the B4 - Mixed Use zone. The variation to the height standard is in the public interest, satisfying Clause 4.6 (4) and is therefore recommended for approval.

Transport and parking

60. Clause 30(1)(h) of the State Environmental Planning Policy (Affordable Rental Housing) 2009 requires the provision of one motorbike space for every five boarding rooms. The development proposes 73 boarding rooms and as such 15 motorbike spaces are required. The development originally proposed no motorbike parking, however it has been amended to include four motorbike spaces, equal to a 73.3% variation to the standard. The motorbike spaces will be accessible from Myrtle Lane and for use by residents of the Foyer51 boarding house.
61. A statement in support of the variation to standard pursuant to Clause 4.6 of the Sydney LEP 2012 has addressed the relevant matters for consideration under subsection (3), being that compliance with the standard is both unreasonable and unnecessary and that there are sufficient environmental planning grounds to justify contravening the development standard. The statement is included at Attachment D to this report. The applicant stated the following specifically to address subsection (3):
- The development will promote the use of more sustainable forms of transport including public transport, walking and cycling, consistent with Council's controls regarding vehicular traffic generation.
 - The site is in an accessible location close to public transport infrastructure, shops, parks and the Sydney CBD.
 - The proposal provides bike parking in accordance with the minimum requirements of the SEPP and Council's DCP.
 - The proposal will not result in adverse traffic generation as only two car spaces and four motorbike spaces are proposed.
 - Strict compliance with the standard would not be an orderly and economic use of land.
 - The variation to the standard is compatible with the objectives of the B4 - Mixed Use zone.
 - The shortfall in motorbike parking will not result in adverse environmental impacts.
62. In accordance with subsection (4), development consent cannot be granted where the applicant's submission has not adequately addressed the matters for consideration under subsection (3) and where the proposal is not in the public interest because it is inconsistent with the objectives of the relevant standard and the objectives of the zone.

63. The objectives of the B4 - Mixed Use zone are as follows:
- To provide a mixture of compatible land uses.
 - To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
 - To ensure uses support the viability of centres.
64. As identified in the applicant's Clause 4.6 statement, there are no specific objectives pertaining to the standard. However, the aims of the SEPP (Affordable Rental Housing) 2009 relevant to the standard include:
- (a) to provide a consistent planning regime for the provision of affordable rental housing;
 - (b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards;
 - (c) to facilitate an expanded role for not-for-profit-providers of affordable rental housing;
 - (d) to support local business centres by providing affordable rental housing for workers close to places of work; and
 - (e) to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.
65. It is pertinent that the motorbike parking standard applies across New South Wales without consideration of the City's access to public transport and services. In this instance, the inflexibility of the standard does not reflect the differences across the state not just in access to alternative transport modes but also in policy direction.
66. For example, the objectives of Council's car parking provisions pursuant to Clause 7.1 of the Sydney LEP 2012 encourages minimising the amount of vehicular traffic generated because of proposed development.
67. The site is located within category A of the Land Use and Transport Integration map, the highest category identified in the Sydney LEP 2012 with regard to a site's accessibility to services and transport infrastructure. As the applicant has stated, the site is proximate to frequent bus and train services, as well as employment, educational and leisure facilities. In permitting a lower motorbike parking rate than is required under the SEPP (Affordable Rental Housing) 2009, the development will encourage active transport and public transport use as well as a tendency towards local centres, consistent with the objectives of the zone.
68. The development also provides 27 bike parking spaces, exceeding the minimum 15 required under the SEPP (Affordable Rental Housing) 2009.
69. Reducing motorbike parking will not only minimise traffic impacts, but will also reduce acoustic impacts to residential properties adjacent to the proposed car park.

70. The area of the site that would likely be required for the minimum provision of motorbike parking under the SEPP (Affordable Rental Housing) 2009 is shown in figure 27 below, approximately 60sqm. The area displaces the two car spaces and potentially conflicts with the adjacent fire egress. The loss of two car spaces and the potential impacts to the layout of the development in achieving compliance with the standard are unreasonable, particularly with regard to the previous matters raised.

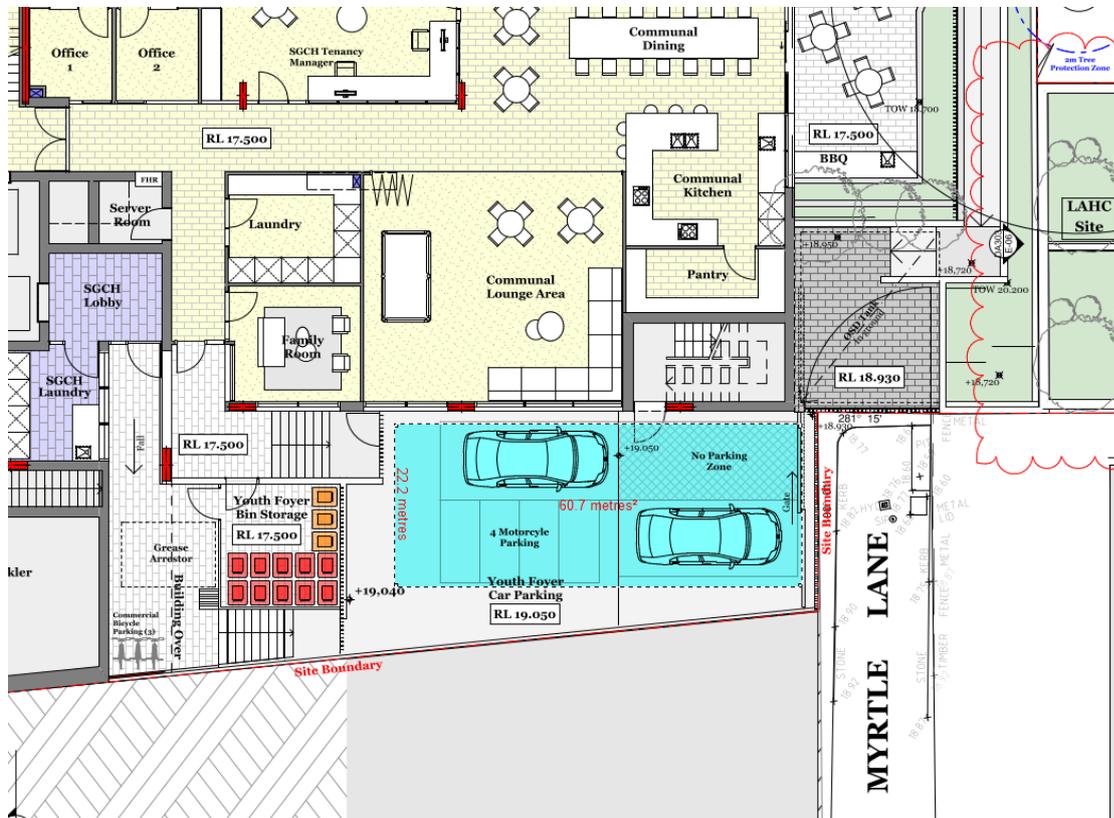


Figure 27: The area in blue highlights the minimum area required to accommodate 15 motorbikes.

71. Compliance with the motorbike parking standard at Clause 30(1)(h) of the SEPP (Affordable Rental Housing) 2009 is unreasonable and unnecessary in this instance. Sufficient environmental planning grounds exist regarding the accessibility of alternative transport modes and the site's proximity to services, employment, educational and leisure facilities to justify an exception to the standard. The development as amended is compatible with the objectives of the zone, whilst a reduction in the provision of motorbike parking does not conflict with the aims of the SEPP (Affordable Rental Housing) 2009. For these reasons the exception to the standard is in the public interest and is supported.

Terrace dwellings

72. The amended plans propose two x three storey terrace dwellings fronting Rose Street. The Rose Street elevation is generally compatible with the form and scale of the adjoining terrace rows and is acceptable. However, the bulk and form at the rear does not conform to the character and scale of surrounding development and is not supported.

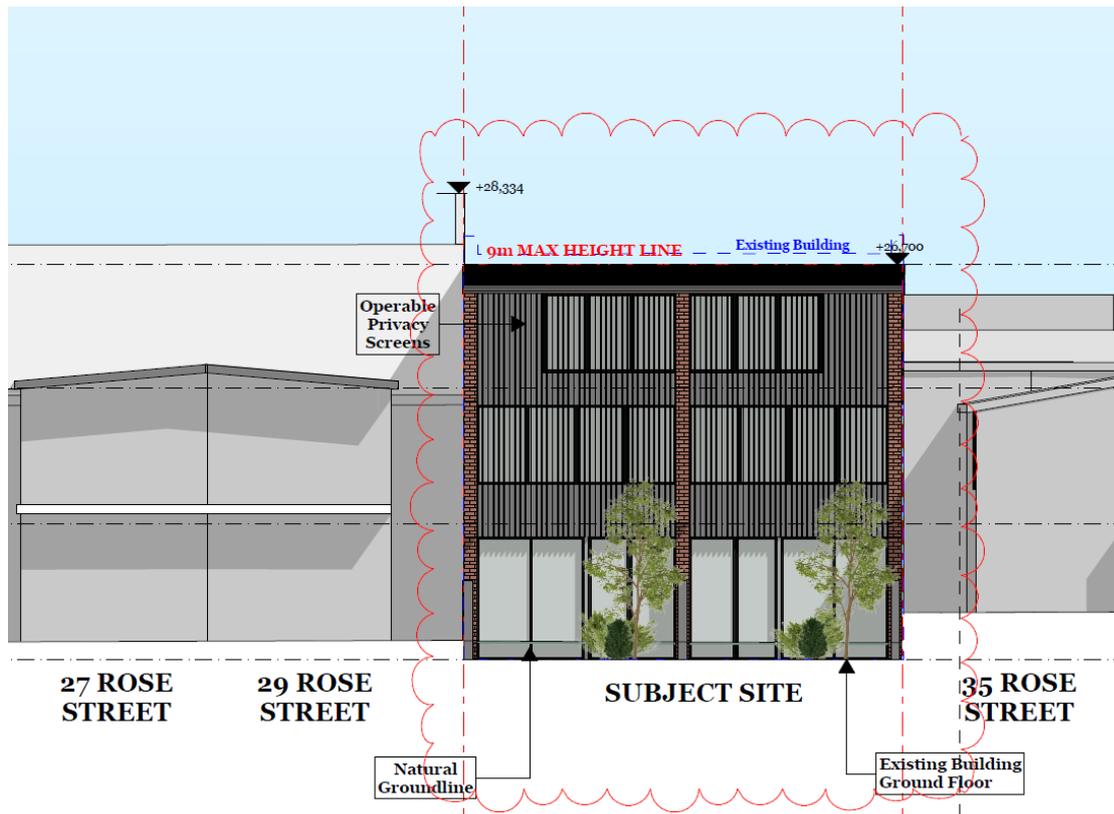


Figure 28: The rear (west) elevation of the proposed terrace dwellings

73. Section 3.9.6 of the Sydney DCP 2012 states that infill buildings should enhance and complement existing character having regard to:
- (a) topography and landscape;
 - (b) views to and from the site;
 - (c) significant subdivision patterns and layout, and front and side setbacks;
 - (d) the type, siting, form, height, bulk, roofscape, scale, materials and details of adjoining or nearby contributory buildings;
 - (e) the interface between the public domain and building alignments and property boundaries; and
 - (f) colour schemes that have a hue and tonal relationship with traditional colour schemes.

74. Section 4.1.1 of the Sydney DCP 2012 regards the maximum height in storeys and states that the maximum three storey height permitted may only be achieved where it can be demonstrated that the proposed development:
- (a) reinforces the existing and desired neighbourhood character;
 - (b) is consistent with the character, scale and form of surrounding buildings in heritage conservation areas; and
 - (c) does not detract from the character, and significance of the existing building.
75. Furthermore, section 4.1.2 of the Sydney DCP 2012 regards the recommended setbacks for development, stating "within heritage conservation areas, new development is to relate to the established development pattern including the subdivision pattern, front, side and rear setbacks."
76. The three storey, boundary-to-boundary scale at the rear of the proposed terraces does not reflect the pattern of pitched roofs, rear wings and breezeways that characterise the terrace rows adjoining the site. Having regard to the aforementioned controls, it is recommended that the form of the terraces be modified to have a pitched roof and two storey wings in keeping with the pattern of the adjoining terrace rows. The materials and architectural expression are not required copy that of neighbouring properties.

Floor space ratio

77. The site is permitted a maximum FSR of 1.5:1. As shown in the Sydney LEP 2012 compliance table, the proposed terrace dwellings comply with the maximum floor space ratio. The gross floor area will be further reduced as a result of the design modifications discussed above.
78. In accordance with Clause 1(c)(i) of the SEPP (Affordable Rental Housing) 2009, the boarding house development (that is, excluding the retail component) is permitted up to an additional 0.5:1 above the maximum for the site.
79. The application as amended proposes 2452.50sqm GFA for the boarding house and 90sqm for the retail unit. This equates to a FSR of 2.02:1 (this includes the bike storage area which the applicant has discounted from calculations, as bicycle parking is not excluded from the definition of gross floor area under the Sydney LEP 2012).
80. When discounting the retail component of the development, the maximum permitted FSR of the boarding house is 2,426sqm or (1258sqm x 2) - 90sqm. As such the boarding house exceeds the maximum standard by 26.5sqm.
81. Given the discrepancy in gross floor area calculations prepared by the applicant and Council officers (based on the incorrect exclusion of bicycle parking noted above), the applicant has not submitted a written request seeking a variation to the Floor Space Ratio development standard under Clause 4.4 of Sydney LEP 2012.
82. Notwithstanding, the gross floor area of the boarding houses will be reduced by approximately 186sqm as a result of the design modifications recommended previously. As such, subject to conditions, the development is projected to result in a gross floor area of 1.87:1 which complies with the maximum permitted FSR.

Solar access

83. Section 4.4.1.4 of the Sydney DCP 2012 requires communal areas, including internal and external spaces, to receive a minimum three hours of solar access during midwinter. While the roof terrace and living area of the SGCH boarding house comply, the communal areas of Foyer51 do not. These spaces are located at the lower ground level and obscured by tall buildings surrounding the site. The figure below is an extract from the applicant's view from the sun diagrams, which have not been updated with the amended plans however still demonstrate the constraints of the site and its context.

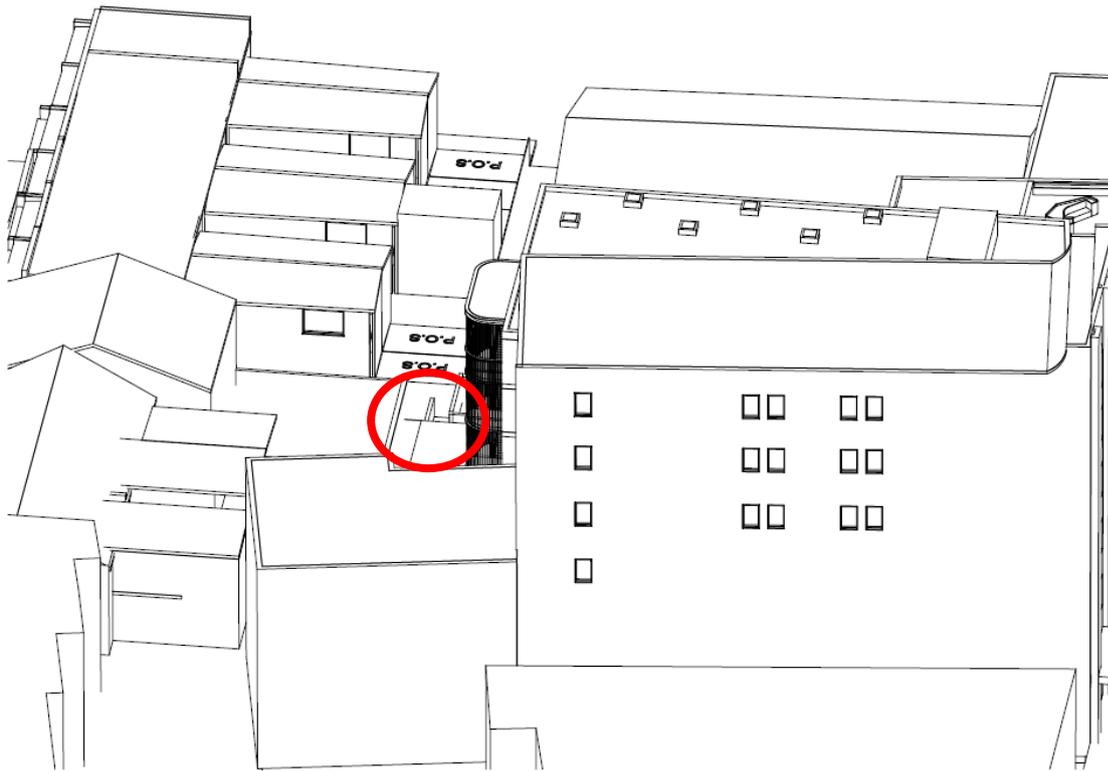


Figure 29: A view from the sun at 11am midwinter. The communal open space is obscured by the tall buildings adjoining the site. The area circled in red is the location of the OSD tank

84. As previously discussed at paragraph 52, the applicant undertook an exercise in determining the most appropriate built form to maximise the amenity of the boarding houses with adversely impacting the amenity of neighbouring properties. The applicant has decided to elevate the boarding rooms such that solar access and daylight are improved to these spaces, and to ensure physical separation between the facilities of the two boarding houses. The site is also located adjacent to Victoria Park, providing an alternative outdoor area with good solar access.
85. Non-compliance with the control is acceptable in this instance with regard to the constraints of the site and the location of the communal facilities as proposed is the most appropriate location. Subject to design modifications to reduce the bulk at the rear of the boarding house building and the terraces, the design is an appropriate response that achieves the broader aims of providing affordable housing on site without adversely impacting the character and amenity of the surrounding area.

Overshadowing

86. Section 4.1.3.1 of the Sydney DCP 2012 requires development to maintain a minimum two hours of solar access to the 1sqm of living areas and 8sqm of private open space during midwinter between 9am and 3pm. Where a neighbouring property does not currently receive two hours solar access in accordance with the control, no additional overshadowing is permitted.
87. The amended plans are not accompanied by updated view from the sun diagrams to illustrate the impacts of the proposal on adjoining properties. Furthermore, the existing view from the sun diagrams do not include dividing fences which renders understanding the existing solar access to neighbours difficult to quantify. However officers contend that these properties, particularly no. 39 Rose Street, currently receive less than 2 hours solar access to private open space at the rear and as such no further overshadowing should occur.
88. Figures 20 and 21 above demonstrate the overshadowing caused by the boarding houses to the rear of the neighbouring terrace dwellings, which will occur from approximately 12.30pm to 1.45pm. The reduction in bulk to the rear of the boarding house building is anticipated to maintain the existing provision of solar access to these properties and is therefore acceptable.

Private Open Space

89. Section 4.4.1.4 of the Sydney DCP 2012 recommends 30% of boarding rooms be provided private open space, such as balconies. None of the boarding rooms in the proposal is provided private open space.
90. Notwithstanding non-compliance with the numerical control, the development provides good communal facilities for residents. It is understood that private balconies are inconsistent with the intended management of Foyer51 and as such it is acceptable in this instance to support a variation.
91. A private balcony is provided for the site manager's unit.

Other Impacts of the Development

92. The proposed development is capable of complying with the NCC.
93. 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

94. The site is suitable for the proposed development.

Internal Referrals

Design Advisory Panel

95. Council's Design Advisory Panel reviewed the original application and made the following observations:

- (a) The non-compliance with the height standard was not supported, as the extent of the non-compliance was not considered to result in a public benefit. Notwithstanding, the Panel also recommended the developer explore an alternative, taller and slimmer scheme.

Response - The taller and slimmer scheme would further breach the height standard, adversely impacting the character and amenity of the surrounding area. The architect explored this scheme as shown in Attachment C and is not supported.

A condition of consent is recommended reducing the extent of the non-compliance such that impacts to the character and amenity of the surrounding area are acceptable.

- (b) The amenity of the communal spaces within the Foyer51 boarding house was considered inadequate.

Response - The architect has compared different building layouts to provide the best amenity for occupants and neighbouring residents, with the proposed layout considered to be the most successful. Non-compliance with the solar access controls is acceptable with regard to the constraints of the site and surrounding area.

- (c) The expression of the original boarding house design did not respond to the character of the Chippendale conservation area, in particular the arches. The development was recommended to take on a more residential character.

Response - The building expression has been amended such that it results in a better relationship with the character of City Road and the broader conservation area.

- (d) Concern over the allocation of available floor space from the properties fronting Rose Street to the boarding house.

Response - The development has been amended such that, subject to design modification conditions, the development is able to comply with the maximum permitted floor space ratio.

- (e) Myrtle Lane should terminate into a green space.

Response - The area in question is proposed to accommodate an OSD tank and turning bay for cars. As illustrated in the Traffic and Transport report accompanying the application, this area is required for vehicle manoeuvrability. It is also unclear to where the OSD could be moved. As such this recommendation is not supported.

Heritage

96. Council's Heritage officer has raised no objections to the proposed development, noting that the amended architectural expression is more in keeping with the local character and adjoining buildings.
97. A condition of consent is recommended requiring the line of the gate to the substation to be setback and align with the glass line of the Foyer51 entrance and the wall in front of the water/gas meter box is to be removed. Increasing the setback of the recessed enclosure will highlight the robust brick columns at ground level and improve their visual relationship with the upper level brickwork.
98. Conditions are recommended regarding the protection of the adjoining heritage item during construction and for the developer to contact Council in the event that archaeological finds are made during excavation.

Urban Design

99. Council's Urban Design officer has recommended that the rear of the boarding house be reduced to provide a transition in height from five storeys towards the two storey terraces fronting Rose Street. Conditions of consent are recommended accordingly.
100. The original building expression to City Road was not supported as it was perceived to have an adverse relationship with the form and scale of the adjoining heritage item. No objections are raised to the amended building expression.
101. Further details are recommended regarding the operability of the windows. A condition is recommended accordingly.
102. The partially enclosed recess to the SGCH boarding house lobby and water/gas meter box raises safety and security concerns. A condition is recommended requiring the wall in front of the meter box to be removed.

Tree Management

103. The application proposes the removal of 11 trees, seven of which are exempt from protection under section 3.5 of the Sydney DCP 2012. Two street trees in accordance with Council's Street Tree Master Plan are proposed on City Road.
104. Council's Tree Management officer supports the removal of the two Casuarina trees within the front of the site subject to the provision of the two street trees and the provision of additional canopy cover within the communal courtyard of the site. The Bottlebrush and Jacaranda located within the site are of limited landscape significance and their removal is equally supported subject to compensatory tree canopy being provided.
105. Conditions of consent are recommended in accordance with the arborist's report to protect trees on neighbouring properties' land during construction and to ensure appropriate replacement trees are included within the landscape area of the site.

Environmental Health

106. Council's Environmental Health officer has reviewed the proposal with regard to potential site contamination. Given the historic use of the site and surrounding area, the site is not considered to be contaminated. Notwithstanding, conditions are recommended regarding the use of virgin natural excavated soils and for a protocol to be established in the event that contaminated soils are discovered during construction.

Public Domain

107. Council's Public Domain unit have recommended conditions regarding flood planning levels, onsite stormwater management and public domain upgrades and are supported.

Safe City

108. Council's Safe City officer has reviewed the application and raised specific recommendations regarding communications with mental health bodies and the police, as well as waste management and where residents will be permitted to smoke. The plan of management addresses these concerns and is therefore acceptable.

Transport and Traffic

109. Council's Transport and Traffic officers recommended that motorbike parking be provided on site, particularly as the applicant had demonstrated that the site could accommodate car parking. Furthermore concerns were raised regarding manoeuvrability and the suitability of access from Myrtle Lane.
110. One car space has been removed and four motorbike spaces are provided. As previously discussed an exception to the provision of motorbike parking in accordance with the SEPP (Affordable Rental Housing) 2009 is supported.
111. A condition of consent is recommended requiring the retail bike spaces to be relocated to within the premise, rather than at lower ground level.

Public Art

112. Council's Public Art team have recommended that the public art strategy be updated to commit to 1% of the cost of construction being provided for public art, as well as one location rather than two being chosen. Conditions of consent are recommended accordingly.
113. The conditions of other sections of Council have been included in the proposed conditions.

External Referrals**Roads and Maritime Services**

114. Roads and Maritime Services have raised no objections to the development, subject to a condition requiring alternative servicing areas to be provided in the event that the loading zone on City Road is removed.
115. Council's Transport and Traffic officer has advised that it is unlikely that this would occur. However, a condition is recommended requiring the area accommodating the car spaces to be used for servicing in the event that the loading zone on City Road is removed.

Transport for NSW

116. Transport for NSW has raised an objection to servicing the site from City Road. As discussed above, the matter is acceptable to RMS and Council's Traffic and Transport officer subject to conditions.

Notification, Advertising and Delegation

117. In accordance with Schedule 1 the Sydney DCP 2012, the proposed development is required to be notified and advertised. As such the application was notified and advertised for a period of 28 days between 27 November 2017 and 3 January 2018. As a result of this notification there were four submissions received.

118. Following the submission of amended plans, the application was re-exhibited for 28 days between 24 April and 23 May 2018. As a result of this notification there were three submissions received (one being a previous submitter).

119. The objections to the proposal are addressed below:

- (a) Construction impacts on Rose Street and neighbouring properties

Response - A construction management plan was submitted with the application however it does not include detailed a Construction Traffic Management Plan and has not been updated to reflect the amended proposal. Conditions of consent regarding construction hours and traffic management are recommended.

- (b) Lack of parking

Response - The development is consistent with the City's objectives to reduce vehicular traffic generation, provides bike parking exceeding minimum controls and is suitably located with access to public transport, services and employment. Residents of the boarding houses will not be eligible for parking permits, while the demand for parking from the two dwellings on Rose Street is not anticipated to contribute to congestion and competition for parking.

The layout of the proposed parking has been amended to be manoeuvrable.

- (c) The geotechnical report does not refer to properties fronting Rose Street.

Response - Minimal excavation is proposed and as such impacts to the structural stability of Rose Street properties is not considered high. A dilapidation report is recommended to be undertaken to monitor impacts on neighbouring properties.

- (d) Visual and security impacts from the Rose Street sites being left vacant.

Response - The development has been amended to include the construction of terrace dwellings fronting Rose Street. Construction will be staged such that the boarding house building is constructed first.

- (e) Overlooking.

Response - The boarding house building and terraces are designed to mitigate overlooking of neighbouring properties. The communal open space of Foyer51 is designed to provide visual privacy for residents.

A concern was raised regarding overlooking from south facing windows towards 38 City Road. This property is approximately 25 metres from the south facing windows and as such overlooking is mitigated.

- (f) Bulk and scale, overshadowing of neighbouring properties.

Response - Conditions are recommended to reduce the bulk of the boarding houses at the rear to provide a transition to the adjacent two storey dwellings and protect solar access in midwinter. The scale of the development fronting City Road is acceptable.

- (g) Insufficient information regarding the form of development fronting Rose Street.

Response - Amended plans have been received regarding the form of the terrace dwellings to Rose Street. The resident that made this objection to the initial exhibition period did not raise any further objections to the amended scheme, which included the terrace dwellings.

- (h) Adverse odour impacts from Toby's Estate on the amenity of the boarding rooms.

Response - Council's Compliance Unit are currently investigating adverse noise and odours being generated from Toby's Estate in breach of conditions. It is anticipated that these issues can be resolved such that boarding rooms adjoining the site can open windows without adverse impacts to amenity.

- (i) Council should reconsider lowering the maximum height permitted for the proposed lots fronting Rose Street to be consistent with the adjacent terrace dwellings.

Response - This is a strategic matter beyond the scope of a part 4 assessment. Notwithstanding, the proposed dwellings are compatible with the streetscape in scale. A condition of consent is recommended to reduce the bulk of the terrace dwellings at the rear to be consistent with adjoining dwellings.

- (j) Local infrastructure cannot accommodate the proposed development.

Response - The boarding house is exempt from developer contributions in accordance with Council's contributions plan, to recognise the public benefit of below market rent affordable housing. Notwithstanding the development provides on-site services for residents of the Foyer51 boarding house. The two dwellings fronting Rose Street will be required to contribute to services.

Public Interest

120. It is considered that the provision of affordable housing (to be provided in perpetuity in accordance with the grant provided by the City of Sydney), particularly for you at risk of homelessness, is in the public interest, subject to conditions to protect the amenity of neighbouring properties.

S7.11 Contribution

121. The boarding house development is exempt from the provisions of the City of Sydney Development Contributions Plan 2015 as the rooms will be managed by a registered affordable housing provider.

122. The subdivision and construction of a retail premise and two dwellings fronting Rose Street (not identified as affordable housing) are not exempt from developer contributions. The following monetary contribution is required towards the cost of public amenities:

| | |
|---------------------------|-------------|
| (a) Open Space | \$32,574.09 |
| (b) Community Facilities | \$6,186.93 |
| (c) Traffic and Transport | \$15,200.73 |
| (d) Stormwater Drainage | \$6,011.53 |
| Total | \$59,973.28 |

Conclusion

123. The application, as amended, proposes:
- Demolition of three buildings containing 39 social housing units.
 - Subdivision.
 - Construction of a five storey building containing 73 boarding rooms, communal facilities, car parking and landscaping.
 - One retail tenancy.
 - Construction of two x three storey terrace dwellings.
124. The boarding houses will be operated by registered community housing providers with rent provided at below market rent. The terrace dwellings are not proposed to form part of the boarding houses and are not proposed to be rented as affordable housing.

125. At five storeys and 15.2 metres, the development exceeds the maximum permitted height of buildings development standard under the Sydney LEP 2012 and the maximum height in storeys control under the Sydney DCP 2012. At 2.02:1, the development also exceeds the maximum permitted floor space ratio of 2:1. A request to vary the height of buildings development standard pursuant to Clause 4.6 of the Sydney LEP 2012 has been submitted. This variation is supported subject to design modifications reducing the bulk of the building at the rear, which will result in the development complying with the maximum permitted FSR, being compatible in scale with adjoining development and protecting the amenity of neighbouring properties.
126. The applicant has submitted a request to vary Clause 30(1)(h) of the SEPP (Affordable Rental Housing) 2009 "the maximum motorbike parking standard" from the minimum 15 required, to four representing a 73.3% departure from the standard. The variation to the standard is acceptable as the site is located within an accessible area proximate to public transport, services, employment, education and leisure facilities. The development provides cycle parking exceeding the minimum requirements and is consistent with the City's policy to reduce vehicular traffic generation.
127. The bulk of the boarding houses is recommended to be reduced to be compatible with the form and scale of the terrace rows adjoining the site.
128. The application as amended proposes construction and occupation of the boarding house first and then construction of the terrace dwellings. This is as NSW Land and Housing Corporation wish to retain ownership of the subdivided lots fronting Rose Street. The staged construction of the development does not conflict with the provisions of Clause 7.19 of the Sydney LEP 2012, which permits demolition only when development consent is granted for construction of a replacement building.
129. The amenity of the boarding houses is reasonable with regard to the constraints of the site and will not adversely impact the amenity of neighbouring properties.
130. The provision of affordable housing is a positive contribution to the City and subject to design modifications will not adversely impact the character and amenity of the surrounding area. The development is therefore in the public interest and recommended for approval.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

David Zabell, Specialist Planner