

**Item 9.****Development Application - 19A-F William Street, Alexandria**

File No.: D/2018/527

**Summary****Date of Submission:** 18 May 2018

Amended 5 July 2018

**Applicant:** Mr John Higgins**Architect:** Derek Raithby Architects**Owner:** John & Sandra Higgins

Hnoi Bee Ng

Phoung Yarang

Ju Ching

**Cost of Works:** \$210,000**Zoning:** The site is zoned B4 Mixed Use. The proposed alterations and addition to the existing attached dwellings are permissible with consent.**Proposal Summary:** The application seeks consent for the construction of one additional bedroom on the second floor of each of the six existing terrace dwellings at 19A to 19F William Street, Alexandria.

Development Application D/2013/62 granted approval for the demolition of all structures and construction of 6 x 3 storey townhouses and 2 x apartments with lower ground floor car parking accessed from William Lane. These works have been completed and are the subject dwellings. The redevelopment of the site under D/2013/62 was approved with a total floor space ratio (FSR) of 1.15:1.

The maximum permissible FSR for the site is 1.5:1, which is inclusive of 0.5:1 community infrastructure floor space under the provisions of Clause 6.14 of the Sydney Local Environmental Plan 2012 (Sydney LEP 2012).

**Proposal Summary  
(continued)**

The subject development application seeks to increase the gross floor area of the development, and is reliant on an additional community infrastructure floor space of 0.14:1 (or 116sqm) resulting in a total floorspace of 910sqm and an FSR of 1.29:1.

The application has been accompanied by a public benefit offer for a monetary contribution of \$55,100 towards the provision of infrastructure for Green Square. A draft Voluntary Planning Agreement (VPA) has been prepared and was placed on public exhibition for a 28 day period between 31 August 2018 and 29 September 2018.

The application is referred to the Local Planning Panel for determination as the proposal is subject to a Voluntary Planning Agreement.

The application was advertised for a period of 14 days from 24 July 2018 to 8 August 2018. No submissions were received during the notification period.

The proposal has been amended during the assessment of the application to address preliminary concerns raised relating to building setbacks and the rear building line. Additional information has also been supplied by the applicant regarding solar access and an amended public benefit offer.

The amended proposal has been assessed as having a built form, height and setbacks that satisfactorily address the context of the site including neighbouring development and the streetscape. The development is considered to be of an appropriate form, scale, use and materiality for the locality.

The application is recommended for a deferred commencement consent to allow the execution of the voluntary planning agreement and payment of the contribution.

**Summary Recommendation:** The development application is recommended for deferred commencement approval.

**Development Controls:**

- (i) Civil Aviation (Building Control) Regulations 1988
- (ii) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- (iii) Sydney Local Environmental Plan 2012
- (iv) Sydney Development Control Plan 2012
- (v) City of Sydney Development Contributions Plan 2015

- (vi) Green Square Affordable Housing Program

**Attachments:**

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Draft Voluntary Planning Agreement

**Recommendation**

It is resolved that pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2018/527 subject to the conditions set out in **Attachment A** to the subject report.

**Reasons for Recommendation**

The application is recommended for a deferred commencement approval, for the following reasons:

- (A) The development, subject to the imposition of appropriate conditions as recommended in Attachment A, is consistent with the objectives of the planning controls for the site for the reasons outlines in the report to the Local Planning Panel.
- (B) The built form, height and setbacks address the context of the site and are appropriate within the streetscape.
- (C) The development has been designed to exhibit design excellence in accordance with Clause 6.21 of the Sydney Local Environmental Plan 2012.
- (D) The proposed development contributes to the delivery of community infrastructure for Green Square through the provision of a monetary contribution. These are included within the Voluntary Planning Agreement associated with the development application. The imposition of a deferred commencement is to allow for the execution of the Voluntary Planning Agreement and the payment of the monetary contribution.

## Background

### The Site and Surrounding Development

1. The part of the site subject of to the development application is made up of six terraces known as 19A to 19F William Street, Alexandria. The properties are legally known as Lots 1 to 6 of DP 1205326.
2. The collective site is rectangular in shape with an area of approximately 794sqm. The site is located on the western side of William Street with a total street frontage of 25.69m and secondary street frontage of 25.1m to William Lane. The site has a depth of 30.6m. The property currently contains a total of eight dwellings, including six terraces fronting William Street (being 19A to 19F William Street that are the subject of this application) and two dwellings that front William Lane (being 9 and 11 William Lane which are not subject to this application). It should be noted that the two laneway dwellings (to be known as 9 and 11 William Lane) are located on Lot 3 (being 19C William Street) and are not separately strata titled.
3. There is a significant level change on the site of approximately 1.6m from east to west (front to rear). The site does not contain any significant trees.
4. Surrounding land uses are a mix of residential, public spaces and commercial. The wider area is part of the Green Square Urban Renewal area and is currently undergoing a transition.
5. To the north of the site at No.15-17 William Street is a single storey warehouse currently used as an electrical warehouse. Further to the north at No.1-9 and 11-13 William Street, and to the south at No.21-27 William Street, are two to four storey residential flat buildings with vehicle access from William Lane.
6. To the east of the site is Beaconsfield Park and tennis courts.
7. To the west of the site, fronting O'Riordan Street are one and two storey commercial buildings used for a range of warehouses, office and food and drink uses.
8. The site is not located within a heritage conservation area and is not identified as a heritage item.
9. A site inspection was carried out by Council staff on 12 June 2018. An aerial view of the site is provided at Figure 1, and photos of the site and surrounds are provided below at Figures 2 to 10:



Figure 1: Aerial image of subject site and surrounding area



Figure 2: The collective site of No's 19A to 19F (inclusive) as viewed from William Street



**Figure 3:** The collective site as viewed from William Lane. Note the upper level is two separate dwellings known as 9 and 11 William Lane, which are not part of this application



**Figure 4:** View of the rear (western elevation) of the row of dwellings of 19A to 19F William Street, looking south from the courtyard of 19A William Street



**Figure 5:** Proposed location of the additional bedrooms to each dwelling, replacing the existing non-trafficable roof. View from the rear facing balcony of No.19A William Street looking south.



**Figure 6:** Looking west from the top floor of No.19A William Street.



**Figure 7:** Looking north from the top floor of No.19E William Street



**Figure 8:** Looking south from the top floor of No.19E William Street.



**Figure 9:** The subject site and adjoining property (No.21-27 William Street) as viewed from William Street



**Figure 10:** Looking south along William Lane (subject site identified)

## Proposal

10. The application seeks consent for alterations and additions to each of the existing attached dwellings at 19A to 19F William Street comprising of:
  - (a) Demolition of the existing second floor, rear facing balcony;
  - (b) Extension of the second floor of each dwelling by 4.9 metres towards the west to accommodate an additional bedroom to each dwelling. This would increase the accommodation in each dwelling to a total of four bedrooms; and
  - (c) New windows on the western elevation to service the additional bedrooms.
11. The development application is accompanied by a public benefit offer of \$55,100 for a monetary contribution for community infrastructure in Green Square.
12. Plans of the proposed development are provided at Figures 11 to 13, below, and a full set of the plans is provided at Attachment B.

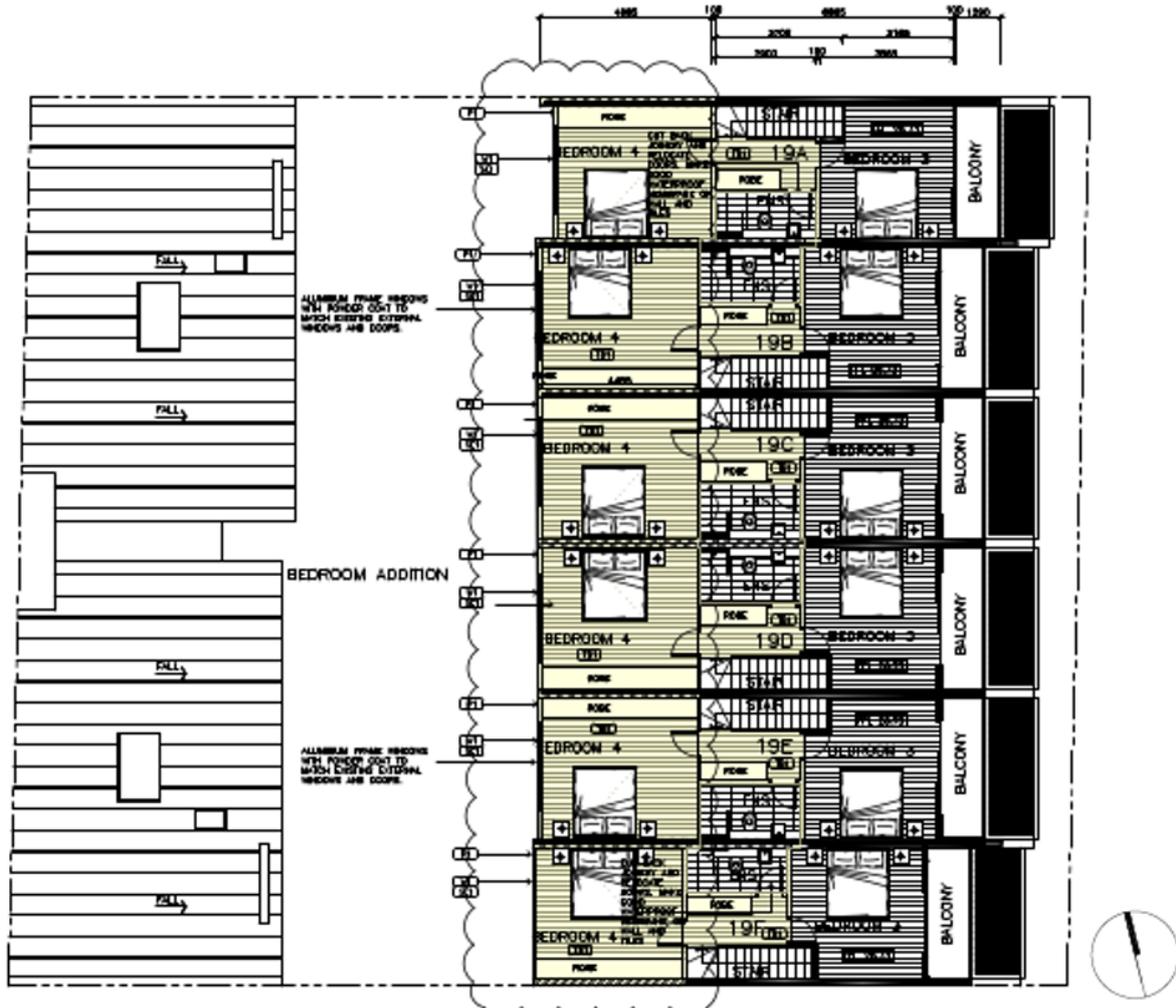


Figure 11: Proposed second floor plan



Figure 12: Western elevation as viewed from the internal courtyards

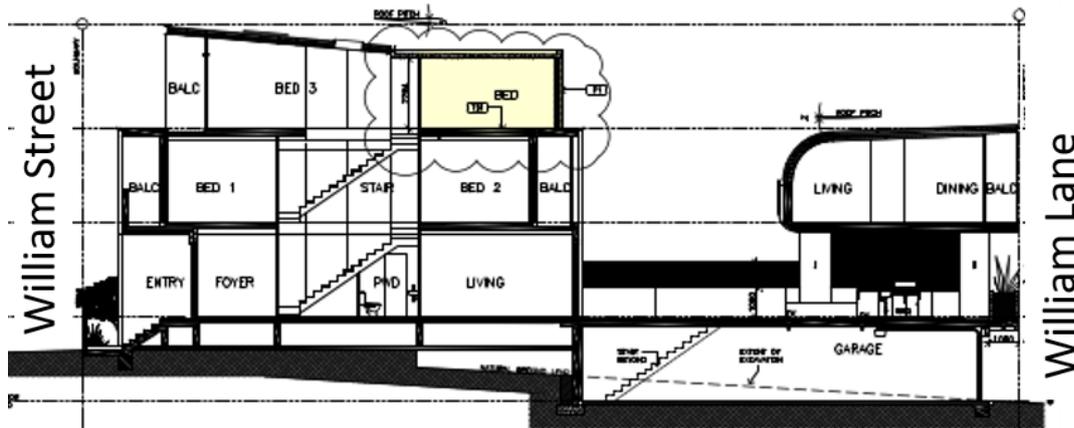


Figure 13: Section A-A

## History Relevant to the Development Application

### Background to the redevelopment of the total site

13. On 11 October 2013, deferred commencement consent was granted under D/2013/62 for:
  - Demolition of all structures;
  - Remediation of the site; and
  - Construction of 6 x 3 storey townhouses and 2 x apartments with lower ground floor car parking accessed from William Lane.
14. This consent was activated on 10 July 2015 through the execution of the Voluntary Planning Agreement and payment of the monetary contributions.
15. Section 4.55 application D/2013/62/B was approved on 10 January 2018 and granted consent to increase excavation and alterations to the lower ground car parking, deletion of windows, alignment of 4 central townhouses and internal reconfigurations.
16. An Occupation Certificate for the works was issued on 23 February 2018.
17. The site was subdivided in a Stratum arrangement under S/2017/19 on 21 July 2017.
18. The site is subdivided into:
  - Lots 1, 2, 4, 5 and 6: which have frontages to William Street and William Lane and each comprise a three storey terrace. The main entrance to the properties is from William Street and a garage, with room above, is accessed from William Lane.

- Lot 3: has frontages to William Street and William Lane. Lot 3 comprises a three storey terrace house known as 19C William Street (fronting William Street) and two residential apartments to be known as 9 and 11 William Lane (fronting William Lane) erected at first floor level over the garages and rooms belonging to Lots 1, 2, 4, 5 and 6 at the rear of the site. Access to the units and parking spaces for Lot 3 is from William Lane. Following this subdivision Lot 3 will then be strata subdivided into three lots and common property.
19. Development application D/2018/648 was lodged on 14 June 2018. This application seeks consent for the erection of an additional level to the rear lane dwellings fronting William Lane (above 19C William Street, known as 9 and 11 William Lane). This application is currently under assessment and is proposed to be reported as a separate assessment report to the Local Planning Panel.

### **Background to subject development application**

20. Following a preliminary assessment of the application, a formal request for amended plans and additional information was made on 13 June 2018. The correspondence raised concerns regarding the bulk of the addition as viewed from the courtyards, requested additional solar access diagrams and an amended public benefit offer.
21. A response to the above request was received on 5 July 2018, which included the requested information and amended the proposal to include a 500mm setback of the proposed second floor addition from the existing rear building line established by the wall of the first floor below.

### **Economic/Social/Environmental Impacts**

22. 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.

### **Civil Aviation (Building Control) Regulations 1988**

23. Section 182 of the Commonwealth Airports Act 1996 specifies that, amongst other things, constructing a building or other structure that intrudes into a prescribed airspace is a controlled activity.
24. Schedules 2 and 5 of the Civil Aviation (Building Control) Regulations 1988 identify the subject site is subject to a prohibition of the construction of buildings more than 50 feet in height (15.24m) above existing ground height.
25. Section 183 of the Commonwealth Airports Act 1996 specifies that controlled activities may not be carried out in relation to prescribed airspace unless an approval has been granted. The relevant approval body is the Civil Aviation Safety Authority (CASA).
26. The applicant provided Council with a copy of the approval granted by the Sydney Airport Airfield Design Manager, as an authorised person of the CASA, on 6 July 2018.

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

27. A BASIX Certificate has been submitted with the development application for each dwelling (Certificate No's. A310172, A310213, A310218, A310220, A310221 and A310552).

28. The BASIX certificates list measures to satisfy BASIX requirements which have been incorporated in the proposal. A condition is recommended ensuring the measures detailed in the BASIX certificate are implemented.

### Sydney LEP 2012

29. The site is located within the B4 Mixed Use zone. The proposal is for alterations and additions to six of the existing residential dwellings. The use is defined as 'attached dwelling', which is permissible, with consent in the zone.
30. The relevant matters to be considered under Sydney LEP 2012 for the proposed development are outlined below.

Development Control	Compliance	Comment
4.3 Height of Buildings	Yes	<p>A maximum height of 15m is permitted.</p> <p>The existing building has a maximum building height of 10.2m. The proposed works have a maximum height of 9.4m.</p>
<p>4.4 Floor Space Ratio</p> <p>6.14 Community infrastructure floor space at Green Square</p>	Yes	<p>The site has a base FSR of 1:1 under Clause 4.4 of Sydney LEP 2012.</p> <p>The site is located in Area 6 and under the provisions of Clause 6.14 of Sydney LEP 2012, the site is eligible for a further 0.5:1 of community infrastructure floor space.</p> <p>As such, a combined maximum FSR of 1.5:1 is permitted.</p> <p>The proposed development will result in an FSR of 1.29:1 (910sqm).</p> <p>Refer to Issues section for further discussion.</p>

<b>Part 6 Local Provisions - Height and Floor Space</b>	<b>Compliance</b>	<b>Comment</b>
6.21 Design Excellence	Yes	<p>The proposal achieves a design that is consistent with the existing architecture of the base building.</p> <p>The proposal seeks to extend the top floor in line with the built form of surrounding developments, and would remain in keeping with the character of the area. The siting of the addition will have no impact on the streetscapes of either William Street or William Lane.</p> <p>The proposal will have minimal amenity impacts and overall is considered to be appropriate to the building type and area consistent with Clause 6.21.</p> <p>The proposed development exhibits design excellence and complies with the requirements of Clause 6.21.</p>

<b>Part 7 Local Provisions - General</b>	<b>Compliance</b>	<b>Comment</b>
<p>Division 1 Car parking ancillary to other development</p> <p>7.5 Residential flat buildings, dual occupancies and multi dwelling housing</p>	Yes	<p>The existing car parking arrangement will not be amended through this proposal.</p> <p>The existing car parking includes 1 car space per dwelling, with a total of 8 spaces provided in a lower ground level arrangement accessed from William Lane.</p> <p>A maximum of 8 spaces are permitted under Clause 7.5 of Sydney LEP 2012.</p>

Part 7 Local Provisions - General	Compliance	Comment
Division 3 Affordable housing  7.13 Contribution for purpose of affordable housing	Yes	<p>The site is located within the boundaries of Green Square, and as such, the provisions of the Green Square Affordable Housing Program are applicable.</p> <p>Under the provisions of Clause 7.13(6) of Sydney LEP 2012, the application is classified as excluded development as the additional floor space created by this development application will be less than 200sqm (an additional 116sqm is proposed).</p> <p>It should be noted that an affordable housing contribution of \$146,998.38 was levied on the original development consent (D/2013/62).</p>
7.16 Airspace operations	Yes	<p>The proposed development will not penetrate the Obstacle Limitation Surface as shown on the Obstacle Limitation Surface Map to the Sydney Airport.</p> <p>Notwithstanding this, the proposal does trigger a requirement for referral to Sydney Airport under the Civil Aviation (Building Control) Regulations 1988. Refer to discussion elsewhere in this report.</p>

### Sydney DCP 2012

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

#### 2. Locality Statements – 2.5.2 - Beaconsfield

The subject site is located in the Beaconsfield locality. The proposed alterations and additions to the existing dwellings are considered to be in keeping with the unique character of the area and design principles in that it will contribute to the existing built form patterns and maintains the use of Beaconsfield Park as a community node for the neighbourhood.

<b>3. General Provisions</b>	<b>Compliance</b>	<b>Comment</b>
3.1 Public Domain Elements	Yes	The proposed additions will not be visible from the public domain due to their siting at the rear of the existing terraces. They will be screened from view from the lane by the existing three storey laneway structure.
3.5 Urban Ecology	Yes	The proposed development involves the removal of any trees and will not adversely impact on the local urban ecology.
3.6 Ecologically Sustainable Development	Yes	The proposal satisfies BASIX and environmental requirements.

Development of the subject site was previously assessed and determined subject to Section 4.2 of the Sydney DCP 2012 relating to multi-dwelling developments. As the site has since been subdivided into individual dwellings it is considered that the controls and provisions within Section 4.1 of the Sydney DCP 2012 are more appropriate for the proposed development.

<b>4. Development Types</b>	<b>Compliance</b>	<b>Comment</b>
<b>4.1 Single dwellings, terraces and dual occupancies</b>		
4.1.1 Building height	Yes	A maximum of three storeys is permitted.  The proposed development is three storeys in height.
4.1.2 Building setbacks	Yes	Please see discussion on the rear building line under the heading Issues.

4. Development Types  4.1 Single dwellings, terraces and dual occupancies	Compliance	Comment
4.1.3 Residential amenity	Yes	<p>The proposed additions to each dwelling will have acceptable residential amenity, and will not have unreasonable impacts on the residential amenity of neighbouring properties.</p> <p>The subject dwellings will retain ground floor private open space and three balconies per dwelling providing for adequate amenity for the occupants of the subject sites with the removal of the second floor rear facing balcony.</p>
4.1.3.1 Solar access	Yes	Please see discussion on the solar access under the heading Issues.
4.1.3.6 Visual privacy	Yes	<p>The proposal includes rear facing windows to the new bedrooms replacing existing, unscreened balconies. The windows are proposed to be fitted with sliding screens to match the existing first floor screens below.</p> <p>The proposed windows have the potential to overlook the internal balconies of No.21-27 William Street, specifically the southern most dwellings. These windows are considered to have no additional overlooking impact compared to the existing balconies in that location.</p> <p>The proposed windows are acceptable given the screening proposed and context of the site.</p>

4. Development Types  4.1 Single dwellings, terraces and dual occupancies	Compliance	Comment
4.1.4 Additions and alterations	Yes	<p>The proposal includes a rear addition to the existing second floor of each of the dwellings.</p> <p>The addition will not result in an increase in the total height of the existing dwelling or its height in storeys. The proposal is considered to be of an appropriate scale and appearance, and its siting to the rear of the existing second floor means that the proposed works do not impact on the scale and character of the existing building, streetscape and heritage conservation area.</p> <p>Further discussion on rear building line and perceived bulk and scale from neighbouring properties is provided elsewhere in this report.</p>

## Issues

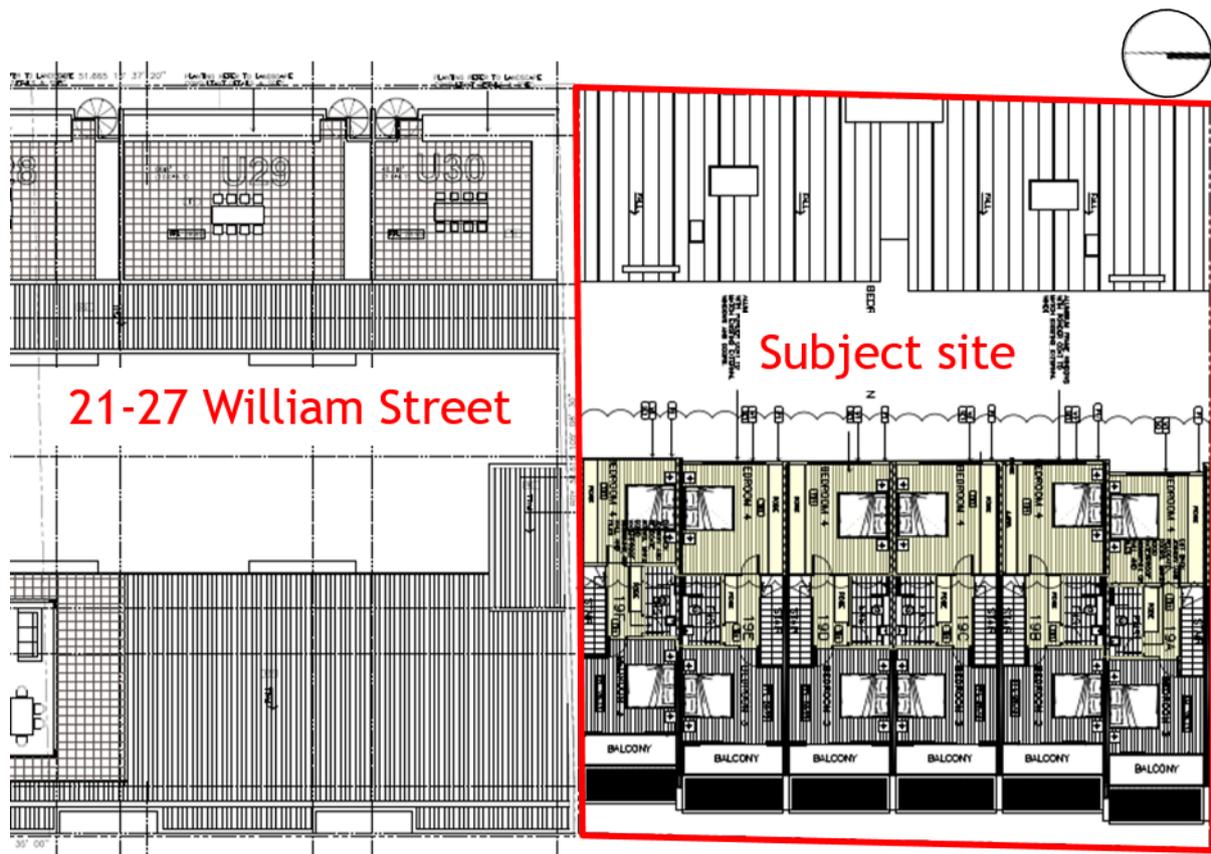
### Floor to Space Ratio and Site Area

32. The site has a base FSR of 1:1 under Clause 4.4 of Sydney LEP 2012. The site is identified as being located in 'Area 6' for the purposes of the community infrastructure floor space provisions of Clause 6.14 of Sydney LEP 2012. The site is eligible for an additional 0.5:1 of community infrastructure floor space. Therefore, a combined maximum FSR of 1.5:1 is permitted.
33. The recently completed development on the site approved under development application D/2013/62, was approved with a maximum FSR of 1.15:1 (or 910sqm). This application was approved under the same floor space controls outlined above. This application was assessed as a consolidated site area, and since this time, the site has been stratum subdivided in 6 lots.
34. The subject application seeks to carry out works to each of the 6 lots, being an identical addition on each allotment. In this regard, it is considered that the proposal includes 'significant development' on each lot pursuant to the provisions of Clause 5.4 of Sydney LEP 2012. As such, it is considered that the site area may be considered as the collective area of all 6 lots.
35. The subject application seeks to increase the gross floor area across the combined 6 lots by 116sqm. This would increase the total FSR across the collective site to 1.29:1 (to a total of 1,026sqm). To achieve this, the proposal relies on an additional community infrastructure floor space of 0.14:1 (or 116sqm).

36. The applicant has made a public benefit offer for a monetary contribution towards community infrastructure in Green Square, in accordance with the provisions of Clause 6.14 of the Sydney LEP 2012.
37. Given the overall compliance with the relevant planning controls as well as the compliance with the provisions of Clause 6.14 of Sydney LEP 2012, the proposed additional FSR is acceptable.

#### **Rear Building Line and Bulk**

38. The proposal will result in additional bulk to the rear of the dwellings towards the centre of the site. The addition will have no adverse amenity impacts to adjoining properties with the increased bulk being consistent with the overall bulk and built form of the existing dwellings.
39. The additions will be visible from the internal courtyards of each of the dwellings. The proposal was amended during the assessment so that the addition is setback 500mm from the rear western elevation external wall of the first floor below. This will minimise the perceived bulk from the areas of open space and ensure that the addition will not result in an overbearing appearance.
40. While there is no predominant rear building line within the streetscape, the adjoining residential flat building at No.21-27 William Street has a building depth of 15m as measured from William Street to the internal courtyard. The proposal will have a depth of 13m and will be set back 2m from the adjoining built form.
41. Figure 14, below, demonstrates the alignment of the second floor with the built form of the adjacent development at No. 21-27 William Street.



**Figure 14:** Subject proposal relative to the approved development at No.21-27 William Street (currently under construction)

42. The proposed additions will not be visible from the public domain as the sightlines from the lane will be obstructed by the existing three storey laneway form on both the subject site and the adjoining site to the south at No.21-27 William Street.
43. Overall, the proposed bulk and form of the development is acceptable and consistent with the built form of surrounding developments.

#### Solar Access

44. Section 4.2.3.1 of the SDCP 2012 requires that solar access be retained for a minimum of two hours between the hours of 9am and 3pm to at least 50% of the required private open space and 1sqm of any living room windows on the subject and adjoining sites.
45. The proposal will have no additional impacts to adjoining properties during mid-winter, as the shadows will fall within existing shadows cast by both the existing development on the subject site and those of neighbouring developments.
46. The elevated courtyard areas of private open space for the subject dwellings currently received no direct solar access on the winter solstice. As such, the subject proposal will have no additional adverse overshadowing impact on the open space of the subject sites.
47. The proposal is considered to comply with the solar access provisions of Sydney DCP 2012.

**Other Impacts of the Development**

48. The proposed development is capable of complying with the Building Code of Australia (BCA).
49. It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

**Suitability of the site for the Development**

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

**Internal Referrals**

51. The application was discussed with the Urban Design Specialist who advised that the amended proposal is acceptable and did not recommend any conditions of consent to be imposed.

**External Referrals****Notification, Advertising and Delegation**

52. In accordance with Schedule 1 of the Sydney DCP 2012, the proposed development is required to be notified. As such the application was notified for a period of 14 days between 24 July 2018 and 8 August 2018, no submissions were received.

**Public Interest**

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

**S7.11 Contribution**

54. The development is exempt from the provisions of the City of Sydney Development Contributions Plan 2015 pursuant to paragraph 1.2 as the works are for alterations and additions to existing dwellings.

**Relevant Legislation**

55. The Environmental Planning and Assessment Act 1979.

**Conclusion**

56. The application seeks consent for the construction of one additional bedroom on the second floor of each of six existing terrace dwellings at 19A to 19F William Street, Alexandria.

57. A maximum permissible FSR for the site is 1.5:1, which is inclusive of 0.5:1 community infrastructure floor space under the provisions of Clause 6.14 of the Sydney LEP 2012.
58. The subject development application seeks to increase the gross floor area of the development, and is reliant on an additional community infrastructure floor space of 0.14:1 or 116sqm resulting in a total floorspace of 910sqm/1.29:1.
59. The application has been accompanied by a public benefit officer for a monetary contribution of \$55,100 towards the provision of infrastructure for Green Square. A draft Voluntary Planning Agreement (VPA) has been prepared and was on public exhibition for a 28 day period between 31 August 2018 and 29 September 2018. At the time of writing, no submissions were received.
60. The application is referred to the Local Planning Panel for determination as the proposal is subject to a Voluntary Planning Agreement.
61. The application was notified for a period of 14 days from 24 July 2018 to 8 August 2018. No submissions were received during the notification period.
62. The proposal has been amended during the assessment of the application to address preliminary concerns raised relating to building setbacks and the rear building line. Additional information has also been supplied by the applicant regarding solar access and an amended public benefit offer.
63. The amended proposal has been assessed as having a built form, height and setbacks that satisfactory address the context of the site including neighbouring development and the streetscape.
64. The development is considered to exhibit design excellence, and is an appropriate form, scale, use and materiality for the locality.
65. The development, subject to the imposition of appropriate conditions as recommended in Attachment A, is consistent with the objectives of the planning controls for the site for the reasons outlined to the Local Planning Panel. The application is recommended for deferred comment approval to allow the execution of the VPA and payment of the monetary contribution.

**GRAHAM JAHN, AM**

Director City Planning, Development and Transport

Jemima Royall, Specialist Planner