

Item 3.**Development Application: 180-182 St Johns Road, Glebe**

File No.: D/2018/1074

Summary

Date of Submission:	10 September 2018 Amended information received 24 January 2019, 12 February 2019
Applicant:	Mr G Cirillo
Architect:	Mark Shapiro Architects
Developer:	Kenrich Holdings Pty Ltd
Owner:	Kenrich Holdings Pty Ltd
Cost of Works:	\$3,840,581.00
Zoning:	B1 Neighbourhood Centre - proposal permissible with consent.
Proposal Summary:	<p>Partial demolition of the existing pub (Roxbury Hotel) and construction of a three storey commercial building and alterations to the adjoining terrace for the use as a boarding house containing 33 rooms and associated facilities including a roof terrace and basement storage; and a separate ground floor commercial tenancy.</p> <p>The application has been made pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009, and seeks to utilise a 0.5 bonus floor space ratio provision. The proposed floor space ratio of 1.99:1 complies with the allowable maximum floor space ratio development standard.</p> <p>The application is required to be determined by the Local Planning Panel as no motorcycle parking has been provided as required under Clause 30 'Standards for boarding houses' of State Environmental Planning Policy (Affordable Rental Housing) 2009. A written request to vary the standard has been submitted with the application.</p>

**Proposal Summary
(continued) :**

The application was notified for 21 days. A total of 16 submissions were received identifying the following issues: privacy impacts, parking and traffic generation, noise impacts, shadowing impacts, safety and crime, amenity, housing diversity, heritage impact, height, and economic impacts. These issues are addressed within the report.

Issues identified in the preliminary assessment of the application include:

- activation of the St Johns Road frontage;
- building separation;
- amenity and design considerations;
- requirement for a request to vary a development standard under Clause 4.6;
- retention of heritage significant features and restoration works to the terrace;
- contamination investigation; and
- acoustic assessment.

The applicant submitted plans and information on 24 January 2019, 12 February 2019 and 14 March 2019 to address these issues. The amended design includes increased side setbacks and the introduction of a ground floor commercial premises.

In its amended form, the proposal is considered to be generally consistent with the objectives and provisions of the relevant planning instruments and controls. The proposal is considered to be an acceptable design outcome for the site, subject to conditions.

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

Development Controls:

- (i) State Environmental Planning Policy (Affordable Rental Housing) 2009
- (ii) State Environmental Planning Policy No. 55 - Remediation of Land
- (iii) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- (iv) Sydney Local Environmental Plan 2012
- (v) Sydney Development Control Plan 2012

(vi) City of Sydney Development Contributions Plan 2015

Attachments:

- A. Recommended Conditions
- B. Selected Drawings
- C. Clause 4.6 Variation Request

Recommendation

It is resolved that:

- (A) the variation requested to Clause 30(1)(h) of State Environmental Planning Policy (Affordable Rental Housing) 2009 in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be approved; and
- (B) consent be granted to Development Application No. D/2018/1074 subject to the conditions set out in Attachment A to the subject report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The proposed development is consistent with the objectives of the B1 Neighbourhood Centre Zone.
- (B) The proposed development is generally consistent with the relevant objectives and controls within State Environmental Planning Policy (Affordable Rental Housing) 2009, Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.
- (C) The requested variation to the minimum motorcycle parking standard required under clause 30(1)(h) of the State Environmental Planning Policy (Affordable Rental Housing) 2009 is approved because the consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be addressed by Clause 4.6 of the Sydney Local Environmental Plan 2012 and the proposed development would be in the public interest because it is consistent with the objectives of the standard and the B1 Neighbourhood Centre Zone.

Background

The Site and Surrounding Development

1. A site visit was carried out by staff on 30 October 2018.
2. The combined site is known as 180 and 182 St Johns Road, Glebe and is identified as Lot 2 DP 547952, Lot 1 DP 104840 and Lot 1 DP 906442. It is located on the southern side of St Johns Road on the eastern corner of the intersection with Forest Street. The site is approximately rectangular in shape (with the exception of a small protrusion on the eastern side over which is a right of footway for 178 St Johns Road). The site has a combined frontage of 16.25m to St Johns Road, a side frontage of 30.12m to Forest Street and a combined area of 496sqm. The site is located within the Hereford and Forest Lodge Heritage Conservation Area.
3. The site currently contains a two storey terrace style dwelling at 180 St Johns Road, and a two storey pub with basement known as the Roxbury Hotel occupies 182 St Johns Road. The terrace at No 180 is listed as a contributory building within the heritage conservation area, and the pub is listed as a neutral building.
4. Adjoining development consists of: to the northeast at 178 St Johns Road a two storey attached terrace with a commercial ground floor use and residential use above. To the southeast, at 25 Forest Street, the pub adjoins a two storey terrace style dwelling.
5. The surrounding locality is characterised as being a mixture of commercial and residential developments along St Johns Road, 2-3 storeys in height; with residential development along Forest Street 1-2 stories in height.
6. Photos of the site and surrounds are provided below:



Figure 1: Aerial image of subject site and surrounding area



Figure 2: Site viewed from St Johns Road looking east.



Figure 3: Site viewed from St Johns Road looking southeast.



Figure 4: Site viewed from Forest Street looking north.

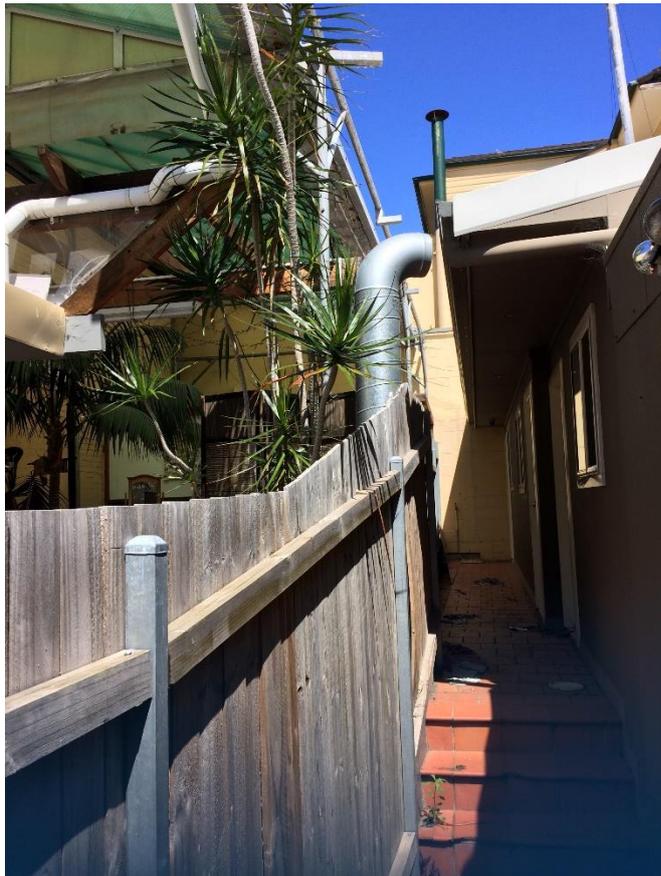


Figure 5: Looking along the boundary of 178 St Johns Road (left) and 180 St Johns Road (right).



Figure 6: View to 25 Forest Street looking north east.



Figure 7: View to 178 and 180 St Johns Road terraces looking south.

Proposal

7. The application seeks consent for partial demolition of the existing pub known as the Roxbury Hotel (182 St Johns Road) and the construction of a new a three storey commercial building and alterations to the adjoining terrace (180 St Johns Road) for the use as a boarding house containing 33 rooms (seven single rooms, 26 double rooms) and associated facilities including a roof terrace, basement storage and a separate ground floor commercial tenancy. Specifics of the proposal include:

(a) Demolition and excavation:

- (i) demolition of the existing hotel to the existing basement level (182 St Johns Road); and
- (ii) excavation of additional basement area.

(b) Alterations to terrace:

- (i) demolition of rear unsympathetic additions to the rear;
- (ii) alterations for integrated use as part of boarding house; and
- (iii) heritage restoration works.

(c) Commercial building:

- (i) construction of a three storey commercial building with basement level;
- (ii) basement level: bicycle parking, storage, laundry, and plant;
- (iii) ground floor: separate commercial tenancy, waste room, boarding rooms;
- (iv) first floor: boarding rooms; and
- (v) second floor: outdoor common terrace, indoor common room, boarding rooms.

8. Plans of the proposed development are provided below.



Figure 8: Photomontage of proposal.



Figure 9: Photomontage of proposal.



Figure 10: North elevation



Figure 11: West elevation.

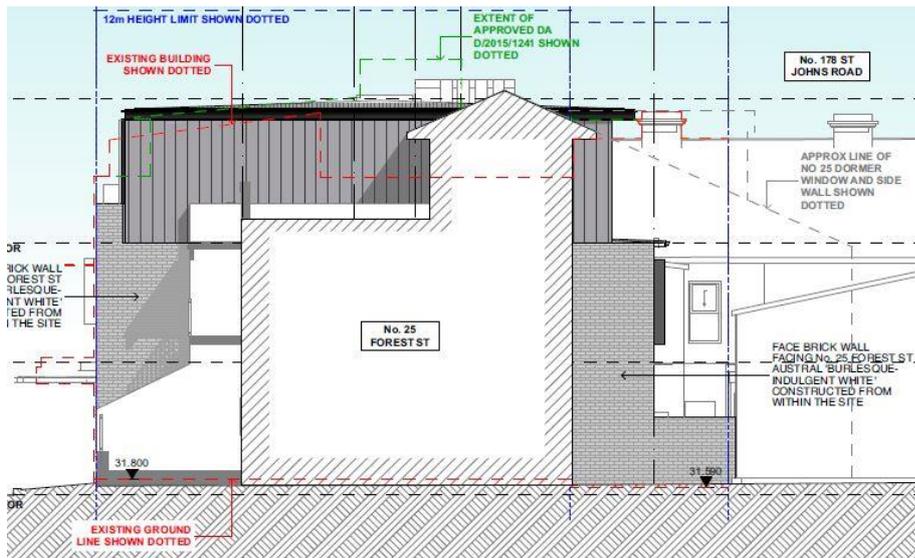


Figure 12: South elevation.



Figure 13: East elevation.

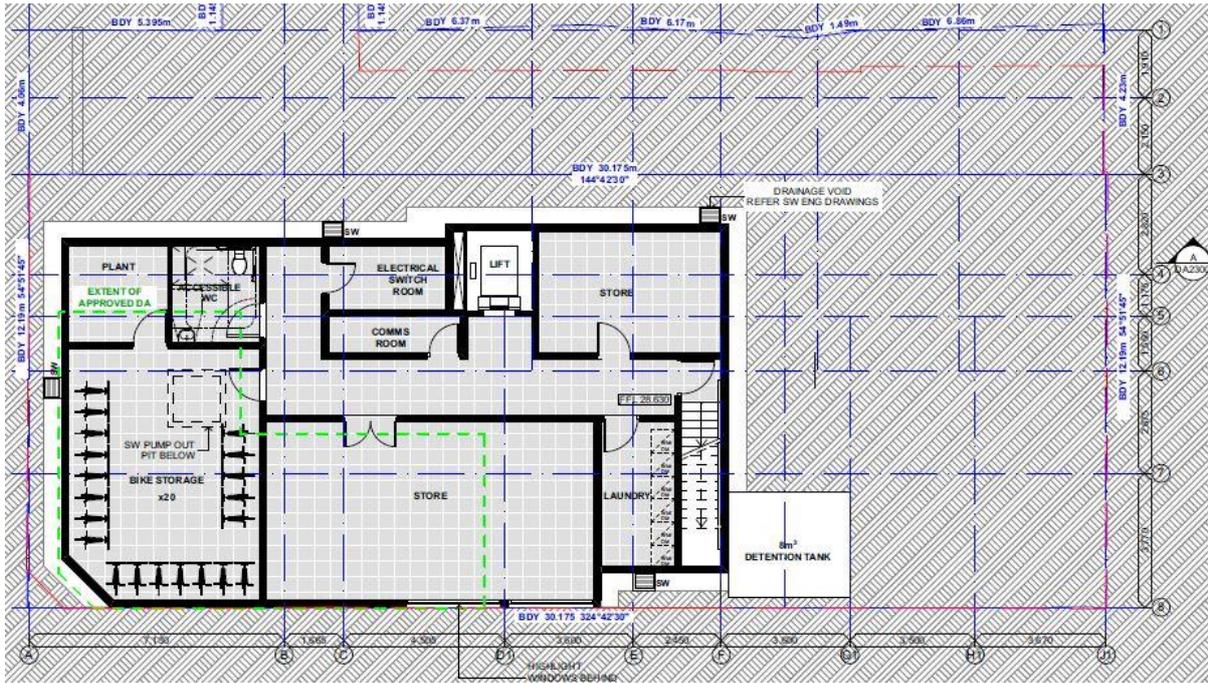


Figure 14: Basement level plan.

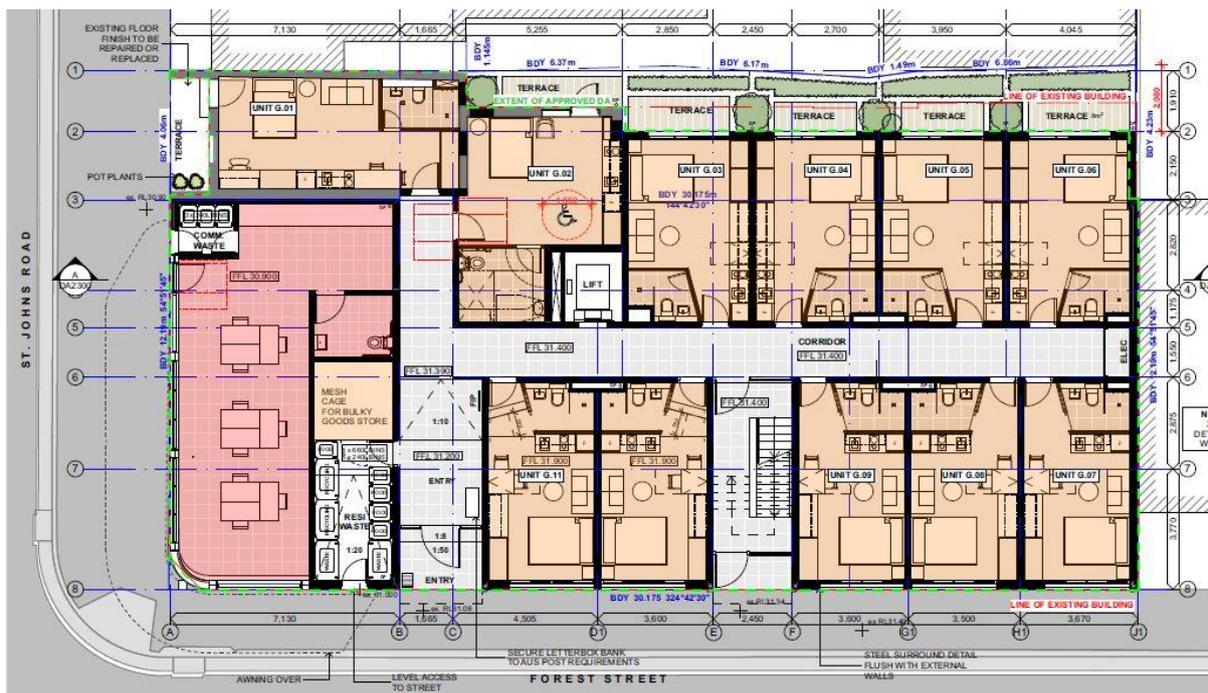


Figure 15: Ground level plan.



Figure 16: Level 1 plan.

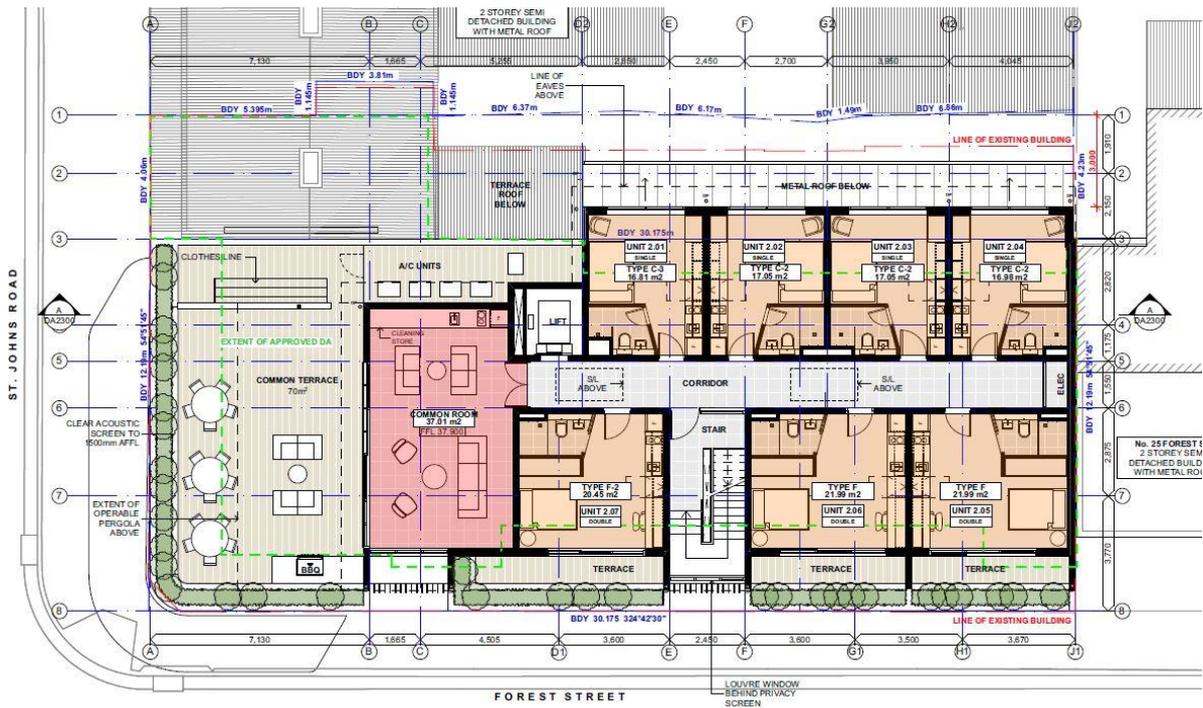


Figure 17: Level 2 plan.

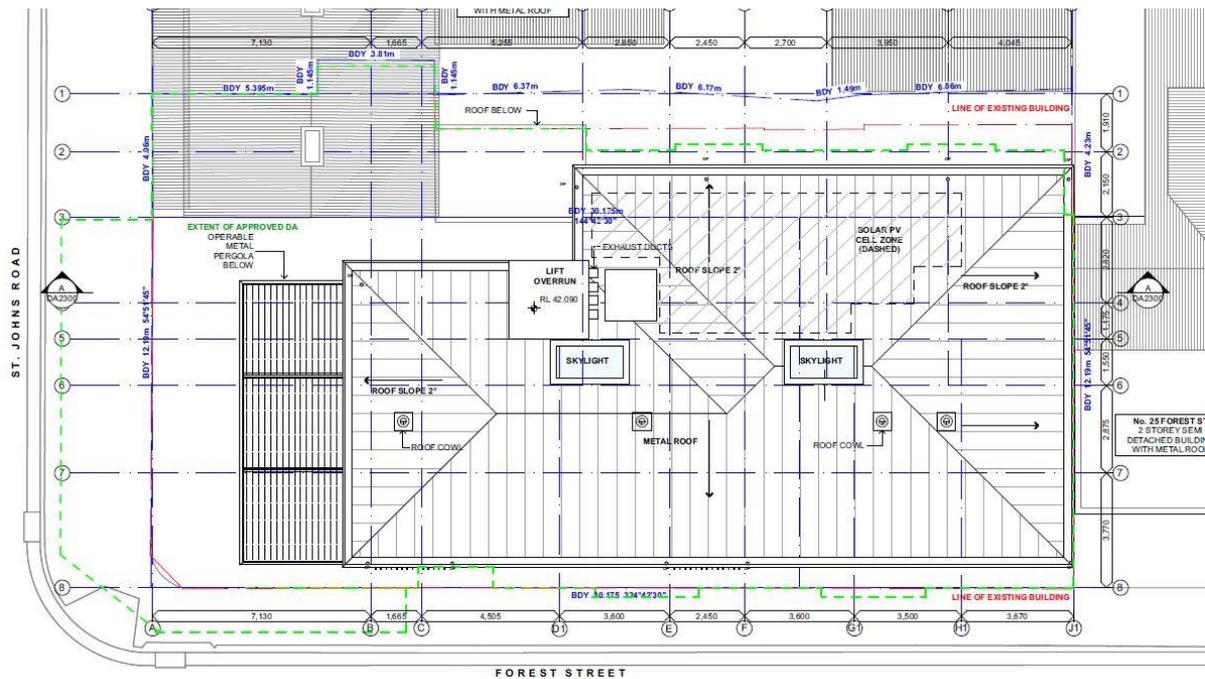


Figure 18: Roof level plan.

History Relevant to the Development Application

9. 180 St Johns Road: The site has been historically used as a residence. A previous application (D/2014/983) to regularise an unauthorised use of the terrace as a boarding house was refused by Council.
10. 182 St Johns Road: The pub building was constructed circa 1877 and operated as a hotel known as 'The British Lion'. The building was modified in the 1920s, 1950s, 1980s and early 2000s when the name changed to the 'Roxbury Hotel'.
11. 182 St Johns Road: Application D/2015/1241 for 'Alterations and additions to the existing pub and restaurant (Roxbury Hotel) and adjacent terrace to create a new licensed restaurant and bar, as well as a new three storey boarding house containing 25 boarding rooms and associated facilities including a roof terrace' was approved by Council on 29 February 2016.
12. This application was considered by the Design Advisory Panel Residential Subcommittee on 6 November 2018. The recommendations of the panel were considered in the assessment of the application.
13. On 28 November 2018 the following issues were raised by Council in respect of the submitted application:
 - (a) activation to St Johns Road;
 - (b) roof opening to top floor - corridor to be enclosed;
 - (c) setbacks / Landscaping - increased setbacks to be achieved to the north east boundary;
 - (d) encroachments - not to exceed those prescribed in the DCP;

- (e) design / Amenity Recommendations;
 - (f) parking - Clause 4.6 variation required;
 - (g) contamination to be addressed;
 - (h) acoustics - justification for use of data; and
 - (i) heritage - requested restoration works to terrace and relationship to new development.
14. The application was subsequently amended on the 24 January 2019.
15. The key amendments to the proposal include:
- (a) increased setbacks to the north eastern boundary;
 - (b) provision of a separate commercial tenancy along the St Johns Road frontage;
 - (c) relocation of the principal indoor common area to the second floor adjacent to the outdoor communal area;
 - (d) treatments to windows; and
 - (e) the submission of requested information.
16. Further amendments were submitted on 12 February 2019 in relation to requested detailed design matters including:
- (a) updated heritage details to the terrace;
 - (b) awning to boarding house raised to be in line with top of the adjacent frieze on terrace;
 - (c) addition of external louvre to eastern elevation;
 - (d) eave overhang to eastern elevation reduced;
 - (e) detailing of windows and doors to west elevation;
 - (f) updates to finishes schedule;
 - (g) updates to landscaping;
 - (h) updates to photomontages;
 - (i) updates to waste access;
 - (j) details of commercial tenancy to St Johns Road;
 - (k) sizes of bathrooms to Units 1.13-1.15 increased; and
 - (l) pergola to common area roof shown as operable.
17. Further amendments were submitted on 14 March 2019 in relation to waste operation including an amended ground floor plan with additional waste provision.

Economic/Social/Environmental Impacts

18. The application has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979, including consideration of the following matters:

Environmental Planning Instruments and DCPs**State Environmental Planning Policy No 55—Remediation of Land**

19. The aim of State Environmental Planning Policy No. 55 (SEPP 55) is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.
20. A preliminary site investigation report was submitted with the development application. The report recommends that 182 St Johns Road is suitable for the proposed development and that further vapour testing be undertaken at 180 St Johns Road, due to a historic dry cleaning business at 178 St Johns Road.
21. Vapour testing at 180 St Johns Road was subsequently undertaken. The results of the testing conclude that no mitigation measures are required and the proposed use is suitable for the site.

The City's Health Unit are satisfied that, subject to conditions, the site is suitable for the proposed use. Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP)

22. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SREP.
23. 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.
24. 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

25. A revised BASIX Certificate (Certificate number: 956225M_02) has been submitted 21 March 2019 addressing the development application as modified during the assessment. A recommended condition of consent requires compliance with the requirements of the BASIX certificate.

State Environmental Planning Policy (Affordable Rental Housing) 2009

26. The application has been made pursuant to the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 (Affordable Housing SEPP). The relevant provisions of the SEPP are addressed in the table below.

Development Control	Compliance	Comment
29(1) Floor space ratio	Yes	A FSR of 1.5:1 is permitted under SLEP 2012. An additional 0.5:1 is allowed under the provisions of the SEPP. The maximum permitted FSR of 2:1 applies A FSR of 1.99:1 is proposed.
29(2)(a) Building height	Yes	A maximum height of 12m applies to the site under the SLEP 2012. A maximum height of 10.6m is proposed.
29(2)(b) Landscaped area	Yes	Landscaping provided within front setback of terrace. Zero building alignment to 182 St Johns Road consistent with existing streetscape.
29(2)(c) Solar access	Yes	The communal area on Level 2 will receive at least three hours of direct sunlight mid-winter.
29(2)(d) Private open space	Yes	A communal open space area is provided to level 2 as a roof top area greater than 20sqm (58sqm). Private manager's area of 8sqm
29(2)(e) Parking	No (see note below)	No on-site car parking provided. Acceptable as SLEP 2012 parking rates are maximum rates only.
29(2)(f) Accommodation size	Yes	Single rooms sized greater than 12sqm. Double rooms sized greater than 16sqm.
30(1)(a) Communal living space	Yes	A communal living room is provided.

Development Control	Compliance	Comment
30(1)(b) Maximum room size	Yes	No room sized greater than 25sqm (excluding private kitchen or bathroom facilities).
30(1)(c) Maximum occupants	Yes	Maximum of two adult lodgers per room.
30 (1)(d) Bathroom and kitchen facilities	Yes	Each room provided with bathroom and kitchen facilities.
30(1)(e) Boarding house manger	Yes	An on-site manager's room has been provided at ground level.
30(1)(g) Ground floor use	N/A	Zoning allows both commercial and residential uses on the ground floor.
30(1)(h) Bicycle and motorcycle parking	No. Variation request submitted.	The development is required to provide at least seven bicycle and seven motorcycle spaces. 20 bicycle parking spaces are provided within the basement. No motorcycle parking is proposed. A request to vary the standard pursuant to Clause 4.6 has been submitted. See discussion under heading Issues.
30A Character of local area	Yes	The design of the development is considered compatible with the character of the local area.

27. Note: Clause 29(4) permits the Council as the consent authority to consent to development whether or not the development complies with standards in Clause 29 (1) or (2).

Sydney Local Environmental Plan 2012

28. The site is located within the B1 Neighbourhood Centre Zone. The proposed uses are defined as a boarding house and commercial premises and both are permissible with consent in the zone.
29. The objectives of the B1 Neighbourhood Centre Zone are as follows:
- (a) To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
 - (b) To allow appropriate residential uses so as to support the vitality of neighbourhood centres.

30. The proposal is considered to be consistent with these objectives.
31. The relevant matters to be considered under Sydney Local Environmental Plan 2012 for the proposed development are outlined below.

Development Control	Compliance	Comment
4.3 Height of Buildings	Yes	A maximum height of 12m is permitted. A height of 10.7m is proposed.
4.4 Floor Space Ratio	No, SEPP provisions prevail	A maximum FSR of 1.5:1 is permitted. A FSR of 1.99:1 is proposed which is within the permitted 2:1 maximum under the Affordable Housing SEPP including a 0.5 bonus.
4.6 Exceptions to development standards	Yes	A request to vary the motorcycle parking standard contained within the Affordable Housing SEPP has been submitted. See discussion under the heading Issues.
5.9 Preservation of trees or vegetation	Yes	No tree removal proposed.
5.10 Heritage conservation	Yes	The subject site is located within the Hereford and Forest Lodge Heritage Conservation Area (HCA). The application proposes restoration works to the contributing terrace and substantial demolition to the neutral pub building. See discussion under the heading Issues.

Part 6 Local Provisions - Height and Floor Space	Compliance	Comment
Division 4 Design excellence	Yes	Subject to conditions, the proposal is considered to satisfy design excellence provisions.

Part 7 Local Provisions - General	Compliance	Comment
Division 1 Car parking ancillary to other development	Yes	There are no minimum requirements for boarding houses. No car parking spaces are proposed.

Sydney Development Control Plan 2012

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

2. Locality Statements – Ross Street

The subject site is located in the Ross Street Locality. The proposal is considered to be in keeping with the unique character of the area and design principles in that it provides an active use to the neighbourhood centre with weather protection, and complements the character of the conservation area.

3. General Provisions	Compliance	Comment
3.2 Defining the Public Domain	Yes	The proposal positively addresses both street frontages with activation, building entries and an awning.
3.5 Urban Ecology	Yes	The proposed development does not involve the removal of any trees and will not adversely impact on the local urban ecology. Landscaping including deep soil to the site will be increased compared to the existing situation.
3.6 Ecologically Sustainable Development	Yes	The proposal satisfies BASIX certificate and environmental requirements.
3.8 Subdivision, Strata Subdivision and Consolidation	Yes	Strata or community title subdivision of boarding housing is not permitted under the Affordable Housing SEPP and is not proposed.
3.9 Heritage	Yes	The site is located within the Hereford and Forest Lodge Heritage Conservation Area (HCA). See discussion below under heading Issues.

3. General Provisions	Compliance	Comment
3.10 Significant Architectural Building Types	Yes	<p>The existing pub building is older than 50 years and therefore the section applies.</p> <p>See discussion below under heading Issues.</p>
3.11 Transport and Parking	No. Complies with SEPP. Will comply subject to condition	<p>The application provides 20 bicycle parking spaces within the basement. 34 bicycle spaces are required.</p> <p>The proposal complies with the Affordable Housing SEPP requirement for bicycle parking with supplementary bicycle parking in lieu of motorcycle parking spaces.</p> <p>Significant surplus storage rooms are provided in the basement level. A condition of consent is recommended to require 34 bicycle spaces (one per room) to be provided.</p>
3.12 Accessible Design	Yes	An accessibility report has been submitted with the application outlining
3.13 Social and Environmental Responsibilities	Yes	The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.
3.14 Waste	Yes	<p>A waste management plan has been submitted as part of the application. Waste would be collected by a commercial contractor.</p> <p>A condition has been recommended for the proposed development to comply with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.</p>

4. Development Types 4.2 Residential Flat, Commercial and Mixed Use Developments	Compliance	Comment
<p>4.2.1.2 Floor to ceiling heights and floor to floor heights</p> <p>(1) Buildings with commercial or retail use to have a minimum floor to floor height of 4.5m on the ground floor.</p> <p>(3) Ground and first floor units in a mixed use building to have floor to ceiling heights of 3.3m</p> <p>(4) Habitable rooms in multi - residential and mixed use to have a floor to ceiling height of 2.7m.</p>	Partial compliance	<p>Acceptable. The commercial component of the development is a minor element in terms of floor space. The proposed floor to floor heights are consistent with floor to floor heights within the streetscape and neighbourhood centre.</p> <p>Ground floor to floor height 3.4m.</p> <p>Floor to floor for levels 1 and 2 of 3.1m and 3.7m enables floor to ceiling heights of 2.7m.</p>
4.2.2 Setbacks	Yes	Proposal consistent with setbacks within the streetscape.
<p>4.2.3 Amenity</p> <p>4.2.3.1 Solar access</p> <p>(3) New development to not create additional overshadowing onto a neighbouring dwelling where the dwelling receives less than two hours direct sunlight to habitable rooms and 50% of POS.</p> <p>4.2.3.6 Deep soil</p> <p>(1) The minimum amount of deep soil is to be 10% of the site area.</p>	Partial compliance	<p>The proposal does not result in additional overshadowing to the principal POS of 25 Forest St.</p> <p>The proposal results in additional overshadowing to 178 St Johns Road at 3pm to the rear courtyard area covered by a fixed awning that covers the majority of the courtyard area. The overshadowing is considered acceptable given that the courtyard would receive the required two hours of sunlight in the absence of the awning.</p> <p>The proposal provides deep soil area of 12sqm or 2.4% of the site. The site currently provides no deep soil and this provision of deep soil is considered to be an appropriate improvement.</p>

4. Development Types 4.2 Residential Flat, Commercial and Mixed Use Developments	Compliance	Comment
4.2.6 Waste minimisation 4.2.6.3 Mixed Use developments (1) Separate collection systems for residential and commercial waste.	Yes	Separate residential and commercial waste areas are provided.

4. Development Types 4.4.1 Boarding houses and student accommodation	Compliance	Comment
4.4.1.1 Subdivision (1) Strata or community subdivision not permitted	Yes	Subdivision not proposed.
4.4.1.2 Bedrooms (1) The gross floor area of a bedroom is to be at least: <ul style="list-style-type: none"> (a) 12sqm (including 1.5sqm for wardrobe); (b) 4sqm for addition occupant; (c) 2sqm for ensuite; (d) 0.8sqm for shower; (e) 2sqm for kitchenette. (Total 16.9sqm single, 20.9sqm double) (2) Each bedroom must have access to natural light.	Partial compliance.	Single rooms 16.8sqm to 17.05sqm. Minor variation to one room acceptable. Doubles rooms - 20.22sqm to 29.89sqm. No double bunks proposed. Building to meeting BCA Class 3 requirements.

4. Development Types 4.4.1 Boarding houses and student accommodation	Compliance	Comment
(3) Ensure ceiling height for double bunks is 2.7m. (4) Each bedroom is to meet the fire safety standards of a sole occupancy unit for a class 3 building in the BCA.		
4.4.1.3 Communal kitchen areas (1) Minimum area that is greater than 6.5sqm in total or 1.2sqm for each resident occupying a bedroom without a kitchenette.	N/A	Each room provided with kitchen facilities.
4.4.1.4 Communal living areas and open space (1) Provide indoor communal living areas with a minimum area of 12.5sqm or 1.25sqm per resident and a width of 3m. (2) Indoor communal living areas are to be located: (a) Near commonly used spaces with transparent doors to enable natural surveillance from resident circulation; (b) Adjacent to communal open space; (c) To receive a minimum 2 hours solar access to at least 50% of the windows during 9am and 3pm on 21 June; (d) On each level of a multistorey boarding house where appropriate;	No, justification accepted.	The proposal can accommodate up to 59 residents and therefore requires 74sqm of communal living area. Two areas of 22.4sqm and 37sqm to a total of 59.4sqm are provided. The larger room is located on level 2 adjacent to the communal open space area. This provision is considered to be acceptable given the larger outdoor communal open space provided (58sqm rather than minimum of 20sqm) which is accessible adjacent to the common area, and the high proportion (42%) of bedrooms that have their own open space area.

4. Development Types 4.4.1 Boarding houses and student accommodation	Compliance	Comment
<p>(e) Where they will have minimal impact on bedrooms and adjoining properties.</p> <p>(3) Communal open space is to be provided with a minimum area of 20sqm and a minimum dimension of 3m.</p> <p>(4) Communal outdoor open space is to be located and designed to:</p> <p>(a) Generally be north facing to receive a minimum two hours solar access to at least 50% of the area during 9am and 3pm on 21 June;</p> <p>(b) Be provided at ground level in a courtyard or terrace area, where possible;</p> <p>(c) Provide partial cover from weather;</p> <p>(d) Incorporate soft or porous surfaces for 50% of the area;</p> <p>(e) Be connected to communal indoor;</p> <p>(f) Contain communal facilities such as barbeques, seating and pergolas where appropriate;</p> <p>(g) Be screened from adjoining properties and the public domain with plantings, such as trellis with climbing vines.</p>	Yes	Communal open space area of 58sqm provided as roof terrace (adjoining 16sqm area for clothes drying not included). Area is north facing and receives solar access to more than 50% of area. The area provides seating, BBQ facilities, shade and landscaping. A clear acoustic screen is also provided (height 1.5m).

4. Development Types 4.4.1 Boarding houses and student accommodation	Compliance	Comment
(5) 30% of all bedrooms are to have access to private open space with a minimum 4sqm in the form of balcony or terrace area.	Yes	42% of bedrooms are provided with a balcony or terrace area, with 30% with access to an area 4sqm or larger.
4.4.1.5 Bathroom, laundry and drying facilities (1) Communal bathroom facilities accessible to all residents 24 hours per day are to be provided. (2) Laundry facilities are to be provided: One washing per and one drier per 12 residents.	Yes	A communal bathroom is available. Bathroom facilities provided to each boarding room. Sufficient laundry and drying facilities are available.
4.4.1.6 Amenity, safety and privacy (1) Boarding houses are to maintain a high level of resident amenity, safety and privacy. (2) Boarding houses are to be designed to minimise and mitigate any impacts on the visual and acoustic privacy of neighbouring buildings.	Yes	The boarding house has a secure entry point on the ground floor and an on-site resident manager. The communal open space is located on level 2 at the corner of St Johns Road and Forest Street and will have minimal impacts on privacy. Acoustic screening is proposed to the perimeter.
4.4.17 Plan of Management (1) An operating Plan of Management is to be submitted.	Yes	A Plan of Management (PoM) has been submitted with the application. Recommended updates to PoM would be required prior to the use commencing including: - Complaints procedure - Details of on-site manager - CCTV cameras in common areas - Advice regarding non-eligibility for on-street parking schemes

4. Development Types 4.4.1 Boarding houses and student accommodation	Compliance	Comment
		<p>- Recommendations within submitted acoustic report.</p> <p>- Updated bicycle parking provisions.</p> <p>A condition of consent is recommended requiring that all of these matters be included in a revised Plan of Management to be approved by the City's Area Planning Manager prior to the issue of any Occupation Certificate.</p> <p>In addition to the provision of a Plan of Management, a condition requiring a sign at the entry to the boarding house that displays the mobile phone number for the manager is also recommended to address any issues.</p>

Issues

Clause 4.6 request to vary a development standard

33. The proposal provides no motorcycle parking spaces. Clause 30(1)(h) of the Affordable Housing SEPP requires seven motorcycle parking spaces for the proposed development.
34. Clause 4.6(2) of SLEP 2012 provides that in certain circumstances, consent "...may be granted for development even though the development would contravene a development standard".
35. A written request has been submitted to Council in accordance with Clause 4.6(3) of the Sydney LEP 2012 seeking to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
 - (b) that there are sufficient environmental planning grounds to justify contravening the standard.
36. A copy of the applicant's written request is provided at Attachment C.

Applicants Written Request - Clause 4.6(3)(a) and (b)

37. The applicant seeks to justify the contravention of the motor cycle parking development standard on the following basis:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) the City of Sydney controls generally stipulate maximum parking rates rather than minimum parking rates for motor vehicles. The under provision of motorcycle parking is consistent with the policy of encouraging public transport use, walking and cycling in inner-city locations which are in close proximity to shops, jobs, services and local amenities;
 - (ii) the provision of motorcycle parking at grade would result in a driveway and ramp at the street level and impact on the streetscape;
 - (iii) additional bicycle parking has been provided beyond that required under the SEPP to more than the equivalent of both bicycle and motorcycle parking rates;
 - (iv) the site is close to public transport connections; and
 - (v) the proposal is consistent with the objectives of the development standard and for development in the zone.
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) The absence of motorcycle parking spaces is designed to maximise both internal amenity and minimise impacts on the streetscape and public domain. The provision of onsite motorcycle parking would result in the provision of dedicated driveways, ramps and entries that would have adverse streetscape impacts.
 - (ii) 20 bicycle parking spaces are provided (exceeding the required 7 spaces) and will adequately compensate for the non-provision of motorcycle spaces.
 - (iii) There are no demonstrable adverse environmental impacts arising from an absence of motorcycle parking spaces.
 - (iv) The proposed development is consistent with the zone and development control objectives by providing a boarding house in a suitable location.
 - (v) Strict compliance would likely require the deletion of a boarding room and impact upon the sizing of another room which would otherwise satisfy the opportunity for providing affordable housing in a medium density location.

Consideration of Applicants Written Request - Clause 4.6(4) (a) (i) and (ii)

38. Development consent must not be granted unless the consent authority is satisfied that:

- (a) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 of Clause 4.6 being that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard; and

- (b) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Does the written request adequately address those issues at Clause 4.6(3)?

- 39. The request is considered to have adequately demonstrated that compliance with the development standard is unreasonable or unnecessary. As noted by the applicant, Council's parking controls for motor vehicles are generally expressed as maximum allowances with no minimum requirements for motor vehicle parking. To require compliance with the standard and the provision of parking for private motorised vehicles would not be in accordance with the objective of the City's car parking standard which is to minimise the amount of vehicular traffic generated by a proposed development. The objective of providing a range of transport options for the development is considered to be achieved notwithstanding the non-compliance with the development standard.
- 40. The request is considered to have adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the standard. The provision of motorcycle parking on the site would result in impacts on the existing streetscape and public domain. Additional bicycle parking is provided in excess of the required motorcycle provisions which is considered to provide a more sustainable transport option. In addition, given a large storage areas in the basement a condition of consent is recommended to provide 34 bicycle parking spaces (one per room). The location of the site is in proximity to public transport options and to Sydney University (and other tertiary institutions) making it a desirable location for students and other lodgers.

Is the development in the public interest?

- 41. There is no stated objective for the motorcycle parking standard. However it can be inferred that it relates to the provision of a range of transport options for a boarding house as the SEPP provisions refer to car parking, motorcycle, and bicycle parking.
- 42. The objectives of the B1 Neighbourhood Centre Zone are:
 - (a) to provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood; and
 - (b) to allow appropriate residential uses so as to support the vitality of neighbourhood centres.
- 43. The proposal is considered to be consistent with the objectives of the zone and for providing appropriate transport options in the locality. The site is located in proximity to public transport and Sydney University which will encourage the use of public transport, walking and cycling.

Conclusion

- 44. For the reasons provided above, the requested variation to the motorcycle parking development standard contained in the Affordable Housing SEPP is supported as the applicant's written request has adequately addressed the matters required to be addressed by Clause 4.6 of the Sydney Local Environmental Plan 2012 and the proposed development would be in the public interest because it is consistent with the objectives of development standard and the B1 Neighbourhood Centre Zone.

Heritage

45. The site is located within the Hereford and Forest Lodge Heritage Conservation Area (HCA). The site is therefore subject to the SLEP 2012 and DCP 2012 heritage provisions. The terrace at 180 St Johns Road is noted as a contributory building on the Building Contribution Map. The pub is older than 50 years and is noted as a neutral building on the Building Contribution Map for the HCA.
46. The proposal includes restoration works to the facade of the terrace at 180 St Johns Road with alteration works to the rear, including the demolition of unsympathetic additions. The proposal includes substantial demolition to the pub building at 182 St Johns Road.
47. The proposal, including the proposed demolition, has been reviewed by Council's Senior Heritage Specialist who has noted that the hotel has been heavily modified both internally and externally and that the pub is shown as a neutral building on the Building Contribution Map for the HCA. The substantial demolition of the pub is supported subject to an appropriate replacement building being situated in the HCA.
48. Issues regarding both the form of the replacement building and works to the terrace have been raised during the assessment and have largely been addressed in the amended plans as noted above. Issues that have been addressed include reducing the form the new building to not overhang the terrace; adjusting the position of the new awning in terms of its relationship to features of the terrace;
49. Conditions are recommended to ensure restoration works are undertaken appropriately. The proposal is considered to be consistent with the relevant heritage objectives and controls, and subject to conditions is supported.

Privacy

50. Privacy to and from the rooms on the north eastern elevation of the proposed building were identified as an issue in the originally submitted application. The proposal was amended to provide increased setbacks and privacy measures along this side boundary for the new building. The proposal as amended provides side setbacks of 2 metres to the ground and first floors and 3 metres to the second floor. The extent of glazing to this elevation has also been reduced, obscure glazing panels used, and a privacy screen included to half of the glazing to level 1 windows. These measures are considered to achieve an acceptable level of privacy to and from the development on this elevation. Details of the privacy screen are to be approved as part of the recommended conditions.
51. Privacy to the boarding rooms on the ground floor western elevation that face directly to the footpath was also identified as an issue. In response operable aluminium louvres have been proposed in front of the boarding room windows to give a measure of privacy and allow for natural light and ventilation. This response is considered to address the issue in an acceptable manner.

Construction Impacts

52. As the proposal includes demolition and expansion of the existing basement, conditions have been recommended to mitigate against the construction impacts of the development including requirements for construction management plans and limiting the use of high noise emitting appliances.

Other Impacts of the Development

53. The proposed development is capable of complying with the BCA. It is Class 3.
54. 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

55. The proposal is of a nature in keeping with the overall function of the site within the neighbourhood business zone. The premises are in a commercial and residential surrounding and amongst similar uses to that proposed.

Internal Referrals

56. The conditions of other sections of Council have been included in the proposed conditions. The application was discussed with the Heritage and Urban Design Specialists; Environmental Health; Public Domain; Safe City; Transport and Access Units.

Notification and Advertising

57. 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 21 days. As a result of this notification there were 16 submissions received. The amended plans received were not re notified as amendments did not result in significant additional environmental impacts. The issues raised in submissions are addresses as follows:

Issue - Privacy

- (a) Concern was expressed regarding the proposed setbacks and potential overlooking and privacy impacts.

Response - The amended proposal has provided increased side setbacks to the north east elevation with setbacks of 2m to the ground and first floor, and 3m to the second floor. The size and design of windows to the north east elevation have also been amended to provide improved privacy to and from these rooms.

Issue - Parking and traffic generation

- (b) Concerns have been expressed that the lack of provision of onsite car parking spaces will impact on the availability of parking in the area.

Response - The non-provision of onsite car parking spaces is consistent with Council's maximum rather than minimum parking controls that seek to promote sustainable transport options. The proposal includes additional bicycle parking for 20 bicycles within the basement above the required minimum seven spaces. This provision of bicycle parking is also considered to address the non-provision of motorcycle parking.

Issue - Noise impacts

- (c) Concern has been expressed regarding noise generation from plant and occupants.

Response - The A/C plant located on the second floor has been relocated to a less visible location and would be able to accommodate noise attenuation without being visually obtrusive. Other plant space is located within the basement.

The common outdoor terrace is located away from adjoining dwellings at the St Johns Road and Forest Street intersection. A 1.5m high clear acoustic screen is proposed on the northern and western sides of the area. The area is also subject to a plan of management restricting hours of use to 7am to 10pm. Subject to these measures the proposal is considered to be acceptable.

Issue - Shadowing impacts

- (d) Concern has been expressed that the proposal will result in shadowing impacts to a dwelling across Forest Street.

Response - The submitted solar diagrams indicate there would be some additional minor overshadowing of the front ground level of Forest Street at 11am. This would not be to the principal private open space of these dwellings.

Issue - Safety and crime

- (e) Concern has been expressed regarding crime and anti-social behaviour in the area.

Response - The proposed development has considered risks associated with crime and crime prevention. Security measures have been included to minimise these risks including secure entries, privacy measures and having an onsite resident manager.

Issue - Amenity

- (f) Concerns have been expressed that the proposal would impact on the amenity of the surrounding area

Response - The potential amenity impacts of the proposal have been considered within this report.

Issue - Housing diversity

- (g) A concern has been expressed that the proposal does not provide a diversity in its housing typology.

Response - The proposal provides both single and double boarding rooms. There is no specific requirements regarding the ratios of typologies to be provided in a boarding house development. The development as a boarding house would contribute to the diversification of accommodation typologies in the area.

Issue - Heritage impact

- (h) Concerns have been expressed that the proposed new building is not sympathetic to the conservation area, particularly the top storey and proposed finishes.

Response - The proposal has been reviewed by Council's Senior Heritage Specialist and has been amended to address concerns regarding heritage impacts. The amended proposal is considered to be sympathetic to the character of the conservation area.

Issue - Height

- (i) A concern has been expressed that the height of the proposed building is not consistent with building height levels of the suburb.

Response - The proposed height is within the permitted building height limit of the site and the height in storeys control. The form of the building has been designed to be consistent with the character of the surrounding area.

Issue - Economic Impacts

- (j) A concern has been expressed that the proposal would impact on property prices in the surrounding area.

Response - There is no provided information that indicates that the proposal would impact on property prices in the surrounding area.

Public Interest

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

Section 7.11 Contribution

59. The development is subject of a Section 7.11 contribution under the provisions of the City of Sydney Development Contributions Plan 2015. This contribution is calculated on the basis of the development's net increase in resident, worker and/or visitor populations.
60. The contribution is calculated on the basis of 33 rooms for boarding house accommodation and 44sqm of retail food and drink floor area. Credits have been applied for the most recent past uses of the sites including the 612sqm pub at 182 St Johns Road and a 3 bedroom residential dwelling at 180 St Johns Road.
61. The following monetary contribution is required towards the cost of public amenities:

(a) Open Space	\$213,325.22
(b) Community Facilities	\$70,552.58
(c) Traffic and Transport	\$372.857
(d) Stormwater Drainage	\$0.00
Total	\$284,250.37

Conclusion

62. The proposal includes partial demolition of the existing pub (Roxbury Hotel) and construction of a three storey commercial building and alterations to the adjoining terrace for the use as a boarding house containing 33 rooms and associated facilities including a roof terrace and basement storage; and a separate ground floor commercial tenancy.
63. The applicant has submitted a written request to vary the motorcycle parking standard contained in Clause 30(1)(h) of State Environmental Planning Policy (Affordable Rental Housing) 2009. The proposal provides no on site motorcycle parking. The variation is supported in this instance. The proposal is considered to be consistent with the key controls for the development contained within State Environmental Planning Policy (Affordable Rental Housing) 2009, Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.
64. The amenity of the boarding house is generally considered to be acceptable with the provision of indoor and outdoor communal areas, and a high proportion of individual boarding rooms with open space areas.
65. The proposal is considered to provide appropriate activation on the St Johns Road frontage within the neighbourhood centre streetscape and to be compatible with the characteristics of the heritage conservation area in which it is located. The application is recommended for approval subject to conditions.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

Shannon Rickersey, Senior Planner