

Attachment A

Cover Letter



Local Planning Panel
City of Sydney
GPO Box 1591
Sydney NSW 2001

29 March 2019

21 O'Connor Street, Chippendale – DA D/2018/1360

Dear Sir or Madam,

This letter has been prepared by Kreis Grennan Architecture to accompany revised drawings and documentation to be considered by City of Sydney's Local Planning Panel on 3 April 2019 for DA application D/2018/1360.

Background

The Development Application was submitted to council on 8 November 2018. On 20 November 2018 the architects attended a site inspection with the owner and council's planner Zeb McInnes.

Planning Assessment

On 20 December 2018 the applicant received a letter outlining 8 points with council's concerns and issues relating to the proposal. The applicant submitted revised drawings on 23 January 2019 addressing these points, listed below with comments:

- Surrounding development is predominantly two storeys. The site is subject to a 9m height control in the Sydney LEP 2012 and a two storey height control in the Sydney DCP 2012. The existing building is two storeys with an attic-like mansard addition. The proposed third storey and rooftop terrace results in a non-compliance with both controls, which is considered excessive and is not supported. It is recommended that the design be amended to remove the roof terrace and stair and maintain an attic-like addition above the two storeys.*

 - There are a number of surrounding warehouse developments over two storeys, including three, four and five storeys. Several warehouses in near proximity with very similar footprint of around 90 square meters are higher than the current proposal
 - The design was amended to pitch in the walls to match the existing roof line and create an attic-like mansard addition, with walls at 15 degrees pitch.
 - The applicant decided to retain the roof terrace and stair, as it was considered to have a minimal visual and privacy impact to the surrounding dwellings – as demonstrated in drawing 092.
- City staff would be supportive of a tree being planted within a deep soil zone in the new courtyard. A floating stair and careful placement of footings should be investigated to minimise impacts to the tree.*

 - Planting was included in the courtyard and considered to be sufficient. A large tree is difficult to be accommodated in such a tight space.



3. *The proposed removal of the window frames is not supported. It is recommended that operable steel framed windows are reinstated to all openings within the proposed void.*
 - Design was amended to include window frames, without glazing to provide effective cross ventilation via the stair core.
4. *Opportunities for natural cross ventilation through the provision of operable roof lights or clerestory windows should be investigated.*
 - Cross ventilation was considered to be adequate, but operable skylights could be conditioned if required.
5. *Additional information is required to confirm overshadowing impacts as the shadow diagrams do not show the full extent of shadows along Smithers Street.*
 - New drawings 066 was submitted demonstrating no impact to Smithers Street dwellings
6. *Additional information is required to fully define overlooking impacts.*
 - New drawing 902 was submitted demonstrating limited impact to visual privacy to adjoining dwellings
7. *Further investigation into predominant colours in the local areas should be undertaken to justify whether the proposed dark grey colour is compatible. Alternative colour options should be considered.*
 - Investigation of neighbourhood shown precedents of dark grey colour scheme used in warehouses.
8. Consideration should be given to the removal of the WC within the commercial studio. It appears to be intrusive within the space and another WC is provided in the adjacent store.
 - The applicant wanted to maintain two WC on ground floor to allow for flexibility of the space usage.

The applicant was under the impression that it had adequately addressed council's concerns and issues adequately as per the 8 points listed above.

Local Planning Panel

On 27 March 2019 the applicant was advised via email that the Development Application has been recommended for refusal to be determined by the Local Planning Panel on 3 April 2019.

The key reasons for refusals were listed as:

1. The site is subject to a maximum building height of 9m under the Sydney LEP 2012. The proposal has a maximum building height of 10.83m, which exceeds the standard by 18.45%.
2. The site is subject to a maximum floor space ratio of 1.5:1 under the Sydney LEP 2012. The proposal has a floor space ratio of 1.93:1, which exceeds the standard by 25%.



3. The proposal has been considered by the Design Advisory Panel Residential Subcommittee who recommended the applicant maintain an attic-like addition, retain the window frames, and provide further information in relation to overlooking and overshadowing impacts.
4. The proposal results in an unacceptable non-compliance with the Sydney LEP 2012 height control and Sydney DCP 2012 height in storeys control, will result in overlooking impacts, is excessive in bulk and scale, and is unsympathetic to the contributory building and conservation area.

In response to council's continuing issues with the proposal and the proposed recommendation for refusal, the applicant has further revised the proposal to be considered by the Local Planning Panel.

1. Deletion of the roof terrace and access stair, building height

- Resolves objections and issues raised in relation to visual privacy to the surrounding dwellings.
- Reduces overall height from 10.8m to 9.9m, a 10% variation to the LEP height control is sought.
- Whilst the proposal increases the building height by 350mm to provide better amenity ceiling height to the attic level, it is important to note that the existing building already exceeds the LEP height limit.
- It should be noted that is precedence on O'Connor Street with warehouse buildings in excess of the proposed 9.9m height.
- As demonstrated in the Clause 4.6 variation, compliance with the height control is unreasonable and unnecessary in the circumstances of the case, there are sufficient environmental planning grounds to justify contravention of the height control and the proposal will be in the public interest, noting the proposal will have a positive contribution on the conservation area.

2. FSR Controls

- The overall Gross Floor Area of the building is actually reduced from 199sqm to 192sqm – a reduction of 7sqm of Gross Floor Area.
- The proposed addition at attic level is to replace an existing attic and has been amended by pitching in the walls to match the existing roof line, with a minor increase in height to provide adequate floor to ceiling heights.
- The additional floor area at attic level is limited to 13sqm and will not result in any unreasonable impact for adjoining properties or result in a visually intrusive building within the streetscape or conservation area.
- As demonstrated in the Clause 4.6 variation, compliance with the FSR control is unreasonable and unnecessary in the circumstances of the case, there are sufficient environmental planning grounds to justify contravention of the FSR control and the proposal will be in the public interest, noting the proposal will reduce the overall gross floor area and will have a positive contribution on the conservation area.



3. Attic like roof addition

- The proposal was amended, as per council request, with pitched walls at 15 degree to present an attic-like roof addition
- The walls are further recessed back then the existing building walls, with external fins for solar control
- The revised proposal includes a metal roof with box gutter and solar panels

4. Overlooking, unsympathetic to the contributory building

- Deletion of roof terrace removes overlooking concerns.
- Three, four and five storey warehouse developments are common in the surrounding area, refer to submitted drawing 903 with storey analysis
- Refer to letter and statement by Heritage Consultant John Oultram, supporting the proposed alteration and addition.
- Presentation of street view render, showing existing and proposed streetscape, demonstrating a sympathetic development of the contributory building.

5. Other matters

- A large planter was added with a tree in the courtyard.

The applicant, consulting architect and town planner have registered and will present at the Local Planning Panel to provide details of how the application has been amended to address all of council's concerns and objections raised.

Council's concerns have been addressed, resolving the reasons for refusal as void.

It is requested that the Local Planning Panel review the application, including the latest design revision, and determine the application for D/2018/1360 to be **approved** with appropriate conditions. Alternatively, the panel can defer the application for council staff to assess the amended plans.

Your sincerely,

Chris Kreis
Director