

Item 5.**Development Application: 86 Foveaux Street, Surry Hills - D/2019/412****File No.:** D/2019/623**Summary****Date of Submission:** 26 April 2019

Amended 25 October 2019

Applicant: Ms Penelope Benton**Architect/Designer:** Sarah Gilder**Owner:** Ms Penelope Benton**Cost of Works:** \$324, 500**Zoning:** The site is located within the B4 Mixed use zone, the development is permissible with consent.**Proposal Summary:** The application proposes alterations and additions to the existing building including a second floor addition, landscaped roof terrace, repairs to a balcony onto Corben Street, and Strata Subdivision of the site into 2 lots and common property.

The development would provide a total of 2 residential units.

The application is referred to the Local Planning Panel for determination as the proposed development will exceed the Sydney Local Environmental Plan 2012 (SLEP) standard for Floor Space Ratio (FSR).

In addition the development includes works on Council land as the existing building encroaches into the road reserve. Owners consent has been given by Council for the lodgement of the application.

A written request has been submitted which seeks a 25.9% variation from the development standard, in accordance with Clause 4.6 of the SLEP. The request to vary the development standard is supported in this instance for the reasons outlined in this report.

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

Development Controls:

- (i) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP)
- (ii) Sydney Local Environmental Plan 2012
- (iii) Sydney Development Control Plan 2012
- (iv) City of Sydney Development Contributions Plan 2015

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Clause 4.6 Variation Request - Floor Space Ratio

Recommendation

It is resolved that:

- (A) The variation requested to Floor Space Ratio (FSR) in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld; and
- (B) Consent be granted to Development Application No. D/2019/412 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 development, subject to conditions is consistent with the objectives of the Sydney LEP 2012 and Sydney DCP 2012.
- (B) Subject to the recommended conditions of consent, the proposal will not have an adverse impact on the amenity of neighbouring properties.
- (C) Based upon the material available to the Committee at the time of determining this application, the Committee is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6(3) of the Sydney LEP 2012, that compliance with the Floor Space Ratio (FSR) development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 4.4 of the Sydney LEP 2012; and
 - (ii) the proposal is in the public interest because it is consistent with the objectives of the B4 mixed use zone and the relevant development standards.

Background

The Site and Surrounding Development

1. The small site is square with an area of 61.92sqm and is located on the north-west corner plot of the intersection between Foveaux Street and Corben Street, Surry Hills. It contains a 2-3 storey end of terrace property which has a primary street frontage to Foveaux Street and a secondary street frontage to Corben Street.
2. The site is adjoined to the north by 2 terrace properties - numbers 41 and 43 Corben Street - which are both in residential use. The adjoining property to the west at 72-84 Foveaux Street is a contemporary, 6 storey commercial building. This property also has frontage to Corben Street wrapping around the adjoining properties to the north at 41 and 43 Corben Street. See Figure 1 below.
3. To the east and south are mixed use, predominantly commercial buildings which range in height from 5 - 8 storeys.
4. The site is not a heritage item, but is located within the Little Riley Street Conservation Area (C65). It is identified as having a neutral contribution to the conservation area. The adjoining terrace building, 43 Corben Street is also identified as having a neutral contribution, and 41 Corben Street is identified as positively contributing. Taller commercial buildings at 72-84 Foveaux Street and 88-90 Foveaux Street are both identified as detracting from the heritage character of the conservation area.
5. The existing building is currently in use as two residential units known as 'Terrace 1' which is a 1 bedroom unit occupying the south side of the building, and 'Terrace 2' which is a 2 bedroom unit occupying the north and east side of the building. The units share a small external courtyard and storage room which are both located at lower ground floor level.
6. The change of use to residential units was granted development consent in 2013. There is extant consent - as part of the 2013 approval - for a communal roof terrace which has never been implemented.
7. A site visit was carried out by staff on 17 May 2019. Photos of the site and surrounds are provided below:

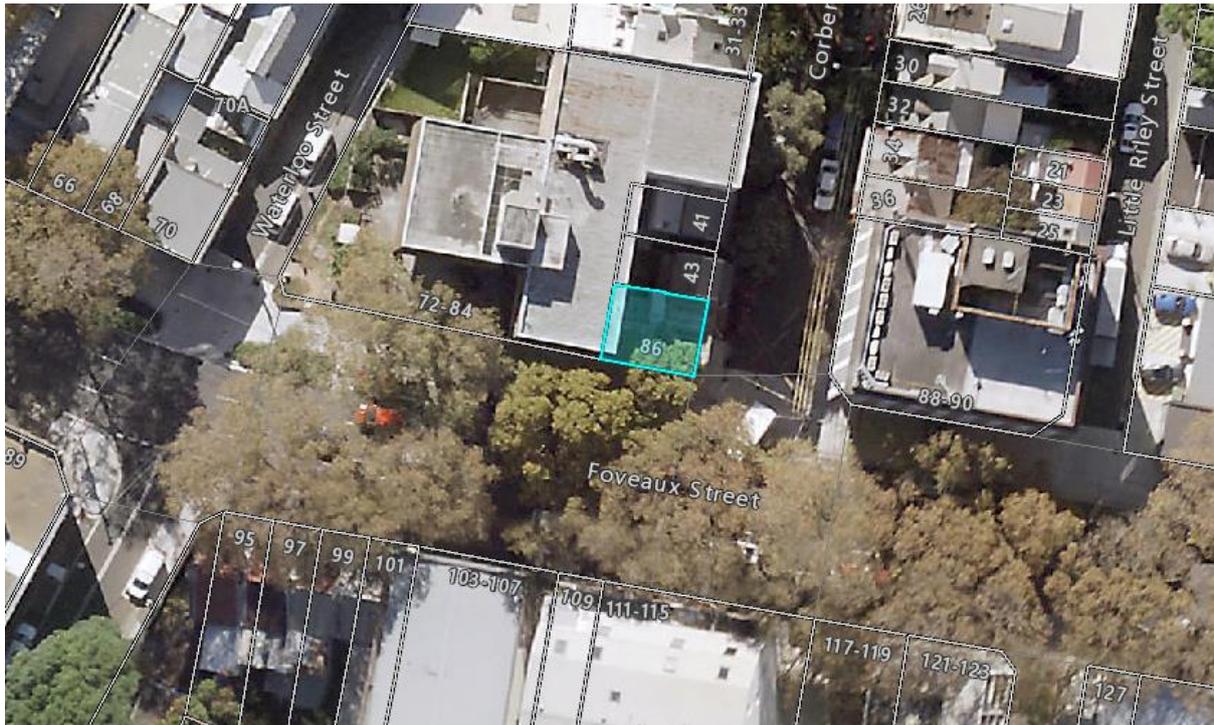


Figure 1: Aerial image of subject site and surrounding area



Figure 2: Site viewed from the junction of Corben Street and Foveaux Street



Figure 3: Looking south west along Corben Street, toward the site



Figure 4: East elevation, onto Corben Street.

Proposal

8. The application seeks consent for alterations and additions to the existing dwellings.

9. The proposed development will comprise;
- strata subdivision of the site into 2 lots with common courtyard, basement storage and landscaped roof;
 - construction of a second storey, to accommodate two en-suite bedrooms with walk-in wardrobes, to be finished with perforated metal cladding.

	Existing	Proposed
1 bedroom unit	1	-
2 bedroom unit	1	1
3 bedroom unit	-	1

- landscaped roof, with 2 points of access - one serving each residential lot;
- repairs to the Corben Street balcony, including replacement balustrade infill;
- repainting existing window frames;
- replacement window and security grille to the ground floor on Foveaux Street;
- new infill gate to the chamfered corner at ground floor level;

Amendments

10. The detailed design of the application has been amended during the course of the planning assessment to address some concerns of Council officers.
11. Plans and CGI's of the proposed development are provided below:



Figure 5: CGI of the proposal viewed from the junction of Corben Street and Foveaux Street.

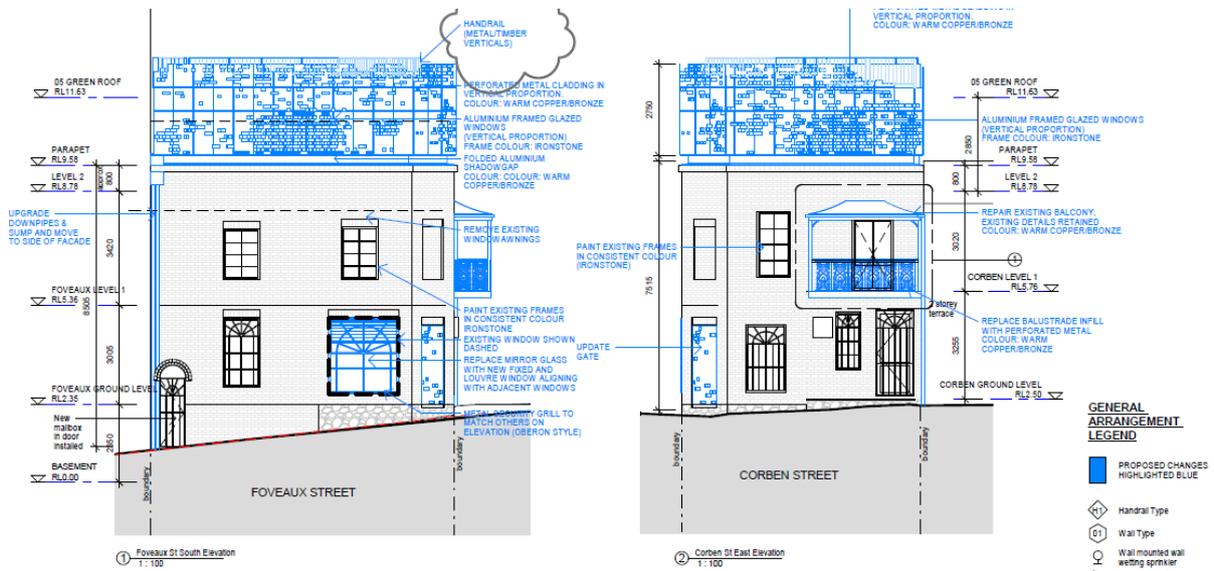


Figure 6: Proposed elevations to Foveaux Street and Corben Street



Figure 7: Proposed north and west elevations

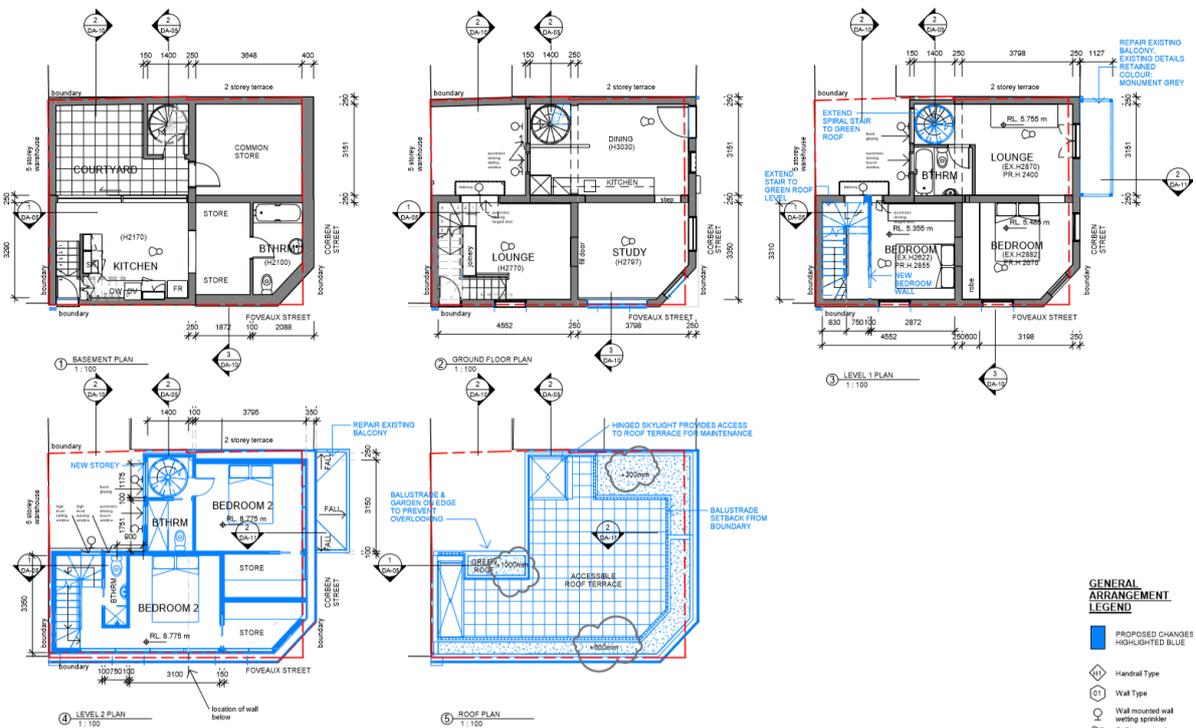


Figure 8: Proposed floorplans

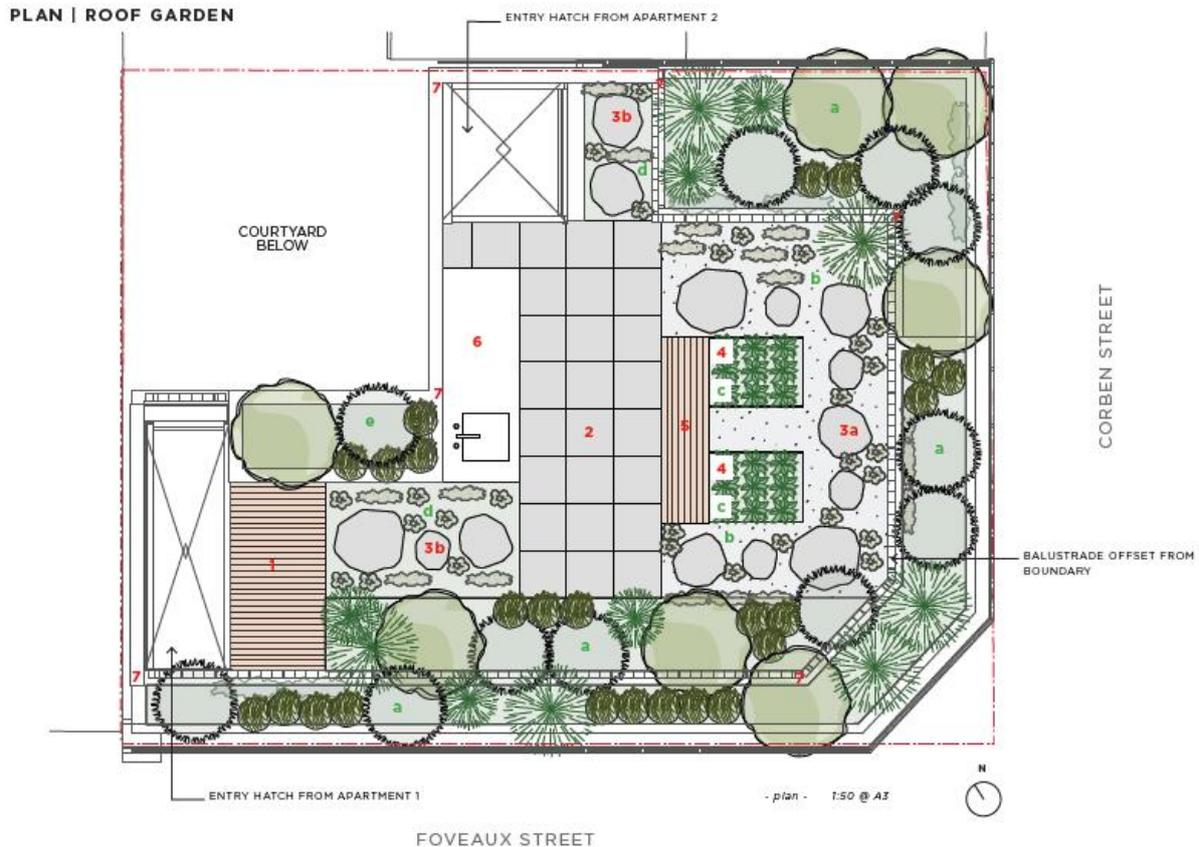


Figure 9: Proposed roof/landscaping plan

History Relevant to the Development Application

12. Application D/2013/1393 was approved on 6th November 2013, for a change of use from commercial to residential, and internal alterations to create 1x 1 bedroom and 1x 2 bedroom units with a roof terrace. This consent has been implemented.
13. The approval included the provision of a roof terrace. The conditions of consent did not impose any restrictions on the roof terrace, which, to date has not been constructed. The application was subject to a s94 contribution.
14. Section 4.55 application D/2013/1393/A was approved on 20th June 2014, and modified the approved stairs and rear window openings. The modified plans retained a roof terrace with a new stair access from each unit.
15. In November 2017 the applicant sought pre-lodgement advice on proposals for an additional storey and roof terrace. Council officers advised that a new development application should be lodged, and that a significant 40% exceedance of the FSR standard may not be supported.

Economic/Social/Environmental Impacts

16. 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.

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

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

18. 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.

19. 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.

20. The development is consistent with the controls contained with the deemed SEPP.

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

21. A BASIX Certificate has been submitted with the development application.

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

Sydney Local Environmental Plan 2012

23. The site is located within the B4 mixed use zone. The proposed use is defined as residential and is permissible.

24. 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 15m is permitted. A height of 10 - 11m is proposed. The proposal will therefore comply with the height control.
4.4 Floor Space Ratio	No	A maximum FSR of 1.75:1 is permitted. The proposed development exceeds the FSR control by 29 sq.m. See discussion under the heading 'Issues'.
4.6 Exceptions to development standards	Yes	The proposal seeks to vary the development standard prescribed under Clause 4.4 - Floor Space Ratio. See discussion under the heading 'Issues'.
5.10 Heritage conservation	Yes	The subject site is a neutral building, located within the Little Riley Street heritage conservation area (C65). See discussion under the heading 'Issues'.
6.21 Design excellence	Yes	The proposed development is considered capable of delivering a high standard of architectural design and detailing consistent with the objectives of the control. A condition is recommended to secure details of materials and finishes.

Part 7 Local Provisions - General	Compliance	Comment
Division 1 Car parking ancillary to other development	Yes	The site is within a category B Land Use and Transport Integration Area. A maximum of 2 car parking spaces are permitted. No car parking spaces are proposed. The proposal complies with the control.

Part 7 Local Provisions - General	Compliance	Comment
7.15 Flood planning	Yes	<p>The north east corner of the site is identified by Council as being flood prone.</p> <p>Under section 3.2 (Concessional Development - Minor Addition) of the Interim Management Flood Policy, the performance criteria of the policy do not apply as the proposal increases the habitable floor area by less than 40 sq.m.</p>

Sydney Development Control Plan 2012

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

2. Locality Statements – 2.11.2 Riley

The subject site is located in the Riley locality area. The proposed second storey and landscaped roof is considered to be in keeping with the mixed use character of the area and design principles for the locality, in that it responds to the streetscape within the heritage conservation area.

3. General Provisions	Compliance	Comment
3.3 Design Excellence and Competitive Design Processes	Yes	<p>The proposal is considered suitable for the subject site and setting, and respects the heritage character of the original building and the surrounding area.</p> <p>The proposal would preserve amenity for neighbouring occupants, subject to the recommended conditions of consent outlined in this report.</p> <p>See discussion under the heading 'Issues'.</p>
3.5 Urban Ecology	Yes	The proposed development includes a landscaped roof, this would improve the local urban ecology.
3.6 Ecologically Sustainable Development	Yes	The proposal satisfies BASIX and environmental requirements.

3. General Provisions	Compliance	Comment
3.7 Water and Flood Management	Yes	<p>The north east corner of the site is identified by Council as being flood prone.</p> <p>Under section 3.2 (Concessional Development - Minor Addition) of the Interim Management Flood Policy, the performance criteria of the policy do not apply as the proposal increases the habitable floor area by less than 40 sq.m.</p>
3.8 Subdivision, Strata Subdivision and Consolidation	Yes	A condition is recommended, which requires a separate application to be made to an accredited certifier, or to Council for approval of the Strata Plan.
3.9 Heritage	Yes	<p>The existing building is neutral building located within the Little Riley Street Conservation Area (C65).</p> <p>See further discussion under the heading Issues.</p>
3.11 Transport and Parking	Yes	<p>A maximum of 2 car parking spaces are permitted. No car parking spaces are proposed.</p> <p>1 cycle parking space per dwelling is required, this can be accommodated internally, or within common storage at basement level, in accordance with 3.11.3 of the DCP.</p> <p>The proposal is considered to comply with part 3.11 of the DCP.</p>
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	A condition is recommended for the proposed development to comply with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.

4. Development Types 4.1 Single dwellings, terraces and dual occupancies	Compliance	Comment
4.1.1 Building height	Yes	<p>A maximum of 4 storeys is permitted.</p> <p>The proposed development would be 3 to 4 storeys, with a landscaped roof.</p> <p>The change in levels across the site, forms a basement level, such that the proposed development when viewed from the surrounding streets, would read as a three storey building with landscaped roof. Given the context of the site, which includes high-rise commercial buildings, this is considered to be acceptable.</p>
4.1.3 Residential amenity	Yes	<p>4.1.3.1 Solar Access</p> <p>The application site is located directly south of adjoining residential properties. The site, and adjoining terrace are already substantially overshadowed by the 6 storey commercial building at 72-86 Foveaux Street.</p> <p>The applicant has submitted shadow diagrams which demonstrate that there would be no additional overshadowing to neighbouring properties.</p> <p>The proposed landscaped roof would receive direct sunlight at midday, and therefore would improve the amenity of the existing residential units at the application site.</p> <p>The proposal would comply with part 4.1.3.1 of the DCP.</p> <hr/> <p>4.1.3.3 Landscaping</p> <p>The applicant has submitted a landscape plan, conditions are recommended to secure additional detail, design and specifications for the landscaped roof.</p>

4. Development Types 4.1 Single dwellings, terraces and dual occupancies	Compliance	Comment
		<p data-bbox="850 416 1334 510">Subject to conditions, the proposals would comply with part 4.1.3.3 of the DCP.</p> <p data-bbox="850 562 1214 595">4.1.3.5 Private Open Space</p> <p data-bbox="850 629 1377 824">The existing basement level courtyard provides 11 sq.m of private amenity space which is directly accessible from the kitchen of the 1 bedroom unit known as 'Terrace 1', but is shared by both residential units.</p> <p data-bbox="850 864 1386 1193">The proposed landscaped roof would have an area of 27 sq.m, resulting in a total of 38 sq.m of private open space on the site. Whilst both spaces are shared, this represents an improvement from the current circumstances of the site. The total open space provided would be equivalent to the DCP requirements, and on balance the proposal is considered to comply with part 4.1.3.5 of the DCP.</p> <p data-bbox="850 1245 1134 1279">4.1.3.6 Visual Privacy</p> <p data-bbox="850 1312 1366 1442">Numbers 43, and 41 Corben Street directly adjoin the application site to the north. Both properties are in residential use.</p> <p data-bbox="850 1480 1278 1543">See further discussion under the heading 'Issues'.</p> <p data-bbox="850 1597 1374 1760">It is considered that the proposed development will provide acceptable residential amenity and will not have unreasonable impacts on the residential amenity of neighbouring properties.</p>
4.1.5 Roof alterations and additions	Yes	The proposed second storey and landscaped roof has been designed to be screened by perforated cladding which would read as a single storey within the street scene.

4. Development Types 4.1 Single dwellings, terraces and dual occupancies	Compliance	Comment
		<p>The existing parapet would be retained and would remain unaltered. A shadow gap is proposed between the parapet and the proposed perforated metal cladding. As such, the proposed roof addition is distinct from the existing building, and the original form of the corner property remains evident.</p> <p>The perforated cladding would complement the details and materials of the existing building.</p> <p>The design, is in keeping with the character of the existing dwelling and streetscape and is considered to be acceptable.</p>
4.1.8 Balconies, verandahs and decks	Yes	<p>Part 4.1.8 of the DCP sets out that balconies and decks above ground floor level should be designed to minimise overlooking, and avoided at the rear and side of a dwelling.</p> <p>Development consent ref D/2013/1393 granted consent for the change of use of the site to residential, and included a roof terrace which had a trafficable area across the entire roof. The residential element of this consent was implemented, but to date the roof terrace has not been constructed. It is considered that the acceptability in principle of a roof terrace at the site has already been established.</p> <p>The proposed landscaped roof has a significantly smaller trafficable area, which would be set back from the boundary with the adjoining residential terrace. Sections have been provided which demonstrate that the landscaped roof will not result in loss of privacy to neighbouring properties.</p> <p>It is considered that the proposals comply with part 4.1.8 of the DCP.</p>

Issues

Floor Space Ratio (FSR)

26. The submitted floorplans demonstrate that the existing facades of the building have been built beyond the site boundaries along Foveaux Street and Corben Street. For the purposes of calculating FSR these facades have been included within the site area (see figure 10 below). As such, the site is taken to have an area of 64sq.m.

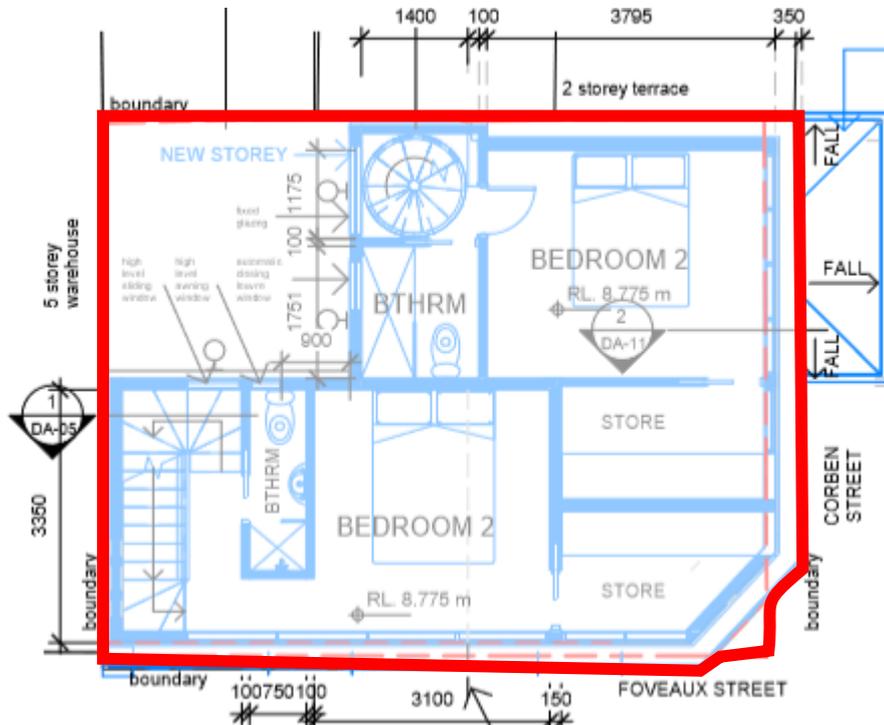


Figure 10: Area taken to be included as 'site area' for the purposes of FSR

27. Sydney LEP controls specify a maximum FSR of 1.75:1. Given the site area, this equates to a maximum of 112sq.m of Gross Floor Area (GFA). The proposed GFA comprises;

Lower ground floor: 24sq.m

Ground floor: 40 sq.m.

First floor: 40 sq.m

Second Floor: 37 sq.m.

Total GFA: 141 sq.m

28. The proposal would exceed the maximum GFA by 29 sq.m which equates to 25.9%. The proposed development would have an FSR of 2.2:1.

Clause 4.6 request to vary a development standard

29. The site is subject to a maximum FSR control of 1.75:1. The proposed development has an FSR of 2.2:1.

30. A written request has been submitted to Council in accordance with Clause 4.6(3)(a) and (b) 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.
31. A copy of the applicant's written request is provided at Attachment C.

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

32. The applicant seeks to justify the contravention of the FSR 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 proposal provides limited floor space, forming an additional bedroom to each of the two residential units. This will not significantly increase the intensity of the approved use, but will accommodate future needs of the occupiers, and will enable the units to be used as family accommodation.
 - (ii) The variation will not intensify the use of the site beyond the capacity of existing infrastructure, noting that no additional dwellings are proposed.
 - (iii) The proposal would be in keeping with the varied built forms within the Riley locality area, and would not impact on the heritage significance of the building or conservation area.
 - (iv) Immediately surrounding sites have predominantly greater floor space ratios, and the proposed building would remain submissive in terms of bulk and scale within the streetscape.
 - (v) There would be no adverse impacts on amenity.
 - (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) The proposed additional floor space will provide family-sized accommodation which will meet the anticipated needs of residents.
 - (ii) The additional floor space would not increase the intensity of the site or adverse environmental impacts.
 - (iii) The proposed addition is not excessive in bulk or scale, and has been recessed, to preserve the heritage significance of the building.

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

33. 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)(a)?

34. The applicant's written request has addressed the first of the five tests established in *Wehbe v Pittwater Council* [2007] NSW LEC 827; being that the objectives of the standard are achieved notwithstanding non-compliance. The applicant's written request has adequately demonstrated that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case. The proposed development satisfies the aims of the FSR standard, notwithstanding the non-compliance.

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

35. The proposal, as amended, is appropriate given the immediate context of the site - which is characterised by neighbouring sites with greater FSR allowance. The proposed development would remain subservient to neighbouring developments and the design and scale is considered to be appropriate to the site and its context.
36. The development will not impact on the amenity of neighbouring properties in terms of solar access and privacy.
37. It is considered that the applicant has adequately demonstrated that there are sufficient environmental planning grounds to justify the contravention of the FSR standard.

Is the development in the public interest?

38. The objectives of the FSR standard are:
- (a) To provide sufficient floor space to meet anticipated development needs for the foreseeable future;
 - (b) To regulate the density of development, built form and land use intensity and to control the generation of vehicle and pedestrian traffic;
 - (c) To provide for an intensity of development that is commensurate with the capacity of existing and planned infrastructure;
 - (d) To ensure that new development reflects the desired character of the locality in which it is located and minimises adverse impacts on the amenity of that locality.

39. The proposed addition would provide 2 additional en-suite bedrooms - one to each of the existing residential units. The additional bedrooms would meet the anticipated development needs of the site for the foreseeable future and would be of an appropriate size and scale relative to the existing residential uses on the site.
40. The additional floor space would not result in an intensity of use that would exceed the capacity of existing and planned infrastructure. The proposal would exhibit design excellence and would reflect the character of the locality, with no adverse impact on neighbouring amenity.
41. The objectives of the B4 mixed use zone are;
 - (a) To provide a mixture of compatible land uses
 - (b) To integrate suitable business, office, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
 - (c) To ensure uses support the viability of centres.
42. The application proposes additional bedrooms to 2 existing residential units. The extension of two existing residential units and additional private open space would be compatible with surrounding land uses. The proposal doesn't include any increase in parking and therefore encourages use of public transport, walking and cycling. The increase in the number of bedrooms would enable both units to be used as family accommodation, which would support the viability of nearby centres.

Conclusion

43. For the reasons provided above the requested variation to the FSR standard is supported as the applicant's written request has adequately addressed the matters required to be addressed by cl 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 FSR standard and the B4 mixed use zone.

Privacy

44. The proposed landscaped roof would be communal space, accessed by both residential units on site. With the exception of an access stair to 'Terrace 2', the majority of the trafficable area would be set back from the north boundary of the site by 1.5m. The spiral access stair would be used momentarily and is not considered to result in a loss of privacy to neighbouring properties.
45. Perforated metal cladding would screen the northernmost part of the roof from neighbouring properties. The applicant has demonstrated that the proposed screening, and setback, in addition to the height of the landscaped roof, would prevent any overlooking into the rear windows or open spaces at both 41 and 43 Corben Street.

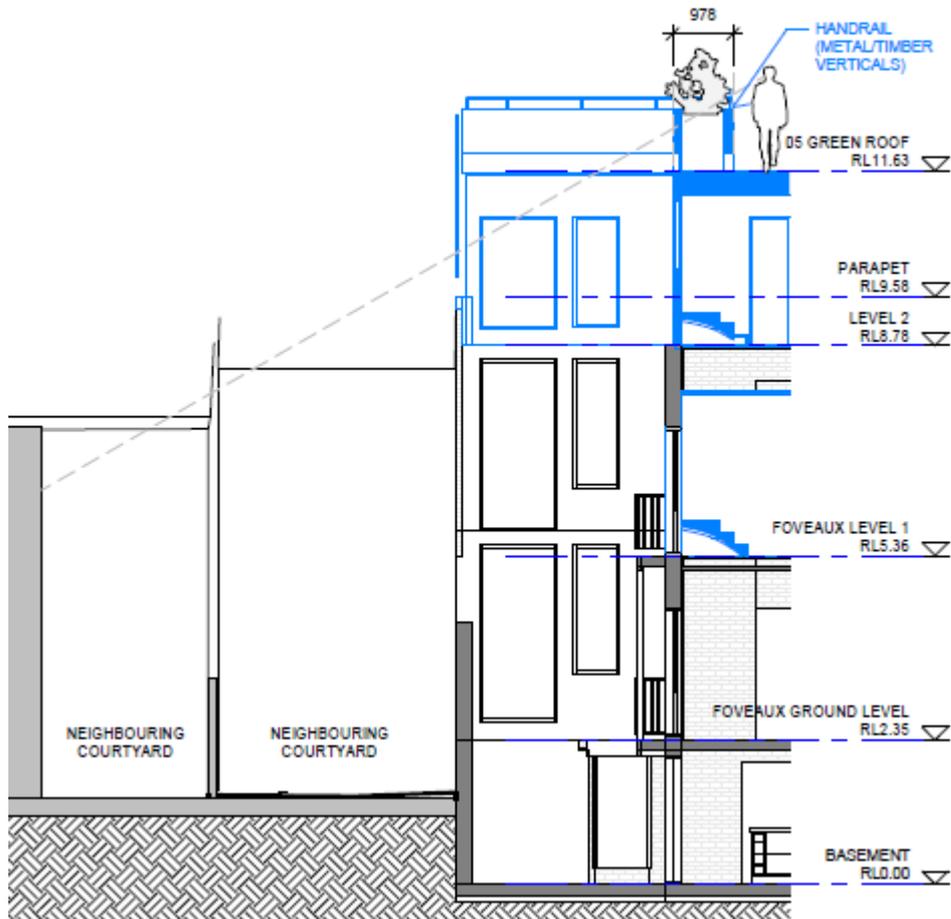


Figure 10: Proposed Section

46. Conditions are recommended to ensure that the screening and set-back is maintained in-situ for the lifetime of the development. Subject to conditions, the proposal would comply with part 4.1.3.6 of the DCP.

Heritage

47. Part 5.10 of the LEP sets out that development should conserve the environmental heritage of the City of Sydney, including heritage conservation areas, associated fabric, settings and views.
48. The site is located within a Conservation Area and is therefore subject to the heritage provisions of the DCP.
49. The existing building is designated as making a neutral contribution to the heritage conservation area. Despite this, the building, which dates to approximately 1885 is considered to have some external heritage quality; its exposed brick, and projecting balcony are prominent within the heritage conservation area, particularly given the corner plot location.
50. The applicant has submitted a heritage impact statement which identifies the heritage significance of the exterior of the building, it is noted that much of the interior has been altered.

51. Part 3.9 of the DCP sets out that development should be compatible with the surrounding built form, with regard to views to and from the site, the form, height, bulk scale, and roofscape.
52. The proposed additional storey, and landscaped roof would be screened by perforated metal cladding, which is proposed to be a warm copper/bronze colour. A condition is recommended specifying details of materials and finishes which are to be submitted to, and approved by Council. Owing to the screening, the additional storey and landscaped terrace would read as a single storey which minimises both the aesthetic impact on the existing building, and the impact on views of the site along Foveaux Street.
53. The design incorporates a shadow gap 0.3m x 0.3m, to ensure that the addition is distinct from the existing building both physically, and in terms of materiality. It is considered that this is successful in addressing the relationship between the retained building and the proposed addition. A condition is recommended to specify that the shadow gap is finished in black.
54. The total height of the building would be 10m, which would be relatively modest in the context of neighbouring commercial buildings that range in height from 5-8 storeys. The addition would be a total of 2.75m high above the existing parapet. Whilst this will significantly change the height of the existing building, it would be within the 15m height control for the site. Its height and form would respect the mixed context noting that the adjoining commercial building is significantly higher whilst the lower scale terrace has a different two storey pitched roof form.
55. Works are proposed to refurbish the first floor balcony to Corben Street, the existing wrought iron balustrade is proposed to be replaced. It is not evident from the submission that this is beyond repair/cannot be salvaged. As such, a condition is recommended ensuring that the existing balustrade is retained.
56. Subject to conditions to specify materials and finishes, the proposal generally complies with the relevant aims, objectives and controls of the DCP.

Other Impacts of the Development

57. The proposed development is capable of complying with the BCA.
58. 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

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

Internal Referrals

60. The conditions of other sections of Council have been included in the proposed conditions.
61. The application was discussed with the City's Heritage and Urban Design Specialists; Building Services Unit; Surveyors; and Landscape officers; who advised that the proposal is acceptable subject to the recommended conditions.

External Referrals

Notification, Advertising and Delegation

62. 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 15 May 2019 and 30 May 2019, no submissions were received.

Public Interest

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

S7.11 Contribution

64. The development is subject of a S7.11 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 populations.
65. Credits have been applied and have been calculated on the basis that the current use of the site provides 1 x 1 bedroom unit, and 1 x 2-bedroom unit.
66. The following monetary contribution is required towards the cost of public amenities:

(a) Open Space	\$4675.11
(b) Community Facilities	\$2287.86
(c) Traffic and Transport	\$ 146.30
(d) Stormwater Drainage	\$ -
Total	\$7109.27

Relevant Legislation

67. Environmental Planning and Assessment Act 1979.

Conclusion

68. The subject application seeks consent for alterations and additions to the existing building including a second floor addition, landscaped roof terrace, repairs to a balcony onto Corben Street, and Strata Subdivision of the site into 2 lots and common property.
69. The proposal would exceed the FSR control of 1.75:1 by 29 sq.m which equates to 25.9%. The proposed development would have an FSR of 2.2:1.
70. The application is referred to the Local Planning Panel for determination as the application would exceed the Sydney Local Environmental Plan 2012 (SLEP) standard for Floor Space Ratio (FSR) and as the building encroaches on Council land. A written request has been submitted in accordance with Clause 4.6 of the SLEP. The request to vary the development standard is supported in this instance for the reasons outlined in this report.
71. The proposed development generally complies with the objectives and provisions in the Sydney LEP 2012 and Sydney DCP 2012 for the site.
72. The development is considered to exhibit design excellence, is in keeping with the desired future character of the area and is considered to be in the public interest.
73. The development is recommended to be approved, subject to the recommended conditions included in Attachment A.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

Gemma Bassett, Planner