Item 6.

Development Application: 160B Glebe Point Road, Glebe – D/2020/18

File No.: D/2020/18

Summary

Date of Submission:	13 January 2020, amended plans received 27 April 2020 and 14 May 2020
Applicant:	Mr Giovanni Cirillo
Architect/Designer:	Mark Shapiro Architects
Owner:	Mr Christopher Lipman
Cost of Works:	$514,000
Zoning:	B2 - Local Centre zone. The development is permissible with consent.
Proposal Summary:	The application seeks consent for the adaptive reuse of a terrace as a five room, seven person boarding house at 160B Glebe Point Road, Glebe. Works consist of partial demolition of the ground floor rear wing, internal reconfiguration of the ground, first and mezzanine floors, landscaping of the front and back yards, restoration of the facade of the building, and bike storage for 4 bicycles. The application is reported to the Local Planning Panel as the development is accompanied by a Clause 4.6 variation request which seeks a waiver of the requirement for motorcycle parking under Clause 30(1)(h) of *State Environmental Planning Policy (Affordable Rental Housing) 2009* (SEPP AH). The development is required to provide 1 parking space. No spaces are proposed to be provided. A written request has been provided seeking a 100% waiver of this requirement in accordance with Clause 4.6 of the *Sydney Local Environmental Plan 2012* (LEP). The request to vary the development is supported for reasons outlined in this report. The application was notified for a period of 21 days between 17 January and 8 February 2020. A total of 3 submissions were received. Issues raised related to use and operation of the boarding house, roof design, external

finishes, landscape design and layout, the rear retaining wall, party walls and acoustic amenity and fire safety.

The proposal generally complies with the requirements of SEPP AH, LEP and the Sydney Development Control Plan 2012 (DCP) in terms of amenity, accommodation size and character of the local area. The proposal will not result in significant bulk or perceptible built form changes to or within the heritage conservation area, as viewed from the public domain on Glebe Point Road.

The development will provide acceptable amenity impacts for both the future occupants and adjoining properties by way of appropriately sized rooms and communal facilities and preservation of visual privacy. It is noted solar access requirements are not met, however this is largely due to existing conditions on site, discussed in detail in this report.

The development seeks to regularise the unauthorised boarding house use that has continued on the site for over 20 years. It is generally of a scale and nature in character with the area, achieves compliance with design excellence provisions, is in keeping with the desired future character of the area and is considered to be in the public interest.

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) State Environmental Planning Policy (Affordable Rental Housing) 2009

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

(iv) Sydney Local Environmental Plan 2012

(v) Sydney Development Control Plan 2012

(vi) City of Sydney Development Contributions Plan 2015

(vii) City of Sydney Community Participation Plan 2019

Attachments:

A. Recommended Conditions of Consent

B. Selected Drawings

C. Clause 4.6 Variation Request - Motorcycle Parking

Recommendation

It is resolved that consent be granted to Development Application No. D/2020/18 subject to the conditions set out in Attachment A to the subject report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

(A) Subject to conditions, the proposal generally complies with the following provisions of the *State Environmental Planning Policy (Affordable Rental Housing)* 2009 (SEPP AH):

(i) Clause 29 2(a) - Building height

(ii) Clause 29 2(b) - Landscaped area

(iii) Clause 29 2(f) - Accommodation Size

(iv) Clause 30A - Character of the Local Area

(B) The proposal is generally consistent with the relevant objectives and controls of *Sydney Local Environmental Plan 2012* (LEP) and *Sydney Development Control Plan 2012* (DCP);

(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 in Clause 4.6(3) of the Sydney LEP 2012, that compliance with the motorcycle parking development standard is unreasonable or unnecessary in the circumstances of this case and that there are sufficient planning grounds to justify contravening clause 30(1)(h) of the SEPP AH; and

(ii) the proposal is in the public interest because it is consistent with the objectives of the B2 Local Centre zone and the objectives of the SEPP AH.

(D) The proposal exhibits a suitable built form, design and materiality in the context of the heritage conservation area and is appropriate within the streetscape. Through restoration works, the proposal improves the presentation of the facade of the contributory terrace building.

(E) The application has demonstrated the proposal will not result in unacceptable amenity impacts on surrounding properties.

(F) The proposed boarding house will have acceptable amenity impacts to future occupants.

(G) The proposal provides for a use that is compatible with the surrounding area and will regularise an unauthorised use. The proposal is in keeping with the future desired character of the area and is considered to be in the public interest.

Background

The Site and Surrounding Development

1. A site visit was carried out by staff on 28 January 2020.

2. The site is rectangular, with an area of approximately 196sqm. It has a street frontage to Glebe Point Road and is located at the intersection of Glebe Point Road and Marlborough Street. A two-storey terrace house is contained within the site.

3. Surrounding land uses are a mix of residential and commercial. The site is the northernmost of three terraces that form 'Rosebank Flats', a row of rendered brick, two-storey terraces built in 1876 and remodelled in 1921. The other two terraces in the group are used as private residential dwellings.

4. The site is located within a B2 - Local Centre zone, which contains a variety of mixed uses. Commercial uses nearby include cafes, restaurants, offices, a dentist, a pub; neighbourhood shops such as a laundromat, a bakery, a florist and a barber; and a motel. There are a variety of residential building typologies in the area, including terraces, cottages, townhouses and apartment buildings.

5. The site is currently used as an unauthorised boarding house.

6. The site is not a heritage item, however, is identified as a contributory building within the Glebe Point Road Heritage Conservation Area (C29).

7. Photos of the site and surrounds are provided in Figure 1 to 13 below:

Figure 1: Aerial image of subject site and surrounding area (source: Nearmap)

Figure 2: Site viewed from Glebe Point Road, looking south-west

Figure 3: Facade of terrace

Figure 4: Rear yard of property, looking south-west

Figure 5: Rear of existing terrace, rear wing to be demolished and rebuilt to left of image

Figure 6: View from external staircase down to rear yard, ground floor breezeway to be infilled/built to boundary, stairs to be removed

Figure 7: Ground floor front room, balcony (through glazed door) to be restored, room converted for accessibility

Figure 8: Ground floor kitchen to be removed, space utilised as part of common room

Figure 9: Ground floor rear bedroom, wing to be extended and used as common room

Figure 10: Existing upstairs kitchen to be removed, converted to self-contained boarding room with kitchenette and ensuite bathroom

Figure 11: Existing upstairs landing and corridor, additional set of stairs leading to mezzanine floor (to be partially demolished)

Figure 12: Doors to existing, unauthorised mezzanine bedrooms

Figure 13: Existing first floor bedroom to be converted to a self-contained boarding room with kitchenette and ensuite bathroom

Proposal

8. The application seeks consent for the adaptive reuse of a terrace for a five room boarding house. The site is currently used as an unauthorised boarding house. Works consist of:

(a) Ground floor

(i) demolition of secondary ground floor rear wing structure (shed), several external walls of primary ground floor rear wing, steps to front porch;

(ii) demolition of internal partition walls, bathrooms, kitchen fitout;

(iii) removal of infill to front ground floor terrace/balcony, reinstatement;

(iv) landscaping to front yard (including waste storage area, path, garden, new front gate, new stairs and accessible chairlift to front entry) and back yard (including courtyard, BBQ area and bike storage for 4 bicycles); and

(v) reconfiguration of internal layout to construct two single self-contained boarding rooms (Units G.01 and G.02) with kitchenettes and ensuites (one room identified as accessible), a common room with living and laundry facilities to the rear of the property, and a skylight to the common room. Access to the communal open space is provided by new sliding doors from the common room.

(b) First floor

(i) demolition of internal partition walls, removal of external stairs, demolition of existing non-BCA compliant stairs to mezzanine floor;

(ii) removal of balcony infill, reinstatement of first floor balcony; and

(iii) reconfiguration of internal layout to construct three self-contained boarding rooms with kitchenettes and ensuites (Units 1.01, 1.02 and 1.03 which consist of two double rooms and one single room).

(c) Mezzanine

(i) demolition/removal of one existing bedroom;

(ii) new stairs, located within Unit 1.01, up to mezzanine/loft bedroom; and

(iii) replacement of existing skylight with 'ventilating skylight'.

9. Plans of the proposed development are provided in Figures 14 to 21 below.

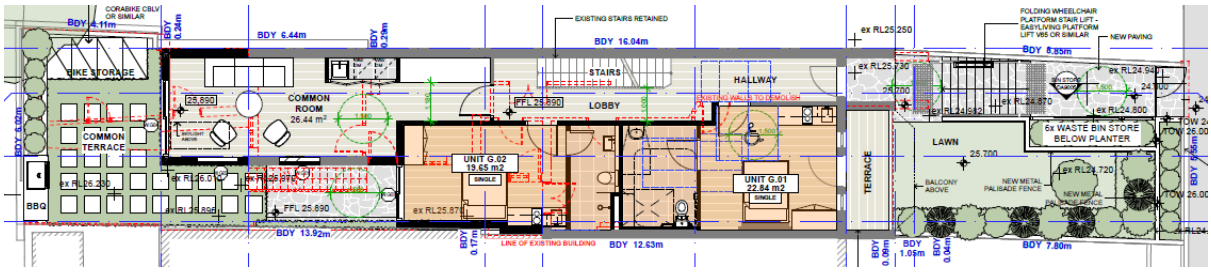

Figure 14: Proposed ground floor plan

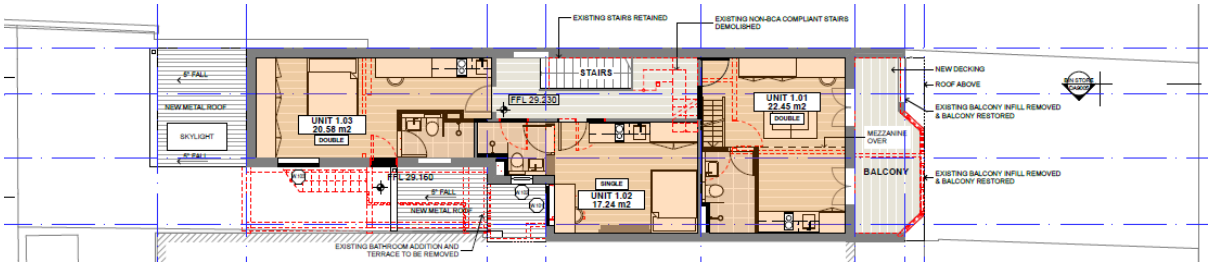

Figure 15: Proposed first floor plan

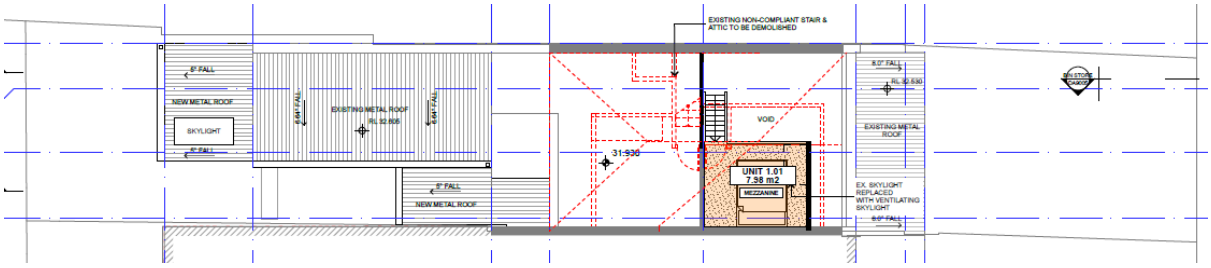

Figure 16: Proposed mezzanine level

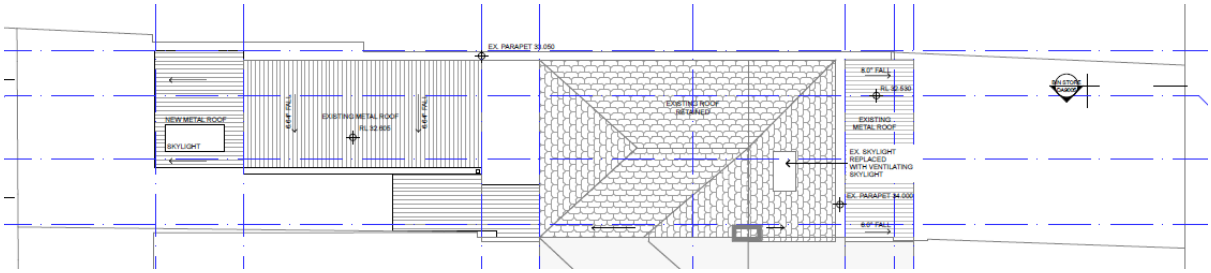

Figure 17: Proposed roof plan

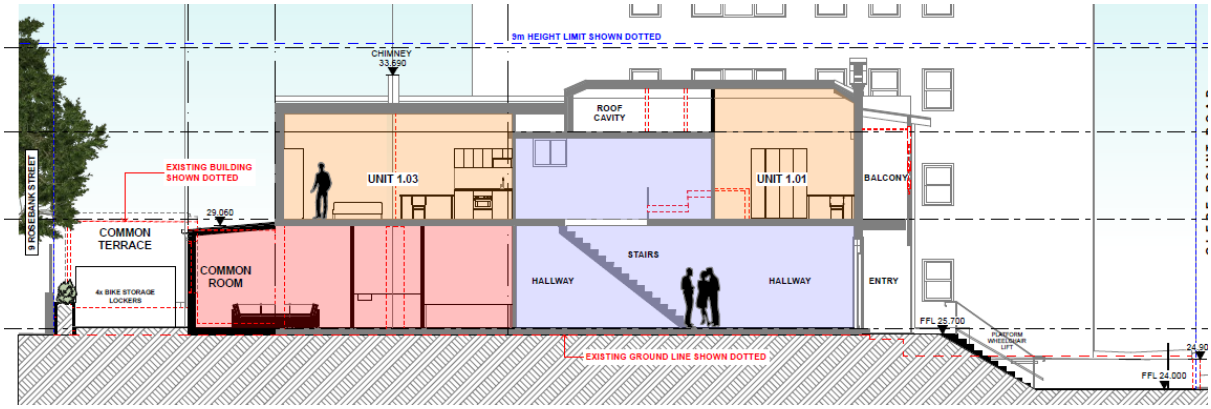

Figure 18: Proposed section A

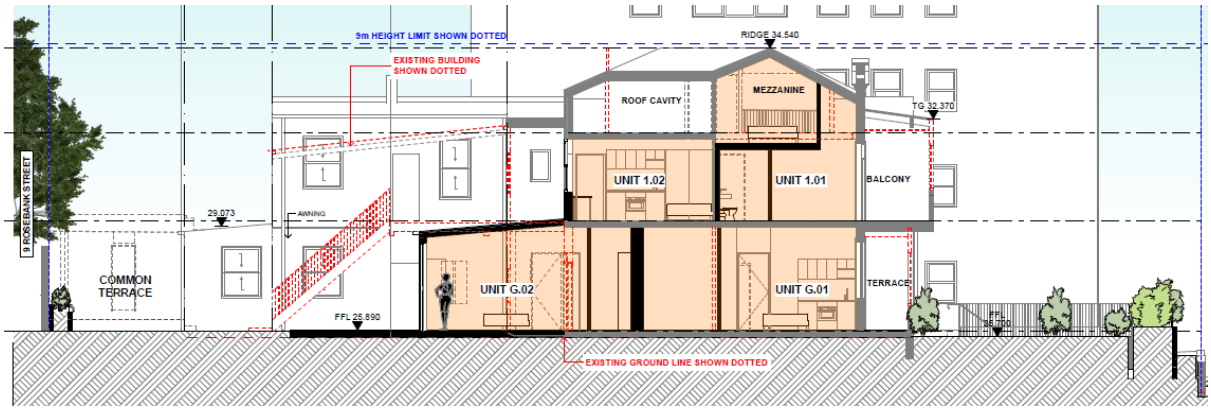

Figure 19: Proposed section B

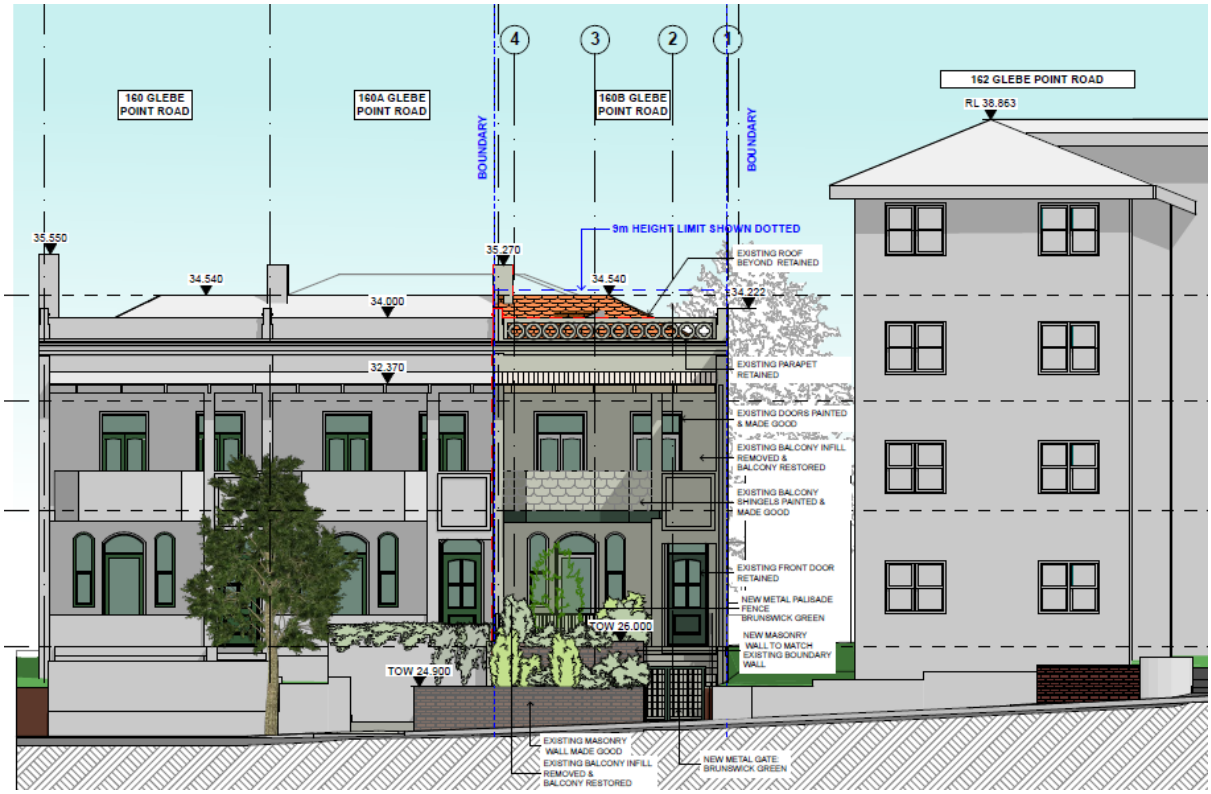

Figure 20: Proposed front (north-east) elevation

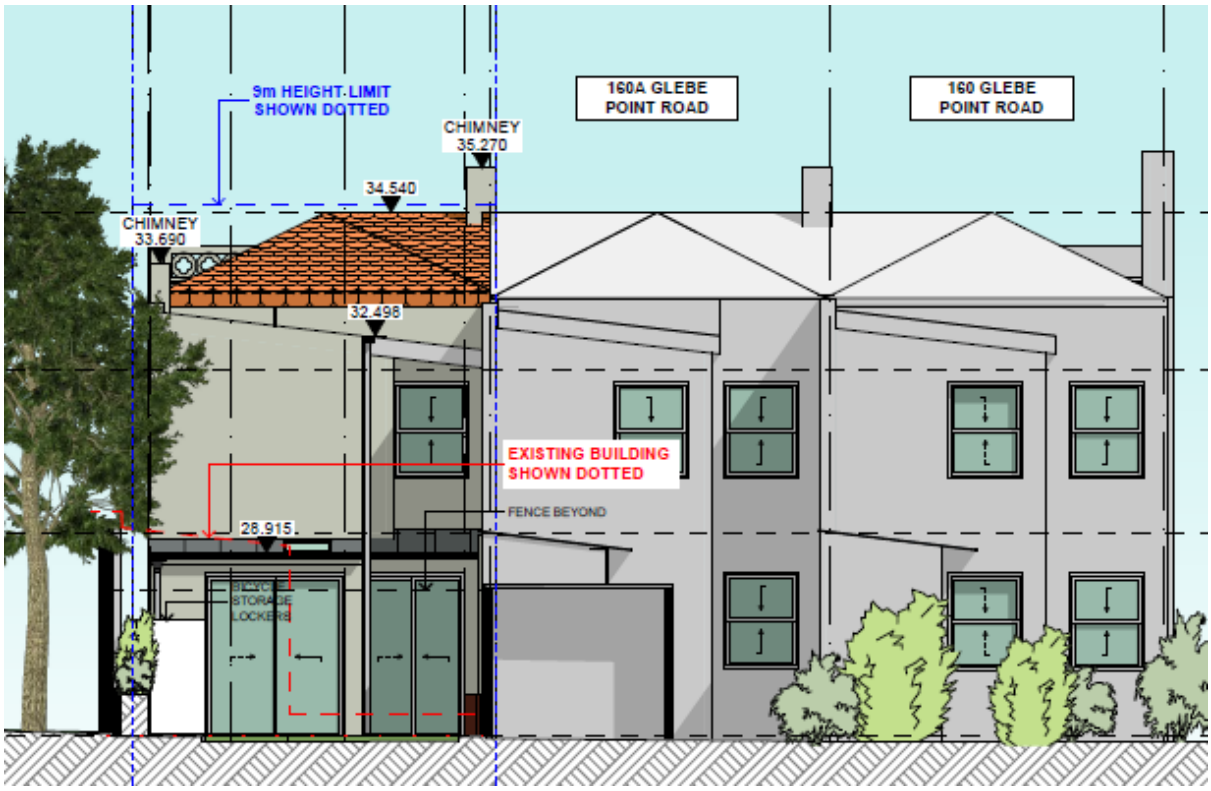

Figure 21: Proposed rear (south-west) elevation

History Relevant to the Development Application

10. A search of Council's records suggests the site has been used as a 'place of shared accommodation' since June 1996, when correspondence from a member of the public indicated works were taking place on site, and the terrace was being converted into a boarding house.

11. In September 2000, the former Leichhardt Council received communication from a former resident of the premises, raising concerns about the number of lodgers and fire safety issues. In October 2000, NSW Fire Brigades inspected the property and confirmed 160B Glebe Point Road was being used as a Class 3 building (a boarding house).

12. In March 2003, the former Leichhardt Council issued the former owner of the property with a notice of inspection of the property, citing 3 years of correspondence on behalf of the Council that requested the owner apply for a development application to regularise the unauthorised use of the premises as a boarding house.

13. In April 2014, an inspection by the City of Sydney Council indicated there were a total of 9 bedrooms on site, with inadequate fire safety measures, unauthorised building works completed, and questionable structural adequacy. The inspection was carried out after the premises was registered as a boarding house with the Department of Fair Trading.

14. On 16 May 2014, the City issued a Notice of Intention to give an Order (NOI) as the premises were being use without development consent, for the purposes of a boarding house or short term accommodation.

15. On 12 October 2015, development application D/2014/1694 was refused. The application sought a change of use of terrace to a boarding house for 5 lodgers including alterations and additions to the existing building to support the use including opening up front verandahs and refurbishing front facade, replacing rear external stair and internal changes. The application was refused on the basis that:

    (a) the proposal did not comply with the accommodation size and motorcycle parking clauses of the SEPP AH;

    (b) a Clause 4.6 variation request to vary motorcycle parking requirements had not been submitted;

    (c) the proposal did not comply with Section 4.4.1 of the DCP with regard to bedroom size, kitchen and laundry facilities, and amenity;

    (d) a lack of adequate information submitted with the application to make a full assessment, including accurate drawings/plans; and

    (e) based on the above, the proposal was not suitable for the site and not in the public interest.

16. On 14 March 2016, a letter was issued by the City stating that following an inspection, the premises had ceased being used as a boarding house.

17. On 29 April 2016, Council issued a Heritage Works confirmation (exemption from development consent) under HWC/2016/82 for the painting of the front and side external rendered walls, the front door, external joinery and render mouldings, and balcony support structure.

18. In July 2016, the City issued the former owner of the property with an NOI in relation to further unauthorised building works. In August 2016, Council issued a letter advising no further compliance action would be taken, on the basis that the owner alleged these works had already been completed when they purchased the property in 1986 and likely pre-dated the *Environmental Planning and Assessment Act 1979*.

19. An anonymous submission to Council in April 2019 indicates use of the premises as an unauthorised boarding house resumed at some point between mid-2016 and mid-2019.

20. In July 2019, the property changed hands. The subject application was lodged on 13 January 2020 and seeks to regularise the unauthorised use of the building as a boarding house.

21. On 26 February 2020, Council officers requested the withdrawal of the subject application as the original plans submitted with the application depicted a proposal that:

    (a) did not comply with the 2 storey height in storeys control as it proposed an additional storey to the contributory item;

    (b) featured a variety of heritage and design issues including:

        (i) non-compliance with *Clause 4.1.5.1 - Ensuring sympathetic roof alterations* and *additions and Clause 4.1.5.5 - Rear roof extensions*;

        (ii) an unsatisfactory change in levels and design of the front setback;

        (iii) inappropriate glass balustrading to the front entry; and

        (iv) the fact the design significantly altered the appearance of the principal/significant facade and was inconsistent with *Clause 3.9.7 - Contributory buildings* as it did not respect the significant original characteristic built form or use appropriate materials;

    (c) had compromised internal amenity, with one room not meeting the minimum size requirement in accordance with the SEPP AH, another room's questionable amenity due to the only window being south facing to a breezeway, inadequate solar access to the common room, and a poorly resolved layout of the rear ground floor which meant the common room would impact on the visual and acoustic privacy of a nearby bedroom; and

    (d) had compromised external amenity, where the waste storage arrangement in the front yard was poorly integrated, the premises did not adequately address the street, and the communal open space to the rear did not reach the minimum 20sqm required or comply with solar access.

22. See Figures 22 to 26 below for plans of the previous scheme.

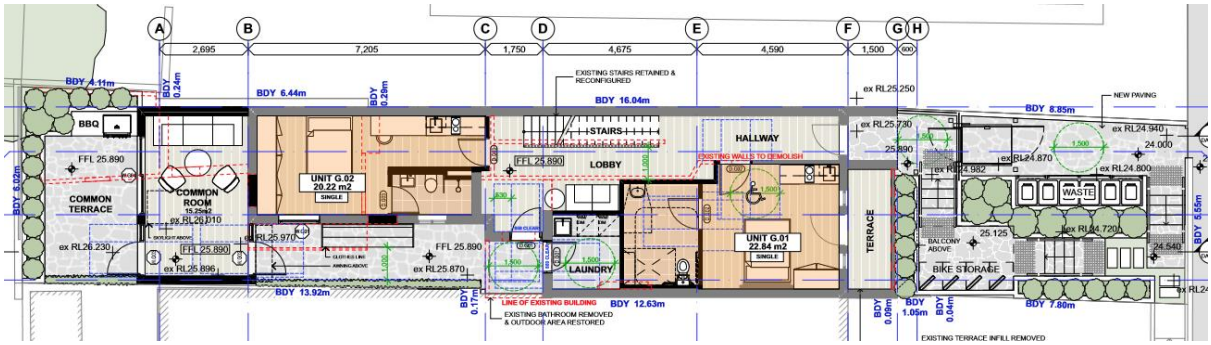

Figure 22: Originally proposed ground floor plan, with a poorly resolved front yard, and poorly resolved relationship between the rear ground floor unit and communal areas (both undersized)

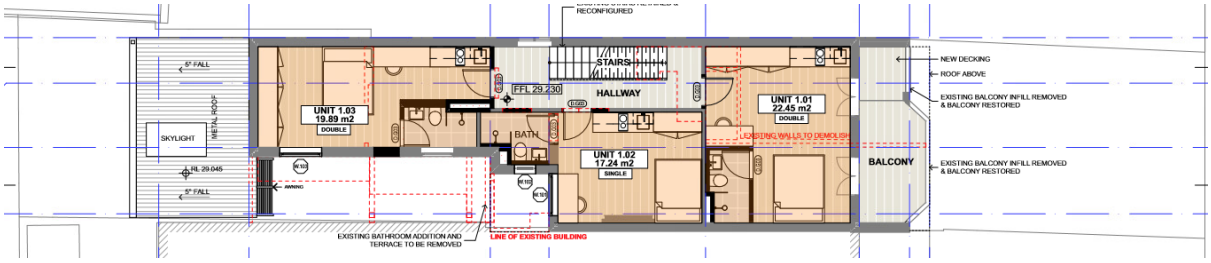

Figure 23: Originally proposed first floor, with stairs leading to mezzanine level unit

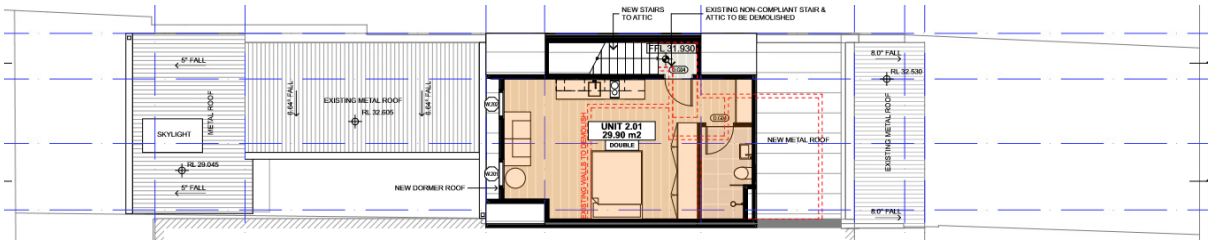

Figure 24: Originally proposed mezzanine level, which required changes to the roof to accommodate an oversized boarding house room

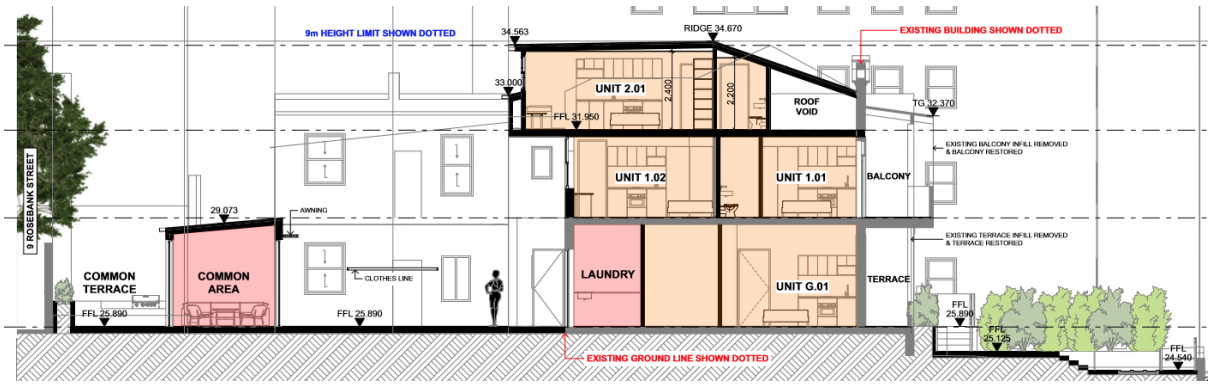

Figure 25: Section through original proposal, showing changes to roof and level changes to front yard

23. On 6 March 2020, the applicant provided a revised set of plans in response to the abovementioned issues. Further advice was provided by Council on 16 March 2020, reiterating previously identified issues concerning the layout and configuration of the boarding house, deletion of the mezzanine level, materials and treatment of the facade and additional information concerning the design of the front yard.

24. The applicant submitted a second set of amended plans on 27 April 2020 which largely addressed concerns raised by Council's Heritage and Urban Design specialists and the assessing officer. Minor clarification of the submitted shadow diagrams and ground floor details were subsequently requested on 11 May 2020, with final plans submitted on 14 May 2020.

Economic/Social/Environmental Impacts

25. 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)

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

27. 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.

28. 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

29. The BASIX Certificate has been submitted with the development application (Certificate No. A365642_02). The BASIX certificate has been updated to reflect the amended plans.

30. 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.

State Environmental Planning Policy (Affordable Rental Housing) 2009

31. The SEPP aims to provide a consistent planning regime for the provision of affordable rental housing and to facilitate the delivery of new affordable rental housing by providing incentives by way of identifying non-discretionary development standards.

32. Under Clause 29, compliance with any of the following standards must not be used to refuse consent.

Clause 29 - Standards that cannot be used to refuse a boarding house		
Standard	**Complies**	**Comment**
1(c)(i) – Density and scale expressed as FSR cannot be refused with FSR of 1.5:1 plus 0.5:1	Yes	The site has a maximum floor space ratio of 1.5:1 The development proposes a floor space ratio of 0.86:1.
2(a) Building height The proposed building height must not exceed the maximum permitted under an EPI	Yes	The site has a maximum height of 9m. The maximum height of the proposed development is 8.9m.
2(b) Landscaped area Front setback to be consistent with streetscape	Yes	The building has a consistent front setback with neighbouring terraces, and the layout of the front yard has been amended to maximise functionality and minimise amenity impacts to adjacent properties.
2(c) Solar access Min. 1 communal living area to receive min. 3 hours direct sunlight between 9:00am and 3:00pm in midwinter.	No	The communal living area features a skylight to its rear wing. Submitted shadow diagrams indicate roughly half of the skylight receives sunlight at 1pm, with the skylight fully in sun at 2pm, and then largely obscured by shadow again at 3pm. By adjusting the location of the skylight slightly, it is possible for the common room to receive at least 2 hours of sunlight. Although this is still non-compliant with the SEPP AH, it will improve solar access to the communal living area. This is discussed in detail further in this report.
2(d) Private open space (i) Min. 20sqm with min. 3m width	No	The private open space to the rear of the property (excluding planter beds and bike storage) has a minimum dimension of 3m and an area of approx. 16sqm.

Clause 29 - Standards that cannot be used to refuse a boarding house		
2(e) Parking (i) 0.2 parking spaces provided for each boarding house room for sites in an accessible area. (iii) Not more than one parking space for the on-site manager.	Acceptable	No car parking is proposed.
2(f) Accommodation size (i) Min.12sqm for single lodger rooms (ii) Min.16sqm for double lodgers rooms (excluding any area used as a private kitchen/ bathroom)	Yes	The application proposes 3 single rooms and 2 double rooms, where currently, all rooms meet the minimum size requirements. The DCP stipulates minimum requirements for wardrobes, kitchenettes, ensuites and showers and laundry facilities. The room sizes are detailed in the table below. A condition has been included in the consent requiring the wardrobes and kitchenettes to be increased in size. See discussion under Section 4.4.1.2.

Table 1: Clause 29 – Standards that cannot be used to refuse a boarding house

Room	**Bedroom (exc. kitchenette + bathroom)**	**Ensuite - 2.1sqm**	**Shower - 0.8sqm**	**K'nette - 2sqm**	**Wardrobe - 1.5sqm**	**Laundry - 1.1sqm**
G.01 (sgl)	14sqm	6.8sqm	1.7sqm	*1sqm*	*0.8sqm*	-
G.02 (sgl)	13.7sqm	4.3sqm	1.3sqm	*1sqm*	*0.75sqm*	-
1.01 (dbl)	24.3sqm	3.6sqm	1.1sqm	*1.6sqm*	*1sqm*	-
1.02 (sgl)	12.9sqm	2.5sqm	0.8sqm	*1sqm*	*0.8sqm*	-
1.03 (dbl)	16.1sqm	2.6sqm	0.9sqm	*1sqm*	1.7sqm	-

Table 2: Proposed room sizes – italicised figures do not meet minimum DCP requirements

33. Clause 30 of the SEPP AH states that a consent authority must not grant development consent to which Division 3 applies unless it is satisfied of each of the following:

Clause 30 – Standards for boarding houses		
Standard	**Complies**	**Comment**
1(a) At least one communal living room is to be provided	Yes	The building contains a communal living room on the ground floor at the rear of the site.
1(b) No boarding room is to have a gross floor area (excluding private kitchen or bathroom facilities) of more than 25m²	Yes	All boarding rooms are less than 25sqm.
1(c) No boarding room to be occupied by more than two adult lodgers	Yes	Each of the boarding rooms will be occupied by a maximum of two adult lodgers with three rooms identified for single lodgers and two rooms identified as doubles.
1(d) Adequate bathroom and kitchen facilities available for use of each lodger	Yes	Each boarding room features an ensuite and kitchenette.
(1e) A boarding room or on-site dwelling to be provided for a boarding house manager if boarding house has a capacity of 20 or more lodgers	N/A	The boarding house will have fewer than 20 lodgers (max. 7).
1(g) If the boarding house is zoned primarily for commercial purposes, no part of the ground floor that fronts a street will be used for residential purposes except where permitted under an EPI.	N/A	The proposed boarding house is located within a B2 Local Centre zone. Under the LEP, boarding houses are permissible with consent in the B2 Zone. The retention of the ground floor that fronts the street for use as part of the residential premises acceptable.
1(h) At least one bicycle and one motorcycle parking space to be provided for every 5 rooms.	No	No motorcycle parking is provided with a minimum of one space required. A Clause 4.6 variation request has been submitted. See discussion under heading *Issues*. The SEPP AH requires two bicycle parking spaces to be provided. The application proposes four bicycle lockers, exceeding requirements.

Table 3: Clause 30 – Standards for boarding houses

Clause 30A – Character of the local area

34. Clause 30A states that a consent authority must not grant development consent for a boarding house unless it has taken into consideration whether the design of the development is compatible with the character of the local area.

35. The proposal involves the demolition of detracting elements of the facade (including the infill of the ground and first floor balconies), the restoration and reinstatement of these balconies, and the making good of other existing features of the facade including the shingles, doors, and windows. Substantial alterations to the rear of the property are proposed, however these are not visible from the public domain and do not result in adverse amenity impacts to adjacent properties. The proposed works result in an acceptable built form with improvements to the facade of the contributory terrace building. The design of the development is consistent with Clause 30A of the SEPP AH and is supported.

Sydney Local Environmental Plan 2012

36. The site is located within the B2 – Local Centre zone. The proposed use is defined as a boarding house and is permissible.

37. The relevant matters to be considered under Sydney Local Environmental Plan 2012 for the proposed development are outlined below.

Compliance Tables

Development Control	**Compliance**	**Comment**
4.3 Height of Buildings	Yes	A maximum height of 9m is permitted. The maximum height of external works proposed is 6.5m, which complies.
4.4 Floor Space Ratio	Yes	A maximum FSR of 1.5:1 is permitted. A FSR of 0.86:1 is proposed.
4.6 Exceptions to development standards	Yes	The proposal seeks a waiver of the requirement for motorcycle parking under Clause 30 1(h) of SEPP AH, resulting in a 100% variation from the development standard. See discussion under the heading *Issues*.
5.10 Heritage conservation	Yes	The subject site is identified as a contributory building within the Glebe Point Road heritage conservation area (C29). See discussion under heading *Issues*.

Part 6 Local Provisions – Height and Floor Space	**Compliance**	**Comment**
Division 4 Design excellence	Yes	The proposal seeks to remove detracting infill elements of the facade, reinstating and restoring the ground and first floor balconies, utilising appropriate materials and colours. The proposed development satisfies the requirements of this provision.

Part 7 Local Provisions – General	**Compliance**	**Comment**
7.14 Acid Sulphate Soils	Yes	The site is identified as containing class 5 Acid Sulphate Soil. No excavation is proposed as part of the application.
7.15 Flood planning	Yes	The site is not identified by Council as being flood prone.

Sydney Development Control Plan 2012

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

2. Locality Statements – Glebe Point Road
The subject site is located in the Glebe Point Road locality. The proposed alterations and additions and use of the terrace as a boarding house are considered to be in keeping with the unique character of the area and design principles in that the development retains the existing scale of the two storey building and reinforces the consistency of the 19th century streetscape.

3. General Provisions	**Compliance**	**Comment**
3.2 Defining the Public Domain	Yes	The proposed development presents an appropriate frontage and provides legible and an accessible entry from the street.
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.

3. General Provisions	**Compliance**	**Comment**
3.6 Ecologically Sustainable Development	Yes	The proposal satisfies BASIX and environmental requirements.
3.9 Heritage	Yes	The subject site is identified as a contributory building within the Glebe Point Road heritage conservation area (C29). See discussion under heading *Issues*.
3.11 Transport and Parking	Partial compliance	The proposal generally achieves the objectives of Section 3.11 of the DCP. Although no motorcycle parking is provided, which is inconsistent with Clause 30(1)(h) of the SEPP AH, the scale of the proposed use is not expected to generate unsustainable transport demand. The site is located in close proximity to a variety of public transport options and provides four bicycle parking spaces/lockers (which exceeds the minimum requirement of two spaces as stipulated in the SEPP AH). In light of the above, and for reasons discussed under the heading *Issues* and the subheading *Clause 4.6 – request to vary a development standard*, the lack of any motorcycle parking spaces is considered acceptable in this instance.
3.12 Accessible Design	Yes	Accessibility measures to be implemented in the proposed scheme include one accessible unit (Unit G.01) at the front of the ground floor, accessible communal indoor and outdoor areas, and a platform chair lift from Glebe Point Road. A condition is recommended to provide appropriate access and facilities for persons with disabilities in accordance with the DCP and the BCA.

3. General Provisions	**Compliance**	**Comment**
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	No	A Waste Management Plan (WMP) has been submitted with the application and reviewed by Council's Waste Management officers. The WMP is insufficiently documented and has not fully demonstrated compliance with the City of Sydney *Guidelines for Waste Management in New Development 2018*. Council's Waste Management Unit advised drawings showing the bins and their doors should be provided, to demonstrate there is enough room for the required number of bins. A condition reflecting this requirement is recommended.

4. Development Types **4.4.1 Boarding houses and student accommodation**	**Compliance**	**Comment**
4.4.1.2 Bedrooms	Partial compliance	The proposed bedrooms currently achieve the 12sqm and 16sqm minimum room size for single and double lodgers, respectively. Ensuite bathrooms and showers also meet the minimum size and comprise a hand basin and toilet. None of the five rooms comply with the minimum 2sqm size for their kitchenettes, and only one room (Unit 1.03) has an adequately sized wardrobe. It is also noted none of the self-contained rooms feature the required 1.1sqm of laundry facilities, however the provision of at least one washing machine and one dryer to the communal area is considered sufficient, as detailed in Section 4.4.1.5 below.

4. Development Types **4.4.1 Boarding houses and student accommodation**	**Compliance**	**Comment**
		A condition is recommended requiring the kitchenettes and wardrobes in all rooms to be increased in size to meet their minimum size requirements of 2sqm and 1.5sqm respectively. It is noted that in accordance with the SEPP AH, kitchenettes are excluded from the calculation of the minimum room size. As a result, the abovementioned condition will result in two of the rooms (Units 1.01 and 1.02) being slightly undersized (by 0.1sqm and 0.9sqm respectively). Although an increase to the size of the kitchenettes in units 1.01 and 1.02 will result in rooms that are technically non-compliant, the variation will allow for more storage and improved functionality of the boarding house rooms. It is also noted there are no communal kitchen facilities provided in the subject development. A larger kitchenette is therefore likely to be more valuable and of more use to future residents than 0.1sqm and 0.9sqm of living space, and as such, the minor variation is considered acceptable in this instance.
4.4.1.4 Communal living areas and open space	Partial compliance	Compliance with Section 4.4.1.4 of the DCP is discussed under the heading *Issues*.
4.4.1.5 Bathroom, laundry and drying facilities	Yes	Clause 4.4.1.5(2)(a) stipulates at least one 5kg capacity washing machine and one domestic dryer should be provided for every 12 residents or part thereof. Part (b) of the clause requires at least one large laundry tub with hot and cold running water.

4. Development Types **4.4.1 Boarding houses and student accommodation**	**Compliance**	**Comment**
		The proposal includes at least one washing machine and one domestic dryer to the communal living area, which is sufficient for the maximum number of residents (7), with drawings indicating a sink adjacent to the laundry facilities. A condition requiring the proposed dryer(s) to the communal living area to be externally ducted is recommended. This will improve the amenity of the common space and allow the laundry doors to be closed while in use.
4.4.1.6 Amenity, safety and privacy	Yes	The proposed development generally complies with the requirements of Clause 4.4.1.6 of the DCP. The proposed location of the communal indoor living area, which has been relocated over the course of assessment, provides sufficient separation from nearby bedrooms, thereby reducing potential noise and amenity impacts. The proposed development features at least two bedrooms with north-east aspects, and one bedroom has been designed to be adaptable for residents with a disability. The main entry point of the boarding house is appropriately located, the communal areas and bedroom windows are generally located away from the main living areas and bedrooms of nearby properties, and sufficient screening and planting is proposed to the front and rear yards.

4. Development Types **4.4.1 Boarding houses and student accommodation**	**Compliance**	**Comment**
4.4.1.7 Plan of management	Yes	A plan of management (POM) has been submitted with the application. The POM details the management of the boarding house including access, waste, cleaning, safety & security measures, signage, rent, usage of communal facilities, parking, and house rules, as required by Clause 4.4.1.7 of the DCP. The POM states the use of the outdoor terrace will be restricted to between 7am and 10pm, seven days a week, which complies with Clause 4.4.1.7(1)(d). A condition pertaining to the hours of use of the communal open space has been included in the consent. The POM has also been reviewed by Council's Environmental Health unit and Safe City unit, who advise the plan adequately addresses the operation and maintenance of the proposed boarding house. Further comments from Safe City are under the heading *Internal Referrals.* A condition requiring the applicant to update the POM is recommended, as the proposal has changed over the course of assessment.

Issues

Clause 4.6 request to vary a development standard – Clause 30(1)(h) – SEPP AH – Motorcycle parking

39. The development is required to provide one (1) motorcycle parking space under SEPP AH. The proposal does not provide any motorcycle parking and so a waiver for 100% departure from the development standard is sought.

40. The applicant has provided a written request 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.

41. A copy of the applicant's written request is provided at Attachment B.

Applicant's Written Request – Clause 4.6(3)(a) and (b)

42. The applicant seeks to justify the contravention of the motorcycle 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 has a long-standing statutory maximum rate of private parking and the under-provision of motorcycle parking is consistent with Council's 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 necessitate a driveway at street level and would result in an unacceptable streetscape appearance of the property.

(iii) Four bicycle parking spaces are proposed to be provided (exceeding Council's requirements) and will adequately compensate for the inability to provide motorcycle parking on the site.

(iv) A lack of motorcycle parking will not reduce the opportunities for travel around Sydney as the site is close to public transport connections.

(b) That there are sufficient environmental planning grounds to justify contravening the standard:

(i) The absence of a motorcycle parking space within the development minimises any adverse impact upon the public domain and existing surrounding residents.

(ii) There are no demonstrable adverse environmental impacts arising from an absence of a motorcycle parking space.

(iii) The proposed development is consistent with the zone and development control objectives in that it provides an improved boarding house in a location identified by the planning provisions for this form of development. The proposal demonstrates that the standards for boarding houses (Clause 30, SEPP AH) does not hinder the achievement of the aims of the Sydney LEP in controlling land use, bulk, scale and intensity of development.

(iv) Strict compliance with the "Standards for Boarding Houses" (SEPP AH, Division 3) would require the demolition of part of the dwelling's front yard to enable the construction of the motorbike parking spot and extensive ramping due to the unfavourable topography of the site. The landscaped areas provided within the front setback to Glebe Point Road will be significantly reduced along with the property contribution to the local streetscape.

(v) The proposed development is consistent with the objectives of the motorcycle parking standard and the objectives of the B2 – Local Centre zone, in that:

- the proposal optimises the use of scarce urban land by using the site area to meet anticipated accommodation needs for future residents;
- variation in the development standards for boarding houses (Clause 30 of the SEPP AH) enables an optimal boarding house mix outcome for the Glebe Area, Indeed, the proposal would support the needs of local residents in providing affordable housing close to the city and neighbourhood shops;
- The proposal for a boarding house is entirely consistent with the existing character of the area. The building height is within the specified limits and the built form and scale are congruent with neighbouring terrace houses along Glebe Point Road; and
- The proposed boarding house can be entirely serviced by the capacity of existing infrastructure.

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

43. 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)?

44. The written request states that the development is consistent with the objectives of the motorcycle parking development standard as the non-compliance is appropriate to the condition of the site and its context, and that compliance would result in adverse impacts to the site and streetscape. It is noted there are no specific objectives for the motorcycle parking development standard contained within Clause 30(1)(h) of the SEPP AH, and as such the request addresses the aims of the SEPP AH.

45. The written request has stated that the aims of the SEPP AH are achieved notwithstanding the non-compliance with the standard contained within Clause 30. Therefore, the request is considered to adequately demonstrate that compliance with the development standard is unnecessary or unreasonable.

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

46. The written request presents an argument that there are sufficient environmental planning grounds for contravention of the development standard, namely, that the variation from the development standard will not result in any demonstrable adverse environmental impacts as the site is serviced by other transportation means. The written request also states the contravention of the standard will result in an improved environmental outcome, as providing a motorcycle space would require works to the front of the property and the public domain, which would negatively affect the streetscape.

47. The written request is considered to have adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the standard. The site does not have rear lane access. Achieving compliance with the standard would require a substantial redesign of the front yard in order to accommodate a motorcycle parking space. This would adversely impact the presentation of the building and its front setback to the street.

48. Provision of a motorcycle space is not considered to provide a valuable amenity to residents of the site and given the fact the site is well-situated in terms of public transport options and walkability, would not significantly improve their transport options. It is also noted the scheme proposes four bicycle parking spaces where the SEPP AH only demands two spaces, which is considered to be a positive element of the proposal that is consistent with the City's green transport objectives.

49. Council officers agree with the merits of the written request, and there are sufficient environmental planning grounds to justify a 100% variation from the development standard in this instance. The site is constrained and accommodating vehicular access from Glebe Point Road would be of significant impact. The topography and existing built form on site mean this cannot be easily achieved. Furthermore, any change to the site's frontage to the road would not be a desirable outcome for the streetscape, as it would be in front of a row of contributory items within a heritage conservation area. On the whole, the development will provide adequate amenity outcomes for future occupants, and the contravention of the motorcycle standard of the SEPP AH is not expected to result in significant detriment to residents or neighbouring properties.

Is the development in the public interest?

50. The objectives of Clause 30 of SEPP AH include:

    (a) to provide a consistent planning regime for the provision of affordable rental housing;

    (b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards;

    (c) to facilitate the retention and mitigate the loss of existing affordable rental housing;

    (d) to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing;

    (e) to facilitate an expanded role for not-for-profit-providers of affordable rental housing;

(f) to support local business centres by providing affordable rental housing for workers close to places of work; and

(g) to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.

51. The objectives of the B2 – Local Centre zone relevant to the proposal include:

(a) to provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.

(b) to maximise public transport patronage and encourage walking and cycling.

(c) to allow appropriate residential uses so as to support the vitality of local centres.

52. The proposed development is consistent with the objectives of the development standard and the relevant zone.

53. The non-compliance with the development standard is considered to be in the public interest as there are sufficient planning grounds for the variation, as detailed above.

Conclusion

54. For the reasons provided above the requested variation to the motorcycle parking development 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 Clause 30(1)(h) of the SEPP AH and the B2 – Local Centre zone.

Heritage

55. The subject site is identified as a contributory building within the Glebe Point Road heritage conservation area (C29), and is therefore subject to the heritage provisions of this DCP.

56. The application proposes the restoration and reinstatement of ground and first floor balconies, which is considered to be a positive outcome. Similarly, the colour scheme proposes traditional, earthy tones and is considered to be acceptable.

57. It is noted the proposal has been amended over the course of assessment to ensure changes to the terrace building and its facade are appropriate, and do not result in adverse impacts to the heritage significance of the conservation area.

58. Conditions concerning the treatment of the facade are recommended, including a condition requiring the relocation of the platform stair lift from the northern side of the stair to the southern side of the stair. The change will reduce the visual prominence of the stair lift and will ensure it is not directly in the path to the front door.

59. Overall, the proposal is generally consistent with the objectives and provisions of both Clause 5.10 of the LEP and Section 3.9 of the DCP.

Solar access

60. Clauses 4.4.1.4(2)(c) and 4.4.1.4(4)(a) of the DCP stipulate that the indoor and outdoor communal areas of a boarding house development need to receive a minimum of 2 hours of solar access to 50% of the windows and 50% of the area during mid-winter, respectively.

61. The windows to the communal living space are south facing and will not receive any direct solar access during mid-winter. While there is a skylight provided, its location and orientation mean it only receives around 1 hour of direct sunlight, between 1pm and 2pm on 21 June. A condition has been included in the consent that requires the skylight to be moved to the northern side of the rear wing extension. This will achieve better compliance with Clause 4.4.1.(2)(c) of the DCP, as the entirety of the skylight will receive direct sunlight between 1pm and 3pm on 21 June.

62. Shadow diagrams submitted by the applicant indicate the communal open space cannot achieve compliant solar access. This is due to the existing condition of the site, which is already considerably overshadowed by surrounding development. Similarly, there is no other viable alternative location for the communal outdoor space.

63. Although the proposal does not comply with solar access requirements for communal open space, it is noted the application seeks to regularise the longstanding unauthorised use of the terrace as a boarding house. Based on this, and the fact that the proposal results in a reduction in boarding house rooms and lodgers and improved amenity for future occupants, the non-compliance with solar access to the communal open space is acceptable in this instance.

Communal indoor and outdoor spaces

64. Clause 4.4.1.4(1) of the DCP stipulates indoor communal living areas should have a minimum area of 12.5sqm and a width of 3m and should not include laundries. The proposed indoor communal living area generally satisfies the provisions of Clause 4.4.1.4 of the DCP, in that it measures approximately 26sqm, is located adjacent to the communal open space, and is situated to the rear of the property where it is likely to have minimal impact on nearby bedrooms and adjoining properties.

65. Clause 4.4.1.4(4) of the DCP requires communal open space to be a minimum area of 20sqm, with a minimum dimension of 3m. The DCP requires outdoor space to be provided at ground level in a courtyard or terrace area, provide partial cover from the weather, incorporate soft or porous surfaces for 50% of the area, be connected to communal indoor spaces, contain communal facilities such as barbeques, and to be screened from adjoining properties with plantings.

66. The proposal generally complies with the above-mentioned requirements, in that the outdoor space is accessed from the indoor communal living area, features a barbeque, soft/porous surfaces, and landscaping which will provide a degree of screening. However, at approximately 16.5sqm, the communal open terrace is undersized.

67. As detailed above, the communal open space does not receive adequate solar access at midwinter. Similarly, the ground floor rear wing has been designed to be consistent with the rear building alignment of its southern neighbours, at 160 and 160A Glebe Point Road, which is a positive built form outcome.

68. It is noted there is around an additional 13sqm of open space provided in the breezeway between the subject site and its southern boundary, however this area does not meet the minimum required dimension of 3m and so does not contribute to the calculation of communal open space. The four bike storage lockers are also located in the communal terrace, reducing the useable space by around 4sqm.

69. On balance, it is considered the future residents of the boarding house will benefit more from the amenity provided by the communal indoor area and bike storage than by an increase to the size of the communal outdoor space (which would likely be provided at the cost of the valuable indoor communal area). Consequently, the non-compliant communal open space is considered acceptable in this instance.

Other Impacts of the Development

70. The proposed development is capable of complying with the BCA. It is Class 1b.

71. 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

72. 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

73. 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; Safe City; Transport and Access; Waste Management; who advised that the proposal is acceptable subject to the recommended conditions.

Heritage and Urban Design

74. Issues raised by Heritage and Urban Design have largely been addressed over the course of assessment. The proposal is generally acceptable subject to conditions relating to the submission of details of the front balustrade at ground floor, details of the new paving to the front path and steps, ensuring external ducting to the dryer(s) to the communal living area, submission of a revised landscape plan, and the relocation of the platform stair lift to the southern side of the stair. These recommended conditions are included in the consent.

Environmental Health

75. Environmental Health have reviewed the proposed plans, acoustic report and Plan of Management. The acoustic report makes a range of recommendations which relate to both the physical construction of the development and its ongoing management. The physical recommendations will be incorporated in the detailed design phase for the construction certificate application, and the management recommendations have been incorporated into the POM. These can be reasonably enforced during the building's operation.

76. Environmental Health advised that the proposal is acceptable, subject to conditions relating to caretaking of the premises, the use and operation of the boarding house, appropriate signage, operation in accordance with the plan of management, waste management, and noise, speakers and amenity. These are included in the consent.

Safe City

77. Safe City have reviewed the proposed boarding house development and the submitted Plan of Management (POM) and had the following comments:

    (a) The applicant states that "security camera systems are to be provided in all common areas, entrances and exits." The City of Sydney DCP guidelines do not require the applicant to install CCTV in all common areas, however the applicant may like to install them at entrance and exit points and areas like the laundry.

    The applicant may like to liaise with NSW Police to seek advice about the appropriate locations for surveillance cameras, and for guidelines about how the footage will be securely stored and accessed if required.

    (b) Under Section 4.4.1.7(g) - Internal Signage of the POM, the applicant could include that they will display the House Rules in common areas. Under the principles of Crime Prevention through Environmental Design, amenity and cleanliness is encouraged to deter anti-social behaviour.

    The POM also states "the owner will appoint a cleaner to keep the common areas tidy and clean on a regular basis, that is not be less frequent than weekly. Where an external cleaner is appointed, the owner shall advise the building manager the contact details for such personnel". This is encouraged.

78. The Plan of Management is required to be updated as details concerning the proposed development and the number of lodgers have changed over the course of assessment. Safe City's recommendations have been incorporated into a condition requiring a revised POM.

Transport

79. Council's Transport Unit have reviewed the proposal and are generally supportive, despite the motorcycle parking non-compliance. The proposal includes a total of four bicycle parking spaces where only two are required, and waste collection from Glebe Point Road can be supported due to the small size of the development. Council's Transport officer has advised the proposal is acceptable, subject to standard transport conditions, which *are* included in the consent.

Waste Management

80. Council's Waste Management Unit have reviewed the proposed plans and have advised that the submitted Waste Management Plan is insufficiently detailed. It is considered the issues identified by Council's waste officer can be resolved through appropriate conditions, which are included in the consent.

External Referrals

Notification, Advertising and Delegation (Submissions received)

81. In accordance the Community Participation Plan 2019 the proposed development is required to be notified and advertised. As such the application was notified and advertised for a period of 21 days between 17 January 2020 and 8 February 2020. As a result of this notification, a total of 234 properties were notified and there were three submissions received. Issued raised are discussed below.

    (a) It is positive to see the unauthorised boarding house become regulated, and fire safety provisions (previously lacking) now complied with. The provision of good standard, low cost/affordable medium density accommodation in Glebe is valued and valuable. The intention to remove the verandah infills and return the facade to its 1921 state is also positive.

    Response – Noted. The restoration and reinstatement of the facade will improve the presentation of the contributory building and group to the street.

    (b) The plans indicate an increase in the height of the roof from 34.54RL to 34.67RL. The applicant states this will not be visible as it's behind the parapet, however it will be visible and will affect the building's presentation as part of the group of 3 terraces. The proposal to change the roofing from red tiling to grey metal will be incompatible with the rest of the terrace block.

    Response – The proposal has been amended and no longer seeks to increase the height of the building or alter the roofing material.

    (c) The proposal to create a 6 bedroom boarding house (3 double rooms and 3 single rooms), with a max. occupancy of 9 lodgers significantly increases the residential density of such a small property. As there are only two common spaces proposed, it leaves little opportunity for social interaction. Nine people would result in overcrowding.

    Response – The application has been amended and now proposes five rooms (2 double rooms and 3 single rooms) with a total of 7 lodgers. The size and amenity of the communal indoor area has improved since the first iteration of plans, where it is now located at the rear of the property and adjacent to the communal outdoor space.

    There is a total of approximately 38sqm of useable communal indoor and outdoor space across the rear ground floor at present. The indoor communal area is compliant with the requirements of the *State Environmental Planning Policy (Affordable Rental Housing) 2009* as well as the guidelines contained in *Sydney Development Control Plan 2012*.

    The application has been reviewed by Council's Safe City unit, who did not raise any concerns with overcrowding or amenity. A Plan of Management (POM) has also been submitted. A condition has been recommended requiring the POM to be updated to reflect the reduction in the number of lodgers over the course of assessment.

The Plan of Management will stipulate the maximum number of lodgers, and its terms are enforceable by Council. Overall, the proposal is considered acceptable in terms of communal spaces and facilities, and there are sufficient mechanisms in place to ensure Council can address any potential overcrowding through compliance action.

(d) The external colour scheme proposed includes Pale Vellum (a grey colour) for the walls, Antique White for the windows and Brunswick Green to the front door. The neighbouring terraces at 160 and 160A Glebe Point Road have a colour scheme consisting of cream walls, Brunswick Green trim and door, some white detailing and brown shingles on the front balcony. To maintain the integrity and homogeneity of the facade of the terrace block, a common colour scheme, with colours to match the existing heritage colours of the neighbouring terraces, would be preferable.

Response – The application has been reviewed by Council's Heritage Specialist who raised no objection to the proposed colour scheme. Dulux "Pale Vellum" is perhaps better described as a soft yellow/green, rather than grey, and is part of the manufacturer's 'traditional' colour range. Overall, the proposed colour scheme is considered acceptable.

(e) The balance of the front yard, with the provision of four bike lockers, three large garbage bins, interrupted steps, and hedging, result in a crowded area. The hedges which currently obscure the yard from the street and do not receive regular care, may result in incursion on both the street and neighbouring properties. A reduction in bike spaces would ease the congestion problem. A redesign of the front yard would improve the amenity of the property for the resident's use and reduce impact on passing pedestrians. Some kind of fence or physical barrier should be constructed between the proposed bike storage and the front door of No. 160A

Response – The front yard has been redesigned to improve its layout with regard to access, waste storage, levels and legibility. The bike storage has been relocated to the rear of the property. Planting is proposed along the south-eastern edge of the front yard and will provide sufficient screening to the side boundary shared with No. 160A.

(f) The site shares a roof cavity space with 160 and 160A Glebe Point Road. The mezzanine level unit (Unit 2.01) would pose a risk without a firewall. Soundproofing should be considered for this unit.

Response – The mezzanine level unit has been deleted and replaced with a small 'loft' bedroom above Unit 1.01 (around 8sqm). With regard to a firewall, the development is required to comply with the Building Code of Australia which specifies fire rating and safety requirements. Relevant conditions are included in the consent.

With respect to soundproofing, the units are proposed for residential use. It is not anticipated that use of the loft bedroom or the living area below will result in adverse acoustic impacts to the neighbouring property.

(g) The block of flats at 11 Rosebank Street, Glebe, shares a retaining wall with the subject site. The wall needs to be replaced. Council should make it a condition of approval of the subject DA that the applicant take whatever steps are necessary to work with the engineers for 11 Rosebank Street to repair the failing retaining wall prior to any development of the access area around the wall.

Response – Access and work to the retaining wall between 11 Rosebank Street and 160B Glebe Point Road are a civil matter. Development consent cannot be used as a mechanism for enforcing access to the subject site.

Public Interest

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

S7.11 Contribution

83. 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, worker and/or visitor populations.

84. Credits have been applied for the most recent past, lawful use of the site, which is a three bedroom single dwelling. Based on this, the following monetary contribution is required towards the cost of public amenities:

Open Space	$17,437.86
Community facilities	$5,672.17
Traffic and Transport	$44.88
Stormwater Drainage	$0.00
Total	$23,154.90

85. A condition relating to this development contribution has been included in the attached conditions of consent. The contribution is to be paid prior to the issue of a Construction Certificate.

Relevant Legislation

86. Environmental Planning and Assessment Act 1979.

Conclusion

87. The application seeks consent for alterations and additions to an existing terrace building at 160B Glebe Point Road, Glebe. The works consist of demolition of part of the rear wing, demolition of external stairs and landing, partial demolition of the existing mezzanine level, internal alterations to contain five boarding rooms, works to the facade, and associated landscaping works.

88. The application is reported to the Local Planning Panel as the development seeks a waiver of the requirement for motorcycle parking under Clause 30(1)(h) of the *State Environmental Planning Policy (Affordable Rental Housing) 2009* (SEPP AH). The development requires one motorcycle parking space with none proposed. A written request has been provided seeking a 100% waiver of this requirement in accordance with Clause 4.6 of the *Sydney Local Environmental Plan 2012* (LEP). The request to vary the development standard is supported.

89. The proposal generally complies with the requirements of the SEPP AH, LEP and *Sydney Development Control Plan 2012* (DCP) in terms of amenity, accommodation size, and character of the local area. The proposal will not result in substantial changes to the bulk and scale of the building, and the alterations to the rear of the site will not result in adverse amenity impacts to adjacent properties. Subject to conditions relating to minor changes to the size of storage and kitchenettes within rooms, the configuration of the communal open space, the ducting of the laundry facilities, and to the proposed skylight to the indoor communal living space, the proposal will have acceptable amenity impacts for both future occupants and their neighbours.

90. The proposal seeks to regularise a historical, unauthorised use.

91. The scale of the development is in keeping with the character of the area, complies with rear building line requirements under the DCP, and results in improvements to the facade of the contributory building through the demolition of unsympathetic infill elements and the restoration of the ground and first floor balconies.

92. The development satisfies the relevant provisions for design excellence, is in keeping with the desired future character of the area and is considered to be in the public interest.

93. The application is recommended for approval.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

Anna Kaskanlian, Planner