

**Item 3.****Development Application: 807 South Dowling Street, Waterloo - D/2021/1512****File No.:** D/2021/1512**Summary****Date of Submission:** 29 December 2021, with additional information submitted on 7 September 2022.**Applicant/Owner:** Karimbla Properties (No. 25) Pty Limited**Planning Consultant:** Avenue Town Planning**Cost of Works:** \$0**Zoning:** The site is located in the B4 Mixed Use zone. The proposed development is defined as residential flat building and is permissible with consent in the zone.**Proposal Summary:** Approval is sought for the conversion of existing serviced apartments to their previously approved use as residential apartments pursuant to Chapter 3, Part 7 of the State Environmental Planning Policy (Housing) 2021.

The application is referred to the Local Planning Panel for determination as the proposal is subject to State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development and the existing building is greater than 4 storeys in height.

The following additional information has been provided to address issues raised by Council's officers:

- written statement referring to the amendment to the SEPP (Transport and Infrastructure) 2021 made on 12 August 2022 to remove the noise and vibration consideration for developments pursuant to Chapter 3, Part 7 of the SEPP (Housing) 2021;
- updated floor plans to nominate the use of existing back-of-house facilities on Level 2 as bulky waste storage, and an updated waste management plan to outline the residential waste management procedure;

- confirmation of the apartment mix, including the number of dual-key apartments that were converted from three-bedroom apartments;
- number of car parking spaces, car wash bays, and bicycle parking; and
- gross floor area calculation plan to confirm that the proposal will not alter the site's existing FSR.

The application was notified and advertised for 21 days between 18 January and 9 February 2022. As a result, 1 submission in support and 1 submission in objection were received. All comments made in the submissions are addressed within this report.

Overall, the proposal satisfies the provisions of Chapter 3, Part 7 of the SEPP (Housing) 2021 and maintains the level of residential amenity for the apartments as originally approved under development consent D/2003/927 (as amended).

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

**Development Controls:**

- (i) State Environmental Planning Policy (Housing) 2021
- (ii) State Environmental Planning Policy (Transport and Infrastructure) 2021
- (iii) State Environmental Planning Policy (Resilience and Hazards) 2021
- (iv) State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development
- (v) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- (vi) Sydney Local Environmental Plan 2012
- (vii) Sydney Development Control Plan 2012
- (viii) City of Sydney Development Contributions Plan 2015
- (ix) City of Sydney Affordable Housing Program

**Attachments:**

- A. Recommended Conditions of Consent
- B. Selected Drawings

**Recommendation**

It is resolved that consent be granted to Development Application No. D/2021/1512 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 complies with the objectives of the B4 Mixed Use zone pursuant to Sydney Local Environmental Plan 2012.
- (B) The development complies with the principles of the State Environmental Planning Policy (Housing) 2021 and the provisions of Chapter 3, Part 7 of the policy.
- (C) The development is generally consistent with the design quality principles of State Environmental Planning Policy No 65 - Design Quality of Residential Apartments.
- (D) The development is generally consistent with the objectives of Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.

## Background

### The Site and Surrounding Development

1. The site has a legal description of Lot 2 in DP1094580, commonly known as 807 South Dowling Street, Waterloo. It is irregular in shape with an area of approximately 27,390m<sup>2</sup>. It has a primary street frontage to South Dowling Street and secondary street frontages to Crescent Street (north) and Danks Street (south).
2. The site was redeveloped together with the adjoining property to the west, being 28 Danks Street, under development consent D/2003/927. Collectively, the two sites form the Stage 6 redevelopment of the former ACI site.
3. The two sites contain four buildings sited above a shared basement and ground floor parking, loading and servicing area. The shared basement and servicing area is accessed via a double-width single driveway off Danks Street (Figure 3). The two sites also share a communal podium, nested between the buildings.
4. The two sites have been subdivided. To allow access to the shared facilities, 29 easements have been registered in DP1094580. These include reciprocal easements for access, fire egress, services, fire services, and the access and use of the communal podium; and easements for the subject site to access the loading bay, and recycling bin storage area located on 28 Danks Street.
5. The adjoining 28 Danks Street accommodates Buildings A and B, being two 7-10 storey residential flat buildings. The two buildings comprise 82 strata-subdivided apartments.
6. The subject site, on the other hand, accommodates Buildings C and D, being two 7-15 storey buildings. The two buildings are currently used as serviced apartments, known as 'Meriton Suites Waterloo'. However, they were originally designed as residential flat buildings, with Small Office Home Office (SOHO) style apartments and a retail tenancy on the ground floor.
7. The surrounding area is characterised by a mixture of land uses, primarily being residential in nature, including the multi-storey mixed use buildings known as Moore Park Gardens to the north, and other mixed-use buildings to the west and south.
8. The site is not a heritage item nor located within a heritage conservation area. The site is located within the Green Square locality and is not identified as being flood-affected.
9. A site visit was carried out on 20 January 2022. Photos of the site and surrounds are provided below:



Figure 1: Aerial view of site and surrounds



Figure 2: Site (Building D) viewed from the corner of Danks and South Dowling Streets





**Figure 3:** Site (Building D) viewed from Danks Street, showing entrance to the common basement shared with the adjoining apartment buildings to the west



**Figure 4:** Site (Building C) viewed from Crescent Street





Figure 5: View of ground floor SOHO apartments fronting South Dowling Street

## History Relevant to the Development Application

### Development Applications

On 8 September 1999, South Sydney Council adopted a masterplan for the former ACI site. The adopted masterplan established a framework of land uses and urban design elements for the development of the former ACI site. The subject site forms part of Stage 6 of the masterplan. The 10 stages of the masterplan are shown in Figure 6 below, with the subject Stage 6 outlined in red.

On 29 July 2004, deferred commencement consent **D/2003/927** was granted by the Central Sydney Planning Committee for the construction of 4 buildings containing 242 residential units, 70m<sup>2</sup> of retail space, and associated 255 parking spaces. The deferred commencement condition relating to the detailed design of the building facades was satisfied on 22 September 2004 and the consent was activated. The four buildings, being Buildings A, B, C and D are shown in Figure 6, while the approved Level 3 plan is provided in Figure 7, showing the shared loading bay and recycling bin storage area.



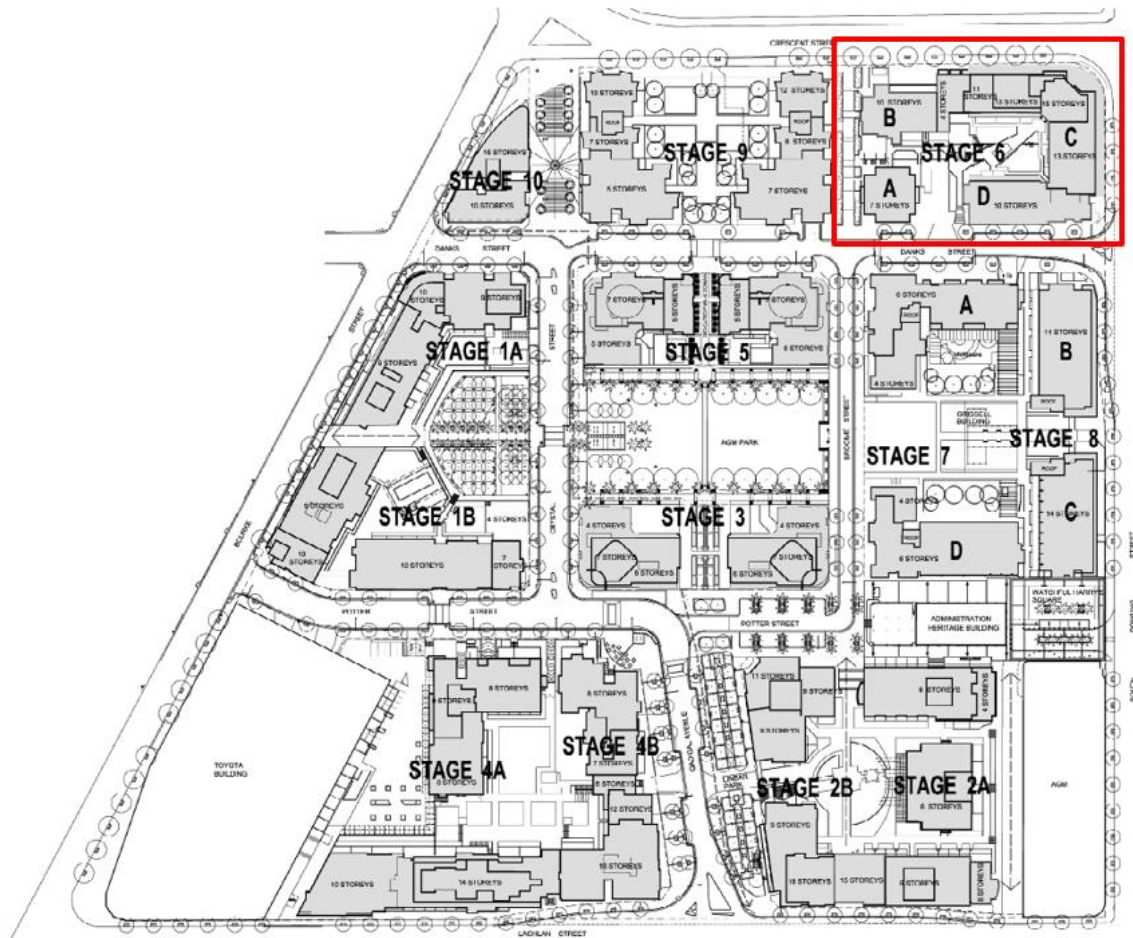


Figure 6: Stages of the masterplan redevelopment of the former ACI site

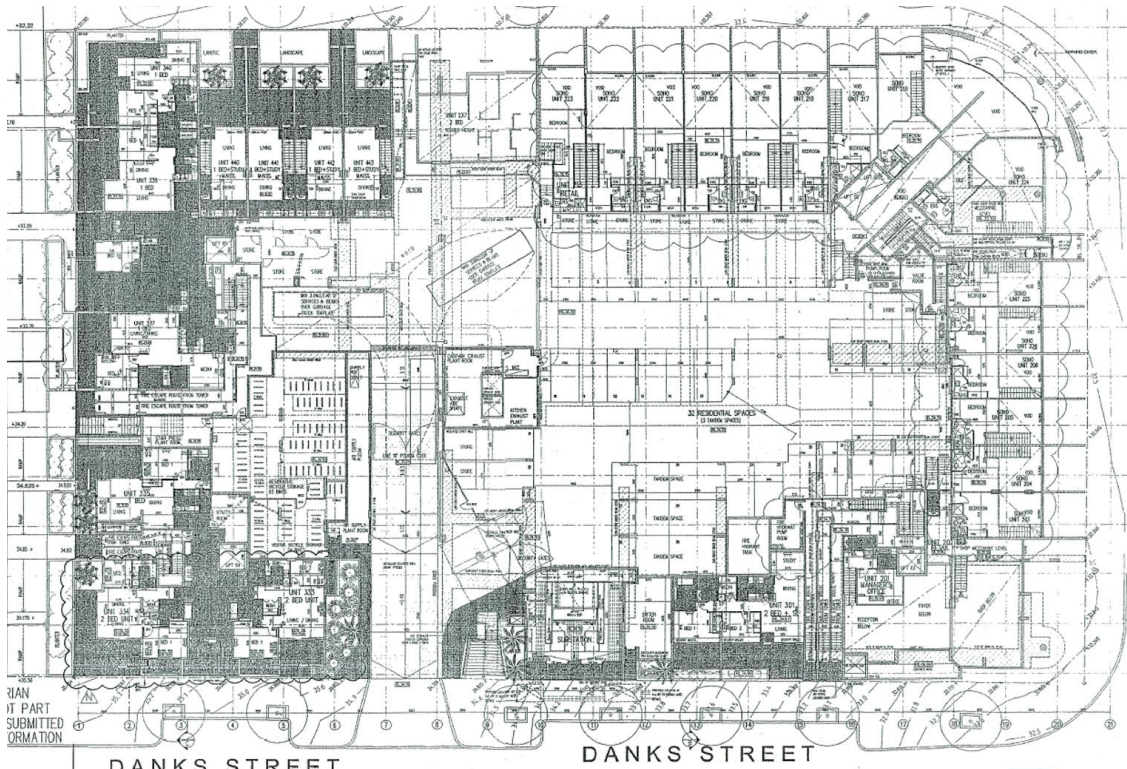


Figure 7: Level 3 plan for Buildings A-D



10. The development consent D/2003/927 has been subsequently modified. The following modification applications are relevant to the subject application:

- **D/2003/927/G** – was approved on 29 August 2005 to convert the studies of nine apartments into bedrooms, deletion of a roof top communal open space, and modify the retail tenancy floor space. As amended, the consent allows 226 residential units, 15 home/office (SOHO) units, 71m<sup>2</sup> retail floor space, and 255 parking spaces.
- **D/2003/927/J** – was approved on 14 December 2005 for physical works related to serviced apartments in Buildings C and D such as linen room, reception desk, staff room [*the use is separately approved under D/2005/1989*] and the conversion of 26 three-bedroom apartments in Buildings C and D into dual key apartments.

It is noted that Condition 1d was added to prevent the strata subdivision of the 26 dual key apartments, requiring each of the former three-bedroom apartments to remain as a single strata lot; and Condition 1e was added to require the partial surrender of D/2003/927 for the use of Buildings C and D as permanent residential apartment.

11. On 12 January 2006, deferred commencement consent **D/2005/1989** was granted for the use of residential apartments in Building C and D as serviced apartments. The deferred commencement condition required the partial surrender of D/2003/927 for the use of those apartments as permanent residential apartments. The deferred commencement requirement was satisfied on 2 February 2006, and the consent was subsequently activated.

*NOTE: The consent included no physical works and does not affect Buildings A and B.*

#### **Additional Information**

12. Following an assessment of the proposed development by Council Officers, a request for additional information was sent to the applicant on 9 March 2022. The following were requested:

- (a) updated acoustic report to demonstrate compliance with the noise and vibration criteria stipulated by the State Environmental Planning Policy (Transport and Infrastructure) 2021;
- (b) updated waste management plan to outline the proposed management procedure for the residential apartments;
- (c) evidence to demonstrate how the proposed development is eligible for an exemption for section 7.11 development contribution pursuant to Table 2, Section 1.3 of the City of Sydney Development Contributions Plan 2015 and an exemption for affordable housing contribution pursuant to Section 2.2 of the City of Sydney Affordable Housing Program;
- (d) diagrams to identify the proposed apartment mix and the number of parking spaces, car wash bays, and bicycle parking spaces;
- (e) confirm the new uses for the existing back-of-house facilities associated with the service apartments; and

- (f) a gross floor area calculation plan to confirm the FSR of the site.
13. The applicant responded to the request on 7 September 2022 and submitted the following information:
- (a) written statement referring to the amendment to the SEPP (Transport and Infrastructure) 2021 made on 12 August 2022 to remove the noise and vibration consideration for developments pursuant to Chapter 3, Part 7 of the SEPP (Housing) 2021;
  - (b) updated floor plans to nominate the use of existing back-of-house facilities on Level 2 as bulky waste storage, and an updated waste management plan to outline the waste management procedure, utilising the existing loading bay and recycling waste storage area located on the adjoining 28 Danks Street;
  - (c) confirmation of the apartment mix, including the number of dual-key apartments that were converted from three-bedroom apartments;
  - (d) number of car parking spaces, car wash bays, and bicycle parking provided within the subject site;
  - (e) a gross floor area calculation plan to demonstrate that no changes to the site's existing FSR as a result of the proposed change of use;
  - (f) receipt demonstrating previous payment of s94 (now s7.11) development contributions; and
  - (g) receipt demonstrating previous payment for affordable housing contributions and a request for an exemption to be considered.

### **Proposed Development**

14. The application seeks consent for the change of use of Buildings C and D from serviced apartments to residential apartments, as originally approved under development consent D/2003/972 (as amended).
15. The two buildings currently contain 158 apartments, including 26 three-bedroom apartments that have been approved as dual key apartments. Those dual key apartments comprise three studios, 42 one-bedrooms, and seven two-bedrooms, increasing the total number of apartments to 184.
16. Existing back-of-house facilities associated with the serviced apartments, being linen store, office and house-keeper store, are proposed to be repurposed as bulky waste storage area.
17. The buildings also contain a ground floor retail tenancy at the southeast corner. No specific use is proposed for the tenancy. Thus, its fitout and use are subject to separate development consent/s and a condition is recommended to restrict the hours of operation to the typical hours for commercial premises under a complying development certificate.
18. The application proposes no changes to the existing vehicular access off Danks Street, and maintains the existing servicing, loading, and parking arrangements as originally approved.

## Assessment

19. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

## State Environmental Planning Policies

### State Environmental Planning Policy (Housing) 2021

20. The aim of SEPP (Housing) 2021 is to provide a consistent planning regime for the provision of diverse housing types, especially in locations where it will make good use of existing and planned infrastructure and services.

### Chapter 3 Diverse Housing - Part 7 Conversion of certain serviced apartments

21. Chapter 3 Part 7 is applicable to the subject application as the existing buildings are currently used for the purposes of serviced apartments under D/2005/1989 and have previously been the subject of a development consent for the use as a residential flat building under D/2003/927.
22. Section 116 enables the conversion of serviced apartments to residential flat buildings, given 'residential flat buildings' are permitted on the subject site, which is zoned B4 Mixed Use.
23. In accordance with Section 115(2), the Apartment Design Guide is not to be taken into consideration when determining the subject application.

### State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development

24. The aim of SEPP 65 is to improve the design quality of residential apartment development in New South Wales.
25. When determining an application for a residential flat development of three or more floors and containing four or more apartments, SEPP 65 requires the consent authority take into consideration a number of matters relating to design quality, including the design quality principles as set out in Schedule 1.
26. The applicant has submitted a design verification statement prepared by Ian Lim (no. 8473) with the application, addressing the design quality principles set out in Schedule 1 of this SEPP. The statement is deemed to satisfy Clause 50(1A) of the Environmental Planning and Assessment Regulation 2000.
27. An assessment of the proposal against the design quality principles is provided below:
  - (a) Principle 1: Context and Neighbourhood Character

The site was redeveloped as part of the wider redevelopment of the ACI site. The existing building responds to its surrounding context and contributes to the now established residential character of the area. The proposal will not modify the existing buildings, hence maintaining that contribution to the surrounding streetscape and character.



(b) Principle 2: Built Form and Scale

The proposal will not modify the existing buildings' form and scale, which is compatible with the neighbouring buildings, including the predominantly residential developments to the north, west, and south.

(c) Principle 3: Density

The proposal maintains the existing number and variety of apartment as originally approved. It maintains the level of amenity approved by the original development consent for the future residents and will not result in any additional amenity impacts to neighbouring properties.

The density is appropriate in the local context, particularly in proximity to established infrastructure, public transport, community and recreational facilities.

(d) Principle 4: Sustainability

The apartments were designed to maximise access to natural light, and the achievement of natural cross ventilation. Centralised waste management facilities were also provided. These features are not altered by the proposal.

The site is located close to existing public transport and is well-serviced by the existing dedicated cycleway that runs along Bourke Street to encourage the use of alternative transport modes to private vehicles.

(e) Principle 5: Landscape

A communal podium open space is provided between Buildings C and D that accommodates landscaping and tree plantings. The proposal will maintain the landscaping currently accommodated within the open space.

(f) Principle 6: Amenity

The existing buildings were approved with an acceptable level of amenity. The proposal will not diminish that level of amenity for the future residents of the development and will not result in any additional amenity impacts to neighbouring properties.

(g) Principle 7: Safety

The proposal provides for passive surveillance of the three street frontages, including the corners. The communal open spaces are easily accessible and clearly defined. Appropriate security gate is provided to the street entrance to the podium open space from Danks Street, and the open space is highly visible to the apartments to optimise passive surveillance. The design is generally consistent with the principles of Crime Prevention Through Environmental Design.

(h) Principle 8: Housing Diversity and Social Interaction

The proposal will provide an appropriate mix of dwelling types with varying sizes to accommodate different demographics. Communal open spaces are designed to accommodate active and passive uses, to provide amenity to the residents and encourage social interaction.

(i) Principle 9: Aesthetics

The proposal will not alter the existing design of Buildings C and D. The design is of an acceptable standard and is compatible with existing neighbouring developments and the desired character of the locality.

28. The development is acceptable when assessed against the SEPP including the above stated principles.
29. It should be noted that Clause 6A(2) of the SEPP specifies that provisions of Sydney Development Control Plan 2012 are of no effect regarding matters of visual privacy, solar and daylight access, common circulation and spaces, apartment size and layout, ceiling heights, private open space and balconies, natural ventilation, and storage.

**State Environmental Planning Policy (Transport and Infrastructure) 2021**

30. The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.

**Section 2.119 – Development with frontage to classified road**

31. The application is subject to Section 2.119 of the SEPP as the site has a frontage to South Dowling Street which is a classified road.
32. The proposed development satisfies the provisions of section 2.119 as access to the site is not provided from the classified road and the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development.
33. The application was referred to the Transport for NSW, who raised no objections and did not recommend any conditions.

**Section 2.120 – Impact of road noise or vibration on non-road development**

34. The application is subject to Section 2.120 of the SEPP as the proposed use, being residential accommodation, is likely to be adversely affected by road noise or vibration from the adjacent South Dowling Street.
35. Clause (3A), however, was added on 12 August 2022 to exclude the consideration of the identified noise and vibration criteria of section 2.120 for developments pursuant to Chapter 3, Part 7 of SEPP (Housing) 2021.
36. Compliance with the identified noise and vibration criteria of section 2.120 is therefore not required.

**State Environmental Planning Policy (Resilience and Hazards) 2021**

37. Chapter 4 of the State Environmental Planning Policy (Resilience and Hazards) 2021 is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.
38. The subject site was redeveloped circa 2004-2006 under development consent D/2003/927 (as amended) as a residential flat building. The site was made suitable for residential purposes and was subjected to a Site Audit Statement issued by an EPA Accredited Site Auditor.

39. This development application does not include any physical works to the existing buildings, thus there will be no exposure created to any potential sub-surface contaminants.
40. Council's Health Unit has reviewed the history of the site and considers the site is suitable for the proposed use.

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

41. A BASIX Certificate has been submitted with the development application to demonstrate that the existing building can satisfy BASIX requirements subject to possible replacement of existing fixtures. A condition of consent is recommended ensuring the measures detailed in the BASIX certificate are implemented.

#### Sydney Local Environmental Plan 2012

42. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided in the following sections.

#### Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	The site is located in the B4 Mixed Use zone. The proposed development is defined as residential flat building and is permissible with consent in the zone. The proposal generally meets the objectives of the zone.

#### Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	Yes	A maximum building height of 45m is permitted. The proposal will not alter the height of the existing buildings.
4.4 Floor space ratio	Yes	A maximum FSR of 3.75:1 is permitted. The proposal, including the change of use of existing back-of-house services located on the ground floor, will not alter the existing FSR for the site.

#### Part 7 Local provisions – general

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development		
7.5 Residential flat buildings, dual occupancies and multi dwelling housing	Acceptable	The proposal will not alter the existing provision of car parking spaces. While the existing 184 residential car parking spaces exceeds the maximum



Provision	Compliance	Comment
7.7 Retail premises	Yes	137 permitted under section 7.5; section 7.1(3) clarifies that a reduction is not required in an existing building. The existing 2 retail parking spaces is compliant with the maximum of 2 spaces permitted under section 7.7.
Division 3 Affordable housing		
7.13 Contribution for purpose of affordable housing	Yes	An affordable housing contribution is not payable as an exemption in accordance with Section 2.2 of City of Sydney Affordable Housing Program is considered acceptable. See 'Financial Contributions' section below for details.

## Development Control Plans

### Sydney Development Control Plan 2012

43. An assessment of the proposed development against the relevant provisions within the Sydney Development Control Plan 2012 is provided in the following sections.

#### Section 2 – Locality Statements

44. The site is located within the Danks Street locality. The proposed development is in keeping with the unique character and the design principles of the locality.

#### Section 3 – General Provisions

Provision	Compliance	Comment
3.6 Ecologically Sustainable Development	Yes	The proposal satisfies BASIX and environmental requirements.
3.8 Subdivision, Strata Subdivision and Consolidation	Yes	A condition is recommended to require the dual key apartments to remain on a single strata lot to allow them to be converted back to three-bedroom apartments in the future if desired. This requirement is consistent with the requirements of the original development consent D/2003/927.
3.11 Transport and Parking	Yes	Existing easement allows the subject site to access the loading bay located on the portion of the basement below 28 Danks Street. A condition is recommended to

Provision	Compliance	Comment
		<p>specify the maximum vehicle size to service the site is 10.8m. This is consistent with the original development consent D/2003/927.</p> <p>No changes are proposed to the existing car parking allocation. Two (2) car wash bays are also maintained.</p>
3.14 Waste	Yes	<p>The subject site will utilise the existing loading area and recycling waste storage area located at 28 Danks Street, which access is secured by existing easements.</p> <p>Existing back-of-house facilities associated with the service apartments will also be repurposed as bulky waste storage area to comply with the City's <i>Guidelines for Waste Management in New Development</i>.</p> <p>Conditions have been recommended in Attachment A to ensure appropriate waste management will occur in accordance with the relevant provisions of the <i>Guidelines</i>.</p>

## Section 4 – Development Types

### 4.2 Residential Flat, Commercial and Mixed Use Developments

Provision	Compliance	Comment
4.2.1 Building height 4.2.2 Building setbacks	Yes	The proposal will not alter the existing building envelope nor the floor to ceiling heights as originally approved.
4.2.3.5 Landscaping	Yes	The existing landscaping, including the landscaped area within the podium open space, are not altered by this application.
4.2.3.12 Flexible housing and dwelling mix	Yes	<p>The existing buildings have been approved with 158 apartments, including 26 dual key apartments.</p> <p>Prior to the conversion of the 26 three-bedrooms into dual key apartments, the apartment mix of 12.6% studio, 31% one-bedrooms, 49% two-bedrooms and 18.4% three-bedrooms is generally consistent with the recommended ratio.</p>

Provision	Compliance	Comment
		<p>The 26 dual key apartments provide as an alternative 3 studios, 42 one-bedrooms, and 7 two-bedrooms.</p> <p>The mix of dwelling type is considered appropriate to accommodate a diverse population and achieve social diversity. In particular, the dual key apartments provide additional flexibility to enable future changes in internal configurations to cater for future needs.</p> <p>The 26 dual key apartments are currently contained within a single strata unit according to the strata plan included in Attachment B2. A condition is also recommended to reinforce this requirement.</p>
4.2.6 Waste and recycling Management	Yes	Conditions are recommended to ensure compliance with the relevant provisions of the <i>City of Sydney Guidelines for Waste Management in New Development</i> .
4.2.8 Letterboxes	Yes	A condition is recommended to confirm the design and installation of letterboxes prior to the occupation of the buildings.

## Section 5 – Specific Areas

### 5.2 Green Square

Provision	Compliance	Comment
<p>5.2.1 Green Square Urban Strategy</p> <p>5.2.2 Objectives for Green Square</p>	Yes	<p>The subject site was redeveloped in accordance with a master plan for the former ACI site. The residential units originally approved within the existing building contributes to a residential environment that is supported by a 'local centre' along Dank Street, community facilities, public parks and public streets.</p> <p>The proposed change of use will maintain the site's contribution to the desired character of the area and provide a mix of housing choices to support a diverse community.</p>



## Consultation

### Internal Referrals

45. The application was discussed with Council's Building Services Unit; Environmental Health Unit; Heritage and Urban Design Unit; Surveyors; Transport and Access Unit; and the Waste Management Unit who advised that the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the Notice of Determination.

### Advertising and Notification

46. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified and advertised for a period of 21 days between 18 January 2022 and 9 February 2022. A total of 463 properties were notified and a total of 2 submissions were received, including one submission in support and one objection.

47. The submission in support made the following comments:

- (a) **Issue:** The change from serviced apartments to residential apartments will eliminate the current amenity issues, such as loud music at night and littering.

**Response:** Noted.

48. The objection raised the following issue:

- (a) **Issue:** Sufficient visitor car parking spaces should be provided to avoid visitors using the car parking spaces in the common basement.

**Response:** According to the approved strata plan included in Attachment B2, no visitor car parking spaces were previously approved in the portion of the basement below the subject site and that all existing car parking spaces are allocated to a strata unit. Notwithstanding, the subject site is well serviced by public transport and the existing cycleway network as alternative transport modes. Nineteen (19) visitor bicycle parking spaces are also provided in the portion of the basement below the subject site.

## Financial Contributions

### Contribution under Section 7.11 of the EP&A Act 1979

49. The development is not subject to a Section 7.11 development contribution under the provisions of the City of Sydney Development Contributions Plan 2015, as a development contribution has previously been charged and paid under a predecessor plan, being the Sydney City Council Section 94 Contributions Plan 2003.
50. The contribution amount was calculated on the basis that the buildings would be used as residential apartments instead of serviced apartments. The receipt of payment provided by the applicant has also been verified against Council's record.
51. This application is therefore excluded from the need to pay a contribution.

**Affordable Housing Contribution under Section 7.13 of the Sydney LEP 2012**

52. The proposed development is on land within the Green Square affordable housing contribution area, and the proposed development involves the change of use of more than 60sqm of existing floor area of a building. As such, the proposed development is subject to an affordable housing contribution in accordance with Section 7.13(1)(b) of Sydney LEP 2012.
53. However, the applicant has made a case for an exemption under Section 2.2 of the City of Sydney Affordable Housing Program in that the estimated development cost of construction for the proposed development is below \$100,000.
54. The exemption is considered acceptable, and an affordable housing contribution is therefore not payable.

**Relevant Legislation**

55. Environmental Planning and Assessment Act 1979.

**Conclusion**

56. The proposed development is generally consistent with the zone objectives contained in Sydney Local Environmental Plan 2012 and the provisions of Chapter 3 Part 7 of the State Environmental Planning Policy (Housing) 2021.
57. The proposed development is generally consistent with the design quality principles of SEPP 65 and the residential amenity provisions of Section 4.2 of Sydney Development Control Plan 2012.
58. The proposed development is consistent with the objectives and desired future character for the Danks Street locality contained within the Sydney Development Control Plan 2012.

**ANDREW THOMAS**

Executive Manager Planning and Development

Bryan Li, Senior Planner