

Item 4.**Development Application: 163 Bridge Road, Glebe - D/2022/285**

File No.: D/2022/285

Summary

Date of Submission:	28 April 2022 Amended plans - 26 August 2022 and 7 October 2022
Applicant:	Mr Jonathon Wood
Architect/Designer:	Nimbus Architecture + Heritage
Owner:	The Trustees of the Roman Catholic Church for the Archdiocese of Sydney
Planning Consultant:	Think Planners Pty Ltd
Heritage Consultant:	Nimbus Architecture + Heritage
Cost of Works:	\$1,823,682.72
Zoning:	The site is located within the R1 - General Residential zone. The use is defined as a function hall ancillary to a place of public worship, and co-living, and is permissible with consent within the zone.
Proposal Summary:	<p>Approval is sought for alterations and additions to an existing parish building, comprising refurbishment of the existing parish hall at ground floor and continued use for community facilities, change of use of level 1 and construction of an additional storey at level 2 for 13 co-living rooms in total, with 14 bicycle and three motorbike spaces, and associated landscaping works.</p> <p>The application is being reported to the Local Planning Panel for determination as the development exceeds the height of buildings development standard.</p>

A maximum building height of 9m is permitted under CI 4.3 of the Sydney Local Environmental Plan 2012. A maximum height of 12.4m is proposed for the new works, which represents an exceedance of 37.7 per cent. The application seeks a variation to the height control under Clause 4.6. The proposed variation to the development standard has merit and is supported in this instance.

A floor space ratio (FSR) of 0.54:1 is proposed which complies with the maximum floor space ratio of 0.8:1 under CI 4.4 of the SLEP 2012.

Communal open space with a total area of at least 20 per cent of the subject site (144 sqm) is required under CI 68 (2)(d) of the State Environmental Planning Policy (Housing) 2021. The proposal provides 116 sqm (or 16 per cent) total for communal open space, which is a shortfall of 19.4 per cent. The application seeks a variation to the communal open space control under Clause 4.6. The proposed variation to the development standard has merit and is supported in this instance.

Following a preliminary review of the application, the applicant was requested to amend the proposal. Amended plans were submitted on 26 August 2022. Key amendments included a reduction in size and redesign of dormer windows on the north elevation, reduction in the size of first floor balconies and deletion of second floor balcony on the southern elevation, deletion of Manager's car space and slight relocation of the lift. Further amendments were made based on assessment staff feedback, which included relocation of the rooftop mechanical plant to the ground level on the southern side of the building, extension of the roof terrace, and reconfiguration of the communal living area and co-living rooms on level 1 to provide better amenity to the residents.

The application was notified for a period of 14 days from 4 May 2022 to 18 May 2022. Five submissions were received. Issues raised in the submissions include potential amenity impacts (overshadowing and overlooking) to neighbouring residential properties, adverse impacts to the heritage characteristics of the existing parish building, bulk and scale of the proposal, and impacts to car parking within the locality. The public submissions are addressed within this report.

The proposal is generally consistent with the relevant objectives and provisions of the SEPP (Housing) 2021 and the Sydney LEP 2012. Subject to the recommended conditions at Attachment A, the development application is recommended for approval.

Subject to design modifications relating to minor amendments including deletion of the eastern side dormer window and providing additional seating to the ground level communal open space, the proposed alterations and additions to the parish hall and partial change of use to co-living accommodation responds satisfactorily to surrounding development in terms of bulk and scale, does not result in any significantly adverse amenity impacts and is consistent with the desired future character of the area. The proposal is considered to be in the public interest.

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

Development Controls:

- (i) SEPP (BASIX) 2004
- (ii) SEPP (Housing) 2021
- (iii) SEPP (Resilience and Hazards) 2021
- (iv) SEPP (Industry and Employment) 2021
- (v) SEPP (Biodiversity and Conservation) 2021
- (vi) Sydney Local Environmental Plan 2012
- (vii) Sydney Development Control Plan 2012

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Clause 4.6 Variation Request - Height of Buildings
- D. Clause 4.6 Variation Request - Communal Open Space

Recommendation

It is resolved that:

- (A) the variation requested to Clause 4.3 Height of Buildings in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld;
- (B) the variation requested to Clause 68 (2)(d) communal open space, of the SEPP (Housing) 2021, in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld; and
- (C) consent be granted to Development Application No. D/2022/285 subject to the conditions set out in Attachment A to the subject report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The proposed development is consistent with the objectives of the R1 General Residential zone.
- (B) The proposed development satisfies the relevant objectives and provisions of the Sydney Development Control Plan 2012
- (C) Based upon the material available to the Panel at the time of determining this application, the Panel is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6(3) of the Sydney LEP 2012, that compliance with the building height development standard and communal open space development standard are unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 4.3 of the Sydney LEP 2012 and clause 68(2)(d) of the SEPP (Housing) 2021; and
 - (ii) the proposal is in the public interest because it is consistent with the objectives of the R1 General Residential zone, the building height development standard and the SEPP (Housing) 2021 standards.
- (D) Having considered the matters in Clause 6.21 of the Sydney LEP 2012, the building displays design excellence because:
 - (i) The alterations and additions to the existing building are sympathetic and respond to the heritage fabric and features of the existing building.
 - (ii) The proposed roof additions are appropriately designed to limit the perceived additional bulk and massing.
 - (iii) The proposal does not result in unreasonable amenity impacts to neighbouring properties.

- (E) The proposal provides for uses that are compatible with the surrounding area. 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. The site has a legal description of Lot 2 in DP 87113, known as 163 Bridge Road, Glebe. It is irregular in shape with an area of approximately 2737 sqm. It has a primary street frontage to Bridge Road to the south-east and secondary street frontages to Woolley Street to the south-west and St James Lane to the north-west. The site is located close to the intersection of Bridge Road and Woolley Street. Levels on the site fall by approximately 2m from the north-east to south-west.
2. The site contains a two storey parish hall fronting Woolley St, that is associated with the St James Catholic Church which is located on the opposite side of St James Lane at 2 Woolley Street. The south eastern portion of the site comprises a child care centre, with an associated car park accessed via St James Lane.
3. The surrounding area is characterised by a mixture of land uses, primarily being residential and educational/community facilities. St James Catholic Church and St James Primary School are located directly to the north of the subject site. A row of three, two storey residential terraces is located directly to the south of the parish hall at 167-171 Bridge Road. Three and four storey residential apartment buildings, and St James Park are located directly to the west of the parish hall on the opposite side of Woolley Street.
4. The site is located within the Hereford and Forest Lodge heritage conservation area (C33). The site is identified as a contributing building.
5. The site is located within the Hereford locality and is not identified as being subject to flooding.
6. A site visit was carried out on 9 June 2022. Photos of the site and surrounds are provided below.



Figure 1: Aerial view of site and surrounds (showing subject parish hall building)



Figure 2: Subject parish building viewed from the corner of Woolley Street and St James Lane



Figure 3: Site viewed from the eastern side of Woolley Street adjacent to St James Park



Figure 4: St James Church viewed from St James Lane looking north



Figure 5: Parish building viewed from St James Lane looking south-west



Figure 6: South-eastern elevation of the parish building



Figure 7: View looking north-east from the child care car park directly east of the parish building



Figure 8: View from the car park looking south-east towards the child care centre



Figure 9: View of St James Catholic Church and eastern elevation of the parish building, looking north-west from the car park



Figure 10: View from the first floor of the Parish building looking south-east towards the rear of the terrace at No.167 Bridge Road



Figure 11: View from the first floor of the Parish building looking south-east towards the rear of the terrace at No.169 Bridge Road



Figure 12: View from the first floor of the Parish building looking south towards the rear of the terraces at No.167 and 169 Bridge Road



Figure 13: View from the first floor of the Parish building looking south-east towards the rear of the terraces at No.169 and 171 Bridge Road



Figure 14: View from the rear yard of No.167 Bridge Road looking north towards the southern elevation of the parish building



Figure 15: View from the rear yard of No.169 Bridge Road looking north towards the southern elevation of the parish building



Figure 16: View from the rear yard of No.171 Bridge Road looking north towards the southern elevation of the parish building

History Relevant to the Development Application

Development Applications

7. The following applications are relevant to the current proposal:

- **D/2006/1792** – Development consent was granted on 15 June 2007 for alterations and additions to the buildings within the southern portion of the site for use as a child care centre operating between 7.00am and 6.00pm Monday to Friday, comprising 4 staff spaces and 10 parent drop off / pick up spaces, associated signage, removal of 9 trees and site landscaping including play areas.

This consent has subsequently been modified under:

- D/2006/1792/A, approved 27 June 2008, to reduce the size of the new additions (play room, entry area and cot room); increase of verandah areas; reconfiguration of staircase; changes to layout and internal walls; removal of openings; and new finish to central entry area.
- D/2006/1792/B, approved 12 August 2014, to carry out internal and external alterations to existing childcare centre, increase child numbers to 121 and amend hours of operation to 7am-7pm, Mondays to Fridays.

- D/2006/1792/C, approved 28 August 2014, to correct a minor error to Condition 11 in the Notice of Determination to reflect the correct child care capacity.
- **PDA/2020/278** – Pre-development application advice was given on 16 November 2020 for alterations and additions to an existing parish hall for the refurbishment of the ground floor for the existing community use, and works proposed at first and second floor level to facilitate a boarding house comprising of 14 rooms, two common areas and an external roof terrace. The pre-DA was assessed against the boarding house controls under the State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP). The ARH SEPP has been superseded by the State Environmental Planning Policy (Housing) 2021.
- The key matters for consideration raised in the pre-DA advice were:
 - GFA plans would need to be submitted as part of any development application for the proposed scheme to demonstrate compliance with FSR control under CI 4.4 of the Sydney LEP 2012, and have regard for the GFA of all land uses on the lot, including the childcare centre.
 - Concern was raised regarding the form of the second storey addition which exceeded the 9m height control under CI 4.3 of the Sydney LEP 2012. It was advised that consideration should be given to redesigning the second floor to be located within the main gabled roof form rather than a mansard roof form, which was considered inappropriate within the context of the existing building and neighbouring church. Well designed dormer windows were recommended as an alternative.
 - Further historical details regarding the existing parish building should be included within a Heritage Impact Statement submitted as part of any subsequent development application for the proposed scheme.
 - Amendments to the design were recommended which included;
 - additional detailing to the fenestration of the new entry along St James Lane;
 - the existing James Street entry should retain the existing portico; and
 - the proposed bifold doors on the ground floor of the southern elevation is unsympathetic to the façade and would likely not be supported.
 - Concern was raised regarding the configuration and useability of common indoor space for the boarding house use. It was recommended that the roof terrace be redesigned to be more sympathetic and relate better to the existing building. Consideration was recommended to be given to communal open space.
 - Boarding rooms should meet the minimum size requirements of the ARH SEPP, and consider overlooking impacts to the private open space of the terraces to the south along Bridge Road.

- Shadow diagrams are required to be submitted with any subsequent DA and be prepared in accordance with the ARH SEPP and the Sydney DCP.
- Appropriate bicycle and motorbike parking was required in accordance with the ARH SEPP and should not conflict with any parking requirements of the childcare centre on the site.
- A Plan of Management is required and is to sufficiently address the operation and maintenance of the boarding house in accordance with s4.4.1.7 of the Sydney DCP 2012.
- A waste and bulk waste room and waste management plan is to comply with the criteria under the City of Sydney Guidelines for Waste Management in New Developments in terms of size, storage, location and management, and the location of a waste and bulk waste room or a waste collection area is to be shown on the architectural plans.
- An Acoustic Report is to be submitted with the lodgement of any DA based on the proposed scheme and is to be prepared by a suitably qualified acoustic consultant to determine from noise emission impacts from both the parish hall and the boarding house uses.
- A BCA report will be required to address access for persons with disabilities.

Amendments

8. Following a preliminary assessment of the proposed development by Council officers, a request for additional information and amendments was sent to the applicant on 15 July 2022. The following additional information and amendments were requested:
 - Redesign of the upper level dormer windows on the St James Ln (north) elevation to be less prominent and relate better to the proportions and design of the existing windows on the levels below.
 - Deletion of the second floor balconies on the southern elevation and details of appropriate measures to address overlooking and visual privacy impacts from the first floor balconies.
 - Additional details of the rooftop mechanical plant to determine any visual impacts and visibility from the public domain.
 - Reconfiguration of the indoor communal area on the second floor to provide better amenity for residents to compensate for the disconnected communal outdoor space at ground level.
 - Relocation or deletion of the proposed manager's car space so as not to conflict with the parking requirements of the child care centre.
 - Amended landscape plans which include additional deep soil areas to facilitate new tree planting and satisfy the Sydney DCP requirements.
 - Additional information and details regarding waste management, collection and storage.

9. The applicant responded to the request on 26 August 2022, and submitted revised landscape plans and architectural plans. The proposed scheme was amended as follows:
 - deletion of the second floor balconies on the southern elevation;
 - redesign of the first floor balconies on the southern elevation to reduce the depth to 500mm and include vertical bar balustrades;
 - redesign of the second floor dormer windows on the north elevation to reduce the size of the dormers and incorporate a multi-paned design;
 - slight relocation of the lift to be deeper within the building further setback from the dormer window; and
 - deletion of the manager's car space.
10. A second request for additional information and amendments was sent on 15 September 2022 based on the amended scheme. The following amendments and additional information was requested:
 - amended shadow diagrams which include shadows cast by all existing built form including boundary fences;
 - relocate rooftop mechanical plant to ground level, and increase the size of the roof terrace;
 - reconfigure the indoor communal areas, to provide better amenity for residents;
 - deletion of the second floor eastern side window;
 - details of the type of lift to confirm no lift overrun is required;
 - updated CI 4.6 written variation to the height control;
 - revised material and finishes schedule; and
 - confirmation of bin collection point and path of travel from the waste storage room.
11. The applicant submitted amended architectural plans, an updated CI 4.6 written variation and operational specifications of the proposed lift to demonstrate that a lift overrun is not required. Amendments to the design include relocation of the rooftop mechanical plant to the ground floor common outdoor area, extension of the roof terrace, and reconfiguration of the indoor communal space and co-living rooms on level 1.
12. On 22 November 2022, the applicant submitted a further amended CI 4.6 written variation, and put forward that the proposed use of the building is a "community facility" and residential accommodation for the purpose of "affordable housing" and therefore a Section 7.13 contribution does not apply.
13. On 1 December 2022, the applicant submitted a CI 4.6 written variation to the communal open space development standard of the SEPP (Housing)2021.

Proposed Development

14. The application seeks consent for the following alterations and additions to the parish building within the north-eastern portion of the site:
 - Ground Floor (community facilities):
 - (i) Internal alterations for the refurbishment of the existing community hall, comprising new male, female and accessible restrooms, new kitchen, storage rooms, lift and stairwell to the upper floors, and redesign of the entrance to the eastern car park.
15. Construction of an additional storey, with co-living development on the first and second floors comprising 13 bedrooms in total, communal laundry, two common indoor areas and a roof terrace:
 - First Floor:
 - (i) 2 x accessible bedrooms;
 - (ii) 1 x single bedroom;
 - (iii) 5 x double bedrooms;
 - (iv) A communal indoor area;
 - (v) A communal laundry.
 - Second Floor:
 - (i) 2 x single bedrooms;
 - (ii) 3 x double bedrooms;
 - (iii) A communal indoor area and communal kitchen;
 - (iv) Common outdoor roof terrace.
 - External:
 - (i) 3 x motorbike spaces along the southern side of the building;
 - (ii) 14 x bicycle spaces along the southern boundary wall;
 - (iii) Landscaped common outdoor space along the southern setback of the building (including clothes drying area), and within the frontage to Woolley Street.
 - (iv) New elevated timber deck to the Woolley Street entrance, including accessible ramp and platform lift.
 - (v) New canopy over the eastern building entrance.
 - (vi) Reinstated security gate between the western and southern private open space areas.

(vii) Associated landscaping works and new tree planting.

16. Plans and elevations of the proposed development are provided below.

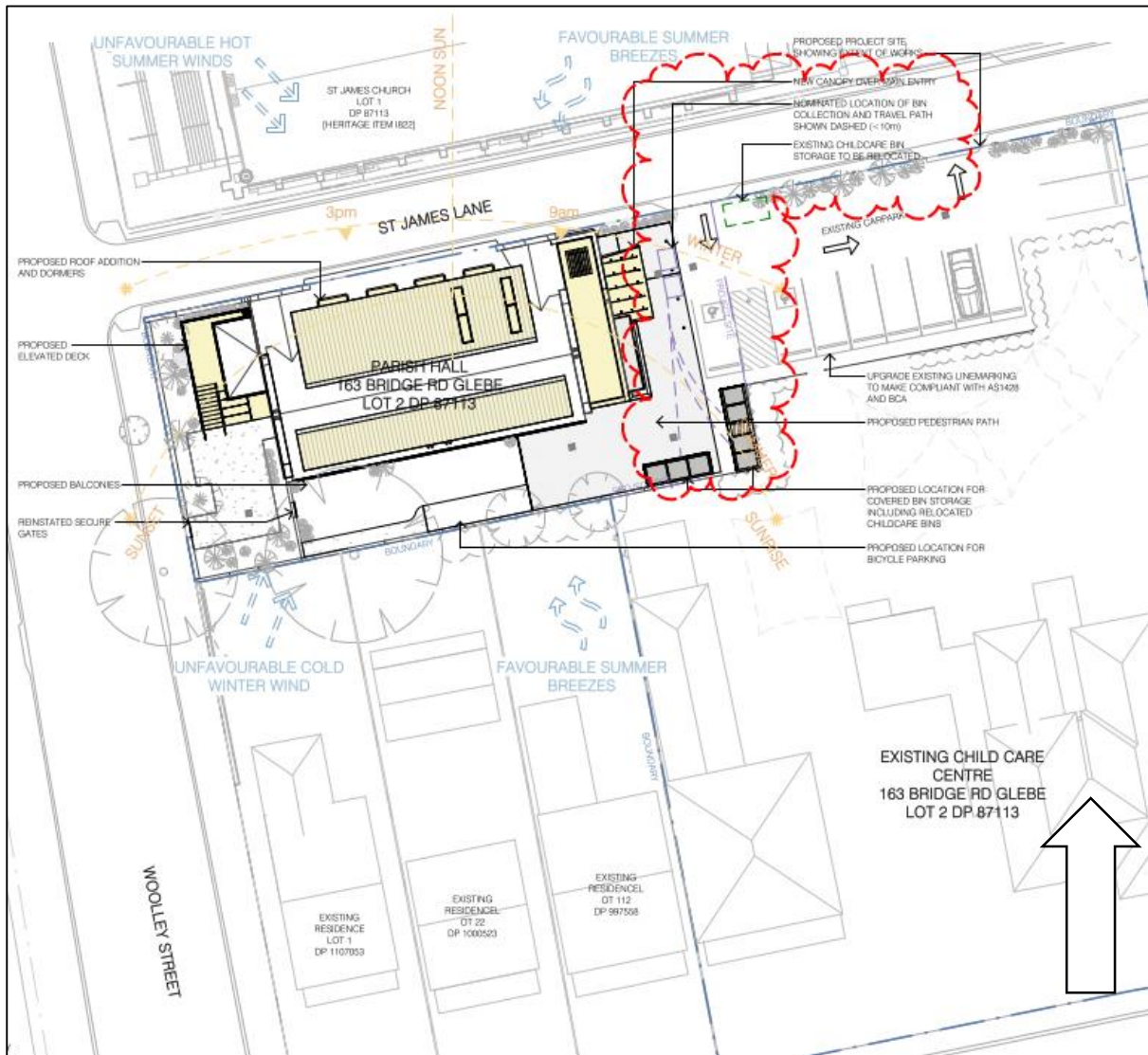


Figure 17: Proposed site plan

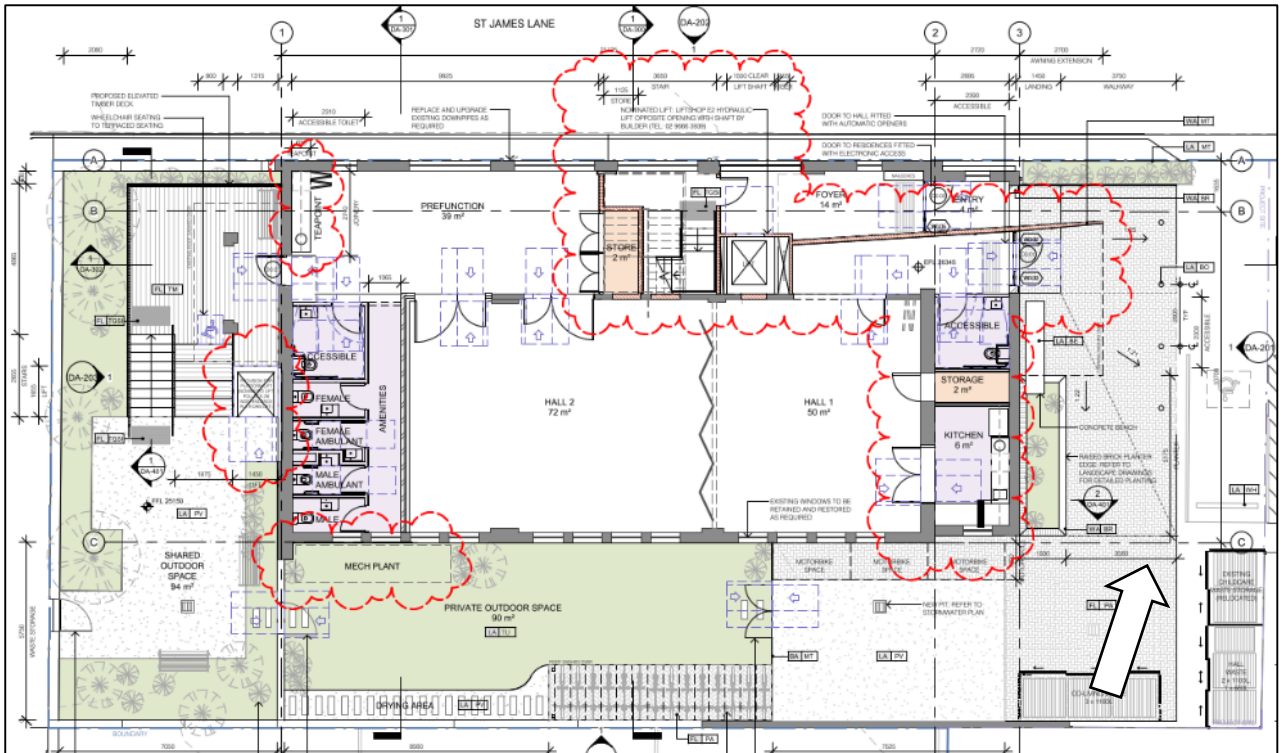


Figure 18: Proposed ground floor plan



Figure 19: Proposed first floor plan

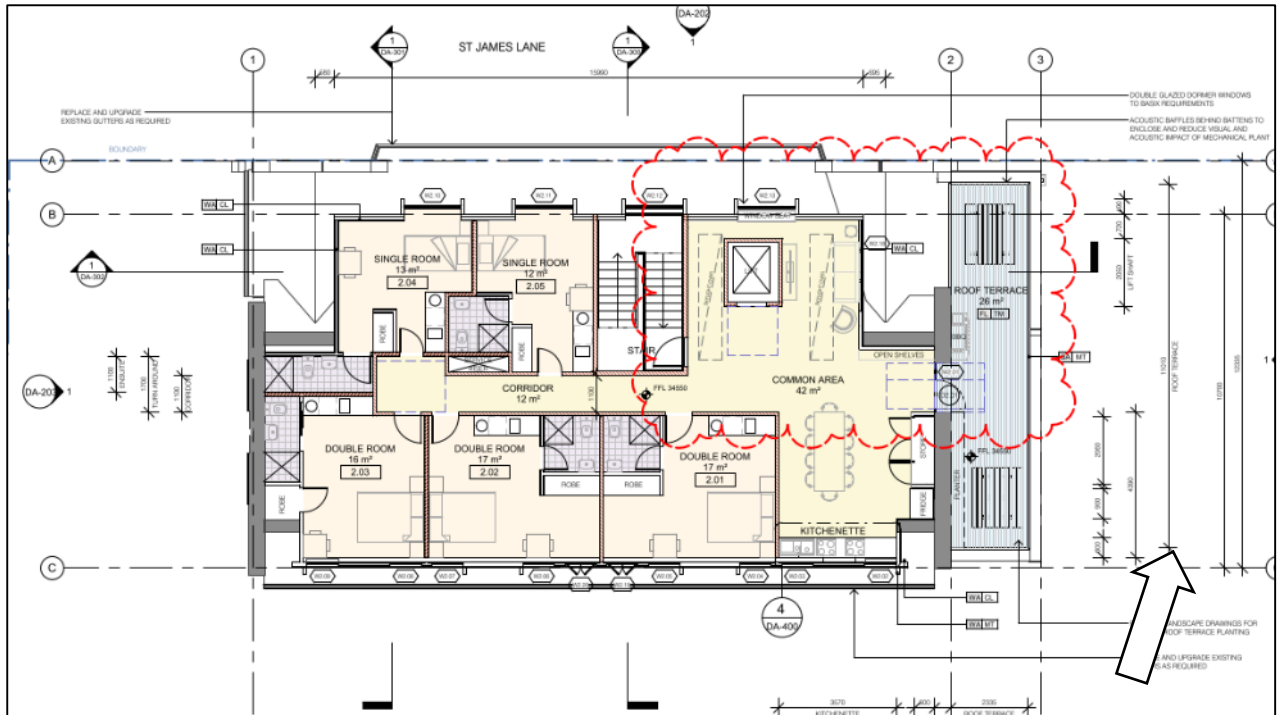


Figure 20: Proposed second floor plan



Figure 21: Proposed south elevation

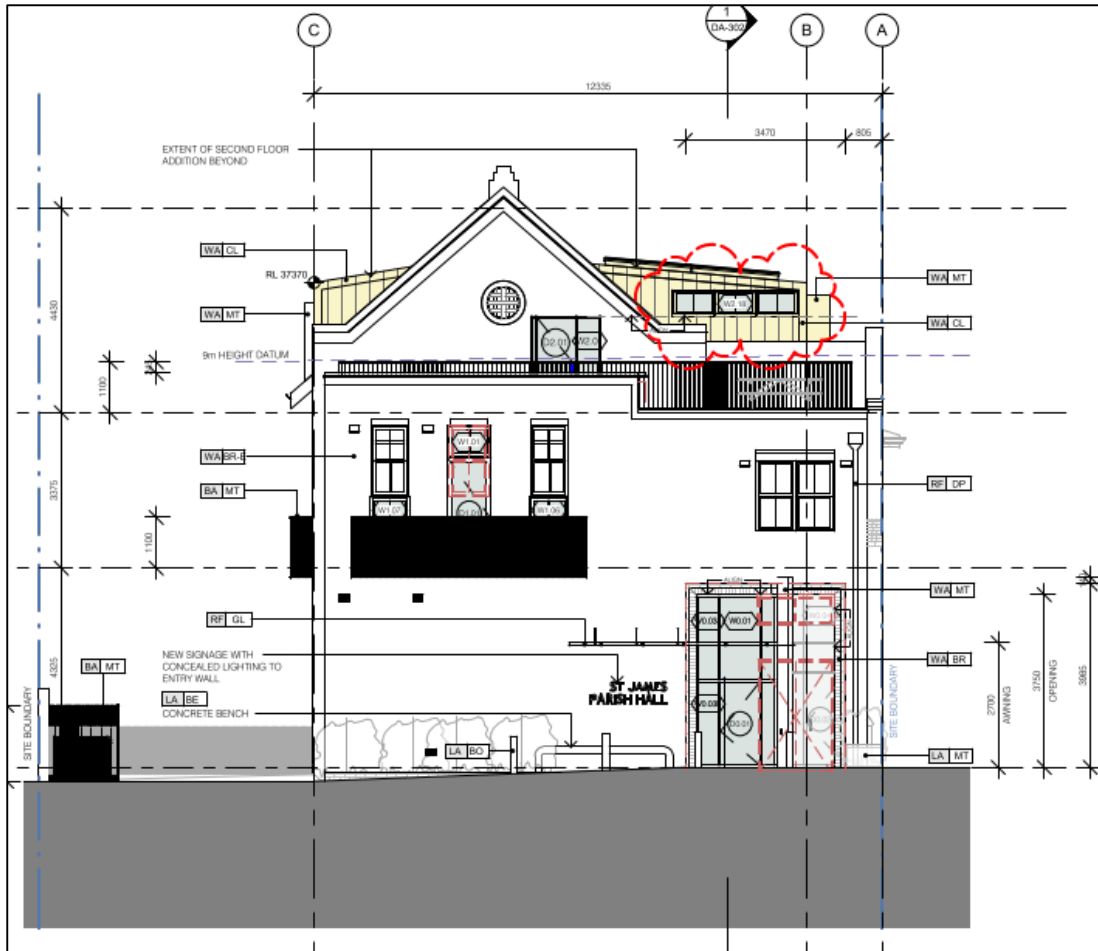


Figure 22: Proposed east elevation (car park frontage)



Figure 23: Proposed north elevation (St James Lane frontage)

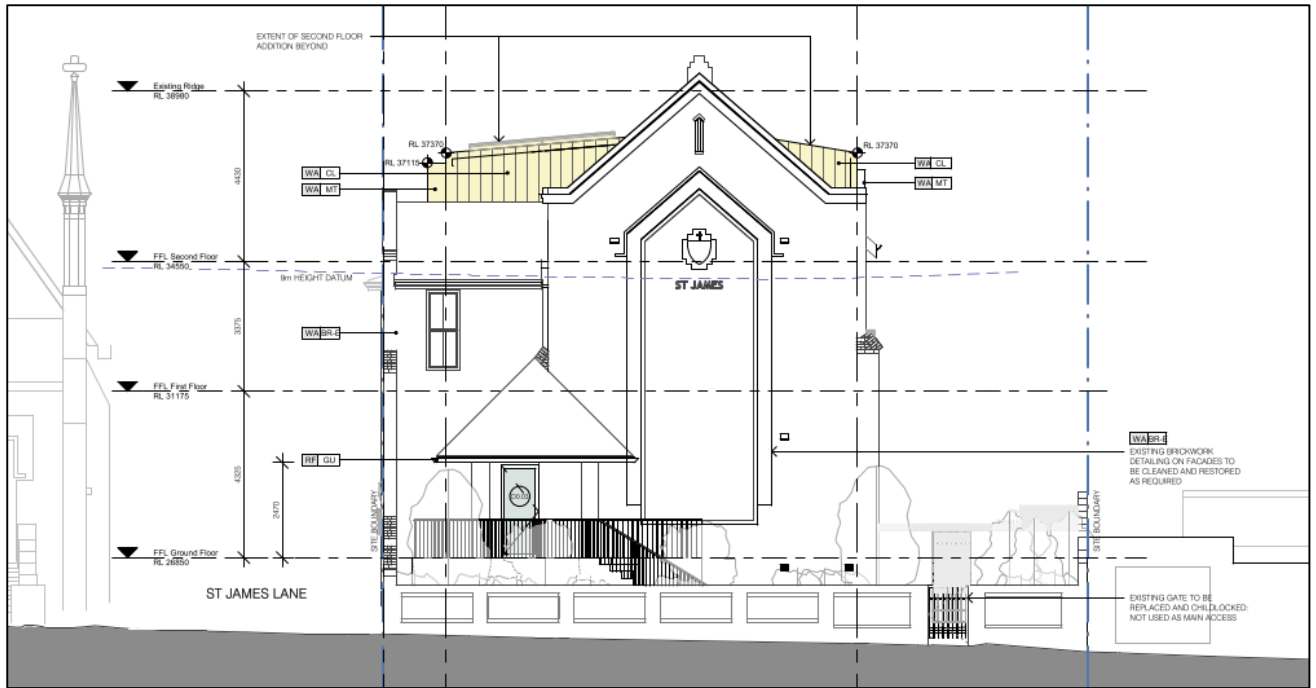


Figure 24: Proposed west elevation (Woolley Street frontage)



Figure 25: Proposed perspective from St James Lane looking west



Figure 26: Proposed perspective from the corner of Woolley Street and John Street looking south-east



Figure 27: Proposed perspective from the western side of Woolley Street looking east

Assessment

17. 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 (Biodiversity and Conservation) 2021

Chapter 10 – Sydney Harbour Catchment

18. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of Chapter 10 of the above SEPP. The SEPP requires the Sydney Harbour Catchment Planning Principles to be considered in the carrying out of development within the catchment.
19. The site is within the Sydney Harbour Catchment and eventually drains into Sydney 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 Chapter 10 of the SEPP are not applicable to the proposed development. The development is consistent with the controls contained in the SEPP.

State Environmental Planning Policy (Industry and Employment) 2021 – Chapter 3

Advertising and Signage

20. The aim of SEPP (Industry and Employment) 2021 – Chapter 3 Advertising and Signage is to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.
21. The proposed building identification wall signage has been considered against the objectives of the policy and an assessment against the provisions within the assessment criteria set out in Schedule 5 is provided in the table below.

<i>Provision</i>	<i>Compliance</i>	<i>Comment</i>
Character of the area	Yes	The proposed building identification signage is located at the co-living entrance on the eastern elevation and will only be visible from St James Lane and the existing car park looking west. Given the co-living entrance is on the opposite side of the building as the main parish hall (Woolley Street) entrance, it will have reduced visibility.

		The signage is appropriately proportioned and subservient to the rest of the building, and is considered acceptable within the character of the area.
2. Special areas	Yes	The proposed signage does not detract from the amenity or visual quality of the locality or the Hereford and Forest Lodge heritage conservation area, subject to conditions that the sign is to be externally illuminated from a concealed or discreet source.
3. Views and vistas	Yes	The proposed signage is at ground level and flush against the building. It therefore has no impact on the viewing rights of other advertisers.
4. Streetscape, setting or landscape	Yes	The proposed signage is of an appropriate scale, proportion and form and is not considered to have any adverse impacts on the streetscape or setting of the area.
5. Site and building	Yes	The scale, proportion and positioning of the proposed signage is acceptable.
6. Associated devices and logos	Yes	Not applicable.
7. Illumination	No	The proposed signage includes concealed lighting to the entry wall. A condition of consent is recommended for the signage to feature discreet external lighting in accordance with the Sydney DCP provisions.
8. Safety	Yes	The proposed signage will not reduce the safety for pedestrians, cyclists or vehicles on public roads or areas.

22. The proposed signage is consistent with the objectives of SEPP (Industry and Employment) 2021 – Chapter 3 Advertising and Signage as set out in Clause 3.1 and satisfies the assessment criteria specified in Schedule 5.

State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land

23. The aim of SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land 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.
24. A review of the history of the site indicates that the site has historically been used as a church, with no evidence of other activities which would indicate the land may be contaminated. No further investigation is required, and the site is considered suitable for the proposed use.
25. Notwithstanding, the Council's Health Unit has recommended conditions of consent that require Council to be notified of any new information which comes to light during demolition and construction works which has the potential to alter previous conclusions about site contamination.

State Environmental Planning Policy (Housing) 2021

26. The aim of SEPP (Housing) 2021 is to provide a consistent planning regime for the provision and maintenance of affordable rental housing and to facilitate the delivery of new affordable rental housing.
27. Section 7.32 of the EP&A Act states that where the consent authority is satisfied that the development meets certain criteria, and a Local Environmental Plan authorises an affordable housing condition to be imposed, such a condition should be imposed so that mixed and balanced communities are created.
28. Clause 7.13 (Contribution for purpose of affordable housing) of the Sydney Local Environmental Plan 2012 allows for circumstances where an affordable housing contribution may be levied for development of land in Residual Lands.
29. This matter is discussed in further detail under the heading Financial Contributions below.

Chapter 3 Diverse Housing

Part 3 Co-living Housing

30. Under Clause 68, compliance with any of the following standards must not be used to refuse consent for co-living housing.
31. An assessment of the proposed co-living housing against each standard is provided in the table below.

Clause 68 – Non discretionary development standards

32. If the following non discretionary development standards are complied with the consent authority cannot require more onerous standards for the matters.

Clause 68(2) - Non-discretionary development standards

Provision	Compliance	Comment
<p>Density and scale expressed as floor space ratio</p> <p>An FSR of up to 0.8:1 (2,210.4 sqm) plus 10% is permitted.</p>	Yes	<p>The site is subject to a maximum permissible FSR of 0.8:1 and is within the R1 General Residential zone, in which residential flat buildings are permitted with consent.</p> <p>The proposal is therefore eligible for an additional 10% of the maximum permissible FSR (2,431.44 sqm) in accordance with Clause 68(2)(a)(ii) of the SEPP, provided that the additional GFA is used only for the purpose of co-living.</p> <p>The application proposes a floor space ratio of 0.54:1 or 1,482.6 sqm (including a GFA of 788.6 sqm for the child care centre), which complies.</p>
<p>Communal living area</p> <p>For co-living containing more than 6 private rooms, a total of at least 30m² plus 2m² per additional room and a minimum dimension of 3m</p>	Yes	<p>The development comprises 13 private co-living bedrooms, and therefore 44 sqm of communal living area is required.</p> <p>The proposal provides a total of 57 sqm of communal living area on level 1 (15 sqm) and level 2 (42 sqm), with 45 sqm of the communal living area having minimum dimensions of 3m. The proposal therefore complies.</p>
<p>Communal open space</p> <p>Communal open space with a total <u>area</u> of at least 20% of the site area and a minimum dimension of 3m</p>	No	<p>While the total area of the site is 2,765 sqm, the portion of the site (containing the existing parish building) which the co-living proposal relates to has an area of 720 sqm. Therefore, 144 sqm is required for communal open space.</p> <p>The proposal provides 90 sqm of communal open space on the southern side of the building, and 26 sqm communal roof terrace, for a total of 116 sqm.</p> <p>Although the proposal does not strictly comply with the numerical requirements for communal open space, given the constraints of the existing parish building, and the proposal providing additional</p>

Provision	Compliance	Comment
		<p>communal indoor space with good internal amenity, this non-compliance is considered acceptable within the context of the subject site.</p> <p>A request to vary the communal open space development standard in accordance with Clause 4.6 has been submitted and is supported. Refer to "discussion" section for details.</p>
<p>Parking</p> <p>Unless a relevant planning instrument specifies a lower number - 0.2 spaces per room in an accessible area and 0.5 spaces otherwise</p>	Yes	<p>Part 7, Division 1 of the Sydney LEP 2012 does not set out a minimum or maximum number of car spaces for co-living accommodation., and therefore nil parking spaces are considered acceptable.</p> <p>The amended proposal does not include any car spaces for co-living occupants.</p> <p>There are 14 existing car spaces on-site shared between the existing parish building and child care centre. It is noted that under D/2006/1792/B, a minimum of 10 off street car spaces are required for the adjoining child care centre. The proposal retains 10 car spaces for the child care centre, and converts the area within the southern setback of the parish building which includes four car spaces, into communal open space, 14 bicycle and 3 motorbike spaces associated with the co-living portion of the development.</p> <p>As the site is located within an accessible area within 200m of bus stops along Glebe Point Road, and provides bicycle and motorbike parking for co-living residents, it is acceptable that no car parking will be provided for residents. The removal of four car spaces relating to the parish hall is discussed in further detail within this report.</p>

Provision	Compliance	Comment
<p>Landscaping</p> <p>In R2 and R3 zones the minimum landscaping requirements for multi dwelling housing under relevant planning instruments, and in R4 zone the minimum landscaping requirements for residential flat buildings under a relevant planning instrument</p>	Yes	The site is not located within an R2 Low Density Residential, R3 Medium Density Residential, or R4 High Density Residential zone.

33. The proposed development complies with the relevant provisions of clause 68.

Clause 69 - Standards for Co-living Housing

34. Clause 69 (1) states that a consent authority must not grant development consent for the purpose of co-living unless it is satisfied of each of the following provisions:

Clauses 69 (1) – Standards for co-living housing

Provision	Compliance	Comment
1(a) No private room is to have a gross floor area (excluding private kitchen or bathroom facilities) of more than 25m ² and less than 12m ² for a single occupancy or 16m ² otherwise	Yes	Excluding bathrooms and 2 sqm for kitchenettes (as required by Section 4.4.1.2 (1)(f) of the Sydney DCP 2012) all boarding rooms are less than 25 sqm, and no single bedroom is less than 12 sqm, and no double or accessible room is less than 16 sqm.
1(b) in R2 zone the minimum lot size is no less than 600m ² On other land the minimum lot size is no less than 800 sqm.	Yes	<p>The site has an overall area of 2765m² and is an "L" shape which includes the parish hall in the north-eastern portion of the site, child-care centre within the south-eastern portion of the site, and shared car-park within the north-eastern portion of the site, all within a single lot. It is noted that the portion of the site which contains the existing parish building and relates to the co-living proposal is 720 sqm. The size of the north-eastern portion of the site is considered suitable to accommodate co-living use, noting that</p> <ul style="list-style-type: none"> the overall lot size complies with the requirements of the control.

Provision	Compliance	Comment
		<ul style="list-style-type: none"> • The north-eastern portion of the site is only 80 sqm less than the required 800 sqm. • The proposal generally complies with all other relevant co-living provisions of the SEPP.
1(c) in R2 zone or equivalent the co-living housing will not contain more than 12 private rooms and will be in an accessible area	Yes	The site is not within an R2 Low Density Residential or equivalent zone.
1(d) the co-living housing will contain an appropriate workspace for the manager, either within the communal living area or in a separate space	Yes	<p>There is adequate space within the communal living areas on either level 1 or 2 for workspace for the manager.</p> <p>A condition of consent is recommended for a workspace for the manager to be provided in one of the internal common areas.</p>
(1e) for co-living in a business zone, no part of the ground floor that fronts a street is to be used for residential purposes unless another environmental planning instrument permits the use	Yes	The site is not located within a business zone.
1(f) adequate bathroom, laundry and kitchen facilities will be available within the co-living housing for the use of each occupant	Yes	Each private bedroom contains bathroom facilities and a kitchenette, in addition to a communal kitchen area on level 2. Communal laundry facilities are located on level 1.
1(g) each private room will be used by no more than 2 occupants	Yes	The proposed co-living private bedrooms are intended to be used by either a single or two occupants.
1(h) the co-living housing will include adequate bicycle and motorcycle parking spaces.	Yes	The amended proposal includes three motor bike spaces and 14 bicycle spaces located along the southern setback of the building adjoining the outdoor common open space area.

35. Clause 69 (2) states that a consent authority must not grant development consent for the purpose of co-living unless it considers the following matters:

Clauses 69 (2) – Matters for consideration

Provision	Compliance	Comment
2(a) in R2 and R3 zones the front, side and rear setbacks are no less than those required for multi dwelling housing in another relevant planning instrument, and in R4 zone, no less than those required for residential flat buildings under a relevant planning instrument.	Yes	The site is not located within a R2 Low Density Residential, R3 Medium Density Residential, or R4 High Density Residential zone.
2(b) if the co-living has at least three storeys the building complies with the minimum building separation distances in the Apartment Design Guide	Yes	The co-living portion of the development is over two floors within a three storey building, with the ground floor being used as a community facility. The proposal is therefore not required to comply with the minimum separation distances of the ADG.
2(c) at least 3 hours of solar access will be provided between 9.00am and 3.00pm at mid-winter in at least 1 communal living area	Yes	Submitted solar access diagrams indicate that the level 1 communal living area receives direct sunlight between 10am to 1pm mid-winter in accordance with the control. In addition, the communal living area on level 2 will receive some direct sunlight between 12pm and 2pm mid-winter. Refer to "discussion" section for full assessment of amenity of the communal areas.
2(f) the design of the building is compatible with the desirable elements of the character of the local area or for precincts undergoing transition the desired future character of the precinct	Yes	The proposal involves alterations and additions to an existing parish building to facilitate the proposed co-living use. The amended proposal is considered sympathetic to the heritage qualities of the existing building, as the additional bulk resulting from the third storey has been designed to be recessive to limit visibility from the public domain. The dormer windows to the northern elevation which are directly visible from Woolley

Provision	Compliance	Comment
		<p>Street are appropriately sized and detailed to relate well to the fenestration of the existing building facade on the levels below.</p> <p>The proposal retains the visual appearance of a parish building and is considered appropriate within the context of the varied built form within the locality including the adjoining church building to the north, two storey terraces to the south, and residential flat buildings to the west.</p> <p>Refer to "discussion" section for full assessment of heritage impacts, and appropriateness of the proposed additions to the existing building.</p>

36. Clause 70 provides that development consent must not be granted for the subdivision of the co-living housing. A condition confirming that the co-living housing cannot be sub divided is recommended.

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

37. A BASIX Certificate has been submitted with the development application (1287200M-02)
38. The BASIX certificate lists measures to satisfy BASIX requirements which have been incorporated in to the proposal. A condition of consent is recommended ensuring the measures detailed in the BASIX certificate are implemented.

Local Environmental Plans

Sydney Local Environmental Plan 2012

39. 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 R1 General Residential zone. The proposed development is defined as alterations and additions to a parish hall/ place of public worship (ground floor) and new co-living use (first and second floor) 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	No	<p>A maximum building height of 9m is permitted.</p> <p>A height of 12.4m is proposed for the side dormer windows and new roof.</p> <p>The proposed development does not comply with the maximum height of buildings development standard.</p> <p>A request to vary the height of buildings development standard in accordance with Clause 4.6 has been submitted. See further details in the 'Discussion' section below.</p>
4.4 Floor space ratio	Yes	<p>A maximum floor space ratio of 0.8:1 plus an additional 10% for the purposes of co-living under Cl 68(2)(a)(ii) of the SEPP (Housing) 2021 (2,431.44 sqm) is permitted.</p> <p>A floor space ratio of 0.54:1 or 1,482.6 sqm is proposed.</p> <p>The proposed development complies with the maximum floor space ratio development standard.</p>
4.6 Exceptions to development standards	Yes	<p>The proposed development seeks to vary the development standards prescribed under Clause 4.3 - Height of Buildings, and Clause 68 (2)(d) of the SEPP (Housing) 2021. Clause 4.6 variation requests have been submitted with the application.</p> <p>See further details in the 'Discussion' section below.</p>

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	<p>The site is identified as a contributory building located within the Hereford and Forest Lodge heritage conservation area (C33), and is adjacent to a local heritage item " St James Catholic Church group including buildings and their interiors, fencing and grounds" (1822), located to the north on the opposite side of St James Lane.</p> <p>The proposal is considered to be sympathetic to the existing parish building, and is considered acceptable within the context of the subject site for the following reasons:</p> <ul style="list-style-type: none"> • The dormer windows on the northern elevation are appropriately proportioned, and include a multipaned design which corresponds to the lower level existing windows. It is noted that the dormer windows will only be partially visible from Woolley Street. • The material for the dormer windows is "Wallaby", which is a warm colour which integrates into the existing facade. • The roof additions are recessive and setback from the edge of the existing roof, and are well considered within the context of the existing building. • The majority of the perceived bulk from the third storey additions is not read from the public domain. <p>A condition is recommended for the deletion of the side window (W2.18) to the dormers.</p> <p>The proposed development will not have a detrimental impact on the heritage significance of the heritage conservation area.</p>

Provision	Compliance	Comment
		See further details in the 'Discussion' section below.
5.21 Flood planning	Yes	The site is not identified as being subject to flooding.

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 4 Design excellence		
6.21 Design excellence	Yes	<p>The proposed development is of a high standard and uses materials and detailing which are compatible with the existing parish building and will contribute positively to the character of the area. The third storey additions feature a warm colour and the northern dormer windows feature a multi-paned design in keeping with the visual appearance of the existing building.</p> <p>The alterations and additions, including the proposed roof addition, are integrated into the form and detailing of the existing parish building.</p> <p>The proposal has been designed around the constraints of the existing building, and provides a high level of internal amenity for the co-living occupants to adequately compensate for the reduced quantity of the proposed outdoor common areas.</p> <p>The development achieves the principle of ecologically sustainable development and has an acceptable environmental impact with regard to the amenity of the surrounding area and future occupants.</p> <p>The proposed roof addition does not result in any unreasonable overshadowing or visual privacy impacts to neighbouring properties.</p> <p>The development satisfies the requirements of this provision.</p>

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development		
Other land uses	Yes	<p>The SLEP 2012 does not contain a maximum or minimum car parking rates for co-living use.</p> <p>The proposed development does not include any car spaces dedicated to the co-living use and retains 10 spaces within the car park which are required to be dedicated to the child care centre.</p> <p>A maximum of 8 car spaces can be dedicated to the ground floor community hall, as it is ancillary to a place of public worship. The proposal removes 4 existing car spaces for community hall, resulting in no car spaces for the community hall.</p>
Division 3 Affordable housing		
7.13 Contribution for affordable housing	Yes	<p>The site is identified as being on 'residual lands' under this clause.</p> <p>Clause 7.13(1)(c) of the LEP advises that where there is a change of use of existing floor area from other than residential accommodation to residential accommodation, a contribution is required to be made for the purpose of affordable housing.</p> <p>In this instance the proposal includes a change of use of level 1 of the existing building from offices ancillary to a place of public worship, to co-living, which is defined as type of residential accommodation under the LEP. As such, a contribution is required under this clause.</p>
Division 4 Miscellaneous		
7.14 Acid Sulfate Soils	Yes	<p>The site is located on land with class 5 Acid Sulfate Soils. The application does not propose works requiring the preparation of an Acid Sulfate Soils Management Plan.</p>

Development Control Plans

Sydney Development Control Plan 2012

40. 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

41. The site is located within the Hereford locality. The proposed development is in keeping with the unique character and the design principles of the Hereford locality. The proposal responds appropriately to the existing contributory building within the heritage conservation area. The roof additions and dormers are sited so that they are recessive elements within the roof form, and the majority of the perceived bulk is not directly visible from the public domain. The additions do not obstruct any east-west street views, or obstruct the visibility of the spires of St James Church.

Section 3 – General Provisions

Provision	Compliance	Comment
3.2. Defining the Public Domain	Yes	<p>The proposal will contribute to the activity, safety, amenity, and quality of the street and will not result in any adverse impacts to the public domain.</p> <p>The proposal provides legible and accessible entry to the ground floor to both the Woolley Street frontage and St James Lane/carpark frontage.</p>
3.5 Urban Ecology	Yes	<p>The proposed development does not involve the removal of any trees and will not have an adverse impact on the local urban ecology.</p> <p>The proposal was referred to Council's Tree Management unit who recommend appropriate tree protection conditions, as well as a condition requiring the submission of an arborist report to protect the neighbouring trees within the rear yards to the adjoining properties fronting Bridge Road.</p> <p>The proposal also includes new tree planting in order to achieve a canopy coverage of 15% of the site within 10 years.</p>
3.6 Ecologically Sustainable Development	Yes	The proposal satisfies BASIX and environmental requirements.
3.7 Water and Flood Management	Yes	The site is not identified as being on flood prone land.

Provision	Compliance	Comment
3.8 Subdivision, Strata Subdivision and Consolidation	Yes	<p>The proposal does not include subdivision.</p> <p>A condition confirming that the co-living housing cannot be subdivided is recommended.</p>
3.9 Heritage	Yes	<p>The site is located within the Hereford and Forest Lodge heritage conservation area (C33). The building is identified as a contributing building.</p> <p>Refer to Cl 5.10 of the LEP 2012, and "discussion" section.</p>
3.10 Significant Architectural Building Types	Yes	<p>The subject building is a community parish building that is older than 50 years.</p> <p>The proposed alterations and additions are sympathetic to the existing fabric and design of the building. The proposal will retain the external detailing and features of the building, with the new additions at roof level designed to relate appropriately to the contributory nature of the parish hall.</p> <p>The refurbishment of the ground floor retains the community hall use, with the new co-living development being located at the upper levels.</p>
3.11 Transport and Parking	Partial compliance	<p>The DCP requires 13 bike spaces for residents and 2 bike spaces (rounded up from 1.3) for visitors, for a total of 15 bike spaces relating to the co-living use.</p> <p>The proposal provides a total of 14 bike spaces located within the outdoor common area within southern setback, and accessible through the car park to St James Lane. A condition is recommended for 15 bike spaces to be provided.</p> <p>It is noted that 7 bike spaces (visitors) are required for the ground floor community hall (place of public worship) based on 1 space per 40 sqm. No bike spaces are proposed for the community hall.</p> <p>It is also noted that the proposal removes the 4 existing car spaces dedicated to the parish hall.</p>

Provision	Compliance	Comment
		<p>The proposal also provides a total of three motorcycle parking spaces, noting that as no car spaces are proposed, no motorcycle spaces are required under Schedule 7.8.4 of the DCP.</p> <p>The ground floor community hall is existing and the proposal is not adding any additional GFA to the community hall/place of public worship use. It is considered acceptable in this instance that no bike spaces are provided, and 4 existing car spaces are removed, given that the site is in an accessible location, within 100m of bus stops along Glebe Point Road to the west, and that the proposal provides 3 motorcycle spaces in excess of the controls.</p>
3.12 Accessible Design	Yes	<p>The proposal incorporates accessibility requirements into the design. The entrance to the co-living portion of the development is accessible via the St James Lane carpark, and the entrance to the community hall via Woolley Street will be upgraded to include a platform lift to the main entrance.</p> <p>The refurbishment of the ground floor community hall includes new accessible toilets. Access to the upper level co-living rooms and communal areas, is provided via an accessible lift.</p>
3.14 Waste	Yes	<p>The proposal includes waste storage areas on the ground floor. The co-living and parish hall waste bins are to be located along the southern boundary wall, and moved towards the entrance of the parking lot to be collected via St James Lane.</p> <p>The childcare centre waste bins are to be relocated adjacent to the co-living and parish hall bins so that all the waste bins are located next to each other. The location of the bins are within close proximity to the collection point and have a unobstructed and level path of travel.</p> <p>It is noted that the proposed location of the childcare centre bins conflicts with the approved location of bike spaces for the childcare centre under D/2006/1792/B. A condition is recommended for the</p>

Provision	Compliance	Comment
		<p>approved bike parking spaces for the child care centre to be relocated prior to a construction certificate.</p> <p>Conditions are also recommended for the commercial waste to be collected by a private contractor, and for the co-living domestic waste to be collected by Council, as specified in the approved Waste Management Plan.</p> <p>A condition is also recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.</p>
<p>3.16 Signage and Advertising</p> <p>3.16.1 Signage Strategy</p>	Yes	<p>The DCP requires a signage strategy to be submitted for all signage applications within heritage conservation areas.</p> <p>In this instance, a signage strategy is not required as the proposal only includes one sign, and the proposed building identification signage is relatively minor.</p>
<p>3.16.3 General requirements for signage</p>	Yes	<p>The proposed signage will not detract from the heritage qualities of the parish building or the heritage conservation area, and will only be visible from the secondary street frontage along St James Lane.</p> <p>A condition is recommended for the fixings of the signage to be within the mortar joints and non-corrosive.</p>
<p>3.16.4 Illuminated signage</p>	Yes	<p>Within heritage conservation areas, externally illuminated signage is only permitted where "the design of the signage achieves a high degree of compatibility with the heritage significance of the conservation area or item".</p> <p>The proposed building identification sign is located at the St James Lane entrance of the building, and is compatible with the existing parish building.</p>

Provision	Compliance	Comment
		A condition of consent is recommended for the signage to not be internally illuminated and for details of external lighting to be approved by Council prior to a Construction Certificate.
3.16.5 Building identification signage	Yes	The signage is located adjacent to the main entrance of the co-living portion of the building fronting St James Lane, and is considered appropriate within the context of the existing building subject to conditions.
3.16.11 Signage related to heritage items and conservation areas	Yes	The proposed building identification signage is appropriately located at ground level adjacent to the co-living entrance to the building on the east elevation, and is compatible with heritage values of the existing building subject to appropriate conditions as discussed above.

Section 4 – Development Types

4.2 Residential Flat, Commercial and Mixed Use Developments

Provision	Compliance	Comment
4.2.1 Building height		
4.2.1.1 Height in storeys and street frontage height in storeys	No	<p>The site is permitted a maximum building height of two storeys.</p> <p>The proposed development is three storeys in height and does not comply with the building height in storeys control.</p> <p>The proposed third storey is largely contained within the existing building envelope, with dormer windows and roof extensions to the north and south side elevations. The roof additions for the third storey have been designed to be recessive and have limited visibility from the public domain, with only side views of the dormer windows from Wooley Street. The additions are appropriately detailed and proportioned to relate to the existing parish building and retain the</p>

Provision	Compliance	Comment
		<p>relationship with the existing contributory building within the heritage conservation area and the street.</p> <p>The additional bulk and scale as a result of the third storey does not result in any unreasonable amenity impacts to neighbouring properties and is therefore considered acceptable within the context of the subject site.</p> <p>See further details and assessment of Cl 4.6 variation to the LEP building height control in the 'Discussion' section below.</p>
4.2.1.2 Floor to ceiling heights and floor to floor heights	Partial compliance	<p>The proposed development retains the existing floor to ceiling heights of 4.3m for the ground floor community hall, and 2.7m for the first floor co-living use. The proposed second floor has a floor to ceiling height of 2.4m for co-living use.</p> <p>Although the DCP stipulates a 2.7m floor to ceiling height for habitable rooms within a mixed-use development, the second floor 2.4m floor to ceiling height is considered acceptable, given that it complies with the BCA, and any increase in height to the new roof will add to the additional bulk and scale above the 9m height control.</p>
4.2.2 Building setbacks	Yes	No changes are proposed to the existing building setbacks.
4.2.3 Amenity		
4.2.3.1 Solar access	Yes	<p>The submitted shadow diagrams indicate that the new roof extension on the southern portion of the building will result in additional overshadowing to the private open space and rear living room glazing of the neighbouring terraces to the south at No.167-171, between 9am to 3pm mid-winter.</p> <p>The proposal creates additional overshadowing to the rear yard of No.171 between 10am to 1pm during mid-winter.</p>

Provision	Compliance	Comment
		<p>The submitted shadow diagrams indicate that No.171 retains direct sunlight to at least 8 sqm of the rear yard for 2hrs between 1pm and 3pm mid-winter in accordance with the controls.</p> <p>The submitted shadow diagrams and elevational shadow diagrams indicate that the additional shadows from the proposal fall over the rear living room roof and glazing of No.169. The living room glazing is impacted by additional shadows at 11am mid-winter, however the rear glazing maintains solar access to at least 1 sqm of glazing for at least 2hrs between 9am-10am, and between 2pm to 3pm mid-winter.</p> <p>While the proposal generates additional shadows to the rear yard of No.167 between 12pm and 2pm mid-winter, No.167 retains solar access to at least 8 sqm of the rear yard between 9am and 12pm mid-winter, in accordance with the controls.</p> <p>While it is noted that the amended shadow diagrams (Rev D) dated 6/10/2022, do not accurately represent the extent of shadows from the boundary fences of the terrace properties, the diagrams are sufficiently detailed to allow an educated estimate of projected shadows from the boundary fences, and demonstrate that the proposal complies with the DCP solar access provisions regardless.</p>
4.2.3.5 Landscaping	Yes	<p>Amended Landscape plans have been submitted and include details of planting locations and species in the outdoor common areas within the southern setback, and adjacent to the main entrance from Woolley Street, as well as planting to the roof terrace.</p> <p>The landscape plans were reviewed by Council's Landscape Architect who</p>

Provision	Compliance	Comment
		advised that the amended landscape plans were sufficiently detailed in regard to plant species and adequate soil depths. It is therefore recommended that the landscape plans be included as part of the approved set of drawings.
4.2.3.6 Deep Soil	Yes	<p>The DCP requires 10% of the site area to be dedicated to deep soil, as well as the deep soil area to be consolidated with a minimum dimension of 10m for sites greater than 1,000 sqm.</p> <p>Although the overall site area is greater than 1,000 sqm, the site area for the purpose of deep soil for the proposal is limited to the area immediately surrounding the parish building (720 sqm). The existing child care centre within the south-western portion of the site has its own deep soil areas, and is not part of this development application.</p> <p>The proposal includes approximately 114 sqm (15.8 % of project site) of deep soil area for planting and drainage within the common outdoor area and along the perimeter of the main entrance area to the hall. The majority of the deep soil areas are consolidated within the south-west portion of the site and meet the objectives of the controls.</p>
4.2.3.10 Outlook	Yes	The additional bulk from the new dormer windows and roof extensions do not obstruct any views or outlook from nearby residential properties.
4.2.3.11 Acoustic privacy	Yes	An Acoustic Report prepared by White Noise Acoustics, dated 9/11/2020 has been submitted to address potential noise impacts to neighbouring residential properties as a result of the co-living use and mechanical plant. The acoustic identifies the nearest residential receivers as the terraces to the south at No.167-171 Bridge Road.

Provision	Compliance	Comment
		<p>The acoustic report includes recommendations to achieve compliance with the noise criteria outlined in Section 4.2.3.11 of the DCP, as well as the NSW Environmental Protection Authority (EPA) Noise Policy for Industry (NPfI). These recommendations include:</p> <ul style="list-style-type: none"> • Suitable acoustic treatment for all future plant equipment, details of which to be provided prior to a Construction Certificate. • Acoustic treatment to ground floor windows associated with function hall use, and • No playing of live or amplified music in any outdoor areas. <p>The acoustic report has been peer reviewed by Council's Health and Building unit, who recommend appropriate conditions of consent, including standard conditions to comply with Council's noise criteria, compliance with the acoustic report (including submission of a written Acoustic Verification Report to the satisfaction of the principal certifier prior to an occupation certificate), and no speaker or amplified music to be played in any outdoor area.</p> <p>It is also noted that the submitted Plan of Management specifies that the common indoor and outdoor areas are only to be used from 7am to 10pm. Given that the acoustic report does not address appropriate hours to restrict the use of the outdoor common areas, a condition of consent is recommended to restrict the use of the common outdoor areas from 7am to 8pm.</p> <p>Subject to relevant conditions, the proposal is not considered to result in any unreasonable acoustic privacy impacts.</p>

Provision	Compliance	Comment
4.2.6 Waste and recycling Management	Yes	<p>Refer to comments under Section 3.14 of the DCP compliance table above.</p> <p>A condition has been recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.</p>
4.2.7 Heating and cooling infrastructure	Yes	<p>The mechanical plant equipment is located along the southern side of the parish building adjacent to the southern common outdoor area.</p> <p>Conditions are recommended for details of the acoustic screening to be provided at a scale of 1:50, and for the plant equipment and associated screening to not exceed the height of the adjacent window sills of the building or adjacent fences.</p>

4.4 Other Development Types and Uses

4.4.1 Boarding houses and student accommodation

Provision	Compliance	Comment
4.4.1.1 Subdivision	Yes	A condition confirming that the co-living housing cannot be subdivided is recommended.
4.4.1.2 Bedrooms	Yes	<p>All bedrooms meet the minimum and maximum size requirements of Cl 69(1) of the Housing SEPP. Each private bedroom contains an ensuite of at least 3 sqm which includes adequate shower and bathroom facilities, as well as kitchenettes.</p> <p>Each bedroom has adequate access to natural light and ventilation from at least one window.</p>
4.4.1.3 Communal kitchen areas	Yes	A communal kitchen and dining area of approximately 20 sqm is provided on level 2, adjoining the communal living area and roof terrace.
4.4.1.4 Communal living areas and open space	Yes	The proposal includes communal living areas on levels 1 and 2, and common

Provision	Compliance	Comment
		<p>outdoor areas at ground floor within the southern setback of the building, and a roof terrace adjacent to the level 2 communal living area, in accordance with provisions of the Housing SEPP.</p> <p>Refer to "discussion" section for assessment of the amenity of the common indoor and outdoor areas.</p>
4.4.1.5 Bathroom, laundry and drying facilities	Yes	<p>Each private bedroom contains an ensuite with adequate toilet and shower facilities. Additional toilet facilities are located on the ground floor associated with the community hall use.</p> <p>Communal laundry facilities are located on level 1. A communal clothes drying area is located within the ground level common outdoor area. It is noted that the clothes drying area being located within the southern setback of the building will receive little direct solar access.</p> <p>Refer to "discussion" section for additional details of outdoor amenity.</p>
4.4.1.6 Amenity, safety and privacy	Yes	<p>Communal spaces and facilities are appropriately located to be accessible by all residents.</p> <p>The main entrance to the co-living portion of the building is located adjacent to the existing parking lot via St James Lane, and is separate from the main entrance to the community hall via Woolley Street, on the opposite end of the building.</p> <p>The amended proposal has reduced the depth of the first floor balconies (to 500mm) and incorporated vertical batten balustrades to mitigate potential visual privacy and overlooking impacts to the rear yards and openings of the terraces to the south. The first floor balconies are essentially designed as Juliette balconies that prevent gatherings or any seating. The second floor windows on the southern elevation are modestly proportioned with a sill height of 1m above FFL, and are not anticipated to result in unreasonable overlooking</p>

Provision	Compliance	Comment
		<p>impacts to the rear yards of the neighbouring terraces.</p> <p>1:25 scale plans and elevations of the balcony balustrades have been submitted which indicate that the vertical slats are appropriately angled and separated to effectively mitigate visual privacy impacts.</p> <p>The roof terrace on level 2 is orientated to the east, and direct overlooking to the south will be mitigated by the 1.1m high screening and parapet. Views to the south will also be obstructed by the edge of the building, given that the roof terrace is further east than the southern terraces, and is not directly aligned to allow for unobstructed direct views to the terraces.</p> <p>Refer to Section 4.2.3.11 above for discussion of acoustic privacy and noise impacts.</p>
4.4.1.7 Plan of Management	Yes	<p>A Plan of Management has been submitted as part of the co-living proposal.</p> <p>The Plan of Management includes details of the following:</p> <ul style="list-style-type: none"> • Responsibilities and duties of the Property Manager. • Requirements for on-going maintenance and cleaning of common areas and private bedrooms (including pest control). • Fire Safety and emergency procedures and contacts. • Details of conflict resolution, including an incidents register and handling of complaints (both internal and external). • Code of conduct and house rules for residents, including measures to mitigate potential amenity impacts to neighbouring properties (including management of alcohol,

Provision	Compliance	Comment
		<p>use of common areas, and security measures).</p> <p>A condition is recommended for the co-living use to be managed in accordance with the submitted plan of management.</p>

Discussion

Clause 4.6 Request to Vary a Development Standard - Building Height

- 42. The site is subject to a maximum height control of 9m.
- 43. The proposed development includes additions to the roof of the building with side dormer windows and roof extensions that exceed the height control, creating a third storey, with a maximum height of 12.4m above existing ground level, resulting in a variation of 3.4m or 37.7 per cent from the development standard. The additions are below the ridge line of the existing roof.

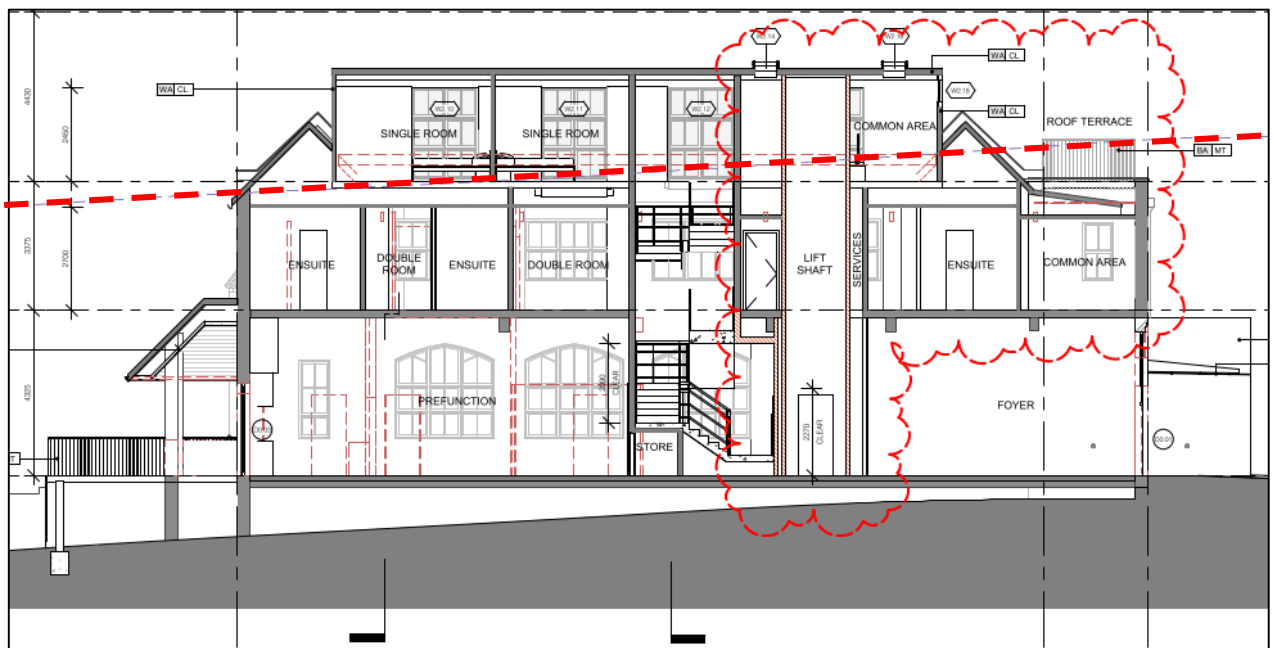


Figure 28: Long section showing the 9m height control dashed

- 44. A written request has been submitted to Council in accordance with Clause 4.6(3)(a) and (b) of the Sydney LEP 2012 seeking to justify the contravention of the development standard by demonstrating:
 - That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case;

- That there are sufficient environmental planning grounds to justify contravening the standard;
- That proposed development will be consistent with the objectives of the zone; and
- The proposed development will be consistent with the objectives of the standard.

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

45. The applicant seeks to justify the contravention of the building height development standard on the following basis:

- That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) The building height is appropriate for the site given the height of the existing building on the land and the recessed nature of the additions that seek to 'hide' the additional bulk and scale through the boxing out of the roof form and maintaining this below the existing ridge height of the building
 - (ii) The development does not increase the bulk and scale of the existing building in any meaningful way as the additions are recessed and below the height of the existing building and the additions are visually recessive
 - (iii) The proposal has been carefully designed to respect the character of the site and locality in the context of the heritage conservation area with careful design given to the treatment of the additions
 - (iv) The proposed works do not result in a reduction of views from either the public domain or nearby private properties
 - (v) The proposal will not result in any additional unacceptable overshadowing impacts to adjoining properties
 - (vi) The proposed variation will not lead to a reduction in privacy afforded to surrounding properties or future residents of the proposal
- That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) The existing building breaches the height limit and the additional height is not greater than the existing maximum building height and the additional height proposed is visually recessive and informed by a detailed consideration of the site context within the heritage conservation area.
 - (ii) The height breach does not result in any unacceptable overshadowing, visual privacy or view-loss which is afforded by the careful design and consideration of the surrounding context and the fact that the maximum height of the overall building is not increased
 - (iii) The proposal facilitates a co-living housing outcome with good amenity for the upper level rooms given the expanded design that alters the roof form above the height control.

- (iv) The variation to the maximum building height standard enables the 'objects' of the EP&A Act to be achieved, specifically "(c) to promote the orderly and economic use and development of land, (d) to promote the delivery and maintenance of affordable housing,"
- (v) The absence of adverse environmental, social or economic impacts.
- The proposed development will be consistent with the objectives of the zone;
 - (i) The proposal is consistent with the objectives of the zone, providing for increased housing supply of affordable housing and contributes to a variety of housing types and densities
 - (ii) Further the proposal maintains and enhances the use of the parish hall
- The proposed development will be consistent with the objectives of the standard
 - (i) The building height is appropriate for the site given the height of the existing building on the land
 - (ii) The development does not increase the bulk and scale of the existing building in any meaningful way as the additions are recessed and below the height of the existing building and the additions are visually recessive
 - (iii) The proposal has been carefully designed to respect the character of the site and locality in the context of the heritage conservation area
 - (iv) The proposal has no impact on view sharing

Consideration of Applicant's Written Request - Clause 4.6(4) (a) (i) and (ii)

46. Development consent must not be granted unless the consent authority is satisfied that:
- 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
 - 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)?

47. The applicant's written request has adequately addressed Clause 4.6(3) in that compliance with the building height development standard is unreasonable and unnecessary in the circumstances of this case, and that there are sufficient environmental planning grounds to justify contravening the standard.
- The request demonstrates the objectives of the development standard are achieved notwithstanding non-compliance with the standard; and

- It has been established that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable

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

48. The applicant has demonstrated that there are sufficient environmental planning grounds for justifying the standard in that the extent of the proposed dormers and roof additions are recessive and sympathetic to the heritage qualities of the existing building, do not increase the overall height of the existing building and do not result in any unreasonable amenity impacts to neighbouring properties or adverse heritage impacts to the existing parish building.

Is the development in the public interest?

49. Pursuant to Clause 4.6 (4) (a) (ii), the proposed development is in the public interest because it is consistent with both the objectives of the height standard and the objectives for development within the R1 – General Residential zone, in that:
- The objectives of the development standard (CI 4.3) are achieved notwithstanding the non-compliance as the roof additions are visually recessive in design, being below the ridge height of the existing building and do not extend beyond the existing parapets, and therefore do not increase the overall height of the building.
 - The roof additions will have limited visibility from the public domain. The dormers on the northern elevation will mainly be visible from the side looking east from Woolley Street directly opposite the subject site, as the church building on the northern side St James Lane will prevent direct views of the northern dormer windows. Given the narrowness of St James Lane, the full scale of the dormers will not be perceived when viewed from the laneway looking directly south.
 - The second floor dormer windows and roof addition have been designed to be sympathetic to, and integrate into the design and detailing of the existing building. Specifically, the design of the dormer windows on the northern elevation are of a size and proportion that are appropriate to the contributory nature of the existing building, and utilise a multi-paned design to relate better to the existing windows on the levels below.
 - The dormer windows which breach the height control are not considered to result in unreasonable visual privacy impacts, as the northern windows directly face the southern side elevation of St James Church, and the southern windows are modestly proportioned with 1.1m sill heights above FFL.
 - The additional bulk of the dormer windows on the southern elevation does not result in unreasonable overshadowing impacts to the neighbouring terraces to the south as discussed elsewhere in this report.
 - The proposal is in keeping with the objectives of the R1 General Residential zone as it will provide affordable residential uses on the site and meet the housing needs of the community and day to day needs of future residents.
 - The proposal is of an appropriate bulk and scale for the site, and is within the permitted FSR for the site (excluding an additional 10 per cent bonus to FSR for co-living).

- The dormer windows and roof additions will have limited visibility from the public domain, and reflect the character of the existing contributory building.

Conclusion

50. For the reasons provided above the requested variation to the building height 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 the height of buildings development standard and the R1 General Residential zone.

Clause 4.6 Request to Vary a Development Standard - Communal Open Space

51. The development is required to provide a total area of 20 per cent of the site (144 sqm) based on a site area of 720sqm, with a minimum dimension of 3m under Cl 68 (2)(d) of the State Environmental Planning Policy (Housing) 2021. The proposal provides 90 sqm of communal open space on the southern side of the building, and 26 sqm communal roof terrace, for a total of 116 sqm (or 16 per cent) of communal open space, which is a shortfall of 19.4 per cent.

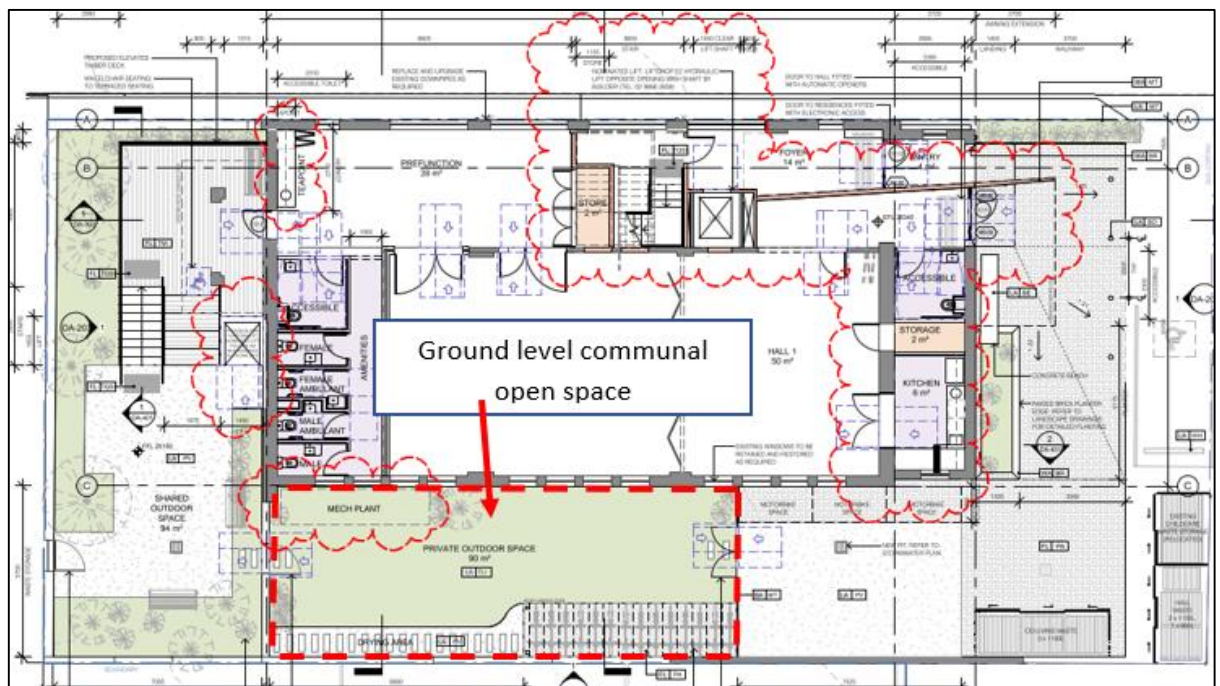


Figure 29: Ground floor plan showing communal open space area

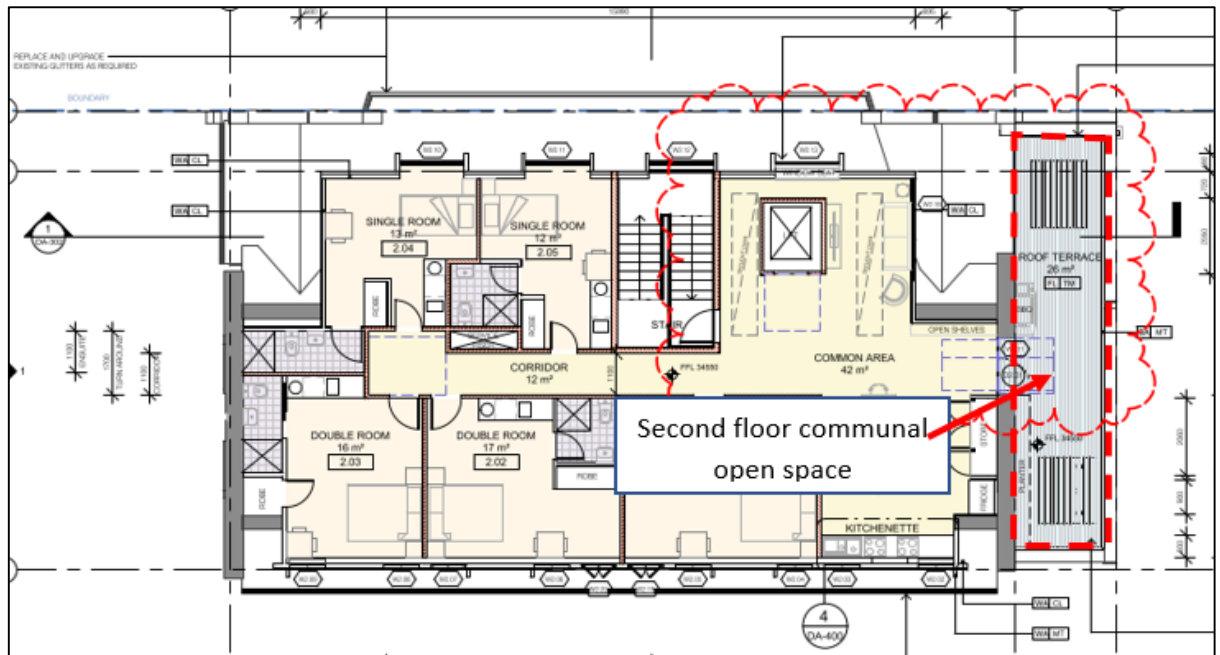


Figure 30: Second floor plan showing communal open space area

52. A written request has been submitted to Council in accordance with Clause 4.6(3)(a) and (b) of the Sydney LEP 2012 seeking to justify the contravention of the development standard by demonstrating:
- That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case;
 - That there are sufficient environmental planning grounds to justify contravening the standard;
 - The proposed development will be consistent with the objectives of the zone; and
 - The proposed development will be consistent with the objectives of the standard.

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

53. The applicant seeks to justify the contravention of the communal open space development standard on the following basis:
- That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) The site contains a building of heritage significance and hence there is limited ability to 'retrofit' the building to contain a greater terrace at the upper level to achieve strict compliance.
 - (ii) The proposal is limited to the confines of this part of the site hence there is no ability to provide greater areas for communal open space without taking away further area from the church hall shared area fronting Woolley Street

- (iii) The width of the roof terrace at 2.33m is functional and useable as a common area as designed and it cannot be physically increased given the building is existing and the location of existing walls that must be retained
- That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) There is more than the minimum communal internal rooms which offsets the minor departure (noting 29 per cent more indoor areas than the minimum).
 - (ii) Given the co-living is on Level 1 and 2 indoor areas are more important than outdoor areas so an oversizing of communal indoor rooms offsets the reduced communal outdoor areas
 - (iii) The extent of communal open space areas is sufficient for a co-living development of 13 rooms on a site with multiple uses. The 116sqm provided equates to approximately 9sqm of communal open space per room which is considered sufficient for the future residents
 - (iv) The variation to the communal open space standard enables the 'objects' of the EP&A Act to be achieved, specifically: (c) to promote the orderly and economic use and development of land, (d) to promote the delivery and maintenance of affordable housing,"

Consideration of Applicant's Written Request - Clause 4.6(4) (a) (i) and (ii)

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

- 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
- 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)?

55. The applicant's written request has adequately addressed Clause 4.6(3) in that compliance with the development standard is unreasonable and unnecessary in the circumstances of this case. Primarily, the written statement justifies that the objectives of the development standard are achieved notwithstanding non-compliance with the standard. Whilst there are no aims or objectives provided for Clause 68(2)(d) of SEPP (Housing) 2021, it is likely that the requirement for communal open space is intended to ensure that residents have access to sufficient private outdoor amenity and facilities. It is considered in this instance that given the constraints of the site and existing built form and uses (being the parish building, car park and child care development), that strict compliance with the communal open space development standard is unreasonable and unnecessary.

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

56. The applicant has demonstrated that there are sufficient environmental planning grounds for justifying the standard. Although non-compliant with the communal open space development standard, the proposal provides communal living areas in excess of the requirements of the SEPP (Housing) 2021 (by 13 sqm), which is considered to offset the deficiency in communal outdoor space.

Is the development in the public interest?

57. The Principles of the SEPP (Housing) 2021 are:

- (a) enabling the development of diverse housing types, including purpose-built rental housing,
- (b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,
- (c) ensuring new housing development provides residents with a reasonable level of amenity,
- (d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,
- (e) minimising adverse climate and environmental impacts of new housing development,
- (f) reinforcing the importance of designing housing in a way that reflects and enhances its locality,
- (g) supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,
- (h) mitigating the loss of existing affordable rental housing.

58. The proposal is consistent with the relevant principles of the SEPP (Housing) 2021 in that it achieves the provision of a new housing type (co-living) that is suitable to the subject site, that will provide future occupants with a reasonable level of amenity, that is within an accessible location within close proximity to infrastructure and services to meet the needs of future occupants.

59. The proposal is also consistent with the objectives for development within the R1 – General Residential zone, in that it will provide co-living accommodation which will provide for the housing needs of the community within an accessible location to meet the day to day needs of residents.

Conclusion

60. The applicant has adequately addressed that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case. For the reasons provided above the requested variation to the communal open space development standard is supported as the applicant's written request has adequately addressed the matters required to be addressed by Clause 4.6 of the Sydney LEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of the SEPP (Housing) 2021 and the R1 - General Residential zone.

Height in Storeys - Roof additions and dormer windows

61. The site is subject to a 9m height control under CI 4.3 of the Sydney LEP 2012, and a two storey height control under Section 4.1.1 of the Sydney DCP 2012. The proposal includes roof addition and dormer windows to the northern and southern elevations which have a maximum height of 12.4m and facilitate a third storey for the purpose of co-living.
62. An analysis of the existing building within the context of the streetscape, indicates that the additional bulk and scale of the roof additions and dormer windows will have limited visibility from the public domain.
63. Only the side of the roof additions and dormer windows on the southern elevation will be visible from Woolley Street looking east towards the subject site. Views from further south along Woolley Street looking north will be obstructed by the canopy of the existing street tree, as well as mature trees within the rear yards of the southern neighbouring terraces, as demonstrated in the below images.

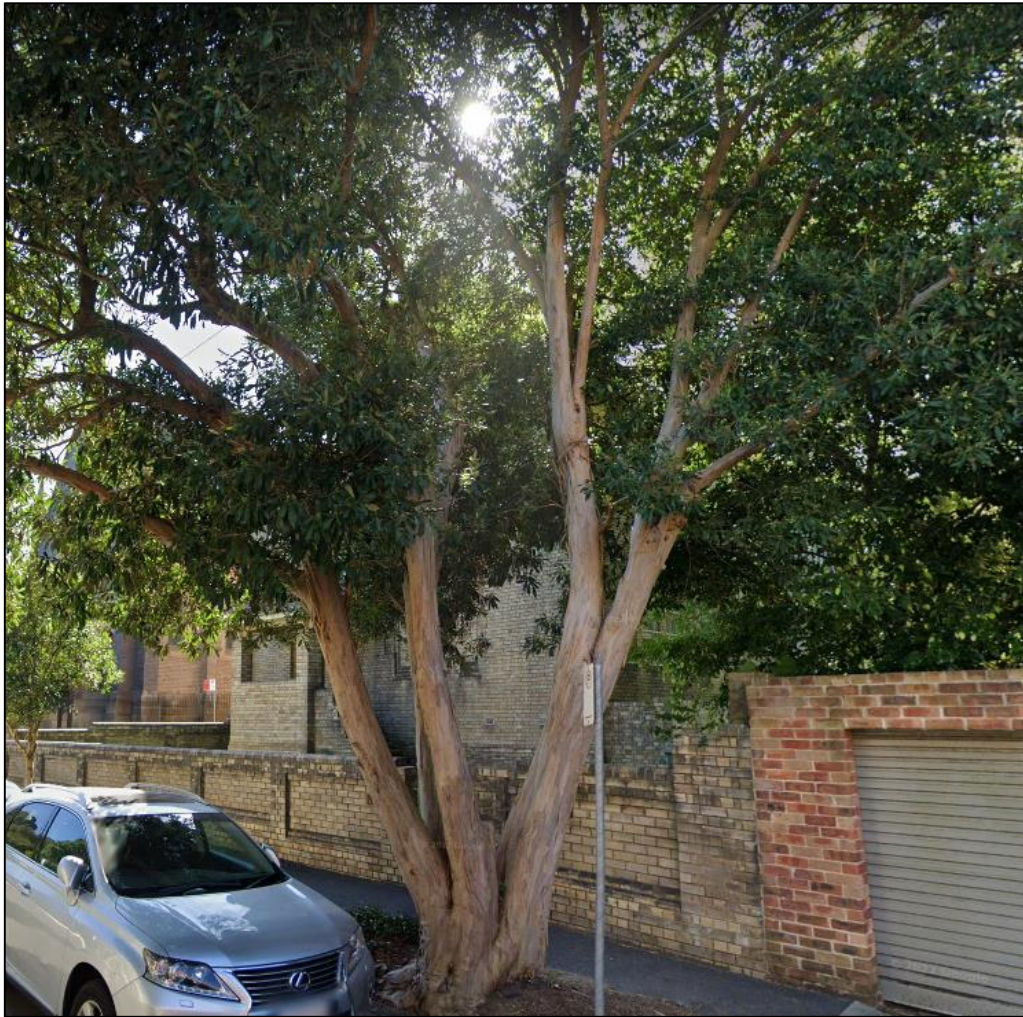


Figure 31: View from Woolley Street looking north



Figure 32: Perspective from Woolley Street showing the new additions

64. The roof additions and dormer windows on the northern elevation will have a greater visibility from the public domain, however views are mainly side views of the dormers and roof additions from Woolley Street. Given the narrow width of St James Lane, and the St James Church building on the opposite side of the laneway blocking views from the north, the dormer windows will not have direct frontal visibility that is indicated in the northern elevation. Viewing the subject building from St James Lane, the dormer windows will only be partially visible as demonstrated in the below image, given that the windows are setback from the roof edge.



Figure 33: View of existing northern elevation of parish hall from St James Lane

65. The roof additions and dormer windows will also have minimal visibility viewed from further to the east along St James Lane as demonstrated in the below image and perspective.



Figure 34: Image of the subject building viewed from St James Lane looking east



Figure 35: Perspective of the proposal viewed from St James Lane looking east

66. The below image and perspectives represent the greatest visibility of the roof additions and dormer windows viewed from the opposite side of Woolley Street adjacent to St James Park.



Figure 36: View from west side of Woolley Street



Figure 37: Amended scheme perspective

67. As demonstrated in the above images, the dormer windows and roof additions will have a lesser perceived bulk and scale when viewed from the public domain, than the architectural northern elevation indicates. The roof additions are recessive in that they are set in from the edge of the roof and do not dominate the facade. The dormer windows do not protrude above the height of the roof additions and are incorporated into the design building, in that they mimic the style of the existing windows on the levels below. The multi-paned design of the dormer windows and colour of the roof additions, also relates to the detailing of the existing building
68. The objective of Section 4.2.1.1 "Height in storeys and street frontage height in storeys" is to "Ensure the height in storeys and street frontage height in storeys reinforces the existing or future neighbourhood character". The proposed roof additions are designed to ensure that the third floor reads more as an attic addition rather than as a full storey, and the proposal maintains the existing and future neighbourhood character.
69. As addressed elsewhere in this report, the additional bulk from the roof additions do not result in unreasonable overshadow impacts to the southern neighbouring terraces, and the design of the level 1 balconies adequately addresses potential overlooking and visual privacy impacts. The proposal therefore does not result in any unreasonable amenity impacts to neighbouring properties.
70. The amended design of the roof additions and dormer windows is supported by Council's Senior Heritage Specialist, and achieve design excellence under CI 6.21(2)(d) of the Sydney LEP 2012, in that the proposal adequately addresses "(iii) any heritage issues and streetscape constraints", "(v) the bulk, massing and modulation of buildings", and "(vii) environmental impacts, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity".
71. The roof additions and dormers are therefore considered acceptable within the context of the subject site and existing building.

72. Conditions of consent are recommended for the side dormer window (W2.18) on the eastern elevation to be deleted, and for all glazing to be clear with a minimum VLT of 70 per cent to ensure all glazing is consistent with the character of the contributory building. Side windows to dormers are not considered appropriate within heritage conservation areas, and the window will have some visibility from St James Lane looking west, as shown in figure 30.

Amenity of the co-living common indoor and outdoor areas

73. Under CI 68 of the SEPP (Housing) 2021, and Section 4.4.1 of the Sydney DCP 2012, co-living developments are required to provide both indoor and outdoor communal areas for the residents. The proposal does not strictly meet the minimum communal open space numerical requirements under CI 68(2)(d) of the SEPP (Housing) 2021 at 144 sqm, as the amount of area available for common open space is constrained by the existing parish building, and the proposed primary common outdoor area within the southern setback provides limited amenity to the residents. The proposal provides for 116 sqm, resulting in a shortfall of communal outdoor area by 28sqm. A CI 4.6 written request to vary the communal open space development standard has been submitted. Refer to "discussion" section above for assessment of the CI 4.6 written request.
74. The primary communal open space on the ground level is located within the southern setback of the building, and as such, would receive very little solar access. It contains the clothes drying area and is not easily accessible from the main boarding house entrance on the east side of the building, as residents would need to walk past the outdoor car parking area and around the side of the building to access it. See below image of the proposed location of the primary communal open space.



Figure 38: location of primary outdoor communal area viewed from the carpark



Figure 39: location of primary outdoor communal area

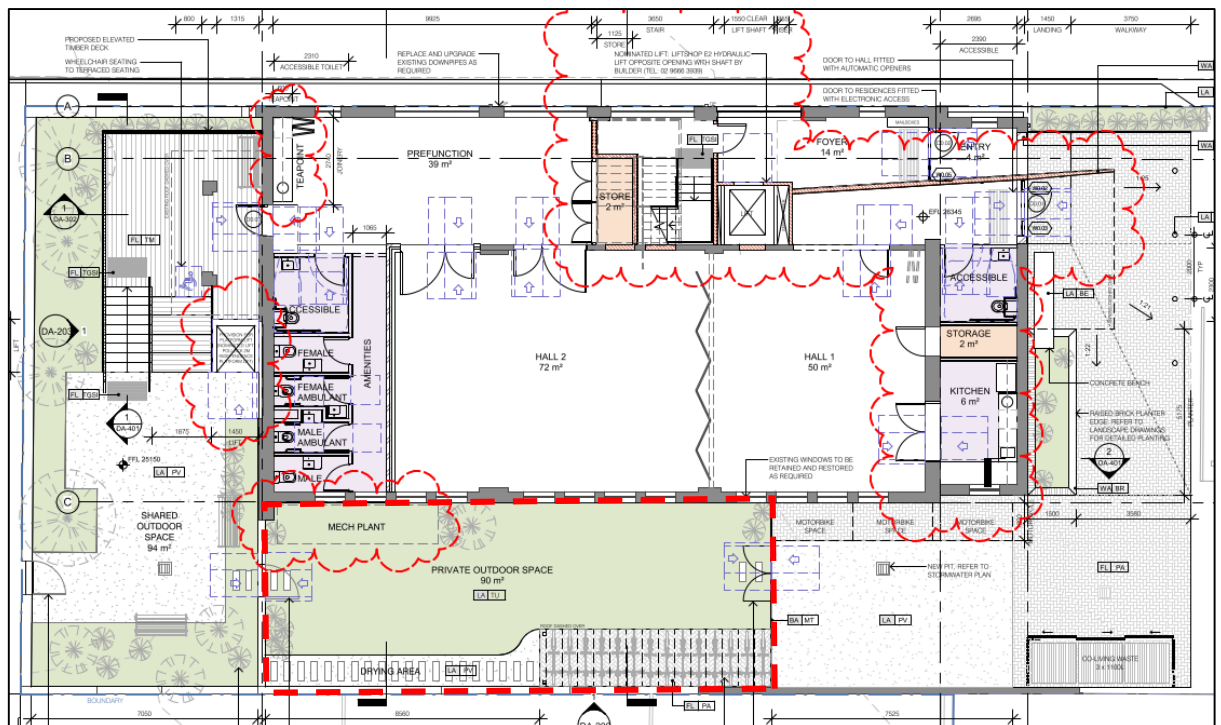


Figure 40: location of the ground level outdoor communal area shown dashed

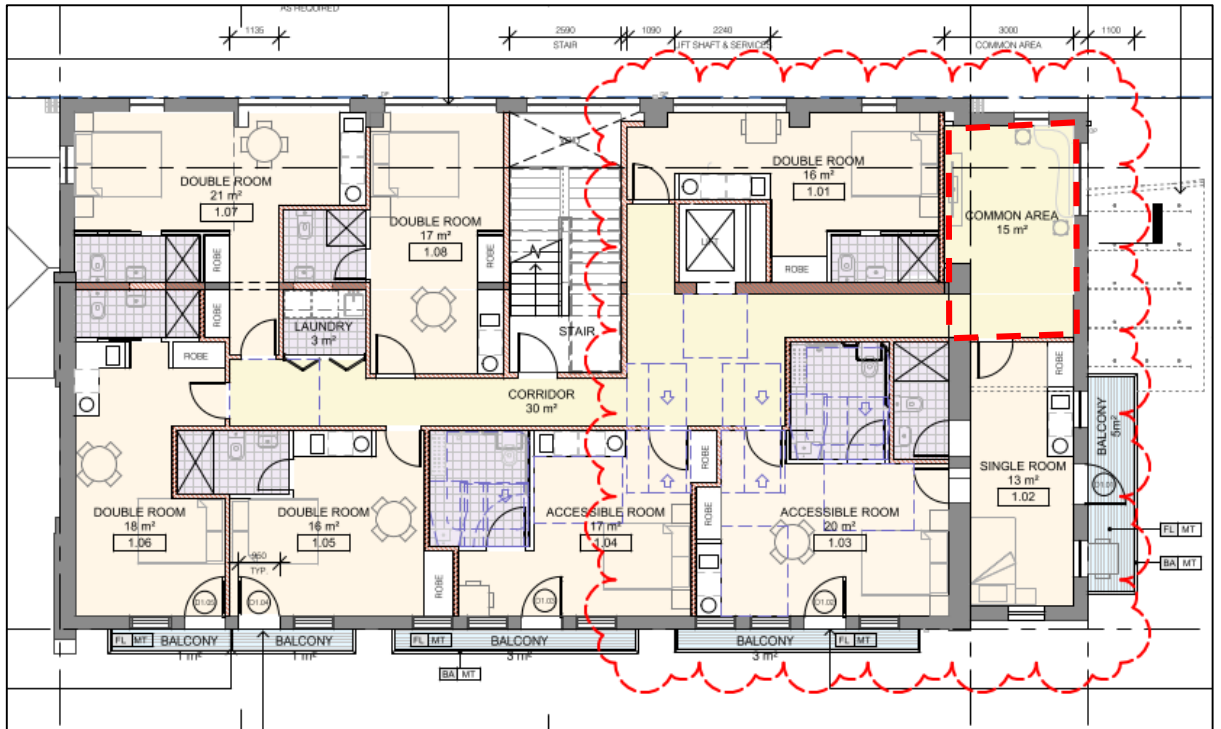


Figure 41: location of the level 1 indoor communal living area shown dashed

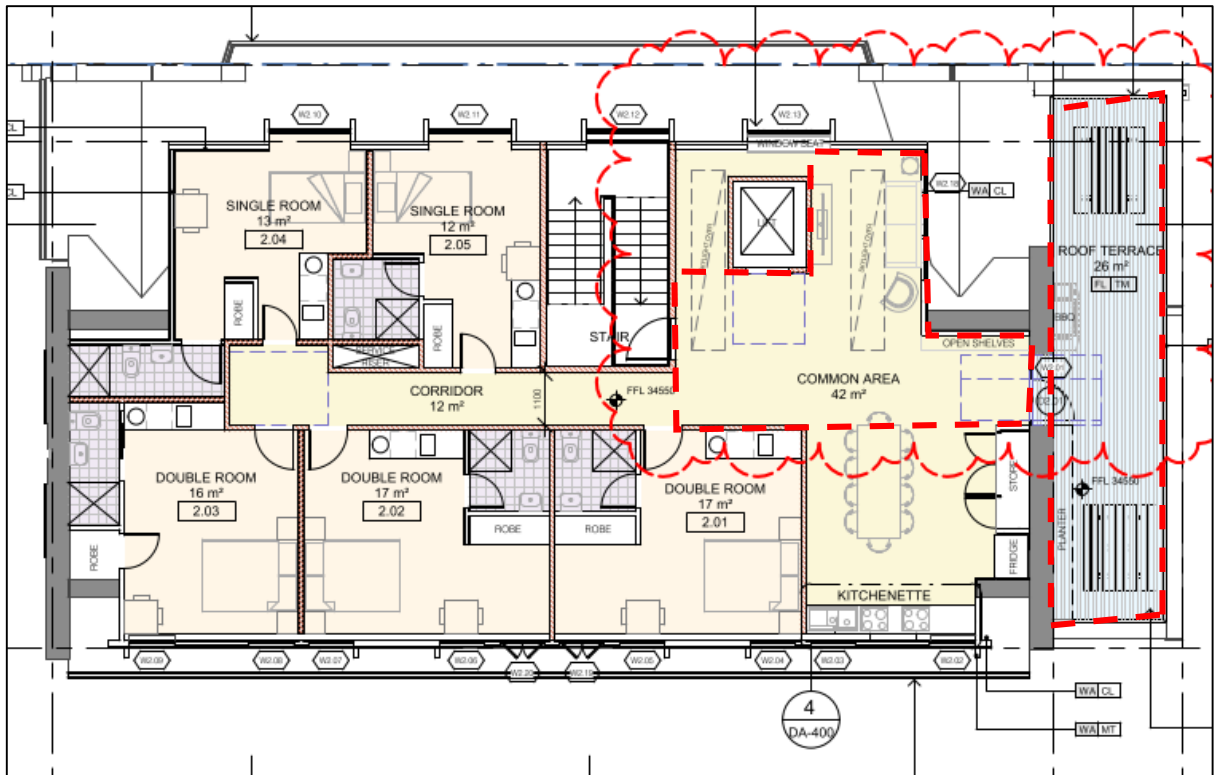


Figure 42: location of the level 2 indoor communal living area and outdoor communal open area (roof terrace) shown dashed

75. Although, the amenity of the ground level communal open space is limited by its location on the south side of the building, it is acknowledged that given the constraints of the site and existing building, there is limited opportunity for an alternate location. The area to the east of the building is occupied by an existing outdoor carpark serving both the parish hall, and the child care centre. The outdoor area to the west of the building is associated with the main entrance to the parish hall community centre, and is even further removed from the entrance to the co-living rooms, requiring residents to travel around the entire building.
76. The roof terrace on level 2 serves as a secondary common outdoor area, as it is directly accessed from the level 2 communal indoor area, and will receive improved solar access, as it is east facing. In addition, the revised scheme has included seating and a BBQ area in the roof terrace.
77. During the assessment, the applicant was advised that level 1 and 2 should be reconfigured to provide better amenity and useability to the communal indoor areas to compensate for the limited amenity to the primary common outdoor area. In response, the internal layout of level 1 was reconfigured to relocate the communal area to the north-east portion of the floor, creating 15sqm of usable area. The revised location of the level 1 common area is considered an improvement, as it will receive unobstructed natural light and ventilation.
78. The level 2 communal indoor area remains largely unchanged from the original scheme, with exception of minor adjustments to the location of the lift being slightly deeper within the building to improve the useability of the common area, while also reducing visibility of the lift shaft through the dormer window. In total, 57 sqm of communal indoor area is proposed, exceeding SEPP requirements.
79. The design changes made in the revised scheme are considered to greatly improve the amenity and useability of the indoor common areas and roof terrace to adequately compensate for lesser amenity provided by the ground level common outdoor area, and are considered an ideal design outcome given the site constraints of the existing building. A condition is recommended for the ground level common outdoor area to incorporate two fixed benches with piered footings to provide seating for residents located away from the mechanical plant and drying area.

Consultation

Internal Referrals

80. The application was discussed with Council's:
 - Building Services Unit;
 - Environmental Health Unit;
 - Heritage and Urban Design Unit;
 - Public Domain Unit;
 - Tree Management Unit; and
 - Waste Management Unit.

81. The above advised that the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the Notice of Determination.

Advertising and Notification

82. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified for a period of 14 days between 4 May 2022 and 18 May 2022. A total of 46 properties were notified and 5 submissions were received.

83. The submissions raised the following issues:

- **Issue:** The co-living housing development at the proposed height of 12.9m will significantly exceed the LEP's maximum building height limit of 9m, and result in unnecessary additional overshadowing and overlooking (privacy) impacts.

Response: The amended proposal has reduced the height of the dormer windows, so that the overall height of the new works is reduced to 12.4m. A cl 4.6 written variation to the LEP height control has been submitted, and is supported, noting that the proposal does not increase the overall height of the building, is sympathetic to the heritage characteristics and detailing of the building, and the additional bulk and scale above the height control does not result in any unreasonable overshadowing or overlooking impacts to neighbouring properties.

Refer to "discussion" section for assessment of Cl 4.6 variation and additional bulk and scale over the height control.

- **Issue:** The excessive building envelope means that the resulting built form is highly incompatible with the context of the locality and will result in unreasonable amenity impacts on the adjacent residential properties and is an overdevelopment of the site

Response: The extension of the existing building envelope is largely limited to the roof additions for the third storey. The amended design of the dormer windows and roof additions are considered recessive, in that they are setback from the edge of the roof and do not exceed the ridge height of the building. In addition, the northern dormer windows have been reduced in size and incorporate a multi-paned design, and are considered to be sympathetic to the characteristics and detailing of the existing building.

It is also noted that the proposal does not alter the building setbacks, and complies with FSR control for the site.

- **Issue:** The Housing SEPP requires at least 20per cent of the site area to be communal open spaces – with a total area of 2765sqm – the co-living housing development is required to provide 553sqm, but at only 78sqm it is grossly well short-off.

Response: Given that the portion of the site in which the co-living proposal relates to is 720 sqm, the proposal is required to provide 144 sqm of common open space for the purposes of the co-living proposal. The proposal provides a total of 116 sqm of communal open area on the ground level and roof terrace. While it is acknowledged this is a shortfall of 28 sqm, the amount of potential communal outdoor areas are constrained by the existing built form on the site, and the amended design of the proposal provides improved amenity to the indoor common areas to compensate. A CI 4.6 written request to vary the communal open space development standard has been submitted. Refer to "discussion" section for further details.

- **Issue:** The Housing SEPP requires 0.5 car parking spaces for each private room – with a total of 13 rooms (11 double rooms + 2 single rooms), 7 car parking spaces are required – the DA provides zero (0) car parking spaces.
- **Response:** CI 68(2)(e) of the Housing SEPP states that "unless a relevant planning instrument specifies a lower number - (i) for development on land in an accessible area—0.2 parking spaces for each private room, or (ii) otherwise—0.5 parking spaces for each private room".

The Sydney LEP 2012 does not have minimum car parking requirements, and therefore the proposal is not required to provide any car spaces. It is noted that the proposal provides 14 bike spaces and three motorbike spaces.

It is also noted that the deletion of the existing car spaces within the side setback do not conflict with the parking requirements of the child care centre, as the existing car park retains 10 spaces required under the previous approval for the child care centre. It is also noted that the site is within an accessible location within 200m of bus stops along Glebe Point Road to the east.

- **Issue:** No Traffic / Parking Report was submitted with the DA and little to nil meaningful assessment was made in the SoEE Report regarding the impacts to current parking situation by the highly intensive Church, Church Hall, and Childcare uses (which is already arguably near capacity).
- **Response:** Under Section 3.11.1 of the Sydney DCP 2012, the proposal does not meet the requirements for a Transport Impact Study to be required, as it does not include 25 or more dwellings and is not considered to generate significant traffic impacts.

The site is located within an accessible area close to bus stops along Glebe Point Road. Motorbike and motorcycle parking spaces are proposed to limit adverse traffic impacts. Refer to comments under Section 3.11 of the DCP compliance table above.

- **Issue:** Control 3.13.3 of SDCP 2012 requires provision of a Social Impact Assessment (SIA). The proposed development will introduce residential accommodation within the site in excess of 20 occupants. No SIA and/or Crime Prevention through Environmental Design (CPTED) assessment has been prepared to consider the safety/security impacts of the proposal, and overflow impacts to neighbours

- **Response:** Section 3.13.3 of the Sydney DCP 2012 requires a SIA to be provided for development that includes new social housing development of 20 or more units.

The proposal includes less than 20 units, and is not required to provide a SIA. It is noted that a comprehensive Plan of Management has been submitted, which outlines measures to address and manage any adverse social impacts that could arise from the operation of the co-living development.

- **Issue:** The Plans submitted indicates proposed development will cast additional shadows from at least 11am until 2pm in mid-winter over the properties north-facing private open space. Amended detailed shadow plans should clearly indicate both existing and proposed shadows cast on to the neighbouring dwellings and the room type/usage, to enable Council to fully appreciate impacts and therefore can undertake a comprehensive assessment of the application.
- **Response:** Amended shadow diagrams have been submitted which include elevational shadow diagrams of the north facing living room glazing of No.169. The amended shadow diagrams and elevations are sufficient to allow for an assessment against Council's solar access controls. Refer to Section 4.2.3.1 of the DCP compliance table in this report.
- **Issue:** The submitted Acoustic Report does not provide an assessment of the outdoor roof terrace located on the Second floor, which is likely to be a gathering point for group parties and pose a significant acoustic/visual impact as these open entertaining spaces are generally, by their nature and intended use, likely to be a significant source of noise/nuisance. Similar concerns are relevant to the "Elevated Deck" proposed for the west end of the building and the 5 balconies directly facing the southern neighbours. It is likely that these areas will be frequently used for living and entertaining given the small size of the BH rooms.
- **Response:** While the submitted acoustic report does not explicitly discuss potential noise impacts from the use of the roof terrace, a condition of consent is recommended to restrict the communal outdoor areas from being used after 8pm. The western elevated deck is unlikely to be used as a gathering area for residents, as it serves as the main entrance to the function hall, and has limited fixed seating and amenities.

In addition, Council's Environmental Health unit have reviewed the acoustic report and recommended conditions of consent for compliance with Council's noise criteria, as well as restricting speakers or noise amplification equipment in any of the outdoor areas.

- **Issue:** The compromised visual and acoustic privacy of the residents at the adjoining residences will be further exacerbated by the non-compliant building envelopes proposed (height) and architectural features i.e. the elevated deck, large south facing balconies, roof terraces, and full height windows will directly overlook into the southern neighbours (No. 167 and No. 169). Design changes that are required include reducing the size of south-facing windows, and delete balconies and roof terrace.

- **Response:** The amended proposal has deleted the level 2 southern balcony and reduced the depth of the level 1 balconies to 500mm, resulting in Juliette style balconies that improve amenity to the bedrooms rather than being functional balconies. A condition of consent is also recommended for the balustrades to be at least 60 per cent solid to void ratio, to further mitigate visual privacy impacts.

The roof terrace provides a common outdoor area for residents, which receives direct sunlight and provides a high level of amenity. The roof terrace is located on the eastern side of the building, and does not directly face the southern neighbouring terraces. Deleting the roof terrace would likely result in the intensification of the ground level southern communal outdoor area, which is much closer to the neighbouring terraces, and would likely have additional impacts to the neighbours.

Refer to DCP compliance table in this report for additional discussion of visual and acoustic impacts.

- **Issue:** The proposed alterations and additions to the roof space do not satisfy the objectives of Section 3.10.5 of the DCP, particularly Objectives 1 and 3 which mandates a sympathetic approach to the original fabric and design of the building, and the retention of that significant fabric and building elements. The proposed scale and domination of the windows within the roof facing St James Lane is in complete contrast to the precedent and sympathetic approach given to the existing Church properties at 19 and 19A Toxteth Road Glebe.

The proposed windows to the Parish Hall roof and protrusion of the windows and supporting building elements to a vertical plane away from the built roof profile completely dominate the building, impacting this St James Lane facade and compromise the particular qualities attributable to the period of the building's construction.

With this proposal, the original characteristic built form of the roof is lost, the original fabric is diminished with the proposed materials palette for the varied roof form, and there is no regard for the style and dimensions of the original windows that are integral to the original and intact principal and significant facades to the building.

- **Response:** The amended proposal has redesigned the northern dormer windows to be reduced in scale and more sympathetic to the existing building. The colour of the roof additions has also been amended to be lighter in tone to better fit the character of the existing building. The amended proposal is not considered to result in adverse impacts to the heritage qualities of the existing contributory building, and is supported by Council's Senior heritage specialist. Refer to "discussion" section for additional details.
- **Issue:** The applicant adopts two different site areas when demonstrating compliance with the FSR control of the LEP and common open space numerical requirements of the Housing SEPP. Given that the proposal is in respect of the St James Parish Hall only, and will not impact the operations of the child care facility and its dedicated car park, the pragmatic response can only be that for both calculations, the project site of 720sqm is adopted.

- **Response:** The intent of the FSR control is to restrict the density of built form across the entirety of lots. Therefore, all built form including the child care centre and the entire lot size needs to be taken into account when assessing against the FSR control. The common open space control under CI 68 of the Housing SEPP relates specifically to co-living uses. Therefore, as only part of the site is to be used for the purpose of co-living, the numerical requirements for common open space can be based on only the portion of the site which relates to the co-living proposal, and exclude the portion of the site which is dedicated to the child care centre.
- **Issue:** Due to consolidation of land holdings, the Notice of the Development Application has recorded the address as 163 Bridge Road, Glebe. Anyone living in the Woolley Street area receiving the standard letter from Council giving formal Notice of the development, would likely have ignored it on the basis that the proposal was in respect of a building physically fronting 163 Bridge Road, Glebe. The required Notice process on this occasion has not been in the public interest
- **Response:** The application has been notified in accordance with Council's Community Participation Plan 2020. The address is correct as recorded in Council's records, and is based on the property address identified in the NSW Land Registry. In addition, the notification letter clearly describes the proposed development as "Alterations and additions to a **parish building** and part change of use to a co-living development". The application was also notified on Council's website.
- **Issue:** The development application makes a pretence that the porch is being adapted but it is effectively being changed beyond recognition. Its roof is to be covered over, its timber elements either removed or concealed and most of its masonry elements destroyed. What is proposed is incongruous and will compromise the integrity of this intact facade and mar the Woolley Street elevations of the St James Group.

Disabled access at the Woolley Street end of the building should be designed in a more discreet way which retains the fabric and character of the porch. An alternative solution would be to re-open the blocked-up gate in the wall on the southern side of the principal elevation and provide disabled access in a more discreet location on the southern elevation.

- **Response:** The application was reviewed by Council's Senior Heritage Specialist who noted that the alterations to the western elevation, which include changes to the portico entry, will retain the base of the entry portico and its roof and are acceptable in principle. Having a separate disabled access to the building on the southern elevation is not considered an appropriate design solution, as this would require additional alteration to the southern façade, and would conflict with the location of the common open space area for the co-living portion of the development.

Financial Contributions

Contribution under Section 7.11 of the EP&A Act 1979

84. The development is subject to a Section 7.11 development contribution under the provisions of the City of Sydney Development Contributions Plan 2015, as it involves the part change of use from offices associated with a community hall to co-living development.
85. A condition relating to this development contribution has been included in the recommended conditions of consent in the Notice of Determination. The condition requires the contribution to be paid prior to the issue of a construction certificate.

Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

86. The site is located within the residual lands affordable housing contribution area. As the proposed development includes development on residual land that involves a change of use of existing floor area from other than residential accommodation to residential accommodation, and alterations to an existing building that will result in the creation of more than 200 sqm of gross floor area that is intended to be used for the purpose of residential accommodation, a contribution is required.
87. A Total Floor Area (TFA) of 537 sqm has been calculated by Council staff for the development based on the definition of TFA contained in Clause 7.13 of the SLEP 2012. The calculation is for the co-living accommodation only, and excludes the parish hall at ground floor, as this is an existing use.
88. It is noted that definition of TFA under Cl 7.13 (6)(e) of the Sydney LEP 2012 excludes floor area that is (ii) used to provide affordable or public housing.
89. The applicant has not provided evidence to confirm that the co-living accommodation will be used as affordable housing and therefore Section 7.13 contributions apply.
90. A condition of consent is recommended requiring payment prior to the issue of a construction certificate.

Relevant Legislation

91. Environmental Planning and Assessment Act 1979.

Conclusion

92. The application seeks approval for alterations and additions and to an existing community parish building, and part change of use of level 1, and construction of an additional level for a co-living development, including associated landscaping and provision of bike and motorcycle parking.
93. The applicant has submitted written requests pursuant to clause 4.6 of the Sydney LEP 2012 which relates to the building height development standard (clause 4.3 of the Sydney LEP 2012); and the communal open space development standard specified in the SEPP (Housing) 2021. The requests to vary these development standards are supported.

94. Additional information and amendments submitted during the assessment of the application to address a number of matters identified by Council staff. The amended scheme has reduced the size and revised the detailing of the northern dormer windows, deleted the level 2 southern balcony, reduced the depth of level 1 southern balconies, relocated all mechanical plant to the ground level and extended the length of the roof terrace, and made internal changes to level 1 and 2 to provide better amenity to the communal areas.
95. The amended scheme has satisfactorily demonstrated that the proposal will not have any unreasonable adverse impact in terms of overshadowing or visual privacy, is of an appropriate bulk and scale within the context of the existing building and streetscape, and provides good amenity for future co-living occupants.
96. The proposed development is considered to be consistent with the SEPP (Housing) 2021 and exhibits design excellence in accordance with the provisions of Clause 6.21C of the Sydney LEP 2012.
97. Subject to conditions, the development is in the public interest and recommended for approval.

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