

Item 5.**Development Application: 120 Glebe Point Road, Glebe - D/2023/894**

File No.: D/2023/894

Summary

Date of Submission:	10 October 2023
Applicant:	Aboriginal Housing Office
Architect/Designer:	Cracknell & Lonergan
Developer:	Aboriginal Housing Office
Owner:	Aboriginal Housing Office
Planning Consultant:	Cracknell & Lonergan
Heritage Consultant:	Cracknell & Lonergan
Cost of Works:	\$1,331,000
Zoning:	E1 Local Centre - Residential accommodation (multi dwelling housing) is permissible with consent under this zoning.
Proposal Summary:	<p>Alterations and additions to a local heritage item, including demolition of the existing rear single storey addition and construction of a multi-dwelling development accommodating 4 x self contained units.</p> <p>This application has been made on behalf of a public authority (other than a council) and is therefore to be assessed as a Crown development application.</p> <p>The application was notified for 28 days between the 17 October 2023 and 15 November 2023. 5 submissions were received during this period which were all in support of the proposed development.</p> <p>Additional information and amendments were requested from the applicant throughout the assessment period.</p> <p>Letters were sent on 3 November 2023, 14 November 2023, 1 December 2023 and 1 February 2024 requesting</p>

additional information and amendments following referrals from the City's heritage and urban design, tree management, landscaping and public domain teams.

The applicant responded to these requests on 12 December 2023, 2 February 2024, 13 May 2024, 27 May 2024. The application has been referred to the LPP due to the following non-compliances that cannot be determined under delegation:

The proposed development is classified as in-fill affordable housing and requires assessment under Chapter 2, Part 2, Division 1 of the Housing SEPP. The application seeks to vary the following:

Section 18(2):

(a) Minimum site area of 450sqm

- Subject site has an area of 436.2sqm (3% variation)

(f) For a development application made by a social housing provider for development on land in an accessible area – At least 0.4 parking spaces for each 1 bedroom dwelling; and at least 0.5 parking spaces for each 2 bedroom dwelling.

The development would require 1.7 parking spaces under this standard (one x 2 bedroom and three x 1 bedroom). The development proposes no parking due to the spatial constraints on the site (100% Variation).

(i) For development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces) – the minimum floor area specified in the Low Rise Housing Diversity Design Guide. A minimum floor area of 65sqm for 1 beds and 90sqm for 2 beds is required.

The application proposes the following internal floor areas for the units:

Unit	Beds	Internal Floor Area	Variation %
Unit 1	2 Bed	66sqm	26.7
Unit 2-3	1 Bed	66sqm	No variation
Unit 4	1 Bed	63sqm	23.1

In addition to the above variations, the application seeks to vary Clause 4.3 'Height of Buildings' of the Sydney LEP 2012 by 1.85%.

The proposal seeks to remove a mature tree from the front yard. The City's tree management team do not support the removal of the mature tree.

Following a meeting with the applicant, on the 19 March 2024, it was discussed that the project would not be feasible if Tree 2 was to be retained due to the location of the tree roots.

The primary objective of this development is to provide affordable housing. After detailed assessment, it was determined that allowing the removal of Tree 2 to ensure the delivery of four affordable housing dwellings, is appropriate in the circumstances.

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

Development Controls:

- (i) Sydney Local Environmental Plan 2012 (Gazetted 14 December 2012, as amended)
- (ii) Sydney Development Control Plan 2012 (in force on 14 December 2012, as amended)
- (iii) SEPP (Resilience and Hazards) 2021
- (iv) SEPP (Industry and Employment) 2021
- (v) SEPP (Transport and Infrastructure) 2021
- (vi) SEPP (Biodiversity and Conservation) 2021
- (vii) SEPP (Planning Systems) 2021
- (viii) SEPP (Precincts – Eastern Harbour City) 2021
- (ix) SEPP (Precincts – Regional) 2021H
- (x) SEPP (Housing) 2021
- (xi) City of Sydney development contributions plan 2015 (in force on 1 July 2016, as amended)

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Clause 4.6 Variation Requests

D. Submissions

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 variations requested to clause 18(2)(a),(f) and (i) of the State Environmental Planning Policy (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 Number D/2023/894 subject to the conditions set out in Attachment A to the subject report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The development subject to conditions, is consistent with the objectives of the R1 General Residential zone.
- (B) The proposed development has been designed to ensure the heritage significance of the site is protected.
- (C) The development will not adversely affect the character of the Glebe Point Road locality, local heritage item (I717), and the Glebe Point Road Heritage Conservation Area.
- (D) The development aligns with the objectives of the relevant planning controls.
- (E) 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 height (Sydney LEP 2012) and minimum lot size, minimum parking, and minimum unit size (SEPP (Housing) 2021) development standards is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 4.4 of the Sydney LEP 2012 and Clause 18(2)(a), (f) and (i) of the SEPP (Housing) 2012.
 - (ii) the proposal is in the public interest because it is consistent with the objectives of the E1 Local Centre zone and the height (Sydney LEP 2012) and minimum lot size, minimum parking, and minimum unit size (SEPP (Housing) 2021) development standards.

Background

The Site and Surrounding Development

1. The site has a legal description of Lot 9 DP 244843, known as 120 Glebe Point Road, Glebe. It is rectangular in shape with area of approximately 436.2 square metres. It has a primary street frontage of 12.38 metre to Glebe Point Road and a secondary street frontage of 11.46 metre to Derwent Lane. The site is located close to the intersection of Glebe Point Road and Norton Street. Levels on the site raises by 2.5 metres towards Derwent Lane.
2. The site contains a single storey Victorian detached cottage.
3. The surrounding area is characterised by a mixture of land uses, primarily being residential uses.
4. The site is a local heritage item House group 'City View Cottages' Heritage Item: I717. It is located within the Glebe Point Road heritage conservation area (C29). The site is identified as a contributing building.
5. The site is located within the Glebe Point Road locality and is not identified as being subject to flooding.
6. A site visit was carried out on 24 October 2023. Photos of the site and surrounds are provided below:
7. Photos of the site and surrounds are provided below.

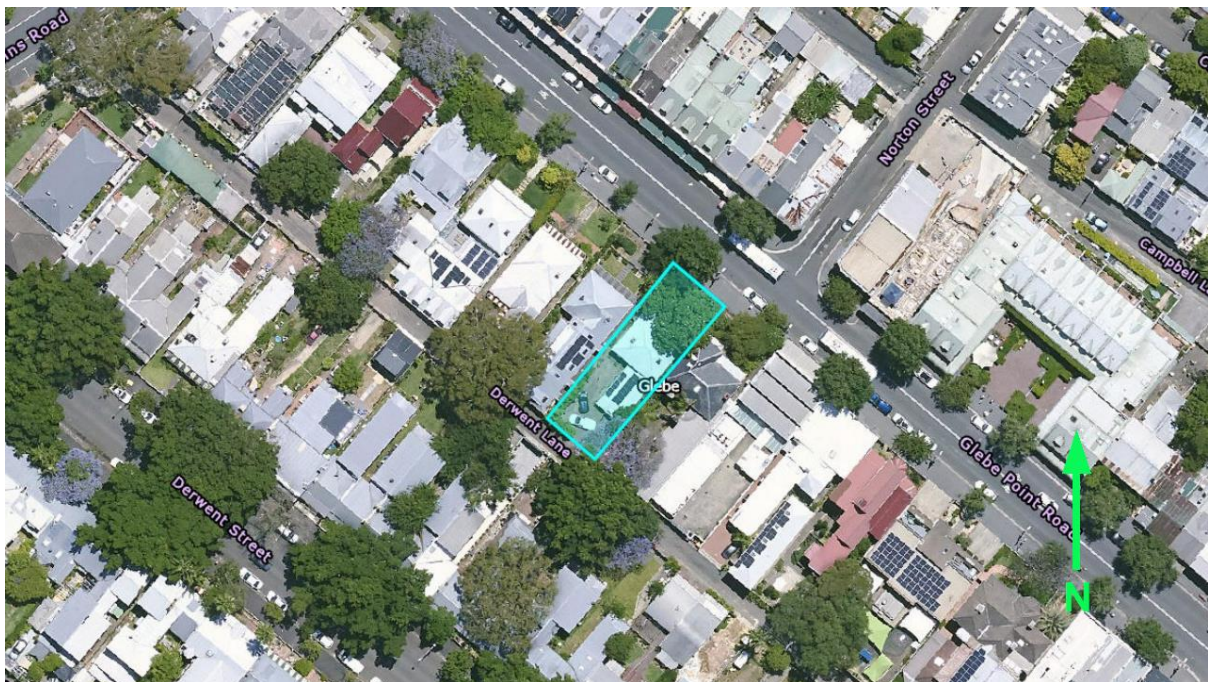


Figure 1: Aerial view of site and surrounds



Figure 2: Front elevation of subject site viewed from Glebe Point Road



Figure 3: Neighbouring property No. 122 Glebe Point Road



Figure 4: No. 124 Glebe Point Road (Part of heritage terrace group).



Figure 5: Existing retaining wall on Glebe Point Road frontage



Figure 6: Tree 2 in front garden



Figure 7: Tree 3 in front garden



Figure 8: Internal photo of main hallway (main building)



Figure 9: Internal photo of existing rear addition (to be demolished)



Figure 10: Rear elevation of property viewed from rear yard



Figure 11: Neighbouring rear elevation of property at No. 118 Glebe Point Road



Figure 12: Rear elevation of subject site as viewed from Derwent Lane



Figure 13: Rear of neighbouring property at No. 122 Glebe Point Road as viewed from Derwent Lane



Figure 14: Similar style development at No.122 Glebe Point Road

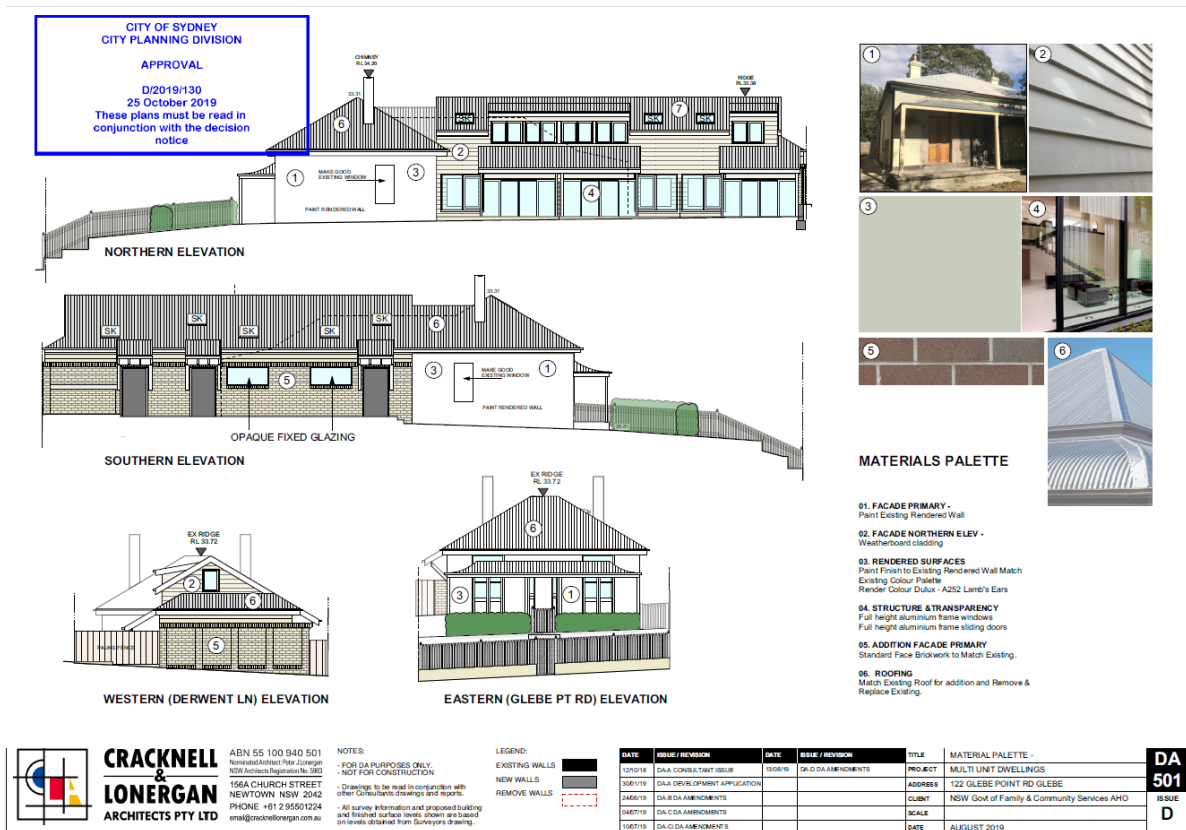


Figure 155: Approved plans from development approved in 2019 at No. 122 Glebe Point Road (and now constructed as shown in Figure 14)

History Relevant to the Development Application

Development Applications

- The following applications are relevant to the current proposal:
 - HWC/2018/67** – Heritage Work DA Exemption was granted on 15 March 2018 for provision of new picket fence to south-eastern and north-eastern boundaries.
 - D/2019/130** – Development consent was granted on 25 October 2019 for the adjoining property at No. 122 Glebe Point Road, Glebe for additions and alterations to local heritage building. Demolition to the rear of the original cottage and construction of a multi-dwelling development. Refer to Figures 14 and 15, above.

Amendments

- Following a preliminary assessment of the proposed development a request for additional information and amendments was sent to the applicant on 3 November 2023. The following information was requested:
 - Design amendments to the internal of the villa to retain the four room style, changes to the front bin enclosure location and removal of the solar panels from the main building.

- Retention of the two mature trees in the front garden and include an amended arborist report to assess the impact of the proposed development on those two trees.
 - A Clause 4.6 variation request in relation to the height of the rear addition.
 - A schedule of conservation works.
 - Elevation / sections of the front verandah.
 - External colours for the iron work and timber joinery.
10. Following the receipt of referrals from the City's public domain and landscaping team, a further request for additional information and amendments was sent to the applicant on 14 November 2023. The follow was requested:
- Confirmation that Sydney Water's requirements will be met for the proposed OSD (PSD & SSR).
 - The proposed discharge to the kerb must be included with calculations for storms up to and including 20-year ARI.
 - Certification must be provided for the design in accordance with the Sydney Streets Technical Specifications.
 - Amendments to the landscape plan to ensure public domain footpath and tree pit will not be affected.
 - An additional section is required confirming the depth of the OSD tank.
 - Landscape plan to be revised following tree management comments in previous letter dated 3 November 2023.
11. Following a review of the requested variations by Council Officers, a request for additional information was sent to the applicant on 1 December 2023. The following information was requested:
- Clause 4.6 variation requests to request variations to Chapter 2, Part 2, Division 1, Clause 18(2)(a)(f)(i) of the SEPP (Housing) 2021.
12. The applicant responded to the requests on 12 December 2023, and submitted the following information. The following information was submitted:
- A schedule of conservation works.
 - Arborist Addendum Letter in relation to the tree removal.
 - Clause 4.6 requests for the variations proposed.
13. Following a review of the provided Arborist Addendum Letter by Council Officers, a further request for amendments was sent to the applicant on 1 February 2024. The follow was requested:
- Request to provide the originally requested amendments to retain the two mature trees in the letters dated 3 November 2023 and 14 November 2023.

14. The applicant responded on 2 February 2024, and submitted the outstanding information. Following a review of the outstanding information by Council Officers, a further request for additional information and amendments was sent to the applicant on 19 February 2024. The following information was requested:
 - Updates to the schedule of conservation works to include the same as was required in the Schedule for the adjoining property at No. 122 Glebe Point Road.
 - Updates to the stormwater design and proposed OSD levels.
 - To ensure protection of the retained trees, a scaled tree protection plan, root investigation, amended arborist report and information on the arborist's involvement during the works.
 - Relocation of the stormwater pipes to be outside the SRZ of Tree 2 and 3
 - Amendments to the proposed landscaping to reduce the impacts on tree 2 and 3.
15. Following a discussion with the applicant, they advised the proposed development would not be feasible should tree 2 be retained due to the measures needed to ensure its protection.
16. Following detailed consideration from during assessment, it was decided to allow for the removal of tree 2, subject to the protection of tree 3, so the project could be feasible and accommodate the delivery of affordable housing.
17. The applicant responded to the request on 13 May 2024 and 3 June 2024. The following information was submitted:
 - A further amended schedule of conservation works
 - Updated stormwater engineering plans
 - Updated landscape plans showing the removal of tree 2 and retention of tree 3.
 - An arboricultural impact (addendum letter) for the updated proposal.
 - Updated architectural plans
 - Heritage conservation drawings.
18. Following the submission of the above information, all outstanding requested information / amendments had been provided.

Proposed Development

19. The application seeks consent for the following:
 - Conservation and restoration works to the main building resulting in a two bedroom house
 - Demolition of the existing single storey rear addition and removal of the rear concreted areas

- Construction of a new two storey rear addition that will house three residential units, each with one bedroom and a study
- Associated landscaping works to the site including reconstruction of the existing sandstone stairs, repair of the timber picket fence, removal of a tree (Tree 2) and new timber terracing to the front yard.

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

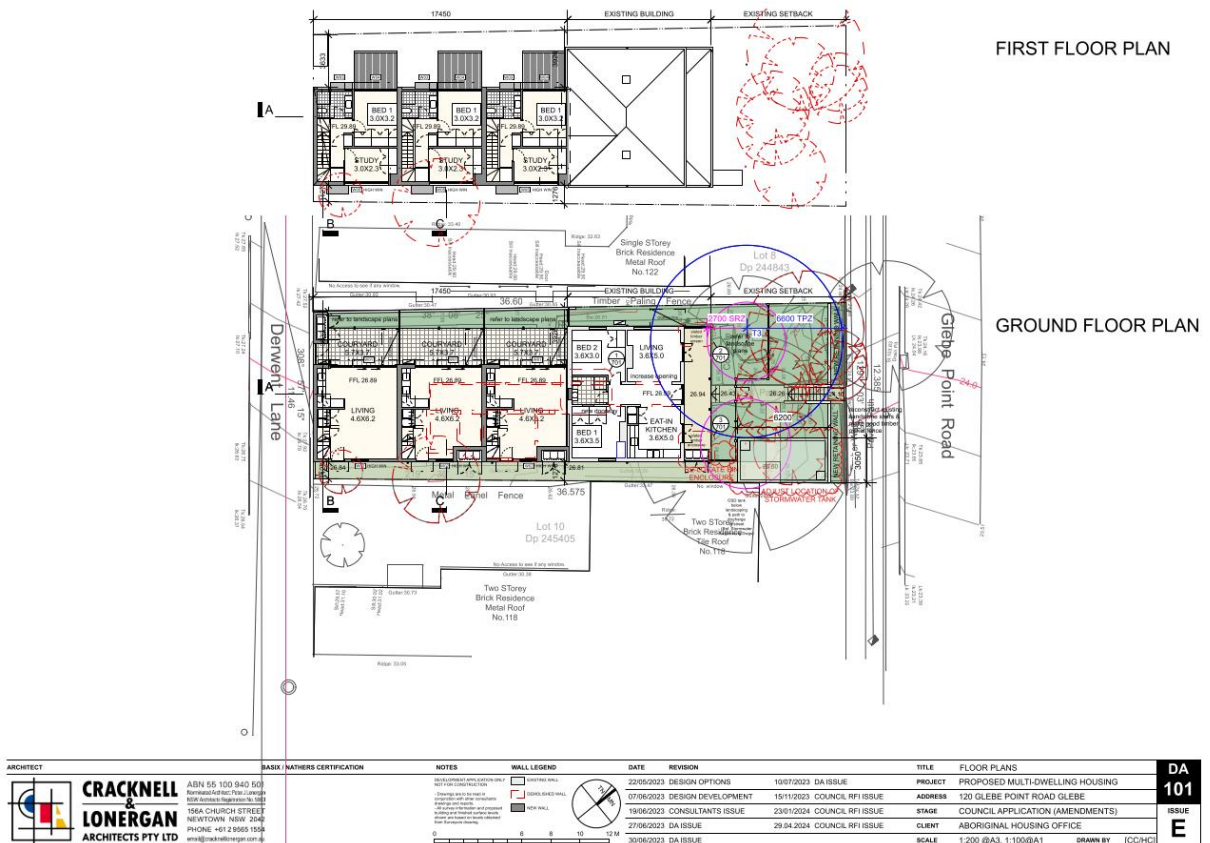


Figure 16: Proposed floorplans

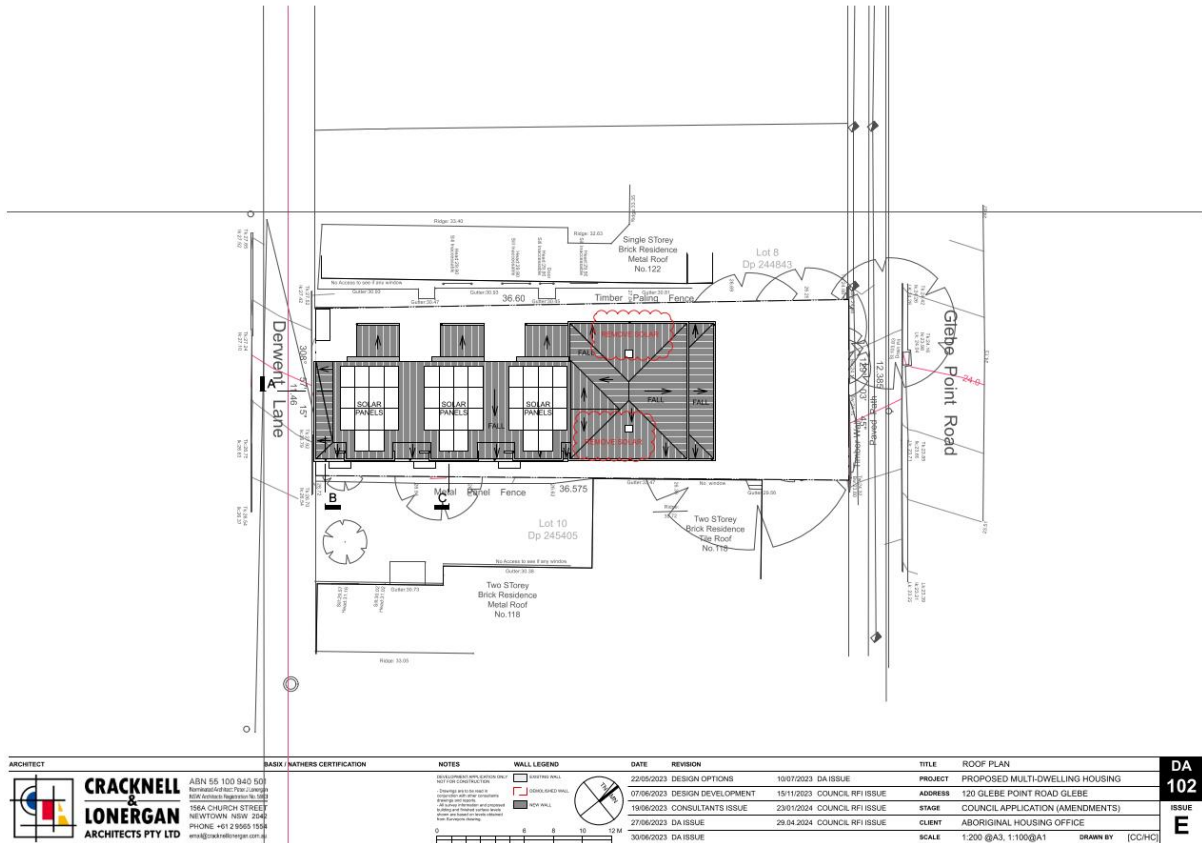


Figure 17: Proposed roof plan



Figure 18: Proposed section & elevations



Figure 19: Proposed materials & finishes

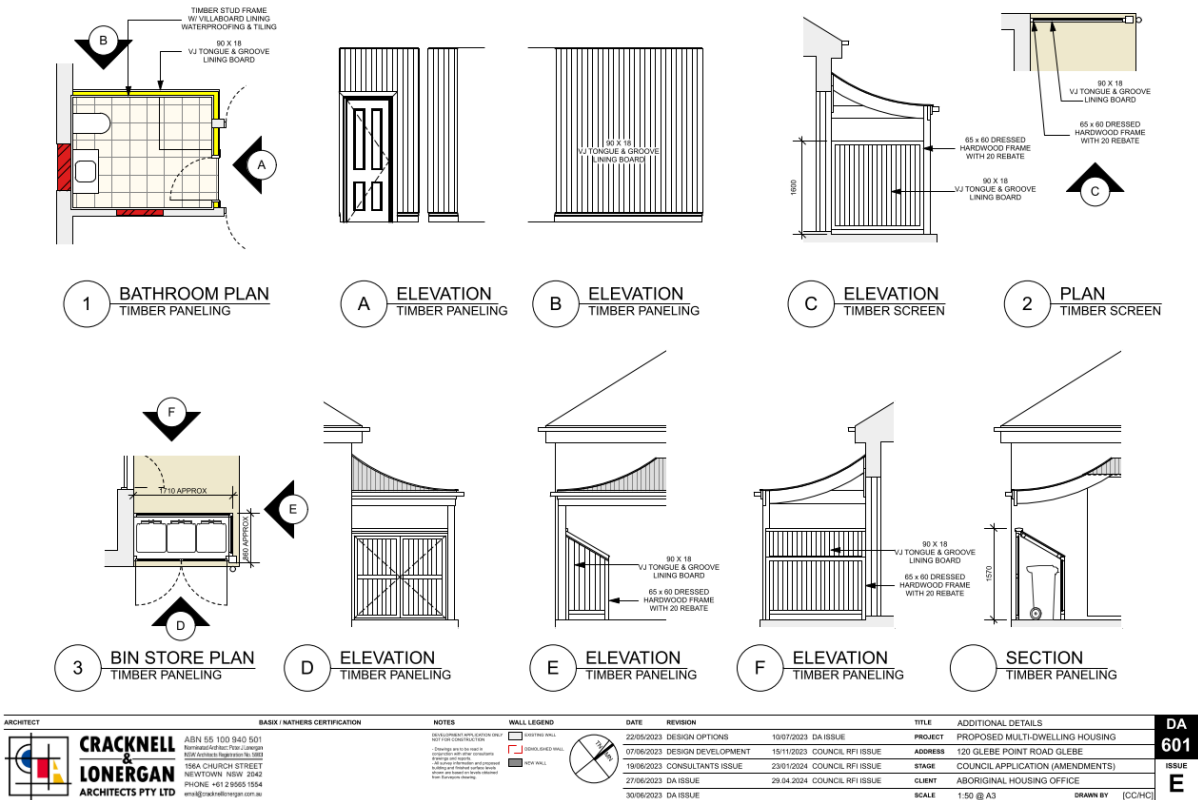


Figure 20: Proposed additional details

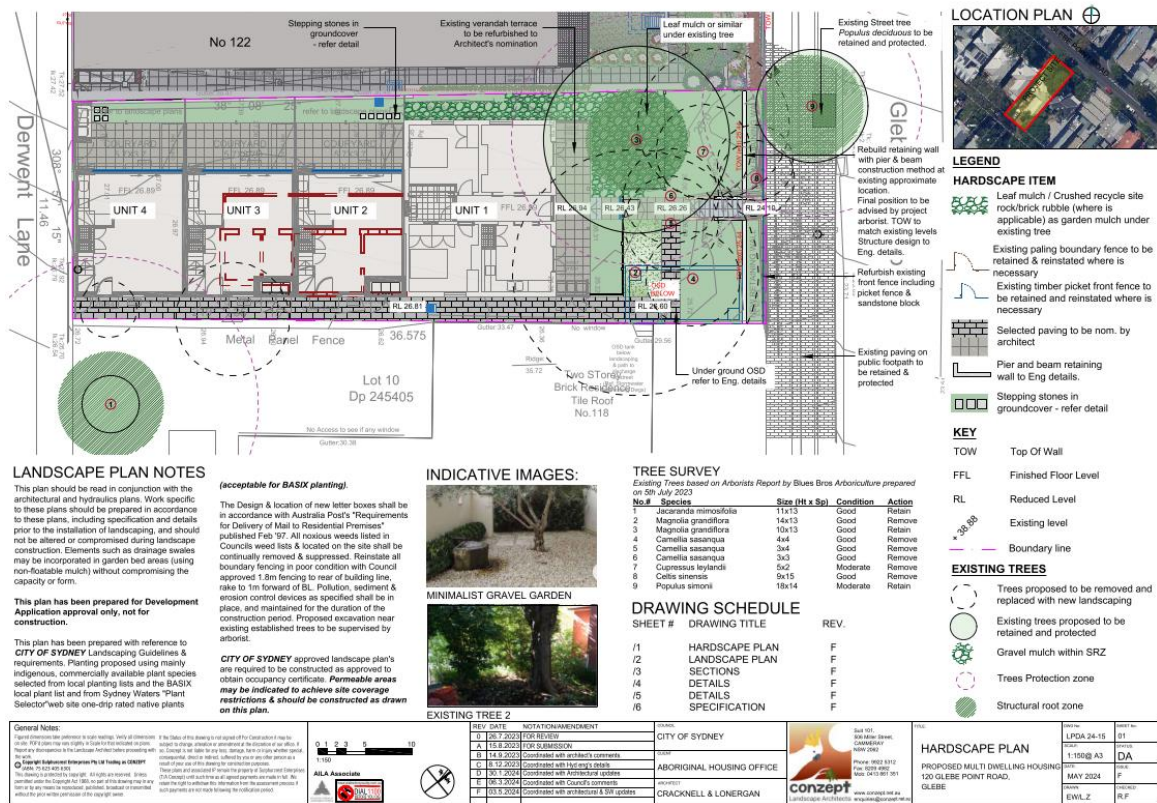


Figure 21: Proposed hardscape plan

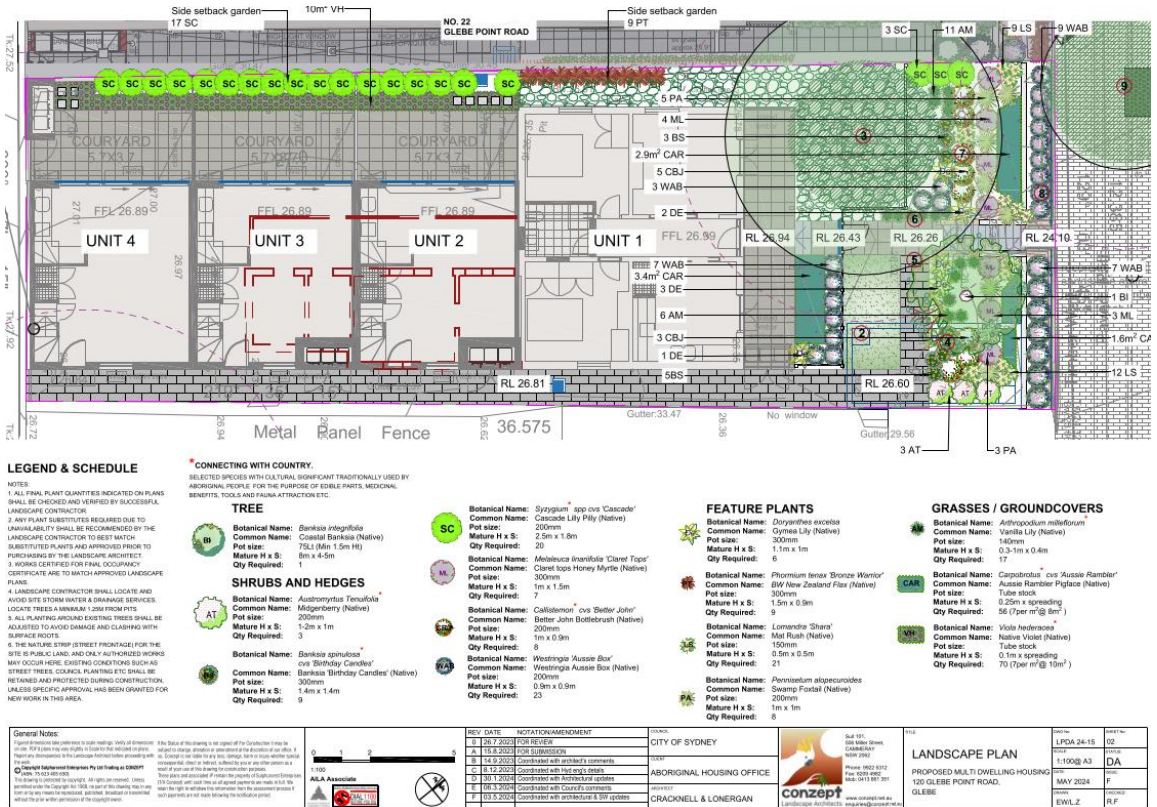


Figure 22: Proposed landscape plan

Assessment

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

Crown Development Applications

22. This application has been made by or on behalf of a public authority and is therefore to be assessed as a Crown development application.
23. Pursuant to section 4.33(1) of the EP&A Act, a consent authority (other than the Minister) must not:
 - (a) refuse its consent to a Crown development application, except with the approval of the NSW Minister for Planning and Public Spaces; or
 - (b) impose a condition on its consent to a Crown development application, except with the approval of the applicant, or the NSW Minister for Planning and Public Spaces.
24. Draft conditions of consent were provided to the applicant on 3 June 2024.
25. Cracknell and Lonergan (with approval from the Aboriginal Housing Office) provided their response on 7 June 2024 and approved of the draft conditions.
26. The draft conditions were updated following internal review of the assessment. The updated draft conditions of consent were provided to the applicant on 18 June 2024.
27. Cracknell and Lonergan (with approval from the Aboriginal Housing Office) provided their response on 19 June 2024 and approved the updated draft conditions.

State Environmental Planning Policies

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

28. 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.
29. The site is not identified as being on contaminated land and has not had known industrial uses which may have contaminated the land. The proposed development does also not propose the change of land use to a more sensitive land use.

State Environmental Planning Policy (Housing) 2021

30. 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.
31. 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.

32. 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
33. This matter is discussed in further detail under the heading Financial Contributions below.
34. It is noted that since the submission of this application, the SEPP (Housing) 2021 has been reformed, however as noted in the "In-fill Affordable Housing - Practice Note" issued December 2023, " All applications made but not determined prior to the making of the Amending SEPP will be saved."
35. The application will be assessed under the version of the SEPP (Housing) 2021 that was in effect between 26 September 2023 to 9 November 2023.

Chapter 2 Affordable Housing

Part 2 Development for affordable housing

Part 2 Division 1: In-fill affordable housing

36. Under Clause 16, the development to which this division applies is outlined.
37. An assessment on how the proposed development meets the in-fill affordable housing definitions is provided in the table below.

Clause 16 – Development to which this division applies

Provision	Compliance	Comment
(1) This division applies to residential development if -		
(a) the development is permitted with consent under another environmental planning instrument, and	Yes	The proposed development is permitted with consent under the Sydney Local Environmental Plan 2012
(b) at least 20% of the gross floor area of the building resulting from the development will be used for the purposes of affordable housing, and	Yes	The proposed development is to be use for affordable housing in its entirety
(c) for development on land in the Greater Sydney region, Newcastle region or Wollongong region—all or part of the development is within an accessible area, and all or part of the development is carried out -	Yes	The subject site is located within 400m walking distance of a bus stop used by a regular bus service, within the meaning of the Passenger Transport Act 1990, that has at least 1 bus per hour servicing the bus stop between - (i) 6am and 9pm each day from Monday to Friday, both days inclusive, and

Provision	Compliance	Comment
<p>(i) for development on land in the Greater Sydney region, Newcastle region or Wollongong region - all or part of the development is within an accessible area, or</p> <p>(ii) for development on other land - within 800mm walking distance of land in a relevant zone or an equivalent land use zone</p>		(ii) 8am and 6pm on each Saturday and Sunday, and as such is identified as within an accessible area.
<p>(d) for development on other land—all or part of the development is within 800m walking distance of land within 1 or more of the following zones or an equivalent land use zone -</p> <p>(a) Zone E1 Local Centre</p> <p>(b) Zone MU1 Mixed Use</p> <p>(c) Zone B1 Neighbourhood Centre</p> <p>(d) Zone B2 Local Centre</p> <p>(e) Zone B4 Mixed Use.</p>		The site is located within a Zone E1 Local Centre
<p>(2) In this Division, residential development carried out by, or on land owned by, a relevant authority is taken to be used for the purposes of affordable housing.</p>	Yes	The subject site is owned by the Aboriginal Housing Office which is a statutory body and the proposed development will be used for the purposes of affordable housing.

38. The proposed development complies with the relevant provisions of Clause 16.
39. Additional floor space is allowed for in-fill affordable housing under Clause 17.
40. Clause 17 (1) states the maximum floor space ratio for development to which this Division applies is the maximum permissible floor space ratio for residential accommodation on the land plus an additional floor space ratio of—

Clause 17 – Additional floor space ratio for relevant authorities and registered community housing providers

Provision	Compliance	Comment
<p>(a) if the maximum permissible floor space ratio is 2.5:1 or less—</p> <p>(i) if at least 50% of the gross floor area of the building resulting from the development will be used for affordable housing—0.5:1, or</p> <p>(ii) if less than 50% of the gross floor area of the building will be used for affordable housing—Y:1, where—</p> <p>AH is the percentage of the gross floor area of the building that is used for affordable housing.</p> <p>$Y = AH \div 100$ or</p>	Yes	<p>The maximum permissible floor space ratio for the subject site is 1.5:1 as per the Sydney Local Environment Plan 2012. The entirety of the gross floor area of the building will be used for affordable housing. As such an additional floor space ratio of 0.5:1 is permitted, resulting in a maximum permissible floor space ratio of 2:1. The proposed floor space ratio for the development is 0.62:1, thereby satisfying this provision.</p>
<p>(2) The additional floor space ratio must be used for the purposes of affordable housing.</p>	Yes	<p>The entirety of the gross floor area of the building will be used for affordable housing.</p>

41. Under Clause 18, compliance with any of the following standards must not be used to refuse consent for an in-fill affordable housing development.
42. An assessment of the proposed in-fill affordable housing against each standard is provided in the table below.

Clause 18 – Non discretionary development standards - the Act, s 4.15

43. If the following non discretionary development standards are complied with the consent authority cannot require more onerous standards for the matters.
44. The object of this section is to identify development standards for particular matters relating to residential development under this division that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.
45. Clause 18(2) states the following are non-discretionary development standards in relation to the residential development to which this division applies -

Provision	Compliance	Comment
(a) a minimum site area of 450sqm	No but considered acceptable	<p>The subject site has an area of 436.2sqm, which varies from the standard by 3%.</p> <p>Given the development is providing affordable housing and the variation is minor, this non-compliance is considered acceptable.</p> <p>The applicant provided a Clause 4.6 variation request. Further details and discussion are provided in the 'Clause 4.6 request' section below.</p>
(b) for a development application made by a social housing provider—at least 35m ² of landscaped area per dwelling	Yes	<p>The development application is made by the Aboriginal Housing Office, which is a social housing provider and seeks consent for 4 affordable housing dwellings. A total of 140sqm of landscaped area is required on site.</p> <p>The proposal will incorporate 243sqm of landscape area (both hard surface and deep soil) on the site and therefore complies.</p>
(d) a deep soil zone of at least 15% of the site area, where - (i) each deep soil zone has minimum dimension of 3m, and (ii) if practicable, at least 65% of the deep soil zone is located to the rear of the site	Yes	<p>A deep soil area of 121.71sqm is proposed which is 27.9% of the site area.</p> <p>The principal deep soil zones at the front of the site have minimum dimensions of 3m and collectively make up 87.5sqm of deep soil which is 20% of the site area.</p> <p>The provision of the majority of deep soil at the front of the site, rather than the rear is due to the garden setting that characterises the heritage item. Locating 65% of the deep soil to the rear of the site is not practicable.</p>
(e) Living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter,	Yes	<p>As all proposed dwellings have northeastern or northwestern aspects, they will receive sufficient direct solar access to satisfy this requirement.</p>

Provision	Compliance	Comment												
<p>(f) for a development application made by a social housing provider for development on land in an accessible area—</p> <p>(i) for each dwelling containing 1 bedroom - at least 0.4 parking spaces, or</p> <p>(ii) for each dwelling containing 2 bedrooms - at least 0.5 parking spaces, or</p> <p>(iii) for each dwelling containing at least 3 bedrooms - at least 1 parking space,</p>	No but acceptable	<p>No parking is proposed.</p> <p>The constraints that result from heritage concerns and minimising the impact of the proposed contemporary rear addition whilst providing satisfactory residential amenity have been carefully considered, and as identified in the conservation incentives under Clause 5.10.10 of the Sydney LEP, the proposal varies from this standard. Furthermore, the proposal remains consistent with the Sydney Council DCP, which generally does not encourage the proposal of substantial parking, particularly within highly accessible inner city areas such as this subject site. In this context, the variation is acceptable.</p> <p>The applicant has submitted a Clause 4.6 variation request in relation to this non-discretionary development standard.</p>												
<p>(i) for development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces)—the minimum floor area specified in the Low Rise Housing Diversity Design Guide,</p>	No but acceptable	<p>For development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces) – the minimum floor area specified in the Low Rise Housing Diversity Design Guide is required.</p> <p>The Low Rise Housing Diversity Design Guide states a minimum floor area of 65sqm for 1 beds and 90sqm for 2 beds is required.</p> <p>The application proposes the following internal floor areas for the units:</p> <table border="1" data-bbox="847 1585 1374 1816"> <thead> <tr> <th>Unit</th> <th>Beds</th> <th>Internal Floor Area</th> </tr> </thead> <tbody> <tr> <td>Unit 1</td> <td>2 Bed</td> <td>66sqm</td> </tr> <tr> <td>Unit 2-3</td> <td>1 Bed</td> <td>66sqm</td> </tr> <tr> <td>Unit 4</td> <td>1 Bed</td> <td>63sqm</td> </tr> </tbody> </table> <p>The applicant has submitted a Clause 4.6 variation request in relation to this non-discretionary development standard.</p>	Unit	Beds	Internal Floor Area	Unit 1	2 Bed	66sqm	Unit 2-3	1 Bed	66sqm	Unit 4	1 Bed	63sqm
Unit	Beds	Internal Floor Area												
Unit 1	2 Bed	66sqm												
Unit 2-3	1 Bed	66sqm												
Unit 4	1 Bed	63sqm												

46. The proposed development does not comply with the relevant provisions of clause 24.
47. The applicant has submitted Clause 4.6 variation requests in regards to paragraph (a), (f) and (i) of Clause 18, to vary the non-discretionary development standards of the SEPP (Housing) 2021.
48. Further details on the Clause 4.6 requests can be found in the 'Discussion' section of this report.
49. Clause 18 of SEPP (Housing) 2021 states that consent must not be granted to development to which this division applies unless the consent authority has considered the development against set policies.
50. Further details on the proposals consideration against Clause 18 is below.

Clause 19 – Design requirements

Provision	Compliance	Comment
<p>(1) Development consent must not be granted to development to which this Division applies unless the consent authority has considered the following, to the extent which they are not inconsistent with this policy -</p> <p>(a) the Seniors Living Policy: Urban Design Guidelines for Infill Development published by the Department of Infrastructure, Planning and Natural Resources in March 2004,</p> <p>(b) for development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces)—the Low Rise Housing Diversity Design Guide</p>	Yes	<p>The development has been assessed against the Low Rise Housing Diversity Design Guide and provided commentary on the appropriateness of the development within its context.</p> <p>Refer to responses in Low Rise Housing Diversity Design Guide section below.</p>
<p>(3) Development consent must not be granted to development to which this Division applies unless the consent authority has considered whether the design of the residential development is compatible with -</p>	Yes	<p>The proposed development has been assessed against the locality statement for Glebe Point Road as outlined in the Sydney Development Control Plan 2012.</p> <p>The proposal aligns with the character of the locality. Further details are discussed in the 'Sydney Development Control Plan 2012'.</p>

Provision	Compliance	Comment
(a) the desirable elements of the character of the local area, or (b) for precincts undergoing transition - the desired future character of the precinct.		

51. The proposed development complies with the relevant provisions of clause 19.

52. Clause 21 of SEPP (Housing) 2021 states the affordable housing must be used for at least 15 years. Details on the proposals consideration against Clause 21 is below.

Clause 21 - Must be used for affordable housing for at least 15 years

Provision	Compliance	Comment
(2) Subsection (1) does not apply to development on land owned by a relevant authority or to a development application made by, or on behalf of, a public authority.	Yes	The development application is being made by the Aboriginal Housing Office

53. Clause 21(3) states that in this section **affordable housing component**, in relation to development to which this Division applies, means the dwellings used for the purposes of affordable housing in accordance with section 16(1)(b).

54. The proposed development complies with the relevant provisions of clause 21.

Low Rise Housing Diversity Design Guide - July 2020

55. The purpose of this Guide is to provide consistent planning and design standards for low rise diverse residential dwellings across NSW.

56. For the purpose of this Guide, low rise diverse housing development includes, but not limited to, Multi dwelling housing (terraces) containing 3 or more dwellings (attached or detached) on one lot of land, each with access at ground level but does not include residential flat buildings, and is no more than two storeys in height.

57. The proposal has been assessed against the design criteria set out in Section 2.4 of this Guide, for Multi Dwelling Housing as per Clause 19(1)(b) of SEPP (Housing) 2021.

58. Details on the proposals assessment against the relevant design criteria is below.

Section 2.4 - Multi Dwelling Housing:**2.4A Building Envelopes**

Objective / Design Criteria	Compliance	Comment
<p>Objective 2.4A-1</p> <p>The building height is consistent with the desired scale and character of the street and locality and provides an acceptable impact on the amenity of adjoining properties.</p>		
<p>1. Where the LEP or DCP does not include a maximum building height, that height of buildings is:</p> <ul style="list-style-type: none"> - R1, R2, or RU5 zoned land: 9m - R3 zoned land: 11m 	<p>No but acceptable</p>	<p>The Sydney LEP 2012 provides a maximum building height of 6.0m</p> <p>The proposed maximum building height is 6.1m.</p> <p>The applicant has submitted a Clause 4.6 variation request in relation to this non-compliance. Further details can be found in the 'Discussion' section of this report.</p>
<p>Objective 2.4A-2</p> <p>The development provides a setback from the front boundary or public space that:</p> <ul style="list-style-type: none"> - defines the street edge; - creates a clear threshold and transition from public to private space; - assists in achieving visual privacy to ground floor dwellings from the street; - contributes to the streetscape character and landscape; and - relates to the existing streetscape and setback pattern or the desired future streetscape pattern if different to the existing. 		
<p>4. Refer to the DCP for front setback or envelope controls.</p>	<p>Yes</p>	<p>The proposal relates to the front setback controls.</p> <p>Further details can be found in the 'Development Control Plan' section of this report.</p>
<p>8. Setback from classified road: 9m.</p>	<p>Yes</p>	<p>The proposed development maintains the existing front setback of 9.2m from its Glebe Point Road frontage.</p>
<p>9. Setback from public reserve: 3m.</p>		<p>The subject site is not situated within the vicinity of a public reserve.</p>

Objective / Design Criteria	Compliance	Comment
<p>Objective 2.4A-3</p> <p>The development provides side boundary setbacks that reflect the character and form intent of the area where is characterised by the separation of buildings.</p>		
<p>10. Where the DCP does not contain side setback controls the side setback is 1.5m.</p> <p>Development that is 10m behind the front building line and greater than 4.5m above ground level</p> <p>(existing) -</p> $s = h - 3m$ <p>'s' is the minimum setback in metres</p> <p>'h' is the height of the part of the building in meters.</p>	Yes	<p>The DCP contains setback controls.</p> <p>Further details can be found in the 'Development Control Plan' section of this report.</p>
<p>Objective 2.4A-4</p> <p>The development provides a rear boundary setback that provides opportunity to retain and protect or establish significant landscape trees in deep planting areas.</p>		
<p>11. Refer to the DCP for rear setbacks or envelope controls.</p>	Yes	<p>The proposal complies with the rear setback controls.</p> <p>Further details can be found in the 'Development Control Plan' section of this report.</p>
<p>13. The setback to a lane is 0m</p>	Yes	<p>The proposed development will be built to the rear boundary along Derwent Lane.</p>

2.4B Gross Floor Area / Floor Space Ratio

Objective / Design Criteria	Compliance	Comment
<p>Objective 2.4B-1</p> <p>To ensure that the bulk and scale is appropriate for the context, minimises impacts on surrounding properties and allows for articulation of the built form.</p>		

Objective / Design Criteria	Compliance	Comment
<p>14. Where the LEP or DCP do not contain an FSR or Gross floor area the following maximum gross floor area applies to all buildings on a lot:</p> <ul style="list-style-type: none"> - R1, R2, or RU5 zoned land - 50% of lot area - R3 zoned land - 80% of lot area <p>Note: For the purpose of this Design Criteria the lot area excludes any new street or lane.</p>	Yes	<p>The Sydney LEP 2012 provides a maximum permissible floor space ratio.</p> <p>Further details can be found in the 'Development Control Plan' section of this report.</p>

2.4C Landscaped Area

Objective / Design Criteria	Compliance	Comment
<p>Objective 2.4C-1</p> <p>To provide adequate opportunities for the retention of existing and provision of new vegetation that:</p> <ul style="list-style-type: none"> - contributes to biodiversity; - enhances tree canopy; and - minimises urban runoff. 		
<p>16. The minimum dimension of any area including in the landscaped area calculation is 1.5m.</p>	Yes	<p>The site area forward of the building line is 113.4sqm. 87.5sqm of this area is landscaped. As such 78% of the area forward of the building line is landscaped area, satisfying the design criterion.</p>
<p>17. At least 50% of the area forward of the building line is to be landscaped area.</p>	Yes	As above.
<p>Objective 2.4C-2</p> <p>Landscape design supports healthy plant and tree growth and provides sufficient space for the growth of medium sized trees.</p>		

Objective / Design Criteria	Compliance	Comment
18. An ongoing maintenance plan is to be provided as part of the landscape plan.	Yes	<p>A landscape plan has been submitted with this application. The landscape plan has been reviewed by the City's landscape team who have no objection subject to conditions.</p> <p>Further details can be found in the 'Discussion' section below.</p>
19. Minimum soil standards for plant sizes are provided in accordance with the table in 2.4C-2 - 19.	Yes	<p>A landscape plan has been submitted with this application. The landscape plan has been reviewed by the City's landscape team who have no objection subject to conditions.</p> <p>Further details can be found in the 'Discussion' section below.</p>
<p>20. If the DCP does not specify tree planting of a particular size or species the following is to be provided:</p> <ul style="list-style-type: none"> - Front: 1 tree with mature height of 5m if primary road setback is greater than 3m. - Rear: 1 tree with mature height of 8m. 	Yes	<p>The DCP does not specify tree planting of a particular size.</p> <p>A landscape plan has been submitted with this application. The landscape plan has been reviewed by the City's tree management team.</p> <p>Further details can be found in the 'Discussion' section below.</p>
<p>Objective 2.4C-3</p> <p>Retain existing natural features of the site that contribute to neighbourhood character, and reduce visual and privacy impacts on existing neighbouring dwellings.</p>		
21. Mature trees are to be retained, particularly those along the boundary, (except those where approval is granted by Council for their removal).	No but acceptable	<p>The proposal seeks to remove one mature tree at the front section of the property.</p> <p>Further details can be found in the 'Discussion' section below.</p>
22. Landscape features including trees and rock outcrops are retained where they contribute to the streetscape character or are located within the rear setback.	No but acceptable	<p>The proposal seeks to remove one mature tree at the front section of the property.</p> <p>Further details can be found in the 'Discussion' section below.</p>

Objective / Design Criteria	Compliance	Comment
Objective 2.4C-4		
Landscape design contributes to a local sense of place and creates a micro climate.		
23. The landscape plan is to provide for a combination of tree planting - for shade, mid height shrubs, lawn and ground covers.	Yes	A landscape plan has been submitted with this application. The landscape plan has been reviewed by the City's landscape team who have no objection subject to conditions. Further details can be found in the 'Discussion' section below.
24. The landscape plan indicates at least 50% of the overall number of trees and shrubs are species native to the region.	Yes	A landscape plan has been submitted with this application. The landscape plan has been reviewed by the City's landscape team who have no objection subject to conditions. Further details can be found in the 'Discussion' section below.

2.4D Local Character and Context

Objective / Design Criteria	Compliance	Comment
Objective 2.4D - 1		
The built form, articulation and scale relates to the local character of the area and the context.		
25. Provide the Design Verification Statement	Yes	A Design Verification Statement, containing a description of how the built form of the development contributes to the character of the local area, has been submitted as part of this Development Application.

2.4E Public Domain Interface

Objective / Design Criteria	Compliance	Comment
Objective 2.4E-1		
Provide activation and passive surveillance to the public streets.		

Objective / Design Criteria	Compliance	Comment
26. The front door of each dwelling is directly visible from the street.	No but acceptable	<p>Given the context of the site, it is not considered reasonable to request strict compliance with this design criteria.</p> <p>Requesting the front doors of each dwelling be visible from the street would greatly reduce the potential number of units on the site or result in significant alterations to the heritage items primary façade.</p> <p>A precedent for this approach was established by the social housing multi-housing dwelling project at the neighbouring property at No. 122 Glebe Point Road.</p>
27. Each dwelling has a habitable room that faces the street or public space.	No but acceptable	<p>As above, given the context of the site, it is not considered reasonable to request strict compliance with this design criteria.</p> <p>A precedent for this approach has been established by the social housing multi-housing dwelling project at the neighbouring property at No. 122 Glebe Point Road.</p>
<p>Objective 2.4E-2</p> <p>Front fences and walls do not dominate the public domain instead they respond to and compliment the context and character of the area (including internal streets).</p>		
<p>29. Front fences:</p> <ul style="list-style-type: none"> • Are visually permeable (no more than 50% of the allowable fence area will be solid masonry, timber or metal). • Average height no greater than 1.2m. • Have a consistent character with other front fences in the street. 	Yes	<p>The existing timber picket fence, which is appropriate for the heritage character of the subject site and is congruent with the front fencing of the three other sites which constitute the heritage item of which it is part of, is to be retained.</p> <p>Restoration and conservation works are proposed.</p>

Objective / Design Criteria	Compliance	Comment
<ul style="list-style-type: none"> • Are not to be constructed of solid metal panels or unfinished timber palings. 		
31. Retaining walls greater than 600mm within the front setback are to be softened by planting for a minimum depth of 600mm on the low side of the retaining wall.	Yes	<p>A landscape plan has been submitted with this application. The landscape plan has been reviewed by the City's landscape team who have no objection subject to conditions.</p> <p>Further details can be found in the 'Discussion' section below.</p>

2.4F Pedestrian and Vehicle Circulation

59. This section does not apply as no on-site parking or internal vehicle circulation is proposed.

2.4G Orientation, Siting and Subdivision

Objective / Design Criteria	Compliance	Comment
<p>Objective 2.4G-1</p> <p>To ensure that the development site area will have sufficient area for the dwelling, vehicle access, landscaping, parking and amenity and are consistent with the desired future character of the area.</p>		
<p>51. The minimum lot size for carrying out multi dwelling housing is:</p> <ul style="list-style-type: none"> • the minimum dimensions for multi dwelling housing specified in an environmental planning instrument or DCP that applies to the land, or • if an environmental planning instrument or DCP does not specify a minimum lot dimension - 600m² and width measured at the building line of 20m. 	No but acceptable	<p>The subject site has an area of 436.2sqm, which varies from the standard by 3%.</p> <p>Given the development is providing affordable housing and the variation is minor, this non-compliance is considered acceptable.</p> <p>The applicant provided a Clause 4.6 variation request.</p> <p>Further details can be found in the 'Clause 4.6 request' section below.</p>
<p>Objective 2.4G-2</p> <p>The development responds to the streetscape and respects the privacy of adjoining single dwelling houses.</p>		

Objective / Design Criteria	Compliance	Comment
52. Each dwelling is to have a frontage to an existing public street or new pedestrian or vehicle street or lane.	No but acceptable	<p>Given the context of the site, it is not considered reasonable to request strict compliance with this design criteria.</p> <p>Requesting each dwelling to have frontage to an existing public domain street or pedestrian or vehicle street or lane would greatly reduce the potential number of units on the site or result in significant alterations to the heritage items primary façade.</p> <p>A precedent for this approach was established by the social housing multi-housing dwelling project at the neighbouring property at No. 122 Glebe Point Road.</p>
53. The frontage measured at the building line is to be at least 5m.	Yes	The existing cottage, which comprises Unit 1, has an existing frontage of 9.3m. Units 2-4 have an approximate frontage of 5.8m each.
54. Dwellings should be orientated away from side boundaries and towards the front and rear of the lot or towards new internal streets.	No but acceptable	<p>Given the context of the site, it is not considered reasonable to request strict compliance with this design criteria.</p> <p>Requesting dwellings to be oriented towards the front and rear would greatly reduce the potential number of units on the site or result in significant alterations to the heritage items primary façade.</p> <p>A precedent for this approach was established by the social housing multi-housing dwelling project at the neighbouring property at No. 122 Glebe Point Road.</p>
<p>Objective 2.4G-3</p> <p>Reasonable solar access is provided to the living rooms and private open spaces of adjoining dwellings.</p>		
55. A window that is more than 3m from the boundary to a living room of an adjoining dwelling is to receive more than 3 hours of direct sunlight between 9am and 3pm on the	Yes	The applicant has provided shadow diagrams illustrating the existing and proposed shadows cast from the subject site.

Objective / Design Criteria	Compliance	Comment
<p>winter solstice (June 21). If the window currently receives less than 3hrs - direct sunlight is not reduced.</p> <p>Note: Direct sunlight is measured consistent with Design Criteria 63 and is only required to one window serving the living room.</p>		<p>No. 118 Glebe Point Road, the southeastern neighbour of the subject site will continue to receive more than 3 hours of direct sunlight between 9am and 3pm on the winter solstice to any living room windows that are more than 3m from their shared boundary.</p>
<p>Objective 2.4G-4</p> <p>The development responds to the natural landform of the site, reducing the visual impact and avoiding large amounts of cut and fill and minimise the impacts of retaining walls.</p>		
<p>57. Unless a dwelling is over a basement, the ground floor is not more than 1.3m above ground level, and no more than 1m below ground level.</p>	<p>Yes</p>	<p>The proposed rear addition will have an FFL of 26.89, which is within 0.5m variation of all surrounding ground levels and is appropriately situated within the topography.</p>
<p>58. Dwellings are located to step with the topography.</p>	<p>Yes</p>	<p>As above.</p>
<p>Objective 2.4G-5</p> <p>Independent services and utilities are available to service each lot.</p>		
<p>59. All lots must have access to reticulated water and sewer, electricity, telecommunications, and where available gas</p>	<p>Yes</p>	<p>All dwellings will be connected to all standard services.</p>
<p>Objective 2.4G-6</p> <p>To minimise impacts to vegetation on adjoining properties and allow for vegetation within the setbacks.</p>		
<p>60. Basement car parking should not be provided within the setbacks described in 2.4A.</p>	<p>Yes</p>	<p>No car parking is proposed</p>

2.4H Solar and Daylight Access

Objective / Design Criteria	Compliance	Comment
<p>Objective 2.4H-1</p> <p>To optimise sunlight received to habitable rooms and private open spaces. Solar access enables passive solar heating in winter and provides a healthy indoor environment</p>		
<p>63. The living room or private open space in each dwelling is to receive a minimum of 2 hours direct sunlight between 9 am and 3pm on the winter solstice (June 21).</p> <p>Note: Direct sunlight is achieved when 1m² of direct sunlight on the glass is achieved for at least 15 minutes. To satisfy 2 hours direct sunlight, 8 periods of 15 minutes will need to be achieved - however the periods do not need to be consecutive.</p>	Yes	<p>The applicant has provided shadow diagrams illustrating the existing and proposed shadows cast from the subject site.</p> <p>As all proposed dwellings have northeastern or northwestern aspects, they will receive sufficient direct solar access to satisfy this requirement.</p>
<p>Objective 2.4H-2</p> <p>To provide good access to daylight suited to the function of the room and to minimise reliance on artificial lighting and improve amenity</p>		
64. Daylight may not be borrowed from other rooms, except where a room has a frontage to a classified road.	Yes	All habitable rooms contain a window.
65. No part of a habitable room is to be more than 8m from a window.	Yes	<p>All habitable rooms contain a window.</p> <p>No rooms are of a dimension that exceeds 8m.</p>
66. No part of a kitchen work surface is to be more than 6m from a window or skylight.	Yes	No kitchen work surfaces will exceed a distance of 4m from a window/glazed opening.
<p>67. Courtyards are to be:</p> <ul style="list-style-type: none"> • Be fully open to the sky; and 	Yes	The proposed courtyards will be fully open to the sky. Pergola structures over the paved sections of the courtyards will

Objective / Design Criteria	Compliance	Comment
<ul style="list-style-type: none"> • Have a minimum dimension of one third of the perimeter wall height, an area of 4m². 		<p>allow for temporary shading to be affixed.</p> <p>The courtyards will be bound by 1800mm high fencing and as such require a minimum dimension of 600mm. All courtyards will exceed a minimum dimension of 3.2m and area of 19.1m².</p>
68. A window is visible from 75% of the floor area of a habitable room.	Yes	All habitable rooms contain a window that has been appropriately situated to be visible from at least 75% of the floor area.

2.4I Natural Ventilation

Objective / Design Criteria	Compliance	Comment
<p>Objective 2.4I-1</p> <p>All habitable rooms are naturally ventilated.</p>		
69. Natural ventilation is available to each habitable room.	Yes	All habitable rooms contain a window.
70. Each dwelling is to be naturally cross ventilated.	Yes	All units proposed, including both the heritage house and new dwellings are naturally cross ventilated.

2.4J Ceiling Height

Objective / Design Criteria	Compliance	Comment
<p>Objective 2.4J-1</p> <p>Ceiling height achieves sufficient natural ventilation and daylight access and provides spatial quality.</p>		
<p>71. Minimum ceiling heights are:</p> <ul style="list-style-type: none"> • 2.7m to ground floor habitable rooms. 	Partial compliance but acceptable	<p>All ground floor habitable rooms will have a minimum ceiling height of 2.7m.</p> <p>No upper level living rooms are proposed.</p> <p>The proposed upper level bedrooms have a minimum ceiling height of 2.4m.</p>

Objective / Design Criteria	Compliance	Comment
<ul style="list-style-type: none"> • 2.7m to upper level living rooms. • 2.4m to upper level habitable rooms (excluding living rooms). <p>The ceiling height is measured from finished floor level to finished ceiling level.</p>		<p>The proposed upper level studies will have a roof pitching point at the wall of 2.345m, minimally varying from this design criterion by 2%. The majority of all habitable rooms have a ceiling height of up to 2.7m which exceeds the minimum requirement.</p> <p>Given the proposed variation is minor in nature and only relates to the upper level studies, it is considered acceptable.</p>

2.4K Dwelling Size and Layout

Objective / Design Criteria	Compliance	Comment												
<p>Objective 2.4K-1</p> <p>The dwelling has a sufficient area to ensure the layout of rooms are functional, well organised and provide a high standard of amenity.</p>														
<p>72. Dwellings are required to have the following minimum internal floor areas:</p> <ul style="list-style-type: none"> • 1 bed 65m² • 2 bed 90m² • 3+ bed 115m² 	No but acceptable	<table> <thead> <tr> <th>Unit</th> <th>Beds</th> <th>Internal Floor Area</th> </tr> </thead> <tbody> <tr> <td>Unit 1</td> <td>2 Bed</td> <td>66.24sqm</td> </tr> <tr> <td>Unit 2-3</td> <td>1 Bed</td> <td>64.85sqm</td> </tr> <tr> <td>Unit 4</td> <td>1 Bed</td> <td>66sqm</td> </tr> </tbody> </table> <p>The proposed 2 bed dwelling in Unit 1 will be 26.4% smaller than the minimum internal floor area required under this design guide.</p> <p>This variation is acceptable as Unit 1 is located within the main building which is a heritage item and attempts to comply with this design criteria would result in significant alterations which would impact the heritage character of the item.</p> <p>Unit 2-3 will be 0.3% smaller than the minimum internal floor area required for a 1 bed dwelling. This is due to the bin storage being appropriately located and screened from the public domain.</p>	Unit	Beds	Internal Floor Area	Unit 1	2 Bed	66.24sqm	Unit 2-3	1 Bed	64.85sqm	Unit 4	1 Bed	66sqm
Unit	Beds	Internal Floor Area												
Unit 1	2 Bed	66.24sqm												
Unit 2-3	1 Bed	64.85sqm												
Unit 4	1 Bed	66sqm												

Objective / Design Criteria	Compliance	Comment
		Given the variation is minor in nature for Unit 2-3, it is considered acceptable.
75. Kitchens should not be part of a circulation space such as a hallway.	Yes	All kitchens have been appropriately located so as to not be part of a circulation space.
<p>Objective 2.4K-2</p> <p>Room sizes are appropriately sized for the intended purpose and number of occupants.</p>		
76. One bedroom has a minimum area of 10m ² excluding space for a wardrobe.	Yes	Unit 1 has bedrooms of 12.3m ² and 11.8m ² , thereby satisfying this provision. Units 2-4 have bedrooms of 10.0 m ² (11.4m ² with wardrobes) and is compliant with the provision.
77. Bedrooms have a minimum dimension of 3m in any direction (excluding wardrobe space).	Yes	All bedrooms have minimum dimensions of or exceeding 3m, excluding wardrobe space, thereby satisfying this design criterion.
<p>78. Combined living and dining rooms are to have a minimum area of:</p> <ul style="list-style-type: none"> • 1 and 2 bed 24m² • 3+ bed 28m² 	Yes	All units with combined living and dining rooms exceed the minimum area, thereby satisfying this design criterion.
79. Living room or lounge rooms are to have a minimum width of 4m (excluding fixtures).	Partial compliance	<p>Units 2-4 have living rooms with minimum widths of 4.6m, satisfying this design criterion.</p> <p>Unit 1's living room has a minimum dimension of 3.3m x 3.6m. This non-compliance is considered acceptable as Unit 1 is located within the main building, which is a heritage item.</p> <p>The main building is subject to constraints in order to retain the significant fabric and original room configuration if the heritage item as per Clause 5.10.10 of the Sydney LEP 2012.</p>

2.4L Principal Private Open Spaces

Objective / Design Criteria	Compliance	Comment
<p>Objective 2.4L-1</p> <p>The dwelling has a sufficient area to ensure the layout of rooms are functional, well organised and provide a high standard of amenity.</p>		
<p>80. The area of principal private open space provided for each dwelling is at least 45sqm with a minimum dimension of 5m.</p>	<p>No but acceptable</p>	<p>In order to conserve the heritage significance of the site, the early Victorian free-standing cottage and garden setting to the front of the site has been retained. The spatial constraints that result from heritage concerns and minimising the impact of the proposed contemporary rear addition whilst providing satisfactory residential amenity have been carefully considered, and as per conservation incentives under Clause 5.10.10 of the Sydney LEP, the proposal varies from this design criterion.</p> <p>In order to maintain both the garden setting of the retained heritage house, as well as broader communal amenity, the subject site proposes a total of 241sqm of landscaping, equating to 55% of the site. This comprises a shared garden area (frontage to Glebe Point Road) of approx. 60 sqm.</p>
<p>81. Provide a consolidated paved area of 12m² with minimum dimension of 3m.</p>	<p>No but acceptable</p>	<p>The proposed development has a consolidated paved area of 121.53 sqm.</p> <p>None of the paved areas have a minimum dimension of 3m x 3m.</p> <p>In order to conserve the heritage significance of the site, the early Victorian free-standing cottage and garden setting to the front of the site has been retained. The spatial constraints that result from heritage concerns and minimising the impact of the proposed contemporary rear addition whilst providing satisfactory residential amenity have been carefully considered, and as per conservation incentives under Clause 5.10.10 of the Sydney LEP, the</p>

Objective / Design Criteria	Compliance	Comment
		proposal varies from this design criterion.
<p>Objective 2.4L-2</p> <p>Principal private open space and balconies are appropriately located to enhance liveability for residents.</p>		
<p>82. The principal private open space is located behind the front building line</p>	<p>No but acceptable</p>	<p>Whilst the principal private open space of Unit 1 is partially comprised of the front verandah, which is located behind the front building line, it also consists of landscaped area to the front of the subject site.</p> <p>In order to conserve the heritage significance of the site, the early Victorian free-standing cottage and garden setting to the front of the site has been retained. The spatial constraints that result from heritage concerns and minimising the impact of the proposed contemporary rear addition whilst providing satisfactory residential amenity have been carefully considered, and as per conservation incentives under Clause 5.10.10 of the Sydney LEP, the proposal varies from this design criterion. This variation is considered acceptable.</p> <p>The principal private open spaces of Units 2-4 are located behind the front building line, thereby satisfying this design criterion.</p>
<p>83. The principal private open space is to be located adjacent to the living room, dining room or kitchen to extend the living.</p>	<p>Yes</p>	<p>All principal private open spaces have been appropriately located adjacent to the living rooms of each dwelling.</p>
<p>84. 8sqm of private open space should be covered to provide shade and protection from rain.</p>	<p>Yes</p>	<p>Unit 1, which comprises the original cottage, contains 17.0m² of covered private open space through the verandah.</p> <p>Units 2-4 contain 8.3m² of covered private open space through the proposed pergola structures over the paved sections of the courtyards that will</p>

Objective / Design Criteria	Compliance	Comment
		allow for temporary shading to be affixed, as well as the awnings over the doors and windows to the courtyard.

2.4M Storage

Objective / Design Criteria	Compliance	Comment
Objective 2.4M-1		
Adequate, well designed storage is provided in each dwelling.		
1 85. In addition to storage in kitchens, and bedrooms, the following storage with a minimum dimension of 500mm is provided: <ul style="list-style-type: none"> • 1 bed 6m³ • 2 bed 8m³ • 3+ bed 10m³ 	Capable of compliance	Whilst no built-in storage additional to kitchens and bedrooms has been provided to Unit 1, and 1.6m ² has been provided to each of Units 2-4, there is sufficient space for the provision of additional storage in each dwelling in order to satisfy this design criterion. This includes shelving/storage units provided in the study as well as an accessible under-stair storage space.
86. At least 50% of the required storage is to be located inside the dwelling.	Yes	All proposed built-in storage is located internally, with sufficient space for the provision of additional storage inside each dwelling in order to satisfy this design criterion.

2.4N Car and Bicycle Parking

Objective / Design Criteria	Compliance	Comment
Objective 2.4N-1		
Car parking is provided appropriate for the scale of the development		
88. Car parking is to be provided at the rate required for multi dwelling housing within the DCP that applies to the land. If there is no rate in the DCP - 1 space is to be provided per dwelling.	No but acceptable	The Sydney DCP promotes alternative transport means as opposed to the use of private cars. Furthermore, the Glebe Point Road area is a highly accessible area from Sydney CBD. In the context of this project, the proposed development with zero parking spaces is considered to be appropriate.

Objective / Design Criteria	Compliance	Comment
Objective 2.4N-2		
Parking facilities are provided for bicycles.		
91. Covered space is to be provided for the secure storage of at least 1 bicycle per dwelling.	Capable of compliance	There is sufficient outdoor space for each proposed dwelling to enable the secure storage of at least 1 bicycle.
Objective 2.4N-3		

2.40 Visual Privacy

Objective / Design Criteria	Compliance	Comment
Objective 2.40-1		
The separation of windows and terraces, decks and balconies within a site and to adjoining existing or future buildings provide a degree of visual privacy without the reliance on fixed screening.		
97. Orientate living room windows, primary private open space to the street or rear.	No but acceptable	It is not appropriate within the context of the site for each dwelling to be oriented towards the street or rear as the subject site is part of a heritage item. The retained dwelling is oriented to the principal street frontage in a garden setting. Unit 2 / 3 / 4 are oriented north to maximise solar access, with adequate setbacks from the adjoining development at No. 122 Glebe Point Road to minimise potential privacy impacts to the neighbour.
98. At least one windows for each habitable room is provided without the need for a privacy screen.	Partial Compliance	The proposed windows for Unit 2 / 3 / 4 are compliant with these provisions and are capable of compliance by provision of privacy screening. Alternative design

Objective / Design Criteria	Compliance	Comment												
<p>99. A privacy screen is required when:</p> <table border="1" data-bbox="209 360 614 741"> <thead> <tr> <th data-bbox="209 360 411 577">Distance from Boundary</th> <th data-bbox="411 360 614 577">Finished Floor Level Above Ground Floor (Existing)</th> </tr> </thead> <tbody> <tr> <td data-bbox="209 577 411 658"><3m</td> <td data-bbox="411 577 614 658">1-3m</td> </tr> <tr> <td data-bbox="209 658 411 741"><6m</td> <td data-bbox="411 658 614 741">>3m</td> </tr> </tbody> </table> <table border="1" data-bbox="209 808 614 1227"> <thead> <tr> <th data-bbox="209 808 411 1061">Distance from Windows in Dwelling on same lot</th> <th data-bbox="411 808 614 1061">Finished Floor Level Above Ground Level (Existing)</th> </tr> </thead> <tbody> <tr> <td data-bbox="209 1061 411 1142"><3m</td> <td data-bbox="411 1061 614 1142">1-3m</td> </tr> <tr> <td data-bbox="209 1142 411 1227"><6m</td> <td data-bbox="411 1142 614 1227">>3m</td> </tr> </tbody> </table> <p>Note: This does not apply to bedroom windows that have an area less than 2m² or windows that have a frontage to a road or public open space.</p>	Distance from Boundary	Finished Floor Level Above Ground Floor (Existing)	<3m	1-3m	<6m	>3m	Distance from Windows in Dwelling on same lot	Finished Floor Level Above Ground Level (Existing)	<3m	1-3m	<6m	>3m	<p>Partial Compliance</p>	<p>solutions, in the form of highlight windows or opaque glazing are also considered as alternatives to privacy screening.</p> <p>No screening as a variation to the windows of Unit 1 are suggested. This relates to the heritage property, which is being conserved and for which all existing windows are existing conserved opening locations which will not be altered.</p>
Distance from Boundary	Finished Floor Level Above Ground Floor (Existing)													
<3m	1-3m													
<6m	>3m													
Distance from Windows in Dwelling on same lot	Finished Floor Level Above Ground Level (Existing)													
<3m	1-3m													
<6m	>3m													

2.4P Acoustic Privacy

Objective / Design Criteria	Compliance	Comment
<p>Objective 2.4P-1</p> <p>Noise transfer is minimised through the siting of buildings and building layout</p>		

Objective / Design Criteria	Compliance	Comment
102. Electrical, mechanical, hydraulic and air conditioning equipment is housed so that it does not create an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 either within or at the boundaries of any property at any time of the day.	Yes	All services will be appropriately housed in order to prevent the creation of 'offensive noise'.

2.4Q Noise and Pollution

60. This section does not apply as the site is not within the 20 ANEF contour or adjacent to a classified road or rail corridor.

2.4R Architectural Form and Roof Design

Objective / Design Criteria	Compliance	Comment
Objective 2.4R-1		
The architectural form is defined by a balanced composition of elements. It responds to internal layouts and desirable elements in the streetscape.		
105. Provide in the Design Verification Statement a description as to how the architectural form reduces the visual bulk and responds and provides a cohesive design response. Note: Refer to Section 3 for guidance.	Yes	The applicant has provided a design verification statement which is considered acceptable and addresses this design criteria.
Objective 2.4R-2		
The roof treatments are integrated into the building design and positively respond to the street.		
106. The roof design is integrated harmoniously with the overall building form.	Yes	The existing primary roof form of the cottage will be retained. The roof of the proposed addition responds appropriately with regard to the bulk, form, scale and materiality of that of the existing cottage.

Objective / Design Criteria	Compliance	Comment
107. Skylights and ventilation systems are integrated into the roof design.	Yes	No skylights are proposed. Ventilation systems will be appropriately integrated into the roof structures.

2.4S Visual Appearance and Articulation

Objective / Design Criteria	Compliance	Comment
<p>Objective 2.4S-1</p> <p>To promote well designed buildings of high architectural quality that contribute to the local character</p>		
<p>108. Provide in the Design Verification Statement a description as to how the aesthetics and articulation contribute to the character of the local area.</p> <p>Note: Refer to Section 3 for guidance.</p>	Yes	A Design Verification Statement, containing a description as to how the aesthetics and articulation contribute to the character of the local area, has been submitted as part of this Development Application.
<p>109. The development may have a primary road articulation zone that extends up to 1.5m forward of the minimum required setback from the primary road.</p> <p>The following elements can be located in the articulation zone:</p> <ul style="list-style-type: none"> • An entry feature or portico. • A balcony, deck, pergola, terrace or verandah. • A window box treatment. • A bay window or similar feature. • An awning or other feature over a window. • A sun shading feature. • An eave. 	Yes	The articulation zone includes a garden (terraced) setting and verandah for the restored heritage dwelling. The proposed development thus complies with this clause.

2.4T Pools and Detached Development

61. This section does not apply as no pools are proposed.

2.4U Energy Efficiency

Objective / Design Criteria	Compliance	Comment
Objective 2.4U-1 Development incorporates passive environmental design		
119. Provide an outdoor area for clothes drying that can accommodate at least 16 lineal metres of clothes line for each dwelling.	Yes	Each dwelling has been provided with sufficient private open space to accommodate at least 16 lineal metres of clothes line.
120. Any clothes drying area should be screened from public and communal areas.	Yes	All clothes drying lines have been oriented to the north of the site and are located within the enclosed private gardens or paved court areas of the dwellings proposed.

2.4V Water Management and Conservation

Objective / Design Criteria	Compliance	Comment
Objective 2.4V-1 Urban stormwater is treated on site before being discharged to receiving waters		
121. A stormwater system is to: The system must: <ul style="list-style-type: none"> • Comply with requirements in the DCP that applies to the land. • Be approved (if required) under s.68 of the Local Government Act 1993). 	Yes	Stormwater plans prepared by Portes Project & Services (Civil & Structural Consulting Engineers) has been submitted in conjunction with this report.
Objective 2.4V-2 Flood management systems are integrated into site design		

Objective / Design Criteria	Compliance	Comment
122. Detention tanks are to be located under paved areas, driveways or in basements.	Yes	Rainwater detention has been provided as an underground detention tank. No Rainwater Tanks are required as part of BASIX compliance requirements.

2.4W Waste Management

Objective / Design Criteria	Compliance	Comment
Objective 2.4W-1		
Waste storage facilities meet the needs of the residents, are easy to use and access and enable efficient collection of waste		
123. Provide storage space for the type and number of bins designated in council's waste policy (or DCP).	Yes	A Waste and Recycling Management Plan has been submitted in conjunction with this report. A bin storage area has been provided in order to accommodate the required number of bins as per the City of Sydney's Guidelines for Waste Management.
124. Where waste storage is provided in a communal area, access to this waste area is to be provided for all residents without crossing a private lot.	Yes	The provided communal waste storage area has been appropriately located along a common thoroughfare, allowing access to all residents without crossing a private lot.
126. Where a rear lane has provision for waste collection trucks used by council, the collection point is to be from the rear lane.	Yes	The waste storage area has been appropriately located to allow for waste collection from Derwent Lane.
127. Despite any requirements in council's waste policy, on-site waste vehicle access is not required where: <ul style="list-style-type: none"> • there are less than 20 dwellings, or • the development is Torrens title subdivided 	Yes	On-site waste vehicle access is neither required nor provided as the proposed development will consist of only four dwellings.

Objective / Design Criteria	Compliance	Comment
Objective 2.4W-2		
Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents		
130. Storage areas for rubbish and recycling bins are to be provided: <ul style="list-style-type: none"> • Within garages; • In screened enclosure that is part of the overall building design; or • In the basement car park. 	Yes	The proposed bin storage area has been provided in a screened enclosure that is appropriately integrated into the contemporary rear addition.

2.4X Universal Design

Objective / Design Criteria	Compliance	Comment
Objective 2.4X-1		
Universal design features are included in dwelling design to promote flexible housing for all community members		
132. All dwellings are to include the Liveable Housing Design Guideline's Silver level universal design features.		
1. 1. A safe continuous and step free path of travel from the street entrance and / or parking area to a dwelling entrance that is level.	No but acceptable	Unit 1 varies from these core design elements in the LHA Silver Level as it consists of the heritage cottage, the entrance through which is the verandah which is significant heritage fabric. The garden setting of the cottage, which is an integral part of the heritage character of the site, is situated upon steep topography that rises approximately 3m from the Glebe Point Road frontage to the verandah FFL, limiting the opportunities for level access that will also conserve the heritage values of the site. This variation is as per conservation incentives under Clause 5.10.10 of the Sydney LEP. Units 2-4 have been provided with safe continuous and step free paths of travel from Derwent Lane to level dwelling
2. At least one, level (step-free) entrance into the dwelling.	No but acceptable	

Objective / Design Criteria	Compliance	Comment
		entrances, satisfying these core design elements in the LHA Silver Level.
3. Internal doors and corridors that facilitate comfortable and unimpeded movement between spaces.	Yes	Internal doors and corridors have been carefully considered in the proposal so as to allow comfortable circulation throughout each dwelling.
4. A toilet on the ground (or entry) level that provides easy access.	No but acceptable	Unit 1, comprising of the existing single storey cottage, satisfies this core design element. In order to conserve the heritage significance of the site, the early Victorian free-standing cottage and garden setting to the front of the site has been retained. The spatial constraints that result from heritage concerns and minimising the impact of the proposed contemporary rear addition whilst providing satisfactory residential amenity have been carefully considered, and as per conservation incentives under Clause 5.10.10 of the Sydney LEP, Units 2-4 vary from this design criterion.
5. A bathroom that contains a hobless shower recess.	Yes	Bathrooms with hobless shower recesses are proposed.
6. Reinforced walls around the toilet, shower and bath to support the safe installation of grabrails at a later date.	Yes	Bathrooms will be appropriately constructed with reinforced walls in order to support the safe installation of grabrails at a later date.
7. Stairways are designed to reduce the likelihood of injury and also enable future adaptation.	Yes	Stairways have been appropriately designed for safe circulation and are capable of future adaption.

2.4Y Communal Areas and Open Space

Objective / Design Criteria	Compliance	Comment
Objective 2.4Y-2		

Objective / Design Criteria	Compliance	Comment
Communal areas are designed to enhance residential amenity and maximise safety and connectivity to the dwelling and promote social interaction between residents.		
136. Communal areas and open space are visible from habitable rooms and private open space while maintaining visual privacy.	Yes	Communal areas are limited to circulatory pathways which have been designed to respond appropriately to the site whilst maintaining residential amenity, and will be visible from habitable rooms and private open space.
Objective 2.4Y-3		
Common circulation spaces achieve good amenity with access to daylight and ventilation		
139. Daylight and natural ventilation is provided to all common circulation above ground.	Yes	The proposed common circulation spaces are situated externally to the building and as such will receive satisfactory daylight and natural ventilation.

State Environmental Planning Policy (Sustainable Buildings) 2022

62. The aims of this Policy are as follows—

- (a) to encourage the design and delivery of sustainable buildings,
- (b) to ensure consistent assessment of the sustainability of buildings,
- (c) to record accurate data about the sustainability of buildings, to enable improvements to be monitored,
- (d) to monitor the embodied emissions of materials used in construction of buildings,
- (e) to minimise the consumption of energy,
- (f) to reduce greenhouse gas emissions,
- (g) to minimise the consumption of mains-supplied potable water,
- (h) to ensure good thermal performance of buildings.

Chapter 2 Standards for residential development - BASIX

63. A BASIX Certificate has been submitted with the development application 1409160M.

64. 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.

State Environmental Planning Policy (Transport and Infrastructure) 2021

65. The provisions of SEPP (Transport and Infrastructure) 2021 have been considered in the assessment of the development application.

Division 5, Subdivision 2: Development likely to affect an electricity transmission or distribution network**Clause 2.48 Determination of development applications – other development**

66. The application is subject to Clause 2.48 of the SEPP as the development will be carried out within 5m of an exposed overhead electricity power line.

67. As such, the application was referred to Ausgrid for a period of 21 days and no objection was raised.

Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 2 (Vegetation in Non Rural Areas) 2017

68. The proposal includes the clearing of vegetation in a non-rural area and as such is subject to this SEPP.

69. The SEPP states that the Council must not grant consent for the removal of vegetation within heritage sites or heritage conservation areas unless Council is satisfied that the activity is minor in nature and would not impact the heritage significance of the site.

70. The proposal involves the removal of trees from the front yard of the subject site. The site is identified as a local heritage item and is within the Glebe Point Road heritage conservation area.

71. The application was referred to the City's heritage and urban design team who noted that the 'front gardens' was included as part of the heritage listing of the item, however did not raise concerns that the removal of the trees would impact the heritage significance of the site.

72. The City's tree management do not support the removal of tree 2 from the front yard. Further details can be found in the 'Discussion' section below.

Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 - Chapter 6 Water catchments

73. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of Chapter 6 of the above SEPP. In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the controls set out in Division 2.

74. 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 control of improved water quality and quantity, the controls set out in Division 2 of the SEPP are not applicable to the proposed development.

Local Environmental Plans

Sydney Local Environmental Plan 2012

75. 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 subject site is located within the E1 Local Centre Zone. The proposal is for alterations and additions to an existing residential dwelling and use as 'multi-dwelling housing', which is permissible with consent.

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	No but acceptable	<p>A maximum building height of 6m is permitted.</p> <p>A height of 6.1m is proposed.</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>The maximum floor space ratio shown for the subject site on the Floor Space Ratio Map is 1.5:1. The proposal satisfies this constraint with a floor space ratio of 0.62:1.</p> <p>In addition, whilst the proposed development does not seek to exceed the maximum floor space ratio specified on the Floor Space Ratio Map, the SEPP Housing 2021 permits an additional 0.5:1 as the entirety of the gross floor area of the building will be used for affordable housing, allowing a total permissible floor space ratio of 2:1.</p>

Provision	Compliance	Comment
4.6 Exceptions to development standards	Yes	<p>The proposed development seeks to vary the development standard prescribed under Clause 4.3.</p> <p>Additionally, the proposed development seeks to vary the non-discretionary development standards prescribed under Chapter 2, Part 2, Division 1, Clause 18 of the Housing SEPP 2021 (as in effect on the submission of this application).</p> <p>Clause 4.6 variation requests has 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 a local heritage item I717 - House group 'City View Cottages'.</p> <p>The site is located within the Glebe Point Road heritage conservation area (C29).</p> <p>The proposed development will not have detrimental impact on the heritage significance of the heritage conservation area and the heritage item.</p> <p>See further details in the 'Discussion' section below.</p>
5.21 Flood planning	Yes	The site is not identified as flood prone and therefore complies.

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 4 Design excellence		
6.21C Design excellence	Yes	The proposed development is of a high standard and uses materials and detailing which are compatible with the existing development along the street and will contribute positively to the character of the area.

Provision	Compliance	Comment
		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. The development therefore achieves design excellence.

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development		
7.5 Residential flat buildings, dual occupancies and multi dwelling housing	Yes	The proposal does not seek consent for car parking and therefore complies.
Division 3 Affordable Housing		
7.13 Contribution for purpose of affordable housing	Yes	The proposed development will be providing affordable housing in its entirety, therefore the affordable housing contribution is not payable.
Division 4 Miscellaneous		
7.14 Acid Sulfate Soils	Yes	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.

Development Control Plans

Sydney Development Control Plan 2012

76. 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

77. The subject site is located in the Glebe Point Road locality. The proposed infill affordable housing development is considered to be in keeping with the unique character of the area and design principles in that it responds to the existing heritage item on site and complements the adjoining items within the group with respect to the height, massing and proportions of the rear addition.

Section 3 – General Provisions

Provision	Compliance	Comment
3.5 Urban Ecology	Partial compliance but acceptable	The proposed development involves the removal of trees on site. See further details in the 'Discussion' section below.
3.6 Ecologically Sustainable Development	Yes	The proposal satisfies BASIX and environmental requirements. Refer to SEPP (Sustainable Buildings) section.
3.9 Heritage	Yes	<p>The site is a local heritage item I717 - House group 'City View Cottages'.</p> <p>The site is located within the Glebe Point Road heritage conservation area (C29). The building is identified as a contributing building.</p> <p>Following a review by the City's heritage and urban design team, a number of amendments were requested and the submission of a 'Schedule of Conservation Works' was requested.</p> <p>The applicant submitted the amendments and schedule of conservation works which has been included as a condition of consent.</p> <p>The proposed alterations and additions to the rear are considered acceptable with regards to heritage. The additions to the rear will be constructed of materials sympathetic to the main heritage building and the rear addition which houses units 2-4 will largely not</p>

Provision	Compliance	Comment
		<p>be visible from the principal elevation of the subject site at Glebe Point Road.</p> <p>Following the amendments, and the submission of the schedule of conservation works, the proposal is considered acceptable, subject to conditions, with regards to heritage.</p>
3.11 Transport and Parking	Yes	<p>The proposal does not seek permission for car parking and therefore complies with the relevant provisions.</p> <p>The proposal of no parking is considered acceptable as the subject site is well serviced by frequent public transport routes.</p>
3.12 Accessible Design	No but considered acceptable	<p>The applicant has submitted evidence addressing the reasons why equitable access cannot be achieved. Given the heritage setting of the item from Glebe Point Road accessed is via a set of stairs. The inclusion of a compliant ramp system would require significant alteration to the front setback which would unreasonably impact the heritage significance of the item.</p> <p>Access could be achieved from Derwent Lane to the rear however there is no formal footpath along Derwent Lane and therefore would not be an appropriate point of access.</p> <p>Given the heritage significance of the site and the limited number of dwellings the need for an adaptable dwelling is also not required.</p> <p>A condition has been applied regarding access requirements relevant within the BCA and Australian Standards.</p>
3.13 Social and Environmental Responsibilities	Yes	<p>The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.</p>
3.14 Waste	Yes	<p>A condition has been recommended to ensure the proposed development</p>

Provision	Compliance	Comment
		complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.

Section 4 – Development Types

4.1 Single Dwellings, Terraces and Dual Occupancies

The height, massing and siting of the proposed development is more in keeping with the Section 4.1 development controls.

Provision	Compliance	Comment
4.1.1 Building height	No but acceptable	The proposed development is 2 storeys in height and does not comply with the building height in storeys control. See further details under the sub-heading 'Building Height Storeys' in the 'Discussion' section below.
4.1.2 Building setbacks	Yes	The front setback is not altered by the proposal. The side boundary setbacks for the proposed rear addition maintains the setting of heritage item by continuing a consistent side boundary setback for the new form. The nil rear boundary setback to Derwent Lane is consistent with the built form presentation of adjoining laneway developments being single storey in nature.
4.1.3 Residential amenity As demonstrated below, the proposed development will have acceptable residential amenity and will not have unreasonable impacts on the residential amenity of neighbouring properties.		
4.1.3.1 Solar access	Yes	As demonstrated by the hourly view from the sun solar diagrams for mid-winter, the proposal maintains adequate solar access to the private open space of the adjoining dwelling at 118 Glebe Point Road. Units 2 / 3 / 4 achieves a minimum of two hours direct sunlight into the principal living space via the sliding glass doors on the ground floor from between 12:00 Noon - 02:00 PM.

Provision	Compliance	Comment
		<p>Unit 1 achieves a minimum of two hours direct sunlight into the principal living space and kitchen area via the front verandah french doors and side windows between 11:00 AM - 01:00 PM.</p> <p>The private open space for each dwelling will receive direct solar access however units 2/3/4 will only have 6.2sqm of private open space that can receive direct solar access. This is considered acceptable as the front garden of the site can be used as a shared private open space for all units and will receive unobstructed solar access from 9am - 3pm midwinter.</p>
4.1.3.2 Solar collectors	Yes	<p>The proposal includes solar panels on units 2-4 to the rear of the main heritage building. The solar panels to the main heritage item were removed from the proposal to retain the heritage character of the heritage item.</p> <p>The solar collectors are not located in areas which would be impacted severely by mature tree growth. The existing rear of the property to the north is built up and the proposal relies upon the existing general character of 2 storey structures to ensure that solar collectors are not overshadowed.</p>
4.1.3.3 Landscaping	Partial compliance but acceptable	See further detail in the 'Discussion' section below.
4.1.3.4 Deep soil planting	Yes	The proposal includes 27% deep soil and therefore complies.
4.1.3.5 Private open space	Yes	Each unit has been provided with a private open space of at least 16sqm with a minimum dimension of 3m. It provides for a mix of covered, uncovered, paved and unpaved areas to enable a variety of uses to take place outside by each resident.
4.1.3.6 Visual privacy	Yes	The proposal has maximised visual privacy to the side and rear boundaries

Provision	Compliance	Comment
		<p>through a number of measures, including:</p> <ul style="list-style-type: none"> • Appropriate highlight windows for the study for Unit 2/3/4 to reduce opportunity for overlooking along the southern boundary. • Provision of Bedroom windows which are 'misaligned' from windows at the adjoining social housing development at No. 122 Glebe Point Road to prevent direct overlooking between properties. • Setback to principal building forms from the northern boundary by approximately 3.5 metres to provide for adequate building separation in an urban context. • Provision of angled eave overhang hoods to bedrooms as shown in section to prevent overlooking to neighbouring private open space. <p>The proposed measures above are considered acceptable to maximise the visual privacy to and front the proposed development.</p>
4.1.4 Alterations and additions		
4.1.4.1 General	Yes	The proposed development is a sympathetic development which is similar to the previously approved development at No. 122 Glebe Point Road in terms of its orientation, bulk and scale. The proposed development maintains and restores the heritage item by undertaking conservation works to the existing dwelling.
4.1.4.2 Lean-to additions	Yes	The proposed development presents a hipped roof aligned to the existing pitch angle and form of the principal roof along Glebe Point Road. This is appropriate for this context as it responds and reflects a similar approach adopted for an adjoining development of a similar type at No. 122 Glebe Point Road. Whilst a hipped roof is adopted,

Provision	Compliance	Comment
		the overall roof form and bulk remains below the principal roof ridge and is considered to be visually appropriate and does not adversely impact the retained principal dwelling fronting Glebe Point Road.
4.1.4.6 Additional storeys	Yes	The additional storey proposed at the rear of the dwelling is located below the gutter line and consistent with the form, scale and setbacks of similar additions within the row. The addition is therefore supported.
4.1.5 Roof alterations and additions		
4.1.5.5 Rear roof extensions	Yes	The proposed development will not alter the existing roof form of the heritage item to be retained. The new rear roof form will include attic style dormer windows to accommodate habitable spaces within the roof form. The dormer window design does not detract from the principal roof alignment and is not readily visible from Glebe Point Road as a roof feature.
4.1.7 Fences	Yes	The front fencing is to be replaced with timber palisade fencing which is supported by the City's Heritage Specialist as being in keeping with the style and period of the heritage item as it presents to Glebe Point Road.
4.1.8 Balconies, verandahs and decks	Yes	The verandah of the existing dwelling is to be restored as part of the development.

Discussion

Clause 4.6 Request to Vary a Development Standard (Height)

78. The site is subject to a maximum height control of 6m. The proposed development has a height of 6.111 metres, varying the development standard by 1.85 per cent.
79. A written request has been submitted to Council in accordance with Clause 4.6(3)(a) and (b) of the Sydney LEP 2012 seeking to justify the contravention of the development standard by demonstrating:

- a. That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case;
- b. That there are sufficient environmental planning grounds to justify contravening the standard;
- c. The proposed development will be consistent with the objectives of the zone; and
- d. The proposed development will be consistent with the objectives of the standard.

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

80. The applicant seeks to justify the contravention of the height development standard on the following basis:
- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) The slope on the site affects the building height measurements, causing the minimal 1.85 per cent variation.
 - (ii) The Aboriginal Housing Office (AHO) design guidelines requires minimum ceiling heights which contributes to the minor variation.
 - (iii) The development offers an appropriate transition between 118 Glebe Point Road (9 metres in height) and 122 Glebe Point Road (6 metres in height).
 - (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) The variation of 111 millimetres is a result of the required minimum clearances for habitable spaces of 2.7 metres, as in the AHO Design Guidelines for public and affordable housing.
 - (ii) The variation of 111 millimetres will allow for affordable housing in line with the AHO Design Guidelines for public and affordable housing, which would contribute to the public benefit.
 - (c) The proposed development will be consistent with the objectives of the zone;
 - (i) The development provides a community housing project, contributing to the range of uses in the E1 Local Centre zone.
 - (ii) The proposal will contribute to a vibrant and active local centre.
 - (iii) The development does not propose parking and its residents will maximise public transport and will encourage alternatives to car-oriented travel.
 - (d) The proposed development will be consistent with the objectives of the standard
 - (i) The variation will remain consistent with the existing heritage roof ridge and adjoining properties roof ridge.

- (ii) The development will result in an appropriate height transition between the heritage item and neighbouring properties.
- (iii) The proposed development will not impact the ability for neighbouring properties to enjoy local views.

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

81. Development consent must not be granted unless the consent authority is satisfied that:
- (a) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 of Clause 4.6 being that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard; and
 - (b) The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Does the written request adequately address those issues at Clause 4.6(3)(a)?

82. There is an existing and significant topographical slope across the site, which results in variation on maximum height of the building from ground level. The proposed height variation of 111 millimetres, representing a 1.85 per cent deviation, is minimal and aligns with the ridge levels of surrounding properties, ensuring visual consistency and maintaining the heritage context.
83. The Aboriginal Housing Office (AHO) Design Guidelines necessitate a minimum ceiling height of 2.7 metres for habitable spaces, exceeding the National Construction Code (NCC) requirement of 2.4 metres. This additional height contributes to the proposed minor height variation but is crucial for providing quality living conditions in affordable housing units.
84. The adjoining properties at 118 and 122 Glebe Point Road have varied heights (9 metres and 6 metres, respectively). The proposed development height offers an appropriate transition between these structures, mitigating any abrupt changes in building scale along the streetscape.

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

85. The variation of 111 millimetres enables the development to meet the AHO Design Guidelines for public and affordable housing, achieving better amenity outcomes for future residents by allowing for the minimum clearances of 2.7 metres for habitable spaces.
86. The variation of 111 millimetres will allow for affordable housing in line with the AHO Design Guidelines for public and affordable housing, which would contribute to the public benefit.
87. The variation of 111 millimetres is minimal and would not result in adverse impacts to the amenity of adjoining properties or have a notable impact on the scale and bulk of the main heritage item building.

Is the development in the public interest?

88. The proposed development meets the objectives of the height standard by ensuring the height is appropriate for the site's conditions and context, providing an effective transition between heritage items and new developments, and promoting a consistent streetscape.
89. The proposal is in the public interest as it addresses the broader objectives of affordable housing, heritage conservation, and sustainable urban development, aligning with both local and strategic planning frameworks.

Conclusion

90. For the reasons provided above the requested variation to the height is supported as the applicant's written request has adequately addressed the matters required to be addressed by cl 4.6 of the Sydney Local Environmental Plan 2012 and the proposed development would be in the public interest because it is consistent with the objectives of Clause 4.4 and the E1 Local Centre zone.

Clause 4.6 Request to Vary a Development Standard (SEPP Housing - Minimum Site Area)

91. The site is subject to a minimum lot size of 450 square metres under the 'Non-discretionary development standards' outlined in Clause 18(2)(a) of SEPP (Housing) 2021. The subject site has an area of 436.2 square metres, varying the non-discretionary development standard by 3.1 per cent.
92. 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 Non-discretionary development standard by demonstrating:
 - (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case;
 - (b) That there are sufficient environmental planning grounds to justify contravening the standard;
 - (c) The proposed development will be consistent with the objectives of the zone; and
 - (d) The proposed development will be consistent with the objectives of the standard.

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

93. The applicant seeks to justify the contravention of the Clause 18(2)(a) (Minimum lot size) non-discretionary development standard on the following basis:
 - (a) That compliance with the non-discretionary development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) The variation is marginally below the requirement at 3.1 per cent.
 - (ii) The adjoining site at No. 122 Glebe Point Road has a similar development that recently has been granted permission and built, showing precedent for this type of development.

- (iii) Strict compliance would reduce the availability of affordable housing.
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) The proposed development involves the adaptive reuse and restoration of a heritage building, which aligns with sustainable development principles.
 - (ii) The project includes extensive conservation and restoration works, such as re-roofing, repainting, and landscaping, which will enhance the heritage value of the site.
 - (iii) The development will deliver four affordable housing units, addressing a critical need in the community.
 - (iv) The proposed development aligns with local and strategic planning objectives such as the City of Sydney 2036 Plan and City of Sydney Housing for all strategy.
- (c) The proposed development will be consistent with the objectives of the zone;
 - (i) The development provides a community housing project, contributing to the range of uses in the E1 Local Centre zone.
 - (ii) The proposal will contribute to a vibrant and active local centre.
 - (iii) The development does not propose parking and its residents will maximise public transport and will encourage alternatives to car-oriented travel.
- (d) The proposed development will be consistent with the objectives of the standard
 - (i) The proposal will provide purpose built affordable rental housing.
 - (ii) The proposal delivers housing which will be for the First Nations Community of NSW.
 - (iii) The proposed development will provide a reasonable level of amenity to the residents.
 - (iv) The subject site is a highly serviced site in terms of infrastructure and public services.
 - (v) The proposal incorporates a number of measures to ensure the environmental impacts of the housing development are kept to a minimum.
 - (vi) The proposed development, notwithstanding the minimum lot size non-compliance, will reinforce the importance of designing housing in a way that reflects and enhances its locality.

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

94. Development consent must not be granted unless the consent authority is satisfied that:
- (a) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 of Clause 4.6 being that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard; and
 - (b) The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Does the written request adequately address those issues at Clause 4.6(3)(a)?

95. The current lot size of 436.2 square metres is marginally below the SEPP Housing 2021 requirement of 450 square metres, a shortfall of only 13.8 square metres or 3.1 per cent.
96. The site is part of a heritage item, "House Group 'City View Cottages' including interiors and front gardens. The existing established lot is reflective of the subdivision pattern along Glebe Point Road. The conservation works and reuse of the site for infill affordable housing is contributing to maintenance of a heritage item and a built form on this lot size that is not satisfactory to its immediate context. The smaller lot size does not detract from the retention of setbacks of the built form.
97. The accommodation of 4 suitably sized dwellings with satisfactory amenity on the existing lot size and the resulting built form does not adversely impact surrounding properties or the surrounding locality.
98. There is a precedent for approving developments on similar-sized lots within the vicinity. An adjacent site with comparable conditions has received approval for similar development, demonstrating that the proposed lot size can support the intended use without compromising the area's character or functionality.
99. The Aboriginal Housing Office (AHO) aims to provide affordable housing for First Nations people. Strict compliance with the lot size requirement would reduce the availability of such housing, conflicting with broader social objectives and strategic planning goals.

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

100. The proposed development involves the adaptive reuse and restoration of a heritage building, which aligns with sustainable development principles. This approach minimises environmental impact by preserving the existing structure and its embodied energy, reducing the need for new construction materials.
101. The project includes extensive conservation and restoration works, such as re-roofing, repainting, and landscaping, which will enhance the heritage value of the site. These improvements will contribute to the overall aesthetic and historical integrity of the Glebe Point Road Conservation Area.

102. The development will deliver four affordable housing units, addressing a critical need in the community. This aligns with the City of Sydney's Housing for All Strategy and the City of Sydney 2036 Plan, which emphasize the provision of affordable and social housing.
103. The project supports the strategic objectives outlined in the City of Sydney 2036 Plan and the City of Sydney's Housing for All Strategy by providing affordable housing in a well-connected, accessible urban area. The development's proximity to public transport and local amenities further supports sustainable urban living.

Is the development in the public interest?

104. The proposed development meets the objectives of the minimum lot size standard by ensuring the site can adequately support the intended use without adverse impacts on the heritage value or surrounding environment. The proposal is consistent with the broader planning goals of heritage conservation and the provision of affordable housing.
105. The development is in the public interest as it addresses the critical need for affordable housing, preserves and enhances heritage values, and aligns with local and strategic planning objectives. The minor variation in lot size does not detract from the overall benefits and objectives of the proposal.

Conclusion

106. For the reasons provided above the requested variation to the Clause 18(2)(a) (Minimum Lot Size) of SEPP (Housing) 2021 is supported as the applicant's written request has adequately addressed the matters required to be addressed by cl 4.6 of the Sydney Local Environmental Plan 2012 and the proposed development would be in the public interest because it is consistent with the objectives of Clause 18(2)(a) (Minimum Lot Size) of SEPP (Housing) 2021 and the E1 Local Centre zone.

Clause 4.6 Request to Vary a Development Standard (SEPP Housing - Parking)

107. The site is subject to a minimum of at least 2 parking spaces under the 'Non-discretionary development standards' outlined in Clause 18(2)(f) of SEPP (Housing) 2021. The proposed development will provide no on parking on site, resulting in a variation to the non-discretionary development standard by 100 per cent.
108. 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 Non-discretionary development standard by demonstrating:
 - (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case;
 - (b) That there are sufficient environmental planning grounds to justify contravening the standard;
 - (c) The proposed development will be consistent with the objectives of the zone; and
 - (d) The proposed development will be consistent with the objectives of the standard.

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

109. The applicant seeks to justify the contravention of Clause 18(2)(f) (parking) of SEPP (Housing) 2021 non-discretionary development standard on the following basis:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) Compliance with the parking requirement would result in significant alterations to the heritage fabric of the heritage item.
 - (ii) Providing the parking would result in the loss of one dwelling unit, reducing the affordable housing being provided.
 - (iii) The site is highly accessible by public transport which reduces the necessity for private vehicle ownership.
 - (iv) The adjoining property at No. 122 Glebe Point Road has been approved recently in 2019 without the provision of off-street parking.
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) The proposal supports the objectives of reducing car dependency and encouraging the use of sustainable transport modes.
 - (ii) The development aligns with the City of Sydney's Walking Strategy.
 - (iii) The development provides an enhanced living environment with the additional space available for residential use.
 - (iv) The development provides much needed affordable housing for the First Nations community.
- (c) The proposed development will be consistent with the objectives of the zone;
 - (i) The development provides a community housing project, contributing to the range of uses in the E1 Local Centre zone.
 - (ii) The proposal will contribute to a vibrant and active local centre.
 - (iii) The development does not propose parking and its residents will maximise public transport and will encourage alternatives to car-oriented travel.
- (d) The proposed development will be consistent with the objectives of the standard
 - (i) The proposal will provide purpose built affordable rental housing.
 - (ii) The proposal delivers housing which will be for the First Nations Community of NSW.
 - (iii) The proposal, in lieu of the provision of off street parking, will provide a reasonable level of amenity to residents with regards to transport options.
 - (iv) The subject site is a highly serviced site in terms of infrastructure and public services.

- (v) By encouraging alternative means of transport usage, the proposal will facilitate a lowered environmental impact of the housing development.

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

110. Development consent must not be granted unless the consent authority is satisfied that:
- (a) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 of Clause 4.6 being that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard; and
 - (b) The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Does the written request adequately address those issues at Clause 4.6(3)(a)?

111. The site is part of a heritage item, "House Group 'City View Cottages' including interiors and front gardens," which limits the ability to modify the existing structure to accommodate off-street parking. Compliance with the parking requirement would necessitate significant alterations to the heritage fabric, which is undesirable and would compromise the heritage value.
112. Adhering to the parking standard would result in the loss of one dwelling unit to provide the required parking space. This would reduce the provision of affordable housing for the First Nations community, which is a critical objective of this development. The minor increase in parking capacity does not justify the significant reduction in affordable housing.
113. The site is highly accessible by public transport, with regular bus services on Glebe Point Road and proximity to Glebe Light Rail Station. The availability of public transport options reduces the necessity for private vehicle ownership among future residents, thereby making the strict adherence to parking requirements unreasonable.
114. Similar nearby developments, such as at 122 Glebe Point Road, have been approved without the provision of off-street parking, setting a precedent for flexibility in parking requirements in this locality. This reflects a broader policy direction to reduce car dependency in inner-city areas.

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

115. The proposal supports the objectives of reducing car dependency and encouraging the use of sustainable transport modes such as walking, cycling, and public transport. Each unit is designed to accommodate bicycle parking, enhancing the feasibility of cycling as an alternative transport mode.
116. The development aligns with the City of Sydney's Walking Strategy, which aims to reduce car dependency to approximately 10 per cent of all transport modes by 2030. By not providing off-street parking, the development discourages car ownership and promotes sustainable living practices.

117. By eliminating the need for off-street parking, the proposal maximizes the available space for residential use, thereby enhancing the living environment and providing more green space. This design choice contributes to a higher quality of life for residents without compromising the environmental planning objectives.
118. The proposed development provides much-needed affordable housing for the First Nations community, addressing a critical social need. It contributes to the diversity of housing types and promotes social equity. The absence of parking aligns with the broader community interest in sustainable urban development and conservation of heritage assets.

Is the development in the public interest?

119. The proposed development provides much-needed affordable housing for the First Nations community, addressing a critical social need. It contributes to the diversity of housing types and promotes social equity. The absence of parking aligns with the broader community interest in sustainable urban development and conservation of heritage assets.
120. The proposed development provides much-needed affordable housing for the First Nations community, addressing a critical social need. It contributes to the diversity of housing types and promotes social equity. The absence of parking aligns with the broader community interest in sustainable urban development and conservation of heritage assets.

Conclusion

121. For the reasons provided above the requested variation to the Clause 18(2)(f) (parking) of SEPP (Housing) 2021 non-discretionary development standard is supported as the applicant's written request has adequately addressed the matters required to be addressed by cl 4.6 of the Sydney Local Environmental Plan 2012 and the proposed development would be in the public interest because it is consistent with the objectives of Clause 18(2)(f) (parking) of SEPP (Housing) 2021 and the E1 Local Centre zone.

Clause 4.6 Request to Vary a Development Standard (SEPP Housing - Minimum Unit Size)

122. The site is subject to a minimum unit size for a 2 bedroom unit of 90sqm under the 'Non-discretionary development standards' outlined in Clause 18(2)(i) of SEPP (Housing) 2021. The proposed development will provide a 2 bedroom unit with a unit size of 66sqm, varying the non-discretionary development standard by 26.7%.
123. 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 non-discretionary development standard by demonstrating:
 - (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case;
 - (b) That there are sufficient environmental planning grounds to justify contravening the standard;
 - (c) The proposed development will be consistent with the objectives of the zone; and
 - (d) The proposed development will be consistent with the objectives of the standard.

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

124. The applicant seeks to justify the contravention of Clause 18(2)(i) of SEPP (Housing) 2021 development standard on the following basis:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) The proposal provides the two bedroom unit in the existing building which is a heritage item and to meet the minimum unit size would result in negative impacts to the heritage item.
 - (ii) The proposal meets the Aboriginal Housing Office (AHO) Design Guidelines with regards to layout and amenity standards.
 - (iii) Strict compliance would result in a reduction of the number of units provided on the site.
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) The adaptive re-use of the existing heritage building reduces the need for extensive new construction, minimising environmental impacts from the proposal.
 - (ii) Despite the non-compliance, the units are designed to be functional, well-organised, and high in amenity.
- (c) The proposed development will be consistent with the objectives of the zone;
 - (i) The development provides a community housing project, contributing to the range of uses in the E1 Local Centre zone.
 - (ii) The proposal will contribute to a vibrant and active local centre.
 - (iii) The development does not propose parking and its residents will maximise public transport and will encourage alternatives to car-oriented travel.
- (d) The proposed development will be consistent with the objectives of the standard
 - (i) The proposal will provide purpose built affordable rental housing.
 - (ii) The proposal delivers housing which will be for the First Nations Community of NSW.
 - (iii) Notwithstanding the variation sought, the development is consistent with the principles and guiding objectives of the AHO's own published Design Guidelines (2020). The proposal provides high quality affordable housing with high levels of amenity.
 - (iv) The subject site is a highly serviced site in terms of infrastructure and public services.
 - (v) The proposal incorporates a number of measures to ensure the environmental impacts of the housing development are kept to a minimum.

- (vi) The proposed development, notwithstanding the minimum unit size non-compliance, will reinforce the importance of designing housing in a way that reflects and enhances its locality.

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

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

- (a) The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 of Clause 4.6 being that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard; and
- (b) The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Does the written request adequately address those issues at Clause 4.6(3)(a)?

- 126. The existing building is part of a heritage item, and any significant alteration to meet the minimum unit size would compromise the integrity of the heritage structure. The proposal confines the two-bedroom unit to the original four-room house form, ensuring that the heritage character and significance are preserved.
- 127. The Aboriginal Housing Office (AHO) Design Guidelines aim to provide functional and high-amenity living spaces. The proposed unit sizes, while slightly below the SEPP Housing 2021 minimum, achieve the intent of these guidelines by maintaining functional layouts and high standards of amenity within the constraints of the heritage structure.
- 128. Strict compliance with the minimum unit size would necessitate an extension that would not only disrupt the heritage fabric but also reduce the number of units and different housing typologies provided. This would directly conflict with the objective of maximizing affordable housing for First Nations people in a highly accessible urban area.

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

- 129. The development contributes to the City of Sydney's Housing for All Strategy, which emphasises the provision of affordable housing for vulnerable communities, including First Nations people. The proposal ensures the delivery of much-needed affordable rental units while respecting the heritage context.
- 130. The adaptive reuse of the existing heritage structure minimises environmental impacts by preserving embodied energy and reducing the need for extensive new construction. The design incorporates passive solar and ventilation features, further enhancing sustainability.
- 131. Despite the numerical non-compliance, the proposed units are designed to be functional, well-organised, and high in amenity. The layout includes sufficient living, dining, and study areas, ensuring a high standard of living and well-proportioned rooms for future occupants. The 2 bedroom unit (Unit 1) will have a eat-in kitchen and a separate living area both with an area of 3.2 square metres each. Bedroom 1 will have an area of 3.2 square metres and bedroom 2 will have an area of 2.9 square metres.

132. The site's location near extensive public transport options reduces the need for private vehicle use, promoting sustainable urban living. The provision of affordable housing in such a location supports the strategic objective of reducing car dependency and enhancing urban density in well-served areas.

Is the development in the public interest?

133. The proposed development meets the objectives of the minimum unit size standard by ensuring the units are functional and provide high living standards despite the size variation. It also aligns with broader planning goals of heritage conservation and the provision of affordable housing.
134. The proposal is in the public interest as it supports social equity by providing affordable housing for First Nations people, promotes sustainable urban living, and conserves heritage assets. It aligns with local and strategic planning objectives, ensuring a balanced approach to development.

Conclusion

135. For the reasons provided above the requested variation to the Clause 18(2)(i) (Minimum Unit Size) of SEPP (Housing) 2021 non-discretionary development standard is supported as the applicant's written request has adequately addressed the matters required to be addressed by cl 4.6 of the Sydney Local Environmental Plan 2012 and the proposed development would be in the public interest because it is consistent with the objectives of Clause 18(2)(i) (Minimum unit size) of SEPP (Housing) 2021 and the E1 Local Centre zone.

Urban Ecology and Landscaping

136. The proposed development when submitted included the removal of two large mature trees (Tree 2 and Tree 3) to the front of the subject site. Following a referral from the City's Tree Management team, the applicant was requested to amend the proposal to retain these trees.
137. In addition to the retention the trees at the front of the property, the tree management team requested root mapping investigation be undertaken to ensure the proposed OSD tank in the front yard would not impact Tree 2.
138. Following a meeting with the applicant on the 19 March 2024, it was discussed that the project would not be feasible if Tree 2 was to be retained due to the location of the tree roots.
139. The primary objective of this development is to provide affordable housing, a critical need in our community. Ensuring the project is viable is paramount to meeting this objective. After detailed assessment, it was determined that allowing the removal of Tree 2 to ensure the delivery of four affordable housing dwellings was on balance, the best course of action.
140. The city's tree management team do not support the removal of Tree 2 due to its heritage significance and the fact that the tree is in good health and condition.
141. While the heritage item includes 'House group "City View Cottages" including interiors and front gardens', the heritage specialist did not raise that the removal of the trees would impact the heritage significance.

142. While the removal of Tree 2 does conflict with the Sydney Development Control Plan 2012 and the recommendation of the City's Tree Management Team, the broader benefit provided by the addition of affordable housing must be considered. The provision of affordable housing addresses a significant social need, which, on balance, outweighs the loss of the mature tree in this instance.
143. The applicant amended the landscape plan to include replacement planting following the removal of Tree 2 and a condition has been recommended requesting the protection of Tree 3's roots during the installation of the OSD tank in the front yard.
144. It should be noted that the proposal also includes the removal of a further five non-significant trees (being Trees 4-6, Tree 7 and Tree 8). The tree management team did not raise an objection to their removal.

Consultation

Internal Referrals

145. The application was discussed with Council's;
 - (a) Heritage and Urban Design Unit;
 - (b) Public Domain Unit;
 - (c) Surveyors;
 - (d) Tree Management Unit;
 - (e) Landscape Assessment Unit, and
 - (f) Waste Management Unit.
146. The above advised that the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the Notice of Determination.
147. The following Tree Management Unit do not support the proposed development. See further details under the sub-heading Urban Ecology and Landscaping in the 'Discussion' section above.

External Referrals

Ausgrid

148. Pursuant to Section 2.48 of the SEPP (Transport and Infrastructure) 2021, the application was referred to Ausgrid for comment.
149. A response was received raising no objections to the proposed development.

Sydney Water

150. Pursuant to Section 78 of the Sydney Water Act, the application was referred to Sydney Water for comment.

151. A response was received raising no objections to the proposed development subject to conditions being included within the notice of determination.

Advertising and Notification

152. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified for a period of 28 days between 17 October 2023 and 15 November 2023. A total of 168 properties were notified and 5 submissions were received.
153. The 5 submissions received were all in support of the proposed development.

Financial Contributions

Contribution under Section 7.11 of the EP&A Act 1979

154. The development is not subject to a Section 7.11 development contribution as it is a type of development listed in Table 2 of the City of Sydney Development Contributions Plan 2015 and is excluded from the need to pay a contribution (being development for affordable housing or social housing by a social housing provider).

Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

155. As the development is development for the purposes of residential accommodation that is used to provide affordable housing or public housing, the development is excluded and is not subject to a Section 7.13 affordable housing contribution.

Housing and Productivity Contribution

156. The development is not subject of a Housing and Productivity Contribution under the provisions of the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023 as the proposal is to be affordable housing in its entirety.

Relevant Legislation

157. Environmental Planning and Assessment Act 1979.
158. Heritage Act 1977.

Conclusion

159. The subject application seeks consent for alterations and additions to a heritage item for use as multi dwelling housing (4 dwellings) to be used as affordable housing provided by the Aboriginal Housing Corporation.

160. The application does propose variations to the building height development standard under the Sydney LEP 2012 and to several non-discretionary development standards under the SEPP (Housing) 2021 (in relation to minimum lot size, parking and minimum unit size). The applicant has submitted written requests to vary these development standards under Clause 4.6. These written requests are considered appropriate and acceptable given the site's constraints and that the proposal is for affordable housing in its entirety. Additionally, notwithstanding the variations sought, the proposed development will meet the objectives of the development standards and the zoning of the subject site, without negatively impacting the amenity of future residents or neighbouring properties.
161. The application proposes the removal of a number of trees across the site, most notably being Tree 2 within the front setback. The removal of Tree 2 does conflict with the Sydney Development Control Plan 2012 and is not supported by the City's Tree Management Team due to its significance and health. Noting this, the retention of the tree would have adverse impacts on the delivery of much needed affordable housing, and this broader benefit must be considered. The provision of affordable housing addresses a significant social need, which, on balance, outweighs the loss of the mature tree in this instance.
162. The proposal involves conservation works to the front portion of the heritage item, retaining the spatial qualities of the rooms of this original building, The removal of the latter rear additions is supported, and the form and massing of the new addition (accommodating a further 3 dwellings) is supported and contextually appropriate.
163. Having regard to all of the above matters, the proposed development will not result in any significant adverse impacts on either the natural and built environment or the locality, is suitable for the site, and is in the public interest, subject to conditions included in the Notice of Determination.
164. The proposed development generally satisfies the relevant objectives and provisions of the applicable planning instruments and policies and is acceptable on this basis.
165. It is recommended that this development application is approved subject to the conditions included in the Notice of Determination.

ANDREW THOMAS

Executive Manager Planning and Development

Hugh Walsh, Planner