

DEVELOPMENT APPLICATION ASSESSMENT

Application No:	D/2019/1498
Date of Lodgement	23-Dec-2019
Applicant	ROBCECILIA PTY LIMITED
Architect	PEARSON ARCHITECTURE
Application Site:	72 DEVONSHIRE STREET, SURRY HILLS NSW 2010
Proposal:	Alterations and additions including replacement of front windows, doors and awning, reconstruction of rear deck and pergola, repair of rear courtyard, painting of front façade.
Cost of Works:	\$45,000
Development Contribution Required:	No
Zoning:	The proposal is located in the B4 Mixed Use zone and is permissible with consent.

SITE AND SURROUNDING DEVELOPMENT

A site visit was carried out on 27 February 2020.

The site is irregular, with an area of approximately 108m². It has a primary frontage to Devonshire Street and the newly constructed Light Rail, with secondary Street frontage to Beattie Lane. The site is located between Chalmers Street and Elizabeth Street and is approximately 90m from the Chalmers Street entrance to Central Station.

A two storey brick building is contained within the site. The building is currently vacant, however has previously been used as a medical centre for a number of years.

Surrounding land uses are predominantly commercial. Various retail uses and commercial uses line Devonshire Street. This site is not a heritage item, nor is not located within a heritage conservation area.

Photos of the site and surrounds are provided below:



Figure 1: Aerial image of subject site and surrounding area



Figure 2: Site viewed from Beattie Lane



Figure 3: Site viewed from Devonshire Street

PROPOSAL

The application seeks consent for the following:

- Retention of the majority of the existing building;
- Minor external renovation works to the front and rear facades;
- Painting of the front façade;
- Replacement of front windows, doors and awning;
- Reconstruction of new rear deck and pergola;
- Patch and repair to rear courtyard hardstand.

HISTORY RELEVANT TO THE DEVELOPMENT APPLICATION

The following applications are relevant to the current proposal:

- D/1985/833 was approved on 9 December 1985 to use the ground floor of the premises as a medical practice.
- D/2012/1777 was approved on 22 January 2013 for alterations and additions to an existing two storey brick building. The development included the fitout and use of the ground floor as a shop with amendments to the facade, the construction of two studio apartments at the first floor and a new second floor addition comprising a one bedroom apartment with associated balconies.
- D/2012/1777/A granted amended approval on 23 July 2014, to combine the two upper floors into one three bedroom unit and interior access amendments.

The consent lapsed on 22 January 2018, however the Council is satisfied that works have commenced as a partial construction certificate was issued on 29 November 2017 for the demolition of the rear timber deck which formed part of the original approval.

- D/2012/1777/B granted amended approval on 11 July 2018, to modify the lower ground floor level to meet accessibility requirements, reconfiguration of windows, doors and skylights to meet fire separation requirements, reconfiguration of stair and floor levels to meet building egress requirements, and the relocation of bicycle storage to comply with Australian Standards.
- D/2012/1777/C was granted amended approval on 27 March 2019 for the demolition and re-building of the side walls and front façade, with new footings including the replacement of the existing awning.

Development Application

Compliance Action

The site is not subject to a current compliance action.

Environmental Planning and Assessment Act 1979

ECONOMIC/SOCIAL/ENVIRONMENTAL IMPACTS

The application has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979, including consideration of the following matters:

(a) Environmental Planning Instruments and DCPs.

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

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

The Sydney Harbour Catchment Planning Principles must be considered in the carrying out of development within the catchment. The key relevant principles include:

- Protect and improve hydrological, ecological and geomorphologic processes.
- Consider cumulative impacts of development within the catchment.
- Improve water quality of urban runoff and reduce quantity and frequency of urban run-off.
- Protect and rehabilitate riparian corridors and remnant vegetation.

The site is within the Sydney Harbour Catchment and eventually drains into the Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development. The development is consistent with the controls contained with the deemed SEPP.

Sydney LEP 2012

The site is located within the B4 Mixed Use zone. The proposed alterations are in association with an existing commercial property and are permissible.

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

Compliance Table		
Development Control	Compliance	Comment
4.3 Height of Buildings	Yes	A maximum height of 9m is permitted. No changes to building height are proposed.
4.4 Floor Space Ratio	Yes	A maximum FSR of 1.75:1 is permitted. No changes to FSR are proposed.
Division 4 Design excellence 6.21 Design Excellence	Yes	The proposed external alterations are minor and satisfy the relevant requirements of this provision.

Sydney DCP 2012

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

2. Locality Statements – Prince Alfred Park East

The subject site is situated in the Prince Alfred Park East locality. The proposed alterations and additions are considered to be in keeping with the unique character of the area and design principles in that it maintains commercial uses at street level and is consistent with the low scale Devonshire Street neighbourhood centre.

3. General Provisions

Development Control	Compliance	Comment
3.2 Defining the Public Domain	Yes	The subject site is located on the active frontages map and as such is required to provide a fixed awning. The provision of an awning and creation of an active street frontage area discussed further below under the heading Issues.
3.5 Urban Ecology	Yes	The proposed development does not involve the removal of any trees and will not adversely impact on the local urban ecology.
3.12 Accessible Design	Yes	A condition has been recommended for the proposed development to provide appropriate access and facilities for persons with disabilities in accordance with the DCP and the BCA.
3.13 Social and Environmental Responsibilities	Yes	The proposed development and changes to the Devonshire frontage provide adequate passive surveillance and are generally designed in accordance with the CPTED principles.
3.14 Waste	Yes	A condition has been recommended for the proposed development to comply with the relevant provisions of the City of Sydney Code for Guidelines for Waste Management in New Developments

4. Development Types		
4.2 Residential Flat, Commercial and Mixed Use Developments		
Development Control	Achieved	Discussion
4.2.9 Non-residential development in the B4 Mixed Uses Zone	Yes	<p>The subject site is located in the B4 Mixed Use zone and as such is required to address the provisions of this section.</p> <p>The proposed development, in particular the reinstatement of the balcony, new pergola and privacy screen is not considered to detract from the amenity of residential development in regards to overlooking or privacy.</p>

ISSUES

Active Street Frontage

The subject application was reviewed by Council's Heritage and Urban Design Specialists, who recommended that the existing security bars to the elevation fronting Devonshire Street at both levels be removed. However, as the building is not located in a heritage conservation area nor is it listed as a heritage item, it is not considered reasonable by Planning Staff to require the removal of existing building elements.

However, the applicant has included the removal of the upper level security bars on the front façade.

The proposed security grille/gate to the entrance fronting Devonshire Street is considered reasonable and is recommended to be recessed inside the façade in accordance with provision 8 of section 3.2.3 of the Sydney DCP 2012. This matter will be addressed by condition.

Awning

The subject site is not a specified site for an awning and there is no consistent awning line along Devonshire Street. However, there is an existing awning on the site and a pattern of both fabric and fixed awnings along Devonshire Street.

The proposed awning is considered acceptable with regard to Section 3.2.4 of the Sydney DCP 2012. A condition of consent is recommended requiring a section through the awning to detail the proposed form.

Owners consent was granted by the City on 6 April 2020 for the projection of the awning over the footpath (Council Reference: 2020/152483-04).

Access

It is recommended that disabled access be provided in accordance with the provisions of the DCP. An appropriate condition is recommended.

(b) Other Impacts of the Development

Compliance with the BCA can be resolved at construction certificate stage.

It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

(c) Suitability of the site for the Development

The proposal is considered to be suitable for the site. The premises are in a primarily commercial surrounding and amongst similar uses to that proposed.

(d) CONSULTATION

Internal Referrals

The conditions of other sections of Council have been included in the proposed conditions.

The application was discussed with the Heritage and Urban Design Specialists and Building Services Unit, who advised that the proposal is acceptable subject to the recommended conditions.

NOTIFICATION, ADVERTISING AND DELEGATION

In accordance with the City's Community Participation Plan 2019, the proposed development is required to be notified. As such the application was notified for a period of 14 days, during which no submissions were received.

(e) Public Interest

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

FINANCIAL IMPLICATIONS

S61 CONTRIBUTION

The cost of the development is under \$200,000. The development is therefore not subject to a levy under the Central Sydney Development Contributions Plan 2013.

EXTERNAL REFERRALS

The application was referred to Transport for NSW (TfNSW), due to the site's proximity to the light rail corridor. TfNSW provided a response on 31 January 2020 requiring conditions be imposed to ensure that construction will not impact the light rail corridor, or other nearby TfNSW projects. These conditions will be included in the consent.

CONCLUSION

Having regard to all of the above matters, it is considered that the proposal for alterations and additions to commercial building generally satisfies the relevant strategy, objectives and provisions of the Sydney LEP 2012 and the Sydney DCP 2012, is acceptable and is recommended for approval subject to conditions as shown in the attached Decision Notice.

The application is approved under delegated authority of Council.

The undersigned declare, to the best of their knowledge that they have no interest, pecuniary or otherwise, in this development application or persons associated with it and have provided an impartial assessment.

Report prepared by:



Georgia Nicol
Planner

Application determined by:



Christopher Corradi
Area Planning Manager