

ITEM 9. DEVELOPMENT APPLICATION: 41 BRIDGE ROAD GLEBE

FILE NO: D/2009/1723

SUMMARY

Date of Submission: 16 October 2009

Applicant: Christopher Baker

Architect: Form Follows Function Pty Ltd

Site: 41 Bridge Road, Glebe

Summary: The application proposes a fitout and change of use from a furniture workshop and showroom to a publishing business employing approximately 100 staff. The proposed hours of operation are: 8am to 5.30pm, Monday to Friday. The proposal includes: the extension of the existing mezzanine (additional 373m²); creation of a second mezzanine (180m²); and minor external alterations including two new roller garage doors to the rear.

The existing building and proposed additions exceed the maximum FSR control of 1:1 under the Leichhardt LEP 2000. The existing building has an FSR of 1.4:1.

The application seeks to increase the floor space on the site by 508m² creating a FSR of 2.03:1. This equates to a 103% variation of the standard. However, the second mezzanine is not supported as compliance with the BCA in relation to floor to ceiling heights cannot be achieved whilst providing building services (within the floors) and sufficient amenity to the office space and the non-compliance is a substantial exceedence of the control. Accordingly, it is recommended that the second mezzanine be deleted from any approval. As a consequence, the FSR recommended for approval is 1.81:1, an 81% variation to the standard. When compared to the existing development on site, the actual increase is 41%.

As the variation is for a commercial development and is greater than 10% Council must be the determining authority.

Summary (continued): Subject to the deletion of the second mezzanine, the variation is supported in this instance as the proposed additional floor space will be accommodated within the existing building envelope and will not create any additional overshadowing or adverse streetscape impacts.

The Leichhardt DCP 2000 requires the provision of 22 off-street car parking spaces for the floor area recommended for approval. The application proposes the provision of three off-street car parking spaces, including one disabled access space and ten bicycle spaces. The site is suitable for the proposed development given its proximity to public transport.

Eight (8) objections were received during the notification period, including a petition with 43 signatories was received. The primary objections to the proposal relate to the parking and traffic impacts of the proposal and amenity impacts on surrounding residences.

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

Development Controls:

- (i) Leichhardt Local Environmental Plan 2000 (Gazetted 22 December 2000, as amended)
- (ii) Leichhardt Development Control Plan 2000 (Adopted 18 April 2000, and in force 22 December 2000)
- (iii) City of Sydney Notification of Planning and Development Applications Development Control Plan 2005 (date of commencement – 18 May 2005)
- (iv) City of Sydney Access Development Control Plan 2004 (in force on 28 June 2004)

Developer Contributions:

- (v) City of Sydney Development Contributions Plan 2006

Attachments: A - Selected Drawings

RECOMMENDATION:

It is resolved that:

(A) a deferred commencement consent be granted pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, subject to the following conditions:

- (1) An Access Mobility Report shall be prepared by a suitably qualified person detailing the necessary works required to provide access to the site in accordance with the City of Sydney Access Development Control Plan 2004 and the Building Code of Australia (BCA).

The recommendations and necessary undertakings proposed under the report are to be integrated into the development and approved by the Manager Planning Assessments prior to the consent becoming operational.

- (2) The second mezzanine has not been approved and does not form part of this deferred commencement consent.
- (3) The proposed garage door to the right hand side of the Bayview Street elevation has not been approved and does not form part of this deferred commencement consent.

Amended plans must demonstrate the removal of this proposed garage door and associated vehicle cross-over. The internal configuration can be amended so as to include up to three off street car parking spaces. One car courier parking space and a minimum of 10 bicycle parking spaces must be accommodated.

- (4) Amended DA plans in response to Conditions A(1)-A(3) must be submitted to and approved by the Manager Planning Assessments prior to the consent becoming operational.
- (B) the consent shall not operate until the applicant has provided details responding to the above matters, which shall be approved in writing by the Manager Planning Assessments; and
- (C) within 12 months of the date of this resolution and upon compliance with the requirements of clause (A), a full development consent in accordance with Section 80(4) of the Environmental Planning and Assessment Act 1979 be issued, subject to the following conditions and any other additional conditions reasonably arising from the consideration of the matters specified in clause (A):

**CONDITIONS OF CONSENT
(ONCE THE CONSENT IS IN OPERATION)**

SCHEDULE 1A

Approved Development/Design Modifications/Covenants and Contributions/Use and Operation

Note: Some conditions in Schedule 1A are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of Occupation Certificate, where indicated.

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2009/1723 dated 16 October 2009 and Statement of Environmental Effects prepared by City Plan Services, dated October 2009 and the following drawings:

Drawing Number	Architect	Date
DA 03 (A)	Form Follows Function Pty Ltd	Oct 09
DA 04 (A)	Form Follows Function Pty Ltd	Oct 09
DA 05 (A)	Form Follows Function Pty Ltd	Oct 09
DA 06 (A)	Form Follows Function Pty Ltd	Oct 09

and as amended by the conditions of this consent:

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

(2) HOURS OF OPERATION - MINOR DEVELOPMENT

The hours of operation are restricted to between 8am and 8pm Monday to Friday and between 8am and 5pm on Saturdays.

(3) HERITAGE REQUIREMENTS

- (a) The existing hoist is to be retained in situ and left exposed.
- (b) All new internal and external finishes and works making good shall match the existing original work adjacent in respect of materials used, detailed execution and finished appearance.

- (c) Any new repointing to the sandstone walls is to be carried out using a soft lime based mortar.

(4) ACCESSIBLE CAR PARKING SPACES

Of the required car parking spaces, at least one must be 3.8m x 5.5m minimum (with a minimum headroom of 2.5m) and must be clearly marked and appropriately located as accessible parking for people with mobility impairment. The design and layout of accessible car parking for people with mobility impairment is to be provided in accordance with Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and the *City of Sydney Access Development Control Plan 2004*. The details must be submitted to and approved by the Certifying Authority prior to a Construction Certificate being issued.

(5) ASSOCIATED ROADWAY COSTS

All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City's "Development Specification for Civil Works Design and Construction".

(6) BICYCLE FACILITIES

A bicycle facilities room must be provided close to staff / employee bicycle parking and include a minimum of:

- (a) 4 showers with change area; and
- (b) 4 personal lockers.

(7) BICYCLE PARKING

The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities except that:

- (a) all bicycle parking for occupants of residential buildings must be Class 1 bicycle lockers, and
- (b) all bicycle parking for staff / employees of any land uses must be Class 2 bicycle facilities, and
- (c) all bicycle parking for visitors of any land uses must be Class 3 bicycle rails.

(8) CAR PARKING SPACES AND DIMENSIONS

The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan. The details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

(9) COST OF SIGNPOSTING

All costs associated with signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer.

(10) LOADING WITHIN SITE

All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.

(11) LOADING/PARKING KEPT CLEAR

At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

(12) LOCATION OF DRIVEWAYS

The access driveway for the site must not be closer than:

- (a) 10 metres from the kerb line of the nearest cross street/lane.
- (b) 20 metres from the kerb line of the nearest signalised cross street/lane.
- (c) 1 metre from the property boundary of the adjacent site.
- (d) 2 metres from any other driveway.

The details must be submitted to and approved by the Certifying Authority prior to a Construction Certificate being issued.

(13) SERVICE VEHICLES

A minimum of one courier space with minimum dimensions 2.6m x 5.4m and a minimum head clearance of 2.5 metres, must be provided on site and be available at all times to provide loading facilities.

(14) SIGNS AT EGRESS

The following signs must be provided and maintained within the site at the points of vehicle egress compelling drivers to "Give Way to Pedestrians" before crossing the footway; or compelling drivers to "Give Way to Pedestrians and Bicycles" before crossing a footway on an existing or identified shared path route.

Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with RTA Technical Directives and must be referred to and agreed to by the Sydney Traffic Committee prior to any work commencing on site.

(15) VEHICLE FOOTWAY CROSSING

A separate application is to be made to, and approved by, Council for the construction of any proposed vehicle footway crossing or for the removal of any existing crossing and replacement of the footpath formation where any such crossings are no longer required.

All disused or redundant vehicle crossings and laybacks must be removed and footway and kerb reinstated in accordance with Council's standards, to suit the adjacent finished footway and edge treatment materials, levels and details, or as otherwise directed by Council officers. All construction and replacement works are to be completed in accordance with the approved plans prior to the issue of an Occupation Certificate.

Note: In all cases the construction materials should reinforce the priority of pedestrian movement over that of the crossing vehicle.

(16) DELIVERY VEHICLES

Deliveries associated with the site that involve the movement of vehicles, must only occur during the trading hours of that business.

(17) SECTION 94 WESTERN PRECINCT CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2006

As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 (as amended), and City of Sydney Section 94 Contributions Development Contributions Plan 2006 the following monetary contributions towards the cost of providing facilities and amenities are required. The calculations provided below are based on the anticipated use of the site by 100 people as detailed in the documentation provided with the development application. A credit of 6 people based on the previous development consent has been taken into consideration when calculating these figures.

Contribution Category	Amount
Community Facilities	\$7,977.09
Public Domain	\$15,380.62
New Open Space	\$126,269.69
Accessibility	\$1,262.38
Management	\$1,364.93
Total	\$152,254.71

The above payments will be adjusted according to the relative change in the Consumer Price Index using the following formula.

$$\text{Contributions at Time of Payment} = C \times \text{CPI}_2 / \text{CPI}_1$$

where:

C is the original contribution amount as shown above;

CPI₂ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and

CPI₁ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being – December 2009.

The contribution must be paid prior to issue of a Construction Certificate. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. Personal or company cheques will not be accepted. Please contact Council's Planning Administration staff to confirm the amount payable, prior to payment.

Copies of the City of Sydney Section 94 Development Contributions Plan 2006 may be inspected at Council's offices.

(18) EXTERNAL LIGHTING

A separate development application is required to be lodged and approved prior to any external floodlighting or illumination of the building or site landscaping.

(19) CARE OF BUILDING SURROUNDS

In addition to Council's daily street sweeping and cleansing operations, the owner/manager of the building must ensure that the forecourt and the surrounds of the building including pavements and gutters are to be kept clean and free of litter at all times.

(20) NEIGHBOURHOOD AMENITY

- (a) Signs must be placed in clearly visible positions within the site requesting staff upon leaving the premises to do so quietly, having regard to maintaining the amenity of the area.
- (b) The management must ensure that the behaviour of staff entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the management must be responsible for the control of noise and litter generated by staff of the development.

(21) WASTE AND RECYCLING COLLECTION

- (a) The collection of waste and recycling must only occur between 7.00am and 8.00pm weekdays and 9.00am and 5.00pm weekends and public holidays, to avoid noise disruption to the surrounding area.

- (b) Garbage and recycling must not be placed on the street for collection more than half an hour before the scheduled collection time. Bins and containers are to be removed from the street within half an hour of collection.

(22) NOISE - GENERAL

- (a) The $L_{Aeq, 15minutes}$ noise level emitted from the use must not exceed 5dB above the background (LA90) noise level in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between the hours of 7.00am and 12.00 midnight when assessed at the boundary of any affected receiver. The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard AS 1055.
- (b) The $L_{Aeq, 15minutes}$ noise level emitted from the use must not exceed the background (LA90) noise level in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between the hours of 12.00 midnight and 7.00 am when assessed at the boundary of any affected receiver. The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard AS 1055.
- (c) The use of the premise must be controlled so that any emitted noise is at a level so as not to create and "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any affected receiver.

(23) NOISE - MECHANICAL PLANT AND EQUIPMENT

Noise associated with the use of mechanical plant and equipment must not give rise to any one or more of the following:

- (a) Transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any affected receiver.
- (b) A sound pressure level at the boundary of any affected receiver that exceeds the background ($L_{A90, 15minutes}$) noise level by more than 5dB. The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard AS1055.

Note: The method of measurement of vibration being carried out in accordance with "assessing Vibration; Technical Guidelines" - DEC (EPA) AS1055 for sound level measurements.

(24) SIGNS - SEPARATE DA REQUIRED

A separate development application for any proposed signs additional to those approved as part of this consent (other than exempt or complying signs under Council's exempt and complying DCPs) must be submitted to and approved by Council prior to the erection or display of any such signs.

SCHEDULE 1B

Prior to Construction Certificate/Commencement of Work/Health and Building

Note: Prior to the issue of the Construction Certificate, sufficient information must be forwarded to the certifying authority (whether Council or a private accredited certifier) illustrating compliance with the relevant requirements of the Building Code of Australia (and a copy forwarded to Council where Council is not the certifying authority). If Council is to be the certifying authority, please contact the Building Unit to discuss the requirements prior to submission of the application for construction certificate.

(25) EXPERIENCED TRADESPERSONS

The applicant is to commission experienced trades persons (as appropriate) that are skilled in traditional building and engineering trades to carry out the proposed scope of works to the building.

(26) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MINOR WORKS)

Prior to a Construction Certificate being issued, an archival photographic recording of the building is to be prepared to Council's satisfaction. The recording may be in either digital or film-based form, or a combination of both, prepared in accordance with the NSW Heritage Office guidelines titled "Photographic Recording of Heritage Items using Film or Digital Capture". One copy of the record is to be submitted to Council to be lodged with Council's Archives.

The form of the recording is to be as follows:

- (a) In A4 format, placed in archival plastic sleeves in an appropriate archival folder.
- (b) The Development Application number must be noted on the front of the folder and in the report.
- (c) Include a summary report detailing the project description, date and authorship of the photographic record, method of documentation and limitations of the photographic record.
- (d) Each negative, slide or digital image is to be cross referenced to a photographic catalogue and photographic base plans.
- (e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

A digital based recording is to include:

- (f) CD or DVD containing the report in PDF format and the electronic images saved as JPEG, TIFF or PDF files and cross referenced to the digital catalogue sheets and base plans.

A film based recording is to include:

- (g) 35mm film images submitted as contact sheets with equivalent negatives, a selection of black and white prints 200 x 250mm, and 35mm colour transparencies, all labelled and cross-referenced to the catalogue sheets and base plans.

(27) ACCESS FOR PERSONS WITH DISABILITIES - OFFICE

In accordance with Council's Access Development Control Plan 2004, the proposed office layout and design must comply with Australian Standard 1428.1: General requirements for access - New building works including:

- (a) corridor, aisle and door widths including circulation spaces at doorways (clause 7);
- (b) fully glazed doors and walls including sidelights that can be mistaken as a doorway or opening (clause 7.5). Note: Where Clause 7.5 applies, the glazed element must be marked for the full width with a contrasting line not less than 75mm wide at a height between 900mm and 1000mm above the plane of the finished floor and have a minimum luminance contrast against the floor finish of 30% when viewed from either side. Appendix D of AS1428.1 provides information on luminance contrast; and
- (c) door handle and light switch positions/design (clause 11).

(28) MECHANICAL VENTILATION

- (a) The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1-1998 and AS1668.2-1991.
- (b) Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1-1998 and AS1668.2-1991, the Building Code of Australia and relevant Australian Standards must be prepared by a suitably qualified person certified and certified in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.
- (c) Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, must be submitted to the Principal Certifying Authority.

(29) ASBESTOS REMOVAL

All demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with National Occupational Health and Safety Commission (NOHSC): "Code of Practice for the Safe Removal of Asbestos" and the City of Sydney Asbestos Policy.

(30) ASBESTOS REMOVAL SIGNAGE

Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site.

(31) CLASSIFICATION OF WASTE

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW DECC Waste Classification Guidelines, Part1: Classifying Waste (April 2008). The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporters if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

(32) DISPOSAL OF ASBESTOS

Asbestos to be disposed of must only be transported to waste facilities licensed to accept asbestos. The names and location of these facilities are listed in Part 6 of the City of Sydney's Asbestos Policy.

(33) NOTIFICATION OF ASBESTOS REMOVAL

All adjoining properties and those opposite the development must be notified in writing of the dates and times when asbestos removal is to be conducted. The notification is to identify the licensed asbestos removal contractor and include a contact person for the site together with telephone and facsimile numbers and email address.

(34) PROHIBITION OF ASBESTOS RE-USE

No asbestos products are to be reused on the site (i.e. packing pieces, spacers, formwork or fill etc).

(35) SIGNAGE LOCATION AND DETAILS

- (a) A site notice board must be located at the main entrance to the site in a prominent position and must have minimum dimensions of 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size.
- (b) The site notice board must include the following:
 - (i) contact person for the site;
 - (ii) telephone and facsimile numbers and email address; and
- (c) site activities and time frames.

(36) SKIPS AND BINS

No asbestos laden skips or bins are to be left in any public place without the approval of Council.

(37) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

A Construction Traffic Management Plan must be submitted to and approved by Council prior to a Construction Certificate being issued. The applicant is advised to approach the City's Area Traffic Engineer for a meeting prior to lodging the Construction Management Plan.

(38) NO DEMOLITION PRIOR TO A CONSTRUCTION CERTIFICATE

Demolition or excavation must not commence until a Construction Certificate has been issued.

(39) STORMWATER AND DRAINAGE - MINOR DEVELOPMENT

The drainage system is to be constructed in accordance with Council's standard requirements as detailed in Council's 'Stormwater Drainage Connection Information' document dated July 2006. This information is available on Council's website - www.cityofsydney.nsw.gov.au.

(40) APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (a) A separate application under Section 138 of the Roads Act 1993 is to be made to Council to erect a hoarding and/or scaffolding in a public place and such application is to include:-
- (i) Architectural, construction and structural details of the design in accordance with the *Policy for the Design and Construction of Hoarding* (September 1997) and the *Guidelines for Temporary Protective Structures* (April 2001).
 - (ii) Structural certification prepared and signed by an appropriately qualified practising structural engineer.

Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of demolition or construction works on site.

Assessment of the impacts of construction and final design upon the City of Sydney's street furniture such as bus shelters, phone booths, bollards and litter bins and JCDecaux street furniture including kiosks, bus shelters, phones, poster bollards, bench seats and litter bins. The applicant is responsible for the cost of removal, storage and reinstallation of any of the above as a result of the erection of the hoarding. In addition, the applicant is responsible for meeting any revenue loss experienced by Council as a result of the removal of street furniture. Costing details will be provided by Council. The applicant must also seek permission from the telecommunications carrier (e.g. Telstra) for the removal of any public telephone.

- (b) Should the hoarding obstruct the operation of Council's CCTV Cameras, the applicant must relocate or replace the CCTV camera within the hoarding or to an alternative position as determined by Council's Contracts and Asset Management Unit for the duration of the construction of the development. The cost of relocating or replacing the CCTV camera is to be borne by the applicant. Further information and a map of the CCTV cameras is available by contacting Council's CCTV Unit on 9265 9232.
- (c) The hoarding must comply with the Council's policies for hoardings and temporary structures on the public way. Graffiti must be removed from the hoarding within one working day.

(41) BARRICADE PERMIT

Where construction/building works require the use of a public place including a road or footpath, approval under Section 138 of the Roads Act 1993 for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

(42) FOOTPATH DAMAGE BANK GUARANTEE

A footpath Damage Bank Guarantee must be lodged with Council in accordance with the City of Sydney's adopted schedule of fees and charges and the Public Domain Manual. The Footpath Damage Bank Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.

Council's Public Domain section must be contracted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to the issue of a Construction Certificate.

(43) WASTE AND RECYCLING MANAGEMENT - MINOR

The proposal must comply with the relevant provisions of Council's *Policy for Waste Minimisation in New Developments 2005* which requires facilities to minimise and manage waste and recycling generated by the proposal.

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

(44) HOURS OF WORK AND NOISE – OUTSIDE CBD

The hours of construction and work on the development must be as follows:

- (a) All work, including building/demolition and excavation work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the *City of Sydney Building Sites Noise Code* and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

(45) ACCESS DRIVEWAYS TO BE CONSTRUCTED

Approved driveways are to be constructed for all vehicular access to the construction site in accordance with the requirements of Council's "Driveway Specifications" to the satisfaction of Council.

(46) USE OF MOBILE CRANES

The following requirements apply:

- (a) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (b) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (c) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes must not be delivered to the site prior to 7.30am without the prior approval of Council.

(47) OCCUPATION CERTIFICATE TO BE SUBMITTED

An Occupation Certificate must be obtained from the Principal Certifying Authority and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

(48) COVERING OF LOADS

All vehicles involved in the excavation and/or demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

(49) VEHICLE CLEANSING

Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

(50) SYDNEY WATER CERTIFICATE

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section on the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to Council or the Principal Certifying Authority prior to an Occupation Certificate or subdivision/strata certificate being issued.

(51) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site.
- (b) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

(52) NO OBSTRUCTION OF PUBLIC WAY

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

SCHEDULE 2

The prescribed conditions in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000 apply to the development.

Clause 98 Compliance with *Building Code of Australia* and insurance requirements under the *Home Building Act 1989*

Clause 98A Erection of signs

Clause 98B Notification of *Home Building Act 1989* requirements

Clause 98C Conditions relating to entertainment venues

Clause 98D Conditions relating to maximum capacity signage

Clause 98E Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 8A of the *Environmental Planning and Assessment Regulation 2000*. This can be accessed at: <http://www.legislation.nsw.gov.au>

BACKGROUND

The Site and Surrounding Development

1. The site is irregular in shape with a 24.185m frontage to Bridge Road, and a site area of approximately 801m². Rear lane access is from Bayview Street, and the site is bounded by Palmerston Avenue at the west. The site contains sandstone commercial building, which presents as a two-storey building to the street, but contains a raised ground floor level and a mezzanine. The building occupies 100 per cent of the site.
2. Adjoining the site to the south-east, are two commercial buildings. No. 43 Bridge Road is used as a furniture showroom and warehouse, and No. 55 is used as a furniture fabrics showroom and warehouse. To the south-west of the site is the rear lane. Further to the south-west is the Sarah Pennington Reserve which contains a playground. A row of twelve residential dwellings are located above an escarpment to the rear of the site.
3. Adjacent to the site to the north-west is the Glebe Light Rail Station. The light rail bridge extends over Bridge Road, immediately to the north of the site. Opposite the site on Bridge Road is a car park, used in association with a local commercial use.
4. The site is not a heritage item, but is located within the Glebe Heritage Conservation Area, and the St. Phillip's Distinctive Neighbourhood.
5. A site location Plan and photographs of the site are provided below.



Figure 1: Site Location Plan



Photo 1: Subject site



Photo 2: Subject site and neighbouring furniture and furniture upholstery showrooms



Photo 3: Site directly adjoins Glebe Light Rail Station



Photo 4: Subject site and Bayview Street



Photo 5: Development to rear of site including road reserve with playground and residential development above escarpment

History of Development Applications Relevant to this Site

6. The following development applications are considered relevant to the proposed development:
 - (a) Development Application No. 632 was approved by Leichhardt Municipal Council in February 1977 for the storage of theatrical scenery props, furniture, electrical effects and other theatrical paraphernalia. The approval included use as a workshop for the manufacture and setting up of scenery, as a rehearsal space and as a studio for an acting school;
 - (b) Development Application No. 91/96 was approved by the Land and Environment Court in July 1996 for the use of the premises as an arts and crafts showroom;
 - (c) Development Application No. 338/96 was approved by Leichhardt Municipal Council in August 1996 for the use of the premises as a furniture showroom. The approval required the provision of three car parking spaces and limited the number of people employed on site to six. The approved hours of operation were: 9am-5pm Mondays to Fridays, 10am-5pm Saturdays and 10am-4pm Sundays. This appears to be the most recent use of the site; and
 - (d) the Lilyfield extension for the Metro Light Rail (incorporating the Glebe Light Rail Station) was opened in August 2000.

PROPOSAL

7. The proposed building works include:
 - (a) extension of existing mezzanine to create first floor (total 700m²);
 - (b) new mezzanine contained within existing building envelope (total 180m²);
 - (c) new air conditioning and plant room, built to existing roof space;
 - (d) demolition of existing internal partitions, and renovations to amenities and kitchen;
 - (e) office fitout and new meeting rooms;
 - (f) addition of louvers to roof on Bridge Street elevation;
 - (g) two new windows to Palmerston Road elevation; and
 - (h) the following modifications are proposed to the Bayview Street elevation:
 - (i) conversion of existing opening to fire stair exit;
 - (ii) conversion of existing window to rear entry doors;
 - (iii) conversion of existing garage door (approx. 5.7m in height) to new garage door (2.57m in height); and
 - (iv) additional garage door to ground floor to accommodate 2 additional car parking spaces (allowing 3 spaces in total, including one disabled access space) and 10 bicycle parking spaces.
8. The proposed use is as follows:
 - (a) use of the premises by a media company that produces magazines, journals and Internet sites. No printing is proposed on site. No article distribution is proposed from the site.
 - (b) approximately 100 staff to occupy the premises; and
 - (c) proposed hours of operation are: 8am to 5.30pm, Monday to Friday.
9. The proposal was amended to increase the height difference between the floor of the second mezzanine and the lower side of the roof trusses to 2.4m in accordance with the BCA. However, as discussed in the issues section below, the second mezzanine and the second garage roller door is not supported and it is recommended that they be deleted from the approved plans, prior to the commencement of the consent.
10. Selected plans and elevations of the development are provided below.

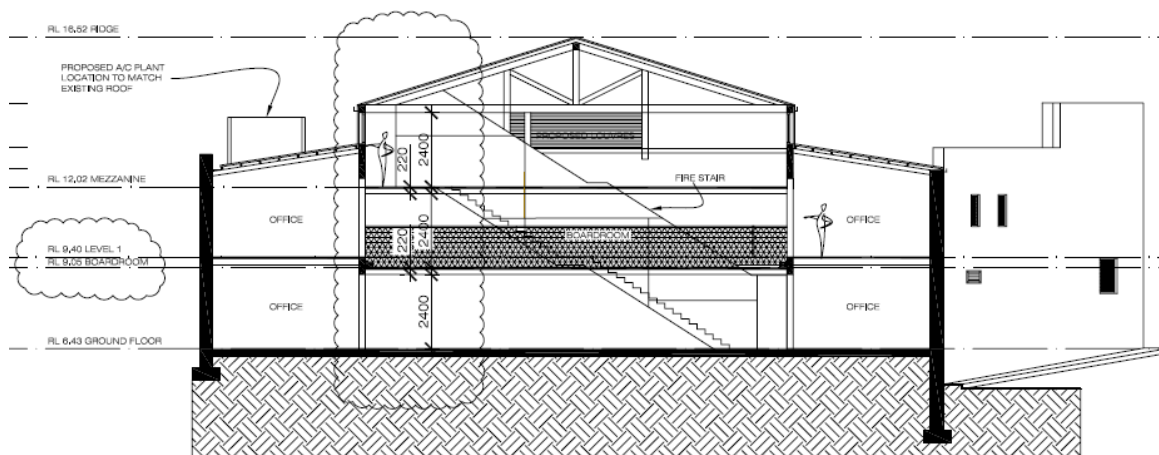


Figure 2: Amended plans demonstrating 2.4m between floor and under side of trusses on mezzanine

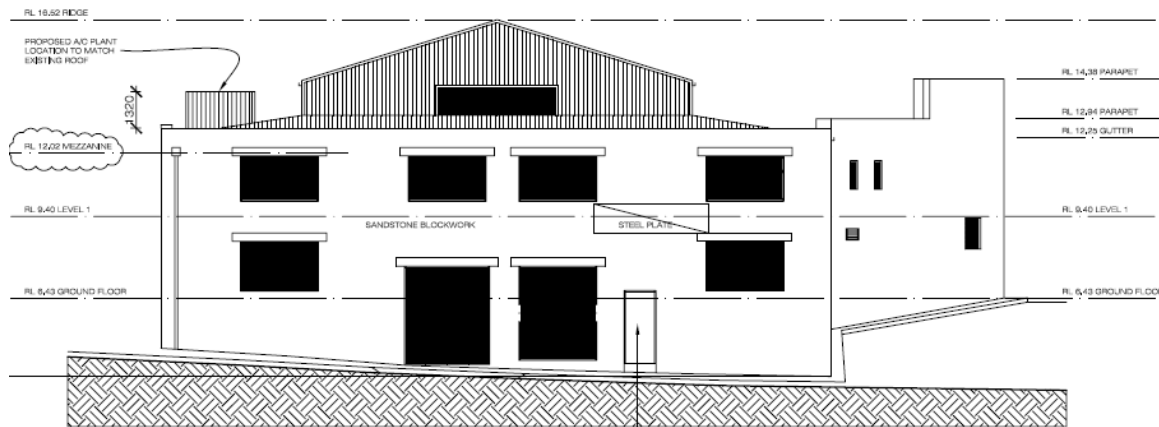


Figure 3: Proposed Bridge Road Elevation



Figure 4: Proposed Bayview Street Elevation

IMPLICATIONS OF THE PROPOSAL

Section 79C Evaluation

11. An assessment of the proposal under Section 79C of the Environmental Planning and Assessment Act 1979 has been made, including the following:

Section 79C(1)(a) Environmental Planning Instruments, DCPs and Draft Instruments

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs) and REGIONAL ENVIRONMENTAL PLANS (REPs)

12. The following SEPPs and REPs are relevant to the proposed development:
13. The applicant has submitted a SEPP No. 1 objection and is seeking variation to the controls contained in Clause 23 (1) – Commercial Floor Space Control of the Leichhardt LEP 2000. The variation of the standard is supported in this instance, subject to the deletion of the second mezzanine (refer to issues section of report).

LEPs and DCPs

Leichhardt Local Environmental Plan 2000

14. Compliance of the proposal with the LEP controls is summarised below:

COMPLIANCE WITH LEICHHARDT LEP 2000

Part 5 - Employment

Development Controls	Permissible under Leichhardt Local Environmental Plan 2000	Proposal as assessed Leichhardt Local Environmental Plan 2000
Zoning (Cl 20-22)	Business	The proposal is permissible with consent.
Floor Space Ratio for development in Business Zone (Cl. 23 (1)(a)) (Site Area = 801.4m²)	1 : 1	The application proposes a FSR of 2.03:1. However, the proposed second mezzanine is not recommended for approval. The FSR recommended for approval is 1.81:1. Refer to issues section of this report.

Part 3 – Heritage Conservation – Cl. 15-16

15. The site is not listed as a Heritage Item under Schedule 2 of the Plan but is located within a Conservation Area.

16. The proposed development does not adversely affect the heritage significance of the Conservation Area. Refer to issues section of this report for further discussion.

COMPLIANCE WITH THE LEICHARDT DCP 2000

Part A - Suburb Profile

17. The subject site is located within the St. Phillip's Distinctive Neighbourhood. The proposed development is consistent with the existing character statement for the neighbourhood. The 'St. Philip's Commercial Area', located along Bridge Road, is characterised by former industrial buildings, adaptively reused and generally restored, with such uses as furniture salesrooms, party suppliers, a cellar, automotive repairs shops and a public bar.

Part C – Non-Residential

18. Compliance of the proposal with DCP Part C is summarised below:

Matter to be Considered	Compliance	Comment
Parking layout, servicing and manoeuvring Part C1.2	✓*	Generally complies: The proposal does not comply with the numerical controls. However, the proposal meets the performance criteria. Refer to issues section for further discussion.
Elevations and Materials Part C1.4	✓	Capable of compliance: It is recommended that a condition be added to ensure that all new finishes match the existing original work, in respect of materials used, detailed execution and finished appearance.
Transport Facilities Part C4.7	✓	Complies: The subject site is adjacent to the Glebe Light Rail Station and is approximately 340m from Glebe Point Road which is regularly serviced by buses.

Issues

19. The issues identified in the above instruments/policies as non-complying or requiring further discussion in the abovementioned tables are discussed in detail below:

Use/Accessibility

20. The application proposes the use of the subject site by a publishing company. No printing is undertaken on site, and all distribution is outsourced. The company conducts most trade on-line, by mail and over the phone and will not attract a significant number of visitors.
21. The application does not propose any external floodlighting or illumination of the building or the site. Any external lighting is to be the subject of a future development application as recommended as a condition of consent. This in addition to the limited hours of operation makes the potential for light spill, unlikely.
22. The application proposes the use of the site as an office with the standard office hours of operation being 8am to 5.30pm Monday to Friday. It is noted in the application that the hours of use may be extended to accommodate people working late. The site is not located within a designated late trading area under the City of Sydney Late Night Trading DCP 2007. Accordingly, hours of operation are based on merit and reasonableness. It is recognised that the hours which have been applied for restrict incidental use by employees who work late, cleaners who operate outside of office hours and the like. In order to accommodate incidental use, outside of the standard company hours of operation, it is recommended that the approved hours of operation are extended to between 8am and 8pm Monday to Friday and between 8am and 5pm on Saturdays.
23. The site is located in close proximity to public transport and the parking zones in the locality are generally restricted as discussed below. Accordingly, it is unlikely that the use will have any detrimental impacts on the amenity of the locality, subject to appropriate conditions of consent.
24. The City of Sydney Access DCP 2004 stipulates the access requirements to buildings within the City to ensure that people with disabilities are afforded the same access opportunities as the broader community. It is recommended that the application be approved, subject to a deferred commencement requiring the applicant to obtain an Access Mobility Report. The report is to be prepared in accordance with the DCP and the BCA in order to ensure equitable access is provided to the site. The recommendations of the report shall be integrated into the development, subject to the approval of the Director of City Planning and Regulatory Services.

Floor Space Ratio

Non-compliance

25. The application proposes the extension of the existing mezzanine (an additional 373m², total 700m²) and a second mezzanine (total 327m²). The permissible FSR for commercial development carried out within any zone, is 1:1 under Clause 23 (1)(a) of the Leichhardt LEP 2000. Compliance is as per table below:

	FSR Control	Existing FSR	Proposed FSR	FSR recommended for approval
41 Bridge Road	1:1	1.4:1	2.03:1	1.81:1

SEPP 1 Objection/Justification

26. The applicant has submitted a SEPP 1 Objection, seeking variation to the floor space ratio development standard, including the following rationale:
- (a) the proposed development meets the objectives of Clause 34 of the Leichhardt LEP 2000 for the following reasons:
 - (i) the proposed development incorporates energy efficiency into its design, reducing use of artificial lighting through its open plan layout, additional skylights and windows on three sides of the building;
 - (ii) air conditioning use will be minimised by providing openable windows to allow cross-ventilation;
 - (iii) the proposal will retain the employment related use of the site, consistent with the Bride Road Commercial Precinct;
 - (iv) the additional floor space will not result in changes to the bulk and scale of the building; and
 - (v) the site is in close proximity to public transport, capable of providing for the transport needs of future employees of the site.
 - (b) the building will benefit from the building upgrades and the original wall and timber features will be retained; and
 - (c) the additional floor space will not result in overshadowing, loss of privacy, loss of solar access or view loss.
27. For reasons discussed below, the applicant's justification is supported insofar as it relates to the additional floor area to the existing mezzanine.

Assessment of FSR non-compliance

28. The application proposes the extension of the existing mezzanine (an additional 373m², giving a total additional floor space of 700m²) and a second mezzanine (total 327m²). The extension of the existing mezzanine is considered to be acceptable. It provides two void areas which will reduce reliance on artificial lighting and maintain lines of sight from the ground floor to the original roof trusses.
29. The proposed additional floor space is to be located within the existing building envelope and will not have any impact on the presentation of the building to the streetscape. The proposed air conditioning unit and plant room will not be visible from Bridge Road and does not constitute additional floor space.

30. The proposed second mezzanine is not supported as the original application provided insufficient height (1.67m) between the trusses and the floor of the second mezzanine. To achieve compliance with the BCA's minimum head height of 2.4m, the applicant has submitted amended plans with a 2.4m height between the floor of the mezzanine and the lowest side of the roof trusses. However, in order to achieve this height, the floor to ceiling height of the first floor has been reduced to 2.4m and the thickness of the floor has been reduced to 220mm. This results in reduced amenity within the office on both the first floor and proposed mezzanine. Further, it does not allow sufficient space between the ceiling and floor for the provision building services such as telecommunications, electrical, water, sewerage and air conditioning facilities.
31. When assessed against the Lord Mayoral Minute dated 2004, the non-compliance can be supported, subject to the deletion of the second mezzanine. Given the proximity of the site to public transport, the bicycle parking provisions on site, the restricted on-street parking and the nature of the proposed use as an office, the extension of the existing mezzanine will not result in an unreasonable increase in intensity of the use of the site. Further, the extension of the existing mezzanine will not result in any significant amenity impacts including overshadowing, loss of privacy, view loss or loss of solar access. It is considered that the proposed use can be carried out in a manner which will not result in adverse amenity impacts, subject to appropriate conditions.

Parking

32. The application proposes the provision of three car parking spaces on site, including one disabled car parking space and 10 bicycle parking spaces. Further, it is recommended as a condition of consent that one of the spaces be a dedicated courier space to accommodate the servicing requirements of the business. Two new garage doors are proposed for the site. One is proposed to replace the existing roller door, with the second requiring the loss of one existing on street car parking space. As discussed below, the second roller door is not recommended for approval.
33. For the proposed gross floor area (1,630m²), the required number of car parking spaces under Part A8.0 of the Leichhardt DCP is 24. However, the floor area recommended for approval (1,495m²) requires the provision of 22 spaces.
34. The previous use of the site as a furniture showroom (approved in 1996) was restricted to 6 staff members, and required the provision of three off-street car parking spaces. The current application proposes occupation of the site by up to 100 staff and the provision of three off-street car parking spaces. Since the time of the last approval, the Lilyfield Light Rail Extension was opened in August 2000, including the Glebe Light Rail Station which is located immediately adjacent to the subject site. The opening of the Glebe Light Rail Station has greatly improved the public transport accessibility of the site thus enabling a reduction in car reliance for users of the site.
35. The applicant has advised that the company currently has 20 leased off-site car parking spaces within the Harris Street parking station, on a month-by-month basis and that the company intends to retain those spaces for the use of staff. However, it cannot be guaranteed that these off-site spaces will be retained into the future.

36. Notwithstanding this, given the proximity of the site to the Glebe Light Rail Station and to Glebe Point Road which is frequently serviced by buses (340m – walking distance) and that a bike rack accommodating ten bikes and associated facilities is proposed on site, it is considered that the proposal is acceptable in relation to parking and transport availability.
37. Further, the on-street parking surrounding the site is generally restricted to 2 and 4 hour allocations. As such, future workers of the site will be unable to park all day in these areas. There are few unrestricted on-street car parking spaces in the locality.
38. Council's Transport Unit does not support the 10m vehicle crossover due to the interruption of the footpath.
39. Further, the proposed second garage door would result in the loss of one on-street car parking space, reducing on-street car parking capacity. Accordingly, it is recommended that the proposed garage door on the right hand side of the Bayview Street elevation be deleted from any approval. This has been included as a deferred commencement condition.

Section 79C(1)(b) Other Impacts of the Development

40. The proposed development will not result in any additional impacts other than those already identified and discussed above.

BCA Matters

41. The BCA Classification of the building is Class 5.
42. The application has been recommended for approval as a deferred commencement to allow the submission of an Access Mobility Report to ensure that the proposal will comply compliance with the City of Sydney Access DCP 2004 and the BCA.
43. The proposal is capable of satisfying the requirements of the BCA without significant modification.

Section 79C(1)(c) Suitability of the site for the development

44. The nature of the use is considered to be a reasonable use of the land. The proposal is consistent with the Employment Objectives of the Leichhardt LEP 2000. The site is suitable for the proposed development as an office used is less likely to impact on the amenity of the surrounding area than the previously approved use of the site as a furniture showroom.

Section 79C(1)(e) Public Interest

45. Whilst the proposal does not comply with the permissible Floor Space Ratio under the Leichhardt LEP 2000, it is considered that the proposed use and associated works are consistent with the Conservation Area and the character of the St. Phillip's Distinctive Neighbourhood. In this regard it is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being imposed on any consent.

POLICY IMPLICATIONS

46. Not applicable to this report.

FINANCIAL IMPLICATIONS/SECTION 94 CONTRIBUTIONS

Section 94 Contributions

47. A total contribution of \$152,254.7 is required in accordance with the City of Sydney Development Contribution Plan 2006. The contribution amount has been calculated as follows:

(a) Community Facilities =	\$7,977.09
Public Domain =	\$15,380.62
New Open Space =	\$126,269.69
Accessibility =	\$1,262.38
Management =	\$1,364.93
TOTAL:	=\$161,973.10
(b) Credit available =	\$9,718.39
(c) NETT payable ((a) – (b)) =	\$152,254.71

48. The above calculation is based on 100 employees as stated within the documentation submitted to Council with the development application. A credit has been granted for 6 staff, as per the previous approval.

PUBLIC CONSULTATION

Section 79C(1)(d)

Notification and Advertising

49. Adjoining and nearby owners and occupiers of buildings were notified of the proposal and invited to comment. In addition, notices were placed on the site and the proposal was advertised in the daily press in accordance with the provisions of the City of Sydney Notification of Planning and Development Applications Development Control Plan 2005.

50. As a result of the notification, 8 submissions were received, including one petition with 43 signatures. The grounds for objection are summarised as follows:

- (a) The proposed 3 car parking spaces are insufficient to accommodate for the proposed 100 staff members. This will impact negatively upon parking availability and traffic flows. The proposed garages will result in the loss of one or two on street spaces. 6 car spaces in the locality have recently been converted to 2 hour car parking spaces, with residents not being exempt. A recent application at 57 Bridge Road was rejected in part due to traffic issues.

Comment: The issue of car parking and traffic impacts has been discussed in the issues section of this report and the proposed car parking arrangements are considered to be acceptable in this instance. The deferred commencement consent recommends the deletion of the proposed garage door which requires the loss of one off-street car parking space.

The application at 57 Bridge Road (D/2008/50) was withdrawn as urban design issues could not be resolved by the applicant.

- (b) Concerns are raised regarding the noise impacts of the proposed air conditioning units and any security lighting to the rear of the site. Commercial properties adjoining the subject site are said to cause adverse air conditioning noise impacts and light spill which impacts on the residents of Keegan Ave.

Comment: Standard conditions relating to noise impacts of air conditioning units have been imposed as part of the recommended approval. Any external lighting must be the subject of a new development application. Given that the current application does not propose any external lighting, and as the hours of operation area restricted to 8am and 8pm Monday to Friday and between 8am and 5pm on Saturdays, it is unlikely that the development will result in any light spill impacts.

Adverse amenity impacts arising from the use of other commercial properties should be brought to the attention of Council's compliance unit.

- (c) The proposal will put an increased strain on the existing sewers and drainage systems.

Comment: A condition of consent has been imposed that the applicant is to comply with Council's drainage requirements.

- (d) There will be additional noise from smokers and workers at the rear of the site.

Comment: The separation distance between the subject site and the nearest affected residential dwelling is approximately 17m. However, the escarpment located to the west of the Sarah Pennington Reserve allows further separation between the site and the nearest affected residences. Notwithstanding this, the public reserve may be utilised during staff breaks and may therefore experience a higher level of pedestrian access. Accordingly, a condition of consent has been recommended, compelling the management to encourage the staff to act in a manner having regard to the neighbouring development.

- (e) The proposal will result in a higher increase in garbage and recycling removal. Garbage removal currently results in illegal driving, thereby creating traffic hazards.

Comment: Illegal driving is a police matter and should be reported at the time of the alleged offence. Standard conditions have been recommended regarding waste and recycling management in order to minimise any potential impacts on the amenity of the locality.

- (f) The increased FSR is significant and will result in an unacceptable increase in intensity of development. It will also allow precedence of non-compliance of FSR.

Comment: The issue of additional FSR has been discussed in the issues section of this report and the proposed additional FSR is considered to be acceptable in this instance and subject to the deletion of the second mezzanine. Every application is assessed on its merits having regard to the Matters for Consideration under Section 79C of the Environmental Planning and Assessment Act 1979.

- (g) The positive social and economic impacts stated by the applicant are questionable.

Comment: The social and economic impacts of the proposal have been considered to be acceptable as discussed above.

- (h) The proposal does not consider the other users of Bayview Street.

Comment: The surrounding land uses and occupiers have been considered under the assessment of this application. On balance, it is considered that the proposal is acceptable, subject to the imposition of appropriate conditions.

INTEGRATED DEVELOPMENT

51. The proposal is not Integrated Development.

INTERNAL REFERRALS

52. The application was referred to Council's:

- (a) Specialist Health Surveyor;
- (b) Heritage Architect;
- (c) Urban Designer;
- (d) Building Services Unit; and
- (e) Transport and Access Unit.

53. No objection to the proposed development was raised, subject to the imposition of appropriate conditions. Council's Transport and Access Unit raised concerns relating to the length of the proposed cross-over, as discussed in the issues section of this report.

RELEVANT LEGISLATION

54. The Environmental Planning and Assessment Act 1979.

CONCLUSION

55. The proposed use of the site is considered to be acceptable, subject to the imposition of conditions which will allow the use to be carried out in a manner which will not cause injury to the amenity the surrounding locality.
56. Despite the non-compliance with the Floor Space Ratio of 1:1 stipulated under the Leichhardt LEP 2000, the extension of the existing mezzanine is considered to be acceptable as the additional floor space is contained within the existing building envelope. The SEPP 1 Objection to the development standards is supportable insofar as it relates to the extension of the existing mezzanine. However, the proposed second mezzanine is not supportable as it reduces the floor to ceiling height of all levels to the minimum height of 2.4m under the BCA. This reduces the amenity of the office space. Further, the proposed ceiling to floor distance (220mm) is insufficient to accommodate the necessary building services.
57. The application is recommended for approval, subject to a deferred commencement, requiring the applicant to:
- (a) identify and implement the measures required to make the site accessible in accordance with the City of Sydney Access DCP 2004 and the BCA;
 - (b) delete the proposed second mezzanine from the proposed plans; and
 - (c) delete the proposed garage to the right hand side of the Bayview Street elevation.

GRAHAM JAHN

Director City Planning and Regulatory Services

(Catherine Burke, Planner)