

Attachment C

Clause 4.6 Variation – Height of Buildings

REQUEST TO VARY A DEVELOPMENT STANDARD

FOR DEVELOPMENT APPLICATION AT 51 BUCKINGHAM STREET, SURRY HILLS NSW

1 Standard for which exemption is sought :

Maximum height shown on Height of Buildings Map HOB16 of the City of Sydney LEP 2012. The height map denotes the site as “E” being a maximum of 6 metres.

The proposed development has a maximum height of 7.9m and the existing building has a maximum height of 11.84m. The proposed development is within the B4 Mixed Use zone of the City of Sydney LEP 2012.

2 Underlying object or purpose of the Standard is as follows -

- (a) to ensure the height of development is appropriate to the condition of the site and its context,
- (b) to ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas,
- (c) to promote the sharing of views,
- (d) to ensure appropriate height transitions from Central Sydney and Green Square Town Centre to adjoining areas,
- (e) in respect of Green Square—
 - (i) to ensure the amenity of the public domain by restricting taller buildings to only part of a site, and
 - (ii) to ensure the built form contributes to the physical definition of the street network and public spaces.

3 Request

The applicant hereby requests Council in accordance with Clause 4.6(3)(a) and (b) of the Sydney LEP 2012 to vary the above 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.

4 Applicants Written Request - Clause 4.6(3)(a) and (b)

a Clause 4.6(3)(a)

We believe a compliance with the Standard would be unreasonable and unnecessary in this case as -

- i The proposed height of the rear roof extension is below the height of the existing historic building, which exceeds the height development standard, but is appropriate to the condition of the site and its context and compatible with objectives of the Standard as noted above;
- ii The proposed works are only visible from the rear of the property and are not visible from the public domain or Bedford Streets and only of negligible visibility from Buckingham Street.
- iii The height limit to the immediate east of the subject property is "J" (9 metres, to the immediate west is "T2" (27 metres) and north and south is "R" (22 metres), so that non-compliance with the development standard would not contravene the overall objectives of the Standard as stated above and unjustly penalise development on the subject site;.
- iv The height limit placed on the subject property given the height limitations on surrounding properties is unreasonable and inappropriate in the surrounding context;
- v The existing building establishes and respects notions of transition in built form and land use intensity. It is part of a group with a high quality relationship to private built form and public space void. Thus it contributes to streetscape and character;
- vi The proposal will be compatible with the existing historic building on its site and will have minimal impact on its compatibility with the adjoining 'modern' buildings. There is no change proposed to land use; the existing usage is compatible with the usage of surrounding B4 Mixed Use zone properties and its integration within the local community.
- vii The height of the proposed works are above the height standard but they are respectful of its heritage context, being both subservient to the original roof and the bulk of the original building and is in keeping with the original character.
- viii The proposed additions are 200mm below the height of the existing 1940's services which are to be demolished and replaced as proposed in the subject development application.

b Clause 4.6(3)(b)

The height of the new amenities block will exceed the LEP 6 metre height limit by 1.9 metres.

We believe the contravention of the Standard is acceptable as -

- i The proposed rear roof extension is located at the rear and has minimal visibility from the public domain;
- ii The proposed rear roof extension is below the existing maximum height of the existing building;
- iii There is no change to the front elevation of the building;
- iv The proposal will not result in adverse environmental impacts to surrounding properties.
- v There is no significant loss of views which are shared with the subject property and the adjoining building to the south which is marginally and only partially affected by the proposal;
- vi There is no significant additional overshadowing to the adjoining building to the south with the proposal which is marginally affected by the proposal;
- vii The proposal allows for the continuance of habitable, appealing and adaptable use of the subject premises and which is consistent with the objectives for the B4 Mixed Use zone enabling integration of suitable business, office, residential and other development by promoting public transport patronage and to encourage walking and cycling consistent with existing local practices.
- viii The proposal involves resolution of historic issues associated the relocation of the intrusive toilet block which will assist the preservation of important conservation fabric.

JEFF MADDEN AND ASSOCIATES

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