



Attachments Excluded from Agenda
Burwood Local Planning Panel Meeting
Thursday, 27 June, 2024
6:00 PM

Table of Contents

Development Applications

DA2/24 DA No. 2023/45, 3-7 Lyons Street & 18 Parnell Street, Strathfield.
Proposed Alterations and Additions to a Previously Approved Nine
Storey Mixed Use Building to Create an Additional Two Levels (6
Residential Units) Producing an Overall Total of 77 Residential Units.
Adjustments to Carparking Arrangements on Basement Level 3 are also
Proposed

Attachment 1: Architectural Drawings Issue G3

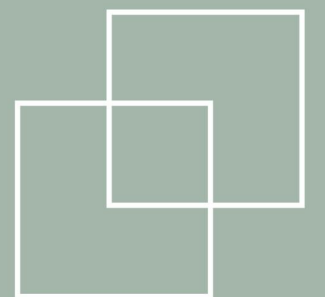
Attachment 2: Clause 4.6 - Height 41

Attachment 3: Clause 4.6 - FSR53



3 - 7 Lyons St and 18 Parnell
St Strathfield

DA APPLICATION
2022



URBAN LINK



<u>SITE</u>		
DA-000	G	TITLE PAGE
DA-001	G	COVER
DA-002	G	PROJECT INFORMATION
DA-003	G	CONTEXT PLAN
DA-004	G	SITE LOCATION & ANALYSIS
<u>FLOOR PLANS</u>		
DA-101	G	GROUND FLOOR PLAN
DA-102	G	LEVEL 01
DA-103	G	LEVEL 02
DA-104	G	LEVEL 03
DA-105	G	LEVEL 04-08
DA-106	G	LEVEL 09
DA-107	G	LEVEL 10
DA-108	G	ROOF PLAN
DA-109	G	BASEMENT 01
DA-110	G	BASEMENT 02
DA-111	G	BASEMENT 03
<u>ELEVATIONS</u>		
DA-201	G	SOUTH ELEVATION
DA-202	G	WEST ELEVATION
DA-203	G	NORTH INTERNAL ELEVATION
DA-204	G	EAST ELEVATION
DA-205	G	NORTH ELEVATION
DA-206	G	SOUTH INTERNAL ELEVATION
DA-207	G	STREETSCAPE LYONS STREET
DA-208	G	STREETSCAPE PARNELL STREET
<u>SECTIONS</u>		
DA-301	G	SECTION AA
DA-302	G	SECTION BB
DA-303	G	SECTION CC
<u>EXTERNAL FINISHES</u>		
DA-901	G	FINISHES SCHEDULE
DA-902	G	PHOTOMONTAGE
DA-903	G	PHOTOMONTAGE COMPARISON
<u>COMPLIANCE</u>		
DA-1401	G	GFA DIAGRAMS
DA-1402	G	ADAPTABLE UNITS
DA-1403	G	SOLAR DIAGRAMS
DA-1404	G	DEEP SOIL & COMMUNAL OPEN SPACE
DA-1405	G	COS SOLAR ACCESS DIAGRAMS
DA-1406	G	EQUINOX SHADOW DIAGRAMS
DA-1407	G	WINTER SHADOW DIAGRAMS
DA-1408	G	VIEWS FROM THE SUN
DA-1409	G	HEIGHT PLANE

Summary

SITE AREA

1,857 m²

GFA

PROPOSED FSR

6,128 m²

3.30 : 1

RESIDENTIAL UNITS

77

Studio	12	16%
1bed	18	23%
2bed	39	51%
3bed	8	10%
3bed dual key	0	0%

COMMERCIAL FLOOR AREA

90 m²

Commerical	0
Retail (exc. Services)	90 m ²
Café / Restaurant	0

TOTAL CARPARKING

93

Residential	75.0
Residential Visitor	16.0
Retail	2.0

Compliance

CONTROL	REQUIREMENT	PROPOSED	COMPLIES
Floor Space Ratio	3.00 : 1 MAX	3.30 : 1	✗
Floor Space Ratio (Including VPA 10%)	3.30 : 1 MAX	3.30 : 1	✓
Gross Floor Area	5,571 m ² MAX	6,128 m ²	✗
Gross Floor Area (Including VPA 10%)	6,128 m ² MAX	6,128 m ²	✓
Building Height	30.00 m MAX	35.80 m	✗
Carparking			
Residential	75.0 MIN	75.0	✓
Residential Visitor	16.0 MIN	16.0	✓
Retail	2.0 MIN	2.0	✓
Commercial Visitor	0.0 MIN	0.0	✓
Total	93 MIN	93.0	✓
Motorcycle Parking (1/15units)	5.13 MIN	6.0	✓
Bicycle Parking	19.25 MIN	20.0	✓
Solar Access (> 2hours)	70% MIN	60 78%	✓
No Solar Access (< 15 MINs)	15% MAX	11 14%	✓
Cross Ventilation	60% MIN	49 69%	✓
Adapatable Units			
Adaptable	10% MIN	8 10%	✓
Livable Housing Silver Level	20% MIN	16 20%	✓
Communal Open Space (ADG)	25% MIN	466 25.1%	✓
Unit Storage 1Bed	6 m3 MIN	6 m3	✓
(min. half in unit, half in basement) 2Bed	8 m3 MIN	8 m3	✓
3Bed+	10 m3 MIN	10 m3	✓
Deep Soil	7% MIN	132 m ² 7.1%	✓

→ VPA

→ VPA

→ CLAUSE 4.6

NatHERS Specs Summary:

- Floor slabs:
 - Concrete.
 - R2.5 floor insulation to unit G.01.
 - R1.5 floor insulation to unit 1.07.
 - R1.0 floor insulation to unit 1.01.
 - R0.5 floor insulation to units G.02, G.03, 1.03
- Exterior walls:
 - Unit 8.07: 100mm concrete wall with foil + R2.5 batts in cavity to plasterboard lining, or wall system reaching a total R-value of R2.63.
 - Remaining units: 100mm concrete wall with foil + R2.0 batts in cavity to plasterboard lining, or wall system reaching a total R-value of R2.13.
- External walls modelled with colour finishes as per plans.
- "Exterior walls" = All unit walls that are not party walls to other units, or enclosed spaces.

- Glazing:
 - AI. Double glazed - Low solar gain Low-E glass:
 - To units G.07, 1.11, 2.10, 2.11
 - Type A (U-Value: 4.90, SHGC: 0.33).
 - Type B (U-Value: 4.90, SHGC: 0.33).

- AI. Double glazed - High solar gain Low-E:
 - To units G.01, 8.07.
 - To living/dining SD in units 3.07, 4.07, 5.07, 6.07, 7.07.
 - Type A (U-Value: 4.3, SHGC: 0.47).
 - Type B (U-Value: 4.3, SHGC: 0.53).

- High solar gain Low-E glass with aluminium framing:
 - To units 1.07, 2.07, 3.06, 4.06, 5.06, 6.06, 7.06, 8.06, 9.06.
 - To bedrooms units 3.07, 4.07, 5.07, 6.07, 7.07.
 - Type A (U-Value: 5.4, SHGC: 0.49).
 - Type B (U-Value: 5.4, SHGC: 0.58).

- Low solar gain Low-E glass, with aluminium framing:
 - To units G.06, 1.10.
 - Type A (U-Value: 5.6, SHGC: 0.41).
 - Type B (U-Value: 5.6, SHGC: 0.36).

- Single clear glass, with aluminium framing.
 - Modelled to remainder:
 - Type A (U-Value: 6.7, SHGC: 0.57).
 - Type B (U-Value: 6.7, SHGC: 0.70).

U-Value & SHGC are combined glass and frame figures.

- Ceiling / Roof:
 - 1 x 1400mm ceiling fan to be installed in kitchen/dining/living area of units, G.06, G.07, 1.09, 1.11, 2.09, 2.10, 2.11, 9.06.
- R2.5 ceiling insulation to all other unit ceilings to concrete roof.
- Assessed with sealed wet area exhaust fans.
- Concrete roof modelled with default medium colour finishes, and as unventilated.

Please refer to NatHERS individual certificates for further details.

Detailed Calculations

GROSS FLOOR AREA

	Commercial	Retail (inc services)	Café / Restaurant	Serviced Apartments	Residential
Basement 3					
Basement 2					
Basement 1					
Ground		92 m ²			535 m ²
Level 1					746 m ²
Level 2					760 m ²
Level 3					560 m ²
Level 4					560 m ²
Level 5					560 m ²
Level 6					560 m ²
Level 7					560 m ²
Level 8					560 m ²
Level 9					418 m ²
Level 10					217 m ²
Level 11					
Level 12					
Level 13					
Level 14					
Level 15					
Level 16					
Level 17					
Level 18					
Level 19					
Level 20					
Level 21					
	0 m ²	92 m ²	0 m ²	0 m ²	6,036 m ²
					Total 6,128 m ²

UNITS

	Studio	1Bed	1Bed + Study	2Bed	2+ Bed + Study	3Bed	3+ Bed + Study	3 Bed Dual Key	TOTAL Units per floor
Basement 3									29.00
Basement 2									32.00
Basement 1									32.00
Ground	4	1		0		2		7	
Level 1	4	2		4		1		11	
Level 2	4	2		3		2		11	
Level 3		2		5				7	
Level 4		2		5				7	
Level 5		2		5				7	
Level 6		2		5				7	
Level 7		2		5				7	
Level 8		2		5				7	
Level 9		1		2		3		6	
Level 10									
Level 11									
Level 12									
Level 13									
Level 14									
Level 15									
Level 16									
Level 17									
Level 18									
Level 19									
Level 20									
Level 21									
	12	18	0	39	0	8	0	0	93.00
		18		39		8			78% 14% 69%
								0	
								Total 77	

CARPARKING PROVIDED

ADG CALCULATIONS

Solar Access (>2 hrs)	No Solar Access	Cross Ventilated
7	0	6
9	2	7
9	2	7
5	1	4
5	1	5
5	1	5
5	1	5
5	1	5
5	1	5
5	1	5

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Notes:
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G	DA TO AMEND A DA	31/01/2024	GJ
F	DA TO AMEND A DA	21/07/2023	GJ
E	DA TO AMEND A DA	20/10/2022	GJ
D	DA AMENDMENTS	03/06/2022	GJ
C	DA AMENDMENTS	27/05/2022	GJ
B	DA SUBMISSION	01/03/2022	GJ
A	DA SUBMISSION	06/07/2021	ZB

Project
3 - 7 Lyons St and 18 Parnell St
Strathfield
3 - 7 Lyons St and 18 Parnell St
Strathfield NSW Australia

URBAN LINK
Business Address: Level 7, Suite 703 11-15 Deane Street, Burwood NSW 2154
Postal Address: PO BOX 2223 Burwood North NSW 2134
Phone Number: +61 2 9745 2014
Nominated Architects:
Georges Jheije Reg no 10993

Drawing Title
SITE
PROJECT INFORMATION

1:u.bb
Project Number
2018 - 099
Drawing Number
DA-002
Revision
G
STATUS
DEVELOPMENT APPLICATION



Worksheet
SCALE 1:1000

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A	DA SUBMISSION	06/07/2021	ZB

Rev Description Date App'd

Project
3 - 7 Lyons St and 18 Parnell St
Strathfield
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Strathfield NSW Australia

URBAN LINK
Business Address: Level 7, Suite 703 11-15 Deane Street, Burwood
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Nominated Architects:
Georges Jheijhe Reg no 10993

Drawing Title
SITE
CONTEXT PLAN

Scale
1:1000

Project Number
2018 - 099

Drawing Number
DA-003

Revision
G

Status
DEVELOPMENT APPLICATION

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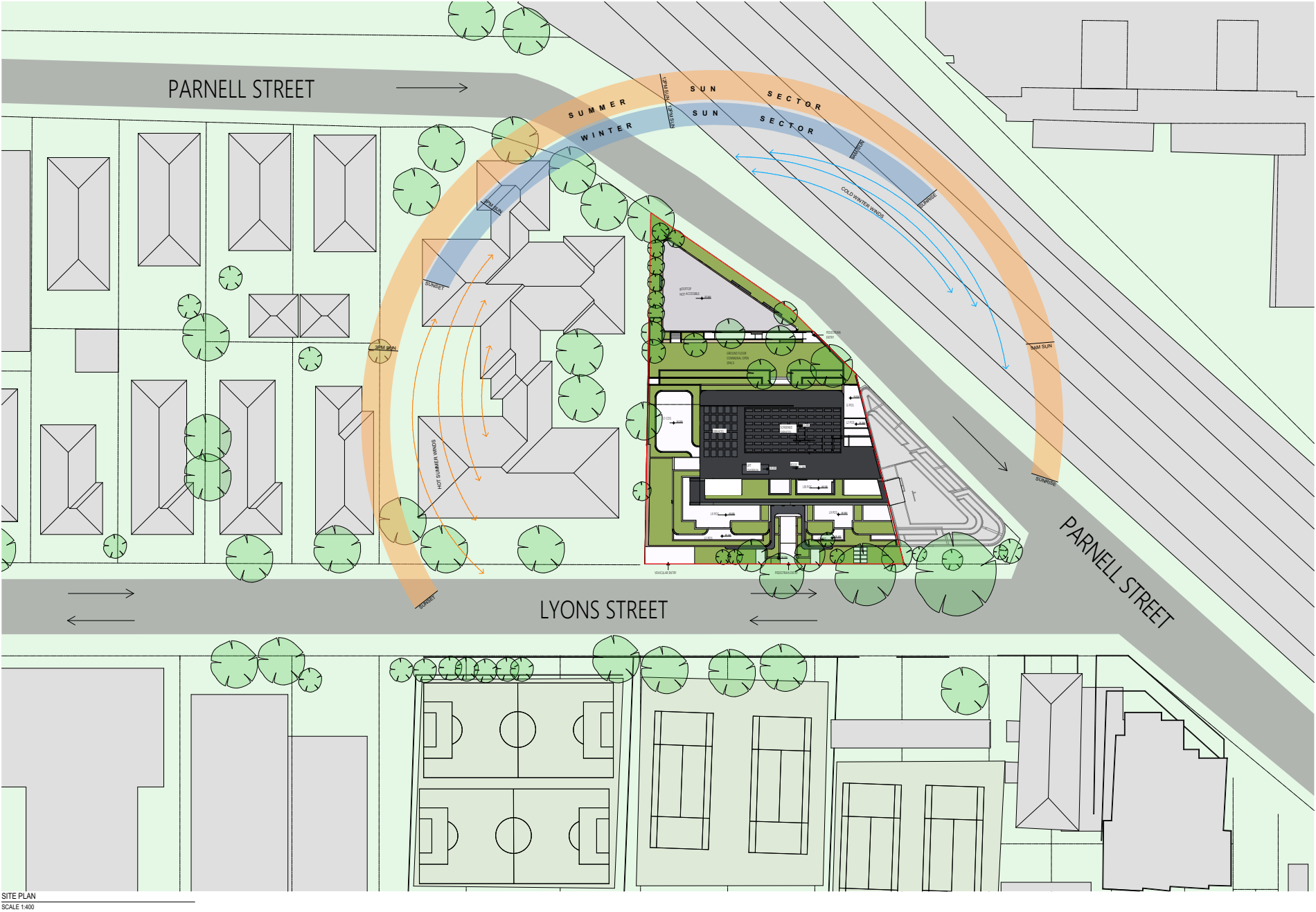
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SITE PLAN
SCALE 1:400

G	DA TO AMEND A DA	31/01/2024	GJ
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Nominated Architects:
Georges Jheije Reg no 10993

Drawing Title
SITE
SITE LOCATION & ANALYSIS

Scale
1:400

Project Number
2018 - 099

Drawing Number
DA-004

Revision
G

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Project
3 - 7 Lyons St and 18 Parnell St
Strathfield
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Strathfield NSW Australia

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Nominated Architects:
Georges Jheije Reg no 10993

Drawing Title
FLOOR PLANS
GROUND FLOOR PLAN

Scale
1:150



Project Number
2018 - 099
Drawing Number
DA-101
Revision
G
Status
DEVELOPMENT APPLICATION

18/06/24 AMENDMENTS, DA2/24 - ISSUE G - 2024/11/24 10:00:00 AM

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A	DA SUBMISSION	08/07/2021	ZB

Rev Description Date App'd

Project

3 - 7 Lyons St and 18 Parnell St

Strathfield

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Nominated Architects

Georges Jheije Reg no 10993

Drawing Title

FLOOR PLANS

LEVEL 01

Scale

1:150

Project Number

2018 - 099

Drawing Number

DA-102

Revision

G

Status

DEVELOPMENT APPLICATION

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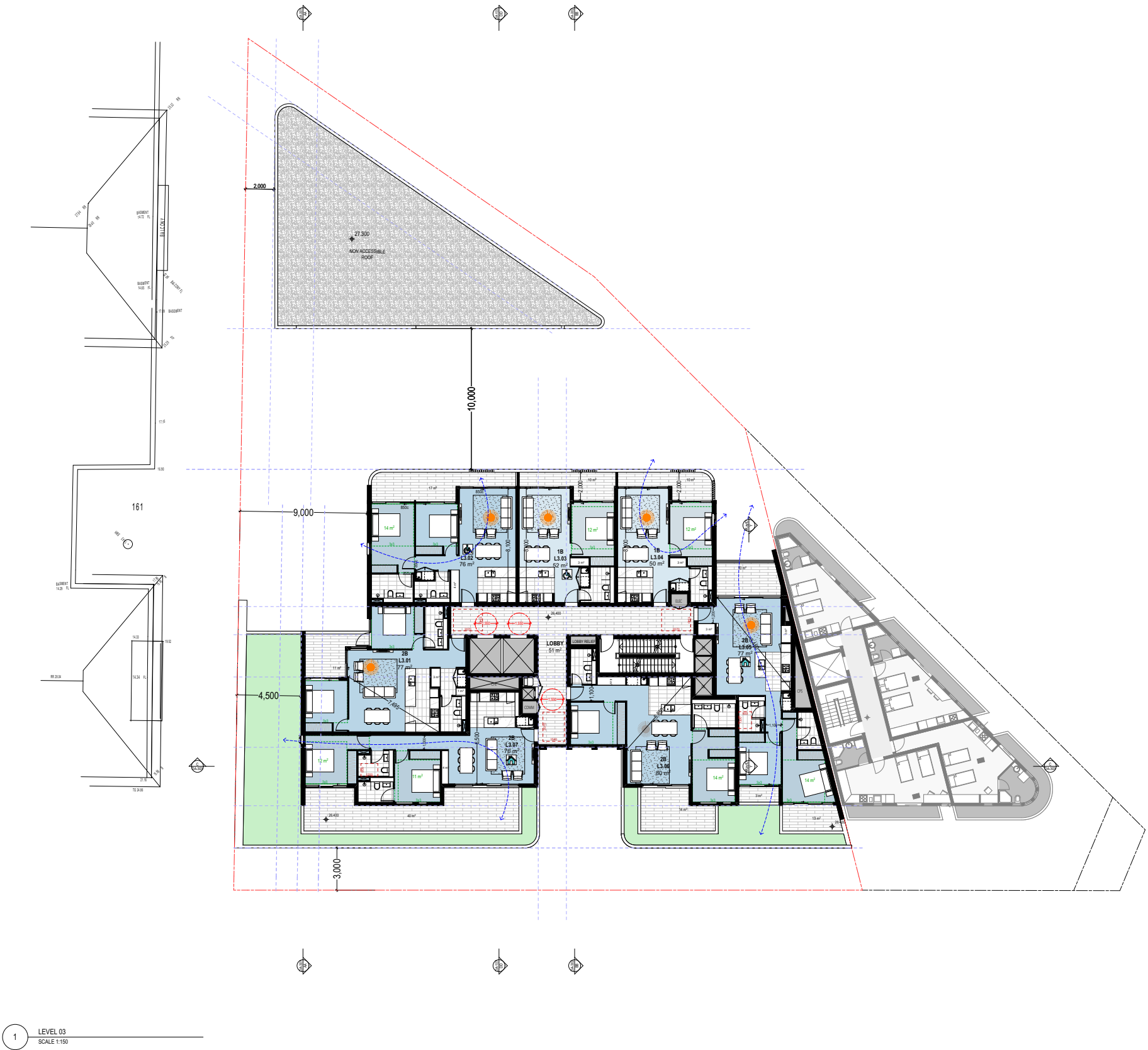
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A	DA SUBMISSION	06/07/2021	ZB

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Project

3 - 7 Lyons St and 18 Parnell St

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Nominated Architects

Georges Jheije Reg no 10993

Drawing Title

FLOOR PLANS

LEVEL 03

Scale

1:150

Project Number

2018 - 099

Drawing Number

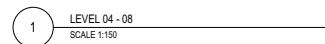
DA-104

Revision

G

Status

DEVELOPMENT APPLICATION



Project
3 - 7 Lyons St and 18 Parnell St
Strathfield
3 - 7 Lyons St and 18 Parnell St
Strathfield NSW Australia

Drawing Title
FLOOR PLANS
LEVEL 04-08

Scale
1:150

Project Number
2018 - 099

Status

Drawing Number
DA-105

Revision
G

DEVELOPMENT APPLICATION

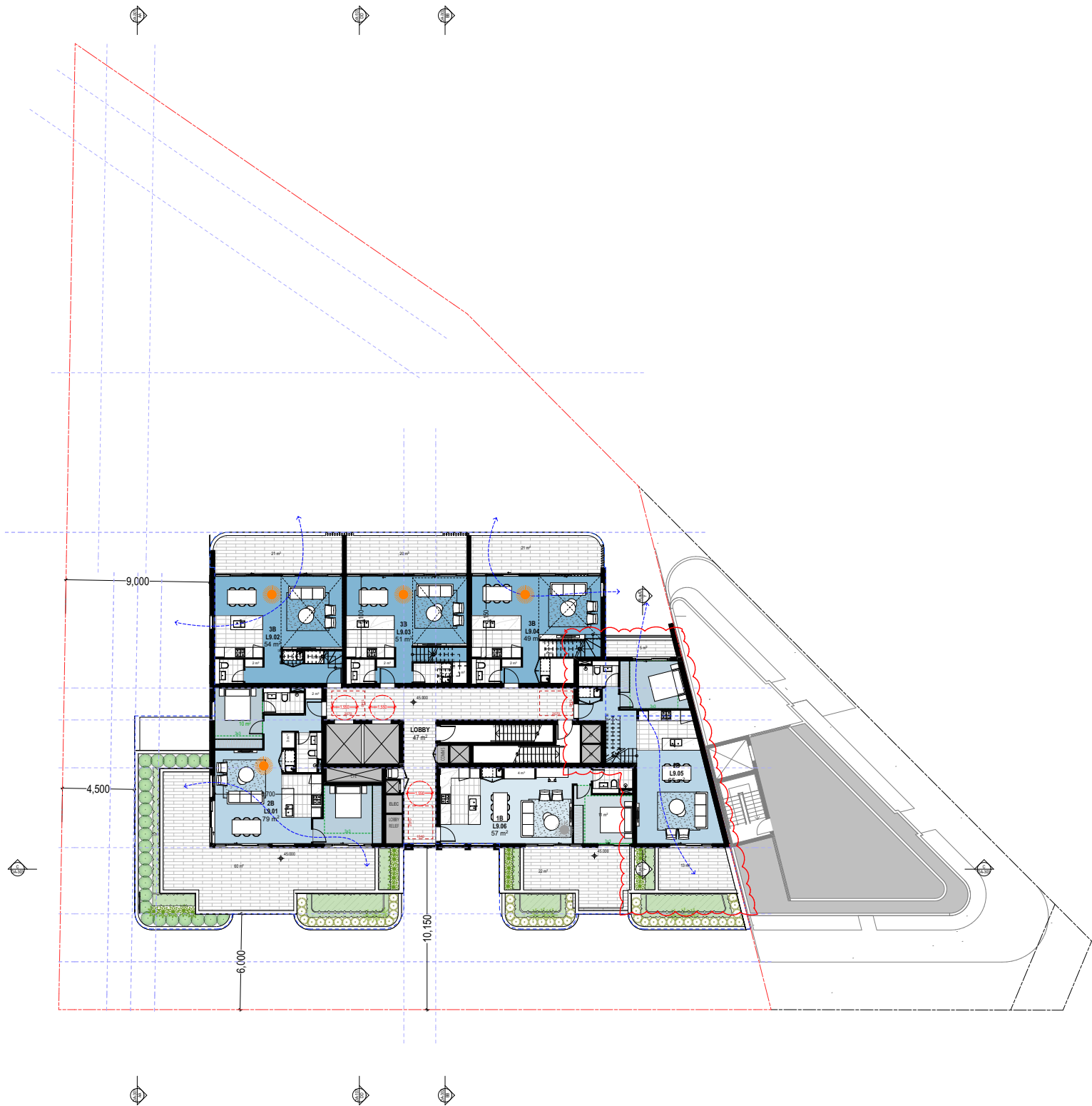
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1 LEVEL 09
SCALE 1:150

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Rev Description Date App'd

Project

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Nominated Architects

Georges Jheijhe Reg no 10993

Drawing Title

FLOOR PLANS

LEVEL 09

Scale

1:150

Project Number

2018 - 099

Drawing Number

DA-106

Revision

G

Status

DEVELOPMENT APPLICATION

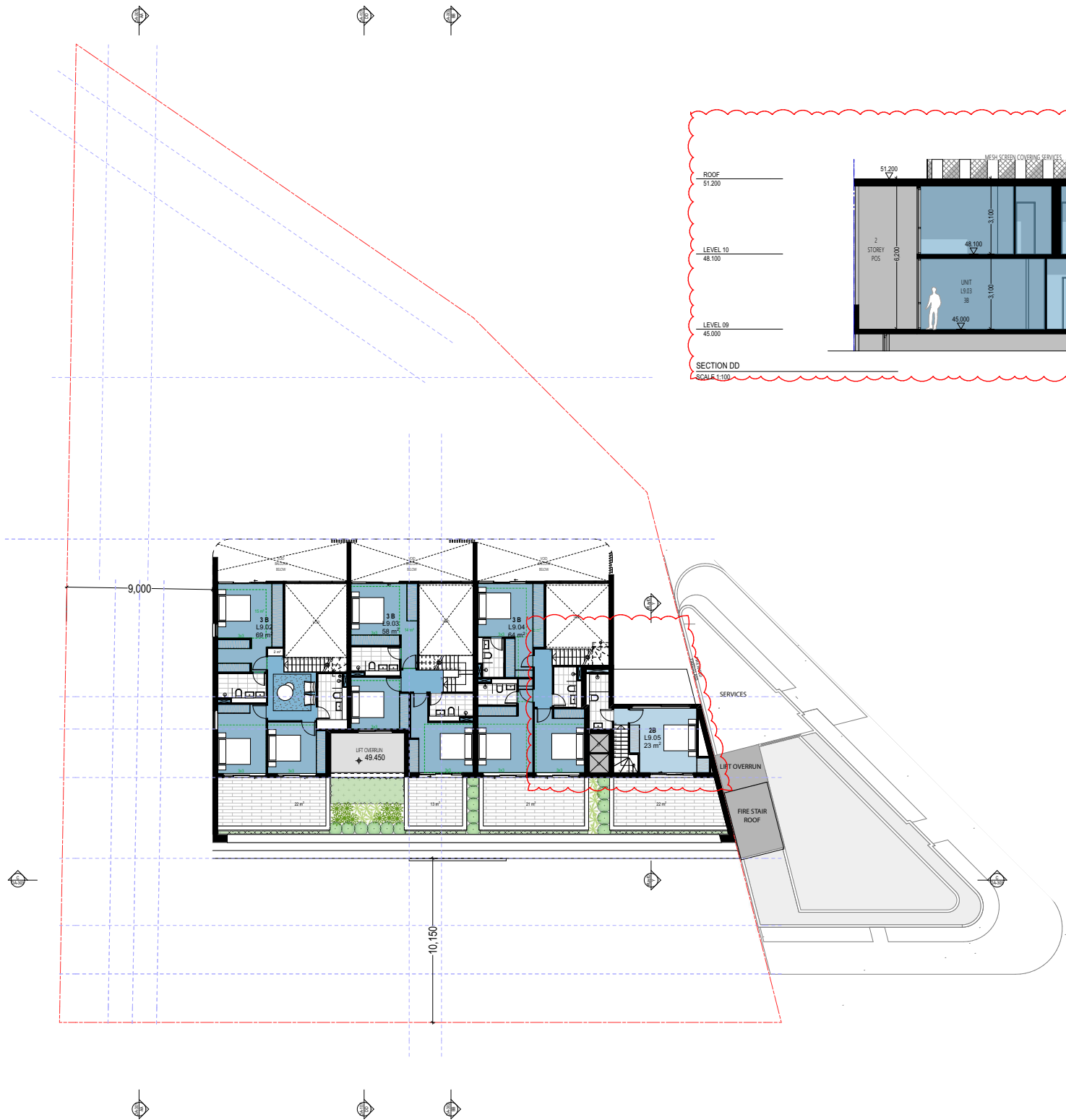
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1 LEVEL 10
SCALE 1:150

G	DA TO AMEND A DA	31/01/2024	GJ
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A	DA SUBMISSION	06/07/2021	ZB

Rev Description Date App'd

Project

3 - 7 Lyons St and 18 Parnell St

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Nominated Architects

Georges Jheijhe Reg no 10993

Drawing Title

FLOOR PLANS

LEVEL 10

Scale

1:150, 1:100

Project Number

2018 - 099

Drawing Number

DA-107

Revision

G

Status

DEVELOPMENT APPLICATION



10 000 DA AMENDMENTS, DA2/24 - ISSUE G - 2024 01 31 09:45:00 20240131 09:45:00

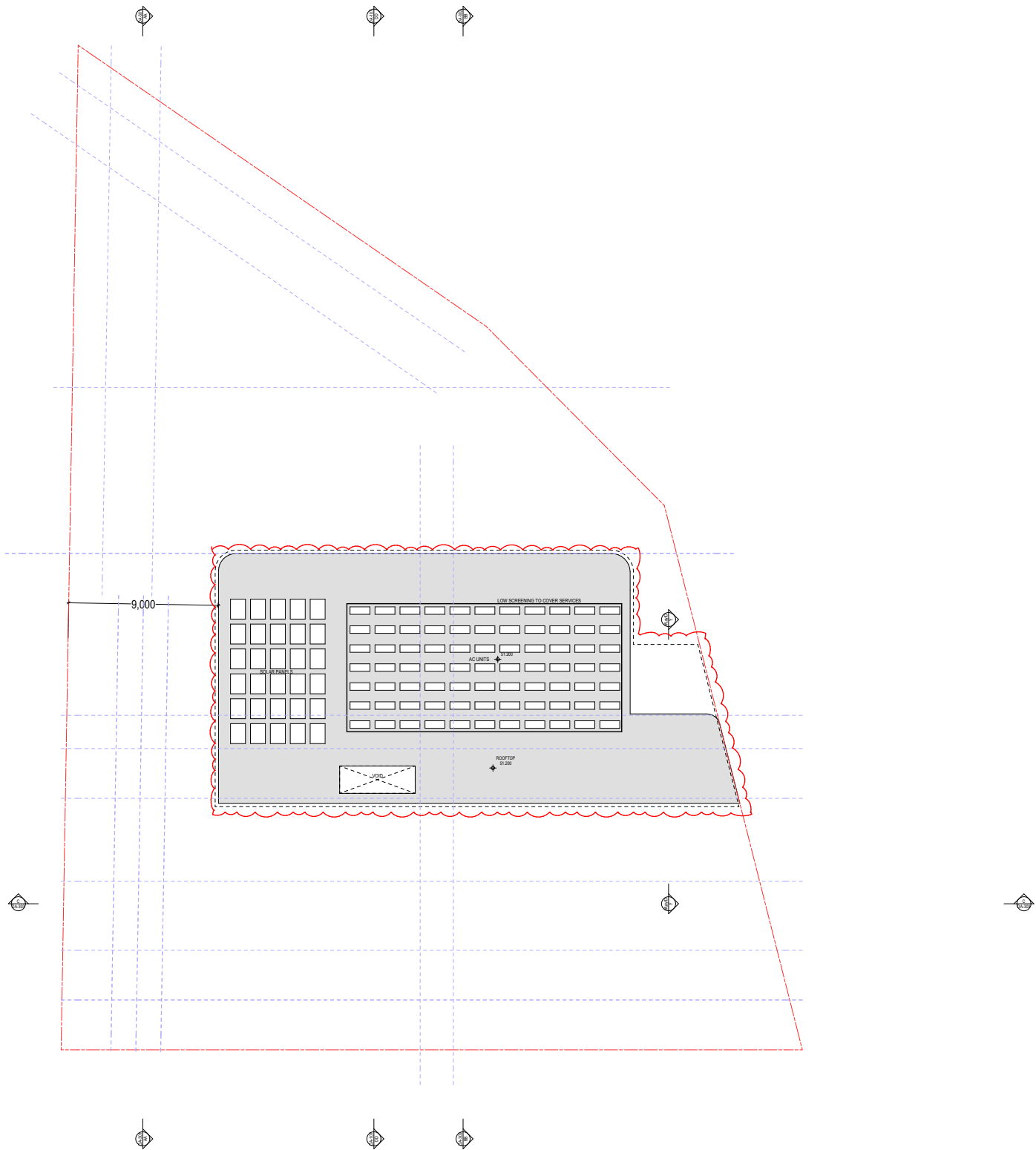
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1 ROOF
SCALE 1:150

G	DA TO AMEND A DA	31/01/2024	GJ
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Nominated Architects

Georges Jheije Reg no 10993

Drawing Title

FLOOR PLANS

ROOF PLAN

Scale

1:150

Project Number

2018 - 099

Drawing Number

DA-108

Revision

G

Status

DEVELOPMENT APPLICATION



10 000 DA AMENDMENTS, DA108 ISSUE G - 2024 01 31 09:45:2024001 100.000

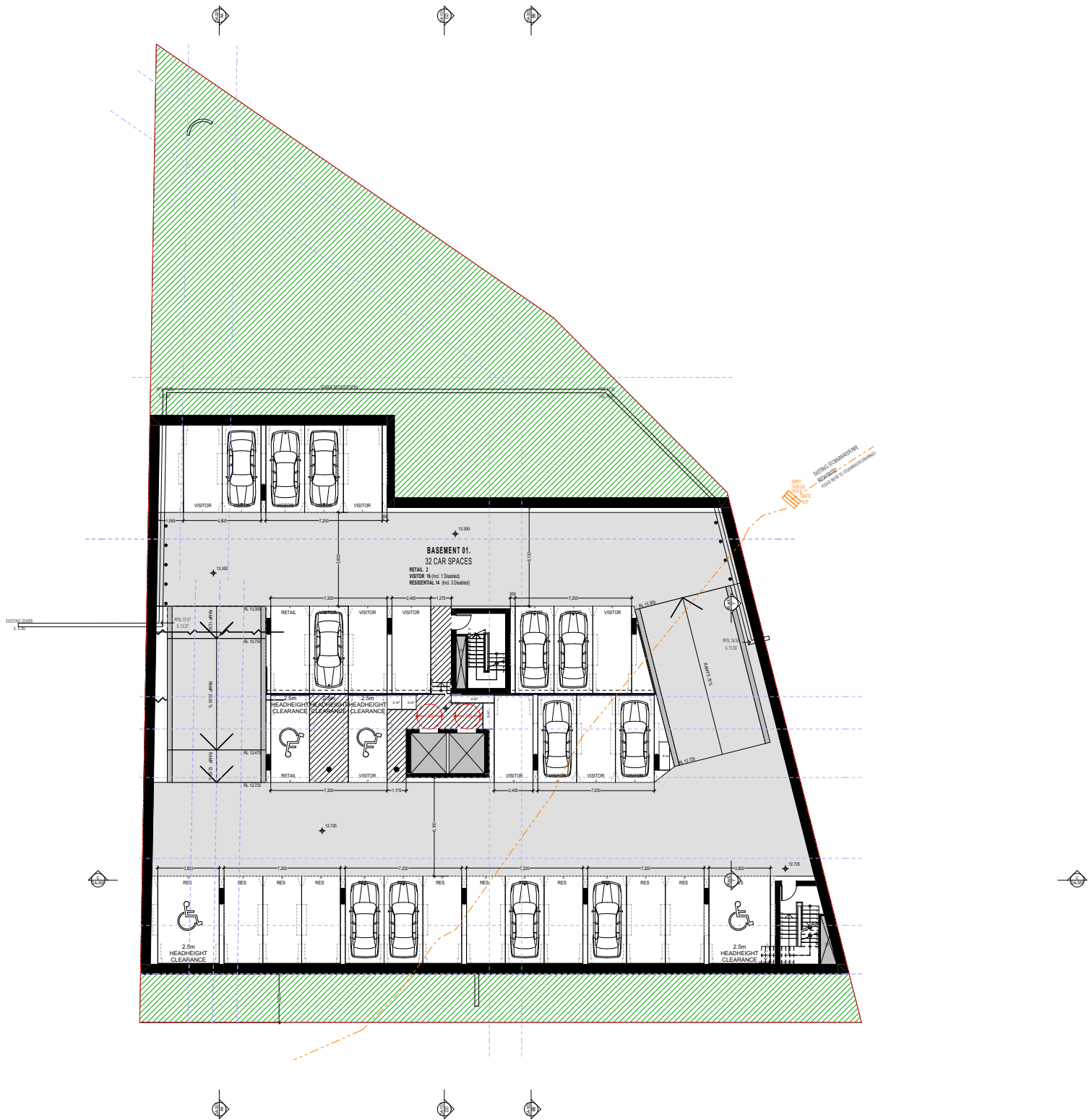
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2. DO NOT SCALE DRAWINGS.

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1 BASEMENT 01
SCALE 1:150

G	DA TO AMEND A DA	31/01/2024	GJ
F	DA TO AMEND A DA	21/07/2023	GJ
E	DA TO AMEND A DA	20/10/2022	GJ
D	DA AMENDMENTS	03/06/2022	GJ
C	DA AMENDMENTS	27/05/2022	GJ
B	DA SUBMISSION	01/03/2022	GJ
A	DA SUBMISSION	06/07/2021	ZB

Rev Description Date App'd

Project

3 - 7 Lyons St and 18 Parnell St

Strathfield

3 - 7 Lyons St and 18 Parnell St

Strathfield NSW Australia

URBAN LINK

Business Address: Level 7, Suite 703 11-15 Deane Street, Burwood NSW 2134

Postal Address: PO BOX 2223 Burwood North NSW 2134

Phone Number: +61 2 9745 2014

Nominated Architects

Georges Jheije Reg no 10993

Drawing Title

FLOOR PLANS

BASEMENT 01

Scale

1:150

Project Number

2018 - 099

Drawing Number

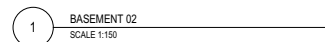
DA-109

Revision

G


Status

DEVELOPMENT APPLICATION



Project
3 - 7 Lyons St and 18 Parnell St
Strathfield
3 - 7 Lyons St and 18 Parnell St
Strathfield NSW Australia

Drawing Title
FLOOR PLANS
BASEMENT 02

Scale 1:150	
Project Number 2018 - 099	Drawing Number DA-110
Status DEVELOPMENT APPLICATION	Revision G



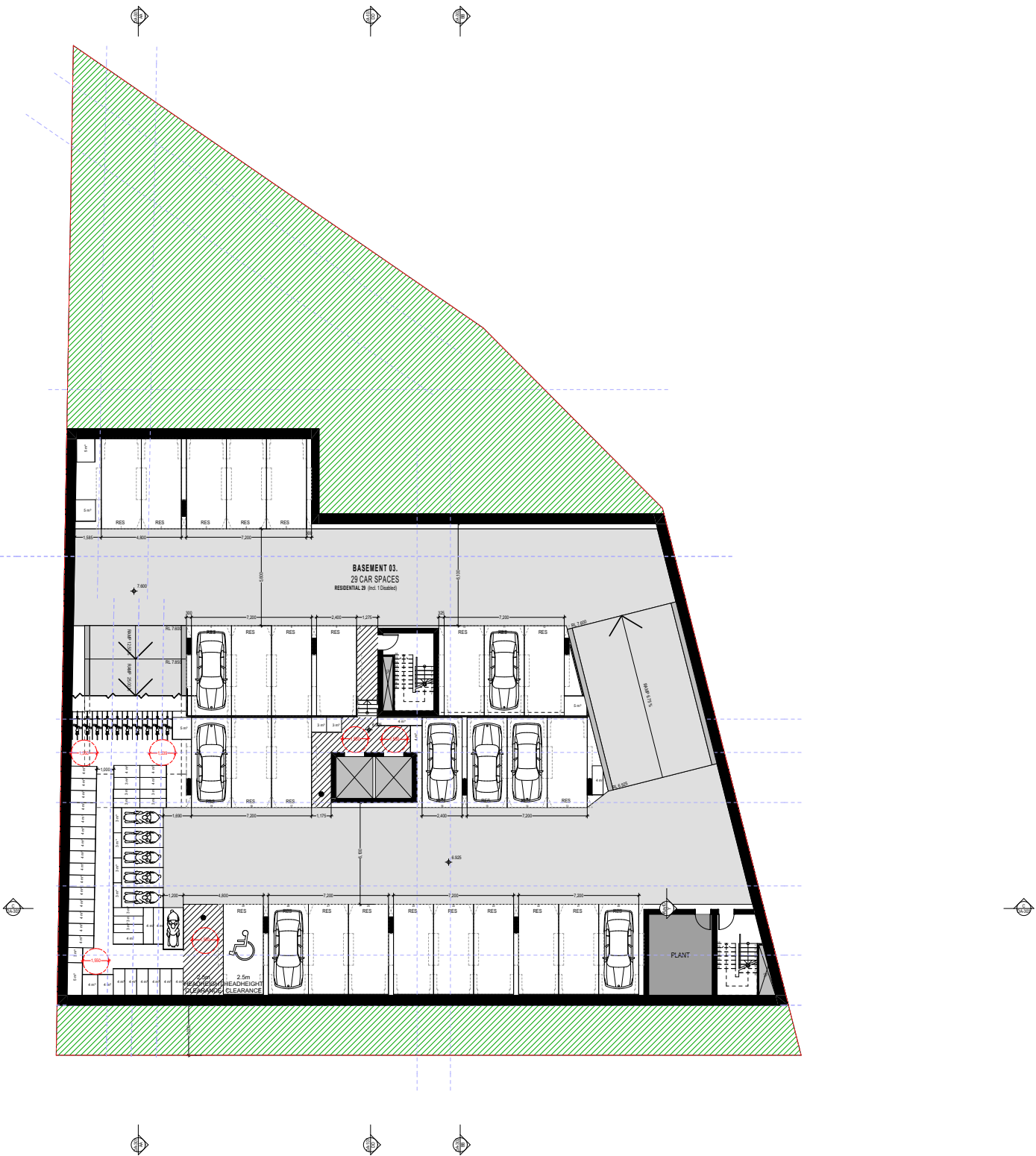
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1 BASEMENT 03
SCALE 1:150

G	DA TO AMEND A DA	31/01/2024	GJ
F	DA TO AMEND A DA	21/07/2023	GJ
E	DA TO AMEND A DA	20/10/2022	GJ
D	DA AMENDMENTS	03/06/2022	GJ
C	DA AMENDMENTS	27/05/2022	GJ
B	DA SUBMISSION	01/03/2022	GJ
A	DA SUBMISSION	06/07/2021	ZB

Rev Description Date App'd

Project

3 - 7 Lyons St and 18 Parnell St

Strathfield

3 - 7 Lyons St and 18 Parnell St

Strathfield NSW Australia

URBAN LINK

Business Address: Level 7, Suite 703 11-15 Deane Street, Burwood NSW 2134

Postal Address: PO BOX 2223 Burwood North NSW 2134

Phone Number: +61 2 9745 2014

Nominated Architects

Georges Jheije Reg no 10993

Drawing Title

FLOOR PLANS

BASEMENT 03

Scale

1:150

Project Number

2018 - 099

Drawing Number

DA-111

Revision

G

Status

DEVELOPMENT APPLICATION

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ELEVATION - 3-7 LYONS STREET
SCALE 1:200



A AUSTRAL BRICKS
LANEWAY -
HOSIER BLUESTONE
OR SIMILAR



B METAL BALUSTRADES ,
WINDOW FRAMES, DOOR
FRAMES FINISHED IN DULUX
POWDERCOATING -
MONUMENT MATT



C CEMENTEL PRE FINISHED PANEL
BARESTONE EXTERNAL ORIGINAL
OR SIMILAR



D CEMENTEL PRE FINISHED PANEL
BARESTONE EXTERNAL LUNAR
OR SIMILAR



E CLEAR GLASS WINDOWS &
DOORS



F COLOUR BOND STEEL
CLADDING
DULUX POWDER COATED
MONUMENT MATT OR SIMILAR

G	DA TO AMEND A DA	31/01/2024	GJ
F	DA TO AMEND A DA	21/07/2023	GJ
E	DA TO AMEND A DA	20/10/2022	GJ
D	DA AMENDMENTS	03/06/2022	GJ
C	DA AMENDMENTS	27/05/2022	GJ
B	DA SUBMISSION	01/03/2022	GJ
A	DA SUBMISSION	06/07/2021	ZB

Rev Description Date App'd

Project
3 - 7 Lyons St and 18 Parnell St
Strathfield
3 - 7 Lyons St and 18 Parnell St
Strathfield NSW Australia

URBAN LINK
Business Address: Level 7, Suite 703 11-15 Deane Street, Burwood
NSW 2134
Postal Address: PO BOX 2223 Burwood North NSW 2134
Phone Number: +61 2 9745 2014
Nominated Architects:
Georges Jheije Reg no 10993

Drawing Title
ELEVATIONS
SOUTH ELEVATION

Scale
1:200

Project Number
2018 - 099

Drawing Number
DA-201

Revision
G

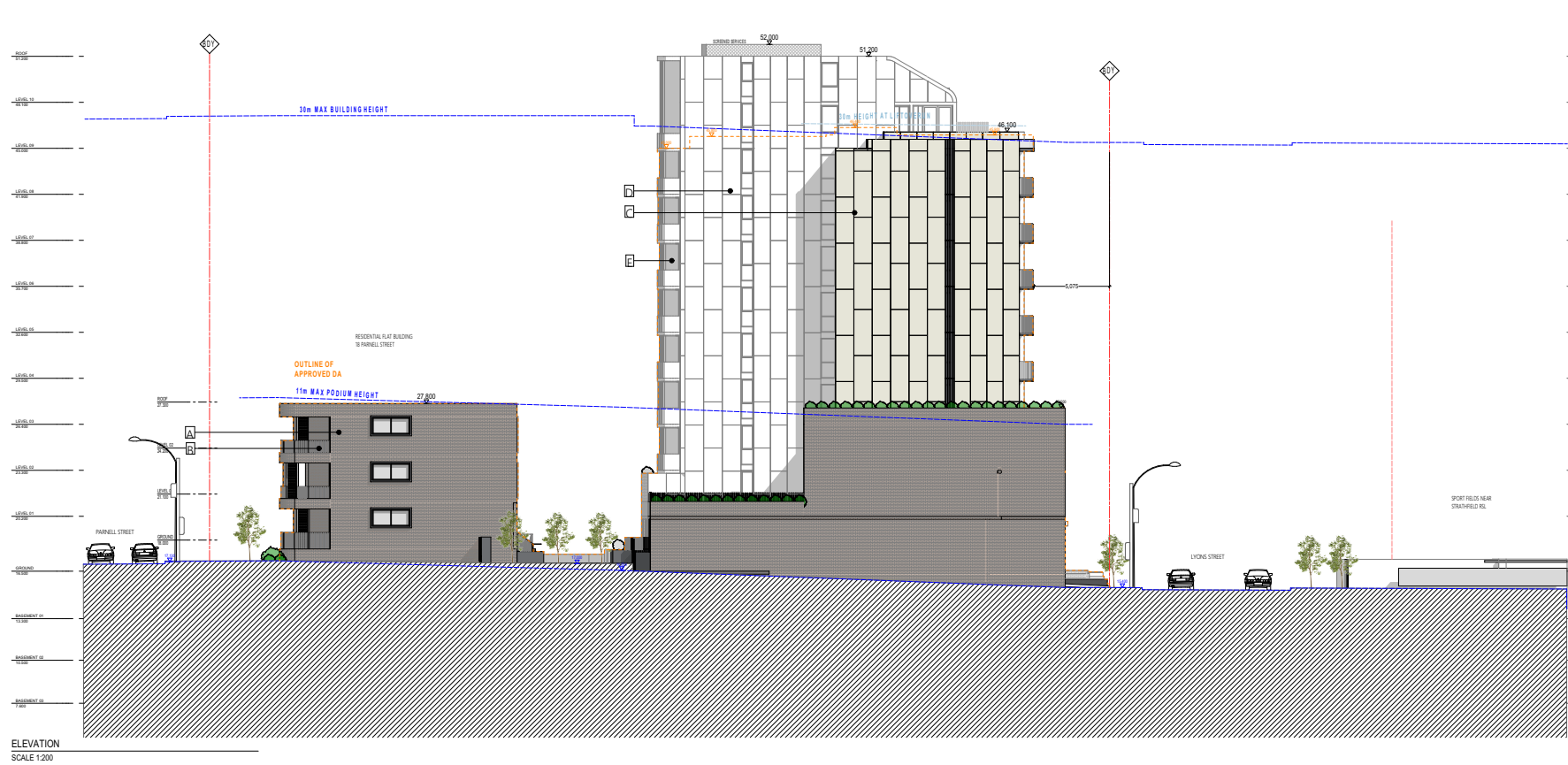
Status
DEVELOPMENT APPLICATION



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A AUSTRAL BRICKS
LANEWAY
HOSIER BLUESTONE
OR SIMILAR



B METAL BALUSTRADES,
WINDOW FRAMES, DOOR
FRAMES FINISHED IN DULUX
POWDERCOATING -
MONUMENT MATT



C CEMENTEL PRE FINISHED PANEL
BARESTONE EXTERNAL ORIGINAL
OR SIMILAR



D CEMENTEL PRE FINISHED PANEL
BARESTONE EXTERNAL LUNAR
OR SIMILAR



E CLEAR GLASS WINDOWS &
DOORS



F COLOUR BOND STEEL
CLADDING
DULUX POWDER COATED
MONUMENT MATT OR SIMILAR

G	DA TO AMEND A DA	31/01/2024	GJ
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E	DA TO AMEND A DA	20/10/2022	GJ
D	DA AMENDMENTS	03/06/2022	GJ
C	DA AMENDMENTS	27/05/2022	GJ
B	DA SUBMISSION	01/03/2022	GJ
A	DA SUBMISSION	06/07/2021	ZB

Rev Description Date App'd
Project
3 - 7 Lyons St and 18 Parnell St
Strathfield
3 - 7 Lyons St and 18 Parnell St
Strathfield NSW Australia

URBAN LINK
Business Address: Level 7, Suite 703 11-15 Deane Street, Burwood
NSW 2134
Postal Address: PO BOX 2223 Burwood North NSW 2134
Phone Number: +61 2 9745 2014
Nominated Architects:
Georges Jheijhe Reg no 10993

Drawing Title
ELEVATIONS
WEST ELEVATION

Scale
1:200

Project Number
2018 - 099

Drawing Number
DA-202

Revision
G

Status
DEVELOPMENT APPLICATION



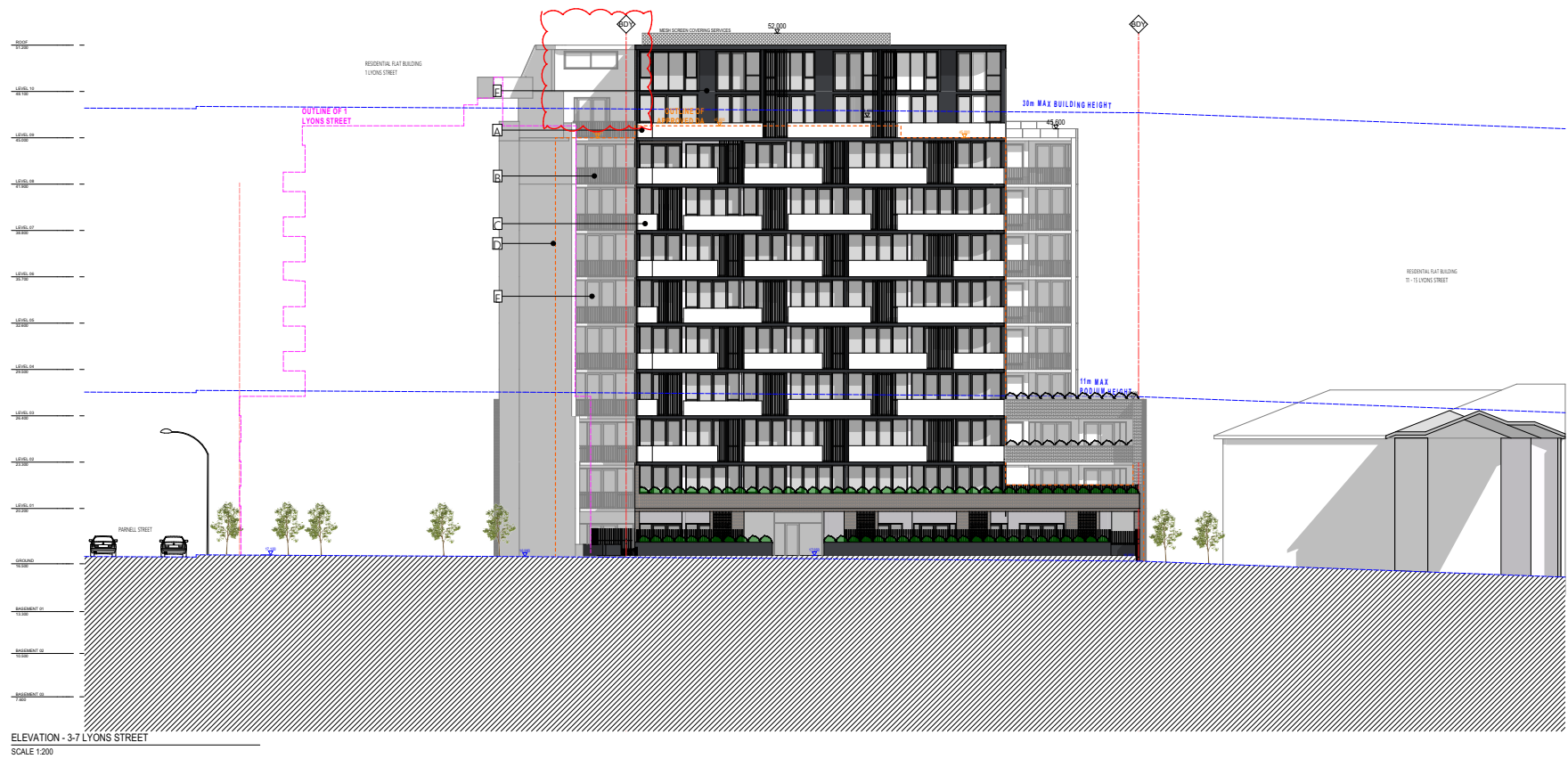
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A AUSTRAL BRICKS
LANEWAY -
HOSIER BLUESTONE
OR SIMILAR



B METAL BALUSTRADES,
WINDOW FRAMES, DOOR
FRAMES FINISHED IN DULUX
POWDERCOATING -
MONUMENT MATT



C CEMENTEL PRE FINISHED PANEL
BARESTONE EXTERNAL ORIGINAL
OR SIMILAR



D CEMENTEL PRE FINISHED PANEL
BARESTONE EXTERNAL LUNAR
OR SIMILAR



E CLEAR GLASS WINDOWS &
DOORS



F COLOUR BOND STEEL
CLADDING
DULUX POWDER COATED
MONUMENT MATT OR SIMILAR

G	DA TO AMEND A DA	31/01/2024	GJ
F	DA TO AMEND A DA	21/07/2023	GJ
E	DA TO AMEND A DA	20/10/2022	GJ
D	DA AMENDMENTS	03/06/2022	GJ
C	DA AMENDMENTS	27/05/2022	GJ
B	DA SUBMISSION	01/03/2022	GJ
A	DA SUBMISSION	06/07/2021	ZB

Rev Description Date App'd

Project
3 - 7 Lyons St and 18 Parnell St
Strathfield
3 - 7 Lyons St and 18 Parnell St
Strathfield NSW Australia

URBAN LINK
Business Address: Level 7, Suite 703 11-15 Deane Street, Burwood
NSW 2134
Postal Address: PO BOX 2223 Burwood North NSW 2134
Phone Number: +61 2 9745 2014
Nominated Architects:
Georges Jheiji Reg no 10993

Drawing Title
ELEVATIONS
NORTH INTERNAL ELEVATION

Scale
1:200

Project Number
2018 - 099

Drawing Number
DA-203

Revision
G

Status
DEVELOPMENT APPLICATION

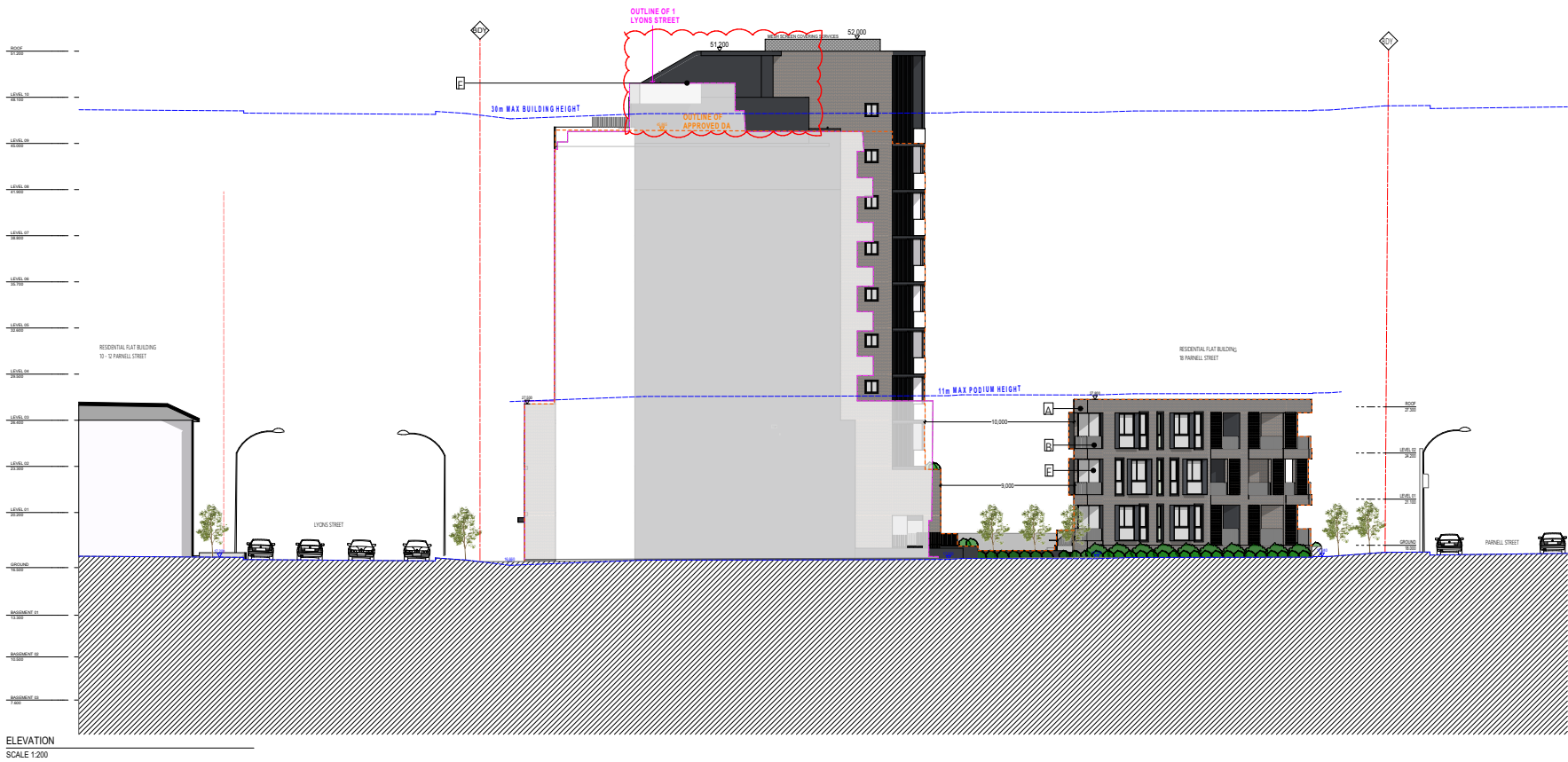
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- A AUSTRAL BRICKS
LANEWAY -
HOSIER BLUESTONE
OR SIMILAR
- B METAL BALUSTRADES ,
WINDOW FRAMES, DOOR
FRAMES FINISHED IN DULUX
POWDERCOATING -
MONUMENT MATT
- C CEMENTEL PRE FINISHED PANEL
BARESTONE EXTERNAL ORIGINAL
OR SIMILAR
- D CEMENTEL PRE FINISHED PANEL
BARESTONE EXTERNAL LUNAR
OR SIMILAR
- E CLEAR GLASS WINDOWS &
DOORS
- F COLOUR BOND STEEL
CLADDING
DULUX POWDER COATED
MONUMENT MATT OR SIMILAR

G	DA TO AMEND A DA	31/01/2024	GJ
F	DA TO AMEND A DA	21/07/2023	GJ
E	DA TO AMEND A DA	20/10/2022	GJ
D	DA AMENDMENTS	03/06/2022	GJ
C	DA AMENDMENTS	27/05/2022	GJ
B	DA SUBMISSION	01/03/2022	GJ
A	DA SUBMISSION	06/07/2021	ZB

Rev Description Date App'd

Project
3 - 7 Lyons St and 18 Parnell St
Strathfield
3 - 7 Lyons St and 18 Parnell St
Strathfield NSW Australia

URBAN LINK
Business Address: Level 7, Suite 703 11-15 Deane Street, Burwood
NSW 2134
Postal Address: PO BOX 2223 Burwood North NSW 2134
Phone Number: +61 2 9745 2014
Nominated Architects:
Georges Jheijhe Reg no 10993

Drawing Title
ELEVATIONS
EAST ELEVATION

Scale
1:200

Project Number
2018 - 099

Drawing Number
DA-204

Revision
G

Status
DEVELOPMENT APPLICATION

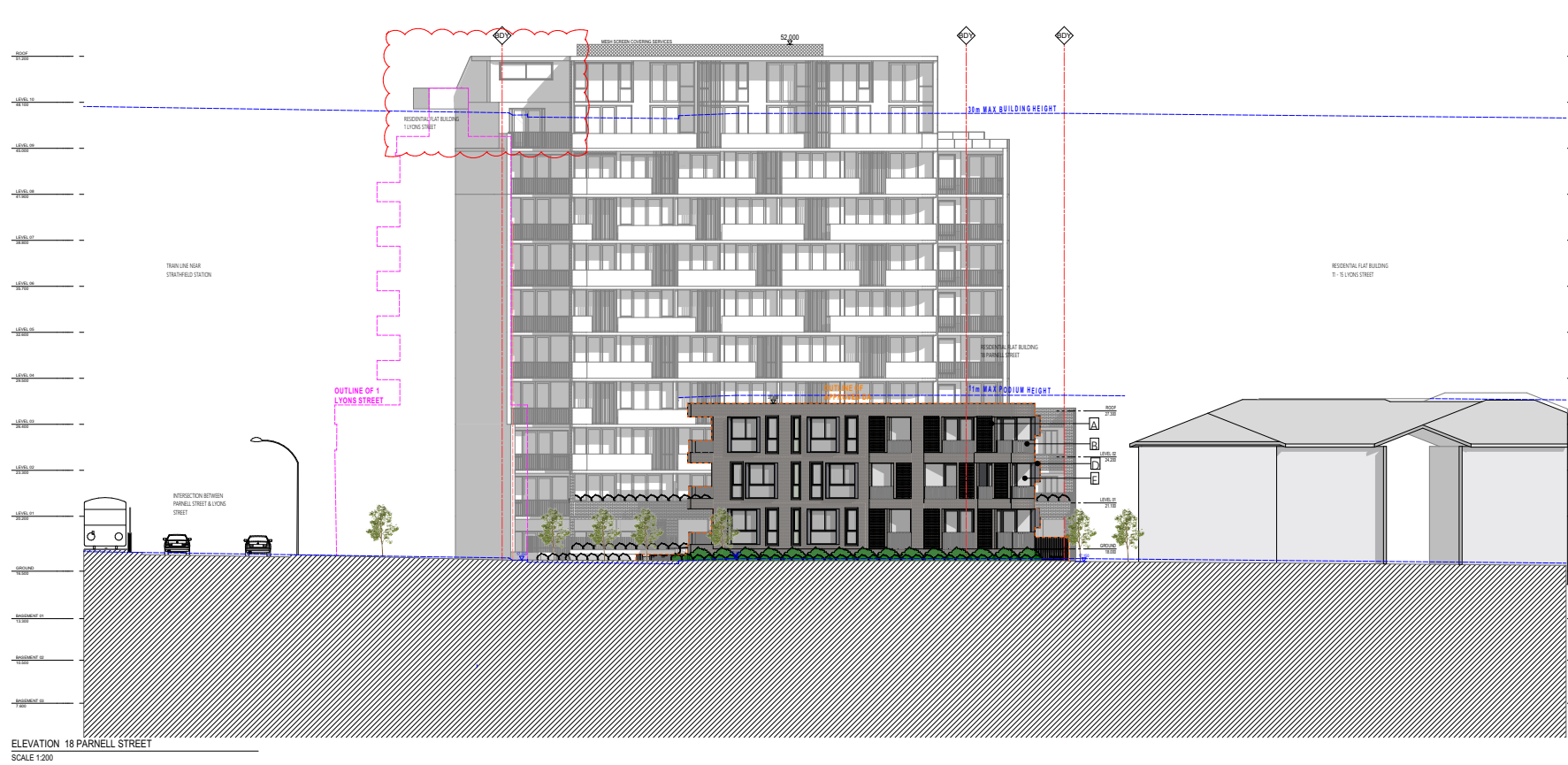
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A AUSTRAL BRICKS
LANEWAY
HOSIER BLUESTONE
OR SIMILAR



B METAL BALUSTRADES,
WINDOW FRAMES, DOOR
FRAMES FINISHED IN DULUX
POWDERCOATING -
MONUMENT MATT



C CEMENTEL PRE FINISHED PANEL
BARESTONE EXTERNAL ORIGINAL
OR SIMILAR



D CEMENTEL PRE FINISHED PANEL
BARESTONE EXTERNAL LUNAR
OR SIMILAR



E CLEAR GLASS WINDOWS &
DOORS



F COLOUR BOND STEEL
CLADDING
DULUX POWDER COATED
MONUMENT MATT OR SIMILAR

G	DA TO AMEND A DA	31/01/2024	GJ
F	DA TO AMEND A DA	21/07/2023	GJ
E	DA TO AMEND A DA	20/10/2022	GJ
D	DA AMENDMENTS	03/06/2022	GJ
C	DA AMENDMENTS	27/05/2022	GJ
B	DA SUBMISSION	01/03/2022	GJ
A	DA SUBMISSION	06/07/2021	ZB

Rev Description Date App'd

Project
3 - 7 Lyons St and 18 Parnell St
Strathfield
3 - 7 Lyons St and 18 Parnell St
Strathfield NSW Australia

URBAN LINK
Business Address: Level 7, Suite 703 11-15 Deane Street, Burwood
NSW 2134
Postal Address: PO BOX 2223 Burwood North NSW 2134
Phone Number: +61 2 9745 2014
Nominated Architects:
Georges Jheiji Reg no 10993

Drawing Title
ELEVATIONS
NORTH ELEVATION

Scale
1:200

Project Number
2018 - 099

Drawing Number
DA-205

Revision
G

Status
DEVELOPMENT APPLICATION



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YOU DIG
Call 1300 669 888



- AUSTRAL BRICKS
LANEWAY -
HOSIER BLUESTONE
OR SIMILAR
- METAL BALUSTRADES,
WINDOW FRAMES, DOOR
FRAMES FINISHED IN DULUX
POWDERCOATING -
MONUMENT MATT
- CEMENTEL PRE FINISHED PANEL
BARESTONE EXTERNAL ORIGINAL
OR SIMILAR
- CEMENTEL PRE FINISHED PANEL
BARESTONE EXTERNAL LUNAR
OR SIMILAR
- CLEAR GLASS WINDOWS &
DOORS
- COLOUR BOND STEEL
CLADDING
DULUX POWDER COATED
MONUMENT MATT OR SIMILAR

G	DA TO AMEND A DA	31/01/2024	GJ
F	DA TO AMEND A DA	21/07/2023	GJ
E	DA TO AMEND A DA	20/10/2022	GJ
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C	DA AMENDMENTS	27/05/2022	GJ
B	DA SUBMISSION	01/03/2022	GJ
A	DA SUBMISSION	06/07/2021	ZB

Rev Description Date App'd

Project
3 - 7 Lyons St and 18 Parnell St
Strathfield
3 - 7 Lyons St and 18 Parnell St
Strathfield NSW Australia

URBAN LINK
Business Address: Level 7, Suite 703 11-15 Deane Street, Burwood
NSW 2154
Postal Address: PO BOX 2223 Burwood North NSW 2134
Phone Number: +61 2 9745 2014
Nominated Architects:
Georges Jheije Reg no 10993

Drawing Title
ELEVATIONS
SOUTH INTERNAL ELEVATION

Scale
1:200

Project Number
2018 - 099

Drawing Number
DA-206

Revision
G

Status
DEVELOPMENT APPLICATION

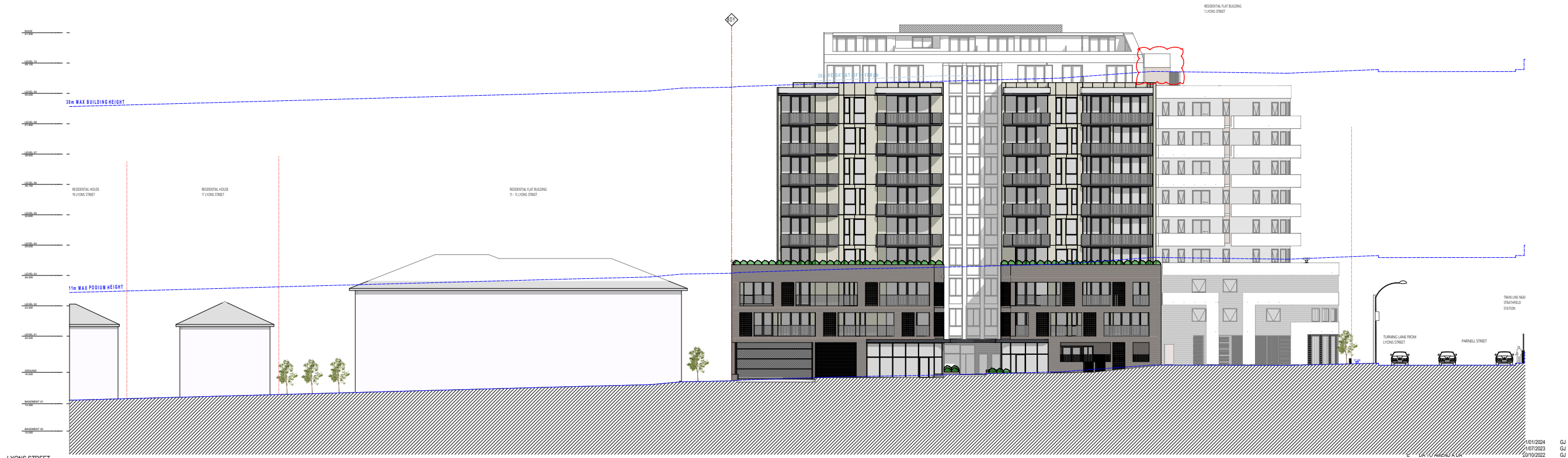
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1/01/2024	GJ
1/07/2023	GJ
20/10/2022	GJ
03/06/2022	GJ
27/05/2022	GJ
01/03/2022	GJ
06/07/2021	ZB

Rev Description Date App'd

Project

3 - 7 Lyons St and 18 Parnell St

Strathfield

3 - 7 Lyons St and 18 Parnell St

Strathfield NSW Australia

URBAN LINK

Business Address: Level 7, Suite 703 11-15 Deane Street, Burwood NSW 2134

Postal Address: PO BOX 2223 Burwood North NSW 2134

Phone Number: +61 2 9745 2014

Nominated Architects:

Georges Jheijhe Reg no 10993

Drawing Title

ELEVATIONS

STREETSCAPE LYONS STREET

Scale

1:200

Project Number

2018 - 099

Drawing Number

DA-207

Revision

G

Status

DEVELOPMENT APPLICATION

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Rev	Description	Date	App'd
E	DA TO AMENDMENTS	23/10/2022	GJ
D	DA AMENDMENTS	03/06/2022	GJ
C	DA AMENDMENTS	27/05/2022	GJ
B	DA SUBMISSION	01/03/2022	GJ
A	DA SUBMISSION	08/07/2021	ZB

Project
3 - 7 Lyons St and 18 Parnell St
Strathfield
3 - 7 Lyons St and 18 Parnell St
Strathfield NSW Australia

URBAN LINK
Business Address: Level 7, Suite 703 11-15 Deane Street, Burwood
NSW 2134
Postal Address: PO BOX 2223 Burwood North NSW 2134
Phone Number: +61 2 9745 2014
Nominated Architects:
Georges Jheijhe Reg no 10993

Drawing Title
ELEVATIONS
STREETSCAPE PARNELL STREET

Scale
1:200

Project Number
2018 - 099

Drawing Number
DA-208

Revision
G

Status
DEVELOPMENT APPLICATION

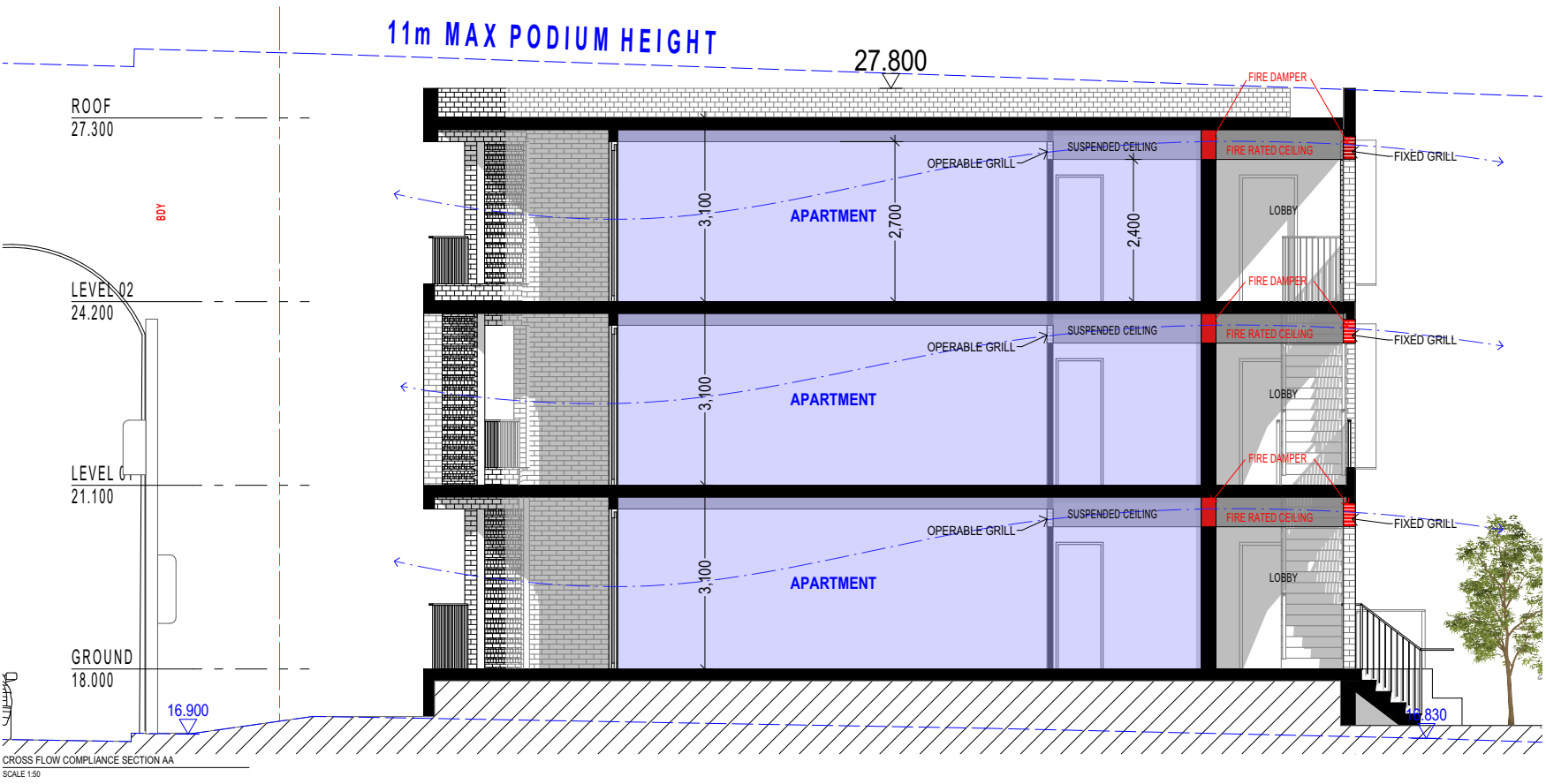
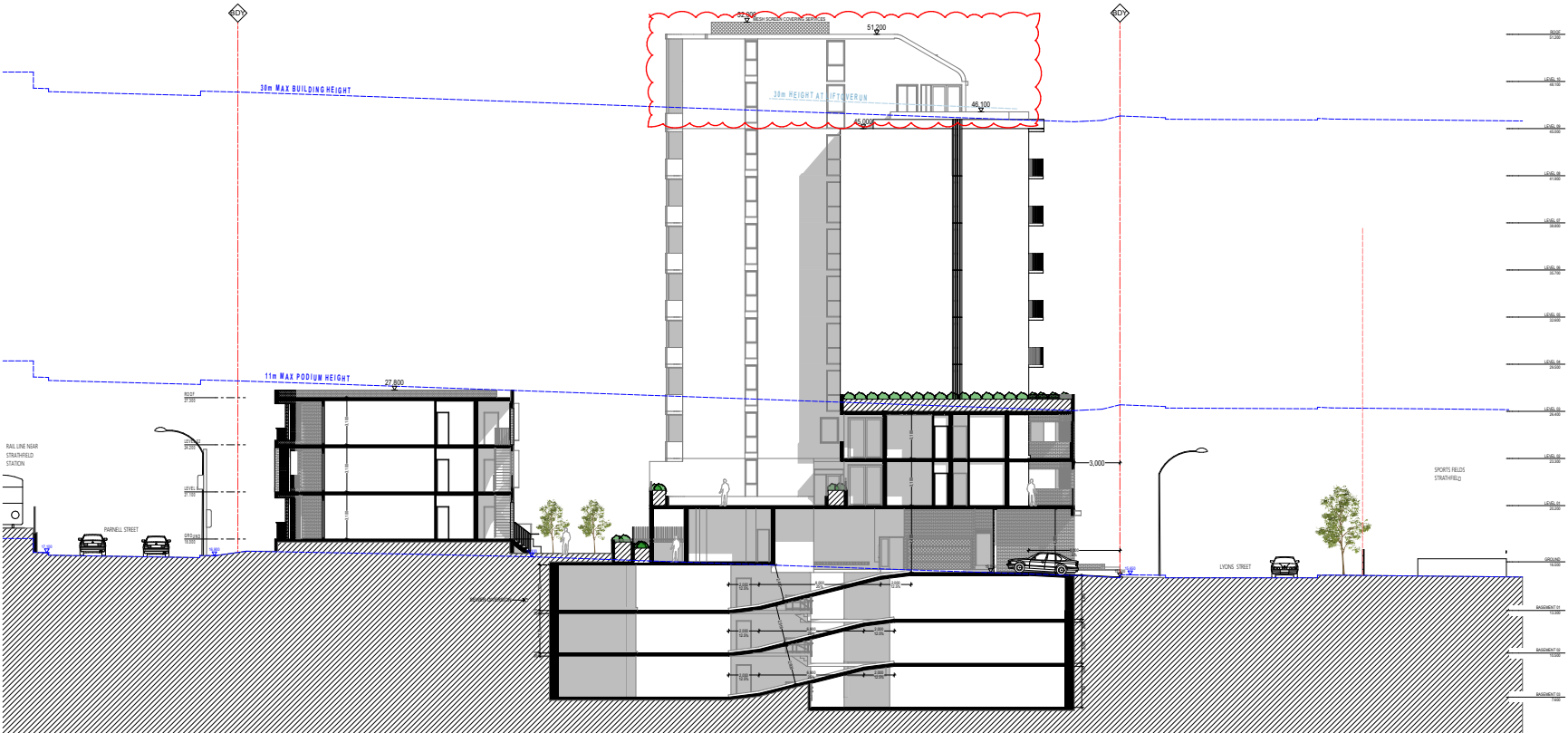
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C	DA AMENDMENTS	27/05/2022	GJ
B	DA SUBMISSION	01/03/2022	GJ
A	DA SUBMISSION	08/07/2021	ZB

Project

3 - 7 Lyons St and 18 Parnell St

Strathfield

3 - 7 Lyons St and 18 Parnell St

Strathfield NSW Australia

URBAN LINK

Business Address: Level 7, Suite 703 11-15 Deane Street, Burwood NSW 2134

Postal Address: PO BOX 2223 Burwood North NSW 2134

Phone Number: +61 2 9745 2014

Nominated Architects

Georges Jheijhe Reg no 10993

Drawing Title

SECTIONS

SECTION AA

Scale

1:200, 1:50

Project Number

2018 - 099

Drawing Number

DA-301

Revision

G

Status

DEVELOPMENT APPLICATION

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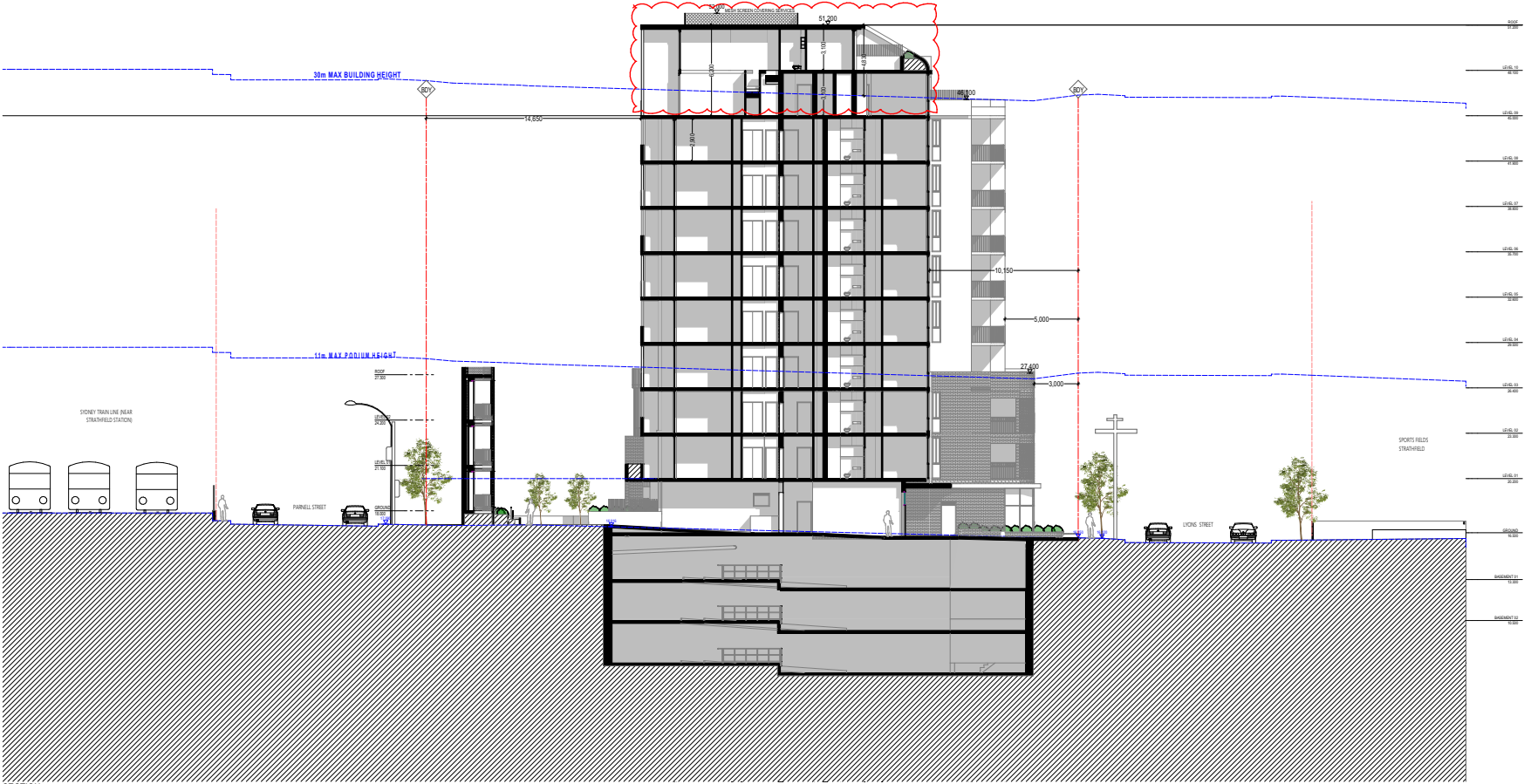
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YOU DIG



SECTION
SCALE 1:200

G	DA TO AMEND A DA	31/01/2024	GJ
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A	DA SUBMISSION	06/07/2021	ZB

Rev Description Date App'd

Project

3 - 7 Lyons St and 18 Parnell St

Strathfield

3 - 7 Lyons St and 18 Parnell St

Strathfield NSW Australia

URBAN LINK

Business Address: Level 7, Suite 703 11-15 Deane Street, Burwood NSW 2154

Postal Address: PO BOX 2223 Burwood North NSW 2134

Phone Number: +61 2 9745 2014

Nominated Architects:

Georges Jheijhe Reg no 10993

Drawing Title

SECTIONS

SECTION BB

Scale

1:200

Project Number

2018 - 099

Drawing Number

DA-302

Revision

G

Status

DEVELOPMENT APPLICATION

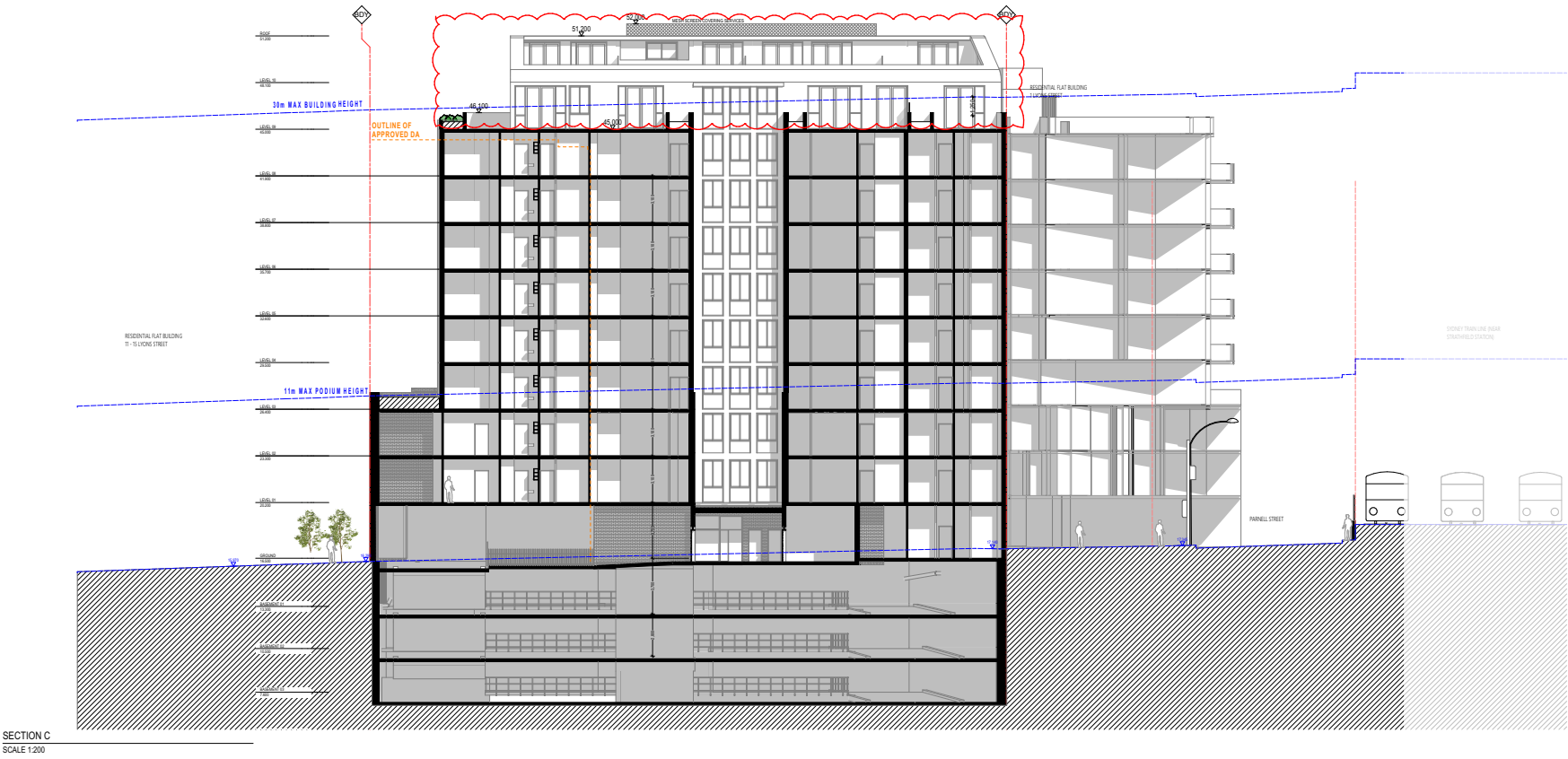
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A	DA SUBMISSION	06/07/2021	ZB

Rev Description Date App'd

Project

3 - 7 Lyons St and 18 Parnell St

Strathfield

3 - 7 Lyons St and 18 Parnell St

Strathfield NSW Australia

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Nominated Architects:

Georges Jheijhe Reg no 10993

Drawing Title

SECTIONS

SECTION CC

Scale

1:200

Project Number

2018 - 099

Drawing Number

DA-303

Revision

G

Status


DEVELOPMENT APPLICATION





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A AUSTRAL BRICKS
LANEWAY -
HOSIER BLUESTONE
OR SIMILAR



B METAL BALUSTRADES ,
WINDOW FRAMES, DOOR
FRAMES FINISHED IN DULUX
POWDERCOATING -
MONUMENT MATT



C CEMENTEL PRE FINISH PANEL
BARESTONE EXTERNAL ORIGINAL
OR SIMILAR



D CEMENTEL PRE FINISH PANEL
BARESTONE EXTERNAL LUNAR
OR SIMILAR



E CLEAR GLASS WINDOWS &
DOORS



F COLOUR BOND STEEL
CLADDING
DULUX POWDER COATED
MONUMENT MATT OR SIMILAR

G	DA TO AMEND A DA	31/01/2024	GJ
F	DA TO AMEND A DA	21/07/2023	GJ
E	DA TO AMEND A DA	20/10/2022	GJ
D	DA AMENDMENTS	03/06/2022	GJ
C	DA AMENDMENTS	27/05/2022	GJ
B	DA SUBMISSION	01/03/2022	GJ
A	DA SUBMISSION	06/07/2021	ZB

Rev Description Date App'd

Project
3 - 7 Lyons St and 18 Parnell St
Strathfield
3 - 7 Lyons St and 18 Parnell St
Strathfield NSW Australia

URBAN LINK
Business Address: Level 7, Suite 703 11-15 Deane Street, Burwood
NSW 2134
Postal Address: PO BOX 2223 Burwood North NSW 2134
Phone Number: +61 2 9745 2014
Nominated Architects:
Georges Jheije Reg no 10993

Drawing Title
EXTERNAL FINISHES
FINISHES SCHEDULE

Scale

Project Number
2018 - 099

Drawing Number
DA-901

Revision
G

Status
DEVELOPMENT APPLICATION


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F	DA TO AMEND A DA	21/07/2023	GJ
E	DA TO AMEND A DA	20/10/2022	GJ
D	DA AMENDMENTS	03/06/2022	GJ
C	DA AMENDMENTS	27/05/2022	GJ
B	DA SUBMISSION	01/03/2022	GJ
A	DA SUBMISSION	06/07/2021	ZB

Rev	Description	Date	App'd
Project			
3 - 7 Lyons St and 18 Parnell St			
Strathfield			
3 - 7 Lyons St and 18 Parnell St			
Strathfield NSW Australia			

URBAN LINK

Business Address: Level 7, Suite 703 11-15 Deane Street, Burwood NSW 2134

Postal Address: PO BOX 2223 Burwood North NSW 2134

Phone Number: +61 2 9745 2014

Nominated Architects: Georges Jheije Reg no 10993

Drawing Title

EXTERNAL FINISHES

PHOTOMONTAGE

Scale

Project Number
2018 - 099

Drawing Number
DA-902

Revision
G



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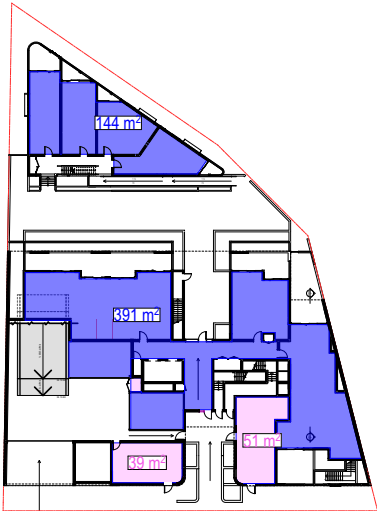
Compliance

CONTROL	REQUIREMENT	PROPOSED	COMPLIES
Floor Space Ratio	3.00 : 1 MAX	3.30 : 1	✗
Floor Space Ratio (Including VPA 10%)	3.30 : 1 MAX	3.30 : 1	✓
Gross Floor Area	5,571 m ² MAX	6,128 m ²	✗
Gross Floor Area (Including VPA 10%)	6,128 m ² MAX	6,128 m ²	✓

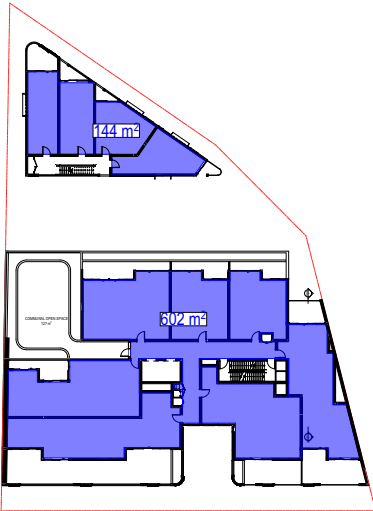
Basement 2	
Basement 1	
Ground	535 m ²
Level 1	746 m ²
Level 2	760 m ²
Level 3	560 m ²
Level 4	560 m ²
Level 5	560 m ²
Level 6	560 m ²
Level 7	560 m ²
Level 8	560 m ²
Level 9	418 m ²
Level 10	217 m ²
	6,128 m ²

LEGEND

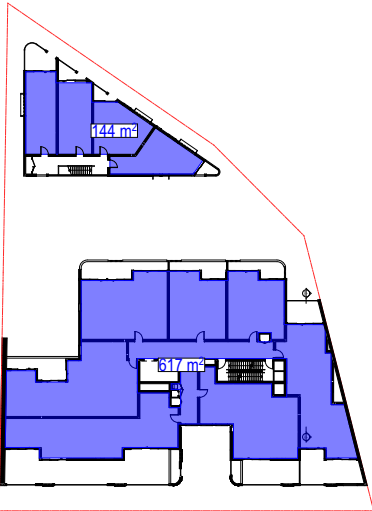
- RETAIL
- RESIDENTIAL



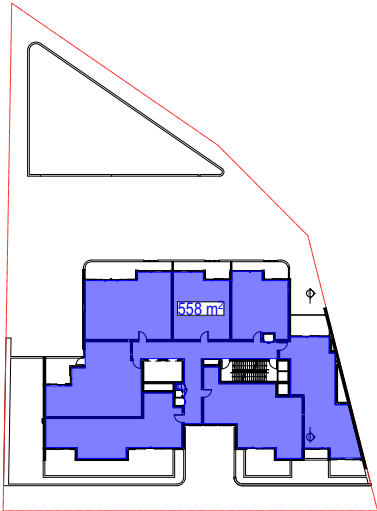
GROUND FLOOR PLAN
SCALE 1:400



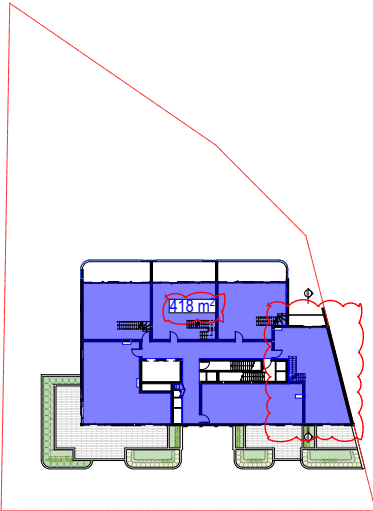
LEVEL 01
SCALE 1:400



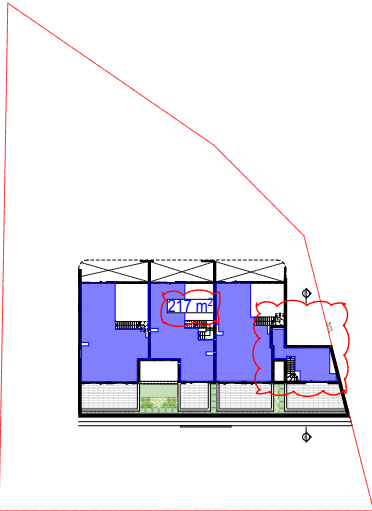
LEVEL 02
SCALE 1:400



LEVEL 03-08
SCALE 1:400



LEVEL 09
SCALE 1:400



LEVEL 10
SCALE 1:400

G	DA TO AMEND A DA	31/01/2024	GJ
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E	DA TO AMEND A DA	20/10/2022	GJ
D	DA AMENDMENTS	03/06/2022	GJ
C	DA AMENDMENTS	27/05/2022	GJ
B	DA SUBMISSION	01/03/2022	GJ
A	DA SUBMISSION	06/07/2021	ZB

Project
3 - 7 Lyons St and 18 Parnell St
Strathfield
3 - 7 Lyons St and 18 Parnell St
Strathfield NSW Australia

URBAN LINK
Business Address: Level 7, Suite 703 11-15 Deane Street, Burwood
NSW 2134
Postal Address: PO BOX 2223 Burwood North NSW 2134
Phone Number: +61 2 9745 2014
Nominated Architects:
Georges Jheijhe Reg no 10993

Drawing Title
COMPLIANCE
GFA DIAGRAMS

Scale
1:400, 1:0.51

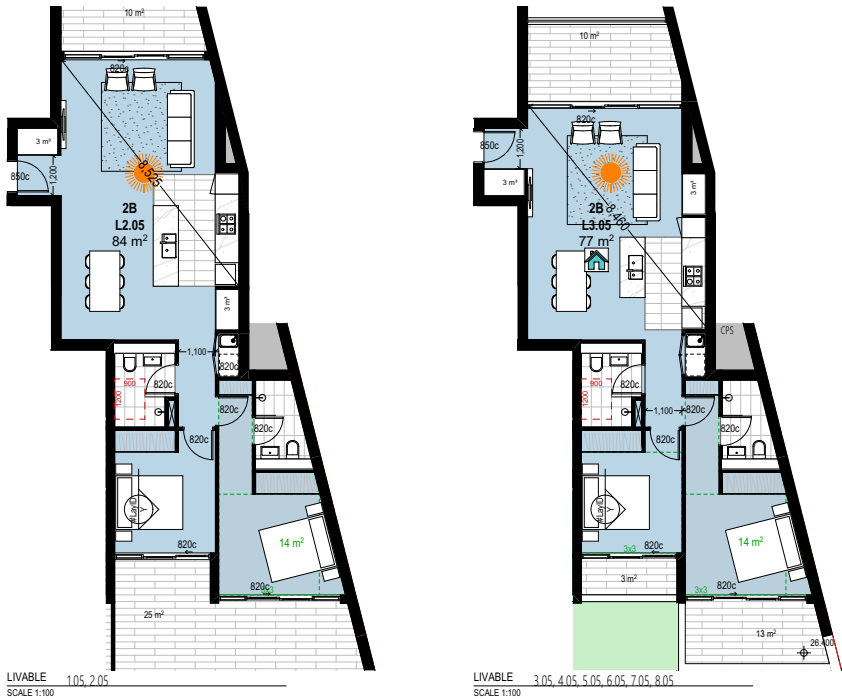
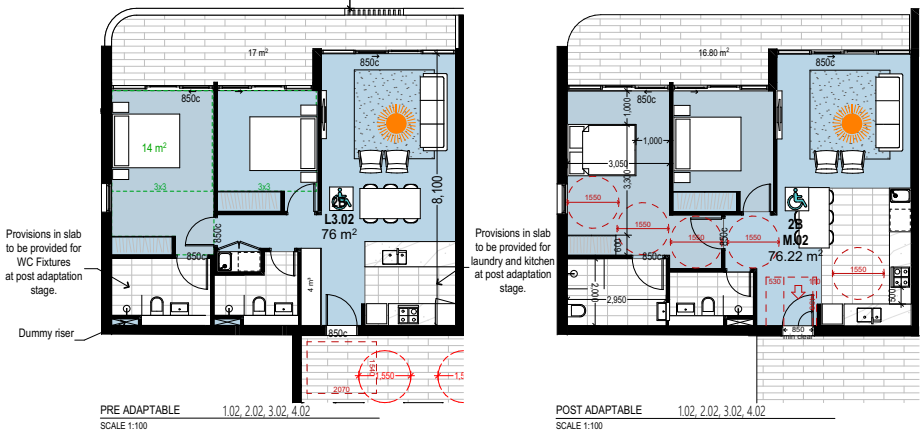
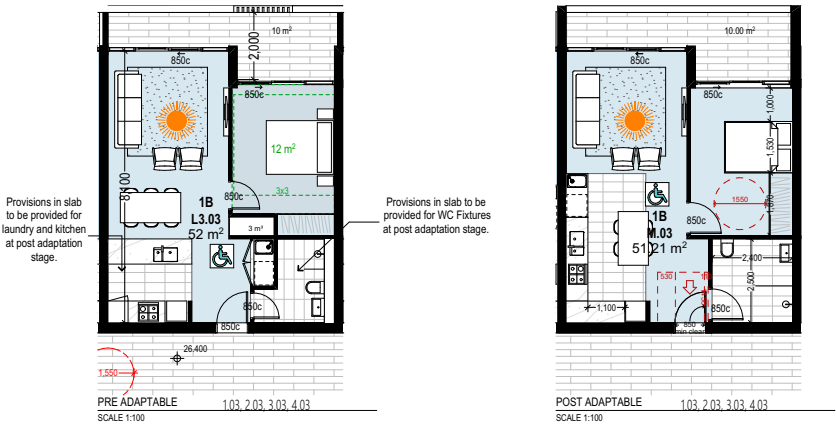


Project Number
2018 - 099
Drawing Number
DA-1401
Revision
G
Status
DEVELOPMENT APPLICATION

10 000 DA AMENDMENTS, DA2/24 - ISSUE 1 - 2024 11 20 14:00 20240110 10:00 AM

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ADAPTABLE:
L3.03, L4.03, L5.03, L6.03, L3.06, L4.06, L5.06, L6.06 =8

LIVABLE:
L1.05, L2.05, L3.05, L4.05, L5.05, L6.05, L7.05, L8.05, L1.07, L2.07, L3.07, L4.07, L5.07, L6.07, L7.07, L8.07 =16

G	DA TO AMEND A DA	31/01/2024	GJ
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C	DA AMENDMENTS	27/05/2022	GJ
B	DA SUBMISSION	01/03/2022	GJ
A	DA SUBMISSION	06/07/2021	ZB

Rev Description Date App'd

Project
3 - 7 Lyons St and 18 Parnell St
Strathfield
3 - 7 Lyons St and 18 Parnell St
Strathfield NSW Australia

URBAN LINK
Business Address: Level 7, Suite 703 11-15 Deane Street, Burwood NSW 2134
Postal Address: PO BOX 2223 Burwood North NSW 2134
Phone Number: +61 2 9745 2014
Nominated Architects:
Georges Jheije Reg no 10993

Drawing Title
COMPLIANCE
ADAPTABLE UNITS

Scale
1:100

Project Number
2018 - 099

Drawing Number
DA-1402

Revision
G

Status
DEVELOPMENT APPLICATION

Compliance

CONTROL		REQUIREMENT		PROPOSED		COMPLIES
Adaptable Units						
	Adaptable	10%	MIN	8	10%	✓
	Livable Housing Silver Level	20%	MIN	16	20%	✓

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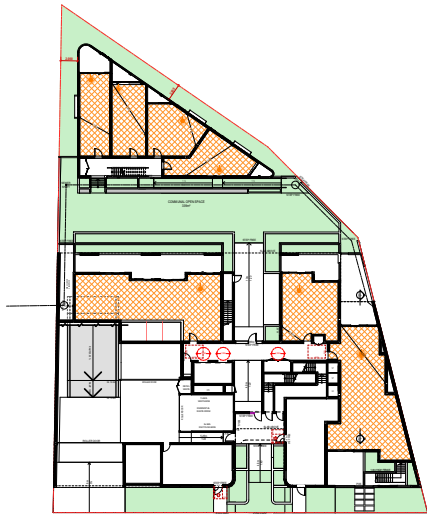
Notes

1. CONTRACTOR MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK OR PREPARING SHOP DRAWINGS.

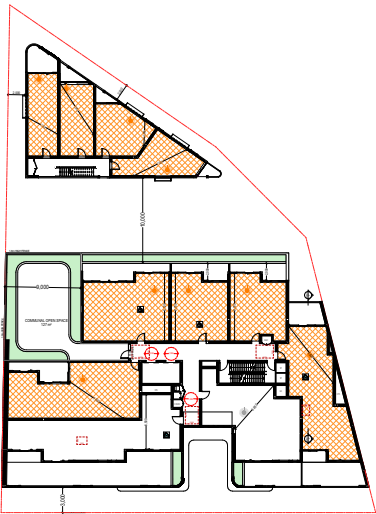
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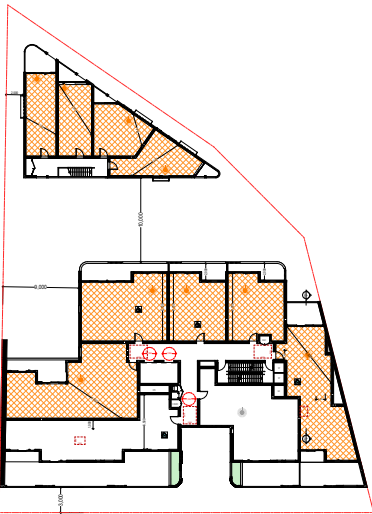
YOU DIG



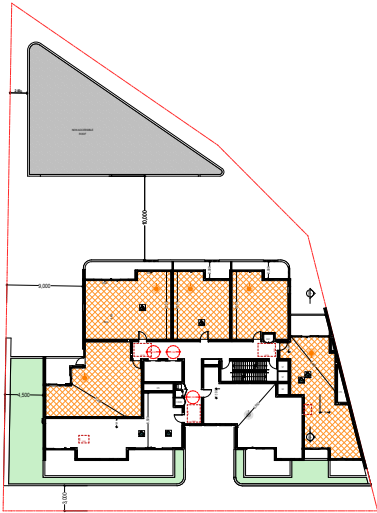
GROUND FLOOR PLAN
SCALE 1:400



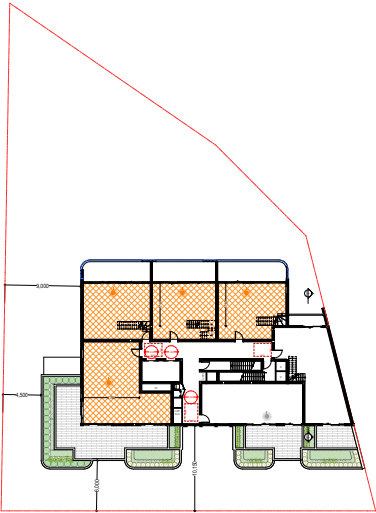
LEVEL 01
SCALE 1:400



LEVEL 02
SCALE 1:400



LEVEL 03-08
SCALE 1:400



LEVEL 09
SCALE 1:400

ADG CALCULATIONS

	Solar Access (>2 hrs)	No Solar Access
Basement 3		
Basement 2		
Basement 1		
Ground	7	0
Level 1	9	2
Level 2	9	2
Level 3	5	1
Level 4	5	1
Level 5	5	1
Level 6	5	1
Level 7	5	1
Level 8	5	1
Level 9	5	1
	60	11
	78%	14%

Compliance

CONTROL	REQUIREMENT		PROPOSED		COMPLIES
Solar Access (> 2hours)	70%	MIN	60	78%	✓
No Solar Access (< 15 MINs)	15%	MAX	11	14%	✓

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C	DA AMENDMENTS	27/05/2022	GJ
B	DA SUBMISSION	01/03/2022	GJ
A	DA SUBMISSION	06/07/2021	ZB

Rev Description Date App'd

Project

3 - 7 Lyons St and 18 Parnell St

Strathfield

3 - 7 Lyons St and 18 Parnell St

Strathfield NSW Australia

URBAN LINK

Business Address: Level 7, Suite 703 11-15 Deane Street, Burwood NSW 2134

Postal Address: PO BOX 2223 Burwood North NSW 2134

Phone Number: +61 2 9745 2014

Nominated Architects

Georges Jheijhe Reg no 10993

Drawing Title

COMPLIANCE

SOLAR DIAGRAMS

Scale

1:400

Project Number

2018 - 099

Drawing Number

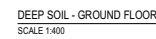
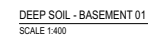
DA-1403

Revision

G

Status

DEVELOPMENT APPLICATION



CONTROL	REQUIREMENT	PROPOSED	COMPLIES
Deep Soil	7% MIN	132 m ² 7%	✓



CONTROL	REQUIREMENT		PROPOSED		COMPLIES
Communal Open Space (ADG)	25%	MIN	466	25.1%	✓

G	DA TO AMEND A DA	31/01/2024	GJ
E	DA TO AMEND A DA	21/07/2023	GJ
F	DA TO AMEND A DA	20/10/2022	GJ
C	DA AMENDMENTS	03/06/2022	GJ
D	DA AMENDMENTS	27/05/2022	GJ
B	DA SUBMISSION	01/03/2022	GJ
A	DA SUBMISSION	08/07/2021	ZB
Rev	Description	Date	App'd

Project
3 - 7 Lyons St and 18 Parnell St
Strathfield
3 - 7 Lyons St and 18 Parnell St
Strathfield NSW Australia

URBAN LINK
Business Address: Level 7, Suite 703 11-15 Deane Street, Burwood
NSW 2134
Postal Address: PO BOX 2223 Burwood North NSW 2134
Phone Number: +61 2 9745 2014
Nominated Architects:
Georges Jreije Reg no 10993

Drawing Title

COMPLIANCE
DEEP SOIL & COMMUNAL OPEN
SPACE

Scale
1:400

Project Number **2018 - 099** Drawing Number **DA-1404** Revision **G**
 Status **DEVELOPMENT APPLICATION**

Drawing Number Revision
DA-1404 **G**

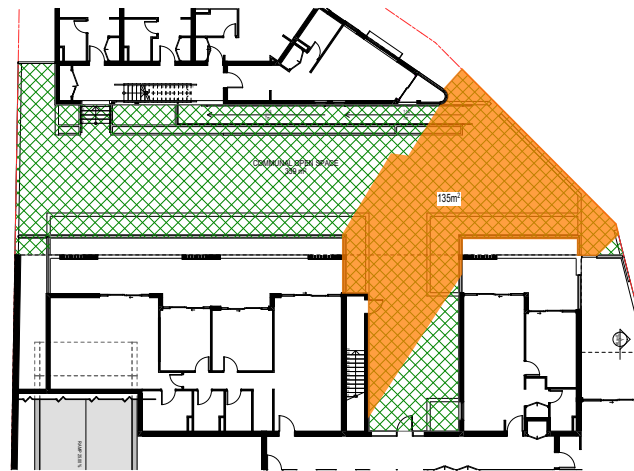
Status
DEVELOPMENT APPLICATION

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YOU DIG
DIAL BEFORE YOU DIG
1800 100 100

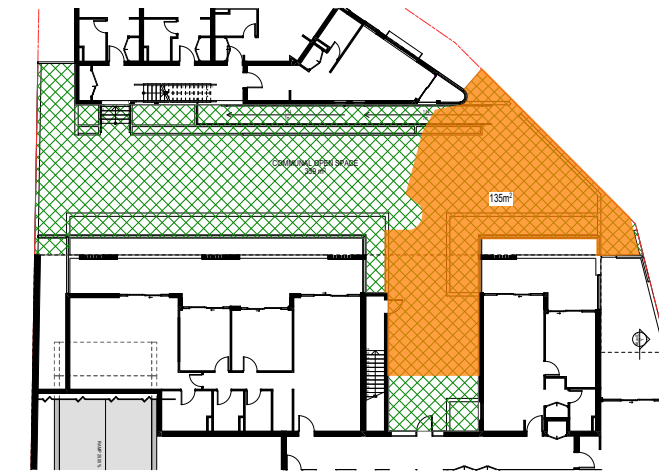
GROUND COMMUNAL OPEN SPACE JUNE 21 9am - 11am



COMMUNAL OPEN SPACE June 21 - 9am
SCALE 1:200



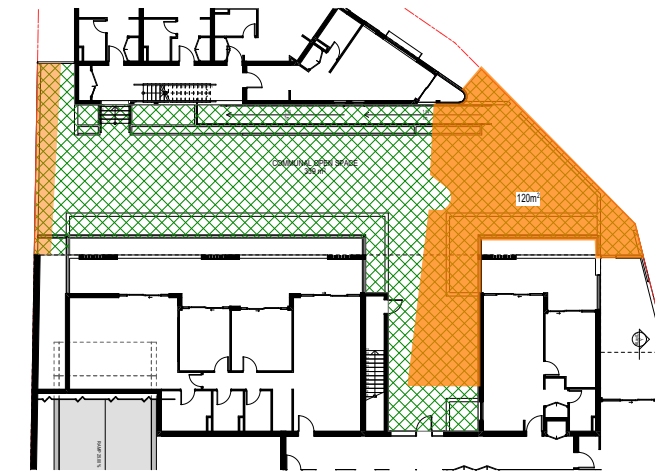
SUN EYE DIAGRAM - June 21 - 1pm
SCALE 1:1250



COMMUNAL OPEN SPACE - June 21 - 10am
SCALE 1:200



SUN EYE DIAGRAM - June 21 - 2pm
SCALE 1:1250



COMMUNAL OPEN SPACE - June 21 - 11am
SCALE 1:200



SUN EYE DIAGRAM- June 21 - 3pm
SCALE 1:1250

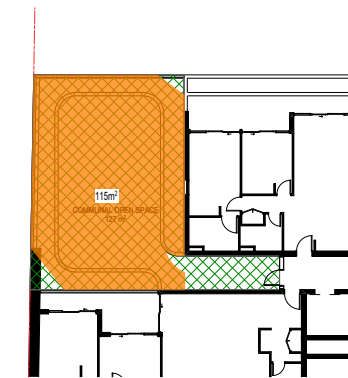
Residential Communal Open Space

Site Area 1857m²
Total Residential COS 466m² (25% of Site Area)

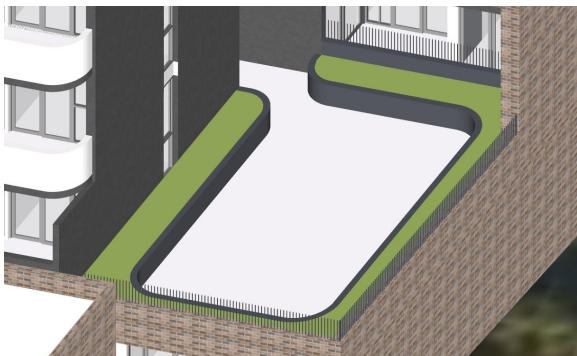
Level	Cos Area	June 21	Area receiving solar access	Average for 2+ Hrs
Ground	338m²	9am 10am 11am	130m² 135m² 120m²	120m²
Lvl 01	127m²	1pm 2pm 3pm	115m² 115m² 115m²	115m²
Total				235m²
235m² achieves 50% of Total Residential COS for 2+Hrs				

KEY
SOLAR ACCESS

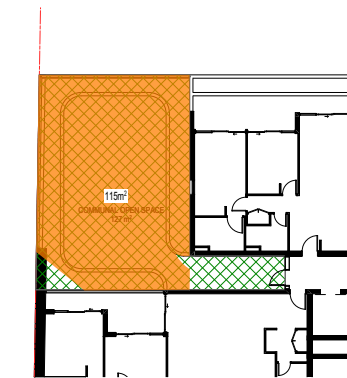
LEVEL 01 COMMUNAL OPEN SPACE JUNE 21 1pm - 3pm



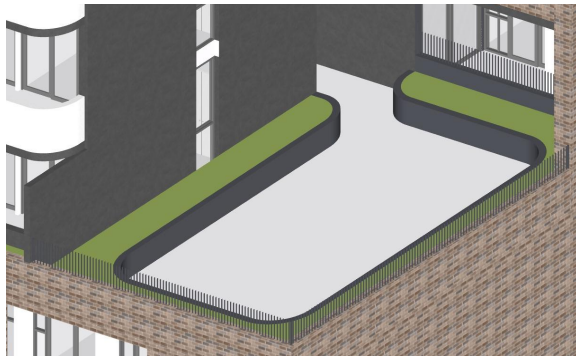
COS LVL 01 - June 21 - 1pm
SCALE 1:200



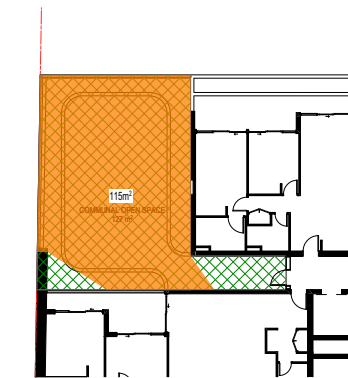
SUN EYE DIAGRAM - June 21 - 1pm
SCALE 1:1250



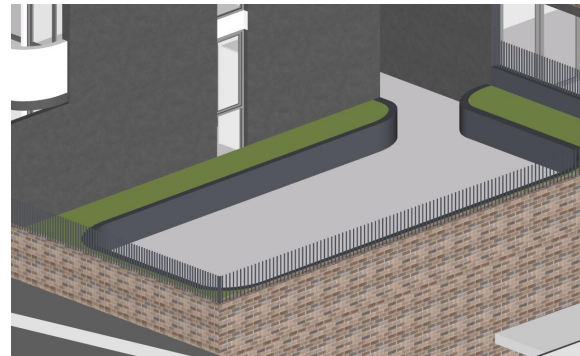
COS LVL 01 - June 21 - 2pm
SCALE 1:200



SUN EYE DIAGRAM - June 21 - 2pm
SCALE 1:1250



COS LVL 01 - June 21 - 3pm
SCALE 1:200



SUN EYE DIAGRAM - June 21 - 3pm
SCALE 1:1250

G	DA TO AMEND A DA	31/01/2024	GJ
F	DA TO AMEND A DA	21/07/2023	GJ
E	DA TO AMEND A DA	20/10/2022	GJ
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C	DA AMENDMENTS	27/05/2022	GJ
B	DA SUBMISSION	01/03/2022	GJ
A	DA SUBMISSION	06/07/2021	ZB

Rev Description Date App'd

Project
3 - 7 Lyons St and 18 Parnell St
Strathfield
3 - 7 Lyons St and 18 Parnell St
Strathfield NSW Australia

URBAN LINK
Business Address: Level 7, Suite 703 11-15 Deane Street, Burwood NSW 2134
Postal Address: PO BOX 2223 Burwood North NSW 2134
Phone Number: +61 2 9745 2014
Nominated Architects:
Georges Jheije Reg no 10993

Drawing Title
COMPLIANCE
COS SOLAR ACCESS DIAGRAMS

Scale
1:200, 1:1250

Project Number
2018 - 099

Drawing Number
DA-1405

Revision
G



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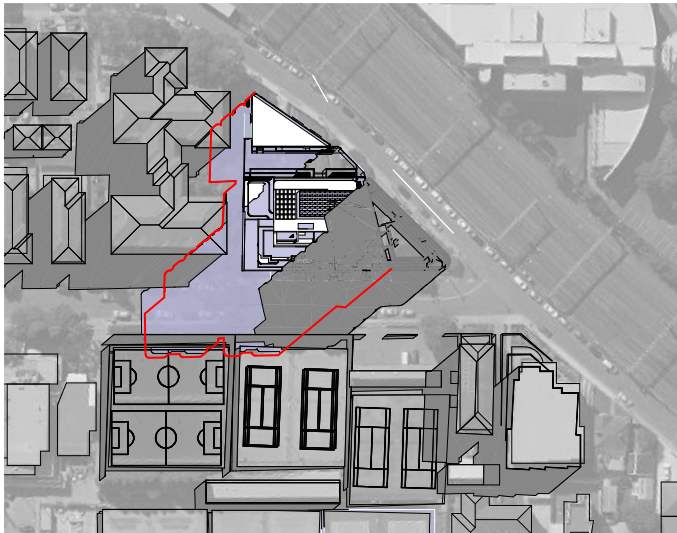
Notes

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YOU DIG
DIAL BEFORE YOU DIG
1800 000 000



LEGEND

- EXISTING SHADOW
- PROPOSED ADDITIONAL SHADOW
- SHADOW OF APPROVED DA

G	DA TO AMEND A DA	31/01/2024	GJ
F	DA TO AMEND A DA	21/07/2023	GJ
E	DA TO AMEND A DA	20/10/2022	GJ
D	DA AMENDMENTS	03/06/2022	GJ
C	DA AMENDMENTS	27/05/2022	GJ
B	DA SUBMISSION	01/03/2022	GJ
A	DA SUBMISSION	06/07/2021	ZB

Rev Description Date App'd

Project
3 - 7 Lyons St and 18 Parnell St
Strathfield
3 - 7 Lyons St and 18 Parnell St
Strathfield NSW Australia

URBAN LINK
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NSW 2134
Postal Address: PO BOX 2223 Burwood North NSW 2134
Phone Number: +61 2 9745 2014
Nominated Architects:
Georges Jheije Reg no 10993

Drawing Title
COMPLIANCE
EQUINOX SHADOW DIAGRAMS

Scale
1:1000

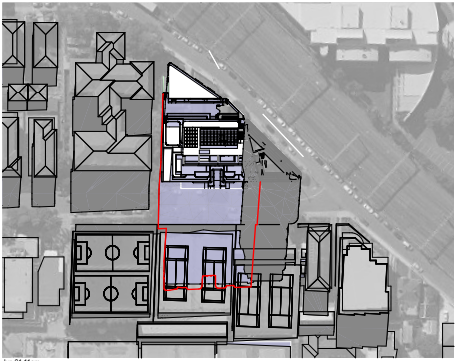
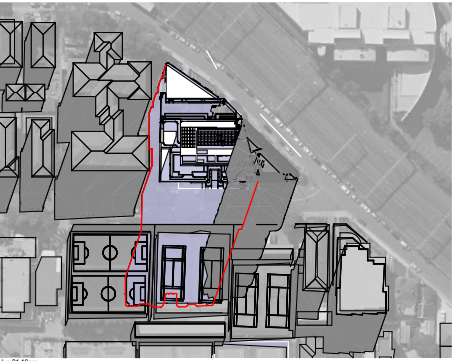
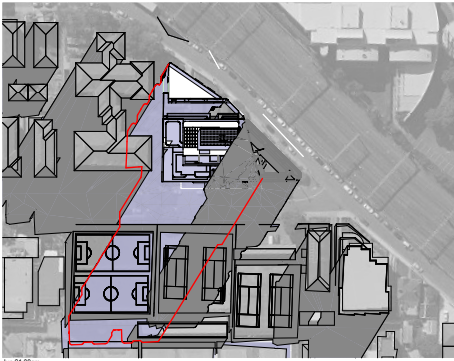
Project Number
2018 - 099

Drawing Number
DA-1406

Revision
G

Status
DEVELOPMENT APPLICATION

Architectural Drawings Issue G



LEGEND

- EXISTING SHADOW
- PROPOSED ADDITIONAL SHADOW
- SHADOW OF APPROVED DA

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BEFORE YOU DO, IF DA, BEFORE YOU DO, INFORMATION IS PROVIDED WITH THIS DOCUMENTATION IT SHALL BE ASSURED NOT TO BE CURRENT AND CONTRACTOR SHALL MAKE THEIR OWN ENQUIRIES.

G	DA TO AMEND A DA	21010204	GU
F	DA TO AMEND A DA	21070203	GU
E	DA TO AMEND A DA	20100202	GU
D	DA AMENDMENTS	20060202	GU
C	DA AMENDMENTS	21060202	GU
B	DA SUBMISSION	21030202	GU
A	DA SUBMISSION	20070201	GU
Rev	Revisions	Date	App'd

Project:
3 - 7 Lyons St and 18 Parnell St
Strathfield
3 - 7 Lyons St and 18 Parnell St
Strathfield NSW Australia

URBAN LINK
URBAN LINK PTY LTD
NSW 2134
Postal Address: PO BOX 2223 Burnwood North NSW 2154
Phone Number: +61 2 9745 2014
Registered Architects
Georgina Zepke Reg no 10993

Drawing Title:
COMPLIANCE
WINTER SHADOW DIAGRAMS

Scale:
1:1000
Project Number:
2018 - 099
Drawing Number:
DA-1407
Revision:
G
DEVELOPMENT APPLICATION



JUNE 21 - 9AM



JUNE 21 - 10AM



JUNE 21 - 11AM



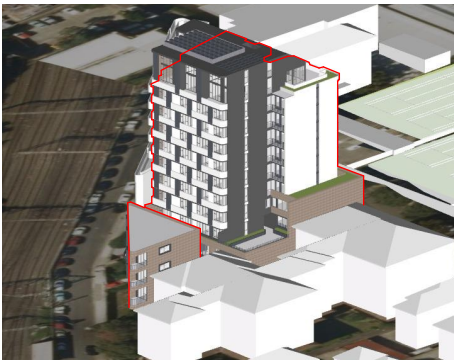
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LEGEND

 APPROVED DA OUTLINE

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APPROVED DA OUTLINE

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E	DA TO AMEND A DA	20/10/2022	GU
D	DA AMENDMENTS	03/06/2022	GU
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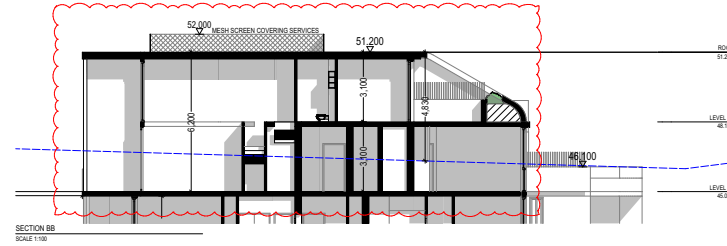
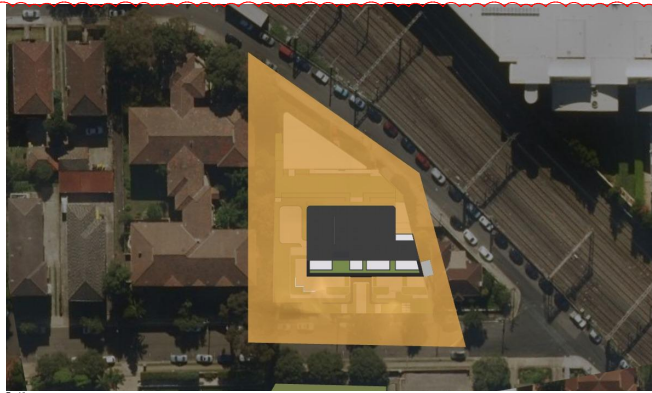
Project:
3 - 7 Lyons St and 18 Parnell St
Strathfield
3 - 7 Lyons St and 18 Parnell St
Strathfield NSW Australia

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Compliance
Views from the Sun

Scale: 
Project Number: 2018 - 099
Drawing Number: DA-1408
Revision: G
DEVELOPMENT APPLICATION

Architectural Drawings Issue G



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CONTROL	REQUIREMENT	PROPOSED	COMPLIES
Building Height	30.00 m MAX	35.80 m	✗ → CLAUSE 4.6

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Project:
 3 - 7 Lyons St and 18 Parnell St
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Compliance
 HEIGHT PLANE

Scale
 1:100

Project Number
 2018 - 099

Drawing Number
 DA-1409

DEVELOPMENT APPLICATION



6



**3-7 Lyons Street & 18 Parnell Street, Strathfield
(DA2023.45)**

Clause 4.6 Variation Request (February 2024)
(Height of Buildings)





Clause 4.6 Variation Statement – Height of Buildings (Clause 4.3 of BLEP 2012)

1. Height of Buildings Standard

Clause 4.3(2) of Burwood LEP (BLEP) 2012 prescribes the maximum building height for the site and refers to the *Height of Buildings Map*. The relevant map identifies the subject site as having a maximum permitted height of 30m. Building height is defined as follows:

“building height (or height of building) means:

(a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or

(b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,

including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.”

The relevant map [sheet HOB_001] indicates that the maximum building height permitted at the subject site is 30m as shown in **Figure 1** below.

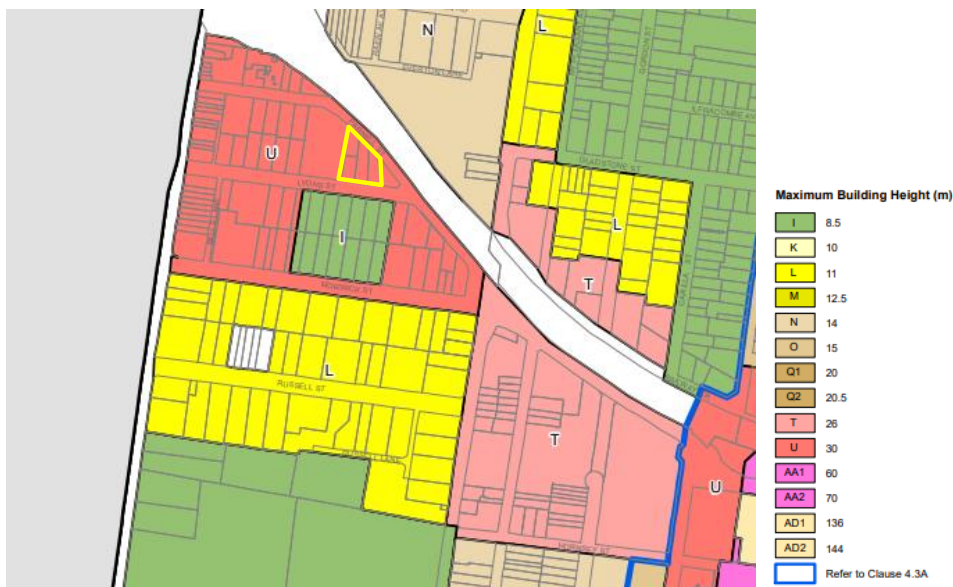


Figure 1 Height of buildings map



Clause 4.6 - Height

2. The Proposal

When measured in accordance with the above definition, the proposed residential flat building is over the maximum 30m height limit with a maximum height of 35.8m, representing a 5.8m non-compliance with the maximum height control (19.3%). The height breach is depicted in **Figures 2, 3 and 4**, which identify the height breach in Section, the height blanket and a detail of the extent of the non-compliance to the maisonette style apartments facing Lyons Street.

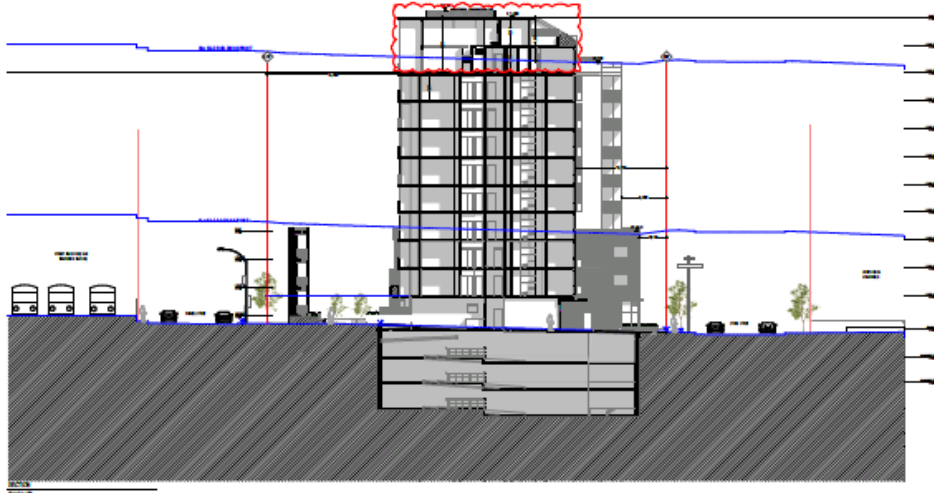


Figure 2 Proposed height breach (Revision G)



Figure 3 Height Plane diagram (Revision G)

Clause 4.6 - Height

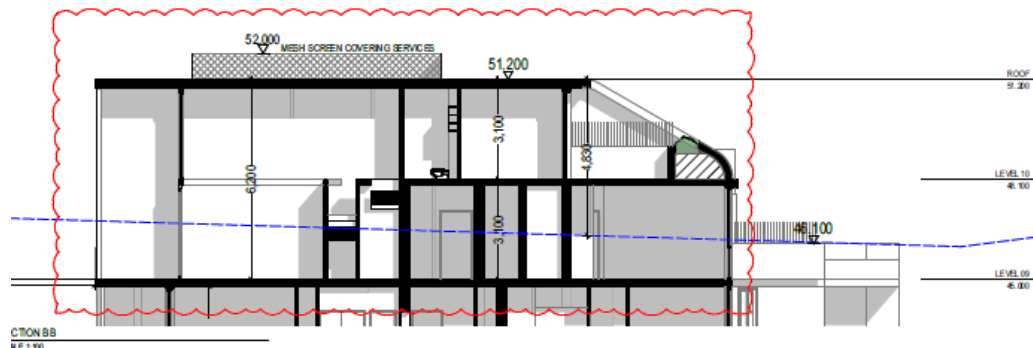


Figure 4 Section of the maisonette apartments (Revision G)

3. Clause 4.6 to Burwood LEP 2012

The maximum building height control is a “development standard” to which exceptions can be granted pursuant to clause 4.6 of the LEP.

The objectives and provisions of clause 4.6 are as follows:

- “(1) The objectives of this clause are as follows—
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—
 - (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and
 - (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

Note— The Environmental Planning and Assessment Regulation 2021 requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).

- (4) The consent authority must keep a record of its assessment carried out under subclause (3).
- (5) (Repealed)
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone

Clause 4.6 - Height

R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—

- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
- (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

Note— *When this Plan was made it did not include Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living.*

- (7) (Repealed)*
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following—*
 - (a) a development standard for complying development,*
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
 - (c) clause 5.4,*
 - (caa) clause 5.5,*
 - (ca) clause 4.3A(2),*
 - (cb) clause 4.4A(5)–(7)."*

The development standard in clause 4.4 are not "expressly excluded" from the operation of clause 4.6.

Objective 1(a) of clause 4.6 is satisfied by the discretion granted to a consent authority by virtue of subclause 4.6(2) and the limitations to that discretion contained in subclauses (3) to (8). This submission will address the requirements of subclauses 4.6(3) in order to demonstrate to Council that the exception sought is consistent with the exercise of "an appropriate degree of flexibility" in applying the development standard and is therefore consistent with objective 1(a). In this regard, the extent of the discretion afforded by subclause 4.6(2) is not numerically limited, in contrast with the development standards referred to in, for example, subclause 4.6(6).

The *Height of Buildings Map* nominates a maximum height of 30m for the site. It is hereby requested that an exception to this development standard be granted pursuant to clause 4.6 so as to permit a maximum height of 35.8m which equates to a numerical variation of 5.8m (19.3%).

4. Compliance with the standard is unreasonable or unnecessary.

Clause 4.6(3)(a) requires that the written request to vary a development standard demonstrate that compliance with the development standard is unnecessary or unreasonable in the circumstances of the case.

Requiring strict compliance with the standard is unreasonable or unnecessary because:

- the development is consistent with the standard and zone objectives, even with the proposed variation (as set out in Section 7 below);
- there are no significant adverse impacts arising from the proposed non-compliance; and
- important planning goals are better achieved by the approval of the variation.

In terms of the last point, the relevant planning goals are set out below.

Clause 4.6 - Height

Clause 1.2(2) of BLEP 2012 sets out the plan's aims. Clause 1.2(2)(c) and (d) says that it is an aim of the plan:

(c) to encourage provision of a range of housing types,

The proposal is consistent with the above stated objective as it provides high quality accommodation across a range of dwelling compositions. The new upper levels provide maisonette apartments which further contribute to the mix of apartment types within the approved development.

The MU1 zone objectives are better achieved by allowing the variation (as set out below).

Approval of the variation will give better effect to the aims of *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development* (SEPP 65). In particular:

- The proposed variation will provide more sustainable housing in social and environmental terms and better achieve urban planning policies (clause 2(3)(a)(i)).
- Approval of the proposed variation will provide a better mix of dwelling types to meet population growth (clause 2(3)(f)).

On this basis, the requirements of clause 4.6(3)(a) are satisfied.

5. Sufficient environmental planning grounds.

Having regard to Clause 4.6(3)(b) and the need to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard. Specifically, Preston CJ in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 (paragraph 24) states:

*The environmental planning grounds relied on in the written request under cl 4.6 must be "sufficient". There are two respects in which the written request needs to be "sufficient". First, the environmental planning grounds advanced in the written request must be sufficient "to justify contravening the development standard". The focus of cl 4.6(3)(b) is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds. The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole: see *Four2Five Pty Ltd v Ashfield Council* [2015] NSWCA 248 at [15]. Second, the written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard so as to enable the consent authority to be satisfied under cl 4.6(4)(a)(i) that the written request has adequately addressed this matter: see *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 at [31].*

The assessment of this numerical non-compliance is also guided by the decisions of the NSW LEC in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 and *Four2Five Pty Ltd v Ashfield Council* [2015] NSWCA 248 whereby Justice Pain ratified the original decision of Commissioner Pearson.

The following planning grounds are submitted to justify contravening the maximum building height:

1. The height breach is greatest for the upper floor of the roof top apartments which are set in from the external face of the building and are therefore visually subservient. The maximum non-compliance (5.8m) occurs at the centre of the building away from the site boundaries. This ensures that the proposed upper levels will be recessive and not visually jarring to the casual observer on Lyons Street or Parnell Street.
2. The proposed increase in GFA and subsequent increase of building height is a result of the 10% bonus FSR anticipated under Council's Policy entitled 'Carrying out Bonus Development in the Public Interest'. Given the subject site is situated within the MU1 zone in the Strathfield Town Centre under the BLEP 2012, additional FSR bonus is anticipated per a Voluntary Planning Agreement (VPA). That is, when considering potential built form and desired future character, potential take up of this policy must be contemplated.

Clause 4.6 - Height

Accordingly, it is considered that the additional bulk and scale created by the proposed development is reasonably anticipated within the locality. Notwithstanding, the proposed development is considered acceptable on its own merit as is discussed in this variation request. The proposed setbacks to the upper levels and the resultant built form will ensure that the non-compliant portions of building are not visually dominant and as demonstrated through the architectural plans submitted will not raise any significant issues in terms of privacy or overshadowing.

3. The proposed upper levels and the subsequent height non-compliance will not add any significant bulk when compared to the scale of the approved development and the scale of the adjoining development at No. 1 Lyons Street. Visually, the proposed bulk of development will be similar to that approved on the site and is not considered to be excessive for the site or the locality.
4. In accordance with the Burwood Local Housing Strategy, the site is ideally located for higher density residential development due to its location to public transport, shops, open space and educational establishments. The proposed height non-compliance will allow for additional residential apartments to be provided within the approved development with an absence of amenity impacts on the surrounding locality. Since the proposal aligns with the strategic vision for the locality without adversely impacting any neighbouring sites, the proposal is considered a positive planning outcome, encouraged by Council's strategic plans for the future.
5. As mentioned, the height breach of the proposed upper level is greatest at the centre of the site. When viewed from the public domain, the 30m setback from the rear boundary (Parnell Street) and 10m from the front boundary (Lyons Street) ensures that the proposal will be predominantly perceived as nine storeys from the public domain and not eleven storeys, similar to the approved development. To the casual observer, the proposed additional floor levels will appear compliant with the development in the locality given the increasing density permitted under the relevant development standards.
6. The proposed development provides the additional height through a design which will provide superior amenity for internal occupants without adversely impacting the amenity of adjoining property owners. The proposed envelope of the upper levels has been carefully considered with greater front and rear setbacks. The maisonette style apartments provide occupants with generous living areas and private terraces which will not impact upon the privacy of neighbouring properties.
7. The proposed development is entirely compatible with the height of development within the immediate locality. Indeed, development within the vicinity of the subject site consists of multi storey residential flat buildings and mixed use developments reaching up to 13 storeys in height, despite the 30m height limit. As shown in **Figures 5 and 6** below, a number of these developments extend above the building height plane, with height variations greater than that proposed on the subject site. In this context, the proposed height variation is considered appropriate and represents a scale of development which is compatible with development within the locality.

Clause 4.6 - Height

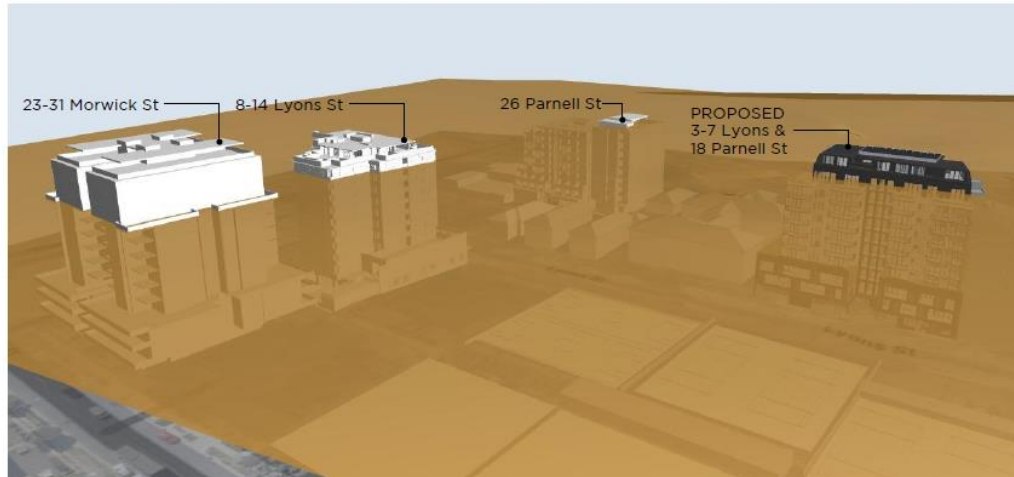


Figure 5 Height blanket diagram of the locality, looking north west.



Figure 6 Height blanket diagram of the locality, looking south east.

8. The social benefits of providing additional housing stock within a highly sought after location should be given weight in consideration of the variation request. The additional distribution of floor space necessitates a form and scale that breaches the height limit. It would be a loss to the community (and contrary to the public interest) to deny the variation and require the removal of apartments within a well located and well-designed development.
9. It is considered that there is an absence of any significant material impacts attributed to the breach on the amenity or the environmental values of surrounding properties, the amenity of future building occupants and on the character of the locality. Specifically:
 - a. The extent of the additional height creates no significant additional overshadowing impacts to adjoining properties when compared to a compliant building envelope, and more specifically, the approved building envelope. As shown on the shadow diagrams submitted with this application, the shadowing which results from the proposed upper levels and subsequent height non-compliance, will substantially fall within the shadow of the approved DA due to the centralised location and recessive design of the upper levels. The proposal will continue to provide 3 hours of solar access on 21 June to all of the



apartments within the neighbouring property as originally approved, despite the height non-compliance. The extent of additional impact from the increased building height would be insignificant and would not be noticeable to the owners of adjoining property at No. 1 Lyon Street, particularly as there are no openings on the western façade closest to the non-compliant building height.

- b. The height breach does not result in any adverse additional privacy impacts. The extent of privacy impacts caused by the height breach will have no greater impact on the privacy to the adjoining properties. The proposed additional levels are setback 9m from the western boundary and has a nil setback to the eastern boundary adjoining No. 1 Lyons Street where there is a blank party wall. As such, the loss of privacy caused by the non-compliant elements would be insignificant or nil; and
 - c. The height breach will not result in any significant view loss. It is not anticipated that the proposed additional levels will result in any further loss of views over the approved development given any incidental view loss is anticipated by the approved built form. The land to the south along Lyons Street is zoned RE2 Private Recreation and is not zoned for high density residential development. The increased height will not impact upon views for any future development.
10. The height breach facilitates an arrangement of floor space on the site in a manner that is effective in providing high levels of amenity to occupants of the development. The portion of the building above 30m is setback considerably from the compliant lower levels and is setback a sufficient distance from neighbouring development to the west to allow a high level of amenity and suitable separation distances between both properties.
 11. Insistence on compliance with the height control would result in the removal of levels 9 and 10 and the loss of six (6) apartments, including four (4) three bedroom maisonette apartments. This loss would be a disproportionate response to the impacts created by the proposal. The social benefits of providing additional dwelling stock, including adaptable dwellings and large family apartments, within a highly sought after location should be given substantial weight in the consideration of the variation request. The proposed upper levels achieve an environmental planning outcome by providing additional dwelling stock without having an adverse impact on the amenity of adjoining properties and being compatible with the character and built form of the locality. The additional FSR will also be offset via the proposed VPA (submitted with this application) which will also provide further benefits to the Burwood locality.
 13. The proposed development achieves the objects in Section 1.3 of the EPA Act, specifically:
 - a. The proposal promotes the orderly and economic use and development of land through the redevelopment of an underutilised site for residential uses (1.3(c));
 - b. The proposed development promotes good design and amenity of the built environment through a well-considered design which is responsive to its setting and context (1.3(g)).
 14. The variation to the height of buildings development standard will give better effect to the aims of State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development (SEPP 65). In particular:
 - a. The proposed variation will provide more sustainable housing in social and environmental terms and better achieve urban planning policies (clause 2(3)(a)(i));
 - b. Approval of the proposed variation will allow for a variation of building height and scale across the locality which is commonly accepted urban design approach instead of buildings with consistent height; and
 - c. Approval of the proposed variation will support a variety of housing types by providing a well-located and compact development that will be a better choice for families (clause 2(3)(g)).



Clause 4.6 - Height

15. The proposed development meets the objectives of the development standards and meets the objectives of the MU1 Mixed Use zone (as detailed below);

Height of Buildings Objectives

The objectives and relevant provisions of clause 4.3 of BLEP 2012 are as follows, inter alia:

- (a) to establish the maximum height of buildings to encourage medium density development in specified areas and maintain Burwood's low density character in other areas,*
- (b) to control the potentially adverse impacts of building height on adjoining areas.*

In order to address the requirements of subclause 4.6(4)(a)(ii), the objectives of clause 4.3 are addressed in turn below.

Objective (a):

This objective articulates the ultimate function of the height of buildings development standard. The maximum height for buildings on land within the Burwood Local Government Area is identified in the Height of Buildings Map. As previously described, the maximum building height permitted on the subject site is 30m and the maximum height of the proposal is 35.8m. The development will retain the nine storey built form fronting Lyons Street, with the non-compliance created by the additional floors located towards the centre of the site.

The proposal achieves the objective of establishing a maximum building height for the site, using the Height of Buildings Map as a mechanism to do so. This written request identifies the extent of variation proposed and explains why the variation is acceptable in the circumstances.

Objective (a) also refers to encouraging medium density development in specified areas and low density in other areas. The proposal provides a development which is consistent with the scale of development anticipated within the Strathfield Town Centre and on land within the MU1 zoning. The proposed development will provide an increase of housing diversity within a highly accessible location in close proximity to various land uses, public transport and open spaces as is encouraged by the inherent location of the site. Indeed, the site is a desirable location for high density residential development as stated within the Burwood Local Housing Strategy, and the provision of additional residential units on the site aligns with Councils vision for the site.

Despite height non-compliance, the proposed non-compliant levels will reflect the desired increase of density whilst minimising the impacts to the streetscape character and amenity of neighbouring properties. The height, form and scale of the proposal is entirely compatible with that of recently approved buildings, noting that compatible does not mean "sameness" (*Project Venture Developments Pty Ltd v Pittwater Council* [2005] NSWLEC 191). The proposed development satisfies objective (a).

Objective (b):

Objective (b) refers to controlling potentially adverse impacts of building height on adjoining areas.

The size of the subject site provides an opportunity to allow for a larger scale development which can accommodate the setbacks and building separation of the approved development whilst minimising potential impacts of overlooking, overshadowing and view loss to the adjoining properties. The proposed height breach will not adversely compromise the use and enjoyment of neighbouring properties and is considered to retain the high quality built form fronting Lyons Street. The proposal will not alter the approved building setbacks of the site and continues to provide a massing that responds to the context of the site and surrounding properties, in particular the building at No. 1 Lyons Street to the east. The height, bulk and scale of the proposed upper levels has been architecturally treated with high quality materials and finishes to ensure visual impacts are not significant and the design ensures that the approved and compliant portion of the building remains the dominant feature within the streetscape.

Clause 4.6 - Height

In terms of privacy, the elements of the building above the 30m height limit pertain to the proposed levels 9 and 10 which are mainly the larger three bedroom maisonette style apartments. These apartments have limited side facing windows and have generally been designed with the habitable rooms and balconies orientated towards the street frontages. The building maintains a nil setback to No. 1 Lyons Street to the east where a similar built form exists and achieves a 9m setback to the west in accordance with the ADG separation distances. The balcony provided at Level 9 which provides a non-compliant setback to the western boundary is appropriately screened with landscape planters, and given it is substantially oriented towards the street, is not considered to introduce any adverse privacy impacts.

In relation to solar access, the elements of the building above the 30m height do not create any significant additional overshadowing to adjoining properties when considering the extent of overshadowing against the backdrop of applicable planning controls and the approved development. That is, the height breach is located towards the centre of the site and the additional overshadowing is cast almost entirely within the shadowing cast by the approved development. Accordingly, the elements of the building that breach the height do not have significant adverse impacts on the overshadowing of adjoining properties between 9am and 3pm in midwinter.

In terms of view loss, the proposed variation will not result in any significant loss of views or outlook when compared to a compliant building or the approved development. It is reasonably anticipated that any loss of views from neighbouring properties would be expected due to the increased height and density permitted on the MU1 zoned land. In this case the property to the south is zoned R2 Private Recreation and is therefore unlikely to be affected by any variation in maximum building height at the subject site.

Therefore, the proposed development satisfies objective (b)

Zone Objectives

The objectives of the MU1 – Mixed Use Zone are as follows:

- *To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.*
- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*

The proposed development is consistent with the relevant zone objectives in that it will:

- The proposal will retain the approved retail tenancies on the site which will generate employment opportunities;
- The proposal will retain the approved retail tenancies on the site which provide activation to the street frontage;
- The proposal relates to additional residential units within the approved development which will add any conflict with the development or with any adjoining properties due to the careful design and siting of the new units; and
- The proposal will retain the approved retail tenancies on the site which are located on the ground floor.

Clause 4.6 - Height

The above environmental planning grounds are not general propositions and are unique circumstances to the proposed development, particularly given the location of the site within Strathfield Town Centre, surrounding context and increase in FSR permitted per Council Policy. The additional height does not significantly alter the approved bulk of the development or impact the amenity of the neighbouring properties and has been designed in such a way to ensure the additional height is compatible with the public domain. The additional height also provides for improved amenity to Levels 9 and 10 and therefore benefits the future occupants whilst limiting surrounding impacts.

It is noted that in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, Preston CJ clarified what items a Clause 4.6 does and does not need to satisfy. Importantly, there does not need to be a "better" planning outcome:

86. *The second way is in an error because it finds no basis in cl 4.6. Clause 4.6 does not directly or indirectly establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development. This test is also inconsistent with objective (d) of the height development standard in cl 4.3(1) of minimising the impacts of new development on adjoining or nearby properties from disruption of views or visual intrusion. Compliance with the height development standard might be unreasonable or unnecessary if the non-compliant development achieves this objective of minimising view loss or visual intrusion. It is not necessary, contrary to what the Commissioner held, that the non-compliant development have no view loss or less view loss than a compliant development.*
87. *The second matter was in cl 4.6(3)(b). I find that the Commissioner applied the wrong test in considering this matter by requiring that the development, which contravened the height development standard, result in a "better environmental planning outcome for the site" relative to a development that complies with the height development standard (in [141] and [142] of the judgment). Clause 4.6 does not directly or indirectly establish this test. The requirement in cl 4.6(3)(b) is that there are sufficient environmental planning grounds to justify contravening the development standard, not that the development that contravenes the development standard have a better environmental planning outcome than a development that complies with the development standard.*

As outlined above, it is considered that in many respects, the proposal will provide for a better planning outcome than a strictly compliant development. At the very least, there are sufficient environmental planning grounds to justify contravening the development standard.

11. Conclusion

This written request has been prepared in relation to the proposed variation to the 30m height of buildings development standard contained in Clause 4.3 of BLEP 2012.

Having regard to all of the above, it is our opinion that compliance with the maximum height development standard is unreasonable and unnecessary in the circumstances of this case as the development meets the objectives of that standard and the zone objectives. The proposal has also demonstrated sufficient environmental planning grounds to support the breach.

Therefore, insistence upon strict compliance with that standard would be unreasonable. On this basis, the requirements of Clause 4.6(3) are satisfied and the variation supported.



**3-7 Lyons Street & 18 Parnell Street, Strathfield
(DA2023.45)**

**Clause 4.6 Variation Request (February 2024)
(FSR)**



Clause 4.6 Variation Statement – FSR (Clause 4.4 of BLEP 2012)

1. FSR

Clause 4.4 (2) of Burwood Local Environmental Plan 2012 (BLEP 2012) relates to maximum permitted floor space ratio for a site and refers to the Floor Space Ratio Map. The relevant map identifies the floor space ratio controls that apply to the site as shown in the extract of the map in **Figure 1** (with the subject site outlined in yellow). A maximum floor space ratio of 3:1 applies to the site.

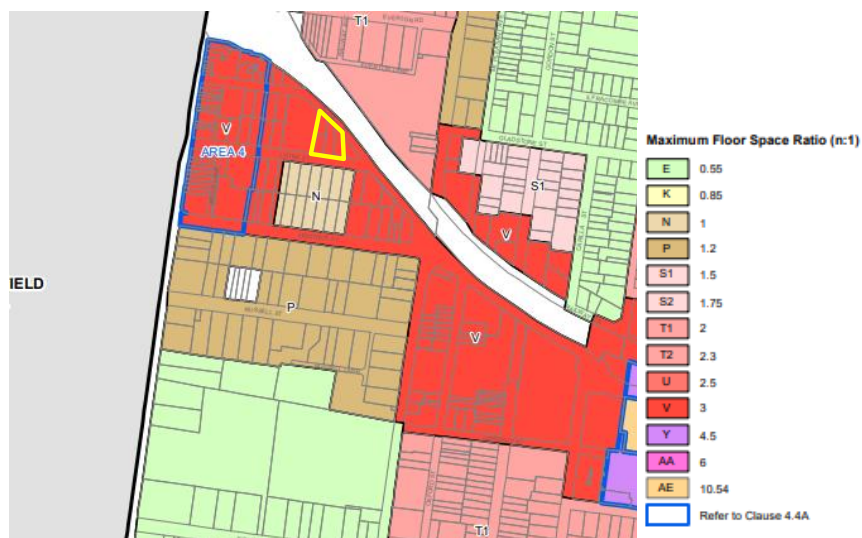


Figure 1 Extract from Floor Space Ratio Map to BLEP 2012 (V = 3:1)

Floor space ratio is defined in BLEP 2012 as:

“(2) Definition of “floor space ratio”

The floor space ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area”

The floor space ratio control is a “development standard” to which exceptions can be granted pursuant to clause 4.6 of the LEP.

2. Proposed variation to FSR development standard

The architectural plans indicate that the proposed development has a maximum FSR of 3.3:1 (6,128m²) and is therefore non-compliant. The extent of non-compliance is a maximum of 557m² or 10% over the permissible FSR of 3:1 or 5,571m².

It is noted that a Voluntary Planning Agreement was approved per the Council Policy entitled ‘*Carrying out Bonus Development in the Public Interest*’. This Policy applied to the subject site and permitted an additional 10% of floor area for areas located within the MU1 Mixed use zone in the Strathfield Town Centre. However, as per the recent *Planning Agreement Practice Note – February 2021* released by the NSW Department Planning, Industry and Environment the benefits provided under the planning agreement were not made in exchange for the variation to the development standard. The variation to the FSR development standard was justified on planning grounds and

Clause 4.6 - FSR

the benefit under the agreement contributes to achieving the planning objective of the development standard, as detailed below.

A letter of offer to Council detailing the proposed terms of the agreement and total value of the monetary contribution was provided within the original development application, and is not proposed to change as part of the current modification application.

3. Clause 4.6 to BLEP 2012

The objectives and provisions of clause 4.6 are as follows:

4.6 Exceptions to development standards

- “(1) The objectives of this clause are as follows—*
- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*
- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
 - (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.*

Note— *The Environmental Planning and Assessment Regulation 2021 requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).*

- (4) The consent authority must keep a record of its assessment carried out under subclause (3).*
- (5) (Repealed)*
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—*
 - (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

Note— *When this Plan was made it did not include Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living.*

Clause 4.6 - FSR

- (7) *(Repealed)*
- (8) *This clause does not allow development consent to be granted for development that would contravene any of the following—*
 - (a) *a development standard for complying development,*
 - (b) *a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
 - (c) *clause 5.4,*
 - (caa) *clause 5.5,*
 - (ca) *clause 4.3A(2),*
 - (cb) *clause 4.4A(5)–(7)."*

The development standard in clause 4.4 are not "expressly excluded" from the operation of clause 4.6.

Objective 1(a) of clause 4.6 is satisfied by the discretion granted to a consent authority by virtue of subclause 4.6(2) and the limitations to that discretion contained in subclauses (3) to (8). This submission will address the requirements of subclauses 4.6(3) in order to demonstrate to Council that the exception sought is consistent with the exercise of "an appropriate degree of flexibility" in applying the development standard and is therefore consistent with objective 1(a). In this regard, the extent of the discretion afforded by subclause 4.6(2) is not numerically limited, in contrast with the development standards referred to in, for example, subclause 4.6(6).

It is hereby requested that a variation to this development standard be granted pursuant to Clause 4.6 so as to permit a maximum floor space ratio of 3.3:1 which equates to a numerical variation of 557m² and a percentage variation of 10%.

4. Compliance is unreasonable or unnecessary in the circumstances of the case (Clause 4.6(3)(a))

Of relevance to Clause 4.6(3)(a), in *Wehbe v Pittwater Council (2007) NSW LEC 827* Preston CJ sets out ways of establishing that compliance with a development standard is unreasonable or unnecessary. It states, inter alia:

"An objection under SEPP 1 may be well founded and be consistent with the aims set out in clause 3 of the Policy in a variety of ways. The most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard."

The judgement goes on to state that:

"The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served)."

Preston CJ in the judgement then expressed the view that there are 5 different ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the policy, as follows (with emphasis placed on number 1 for the purposes of this Clause 4.6 variation [our underline]):

1. *The objectives of the standard are achieved notwithstanding non-compliance with the standard;*
2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*

Clause 4.6 - FSR

3. *The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
5. *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard that would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

Relevantly, in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 (paragraph 16), Preston CJ makes reference to *Wehbe* and states:

"...Although that was said in the context of an objection under State Environmental Planning Policy No 1 – Development Standards to compliance with a development standard, the discussion is equally applicable to a written request under cl 4.6 demonstrating that compliance with a development standard is unreasonable or unnecessary."

Clause 4.6(3)(a) requires that the written request to vary a development standard demonstrate that compliance with the development standard is unnecessary or unreasonable in the circumstances of the case. Requiring strict compliance with the standard is unreasonable or unnecessary because:

- the development is consistent with the standard and zone objectives, even with the proposed variation (refer below);
- there are no additional significant adverse impacts arising from the proposed non-compliance; and
- important planning goals are achieved by the approval of the variation.

In terms of the last point, the relevant planning goals are set out below.

Clause 1.2(2) of BLEP 2012 sets out the plan's aims. Clause 1.2(2)(c) says that it is an aim of the plan:

(c) to encourage provision of a range of housing types,

The proposal is consistent with the above objective as it provides additional high quality residential accommodation in a highly accessible location. The new upper levels provide maisonette apartments which further contribute to the mix of apartment types within the approved development.

Additionally, approval of the variation will give better effect to the aims of *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development* (SEPP 65). In particular:

- The proposed variation will provide more sustainable housing in social and environmental terms and better achieve urban planning policies (clause 2(3)(a)(i)).
- Approval of the proposed variation will provide a better mix of dwelling types to meet population growth (clause 2(3)(f)).
- Approval of the proposed variation will support housing affordability by providing a well-located compact housing that will be a better choice for families (clause 2(3)(g)).

On this basis, the requirements of clause 4.6(3)(a) are satisfied.

5. Sufficient environmental planning grounds (Clause 4.6(3)(b))

Having regard to Clause 4.6(3)(b) and the need to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard. Specifically, Preston CJ in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 (paragraph 24) states:

*The environmental planning grounds relied on in the written request under cl 4.6 must be “sufficient”. There are two respects in which the written request needs to be “sufficient”. First, the environmental planning grounds advanced in the written request must be sufficient “to justify contravening the development standard”. The focus of cl 4.6(3)(b) is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds. The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole: see *Four2Five Pty Ltd v Ashfield Council* [2015] NSWCA 248 at [15]. Second, the written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard so as to enable the consent authority to be satisfied under cl 4.6(4)(a)(i) that the written request has adequately addressed this matter: see *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 at [31].*

The assessment of this numerical non-compliance is also guided by the recent decisions of the NSW LEC in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 whereby Justice Pain ratified the decision of Commissioner Pearson.

The following planning grounds are submitted to justify contravening the maximum FSR:

1. The proposed FSR variation has been sensitively massed. Rather than distribute FSR on the lower levels which could have a greater impact on the amenity of the occupants or adjoining property owners, the design locates the additional FSR to levels 9 and 10. The proposal provides for an appropriate scale and form that reflects the desired future character for development in the Strathfield Town Centre, and more specifically, the ‘perimeter areas’. The additional FSR is located to the centre of the site approved building to ensure the amenity of the neighbours and streetscape is retained. The additional FSR on the site will not be readily perceptible from the public domain or surrounding properties, particularly when compared to the scale of the approved development. That is, the proposed additional floor area is setback considerably from both Lyons Street and Parnell Street and the primary façade of the residential flat building ensuring it subservience in the streetscape. The further changes to Level 10 and pulling the building back in line with the levels below ensures the built form is well integrated into the street scene.
 2. The proposed FSR variation does not bring with it a form of development on the site that will be noticeably inconsistent with the character of the immediate and surrounding locality. The additional floor area does not adversely change the character of the development in terms of streetscape and is entirely compatible with the scale of other recently approved development along Parnell Street and Lyons Street. The building will appear consistent with buildings recently developed along the streetscape, particularly the immediately adjoining boarding house at No. 1 Lyons Street. Despite numerical non-compliance with the FSR, the proposed building will be compatible with the scale and form of the approved development on the site, as well as other recent developments and reflect the desired future character of the locality.
 3. The proposed development is considered to be supported by the context of the surrounding and wider locality. The non-compliant floor area is recessed behind the approved main building façade and is of a considerably smaller footprint than the floors below. This assists with mitigating the scale of the additional FSR when viewed from the public domain, and provides a recessive scale.
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Clause 4.6 - FSR

When viewed by the casual observer, the additional FSR is setback considerably and is integrated into the high quality architectural design of the approved building. Accordingly, the proposal provides high quality and highly accessible residential dwellings within a well resolved building.

4. Section 4.15(1)(iia) of the EP&A Act states that any planning agreement (entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4) should be a matter of consideration for a development application. The proposal is accompanied by a draft planning agreement which includes additional monetary contributions in return for an additional 10% bonus FSR anticipated under Councils Policy entitled '*Carrying out Bonus Development in the Public Interest*'. Given the subject site is situated within the Strathfield Town Centre, additional FSR bonus is anticipated. That is, the desired future character for the locality must contemplate potential for development with additional FSR resulting from "bonus programs", including the VPA policy and other EPIs that allow for bonus FSR, such as SEPP (Housing) 2021. Accordingly, it is considered that the additional bulk and scale created by the proposed development can be reasonably anticipated within the locality. Notwithstanding, the proposed development is considered acceptable on its own merit as is discussed in this Variation which is in accordance with the recent NSW Government '*Planning Agreements Practice Note dated February 2021*'.
5. It is considered that there is an absence of any significant material impacts of the proposed non-compliance on the amenity of the environmental values of the locality, the amenity of future building occupants and on the character of the area. Specifically, the extent of non-compliance with the FSR development standard:
 - a. The FSR breach creates no significant overshadowing when compared to the approved building envelope. That is, when considering the overshadowing against the approved built form, the extent of overshadowing created by the additional FSR is insignificant compared to the approval, which is notably a compliant scheme;
 - b. The FSR breach does not result in any significant additional privacy impacts. The upper levels have been designed with largely blank side walls, larger windows to the front and rear elevations with some small narrow windows to the eastern and western sides. Accordingly, when considered against the backdrop of the applicable planning controls and in comparison to the approved development, the extent of privacy impacts created by the additional FSR is considered to be insignificant; and
 - c. The additional FSR does not create any significant additional view loss. The proposed additions will not result in any significant loss of views or outlook when compared to the approved development, the outline of which is shown on the submitted plans. It is considered that the additional non-compliant elements will not result in any additional view loss given the scale of the approved development. As such, when considering the extent of view sharing against the backdrop of the applicable planning controls and the previously approved built form, the extent of view loss caused by the non-compliant element would be insignificant or nil.
6. The social benefits of providing additional dwelling stock, including adaptable dwellings, within a highly sought after location should be given substantial weight in the consideration of the variation request. The proposed development achieves an environmental planning outcome by providing additional dwelling stock without having an adverse impact on the amenity of adjoining properties and being compatible with the character and built form of the locality. The additional FSR will also be offset via

Clause 4.6 - FSR

the proposed VPA (submitted with this application) which will also provide further benefits to the Burwood locality.

7. The proposed development achieves the objects in Section 1.3 of the EPA Act, specifically:
 - a. The proposal promotes the orderly and economic use and development of land through the redevelopment of an underutilised site for residential uses (1.3(c));
 - b. The proposed development promotes good design and amenity of the built environment through a well-considered design which is responsive to its setting and context (1.3(g)).
8. The variation to the FSR development standard will give better effect to the aims of *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development* (SEPP 65). In particular:
 - a. The proposed variation will provide more sustainable housing in social and environmental terms and better achieve urban planning policies (clause 2(3)(a)(i));
 - b. Approval of the proposal will allow for a variation of FSR and scale across the locality which is commonly accepted urban design approach instead of buildings with consistent FSR; and
 - c. Approval of the proposed variation will support a variety of housing types by providing a well-located and compact development that will be a better choice for families (clause 2(3)(g)).
9. The proposed development meets the objectives of the development standards and meets the objectives of the MU1 Mixed Use zone (as detailed below);

Floor Space Ratio Objectives

The objectives and relevant provisions of Clause 4.4 of BLEP 2012 are as follows, inter alia:

- (a) to enable development density and intensity of land use to achieve an appropriate urban form,
- (b) to focus higher development density and intensity of land use in the inner part of the Burwood Town Centre and to provide a transition in development density and intensity of land use towards the edge of the Burwood Town Centre.

The objectives of Clause 4.4 are addressed in turn below.

Objective (a):

Objective a) seeks to enable development density and intensity to provide an appropriate urban form.

The proposed development has been designed to ensure that the development density and intensity will not be significantly different from the previously approved residential flat building on the subject site. The non-compliant FSR has been designed to retain the bulk and scale of the approved built form (particularly when fronting Lyons Street), through the provision of consistent setbacks with the neighbouring building at No. 1 Lyons Street while providing additional FSR discreetly within smaller, recessed floor levels.

The subject site is situated within the MU1 Mixed Use Zone which anticipates an increased density which is reflected by the height of buildings and FSR development standards. The non-compliant FSR does not arise from an inappropriate building envelope but rather the proposal is considered to sit comfortably within the locality and provide an appropriate urban form which is recessed from the public domain. To the casual observer, the bulk and scale of the development will relate to the contemporary residential flat buildings located along Lyons Street and Parnell Street and the non-compliant FSR will be appropriately obscured from the public domain given the proposed setbacks. As discussed under Section 5 of this Variation, the proposed non-compliance will not result in any

Clause 4.6 - FSR

adverse impacts arising with regards to the amenity of adjoining properties, character of the area or bulk and scale of the development, particularly in comparison to the approved development on the site.

When considering the intensity of development, the non-compliant FSR will result in the provision of 6 additional residential dwellings (on levels 9 and 10), including four three bedroom maisonette apartments. The additional units are not considered to unreasonably increase the intensity of the site and result in an urban form which impacts the amenity of the neighbouring properties or streetscape character of the locality given positioning and design measures implemented. The proposed increase of 6 residential units over two levels will be comfortably situated on the subject site and will not produce adverse additional impacts to the loss of privacy, solar access or views from the neighbouring sites or public domain when compared to the approved development on the site. The provision of four x three bedroom apartments with excellent solar access and private open space will meet the requirements of families often not met in apartment development.

On balance, the proposal is considered to achieve a planning purpose by providing additional high quality residential dwellings within a previously approved but significantly improved residential flat building development in a suitable locality in close proximity to services and transport. The burden on insisting on strict compliance would result in the removal of the proposed upper levels and would be an unreasonable and unnecessary planning outcome given the absence of significant additional adverse streetscape or amenity impacts. Importantly, the removal of the proposed units will directly undermine the objective of the MU1 Mixed Use zone which is to provide additional development within close proximity to public transport. Furthermore, the removal of these units would be inconsistent with the Burwood Local Housing Strategy, as well as recent media releases in relation to the NSW Labour Governments commitment to delivering higher density housing where there is transport capacity.

Therefore, the proposal will be consistent with the desired development density and intensity anticipated for the subject site and locality. The proposal will certainly not be visually "jarring" in the streetscape or as viewed from any surrounding properties and will not have an adverse impact to the amenity of surrounding properties. The proposal satisfies objective (a).

Objective (b):

Objective b) seeks to focus high density development in the Burwood Town Centre and provide a transition in development density and intensity of land use towards its edges.

The subject site is identified as falling within the Strathfield Town Centre and is centrally located within a mixed use environment. The proposed development has been specifically designed to respond to the desired increase of bulk and scale whilst providing an appropriate transition of density and intensity. The non-compliant FSR has been designed with significant setbacks to both street frontages and is located centrally within the larger approved building envelope.

The increased FSR will not generate any unreasonable increase of intensity or density which will adversely impact the streetscape character or amenity of adjoining properties. To the casual observer along Lyons Street, the proposal will appear generally as a compliant building, and will not appear dramatically different from the development approved on the site. That is, the additional FSR is largely located at the centre of the building and is setback considerably from both street frontages. The bulk (FSR) and scale (height) of the proposal will not be visually "jarring" when compared to the approved development, which is a compliant built form as it retains a nine storey structure fronting the public domain consistent with the built form at No. 1 Lyons Street.

Furthermore, the additional FSR can be reasonably anticipated given the sites capacity to accommodate a maximum bonus 10% FSR under Council's Policy, *'Carrying Out Bonus Development in the Public Interest'*. Despite the anticipated increase of density subject to a VPA, as identified in this Variation the proposed development has been designed in order to limit the potential impact to the amenity of neighbouring development and achieves a better streetscape outcome.

Accordingly, the proposed development is considered to provide an appropriate relationship to existing development within the Strathfield Town Centre and achieves an intensity and density of development appropriate to its mixed use location. Accordingly, despite non-compliance with the FSR development standard, the proposal is considered to achieve objective b).

Clause 4.6 - FSR

Zone Objectives

The objectives of the MU1 – Mixed Use Zone are as follows:

- *To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.*
- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*

The proposed development is consistent with the relevant zone objectives in that it will:

- The proposal will retain the approved retail tenancies on the site which will generate employment opportunities;
- The proposal will retain the approved retail tenancies on the site which provide activation to the street frontage;
- The proposal relates to additional residential units within the approved development which will add any conflict with the development or with any adjoining properties due to the careful design and siting of the new units; and
- The proposal will retain the approved retail tenancies on the site which are located on the ground floor.

The above environmental planning grounds are not general propositions. The additional FSR is generally contained within the setbacks established by the approved building envelope. The additional FSR (and height) provide for a high quality urban design and streetscape outcome specific to the site and the development.

It is noted that in *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*, Preston CJ clarified what items a Clause 4.6 does and does not need to satisfy. Importantly, there does not need to be a "better" planning outcome:

86. *The second way is in an error because it finds no basis in cl 4.6. Clause 4.6 does not directly or indirectly establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development. This test is also inconsistent with objective (d) of the height development standard in cl 4.3(1) of minimising the impacts of new development on adjoining or nearby properties from disruption of views or visual intrusion. Compliance with the height development standard might be unreasonable or unnecessary if the non-compliant development achieves this objective of minimising view loss or visual intrusion. It is not necessary, contrary to what the Commissioner held, that the non-compliant development have no view loss or less view loss than a compliant development.*
87. *The second matter was in cl 4.6(3)(b). I find that the Commissioner applied the wrong test in considering this matter by requiring that the development, which contravened the height development standard, result in a "better environmental planning outcome for the site" relative to a development that complies with the height development standard (in [141] and [142] of the judgment). Clause 4.6 does not directly or indirectly establish this test. The requirement in cl 4.6(3)(b) is that there are sufficient environmental planning grounds to justify contravening the development standard, not that the development that contravenes the development standard have a better environmental planning outcome than a development that complies with the development standard.*

As outlined above, it is considered that in many respects, the proposal will provide for a better planning outcome than a strictly compliant development. At the very least, there are sufficient environmental planning grounds to justify contravening the development standard.

11. Conclusion

Despite the non-compliance with the FSR development standard, the proposed built form is compatible with the character of the locality as anticipated by the planning controls under BLEP, BDCP and ADG. Further, the proposal is also consistent with the bulk and scale of the development as anticipated by the bonus 10% FSR permitted under Council's Policy entitled '*Carrying out Bonus Development in the Public Interest*'.

Having regard to all of the above, it is our opinion that compliance with the floor space ratio development standard is unreasonable and unnecessary in the circumstances of this case as the development meets the objectives of that standard and the zone objectives. The proposal has also demonstrated sufficient environmental planning grounds to support the breach.

Therefore, insistence upon strict compliance with that standard would be unreasonable. On this basis, the requirements of Clause 4.6(3) are satisfied and the variation supported.