

RELEVANT INFORMATION FOR COUNCIL

FILE: D/2015/1286 **DATE:** 21 October 2016
TO: Lord Mayor and Councillors
FROM: Louise Kerr, Acting Director City Planning, Development and Transport
SUBJECT: Information Relevant To Item 9.8 – Development Application: 256-262 Mitchell Road, Alexandria - At Council - 24 October 2016

Alternative Recommendation

It is resolved that:

- (A) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2015/1286, subject to the following:

PART A – DEFERRED COMMENCEMENT CONDITIONS

(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

The consent is not to operate until the following condition is satisfied within **12 months** of the date of this determination:

(1) DESIGN MODIFICATIONS

The proposal shall be amended to incorporate the design amendments contained under plans 03, 06, 07 and 08 dated 19/10/2016 drawn by MHNDU. Those changes include:

- (a) The use of a masonry (face brick) facade on levels 1 and 2 facing Mitchell Road (western elevation);
- (b) The scaling back of the 'chevron' roof form, including a reduction in its pitch and the roof form folding down at the northern and southern boundaries. The roof shall have a maximum eave overhang of 450mm;
- (c) Reduction in the size of the rear terrace of Unit 304, along with its overall internal floor area being reduced to 53sqm (1 bedroom). The eastern elevation of Unit 304 shall be setback a minimum of 7,500mm from the eastern property boundary line; and
- (d) Incorporation of additional privacy screening to the eastern elevation of units 304, 204 and 205.

The above modifications shall be to the satisfaction of Council's Director City Planning, Development and Transport.

- (B) evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement condition, as indicated above, must be submitted to Council within 12 months of the date of determination of this deferred commencement consent failing which this deferred commencement consent will lapse pursuant to section 95(6) of the Environmental Planning and Assessment Act 1979;
- (C) the consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent condition, as indicated above, has been satisfied; and
- (D) upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent, as detailed in the subject report to the Planning and Development Committee on 10 October 2016, subject to the amendment of Conditions (1) and (2) as follows (with additions shown in ***bold italics*** and deletions shown in ~~strike through~~), and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions:

PART B - CONDITIONS OF CONSENT

(ONCE CONSENT IS IN OPERATION)

SCHEDULE 1A

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

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

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2015/1286 dated 7 September 2015;
- (b) and the following drawings:

Drawing Number	Architect	Date
DA10 B	MHND Union	17 December 2015
DA11 B	MHND Union	17 December 2015
DA12 B	MHND Union	17 December 2015
DA13 B	MHND Union	17 December 2015
DA14 B	MHND Union	17 December 2015
DA15 B	MHND Union	17 December 2015
DA20 B	MHND Union	17 December 2015

Drawing Number	Architect	Date
DA21 B	MHND Union	17 December 2015
DA22 B	MHND Union	17 December 2015
DA23 B	MHND Union	17 December 2015
DA24 B	MHND Union	17 December 2015

and as amended by ***the deferred commencement consent condition in Part A and*** the conditions of this consent.

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

(2) SECTION 94 SOUTHERN PRECINCT CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2006

As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 (as amended), and City of Sydney Section 94 Contributions Development Contributions Plan 2006 the following monetary contributions towards the cost of providing facilities and amenities are required.

<u>Contribution Category</u>	<u>Amount</u>
Community Facilities	\$39,319.88 \$35,167.72
Public Domain	\$24,218.78 \$21,661.29
New Open Space	\$188,707.14 \$168,779
New Roads	\$47,926.29 \$42,865.30
Accessibility	\$1,987.79 \$1,777.88
Management	\$2,149.26 \$1,922.30
Total	\$304,309.14 \$272,174.27

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

$$\text{Contributions at Time of Payment} = C \times \text{CPI2} / \text{CPI1}$$

where:

C is the original contribution amount as shown above;

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

CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being – December 2015.

The contribution must be paid prior to issue of a Construction Certificate. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. Personal or company cheques will not be accepted.

Please contact Council's Planning Administration staff at planningsystemsadmin@cityofsydney.nsw.gov.au to confirm the amount payable, prior to payment.

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

Background

At the meeting of the Planning and Development Committee on 10 October 2016, further information was sought as to how many secondary rear laneway dwellings exist or have approval to be constructed within the vicinity of the proposed 3 part 4 storey residential flat building at Nos. 256-262 Mitchell Road, Alexandria (D/2015/1286). The request was made in response to concerns about solar access, particularly for existing dwellings to the east of the site on the opposite side of Belmont Lane.

The Planning and Development Committee also agreed to seek advice on the proposed residential flat building at Nos. 256-262 Mitchell Road, Alexandria from Council's Design Advisory Panel (DAP).

Secondary Laneway Dwellings/Solar Access

A site visit reveals that there are 4 existing rear laneway dwellings in Belmont Lane between Maddox Street to the south and Harley Street to the north, namely:

- No. 263 Belmont Street (no DA history);
- No. 261 Belmont Street (D/2002/132); and
- Nos. 253 and 253A Belmont Street (D/1992/1086).

All of these properties are located at least 30 metres away to the north of 256-262 Mitchell Road and will not be affected in any way by the proposed development in terms of overshadowing.

In addition to the 4 existing laneway dwellings, a review of Council records reveals only 1 Development Application (DA) approval for a secondary dwelling which has not yet been constructed in Belmont Lane between Maddox Street and Harley Street. This is the approval at No. 287 Belmont Street (D/2016/341), located directly opposite the proposed residential flat building on Mitchell Road. The consent for this laneway dwelling was granted on 4 August 2016 and will expire on 4 August 2021 (should no Construction Certificate and substantive works in accordance with that approval be carried out). An elevational drawing of that proposal is reproduced below:

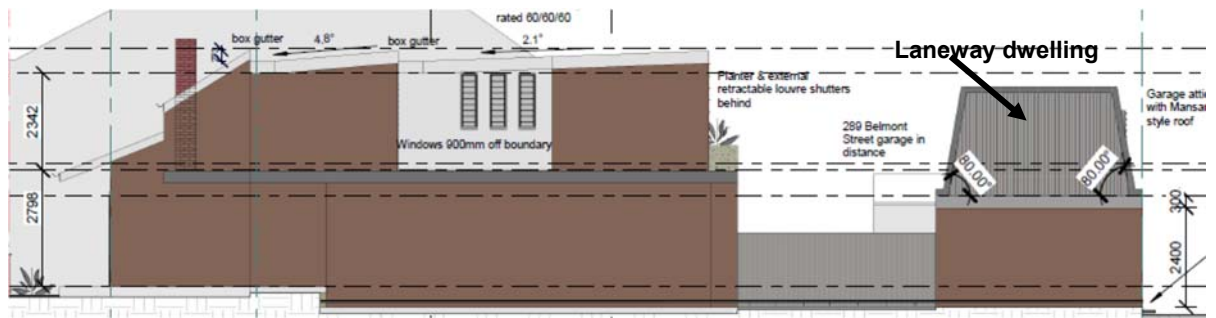


Figure 1: Northern elevation of No. 287 Belmont Street, Alexandria. The laneway dwelling is at the right hand side of the elevational plan, housed in a mansard style roof form. Belmont Street is located to the extreme left of the elevational plan.

Should the owner of No. 287 Belmont Street construct their laneway studio dwelling, they will receive uninterrupted solar access between 9.00am and 11.00am on the winter solstice, albeit less than 8sqm (the required minimum amount of open space to receive at least 2 hours of sun). As shown on the following Figure 2, at 12.00 noon, the approved laneway studio dwelling will cast shadow upon its own courtyard, but will still receive solar access to approximately 50% of its courtyard. By 1.00pm, the entire area of open space will be cast in shadow. However, if you were standing in the courtyard, you would still be in partial sunlight. The amount of solar access falling upon its own courtyard was deemed acceptable in the assessment of that DA and formed one of the reasons why the application was approved.



Figure 2: Shadow diagram at 12.00 noon (winter solstice) associated with assessment of D/2016/341, No. 287 Belmont Street, Alexandria.

As per the shadow diagrams included in the assessment report associated with D/2015/1286 (Attachment B to Item 8 at the Planning and Development Committee meeting on 10 October 2016), it is after 1.00pm that No. 287 Lawrence Street is affected by shadows cast by the residential flat building at 256-262 Mitchell Road. Those shadows would fall upon the roof of the approved laneway studio dwelling, not on its courtyard.

In other words, the proposed residential flat building at Nos. 256-262 Mitchell Road would not exacerbate overshadowing for No. 287 Lawrence Street should they construct their dwelling facing Belmont Lane.

Design Advisory Panel

On 11 October 2016, Council's Design Advisory Panel (DAP) reviewed the proposed residential flat building at Nos. 256-262 Mitchell Road. Council's DAP noted and recommended the following:

- *The roof projection to Mitchell Road is oversized and dominates the building elevation. The up-turned roof pitch and gable at the roof edge, exacerbates this perception from street level. The roof should be re-scaled and setback;*
- *Upper floors facing the west (actually the east) should be set-back further to reduce overshadowing and limit views into neighbouring adjacent properties to the south-east; and*
- *The Mitchell Road elevation is currently composed of aluminium sliding screens and glass balustrades. The panel suggested a masonry response would be a better contextual fit for the site.*

In response to those recommendations, the applicant provided the following draft design amendments:

- Increasing the setback of the rear topmost floor (Unit 304) to 7.5 metres relative to the Belmont Lane boundary (see **Figure 3**). This results in Unit 304 being a 77sqm 2 bedroom unit down to a 53sqm 1 bedroom unit. The unit mix would now be 15 x 1 bedroom and studio apartments and 3 x 2 bedroom apartments;
- The terrace associated with unit 304 will also be replaced with a smaller balcony and additional screening will be added to its eastern elevation to further minimise overlooking into the residential properties on the opposite side of Belmont Lane;

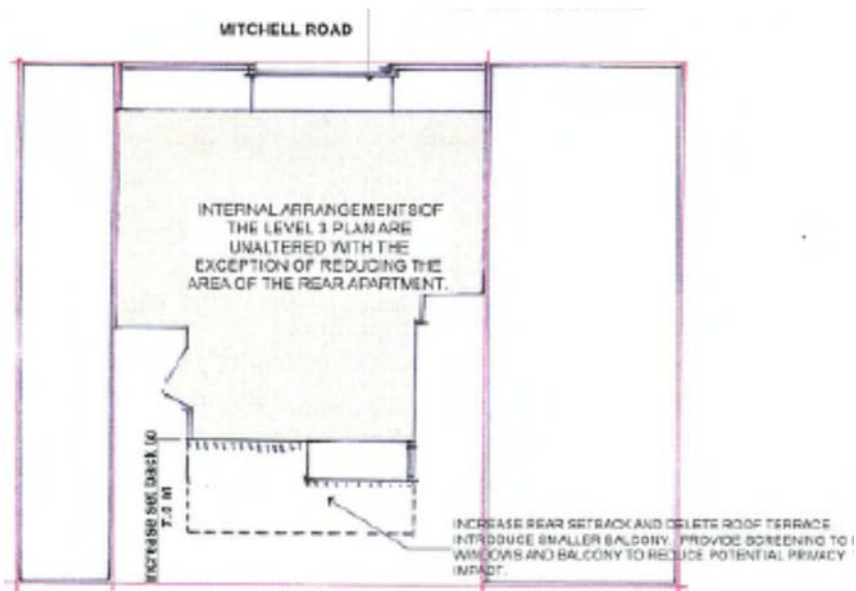


Figure 3: reduction in the size of Unit 304 (at the rear of the development facing Belmont Lane)

- The size of the balconies on level 2 facing Belmont Lane (units 204 and 205) will be slightly reduced with additional areas of solid masonry and the introduction of additional privacy screening. Refer to **Figure 4**.

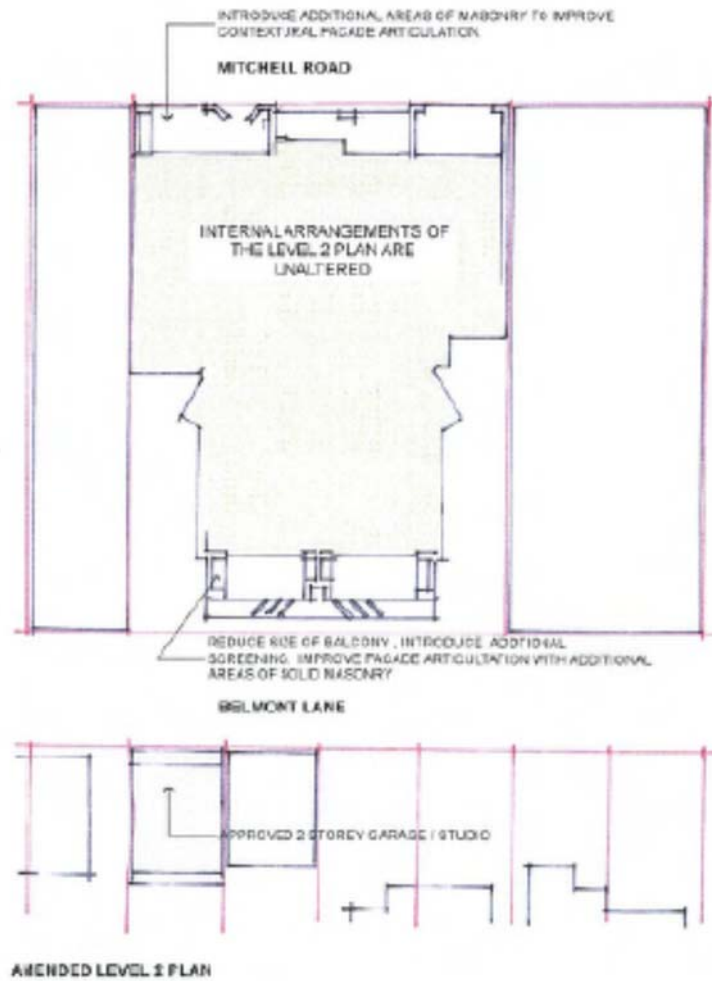


Figure 4: changes to level 2, including slightly reduced balcony, incorporation of more solid masonry and additional privacy screening to restrict overlooking into the residents directly on the opposite side of Belmont Lane.

These modifications will result in a more sensitive design response with respect to impacts for the residents living directly opposite the site in Belmont Lane. A revised southern and eastern elevation depicting the modifications are shown below at **Figures 5 and 6**.

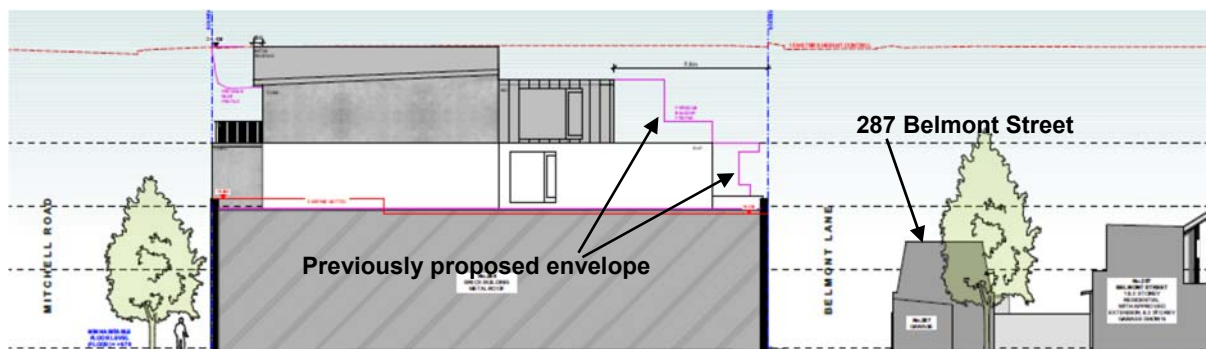


Figure 5: revised side southern elevation. Outline of the previously proposed envelope shown, indicating the extent of reduction in the upper floors (as per the recommendation of DAP).

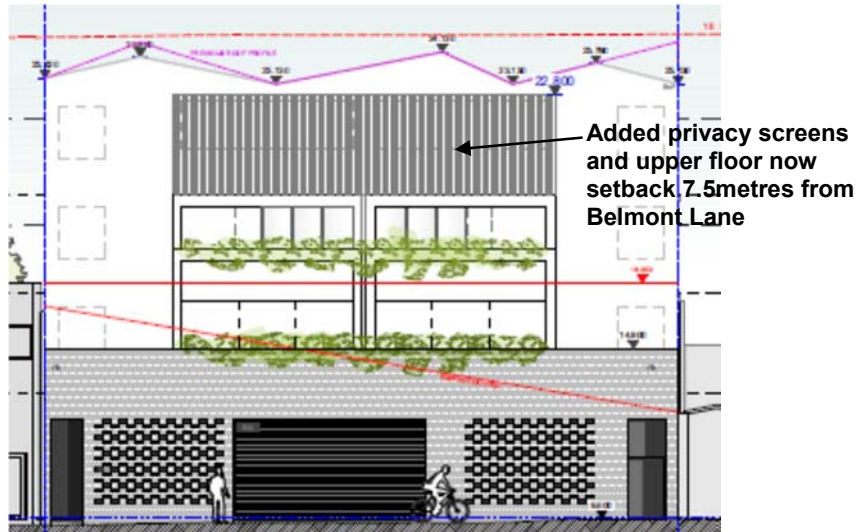


Figure 6: revised rear lane (eastern) elevation with greater separation to residents opposite the site in Belmont Lane and additional privacy screening.

In regard to the Mitchell Road (western) elevation, the applicant has amended the front façade to incorporate a masonry finish (face brick) and reduced the extent of the overhanging roof projection as depicted on **Figures 7 and 8** as follows:



Figure 7: Revised Mitchell Road elevation, including a new masonry brick facade and a scaled back roof form.

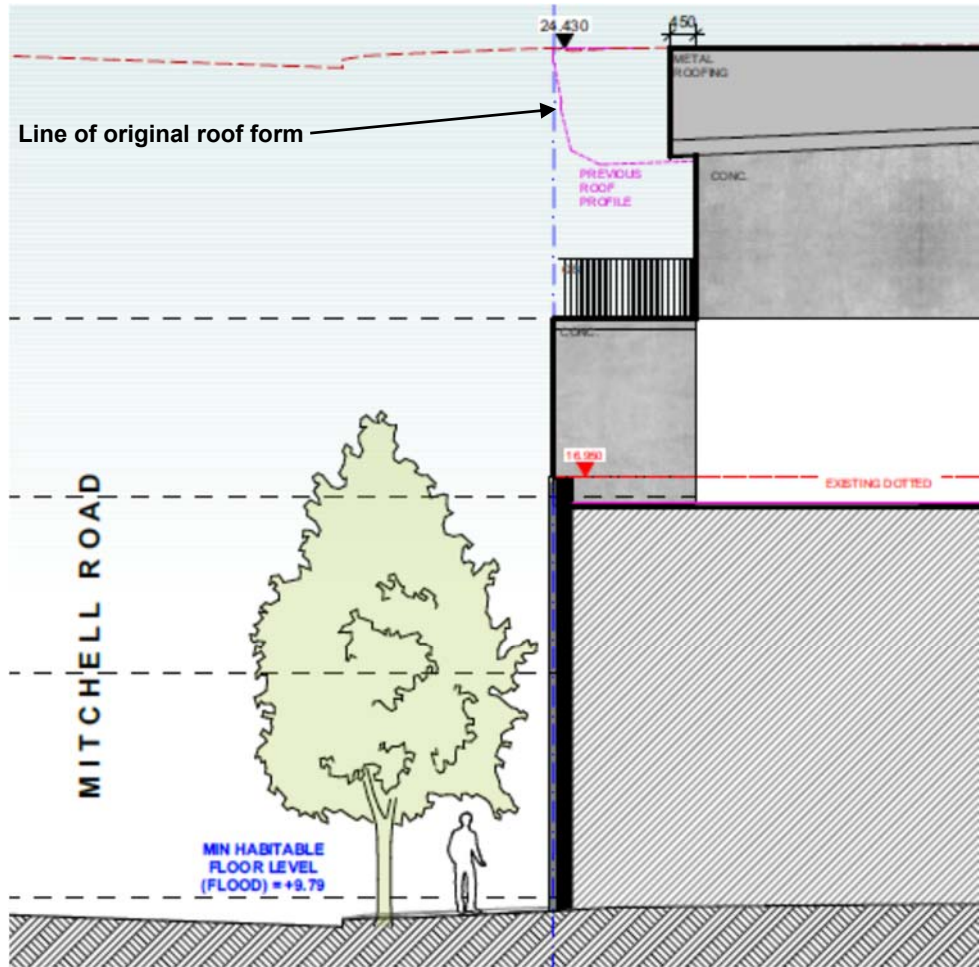


Figure 8: Partial southern elevation illustrating the scaled back roof form to ensure a more harmonious fit within the heritage conservation area

Should Council resolve to approve the application, the abovementioned changes could be incorporated into an alternative recommendation for a deferred commencement consent under the provisions of Clause 80(3) of the Environmental Planning and Assessment Act, 1979.

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Approved

**Louise Kerr, Acting Director City Planning,
Development and Transport**