

RELEVANT INFORMATION FOR COUNCIL

FILE: D/2016/563 **DATE:** 21 November 2016
TO: Lord Mayor and Councillors
FROM: Graham Jahn, Director City Planning, Development and Transport
SUBJECT: Information Relevant To Item 9.9 – Development Application: 74-88
 Botany Road, Alexandria - At Council - 21 November 2016

Alternative Recommendation

It is resolved that:

- (A) Council support the variation sought to Clause 4.3 Height of Buildings development standard in accordance with Clause 4.6 of Sydney Local Environmental Plan 2012; and
- (B) consent be granted to Development Application No. D/2016/563, subject to the conditions as detailed in **Attachment A** to the subject report, subject to the amendment of Conditions (1) and (2) as follows (with additions shown in **bold italics** and deletions shown in ~~strike through~~), and the addition of a new condition, numbered (11A), shown in **bold italics**:

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2016/563 dated 5 May 2016 and the following drawings:

Drawing Number	Architect	Date
DA04 Ground floor and Level 1 plans	Kannfinch	14 October 2016 16 November 2016
DA05 Level 2 and 3 plans	Kannfinch	14 October 2016 16 November 2016
DA06 Level 4 and 5 plans	Kannfinch	14 October 2016 16 November 2016
DA07 Level 6 and roof plans	Kannfinch	14 October 2016 16 November 2016
DA08 Natural ventilation diagrams	Kannfinch	16 November 2016

Drawing Number	Architect	Date
DA10 Section plans	Kannfinch	14 October 2016
DA11 Section plans	Kannfinch	14 October 2016
DA12 North and South Elevation Plans	Kannfinch	14 October 2016
DA13 East and West Elevation Plans	Kannfinch	14 October 2016
DA16 (Revision B) Materials Board East and West Elevation	Kannfinch	October 2016
DA17 (Revision B) Materials Board North and South Elevation	Kannfinch	October 2016
DA18 (Revision B) Materials Board North Internal and South Internal	Kannfinch	October 2016

and as amended by the conditions of this consent.

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

(2) DESIGN MODIFICATIONS TO DEVELOPMENT

Plans must be revised to reflect the following design modifications, to the satisfaction of the *PCA Director City Planning, Development and Transport*, prior to the issue of the Construction Certificate:

- (a) a fence with a height of 1.8m must be constructed at the northern property boundary, having regard to the provisions of the Dividing Fences Act 1991 (as amended);
- (b) provision must be made within both commercial tenancies for designated waste holding areas;

~~(c) vents are to be provided between non-habitable rooms and circulation areas for apartments numbered 1.02, 1.03, 2.02, 2.03, 3.02, 3.03, and 3.02 (Level 4), 3.03 (Level 4) to provide natural cross ventilation;~~

~~(d)~~(c) detailed plans are to be submitted at a scale of 1:20 to illustrate the installation and materials for screening devices located at the western elevation of apartments 1.01, 2.01, 3.01 and 4.01 and at the western elevation of the access stairs located at the south-western end of the site.

The screening devices shall be constructed using materials such as timber or metal screens that are at least 60% obscure, permanently fixed and made of durable material. The screens are to be installed prior to the issue of an occupation certificate.

(d) an operable clerestory window must be provided at the rooftop above each of the apartments numbered 4.04, 4.05, 4.06 and 4.07. The clerestory windows must be constructed to face east and must be setback from the eastern edge of the roof above the apartments by 1m.

The operable components of each clerestory window must have minimum dimensions of 550mm (h) x 1.8m (w). Acoustic baffles must be provided at the eastern side of the clerestory windows if required by the applicant's acoustic consultant.

(e) natural cross ventilation must be provided to ground floor apartments numbered G.03 and G.04. Ceiling vents are to be provided within the glazing line at the north-eastern corner of apartment G.03 and the south-eastern corner of apartment G.04. The ducts shall continue through upper level apartments without openings into those apartments. The vertical ducts shall be constructed with a minimum area of 1m x 600mm. Where the ducts pierce the roof top, they are to be provided with weather proof vents or operable clerestory windows.

(11A) STREET TREE PLANTING AND MAINTENANCE

(a) Detailed Landscape Plans indicating the location of the street trees to be planted in association with the development must be submitted to Council for approval prior to the issuing of the Construction Certificate. Street trees must be located and planted in accordance with the City's Street Tree Master Plan, and the following:

(b) The design must include:

(i) street trees being planted with their trunks 'offset' (as shown in plan number DA04), in order to maximise street tree canopy area at the Botany Road footpath;

(ii) Species selection, size at planting and spacing in accordance with the City's Street Tree Master Plan;

(iii) The trees must be grown in accordance with the Australian Standard 2303:2015 'Tree stock for landscape use' and/or NATSPEC Guidelines for Specifying Trees;

(iv) Tree Planting Details shall be consistent with the City's Street Tree Master Plan.

- (c) ***The street tree(s) must be planted:***
 - (i) ***By a qualified Arborist or Horticulturist (AQF Level 3); and***
 - (ii) ***Before the issuing of an Occupation Certificate.***
- (d) ***The tree shall be procured from a reliable advance tree grower and supplier.***
- (e) ***The trees must be inspected by Council's Street Contract Coordinator before they are planted. Council reserves the right to reject any trees which do not meet the requirements of the City's Street Tree Master Plan – Technical Guidelines.***
- (f) ***All street trees planted in accordance with the approved Landscape Plan must be maintained by a qualified Horticulturist or Arborist (AQF Level 3) for a minimum period of twelve (12) months commencing on the planting date. Maintenance includes, without limitation, watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree.***
- (g) ***At the end of the twelve (12) month maintenance period, written approval must be obtained from Council's Street Tree Coordinator before hand-over of any street tree to Council.***
- (h) ***If a street tree has been replaced due to maintenance deficiencies during the twelve (12) month maintenance period, the twelve (12) month maintenance period will start again from the date that the street tree is replaced.***

Background

At the meeting of the Planning and Development Committee on 14 November 2016, further information was sought with regard to the proposal's level of compliance with the guidelines for natural cross-ventilation and solar access specified by the Apartment Design Guide (ADG) and whether any amendments to the design can be made prior to the Council meeting, such that the proposal may exceed the minimum requirements of the ADG.

Councillors also requested further details in relation to soil depth adjacent to the site along Botany Road and whether conditions can be amended to require a double row of street trees at Botany Road.

Speakers at the Planning and Development Committee meeting raised issues in relation to the use of an existing right of way to access the site and in relation to visual privacy impacts to an existing communal open space and swimming pool within the adjoining property to the north of the site at 62-72 Botany Road.

ADG compliance – natural cross-ventilation

Design criteria in part 4B-3 of the ADG provides that a minimum of 60% of apartments must be naturally cross ventilated. The original proposal did not comply with the minimum criteria in that only 26% of apartments were naturally cross ventilated.

Council's assessing officer and urban design specialists met with the applicant in relation to this issue. Amended plans were subsequently submitted, demonstrating 55% of apartments are provided with natural cross ventilation. This has been achieved by providing all apartments located at the rear of the site with operable high-level air louvre windows within non-habitable areas (bathrooms). The louvre windows are of sufficient size to provide natural cross ventilation to the apartments and may be closed when desired, to provide acoustic privacy for the occupants of the dwellings (see Figures 1 and 2 below for details).

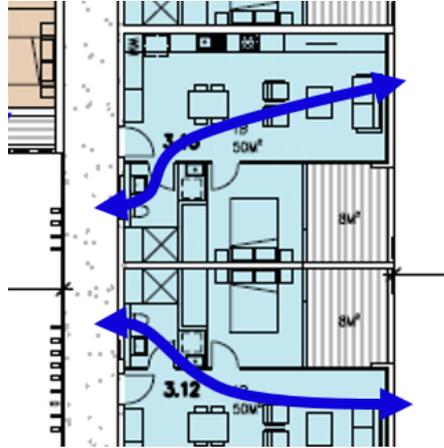


Figure 1: extract from floor plan showing the location of high level operable louvre windows within bathrooms for apartments at the rear of the site. See attachment A for greater detail.

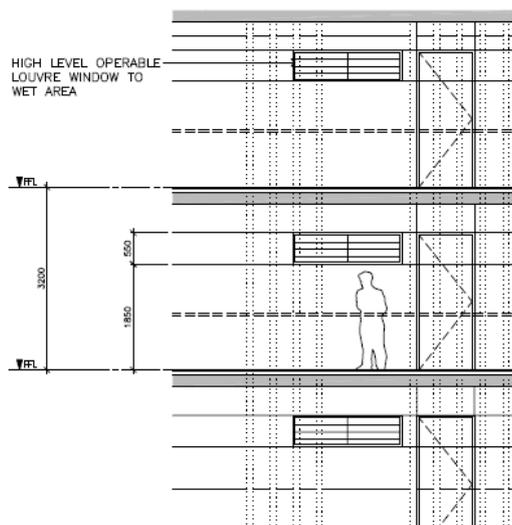


Figure 2: extract from submitted plan DA08 showing details for high level operable louvre windows that provide natural cross ventilation to apartments at the rear of the site via non-habitable rooms

Review of plans following Planning and Development Committee

Following the Planning and Development Committee meeting, a review of the submitted plans has been undertaken, to ascertain whether greater than 55% of apartments can be naturally cross ventilated. The review found that it is possible to further increase natural cross ventilation to 4 x apartments located at Level 4 of the development.

It is possible to naturally cross ventilate ground floor apartments numbered G.03 and G.04. Ceiling vents can be provided within the glazing line at the north-eastern corner of apartment G.03 and the south-eastern corner of apartment G.04 with exhaust ducts being continuing through upper level apartments without opening into those apartments. Where the ducts pierce the roof top, they can be provided with weather proof vents or operable clerestory windows. The provision of ducts will contribute 4.8sqm of floor area throughout the development and will not result in a non-compliance with FSR.

Further, Level 4 apartments numbered 4.04, 4.05, 4.06 and 4.07 are currently not provided with natural cross ventilation due to noise impacts from Botany Road. However, these apartments can be naturally cross ventilated if east-facing clerestory windows are provided at the roof top. It is recommended that the clerestory windows be set back 1m from the eastern edge of the roof to minimise any visual impact and that acoustic barriers be installed.

The provision of ducts within ground floor apartments and clerestory windows at the roof top will result in 65% of apartments being naturally cross ventilated. As such, the proposal now exceeds the ADG provision for natural cross ventilation at Part 4B-3 (minimum of 60%).

Condition (2) of the consent is recommended to be amended, such that the ducts and clerestory windows listed above are shown on amended plans to Council's satisfaction, prior to the issue of a construction certificate.

It is also to be noted that the applicant has provided a new plan numbered DA08 to better illustrate the operation of plenums that draw clean air from the internal parts of the site into the solar chimneys (see Figures 3 and 4 below and Attachment B). The solar chimneys achieve natural ventilation to apartments facing Botany Road when their doors and windows are closed.

The applicant has also amended floor plans numbered DA04 to DA06 to correct a drafting error that did not show vents within all bathrooms for apartments at the rear of the site. As such, it is recommended that Condition (2)(c) be deleted, as the required vents are now shown on amended plans.

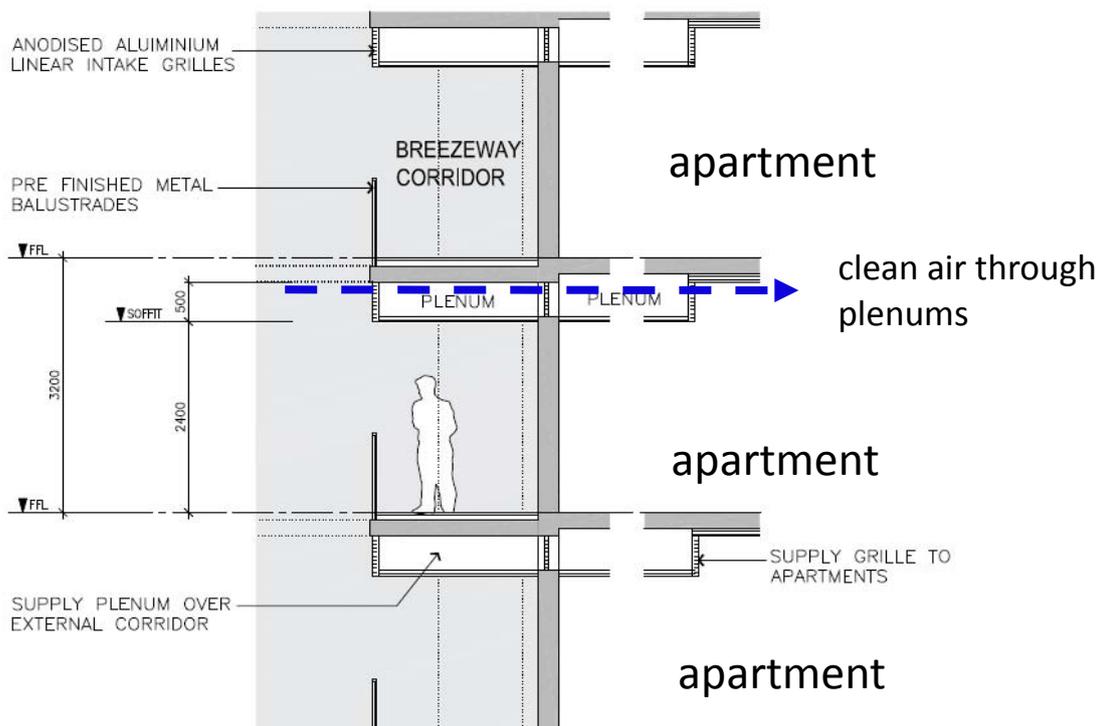


Figure 3: diagrammatic section showing cutaway details of plenums drawing clean air from the internal courtyard of the site into apartments (direction of air flow shown by blue arrow)

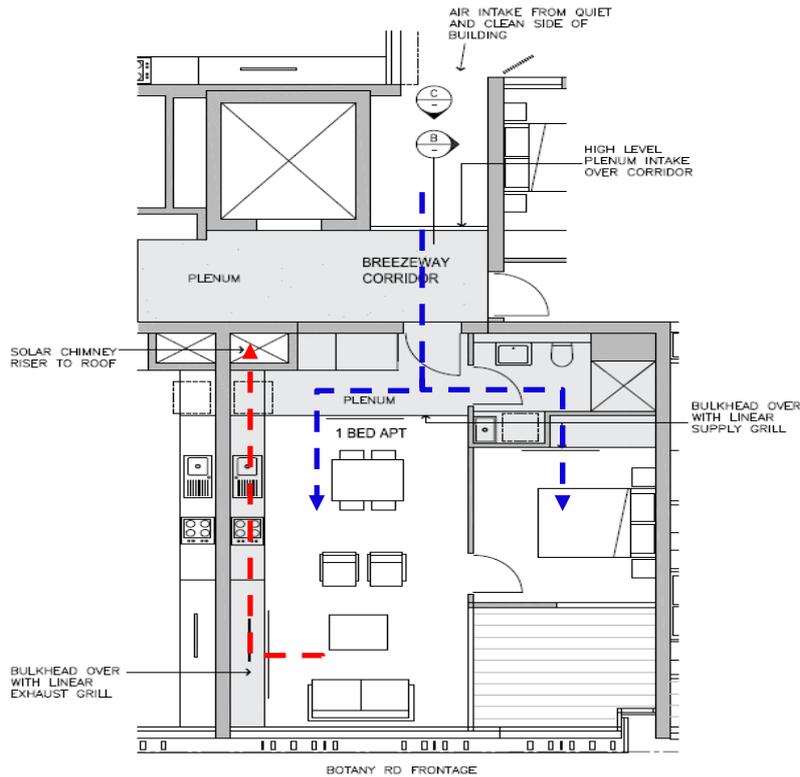


Figure 4: diagrammatic floor for a typical apartment facing Botany Road. The plan shows the direction of clean air being carried from internal courtyards, through plenums and into apartments (blue arrows). Air is then extracted through solar chimneys to the roof (red arrow)

ADG compliance – solar access

Design Criteria 3 of Part 4A-1 of the ADG specifies a maximum of 15% of apartments in a building may receive no direct sunlight between 9am and 3pm at midwinter, whereas 11 apartments (17%) are adversely affected. The non-compliance consists of a quantum of 1 apartment within a scheme of 63 apartments.

A review of the submitted plans has been undertaken to ascertain whether amendments can be made to plans in order to further increase solar access. It is considered that it is not possible to further increase solar access to affected apartments. Notwithstanding, the proposal is considered to be consistent with objective 4A-1 of the ADG which is *to optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space*. Reasons for this are as follows:

- the original proposal complied with the ADG provisions in relation to solar access. It is only the conversion during the course of assessment of what were originally ground floor apartments facing Botany Road to commercial premises that has resulted in the non-compliance with the ADG provisions, that is, the apartment at the south-eastern corner of the site originally had good solar access from Botany Road, whereas this is now prevented by the commercial tenancy;
- the affected apartments are located primarily at the southern end of the development. The internal amenity of these apartments is acceptable, as they are dual aspect apartments with sufficient natural light being provided to living areas facing west; and

- ground floor apartment G.03, which is at the north-eastern corner of the site, receives adequate natural light (particularly in the afternoons), given its westerly aspect.

Soil depth and the provision of additional street trees

The existing Botany Road frontage consists of a wide footpath and road reserve. Following the Planning and Development Committee meeting, Council's Tree Management Officer has advised that additional street trees should be provided at the Botany Road frontage of the site.

It is recommended that a new Condition numbered (11A) be included in the conditions of consent, requiring the provision of additional street trees at Botany Road. Condition (11A)(b)(i) is recommended to require street trees to be planted so that their trunks are 'offset'. This will maximise the width of their canopies once mature (see Figure 5 below).

It should be noted that Council's Tree Management Officer does not support the installation of a 'double row' of street trees along Botany Road. This is because the species identified for the site by the Street Tree Master Plan have wide canopies:

- Brush Box – 20 metre height, 12 metres canopy spread; and
- Golden Robinia – 12 metres height, 9 metre canopy spread.

If planted in a double row, street trees would be forced to compete with one another, resulting in deformed canopies (hence the recommendation above for 'offset' street tree planting intended to maximise canopy spread).

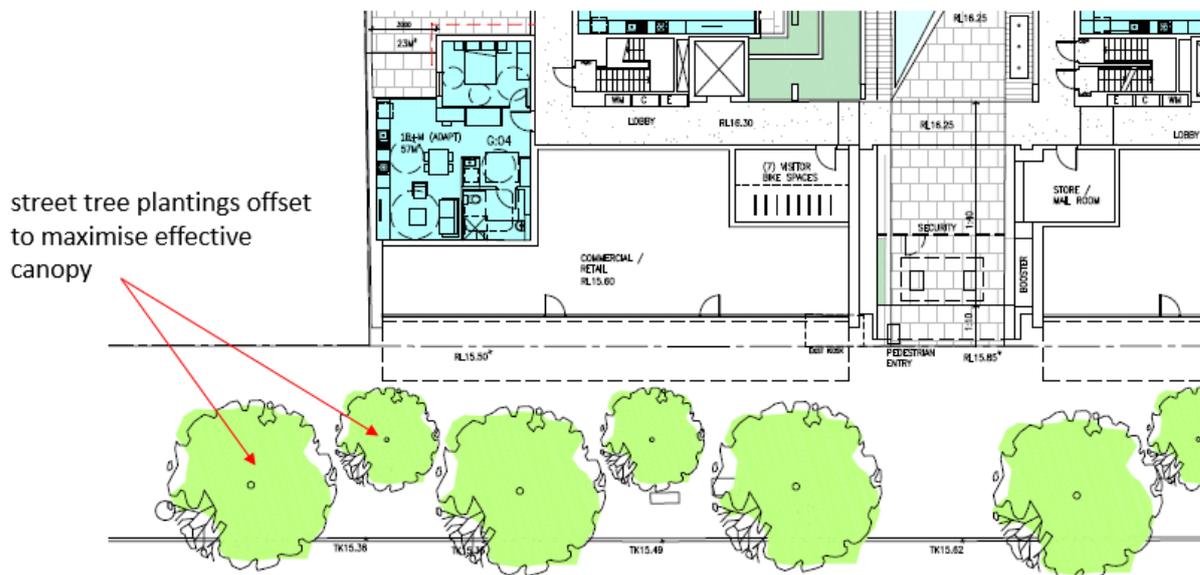


Figure 5: extract from submitted plan DA04 showing 'offset' planting to maximise canopy spread

Power Lines – observation

It is noted that there are no existing powerlines at the Botany Road frontage of the site and that no powerlines are proposed as part of the proposal. Power is to be provided to the development via a 'kiosk' substation located at the rear (north-western) corner of the site, with power supply being underground.

Use of the right of way/traffic impacts

Council's transport and access specialists have advised that the proposal to use the existing right of way for vehicular access to the site is supported. Justification for this is that vehicle access is unsuitable from Botany Road, due to it being a classified road, that Wyndham Lane is not sufficiently wide to accommodate vehicles, including waste trucks, and that the site boundary at Wyndham Lane is not wide enough to serve as an effective entry point to the site.

The applicant has provided a traffic report that demonstrates the proposal will generate fewer vehicle movements per day than the existing commercial uses of the existing sites. It is also noted that waste trucks already use the right of way to access other sites to the south.

Notwithstanding, suitable conditions of consent are recommended in relation to the right of way. A dilapidation report of the right of way must be undertaken prior to the commencement of site works and an existing vehicular crossover at Henderson Road must be upgraded by the applicant, prior to the issue of an occupation certificate.

Privacy impacts on neighbouring backyard and pool

Whilst balconies for apartments facing the northern boundary will overlook the existing communal open space within the neighbouring residential flat building at 62-72 Botany Road, the proposal is considered acceptable for the following reasons:

- plans have been amended during the course of assessment to increase the setback for north-facing balconies to the northern boundary. The setback has been increased from 10 to 12m, which exceeds the minimum visual privacy Design Criteria for side boundary setbacks specified by Part 3F-1 of the ADG (9m);
- the existing communal open space within the neighbouring residential flat building is already overlooked by numerous apartments located within that development. As such, privacy to the pool area is already compromised; and
- proposed trees within the northern setback of the subject site will be planted within deep soil (no basement underneath) that will further mitigate privacy impacts once established.

Prepared by: Adrian McKeown, Planner

TRIM Document Number: 2016/604322

Attachments

Attachment A - Natural Cross Ventilation diagrams

Attachment B - Amended plans

Approved

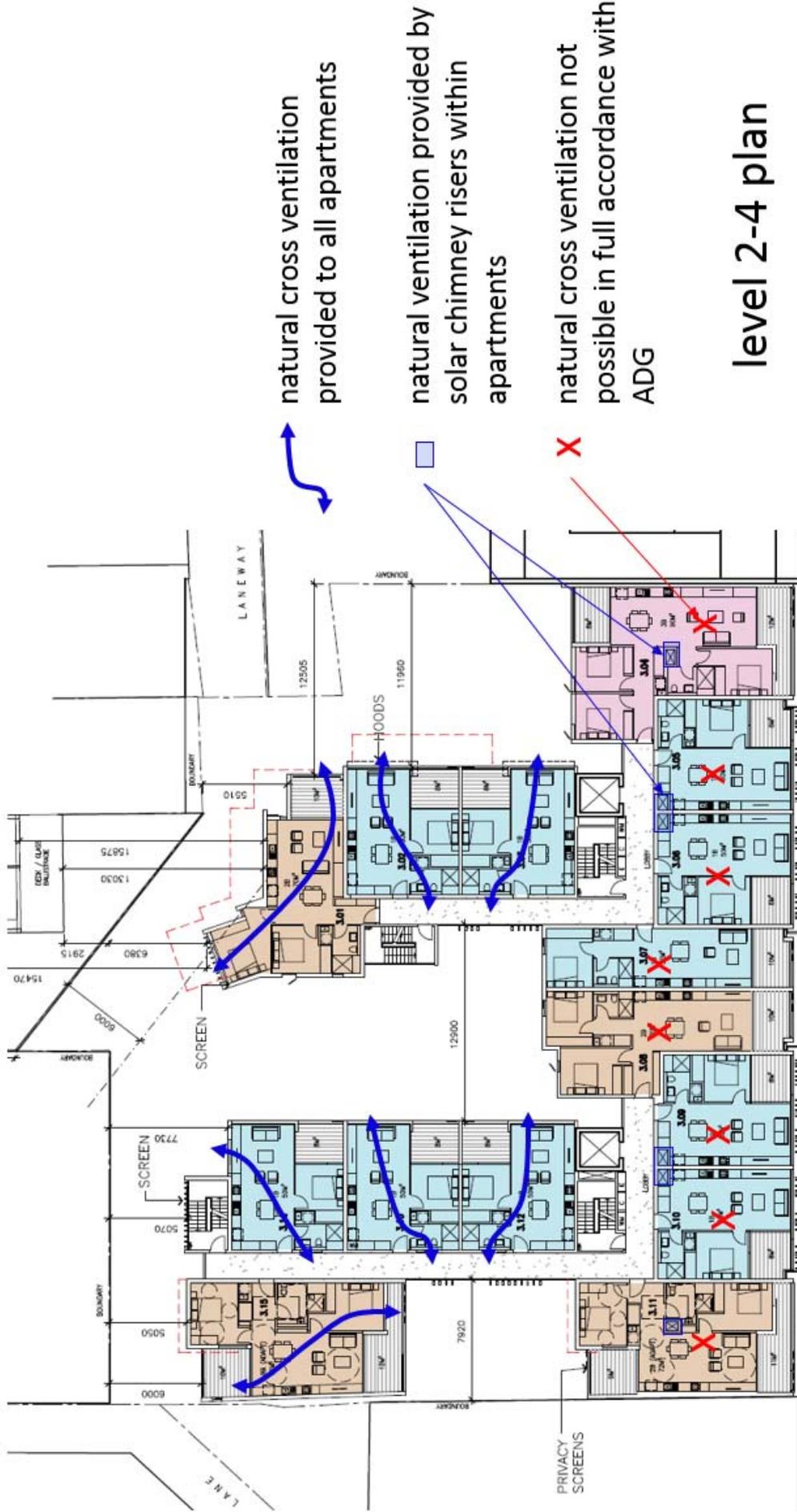
A handwritten signature in black ink, appearing to read 'G. Jahn', written over a thin horizontal line.

**Graham Jahn, Director City Planning,
Development and Transport**

ATTACHMENT A

**NATURAL CROSS VENTILATION
DIAGRAMS**

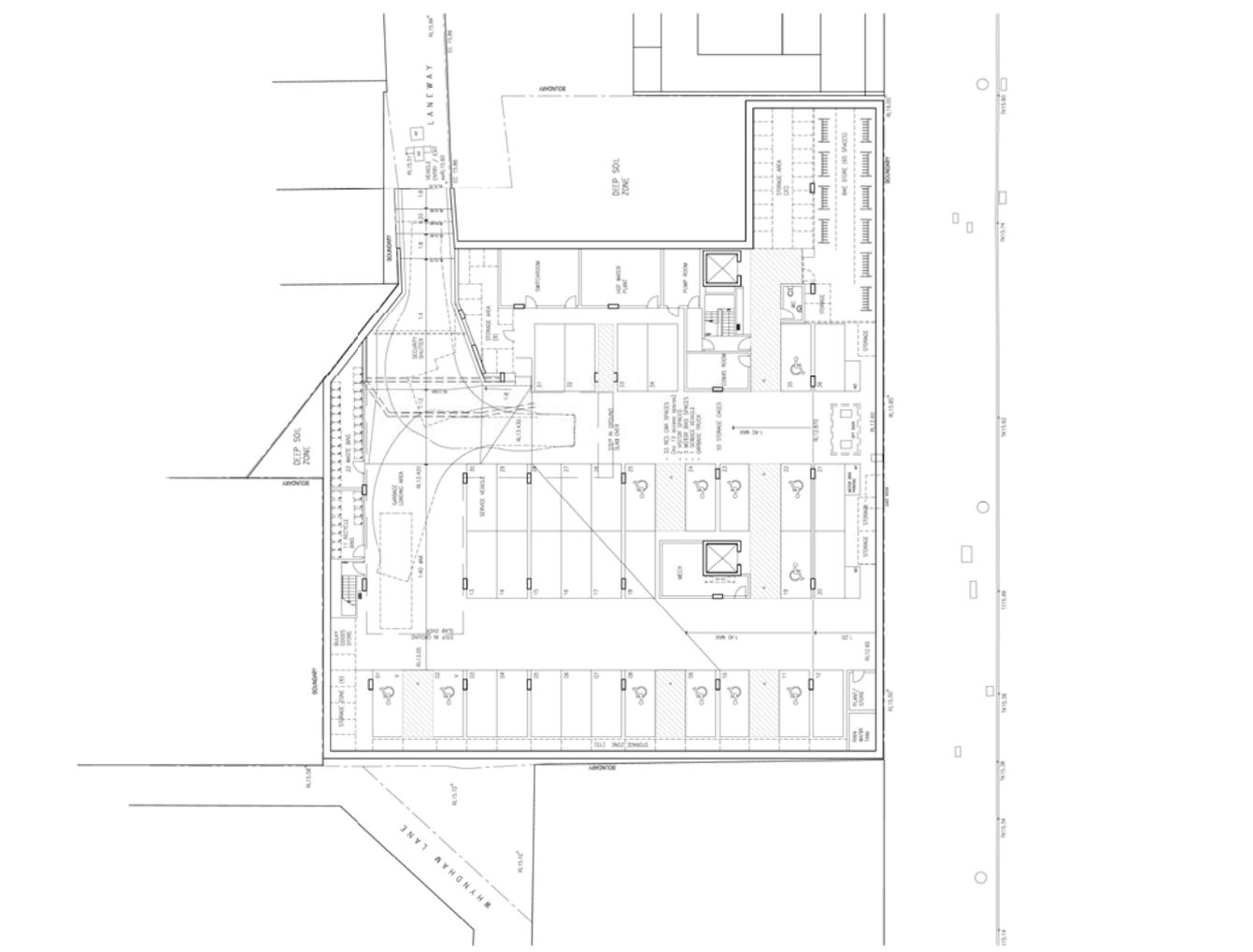
74-88 BOTANY ROAD ALEXANDRIA



ATTACHMENT B

AMENDED PLANS

74-88 BOTANY ROAD ALEXANDRIA



GROUND

- COMMON LANDSCAPE
- PRIVATE LANDSCAPE
- 1 BED APT
- 2 BED APT
- 3 BED APT
- BUILDING REDUCTION

LEVEL B1



LEVEL 02

LEVEL 01

- 1 BED APT
- 2 BED APT
- 3 BED APT
- BUILDING REDUCTION

Project Number: Drawing Number:
6502 **DA05.**
 Issue & Date: **16 Nov 2016**

Drawing:
LEVEL 01 & 02



Project:
Botany Road, Alexandria
RESIDENTIAL DEVELOPMENT



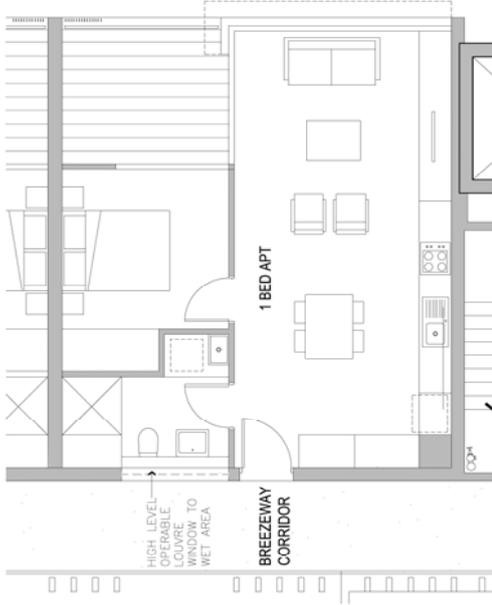


LOFT



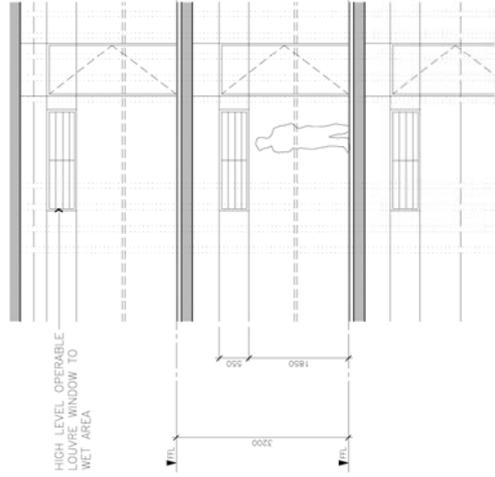
ROOF

1 BED APT
 2 BED APT
 3 BED APT
 BUILDING REDUCTION

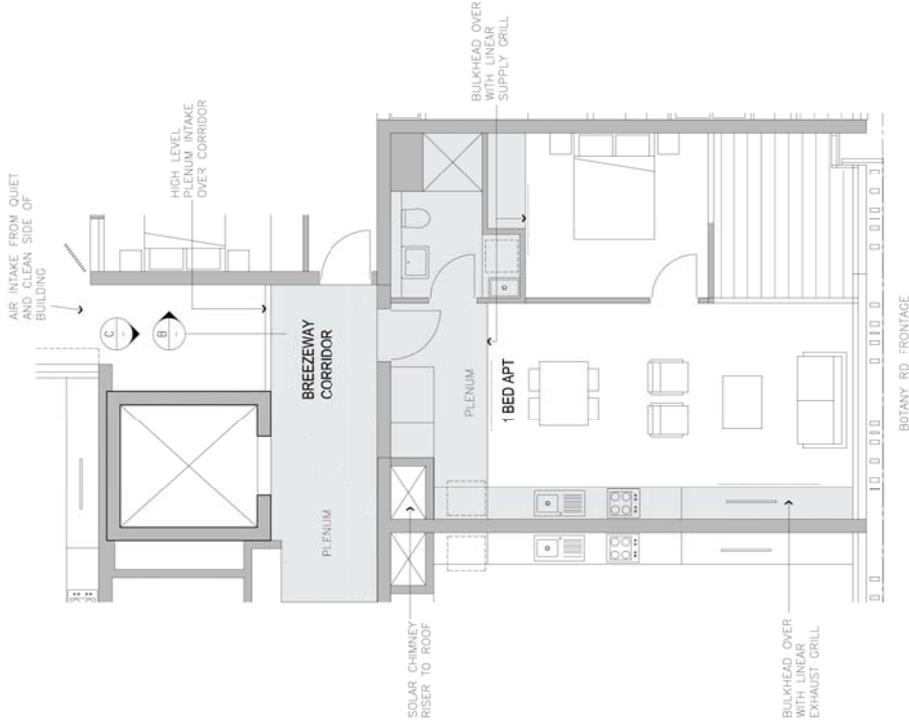


FLOOR PLAN

HIGH LEVEL OPERABLE LOUVRE WINDOW TO APARTMENTS:
 1-01, 1-02, 1-03, 1-12, 1-13, 1-14,
 2-02, 2-03, 2-12, 2-13, 2-14,
 3-02, 3-03, 3-12, 3-13, 3-14,
 4-02, 4-03

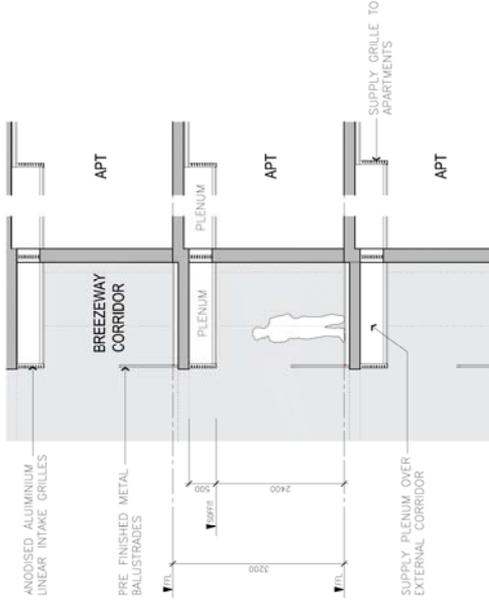


ELEVATION A

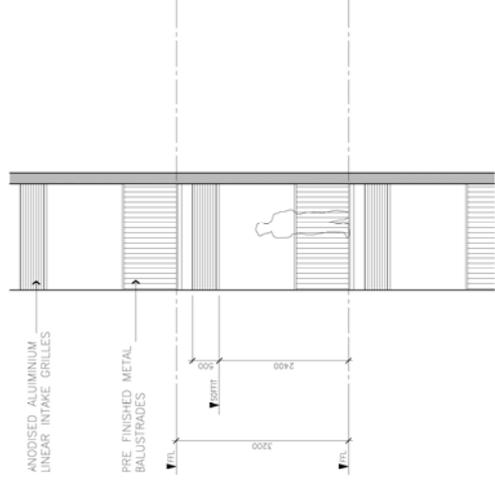


FLOOR PLAN

VENTILATION / SOLAR CHIMNEY TO APARTMENTS:
 1-09, 1-10, 1-11,
 2-04, 2-05, 2-06, 2-09, 2-10, 2-11,
 3-04, 3-05, 3-06, 3-09, 3-10, 3-11,
 4-04, 4-05, 4-06, 4-07



SECTION B



ELEVATION C