

Item 6.**Development Application: 11-15 Ralph Street, Alexandria**

File No.: D/2017/839

Summary

Date of Submission: 28 June 2017, amended 13 October 2017 and 8 December 2017

Applicant: Lenland Alexandria Pty Ltd

Architect: Architecture Saville Isaacs Pty Ltd

Developer: Lenland Alexandria Pty Ltd

Owner: The Owners - Strata Plan No 42876

Cost of Works: \$18,880,000

Proposal Summary: Integrated development application for the demolition of existing buildings, site remediation, excavation and construction of a six storey residential apartment building with one basement level. The proposal comprises 61 dwellings and basement parking for 61 vehicles accessed via Beaconsfield Lane.

The application is referred to the Local Planning Panel for determination as the proposal is subject to the State Environmental Planning Policy No 65—Design Quality of Residential Flat Development and a Voluntary Planning Agreement (VPA) accompanies the application.

The preliminary assessment of the application, including consideration of the proposal by the City's Design Advisory Panel, identified issues relating to the building form and setbacks, separation, public domain interface and solar access, visual and acoustic privacy and ventilation amenity issues.

The proposal has been amended during the assessment of the application to address concerns raised in the preliminary assessment. Amendments to the development application were submitted to Council on 13 October 2017 and 8 December 2017.

Proposal Summary:
(continued)

The application was originally advertised and notified for a period of 30 days from 5 July 2017 to 5 August 2017. The amended scheme was re-notified for a period of 14 days from 17 January 2018 to 1 February 2018. In response to both periods, a total of four submissions were received. Issues raised in submissions relate to impacts relating to excavation, contamination, access to public transport and public open space, traffic and parking, privacy, proximity to underground service station petrol tanks and safety.

The proposal exceeds the maximum 2:1 Floor Space Ratio (FSR) development standard pursuant to Clause 4.4 of the Sydney Local Environmental Plan 2012 (SLEP 2012) by 1%, or 51.3 square metres. A written request has been provided with the application which seeks a variation to the FSR development standard in accordance with Clause 4.6 of the SLEP 2012.

A public benefit offer accompanies the application and relates to the dedication of 67 square metres of land along the site frontage to Beaconsfield Lane for footpath widening. A draft Voluntary Planning Agreement (VPA) has been prepared and has been exhibited for a 28 day period between 5 April 2018 and 4 May 2018. The development does not receive any additional floor space or height as a result of the offer.

The proposal is Integrated Development, as it comprises an aquifer interference activity that is likely to intercept groundwater, and requires approval under the Water Management Act 2000. General Terms of Approval have been provided by Water NSW.

As a result of the design modifications made to the scheme throughout the assessment of the application, the proposal is considered to be a good response to the conditions of the site and locality. The amended proposal is generally compliant with relevant planning controls, and results in a built form that achieves the desired future character of the area.

The application is recommended for an approval, subject to the imposition of deferred commencement conditions requiring the execution and registration of the VPA, the submission of further technical details on ventilation design and a range of other design modifications.

Summary Recommendation:

The development application is recommended for deferred commencement approval, subject to conditions.

Development Controls:

- (i) Environmental Planning and Assessment Act 1979
- (ii) Environmental Planning and Assessment Regulation 2000
- (iii) Water Management Act 2000
- (iv) Airport Act 1996
- (v) Sydney Local Environmental Plan 2012 (SLEP 2012)
- (vi) Sydney Development Control Plan 2012 (SDCP 2012)
- (vii) State Environmental Planning Policy No 55—Remediation of Land (SEPP 55)
- (viii) State Environmental Planning Policy No 65—Design Quality of Residential Flat Development (SEPP 65)
- (ix) Apartment Design Guide (ADG)
- (x) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX)
- (xi) State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure)
- (xii) City of Sydney Development Contributions Plan 2015

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Photomontages
- D. Landscape Drawings

Recommendation

It is resolved that:

- (A) The variation sought to Clause 4.4 'Floor space ratio' in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be supported in this instance; and
- (B) Pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2017/839 subject to the conditions set out in Attachment A to this report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The proposed development is consistent with Section 4.15 of the Environmental Planning and Assessment Act 1979, in that, subject to the design amendments and the imposition of appropriate conditions as recommended, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Local Planning Panel.
- (B) The proposed development has a height, built form and design which is suitable for the condition of the site and its context, satisfactorily addresses the heights and setbacks of neighbouring developments, is appropriate within the streetscape and broader locality and, subject to the recommended conditions, will ensure that design excellence is met in accordance with Clause 6.21 of the Sydney Local Environmental Plan 2012, and that good quality materials and facade detailing is achieved.
- (C) The proposed development is generally consistent with the provisions of the Apartment Design Guide (ADG) in that subject to the recommended plenum design and design modification conditions, it will achieve high amenity for the future residents of the building with regard to communal open space, solar access, natural ventilation, private open space and privacy.
- (D) The public interest is served by the deferred commencement approval of the proposal, as amendments to the development application have addressed the matters raised by the community, subject to compliance with the conditions imposed relating to excavation, contamination, acoustic and visual privacy, transport and parking and development contributions for public open space provision.

Background

The Site and Surrounding Development

1. The site has a legal description of Lot 1 DP 80918 and Lots 1-3 SP 42876 and is commonly known as 11-15 Ralph Street, Alexandria.
2. The site is approximately rectangular in shape, with an area of 2415 square metres. It has a 56.49 metre street frontage to Ralph Street to the west and a 56.35 metre laneway frontage to Beaconsfield Lane to the east. The site is located midblock between the intersection of Beaconsfield Street with Ralph Street to the north and the intersection of Shirley Street with Ralph Street to the south.
3. The site contains existing two storey warehouse buildings, comprising three units with internal mezzanine levels and vehicle and pedestrian access to Ralph Street and Beaconsfield Lane. Figures 2 to 5, inclusive, illustrate the existing built form on the site.
4. The adjoining sites to the north and south of the site are occupied by one and two storey industrial and warehouse buildings at 5-9 Ralph Street (refer to Figures 6 and 15, below) and 17 Ralph Street (refer to Figures 10 and 11, below), respectively.
5. On the opposite side of Ralph Street, to the west and south-west, is the Australia Post Business Hub and Distribution Centre at 10-24 Ralph Street (refer to Figure 9).
6. On the opposite side of Ralph Street, to the north-west, are two storey commercial buildings at 6 and 8 Ralph Street (refer to Figures 7 and 8).
7. To the north-east of the site, on the opposite side of Beaconsfield Lane, is a three storey commercial building at 560 Botany Road (refer to Figure 14).
8. To the east of the site, on the opposite side of Beaconsfield Lane, is a Shell service station at 562-572 Botany Road (refer to Figure 13).
9. To the south-east of the site, on the opposite side of Beaconsfield Lane, is four storey mixed use development comprising sixteen residential apartments and two ground floor shops at 574 Botany Road (refer to Figure 12).
10. The site is not identified as being a heritage item or located within a heritage conservation area.



Figure 1: Aerial image of subject site and surrounding area.



Figure 2: Site viewed from Ralph Street looking south-east.



Figure 3: Site viewed from Ralph Street looking north-east.



Figure 4: Site viewed from Beaconsfield Lane looking north-west.



Figure 5: Site viewed from Beaconsfield Lane looking south-west.

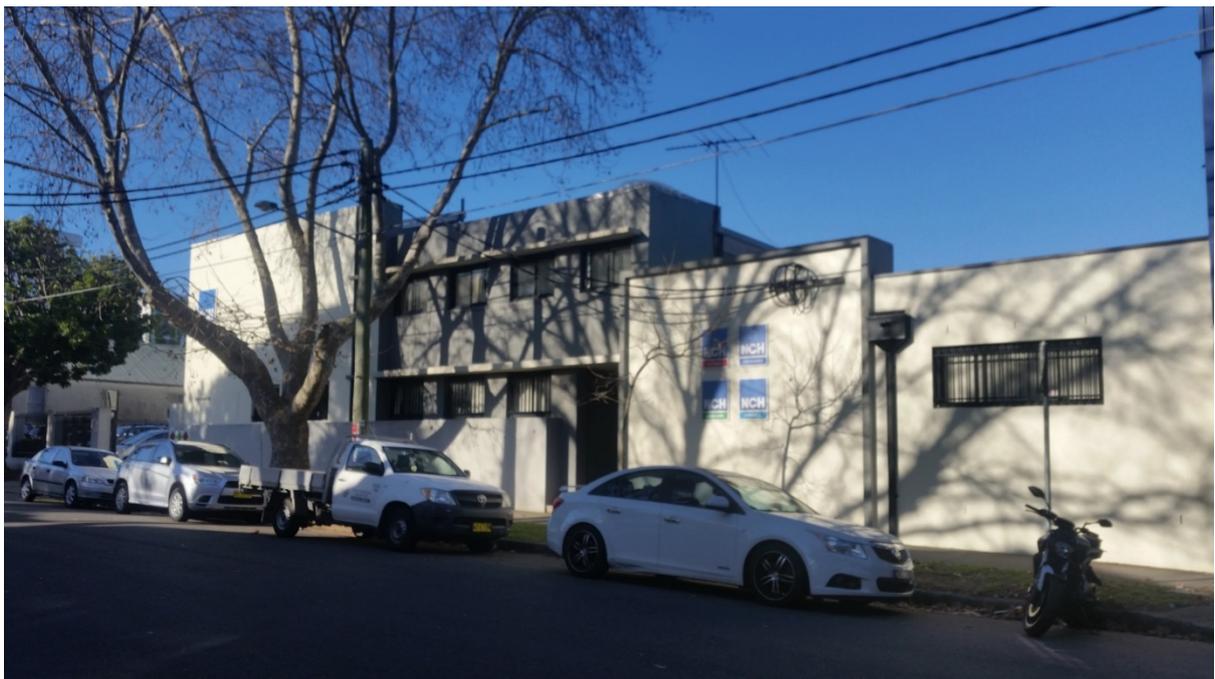


Figure 6: Development at 5-9 Ralph Street to the north of the site.



Figure 7: Development at 6 Ralph Street to the north-west of the site.



Figure 8: Development at 6 Ralph Street to the north-west of the site.



Figure 9: Development at 10-24 Ralph Street to the west and south-west of the site.



Figure 10: Development at 17 and 19 Ralph Street to the south of the site.



Figure 11: Development at 17 and 19 Ralph Street viewed from Beaconsfield Lane.



Figure 12: Development at 574 Botany Road viewed from Beaconsfield Lane.



Figure 13: Development at 562-572 Botany Road viewed from Beaconsfield Lane.



Figure 14: Development at 560 Botany Road viewed from Beaconsfield Lane.



Figure 15: Development at 5-9 Ralph Street viewed from Beaconsfield Lane.

Proposal

11. The application seeks consent for the demolition of all existing buildings, site remediation and excavation to a depth of between 2.5 to 3.25 metres in depth and construction of a six storey residential flat building consisting of:
 - (a) Basement Level
 - (i) Parking for 61 cars and five motorcycles
 - (ii) Bicycle storage for 63 bikes
 - (iii) Storage cages
 - (b) Ground Floor
 - (i) Two residential entry lobbies to Ralph Street
 - (ii) 15 residential apartments (9 x 1 bed and 6 x 3 bed)
 - (iii) Two pedestrian entries and vehicle access ramp to Beaconsfield Lane
 - (iv) Communal open space
 - (c) Levels 1 - 5
 - (i) 46 residential apartments (14 x 1 bed and 32 x 2 bed)
 - (ii) Roof top communal gardens and common open space at Level 4

12. The development application is accompanied by a public benefit offer for the dedication of a 1.2 metre wide strip of land along the Beaconsfield Lane frontage of the site for the purpose of footpath widening.
13. Photomontages and a perspective drawing of the proposed development are provided below at Figures 16 to 18 inclusive, and selected architectural drawings and landscape drawings are provided at Attachment B and Attachment D, respectively.



Figure 16: Photomontage of the proposal as viewed from the western side of Ralph Street.



Figure 17: Photomontage of the proposal as viewed from the eastern side of Beaconsfield Lane.



Figure 18: Perspective drawing of the proposal as viewed from the western side of Ralph Street.

History Relevant to the Development Application

Relevant Development Applications

14. Development consent D/2016/198 was granted by Council on 27 March 2017 for the demolition of the warehouse on the adjoining site at 17 Ralph Street and for the construction of a six storey residential flat building, comprising 25 apartments and two levels of basement parking.

Pre-Development Application

15. A request for pre-Development Application advice was made to Council on 5 August 2016 and a meeting was held on 15 September 2016. An advice letter was issued to the applicant's planning consultant on 19 October 2016.
16. The meeting and letter raised a number of matters of concern with the proposal, including those relating to car parking proposed at the ground level, front setbacks, public domain interface, building expression and design excellence, communal and private open spaces, visual privacy and vehicle access.

Current Development Application

17. The development application was lodged on 28 June 2017.
18. The preliminary assessment raised a number of issues relating to the calculation of Floor Space Ratio, setbacks and building form, materials and finishes, public domain interface, privacy and building separation, solar access, noise, natural ventilation, apartment configuration, contamination and parking facilities.

19. The development application was presented to the City's Design Advisory Panel (DAF) on 17 August 2017.
20. The proposal was amended during the course of assessment to address issues raised by Council staff and the City's Design Advisory Panel, mostly to address compliance with the Apartment Design Guide, design and amenity issues.
21. The assessment provided below is based on the most recent set of amended drawings submitted to the City on 8 December 2017.

Economic/Social/Environmental Impacts

22. The application has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979, including consideration of the following matters:
 - (a) Integrated Development - Section 4.46 Environmental Planning and Assessment Act, 1979

Water Management Act 2000

23. The application was referred to the NSW Office of Water on 28 June 2017 as the proposal involves development that comprises Integrated Development under Section 4.46 of the Environmental Planning and Assessment Act 1979.
24. The groundwater table will be intercepted as a result of excavation for the proposed basement car parking level. The dewatering proposed during the excavation of the site is considered to be an aquifer interference activity. An authorisation to intercept or extract groundwater is therefore required under the relevant provisions of the Water Management Act 2000.
25. Water NSW has provided General Terms of Approval (GTA) for the proposed aquifer interference activity on 22 March 2018. These have been included in Schedule 3 of the recommended conditions as General Terms of Approval.
 - (b) Environmental Planning Instruments and Development Control Plans

State Environmental Planning Policy No 55—Remediation of Land (SEPP 55)

26. The aim of SEPP 55 is to ensure that a change of land use will not increase the risk to human health, particularly in circumstances where a more sensitive land use is proposed.
27. A Remediation Action Plan (RAP) and an interim letter of advice from an accredited site auditor have been submitted with the development application. The remediation strategy involves the excavation and off-site disposal of contaminated soil and site validation. The accredited site auditor has provided an opinion that the RAP is practicable and that the land can be made suitable for the use, if implemented subject to the recommended conditions.
28. The City's Health and Building Unit is satisfied that subject to the recommended conditions, the site can be made suitable for the proposed residential use.
29. It is therefore considered that the site can be made suitable for residential use, subject to conditions relating to the implementation of the RAP and the imposition of appropriate conditions.

State Environmental Planning Policy No 65—Design Quality of Residential Flat Development (SEPP 65)

30. SEPP 65 provides that in determining an application for a residential flat development of three or more floors and containing four or more apartments, the consent authority take into consideration a number of matters relating to design quality, including 9 design quality principles being:

(a) **Principle 1: Context and Neighbourhood Character**

- (i) The character of development on Ralph Street has changed over time as historical warehouse and industrial uses are being replaced by residential and mixed use buildings.

The proposal for the redevelopment of the site for a residential flat building is considered to be appropriate within the context of the site and the desired future character of the area.

(b) **Principle 2: Built Form and Scale**

- (i) The proposed built form and scale of the proposed development is considered appropriate for the site and the surrounding area.

(c) **Principle 3: Density**

- (i) Despite the minor departure to the floor space ratio control applicable to the site, the proposed density responds well to the existing and future context of the area, and does not result in any unreasonable impacts on existing or future adjoining development.

Refer to the further discussion and assessment provided below in the **Issues** section of this report.

(d) **Principle 4: Sustainability**

- (i) The proposal is compliant with the requirements of SEPP BASIX and appropriate conditions are recommended to ensure the development complies with those requirements.

The design achieves the principles of ecologically sustainable development, incorporating passive solar design, thermal massing, and achieves natural cross ventilation to a satisfactory number of apartments within the proposed development.

(e) **Principle 5: Landscape**

- (i) The proposal includes areas of landscaped deep soil zone, landscaped private open space and landscaped communal open space at the ground floor level and landscaped communal open spaces at the roof top level.

These areas provide for a variety of recreational uses, incorporate fixed seating and amenities including BBQs, shade structures and gardens, achieve equitable access and provide an opportunity for the planting of a large feature tree.

A condition is recommended to require the landscape drawings to be updated to be consistent with the amended architectural drawings, make provision for a feature tree planting and additional landscape privacy treatments to communal areas proximate to residential apartments.

(f) **Principle 6: Amenity**

- (i) An acceptable level of amenity is provided for the future occupants of the proposed development, which provides a suitable range of dwelling sizes and practical room dimensions and configurations, storage space, and indoor and outdoor space.

Compliance with the relevant objectives, design criteria, design guidance and controls in the Apartment Design Guide (ADG) and Sydney Development Control Plan 2012 (SDCP 2012) are detailed in the tables below.

(g) **Principle 7: Safety**

- (i) The safety and security of the public domain is enhanced by increased activity on the site and casual surveillance provided from the ground floor residential apartments and entry points to the site.

(h) **Principle 8: Housing Diversity and Social Interaction**

- (i) The proposal includes an appropriate mix of 1 bedroom (38%), 2 bedroom (52%) and 3 bedroom (10%) dwellings which complies with the dwelling mix provisions within Section 4.2 of the SDCP 2012.

The proposal lacks sufficient internal communal spaces to satisfy the requirement for providing opportunities for social interaction between residents. A condition has been recommended to delete a ground floor level apartment and provide for additional communal space, including space for a communal room, music practice room, and storage for the adjacent common open space area.

It considered that the development responds positively to the housing needs of the local community, subject to the recommended conditions.

(i) **Principle 9: Aesthetics**

- (i) The proposed development provides a contemporary building form which is compatible with the desired future character of the area. The proposal provides a high quality and visually attractive building, with good articulation and a varied palette of materials and finishes, resulting in a well composed architectural scheme.

31. The development is considered generally acceptable when assessed against the above stated principles and SEPP 65 generally, which are replicated in large part within Council's planning controls.

32. A design verification statement prepared by Steven Isaacs (NSW Registered Architect 7929) accompanied the development application, verifying that he has directed the design of the project and certifying that the proposed development satisfies the design principles set out in Schedule 1 of SEPP 65.

Apartment Design Guide

33. Clause 28 of SEPP 65 requires consideration of the ADG, which provides additional detail and guidance for applying the design quality principles outlined in SEPP 65 to residential apartment developments.
34. Compliance with the guidelines within the ADG is addressed in the table below, wherever relevant to the proposal, and as amended by the recommended design modification conditions which serve to reduce the number of apartments by one dwelling.
35. Further discussion and assessment is provided in the Issues section of this assessment report in relation to specific areas of non-compliance, where necessary.

2E Building Depth	Compliance	Comment
12-18m (glass to glass)	Yes	The building depth is approximately 13.5 metres, which results in an acceptable amenity outcome.

2F Building Separation	Compliance	Comment
<p>Up to four storeys (approximately 12 metres):</p> <ul style="list-style-type: none"> • 12m between habitable rooms / balconies • 9m between habitable and non-habitable rooms • 6m between non-habitable rooms <p>Five to eight storeys (approximately 25 metres):</p> <ul style="list-style-type: none"> • 18m between habitable rooms / balconies • 12m between habitable and non-habitable rooms • 9m between non-habitable rooms 	Yes	The proposal provides generally acceptable building separation between the subject and adjoining sites and between building elements within the site.

3B Orientation	Compliance	Comment
<p>Overshadowing of neighbouring properties is minimised during mid-winter:</p> <ul style="list-style-type: none"> • Living areas, private open space and communal open space should receive solar access in accordance with 3D and 4A • Where an adjoining property does not receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20% 	<p>Acceptable, subject to conditions</p>	<p>Documentation submitted with the application demonstrates that the solar access impacts to the existing residential component of the development at 574 Botany Road and the rooftop communal open space of the approved development at 17 Ralph Street complies with the design guidance in 3B-2.</p> <p>Compliant solar access is also maintained to the living rooms and private open space of apartments within the approved residential development at 17 Ralph Street, with the exception of the private open space to one apartment.</p> <p>Refer to the further discussion and assessment provided below in the Issues section of this report.</p>

3D Communal and Public Open Space	Compliance	Comment
<p>Communal open space has a minimum area equal to 25% of the site.</p>	<p>Yes</p>	<p>The proposal provides approximately 28% (679 square metres) of the site area as ground floor and rooftop level communal open space.</p> <p>Concern is raised in terms of privacy and the interface between apartments and communal areas at the ground floor and Level 4.</p> <p>Refer to the further discussion and assessment provided below in the Issues section of this report</p>
<p>Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of two hours between 9am and 3pm on 21 June (midwinter).</p>	<p>Yes</p>	<p>The documentation submitted demonstrates that the communal open space will receive a minimum of two hours direct sunlight to 50% of the principal usable parts of the communal open spaces between 9am and 3pm at midwinter.</p>

3E Deep Soil Zones	Compliance	Comment
Deep soil zones are to have a minimum area equivalent to 7% of the site and have a minimum dimension of 6 metres.	Yes	<p>The proposal includes a consolidated deep soil zone at the rear of the site comprising approximately 10.5% of the site area.</p> <p>This area has minimum dimensions exceeding six metres in width and length.</p>

Separation between windows and balconies is required to ensure visual privacy is achieved. Minimum separation distances from buildings to the side and rear boundaries are outlined below.

3F Visual Privacy	Compliance	Comment
<p>Up to four storeys (12 metres):</p> <ul style="list-style-type: none"> • 6m between habitable rooms / balconies • 3m between non-habitable rooms <p>Five to eight storeys (25 metres):</p> <ul style="list-style-type: none"> • 9m between habitable rooms / balconies • 4.5m between non-habitable rooms 	Acceptable, subject to conditions	<p>The proposal provides generally acceptable visual privacy measures with regard to the adjoining sites and between building elements within the site.</p> <p>Appropriate design modifications have been recommended to improve privacy between the ground floor and rooftop communal open spaces and the ground floor apartments and those at Level 4.</p> <p>Refer to the further discussion and assessment provided below in the Issues section of this report</p>
Bedrooms, living spaces and other habitable rooms should be separated from gallery access and other open circulation space by the apartment's service areas.	Yes	The bedrooms and living spaces have been designed with no windows into gallery spaces.

4A Solar and Daylight Access	Compliance	Comment
70% of units to receive a minimum of two hours of direct sunlight in midwinter to living rooms and private open spaces.	Yes	73% (44 of 60) of apartments receive a minimum of two hours of direct sunlight in midwinter to living rooms and private open spaces.

4A Solar and Daylight Access	Compliance	Comment
Maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at midwinter.	Yes	All apartments within the proposed development receive direct sunlight.

4B Natural Ventilation	Compliance	Comment
All habitable rooms are naturally ventilated.	Acceptable, subject to conditions	<p>All habitable windows are provided with windows capable of providing adequate natural ventilation.</p> <p>As discussed below in relation to Objective 4J-1, the bedrooms to each apartment are affected by external noise.</p> <p>The acoustic assessment submitted with the application concludes that internal noise levels within apartment bedrooms can only be met with an alternative form of ventilation and acoustic attenuation treatment.</p> <p>Refer to the further discussion and assessment provided below in the Issues section of this report.</p>
Minimum 60% of apartments in the first nine (9) storeys of the building are naturally cross ventilated.	Yes	65% (39 of 60) of apartments are capable of achieving natural cross ventilation.
Overall depth of a cross-over or cross-through apartment does not exceed 18 metres, measured glass line to glass line.	Yes	The overall depth of the proposed cross-through apartments is approximately 13.5 metres.

Measured from finished floor level to finished ceiling level, minimum ceiling heights are as follows in the table below.

4C Ceiling Heights	Compliance	Comment
Habitable rooms: 2.7 metres	Yes	All apartments meet these requirements.

4C Ceiling Heights	Compliance	Comment
Non-habitable rooms: 2.4 metres	Yes	All apartments meet these requirements.
Two-storey apartments: 2.7m for main living area floor, 2.4m for second floor, where it does not exceed 50% of the apartment area.	Yes	All two storey loft apartments at the ground and first floor levels meet these requirements.
If located in mixed use areas – 3.3 metres for ground and first floor to promote future flexibility of use.	No, but acceptable.	<p>A floor to ceiling height of 3.3 metres has not been provided to apartments at the ground and first floor levels.</p> <p>This is considered to be acceptable as it results in an overall building height consistent with approved development on neighbouring and nearby sites, and addresses the flooding constraints.</p>

4D Apartment Size and Layout	Compliance	Comment
<p>Minimum unit sizes:</p> <ul style="list-style-type: none"> • 1 bed: 50 square metres • 2 bed: 70 square metres • 3 bed: 90 square metres <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.</p>	Yes	All apartments meet the minimum size requirements.
Every habitable room is to have a window in an external wall with a minimum glass area of 10% of the floor area of the room.	Yes	Windows are provided to all habitable rooms with minimum areas greater than 10% of the floor area of the room.
<p>Habitable room depths are to be no more than 2.5 metres x the ceiling height.</p> <p>8 metre maximum depth for open plan layouts.</p>	No, but acceptable.	The 3 bedroom loft apartments on the ground floor level addressing Ralph Street have a habitable room depth of approximately 8.35 metres.

4D Apartment Size and Layout	Compliance	Comment
		This is acceptable given that these apartments are provided with 3.1 metre floor to ceiling heights at the ground floor level and the exceedance is minor in scope at 0.35 metres.
<p>Minimum area for bedrooms (excluding wardrobes):</p> <ul style="list-style-type: none"> • master bedroom: 10 square metres • all other bedrooms: 9 square metres <p>Minimum dimension of any bedroom is 3 metres (excluding wardrobes).</p>	No, but acceptable.	<p>All apartments comply with the minimum bedroom size and the majority of bedrooms comply with the minimum dimension requirement.</p> <p>A number of the ground floor loft apartments (10 of 60) have a bedroom width slightly less (generally less than 100mm) than the requirement, however the layout, dimension and design of these apartments is considered acceptable to achieve residential amenity.</p>
<p>Living and living/dining rooms minimum widths:</p> <ul style="list-style-type: none"> • One-bedroom: 3.6 metres • Two-bedroom or more: 4 metres 	No, but acceptable.	<p>The majority of apartments comply with the minimum living/dining room width requirements.</p> <p>A number of apartments (12 of 60) have a living room width slightly less than the requirement (generally less than 100mm), however the layout, dimension and design of these apartments is considered acceptable to achieve residential amenity.</p>
<p>4 metre minimum width for cross over and cross through apartments.</p>	No	<p>The majority of cross through apartments within the development comply with the minimum width requirement.</p> <p>A number of cross through apartments (12 of 32) have a living room width slightly less than the requirement (generally less than 100mm), however the layout, dimension and design of these apartments is considered acceptable to achieve residential amenity.</p>

4E Private Open Space and Balconies	Compliance	Comment
<p>One bed apartments are to have a minimum balcony area of 8 square metres with a minimum depth of 2 metres.</p> <p>Two bed apartments are to have a minimum balcony area of 10 square metres with a minimum depth of 2 metres.</p> <p>Three bed apartments are to have a minimum balcony area of 12 square metres with a minimum depth of 2.4 metres.</p>	Yes	Each apartment is provided with private open space and balconies which comply with these requirements.
Private open space for apartments on ground level, on a podium, or similar, must have a minimum area of 15 square metres and a minimum depth of 3 metres.	Yes	Each ground level apartment is provided with areas of private open space which comply with these requirements.

4F Common Circulation and Spaces	Compliance	Comment
The maximum number of apartments off a circulation core on a single level is eight.	Yes	The proposal includes two lift cores, with a maximum of six apartments served by each circulation core.
Primary living room or bedroom windows should not open directly onto common circulation spaces, whether open or enclosed. Visual and acoustic privacy from common circulation spaces to any other rooms should be carefully controlled.	Yes	No primary living room or bedroom windows open directly onto common circulation spaces.
Daylight and natural ventilation are provided to all common circulation spaces.	Yes	Daylight and natural ventilation are provided to all common circulation spaces.

4G Storage	Compliance	Comment
<p>Minimum storage provision facilities:</p> <ul style="list-style-type: none"> • 1 bed: 6 cubic metres • 2 bed: 8 cubic metres • 3 bed: 10 cubic metres <p>(Minimum 50% storage area located within unit)</p>	Yes	Drawings submitted with the application demonstrate that the proposal complies.

4J Noise and Pollution	Compliance	Comment
<p>Have noise and pollution been adequately considered and addressed through careful siting and layout of buildings</p>	Yes	<p>The site is not located on a noisy road but the bedrooms to each apartment are affected by external noise.</p> <p>The acoustic assessment submitted with the application concludes that internal noise levels within apartment bedrooms can only be met with an alternative form of ventilation and acoustic attenuation treatment.</p> <p>Refer to the further discussion and assessment provided below in the Issues section of this report.</p>

State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure)

36. The relevant provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application and are summarised and addressed below.

Clause 45

37. The application is subject to Clause 45 (Subdivision 2 Development likely to affect an electricity transmission or distribution network) of the SEPP Infrastructure as the development involves the penetration of ground within two metres of an electricity distribution pole.
38. In accordance with the requirements of the Clause, the application was referred to Ausgrid, who provided a written response raising no objections to the proposal, subject to a number of conditions which have been included in the recommended conditions at Attachment A.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

39. A BASIX Certificate has been submitted with the development application.
40. The BASIX certificate lists measures to satisfy BASIX requirements which have been incorporated in the proposal.
41. Appropriate conditions are recommended to ensure that the measures detailed in the BASIX certificate are implemented.

Sydney Local Environmental Plan 2012 (SLEP 2012)

42. The site is located within the B4 Mixed Use zone. The proposed use is defined as residential flat building and is permissible with development consent.
43. The relevant matters to be considered under the SLEP 2012 for the proposed development are outlined below.

Compliance Tables

Development Control	Compliance	Comment
4.3 Height of Buildings	Yes	A maximum height of 22 metres is permitted. A height of 21.8 metres is proposed.
4.4 Floor Space Ratio (FSR)	No	A maximum FSR of 2:1 is permitted. An FSR of 2.02:1 is proposed.
4.6 Exceptions to development standards	Yes	The proposal seeks to vary the maximum FSR development standard prescribed under Clause 4.4. Refer to the further discussion and assessment provided below in the Issues section of this report.
5.10 Heritage conservation	Not applicable	The subject site is not identified as a heritage item and is not located within a heritage conservation area.

Part 6 Local Provisions - Height and Floor Space	Compliance	Comment
6.21 Design excellence	Yes	The proposal was amended during the course of assessment of the development application, in response to issues raised by the Design Advisory Panel and by Council staff.

Part 6 Local Provisions - Height and Floor Space	Compliance	Comment
		<p>The amendments to the proposal will ensure that the proposal will achieve an acceptable built form and a high standard of architectural design, internal amenity, materials and finishes and interface with the public domain.</p> <p>The development is therefore considered to exhibit design excellence.</p> <p>The site area, height of development and estimated cost of work do not trigger the requirement for a competitive design process for the proposed development.</p>

Part 7 Local Provisions - General	Compliance	Comment
7.5 Car parking ancillary to other development	Yes	<p>A maximum of 59 residential and visitor car parking spaces are permitted to the development, as amended by the recommended design modification conditions, including 50 residential spaces and 9 visitor spaces.</p> <p>A condition has been recommended to ensure that the proposal does not exceed compliance with these maximum requirements.</p>
7.13 Contribution for purpose of affordable housing	Not applicable	<p>The site is not located within the boundaries of either Green Square or the Southern Employment Lands, and as such, no affordable housing levy contribution is applicable.</p>
7.14 Acid Sulphate Soils	Yes	<p>The site is identified as containing class 5 Acid Sulphate Soils. Neither an Acid Sulphate Soil Management Plan nor Preliminary Assessment is required as a result.</p>
7.15 Flood planning	Yes	<p>The site is identified by Council as being flood prone and a site specific flood study was submitted with the application.</p>

Part 7 Local Provisions - General	Compliance	Comment
		<p>The floor levels have been set based on the recommendations of the flood study.</p> <p>The application was referred to the City's Public Domain Unit, who raised no objection subject to conditions.</p>
7.16 Airspace operations	Not applicable	The proposal will not penetrate the Obstacle Limitation Surface as shown on the Obstacle Limitation Surface Map for the Sydney Airport.

Sydney Development Control Plan 2012 (SDCP 2012)

44. The relevant matters to be considered under the SDCP 2012 for the proposed development are outlined below.

2.5.2 Locality Statements – Beaconsfield

The subject site is located in the Beaconsfield locality. The proposed residential flat building is considered to be in keeping with the unique character of the area and design principles in that it would result in a high quality built form in the southern area of the neighbourhood.

3. General Provisions	Compliance	Comment
3.1 Public Domain Elements	Yes	<p>The proposal will make a positive contribution to the public domain by providing a widened footpath area along the site frontage to Beaconsfield Lane.</p> <p>Refer to further discussion on the Voluntary Planning Agreement (VPA) in the Issues section of this report.</p>
3.2 Defining the Public Domain	Yes	<p>The proposal will generally enhance the public domain by providing appropriate interfaces with the street.</p> <p>These include individual apartment entries to Ralph Street and Beaconsfield Lane, landscape elements and multiple points of entry to shared circulation spaces from both frontages, including chair lifts providing equitable access to the development.</p>

3. General Provisions	Compliance	Comment
		The proposal will leave exposed blank walls to side boundaries. Appropriate conditions have been recommended to ensure that exposed blank walls to the side boundaries are designed with a visually interesting treatment of high quality design, in accordance with Section 3.2.2(3) of the SDCP 2012.
3.5 Urban Ecology	Yes	The proposal does not involve the removal of any trees and will not adversely impact on the local urban ecology.
3.6 Ecologically Sustainable Development (ESD)	Yes	The proposal satisfies BASIX and requirements relating to ESD principles in Section 3.6 of the SDCP 2012.
3.7 Water and Flood Management	Yes	<p>The proposal satisfies BASIX requirements in relation to water reuse, including the provision of a rainwater storage tank under the basement vehicle ramp.</p> <p>The site is identified as being on flood prone land and a site specific flood study accompanied the application. The proposed floor levels have been set based on the recommendations of the flood study.</p>
3.8 Subdivision, Strata Subdivision and Consolidation	Yes	<p>The proposal does not involve strata subdivision or allotment consolidation.</p> <p>Appropriate conditions relating to future subdivision and strata subdivision have been included in the conditions.</p>
3.9 Heritage	Not applicable	<p>The subject site is not identified as a heritage item and is not located within a heritage conservation area.</p> <p>Council's Heritage Specialist has advised that the demolition of the existing warehouse buildings is acceptable, subject to a condition requiring an archival photographic and survey recording of the existing warehouse building.</p>

3. General Provisions	Compliance	Comment
3.11 Transport and Parking		
3.11.3 Bike parking and associated facilities	Yes	The proposal provides for a bike store within the basement level for 63 bikes and 10 visitor bicycle spaces at the ground floor level in proximity to each residential entry lobby.
3.11.4 Vehicle parking 3.11.14 Parking area design	Acceptable, subject to condition	An appropriate condition has been recommended to require the car parking configuration complies with the controls in Sections 3.11.4 and 3.11.14 of the SDCP 2012 and Australian Standards for off-street car parking.
3.11.6 Service vehicle parking	Acceptable, subject to condition	The proposal does not provide any service vehicle parking where two service vehicle spaces are required. A condition is recommended to require the allocation of two service vehicle parking spaces.
3.11.7 Motorbike parking	Yes	The proposal provides five motorcycle parking spaces within the basement level.
3.11.9 Accessible parking	Yes	The proposal provides 10 accessible car spaces, one for each adaptable apartment and one accessible visitor car space.
3.11.10 Vehicle access for developments greater than 1000sqm GFA	Yes	The proposal will not compromise the safety of Beaconsfield Lane in terms of pedestrian and vehicle safety.
3.11.11 Vehicle access and footpaths	Acceptable, subject to condition.	An appropriate condition has been recommended to ensure that the design of the vehicle access point ensures pedestrian priority.
3.12 Accessible Design	Yes	Conditions have been recommended to require appropriate access and facilities in accordance with the SDCP 2012 and the Building Code of Australia, including provision of an additional platform lift to the Ralph Street entry point to Lobby A.

3. General Provisions	Compliance	Comment
		Plan drawings submitted with the application demonstrate that 9 of 61 (15%) of apartments are capable of convenient conversion to adaptable dwellings.
3.13 Social and Environmental Responsibilities	Yes	<p>The proposed development provides adequate passive surveillance and is generally designed in accordance with the Crime Prevention Through Environmental Design (CPTED) principles.</p> <p>Appropriate conditions have been recommended to ensure that secure gates are provided to the driveway ramp and pedestrian entrances to Beaconsfield Lane.</p>
3.14 Waste	Yes	Appropriate conditions have been recommended for the proposed development to comply with the relevant provisions of the City of Sydney Code for Waste Minimisation in New Developments 2005.

4. Development Types	Compliance	Comment
4.2 Residential flat, commercial and mixed use developments		
4.2.1 Building height	Yes	<p>The building height in storeys control applicable to the site is six storeys. The proposal complies.</p> <p>The site is not subject to a street frontage height control.</p>
4.2.2 Building setbacks	Yes	<p>The DCP does not identify a specific setback control for the site.</p> <p>The setback to Ralph Street ranges between 2.05 and 4.05 metres, which is acceptable with regard to the pattern of redevelopment in the locality.</p>

4. Development Types 4.2 Residential flat, commercial and mixed use developments	Compliance	Comment
		<p>The exception is at the upper level, where the proposed pergola protrudes beyond the front building alignment.</p> <p>An appropriate condition is recommended to reduce the extent of the pergola to ensure consistency with the proposed setbacks at the upper level of the proposed development.</p> <p>The setback to Beaconsfield Lane ranges between 1.825 metres and 6.76 metres is acceptable. It does not result in any significantly adverse amenity impacts and provides the opportunity for the future widening of the footway.</p>
4.2.3 Amenity		
4.2.3.1 Solar access	Acceptable, subject to conditions	<p>Shadow, sun's eye view and solar access diagrams accompanied the application and have been assessed against the relevant provisions of the ADG.</p> <p>The proposal is acceptable in that, subject to the recommended conditions, adequate solar access will be provided the subject site and neighbouring properties.</p> <p>Refer to the further discussion and assessment provided below in the Issues section of this report.</p>
4.2.3.3 Internal common areas	Yes	Internal common areas generally have an acceptable level of access to daylight and outlook. Common corridors have been designed to maximise safety and security and are at least two metres wide in front of lifts.
4.2.3.4 Design features to manage solar access	Yes	Shading devices have been provided to each apartment, including a pergola to the west-facing private open spaces at Level 5.

4. Development Types 4.2 Residential flat, commercial and mixed use developments	Compliance	Comment
4.2.3.5 Landscaping		<p>Landscape drawings were submitted with the original development application, which are provided at Attachment D.</p> <p>A condition is recommended to require an updated landscape plan to be submitted for Council's approval prior to the issue of a construction certificate to address the amended architectural drawings, include a feature tree and improve privacy between landscaped communal areas and dwellings.</p>
4.2.3.6 Deep soil	Yes	The proposal provides 10.5% of the site as a consolidated area of deep soil which exceeds a minimum dimension of 10 metres.
4.2.3.7 Private open space and balconies	Yes	All apartments are provided with private open space that meets the minimum requirements of the ADG. The private open spaces are directly accessible from the living areas of the dwellings.
4.2.3.8 Common open space	Yes	<p>The proposal provides 28% (679 square metres) of the site area as common open space at the ground floor and level 4.</p> <p>The communal open space areas are generally acceptable with regard to visual and acoustic privacy, which will be further supplemented by additional measures required by condition.</p> <p>Refer to the further discussion and assessment provided below in the Issues section of this report.</p>
4.2.3.9 Ventilation	Yes	All apartments are naturally ventilated and the building meets the requirements of the ADG in relation to natural cross ventilation, subject to the recommended conditions.

4. Development Types 4.2 Residential flat, commercial and mixed use developments	Compliance	Comment
		Refer to the further discussion and assessment provided below in the Issues section of this report.
4.2.3.10 Outlook	Yes	Each apartment has been provided with an acceptable degree of outlook, either to the public domain to Ralph Street or Beaconsfield Lane.
4.2.3.11 Acoustic privacy	Acceptable, subject to conditions	<p>An acoustic assessment accompanied the application which verifies that the bedrooms within the apartments to the proposed development do not achieve the noise criteria for open windows and doors.</p> <p>Refer to the further discussion and assessment provided below in the Issues section of this report.</p>
4.2.3.12 Flexible housing and dwelling mix	Yes	The proposal provides 38% (23) 1 bedroom dwellings, 52% (32) 2 bedroom dwellings and 10% (6) 3 bedroom dwellings.
4.2.3.14 Apartments with setback bedrooms	Acceptable, subject to condition	<p>The proposal includes 26% (16 of 61) of apartments with setback bedrooms.</p> <p>Refer to the further discussion and assessment provided below in the Issues section of this report.</p>
4.2.4 Fine grain, architectural diversity and articulation	Yes	<p>The street frontage length of the proposed residential flat building is approximately 56 metres and Ralph Street is approximately 20 metres wide.</p> <p>The proposed design comprises three distinct building components, each with its own architectural character, with the northern and southern elements being approximately 13 metres in length and the central component being approximately 25 metres in length.</p>

4. Development Types 4.2 Residential flat, commercial and mixed use developments	Compliance	Comment
		<p>The proposal provides facade elements including masonry, metal fins and cladding that establish a fine grain articulation as viewed from the street.</p> <p>The scale, modulation and facade articulation responds suitably to its context, with the masonry components being in keeping with the existing character of the locality.</p>
4.2.5 Types of development		
4.2.5.4 Residential use on the ground and first floor	Yes	<p>The ground floor apartments to Ralph Street are generally provided as two storey loft apartments, with acceptable setbacks at the ground and first floors and with first floor balconies minimised.</p> <p>The street front apartments to Ralph Street and Beaconsfield Lane also provide for:</p> <ul style="list-style-type: none"> • Individual entries to the street. • Generous landscaped private open spaces. • The ground floor level set less than one metre above the adjacent public domain. • Predominantly open palisade fences.
4.2.6 Waste minimisation	Yes	<p>The proposal has been amended during the course of assessment to address waste collection and management in detail.</p> <p>All apartments have adequate space to manage waste and residential and 'e-diverter' chutes are provided adjacent to lifts separating general and recycling waste.</p>

4. Development Types 4.2 Residential flat, commercial and mixed use developments	Compliance	Comment
		<p>A bulky goods storage area is provided at the ground floor level within the residential waste room and waste bin storage areas are within 10 metres of the collection point at Beaconsfield Lane.</p> <p>Council's Waste and Transport Planning Units have advised that on-street collection is acceptable with consideration to the proposed number of apartments within the building and that Beaconsfield Lane is not a busy road.</p> <p>Further, on-street collection from Beaconsfield Lane was approved for recent residential developments at 3 and 17 Ralph Street under development consents D/2016/802 and D/2016/198 respectively.</p>
4.2.7 Heating and Cooling Infrastructure	Yes	<p>Heating and cooling infrastructure is accommodated in centralised locations at the ground and roof levels and in locations that may accommodate future environmental technologies.</p> <p>A condition has been recommended to raise the height of the parapets by between 1.3 and 1.4 metres above the roof level and to ensure that the screening around the rooftop plant precludes visibility from the public domain.</p>
4.2.8 Letterboxes	Acceptable, subject to condition	A condition is recommended requiring the details of letterboxes to be provided behind secure entry points in the building foyers to minimise mail theft.

Issues

Floor space ratio

45. The SLEP 2012 specifies a maximum Floor Space Ratio (FSR) development standard for the site of 2:1.
46. The proposal includes 4881.3 square metres of Gross Floor Area (GFA), resulting in an FSR of 2.02:1, which exceeds the development standard by 51.3 square metres, or 1%.
47. The applicant has submitted a written request seeking an exception to the development standard, in accordance with Clause 4.6(3) of the SLEP 2012. Clause 4.6 allows the consent authority to vary the development standard in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes.
48. In order to demonstrate whether strict numerical compliance is unreasonable and unnecessary in this instance, the proposed exception to the FSR standard has been considered against the relevant objectives and provisions of Clause 4.6.
49. The written request justifies the proposed contravention of the FSR development standard on the following basis:
 - (a) The proposed development has a form and massing consistent with the building form controls in the SDCP 2012 which envisage a building built side-boundary to side-boundary, with a six storey built form to Ralph Street. The proposal demonstrates good urban design, acceptable bulk and scale and provides a positive streetscape contribution.
 - (b) The proposed architectural design provides a high degree of expression and modulation and provides appropriate street front heights and setbacks. The minor variation to FSR does not affect the proposed built form or massing.
 - (c) The proposed location of the garbage rooms on the ground floor level provides an efficient waste collection arrangement. Relocating them to the basement level would not contribute to GFA and FSR would achieve compliance with the FSR development standard, but would result in poorer outcome in terms of waste management.
 - (d) Non-compliance with the maximum FSR standard does not contribute to any significant adverse environmental impacts in terms of overshadowing, visual impacts or view loss to neighbouring properties, nor any adverse amenity impacts on the future residents of the development or future adjoining development.
 - (e) The non-compliance is minor, comprising 1% of the permitted FSR. The detailed design of internal ducting has not been carried out and will likely reduce the GFA calculation, given vertical ducting will be excluded from GFA.
50. Clause 4.6(4)(a)(i) requires that the consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3).

51. There are sufficient environmental planning grounds to justify the contravention of the development standard and compliance with the development standard is deemed not reasonable or necessary in the circumstances of the case, subject to the recommended design modification conditions.
52. Clause 4.6(4)(ii) requires the consent authority be satisfied that the proposed development is consistent with the objectives of Clause 4.4 of the SLEP 2012 and the objectives of the B4 Mixed Use zone.
53. The objectives of Clause 4.4 are:
 - (a) To provide sufficient floor space to meet anticipated development needs for the foreseeable future.
 - (b) To regulate the density of development, built form and land use intensity and to control the generation of vehicle and pedestrian traffic.
 - (c) To provide for an intensity of development that is commensurate with the capacity of existing and planned infrastructure.
 - (d) To ensure that new development reflects the desired character of the locality in which it is located and minimises adverse impacts on the amenity of that locality.
54. The proposed development is considered to be consistent with the objectives of Clause 4.4, subject to the recommended conditions, for the following reasons:
 - (a) The proposed development provides residential apartments that will contribute to the meeting demand for housing in an inner-city location undergoing urban renewal.
 - (b) The proposed density and built form is consistent with that envisaged by the planning controls and the proposed development will have acceptable vehicle and pedestrian traffic outcomes.
 - (c) The intensity of the proposed development is consistent with that envisaged for the site and locality and the minor variation to the FSR will not have any significantly adverse impacts on local infrastructure.
 - (d) The built form of the development reflects the desired future character of the locality and has been designed to minimise impacts on the amenity of the locality.
55. The objectives of the B4 Mixed Use zone are:
 - (a) To provide a mixture of compatible land uses.
 - (b) To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
 - (c) To ensure uses support the viability of centres.

56. The proposed development is considered to be consistent with the objectives of B4 Mixed Use zone, subject to the recommended conditions, for the following reasons:
- (a) It provides a land use compatible with the surrounding development, in a mixed-use area and accessible to public transport.
 - (b) The proposed development will improve pedestrian access in the locality through the provision of a widened pedestrian pathway in the rear lane.
 - (c) The proposed development will provide additional residential accommodation in the locality, which would result in an increase in the local population accessing nearby businesses and services and supporting nearby local centres.
57. Furthermore, it is considered that the proposal obtains a better outcome for the site and is in the public interest.
58. For the reasons outlined above, it is considered that all the requirements of Clause 4.6 of the SLEP 2012 are satisfied to justify the departure from the FSR development standard and it is recommended that the Clause 4.6 exception be granted.

Overshadowing and solar access

59. The design guidance under Objective 3B-2 of the ADG requires that where an adjoining property does not receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%.
60. Although the sun's eye view diagrams submitted with the application demonstrate that solar access is maintained to the living rooms of the apartments to the approved development at 17 Ralph Street, solar access to the private open space to Apartment 15 within that development is reduced by more than 20%.
61. As indicated in Figure 19 below, the impact to the subject balcony is minimised in accordance with Objective 3B-2 of the ADG by setting the parapet wall in from the building edge of the southern-most rear wing of the development by 1.5 metres. An appropriate condition has been recommended to ensure that this occurs.



Figure 19: Sun's eye view drawing extract at 9.45am at midwinter, with the parapet to be setback boxed in red.

Communal space

62. The proposed provision of communal open space at the ground floor and Level 4 is generally acceptable with regard to 3D of the ADG, with the exception of the relationship between Apartment 115 and the ground floor communal open space.
63. The orientation, configuration and design of this ground floor apartment has a poor interface with the adjacent communal open space area, will result in inferior privacy outcomes and result in conflict between the use of the communal open space and the residential amenity of the apartment, as indicated in Figure 20 below.
64. It is also considered that the proposal has not provided sufficient internal communal spaces to satisfy design quality principle 8 in SEPP 65, which requires the provision of different types of communal spaces for a broad range of people, in order to provide opportunities for social interaction among residents. These include common facilities such as a communal room, music practice room and storage for the common open space area.
65. In order to satisfactorily resolve these matters, a design modification condition is recommended requiring the deletion of Apartment 115 and its replacement with communal rooms and a connection to the central communal open space at the ground floor level.

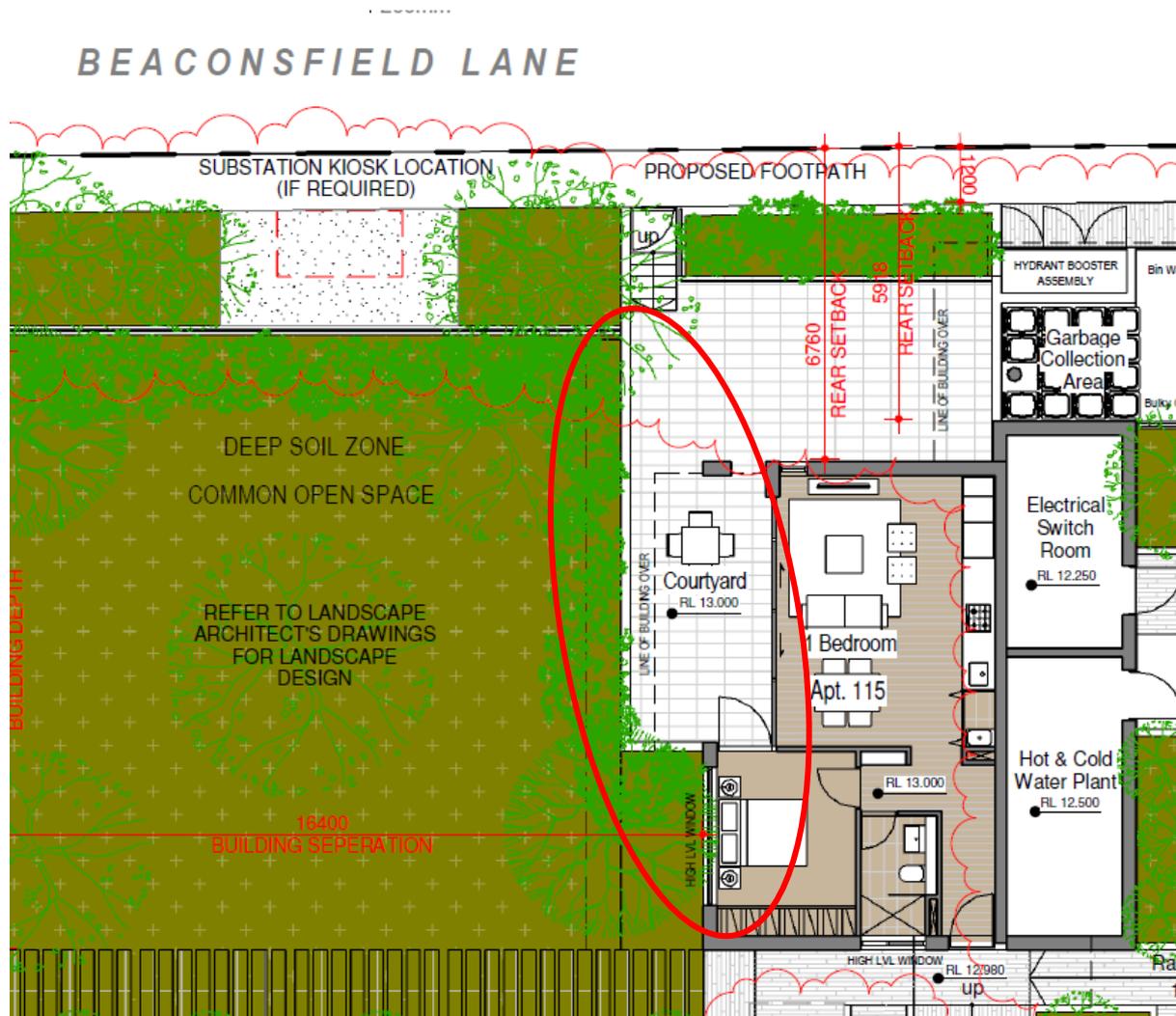


Figure 20: Ground floor plan extract, with interface between Apartment 115 and the ground floor common open space area circled in red.

66. Additional privacy measures are also recommended as follows, in order to ensure that the privacy will be prioritised at the interface between the proposed communal open spaces and residential apartments:
- (a) Increased height and depth to the landscaped planters to the western courtyards of the ground floor apartments.
 - (b) Provision of privacy screening to the northern and southern entryways of the rooftop common open spaces at Level 4.
 - (c) Reduction in size of the bedroom window and provision of a privacy screen to the bedroom window and the southern edge of the courtyard to Apartment 101.
 - (d) Provision of additional landscape measures to ensure privacy is maintained to residential apartments adjoining communal open space areas.

Acoustic privacy and natural ventilation

67. The controls in Section 4.2.3.11 of the SDCP 2012 require that the repeatable maximum LAeq (1 hour) must not exceed 45dB for bedrooms in residential buildings between 10pm and 7am.
68. Objective 4B-1 of the ADG and the Building Code of Australia require that all habitable rooms are naturally ventilated and the accompanying design guidance requires that the area of unobstructed window openings should be equal to at least 5% of the floor area served.
69. The acoustic assessment reports submitted with the original and amended applications indicate that the bedrooms in the proposed residential apartments do not achieve this criterion.
70. The amended application was accompanied by detail drawings proposing an acoustically treated plenum arrangement. This relies on mechanical fans to draw fresh air into the apartment bedrooms, as indicated in Figure 21 below, which does not satisfy Objective 4B-1 of the ADG.
71. The City has had the detail plans and the accompanying information peer reviewed by a sustainable building consultant.
72. The peer review has identified that while the design has the capacity to accommodate a plenum arrangement that does not rely on mechanical ventilation, further work is required so that all apartment bedrooms are provided with natural ventilation and can achieve the natural ventilation requirements of the ADG and the DCP acoustic privacy criterion.
73. Appropriate conditions requiring design modifications and details have been recommended to be imposed.

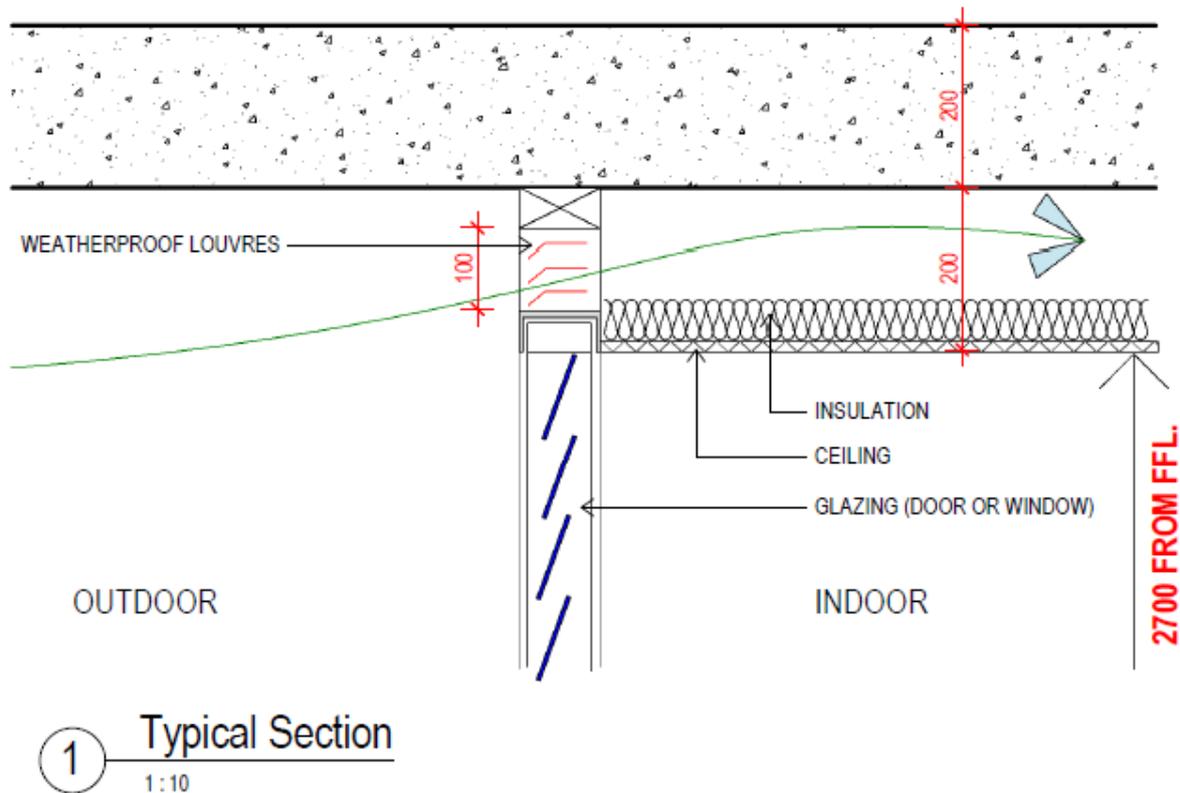


Figure 21: Section drawing extract of proposed plenum arrangement.

Apartments with setback bedrooms

74. The controls in Section 4.2.3.14 of the SDCP 2012 require that the number of apartments with setback bedrooms cannot exceed 10 per cent of total within the development.
75. The proposal includes 16 apartments with setback bedrooms, which comprises 26% of the total number of dwellings in the development. Figure 22 below, illustrates an example of the setback bedroom typology on the Ralph Street frontage.
76. The non-compliance is considered acceptable in this instance as:
 - (a) The setback bedrooms are to building indentations open to the sky above.
 - (b) The windows to setback bedrooms have an acceptable width (approximately 1.475 metres).
 - (c) Appropriate design modification conditions are recommended to ensure that the bedrooms are provided with adequate ventilation amenity, including:
 - (i) Acoustically treated natural ventilation plenums to each bedroom window;
 - (ii) Operable fan lights to be provided above the internal doors between the entrance corridor and setback bedrooms;
 - (iii) The window desks to bedrooms with windows to the two building indentations fronting Ralph Street to be deleted; and

- (iv) The windows to the building indentations to be full height from spandrel to ceiling, with upper and lower panes fully operable.

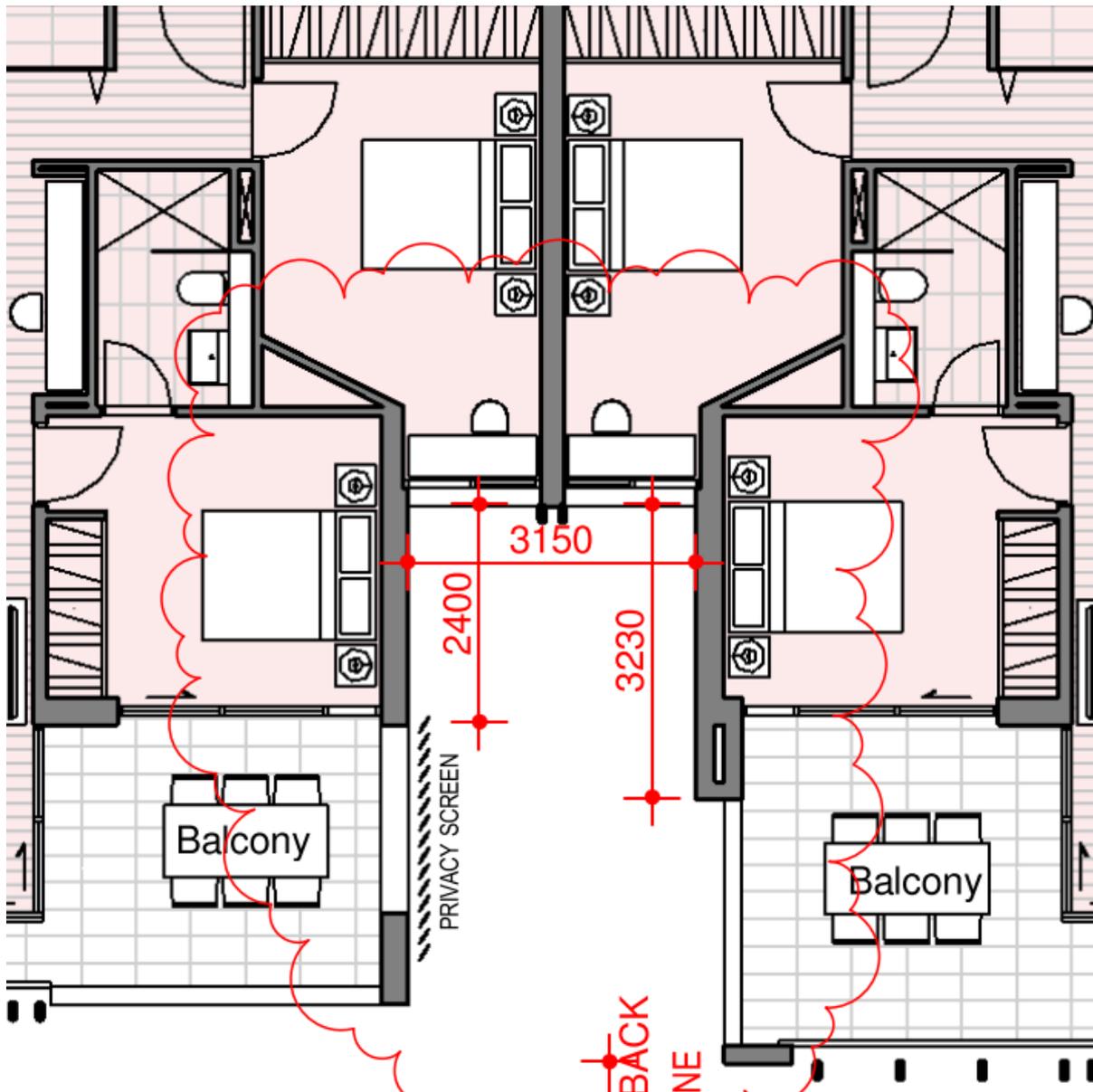


Figure 22: Plan drawing extract of typical setback bedroom arrangement.

Voluntary Planning Agreement

77. A Public Benefit Offer has been submitted to dedicate a strip of land along the Beaconsfield Lane frontage of the site to Council.
78. A Voluntary Planning Agreement (VPA) has been prepared in relation to this proposal. The agreement includes the following public benefits:
- The dedication of 67 square metres adjacent to the Beaconsfield frontage of the site (as indicated in Figure 23 below).
 - The embellishment of the land with a concrete footpath to the value of \$22,914.00.

Internal Referrals

84. The application was discussed with or referred to the City's:
- (a) Heritage and Urban Design Specialists;
 - (b) Building Approvals Unit;
 - (c) Environmental Health Unit;
 - (d) Public Domain Unit;
 - (e) Specialist Surveyor;
 - (f) Transport Planning Unit;
 - (g) Tree Management Officer;
 - (h) Landscape Assessment Officer; and
 - (i) Cleansing and Waste Unit.
85. These officers advised that the proposal is generally acceptable, subject to conditions.
86. Where considered appropriate, the recommended conditions have been included in Attachment A of this report.

Design Advisory Panel

87. The original application was reviewed by the Design Advisory Panel on 17 August 2017.
88. The panel supported the general planning approach adopted and commended the proposed deep soil zones, noting that the proposal comprised a significant improvement on the pre-development application proposal.
89. The panel recommended that:
- (a) Issues relating to floor space ratio, setbacks, apartment orientation, building separation, solar access and cross ventilation, ceiling height, habitable room depth and driveway width to Beaconsfield Lane be resolved.
 - (b) Air conditioning condensers be relocated to the roof.
 - (c) Investigation of the removal of balcony on sides of rear apartments to reduce bulk and building massing to Beaconsfield Lane.
90. The proposal has been amended and refined to maximise its compliance with the ADG, and is considered to achieve acceptable amenity subject to the conditions in Attachment A to this report.

External Referrals

91. The application was referred to:
 - (a) Ausgrid;
 - (b) WaterNSW; and
 - (c) Sydney Airport.
92. Responses were received from all three external organisations, as discussed elsewhere in this report.

Notification, Advertising and Delegation

93. The application constitutes integrated development and as such the application, as originally proposed, was notified and advertised for 30 days between 5 July 2017 and 5 August 2017 in accordance with the provisions of the Environmental Planning and Assessment Regulations 2000. As a result of this notification three submissions were received by the City.
94. The amended application was re-notified for 14 days between 17 January 2018 and 1 February 2018 in accordance with Schedule 1.3 of the Sydney Development Control Plan 2012. As a result of this notification one submission was received by the City.
95. The content of the submissions is summarised and addressed below.

- (a) The proposal will result in additional traffic impacts on the local street network which is at capacity.

Response - The proposal is generally compliant with the relevant traffic and parking requirements in both the SLEP 2012 and SDCP 2012, as discussed elsewhere in this report. Further, the City's Transport Planning Unit have reviewed the amended application and have raised no objection to the proposal, subject to the recommended conditions

- (b) The proposal will result in additional use of schools and public transport within the locality, including bus and train services, which are at capacity.

Response - The proposal is permissible in the B4 Mixed Use zone and is generally acceptable with regard to the applicable planning controls for the site. Matters relating to education and public transport infrastructure provision fall beyond the scope of the assessment of the proposal.

- (c) The locality would be better served by the provision of additional public open space and amenities, rather than additional apartments.

Response - The proposal cannot be refused on the basis that it does not provide an area of public open space. It is however subject to a contribution under the City of Sydney Development Contributions Plan 2015, which requires the payment of \$643,911.11 toward the provision of public open space within the City.

- (d) The proposal will result in adverse acoustic privacy impacts to the existing residential development at 1 Shirley Street.

Response - The proposal was accompanied by acoustic assessments which provide appropriate measures to ensure that the development includes measures to mitigate the potential for acoustic privacy impacts to adjoining and nearby residential development.

Council's Health and Building Unit have reviewed these assessment reports and have recommended appropriate conditions to ensure that the proposed measures are incorporated into the approved development.

- (e) The proposal will overlook the existing residential development at 1 Shirley Street and will result in adverse visual privacy impacts.

Response - The separation between the site and the development at 1 Shirley Street exceeds 63 metres, which satisfies the relevant provisions of the ADG relating to building separation and visual privacy.

- (f) The six storey height of the proposal is not in keeping with the approved height of development in the locality.

Response - The proposal complies with the maximum 22 metre height of buildings development standard in Clause 4.3 of the SLEP 2012 and with the six storey maximum height in building storeys control in Section 4.2.1.1 of the SDCP 2012.

Furthermore, the proposed building height is generally consistent with that approved by the Council at 17 Ralph Street under development consent D/2016/198 and 3 Ralph Street under development consent D/2016/802.

- (g) Insufficient contamination information has been submitted with the application in accordance with SEPP 55 for development consent to be granted to the proposal.

Response - As discussed elsewhere in this report, the proposal was accompanied by a Remediation Action Plan (RAP) and an interim letter of advice from an accredited site auditor and the proposal is considered to be satisfactory with regard to the requirements of SEPP 55.

- (h) It is unclear that the basement level will be fully watertight and sealed to preclude migration of contamination into the site via groundwater movement.

Response - Appropriate conditions have been recommended to ensure that the submitted RAP is complied with in order that the requirements of SEPP 55 are met in relation to contamination.

With regard to groundwater, Water NSW have provided General Terms of Approval, which specify that fully waterproofed developments are preferred and that, where basements are not totally water proofed below the groundwater table, the developer must obtain groundwater entitlements. They have noted that acquiring groundwater entitlements can be difficult and may cause delays in completion of the development.

- (i) The proposed development is in close proximity to underground petroleum tanks at 562-572 Botany Road and no safety measures are proposed to address the potentially significant risks to damage to service station assets and harm to human life, private and public property as a result of such.

Response - The City's standard demolition, excavation and construction management conditions have been recommended to be included in any development consent granted for the proposal. These conditions should serve to adequately address concerns raised in relation to safety and the potential for damage to the service station at 562-572 Botany Road.

- (j) It is unclear as to whether the proposal seeks to rely on ground anchors during excavation works or whether such anchors would encroach onto the land at 562-572 Botany Road.

Response - The proposal does not seek consent to rely on any adjacent property for support during excavation of the proposed basement level. The City's standard condition for temporary ground anchors and shoring affecting the road reserve to Ralph Street and Beaconsfield Lane has been recommended for inclusion in any development consent granted for the proposal.

Other Approvals

Airports Act 1996 and Civil Aviation (Building Control) Regulations 1988

96. Section 182 of the Commonwealth Airports Act 1996 specifies that, amongst other things, constructing a building or other structure that intrudes into a prescribed airspace is a controlled activity.
97. Schedules 2 and 5 of the Civil Aviation (Building Control) Regulations 1988 identify the subject site is subject to a prohibition of the construction of buildings more than 50 feet in height (15.24m) above existing ground height.
98. Section 183 of the Commonwealth Airports Act 1996 specifies that controlled activities may not be carried out in relation to prescribed airspace unless an approval has been granted. The relevant approval body is the Civil Aviation Safety Authority (CASA).
99. The Sydney Airport Airfield Design Manager, as an authorised person of the CASA, provided approval for the controlled activity on 12 March 2018.

Public Interest

100. It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

Section 7.11 Contribution

101. The development is subject of a Section 7.11 contribution under the provisions of the City of Sydney Development Contributions Plan 2015.

102. The following monetary contribution is required towards the cost of public amenities:

(a) Open Space	\$643,911.11
(b) Community Facilities	\$131,351.77
(c) Traffic and Transport	\$90,003.46
(d) Stormwater Drainage	\$35,602.85
Total	\$900,869.18

103. The contribution is calculated on the following basis:

- (a) Construction of a residential flat building, as required to be modified by the recommended design modification conditions, comprising 60 apartments, including 22 one bedroom dwellings, 32 two bedroom dwellings and 6 three bedroom dwellings; and
- (b) A credit of 45.6 workers for the existing warehouse, calculated on the basis of 2780 square metres of GFA used for general industry.

Relevant Legislation

104. The Environmental Planning and Assessment Act 1979.

105. The Water Management Act 2000.

106. The Airports Act 1996

Conclusion

107. The proposed development is generally consistent with the development standards and zone objectives of the SLEP 2012, with the exception of the maximum floor space ratio control.
108. The amended proposal performs well against the built form controls of the SDCP 2012 and the design principles in SEPP 65. The proposal has been amended to address concerns raised by Council officers.
109. The scheme will provide 60 residential apartments and has been modified to achieve high internal amenity for the proposed dwellings and for neighbouring dwellings. Dwellings are provided with good solar access and natural cross ventilation. The building has an appropriate urban form and a materials palette that is in keeping with the locality.
110. The proposed development is consistent with Section 4.15 of the Environmental Planning and Assessment Act, 1979 in that it generally satisfies the provisions of the SLEP 2012 and the SDCP 2012, subject to the recommended conditions.
111. Although the proposal will result in the building exceeding the maximum 2:1 floor space ratio control by 1%, or 51.3 square metres, the breach does not result in any unacceptable amenity impacts and the proposal is generally consistent with the objectives of the relevant planning controls.
112. The applicant has submitted written justification seeking to vary the maximum floor space ratio development standard pursuant to Clause 4.6 variation of SLEP 2012 and it is considered that compliance with the standard is unreasonable or unnecessary in the circumstances for the reasons outlined in this report.
113. The proposed development is consistent with the provisions of the Apartment Design Guide (ADG) in that it achieves high amenity for the residents of the building in relation to communal open space, natural light, cross-ventilation, private open space and privacy.
114. The public interest is served by the approval of the proposal that meets the applicable planning requirements and is in keeping with its immediate context and neighbouring residential development in relation to visual bulk and scale and neighbourhood character.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

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