

Item 10.**Development Application: 220 Victoria Street, Beaconsfield**

File No.: D/2017/1754

Summary**Date of Submission:** 15 December 2017

Amended plans - 18 January 2018, 16 February 2018, 23 March 2018, 5 April 2018 and 7 June 2018

Applicant: Mr D P Southcombe**Architect:** Derek Raithby Architecture**Owner:** Mr Daniel Phillip Southcombe**Cost of Works:** \$1,592,250

Proposal Summary: The subject development application seeks consent for the demolition of existing structures and construction of two, three-storey semi-detached dwellings. The proposal includes a two-storey laneway structure for each dwelling, accommodating a ground floor single car garage and first floor studio. It is proposed to Torrens title subdivide the site into two lots.

The application was notified for a 21 day period between 8 January and 30 January 2018. The notification of the application resulted in three submissions being received. These submissions raised concerns regarding privacy, bulk and setbacks.

The application has been amended during the assessment to respond to the preliminary assessment issues identified by City staff, including height, setbacks, privacy, solar access and the form/scale of the laneway structures.

A final set of amended plans was submitted on 7 June 2018 to address these matters. In its amended form, the proposal has satisfactorily addressed the matters raised by City staff. The amended plans submitted in March, April and June 2018 resulted in a lesser environmental impact than those originally notified. As such, in accordance with the DCP provisions, re-notification of the amended plans was not required.

Proposal Summary:**(continued)**

The development application is reliant on the community infrastructure floor space provisions of the Sydney LEP 2012. The application has been accompanied by a public benefit offer for a monetary contribution of \$38,902.50 towards the provision of infrastructure for Green Square. A draft Voluntary Planning Agreement has been prepared and has been publicly exhibited for a 28-day period between 2 May and 30 May 2018.

The proposal is referred to the Local Planning Panel as the development application includes an offer to enter into a planning agreement.

Subject to the imposition of conditions, the proposal is considered to be a contextually appropriate infill development within the Green Square urban renewal area. The proposal is considered to be generally compliant with the applicable planning controls and exhibit design excellence through an appropriate form, scale and materiality for the locality.

The application is recommended for a deferred commencement consent to allow the execution of the Voluntary Planning Agreement.

Summary Recommendation:

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

Development Controls:

- (i) Environmental Planning and Assessment Act 1979
- (ii) State Environmental Planning Policy No 55 - Remediation of Land
- (iii) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- (iv) Sydney Local Environmental Plan 2012
- (v) Sydney Development Control Plan 2012
- (vi) City of Sydney Development Contribution Plan 2015
- (vii) Green Square Affordable Housing Program

Attachments:

- A. Recommended Conditions of Consent
- B. Architectural Drawings

Recommendation

It is resolved that 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/2017/1754, subject to the conditions set out in Attachment A to the subject report.

Reasons for Recommendation

The application is recommended for deferred commencement approval for the following reasons:

- (A) The development, subject to the imposition of appropriate conditions as recommended in Attachment A, is consistent with the objectives of the planning controls for the site for the reasons outlined in the report to the Local Planning Panel.
- (B) The built form, height and setbacks address the context of the site and are appropriate with the streetscape.
- (C) The development is considered to exhibit design excellence, through its architecture, materiality and contribution to the public domain.
- (D) The development contributes to the delivery of community infrastructure for Green Square through a monetary contribution. This is included in the Voluntary Planning Agreement associated with the development application. The imposition of deferred commencement is to allow execution of the VPA and registration on title.

Background

The Site and Surrounding Development

1. The site has a legal description of Lot 1 DP 944944, and is commonly known as 220 Victoria Street, Beaconsfield. The site is located on the western side of Victoria Street, between Collins Street and Beaconsfield Street.
2. The site is rectangular in shape with an area of approximately 335.1sqm. It has a primary street frontage to Victoria Street of 10.97m, side boundaries of 30.6m and a secondary rear lane frontage of 10.97m to Victoria Lane.
3. Currently on site is a single storey detached dwelling house (refer to Figure 2). There is currently vehicular access to the site from Victoria Lane.
4. The site is located within the boundaries of the Green Square urban renewal area. The site is not identified as a heritage item and is not located within a heritage conservation area.
5. Directly to the north of the site is a pair of two-storey and attic semi-detached terraces at 218 and 218A Victoria Street (refer to Figure 2). To the immediate south of the site, are 3 x 3-storey terraces at 222-226 Victoria Street (refer to Figures 2 and 3, below).
6. The subject section of Victoria Street between Collins Street to the north and Beaconsfield Street to the south is largely characterised by one and two-storey attached, detached and semi-detached dwellings. To the east of the site on the opposite side of Victoria Street is a three-storey residential flat building and two, two-storey commercial buildings.
7. Victoria Lane is largely characterised by garage roller doors as well as one and two storey laneway structures. To the west of the site on the opposite side of Victoria Lane is a two-storey multi-dwelling development at 231 Queen Street. Three of the dwellings in the development have their primary street frontages to Victoria Lane. Refer to Figure 5, below.
8. The site was inspected by Council's Planner on 28 February 2018. Figures 1 to 6, below, illustrate the context of the site and its surrounds.



Figure 1: Aerial image of subject site and surrounding area



Figure 2: Existing single storey dwelling on the site as viewed from Victoria Street.



Figure 3: View of the site and adjoining development at 222-226 Victoria Street looking south along Victoria Street.



Figure 4: Existing 3-storey residential flat building to the east of the site on the opposite side of Victoria Street at No. 197 Victoria Street.



Figure 5: Looking south along Victoria Lane at the rear frontage to the subject site. The photo shows the existing 2-storey multi-dwelling structure at No. 231 Queen Street to the right of frame.



Figure 6: View from Victoria Lane of the rear of the adjoining properties (Nos. 218A and 222 Victoria Street). The red arrow indicates the location of the subject site.



Figure 7: View of development along Victoria Lane. The photo shows two recently approved 2-storey laneway structures (No. 210 Victoria Street to the left of frame and Nos. 221-225A Queen Street to the right).

Proposal

9. The application seeks consent for the construction of two x three-storey dwelling houses on the site. In detail, the proposal includes the following works:
 - (a) demolition of the existing single storey dwelling and car port structure on site;
 - (b) construction of two x three-storey dwelling houses, each accommodating four bedrooms;
 - (c) construction of two x two-storey laneway structures, accommodating ground level single car garages and a studio space ancillary to the principal dwelling on the first floor level;
 - (d) vehicular access off Victoria Lane; and
 - (e) torrens title subdivision of the site into two lots.
10. Elevation plans of the proposed development are provided below in Figures 8 to 11. A full set of plans is provided at Attachment B.



Figure 8: Eastern elevation (Victoria Street frontage)



Figure 9: Rear elevation of principal dwellings (internal view within the site)

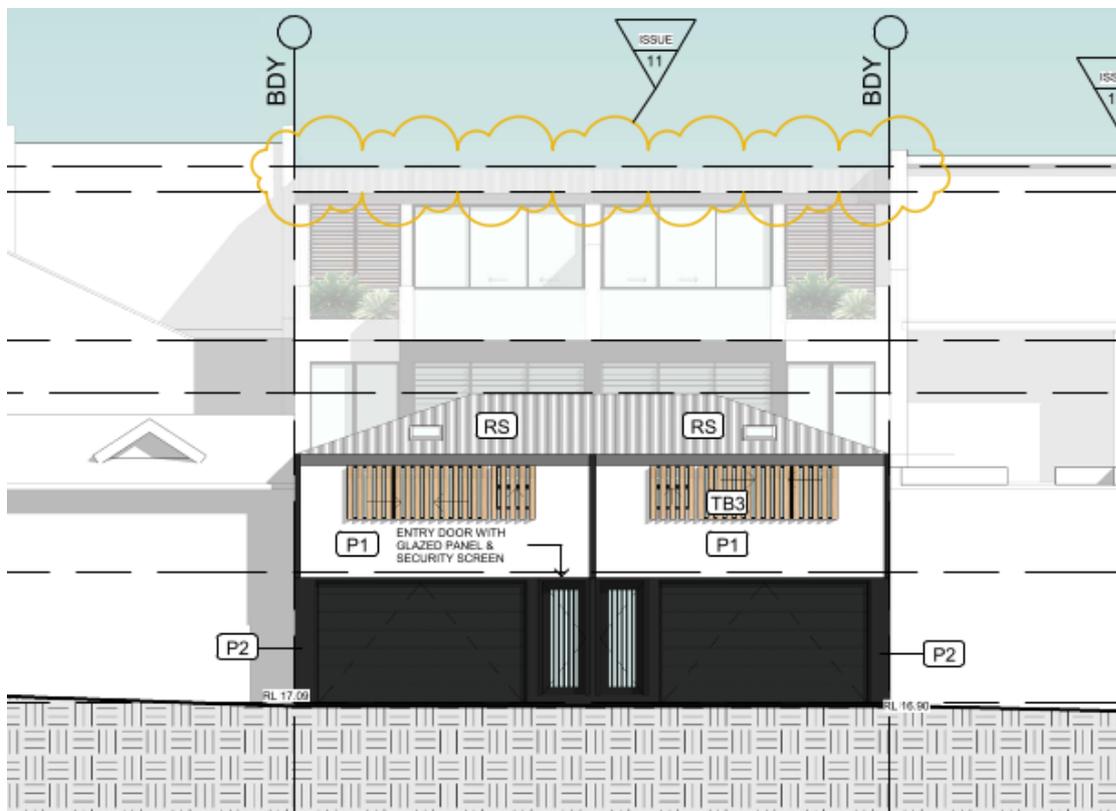


Figure 10: Western elevation (Victoria Lane frontage)

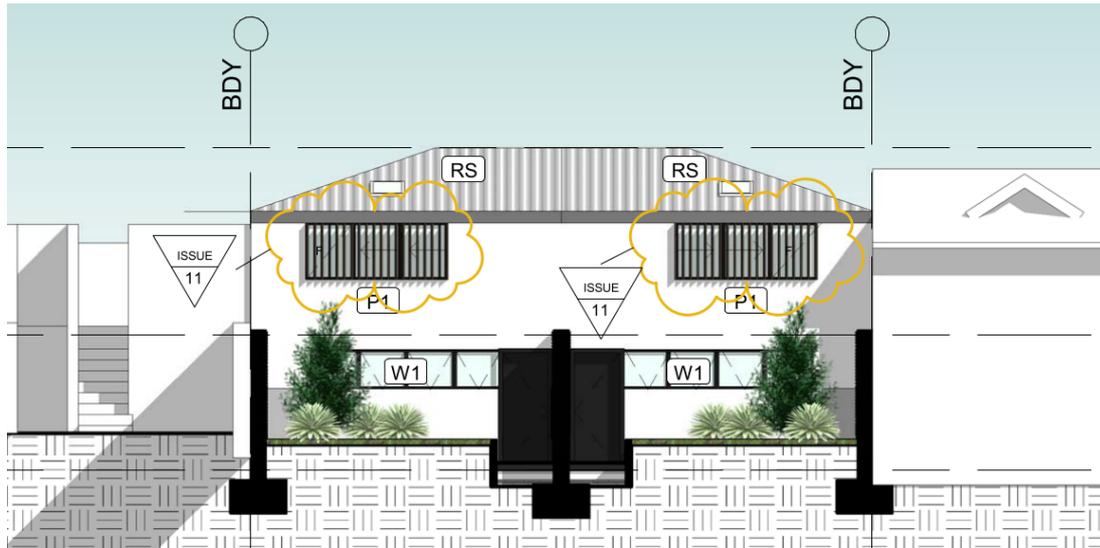


Figure 11: Rear elevation of the laneway structure (Internal view within the site)

History Relevant to the Development Application

11. Following a preliminary review of the lodged documentation, the applicant was requested in correspondence dated 11 January 2018, to submit revised Gross Floor Area calculations as it appeared incorrect. This information was submitted on 18 January 2018.
12. The applicant provided minor amendments relating to window treatments and privacy screens in amended plans submitted on 16 February 2018. These modifications had not been requested by Council, however, were modifications proposed by the applicant in response to submissions received during the notification period.
13. Following a completion of the preliminary assessment of the application, the applicant was advised in correspondence dated 9 March 2018, that amendments would be required to the scheme. The following matters were raised:
 - (a) Rear setback - the extension beyond the predominant first floor rear building line is not supported, and the first floor rear walls should be setback to align with the first floor blade wall of No. 222-226 Victoria Street;
 - (b) Height - the site is subject to a two-storey height in storeys control pursuant to the Sydney DCP 2012. The proposed third floor should be setback further to reduce its visual prominence, particularly when viewed from the rear;
 - (c) Rear balconies - the second floor rear balconies are not supported as they give rise to adverse privacy impacts for adjoining properties;
 - (d) Solar Access - concern was raised regarding overshadowing of principal areas of open space of adjacent properties and clarification requested on the drawings submitted;
 - (e) Laneway Structure - Overlooking and privacy impacts from these laneway structures was raised with further design development required to resolve these matters.

14. The applicant submitted amended plans and further supplementary information on 23 March 2018. These plans addressed the majority of matters raised above, however, had not adequately resolved overshadowing.
15. A further set of amended plans was submitted on 5 April 2018 which adequately resolved the issue of overshadowing.
16. A final set of amended plans was submitted on 7 June 2017. These plans largely resolved concerns raised by the City regarding to privacy and the design of the facade. The skillion roof was changed to a pitched roof to reduce the prominence of the top floor. These plans are the subject of assessment of this report.

Economic/Social/Environmental Impacts

17. The application has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979, including consideration of the following matters:
 - (a) Environmental Planning Instruments and DCPs.

State Environmental Planning Policy No 55—Remediation of Land

18. The aim of SEPP 55 is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed. The land use of the site is unchanged from the existing residential use.

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

19. The BASIX Certificate has been submitted with the development application.
20. The BASIX certificate lists measures to satisfy BASIX requirements which have been incorporated in the proposal. A condition is recommended ensuring the measures detailed in the BASIX certificate are implemented.

Sydney LEP 2012

21. The site is located within the R1 - General Residential zone. The proposed development is defined as a 'semi-detached dwellings', which are a permissible land use in the zone.
22. The relevant matters to be considered under Sydney Local Environmental Plan 2012 for the proposed development are outlined below.

Compliance Tables

Development Control	Compliance	Comment
4.3 Height of Buildings	Yes	A maximum height of 9m is permitted. A height of 8.9m is proposed.

Development Control	Compliance	Comment
<p>4.4 Floor Space Ratio</p> <p>6.14 Community infrastructure floor space at Green Square</p>	Yes	<p>The site has a base FSR of 1:1 under Clause 4.4 of the Sydney LEP 2012.</p> <p>The site is located in Area 5 and under the provisions of Clause 6.14 of the Sydney LEP 2012 is eligible for a further 0.25:1 of community infrastructure floor space.</p> <p>As such a combined FSR of 1.25:1 is permitted.</p> <p>A total FSR of 1.24:1 (418sqm) is proposed. To achieve this, the proposal relies on the additional community infrastructure floor space of 0.24:1 (81.9sqm).</p> <p>The applicant has made a public benefit offer for a monetary contribution towards community infrastructure in Green Square in accordance with these provisions. Refer to further discussion in the Issues section of this report.</p>
<p>5.4 Controls relating to miscellaneous permissible uses</p> <p>Secondary dwellings</p>	N/A	<p>Clause 5.4(9) of the LEP relates to the maximum size of a secondary dwelling on a lot.</p> <p>The proposed development includes laneway structures with an area defined as a 'studio' with a bathroom on the first floor. This is provided to each new lot proposed.</p> <p>Based on the floor plans submitted with this application, these studios are not considered to be self-contained or secondary dwellings. Instead, these area are ancillary living space to the principal dwelling.</p> <p>It is recommended that a condition be imposed that the studios be used in association with the principal dwellings and not as self-contained secondary dwellings.</p>

Development Control	Compliance	Comment
6.21 Design excellence	Yes	<p>Subject to the imposition of conditions, the proposed development is considered to satisfy the requirements of this provision.</p> <p>The revised design achieves a high standard of architectural design, with materials and detailing appropriate to both the existing building and conservation area.</p>
Division 1 Car parking ancillary to other development 7.4 Dwelling houses, attached houses and semi-detached dwellings	Yes	<p>The site is located in 'category C' zone, and as such, a maximum of 2 car parking spaces are permitted for each dwelling.</p> <p>One car parking space is proposed for each of the dwellings.</p>
7.13 Contribution for purpose of affordable housing	Yes	<p>The site is located within the boundaries of Green Square as detailed in the Green Square Affordable Housing Program.</p> <p>Under the provisions of Clause 7.13, the application is subject to an affordable housing contribution.</p> <p>The development has a total floor area of 488sqm as defined by this part of the plan.</p> <p>Based on the residential rate of \$244.99/sqm for the indexation period 1 March 2018 to 28 February 2019, an affordable housing contribution of \$119,555.12 applies to the development.</p>
7.14 Acid Sulfate Soils	Yes	<p>The site is identified as containing Class 5 Acid Sulphate Soil. Although the site is within 500 metres of adjacent Class 3 land, the land is not below 5 metres Australian Height Datum and the watertable is not likely to be lowered below 1 metre. As such the provisions in this part of the plan do not apply.</p>

Development Control	Compliance	Comment
7.15 Flood planning	Yes	The site is not identified by Council as being flood prone. Notwithstanding this, Council's Engineer has recommended that a condition be imposed requiring that all openings be no less than 300mm above the gutter invert at the street frontage.

Sydney DCP 2012

23. The relevant matters to be considered under Sydney Development Control Plan 2012 for the proposed development are outlined below.

2. Locality Statements – 2.5.2 Beaconsfield

The subject site is located in the Beaconsfield locality. The proposal is considered to be in keeping with the unique character of the area and design principles in that it responds to the scale and form of the existing residential development and built form pattern.

3. General Provisions	Compliance	Comment
3.2.2 Addressing the street and public domain	Yes	The proposed development has been designed to positively address the street, and be contextually appropriate to this residential streetscape.
3.5 Urban Ecology	Yes	The proposed development does not involve the removal of any trees and will not adversely impact on the local urban ecology.
3.6 Ecologically Sustainable Development	Yes	The proposal satisfies BASIX and environmental requirements.
3.8 Subdivision, Strata Subdivision and Consolidation	Yes	The proposal involves the Torrens title subdivision of the site into 2 lots. A draft subdivision plan has been provided with the application. This draft plan has been reviewed and supported by Council's Surveyor, subject to the imposition of conditions of consent.

3. General Provisions	Compliance	Comment
3.11 Transport and Parking	Yes	<p>The number of spaces and design of the rear lane garages is consistent with the DCP provisions.</p> <p>The application was reviewed by the City's Transport Planner, who raised no objection to the design of the proposed garages and vehicular access, subject to the imposition of conditions.</p>
3.13 Social and Environmental Responsibilities	Yes	The development incorporates passive surveillance to both Victoria Street and Victoria Lane.
3.14 Waste	Yes	A condition has 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
4.1 Single dwellings, terraces and dual occupancies		
4.1.1 Building height	No	<p>A maximum of 2 storeys is permitted.</p> <p>The proposed development is 3-storeys in height. Refer to discussion in the issues section of this report.</p>
4.1.2 Building setbacks	Yes	<p>During the assessment, the application has been amended so as to align the first floor rear wall with the neighbouring dwellings at Nos. 222-226 Victoria Street to the south. The centrally located 'box-out' element extends 900mm beyond this rear wall. This is acceptable in this instance as it is centrally located ensuring adequate neighbouring amenity is maintained, and is a minor projection.</p> <p>The second floor rear wall is setback 1.4m from the second floor rear walls of the neighbouring dwellings at Nos. 222-226 Victoria Street.</p>

4. Development Types 4.1 Single dwellings, terraces and dual occupancies	Compliance	Comment
		<p>The ground and first floor front walls align with the neighbouring pair at Nos. 218 and 218A Victoria Street to the north. The proposed blade walls align with the blade walls of the neighbouring group at Nos. 222-226 Victoria Street to the south and are further setback than the blade walls of the neighbouring pair at Nos. 218 and 218A Victoria Street.</p> <p>The second floors of the neighbouring group at Nos. 222-226 Victoria Street have a front setback of 8m.</p> <p>The proposed second floor has a variable front setback between 5.7m-8.5m. Noting that the majority of the floor space is setback 8.5 metres, the element of this second floor that is setback 5.7 metres is limited to the stair and circulation area which is centrally located on the site and setback from both side boundaries. As such, this element of the second floor is not readily visible from the public domain.</p> <p>The proposed nil rear and side setbacks of the laneway structures are consistent with other development on Victoria Lane, including the neighbouring properties at Nos. 218A and 222 Victoria Street.</p>

4. Development Types 4.1 Single dwellings, terraces and dual occupancies	Compliance	Comment
4.1.3 Residential amenity		<p>The 3 east facing awning windows to Bedroom 2 in both dwellings are required by the BCA to have opening restrictors so that they don't open more than 120mm. The windows will thus achieve 0.27sqm of combined effective open area (EOA). It is reasonable to assume flyscreens will be installed by future occupants which will effectively halve the EOA to 0.135msqm. The required ventilation in the BCA is calculated at 5% of the floor area served by those windows (10.7sqm), of which 5% is 0.54m² EOA. Therefore the awning windows will not provide the required ventilation.</p> <p>It is a recommended condition of consent that one bay of windows be changed to clear glass louvres to improve ventilation.</p>
4.1.3.1 Solar access	No, but assessed as acceptable	Refer to assessment and discussion in the issues section of this report.
4.1.3.4 Deep soil planting 4.1.3.5 Private open space	Yes	Each dwelling has access to 30sqm of ground level private open space and 25sqm (15%) of deep soil area in accordance with this part of the plan.

4. Development Types 4.1 Single dwellings, terraces and dual occupancies	Compliance	Comment
4.1.3.6 Visual privacy	Yes	<p>Concern was raised during the assessment regarding overlooking and privacy impacts associated with both the western elevation windows to the principal dwellings and the studio element of the laneway structures.</p> <p>In its current form, the first floor rear facing bedrooms (notated on the plans as Bedroom 03) include floor to ceiling glazed louvres. These are not considered to provide an adequate privacy treatment or adequate solar shading, noting that this is the western elevation. A condition has been recommended for imposition that an external privacy and solar treatment be incorporated onto this facade, such as solid louvres.</p> <p>The revised design incorporates external sliding louvre screens on the ground and first floor front openings, balustrades with solid balusters to the first floor front balconies and higher front fences to ensure adequate internal privacy is maintained to the rooms fronting Victoria Street.</p> <p>The western facing windows associated with Bedrooms 1 which front the atriums are to have translucent glazing in order to restrict views into Bedrooms 2 and to allow Bedrooms 2 to retain clear glazing.</p> <p>The hallway windows facing the atriums are also to have translucent glazing to ensure visual privacy to Bedrooms 2 are maintained.</p> <p>The revised laneway structure includes fixed louvers on the front and rear first floor windows, ensuring adequate privacy is maintained to the neighbouring properties and future residents.</p>

4. Development Types 4.1 Single dwellings, terraces and dual occupancies	Compliance	Comment
4.1.6 Secondary and laneway dwellings	Yes	<p>The proposal includes a 5.4m high, 2-storey laneway structure with a hipped roof with a pitch of 20 degrees.</p> <p>Victoria Lane is largely characterised by boundary fences as well as 1 and 2-storey structures.</p> <p>Immediately opposite the subject site on Victoria Lane is a 2-storey multi-dwelling development with a height of approximately 5.6m (refer to Figure 5). Two, 2-storey laneway structures have been recently approved on Victoria Lane at Nos. 221-225A Queen Street (D/2015/1003) and No. 210 Victoria Street (D/2015/1047) (refer to Figure 7).</p> <p>The 2-storey height is consistent with the established pattern of 2-storey structures on Victoria Lane and is supported.</p> <p>It is a recommended condition of consent that additional details are required to demonstrate how the rear facing roof to the studio is drained from the property without being located outside the boundary. It is also a recommended condition of consent that all building elements of the garage/studio structure (including privacy louvres and downpipes) must be located within the site boundary.</p> <p>It is noted that the privacy shutters project approximately 10mm over the footpath. Given the small projection and 3.5m clearance from the footpath, the shutters will not cause obstruction or a loss of safety for users of the laneway consistent with Objective (a) of Schedule 4 of the Sydney DCP 2012.</p>

4. Development Types 4.1 Single dwellings, terraces and dual occupancies	Compliance	Comment
4.1.7 Fences	Yes	<p>Due to the slope of the land, the front fence at No. 220 has a height of 1.3m - 1.4m which exceeds the maximum allowable height of 1.2m.</p> <p>To ensure the fence better responds to the change in level along the street boundary, it is a condition of consent that the lower (northern) end of the fences palisades be reduced to 1.2m in height. The balance of the fence will be reduced in height accordingly. Although will result in the higher (southern) end of the fence being approximately 1.3m in height, the non-compliance is minor (8%) and it is noted that the fence contributes to the privacy of the ground floor room fronting Victoria Street. For these reasons, the front fence at No. 220A which has a height of 1.2m - 1.25m is also considered acceptable.</p> <p>The side boundary fences are 1.8m in height, which is consistent with the DCP requirements.</p> <p>It is noted that the submitted plans indicate letterboxes affixed to these front fences that project over the boundary onto the public footpath. This is not supported and a design modification condition is recommended to require the redesign of these letterboxes.</p>

4. Development Types 4.1 Single dwellings, terraces and dual occupancies	Compliance	Comment
4.1.8 Balconies, verandahs and decks	Partial compliance	<p>The proposal incorporates both rooftop terraces and balconies on the second floor.</p> <p>The DCP generally discourages upper level balconies at the rear of the site.</p> <p>The inclusion of the second floor eastern elevation terrace on the Victoria Street frontage of the site is supported. The location of these terraces would not result in any significant overlooking of nearby properties, rather would have views over the street. The terraces are located at the second floor level, are accessed by three flights of stairs and are not directly accessible from the living areas. As such it is anticipated that they will not be used as the primary outdoor area or as an extension of the primary living area.</p> <p>The proposed second floor western (rear) elevation balconies are not supported. Refer to further discussion in the Issues section of this report.</p>
4.1.9 Car parking	Yes	The proposed single car garages achieve the minimum required dimensions of 5.4m x 2.4m.

5. Specific Areas Green Square	Compliance	Comment
5.2.3 Community infrastructure	Yes	<p>The application is reliant on the community infrastructure provisions of the LEP. The proposal has been accompanied by a public benefit offer for a monetary contribution towards the provisions of community infrastructure for Green Square.</p> <p>Refer to discussion on the voluntary planning agreement in the Issues section below.</p>
5.2.10 Setbacks	Yes	<p>The site is not identified as having any site specific public domain setbacks in accordance with this section of the DCP.</p>

Issues

Building Height/Height in Storeys

24. Section 4.1.1 of the SDCP 2012 stipulates a height in storeys control for this site and the remainder of the streetscape of 2 storeys. The SLEP 2012 has a 9 metre building height development standard.
25. The proposed development complies with the building height development standard, proposing a maximum height of 8.9 metres. However, the proposal accommodates 3-storeys within the permitted height control.
26. As the proposal seeks to vary the maximum number of storeys, consideration has been given to the objectives and provisions of Section 4.1.1 of the SDCP 2012. The DCP states that the development must demonstrate that the proposal:
 - (a) "reinforces the existing and desired neighbourhood character;
 - (b) is consistent with the character, scale and form of surrounding buildings in heritage conservation areas; and
 - (c) does not detract from the character and significance of the existing building."
27. The site is not located in a heritage conservation area, or located in the proximity of any heritage listed or contributory buildings. The site is located within the Green Square urban renewal area, where the entire locality is undergoing change and redevelopment. The existing dwelling on the site is not being retained. Therefore, the appropriateness of the number of storeys proposed must be based on the existing and desired neighbourhood character.
28. Figure 12 demonstrates that there are a number of existing and recently approved 3-storey buildings in the immediate context.



Figure 12: Subject site and surrounding context. The black line delineates the border of the 2 storey height control in the Sydney DCP 2012.

29. The photographs of the site and surrounds at Figures 2 to 7 and Figures 13 to 16 below further demonstrate the existing two storey and attic and three-storey buildings within the streetscape, including:
- (a) the directly adjacent site to the south at 222-226 Victoria Street are three x three-storey dwellings houses (refer to Figure 3);
 - (b) a three-storey residential flat building located at No. 197 Victoria Street, on the opposite side of Victoria Street to the subject site (refer to Figure 4); and
 - (c) a row of six x 3-storey dwelling houses has been approved on 4 May 2016 at No. 187-189 Victoria Street under D/2015/1761. This site is located on the opposite side of Victoria Street to the subject site. Figure 13, below, illustrates the approved Victoria Street elevation of this development.

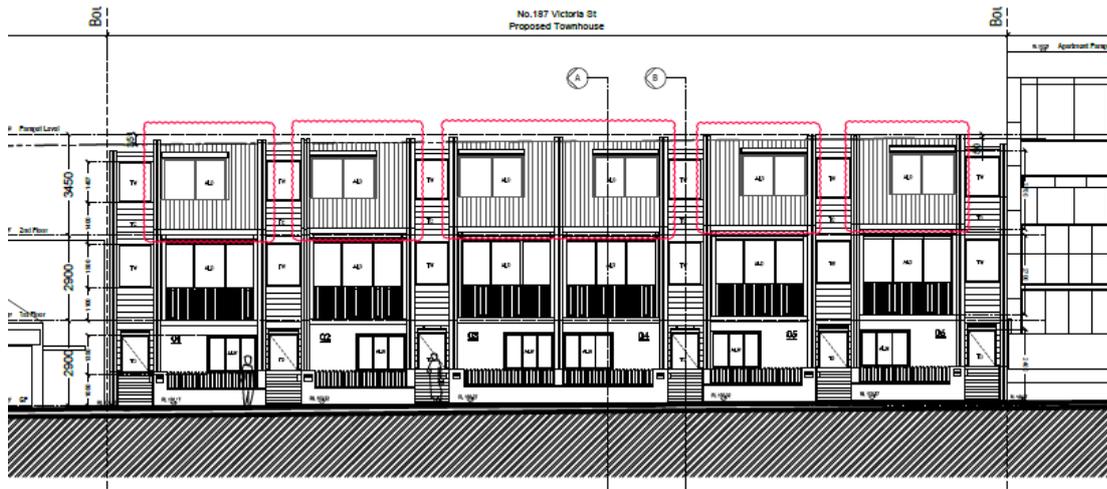


Figure 13: Victoria Street elevation of approved development at 187-189 Victoria Street

- (d) to the rear of the site at Nos. 221-225A Queen Street, on the opposite side of Victoria Lane, is a row of 6 x 3-storey dwelling houses. These were approved in January 2016 and are recently completed. Figure 14 illustrates the approved Queen Street elevation and Figure 15 is a photograph of the completed development as viewed from Victoria Lane. Queen Street is also identified as a 2-storey control in the SDCP 2012.



Figure 14: Queen Street elevation of approved development at 221-225A Queen Street



Figure 15: The development at 221-225A Queen Street as viewed from Victoria Lane

30. Figure 16, below, illustrates the height of the proposed development in relation to both its immediately adjoining neighbours at 218-218A Victoria Street and 222-226 Victoria Street.
31. The proposal has a skillion roof that pitches up from the front of the site. The roof has a lower gutter line of RL 26.09 and a ridge height of RL 27.03. The proposed ridge height is lower than that of the neighbouring 2-storey neighbouring at Nos. 218 and 218A Victoria Street (RL 27.61) and the neighbouring 3-storey group at Nos. 222-226 Victoria Street (RL 27.25).

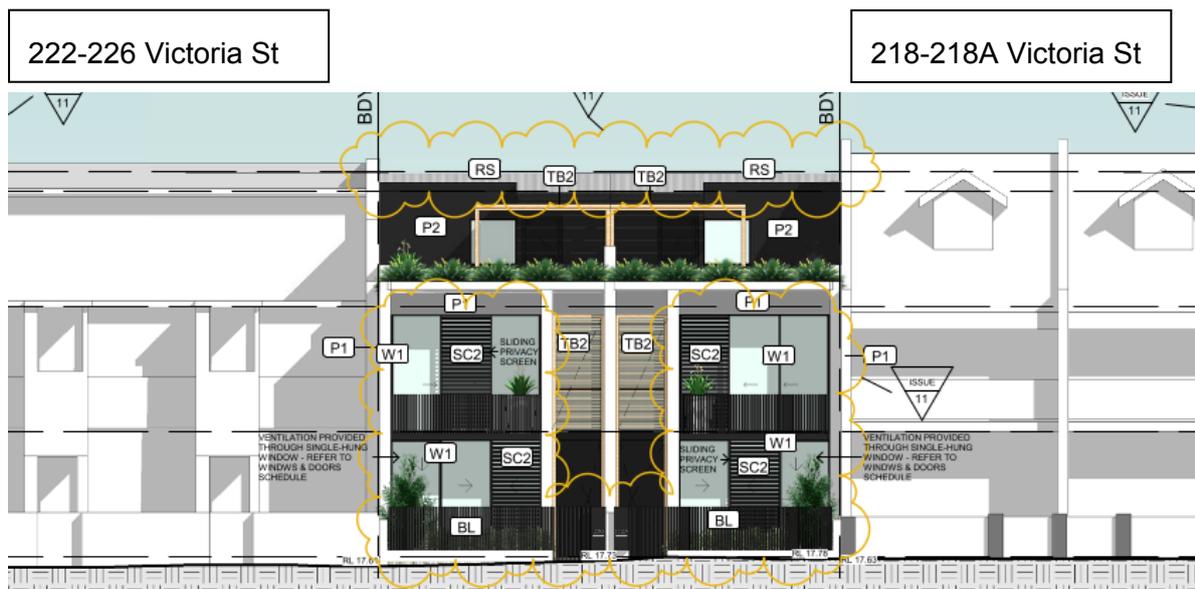


Figure 16: The proposed development in the context of the height of the adjacent developments

32. Considering the existing and future character of this area of Beaconsfield, it is considered that a three-storey development of this built form is not out of character and can be considered contextually appropriate in this instance. The skillion roof was amended to a pitched roof to reduce the visual prominence of the second floor when viewed from the west (rear). Furthermore, as detailed in this report, the second floor has been adequately setback from the street to lessen its visual presence and bulk.
33. Notwithstanding that the additional storey can be supported, a design modification condition is recommended for imposition requiring that:
 - (a) the second floor rear (western) elevation balconies accessed off the master bedrooms be deleted, as well as associated blade walls and retractable blinds. Further discussion on the recommendation to delete these balconies is included below under the heading "balconies"; and
 - (b) the proposed second storey 'Colorbond' facade treatment be provided to the side and rear elevations where exposed in order to differentiate the second storey from the storeys below.

Balconies

34. The second floor rear balconies associated with the master bedrooms are located on the rear elevation contrary to Provision 4.1.8.1(1) of the Sydney DCP 2012. The balconies will allow the overlooking of nearby properties and will unreasonably affect neighbouring privacy.
35. The balconies are not necessary to achieve adequate amenity for the dwellings, particularly as the second floors contain large rooftop terraces fronting Victoria Street which are easily accessible from the master bedrooms.
36. As discussed previously in this report, the associated 1.9m high blade walls and retractable awnings create unreasonable additional visual bulk at the rear of the building and accentuate the prominence of the second floor.
37. A condition is recommended for imposition that the balconies be deleted, the associated sliding doors be replaced with windows with sill heights of at least 1.4m above the second floor FFL, roof treatment such as crushed gravel or ballast be used in place of the second floor balcony and the retractable awnings be replaced with appropriate solar shading devices.

Solar Access

38. The private open spaces of both dwellings will receive the minimum required 2 hours of direct sunlight to at least 8sqm of private open space during the winter solstice in accordance with Provision 4.1.3.1(1) of the Sydney DCP 2012.
39. The proposal will result in a reduction in sunlight to the private open space of the neighbouring dwelling to the south at No. 222 Victoria Street. Both the rear yard and adjoining rooftop terrace above the garage function as the properties private open space.
40. Table 1, below, demonstrates that No. 222 Victoria Street currently does not receive two hours of direct sunlight to at least 8sqm of private open space during the winter solstice (21 June) and that the proposal will reduce sunlight further contrary to Section 4.1.3.1(2) of the Sydney DCP 2012.

Sunlight to private open space at No. 222 Victoria Street during winter solstice (21 June)							
	9.00am	10.00am	11.00am	12.00pm	1.00pm	2.00pm	3.00pm
Existing	0sqm	0sqm	6.8sqm	8.3sqm	7.2sqm	4.5sqm	0.5sqm
Proposed	0sqm	0sqm	6.6sqm (-0.2sqm)	7.3sqm (-1sqm)	5.6sqm (-1.6sqm)	2.6sqm (-1.9sqm)	0.5sqm

Table 1: Sunlight to private open space at No. 222 Victoria Street during the winter solstice

41. The private open space at No. 222 Victoria Street is largely self-shadowed by the existing garage structure, associated rooftop terrace and the 2 metre high fence along the northern (side) boundary.
42. The height and form of the proposed laneway structure complies with the relevant provisions in Section 4.1.6 of the Sydney DCP 2012, most notably the 5.4m height control. The design has been amended during the assessment of the application to improve the level of retained solar impact to the neighbouring property.
43. Given the degree of existing self-shadowing and the compliance of the laneway structures with the relevant Sydney DCP 2012 provisions, the proposal is considered to retain acceptable solar access to the neighbouring private open space in this instance.

Public Benefit Offer

44. In accordance with the community infrastructure floor space provisions of the Sydney LEP 2012, the applicant has submitted a public benefit offer for a monetary contribution for \$38,902.50 towards the provision of infrastructure for Green Square.
45. The draft Voluntary Planning Agreement has been prepared and has been publically exhibited for a 28-day period between 2 May and 30 May 2018. At the time of writing this report, no submissions had been received, however, the exhibition period had not concluded. If any submissions are received, this information will be provided to the panel for consideration in the determination of the application. It is noted that the content of the agreement may change based on any significant issues raised during the notification period.
46. It is recommended that a deferred commencement condition be imposed requiring the execution of the Voluntary Planning Agreement prior to the activation of the consent.

Other Impacts of the Development

47. The proposed development is capable of complying with the BCA.
48. It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

Suitability of the site for the Development

49. The proposal is of a nature in keeping with the overall function of the site. The premises are in a predominately residential surrounding and amongst similar uses to that proposed.

Internal Referrals

50. Where relevant, the conditions of other sections of Council have been included in the proposed conditions.
51. The application was discussed with the Urban Design Specialists; Public Domain; Surveyors; Transport and Access who advised that the proposal is acceptable subject to the recommended conditions.

External Referrals

Notification, Advertising and Delegation (Submissions Received)

52. In accordance with Schedule 1 the Sydney DCP 2012, the proposed development is required to be notified and advertised. As such the application was notified and advertised for a period of 21 days between 8 January 2018 and 30 January 2018. As a result of this notification there were three submissions received.
53. The amended plans, submitted in both March and April 2018, resulted in a lesser environmental impact than those originally notified. As such, in accordance with the DCP provisions, re-notification of the amended plans was not required.
- (a) Privacy concerns regarding the laneway structure's first floor windows fronting Victoria Lane.

Response: The revised design incorporated fixed angled external louvers on the first floor windows fronting Victoria Lane to ensure adequate privacy is maintained for neighbouring properties.

- (b) The scale of the development not consistent with the area.

Response: As discussed elsewhere in this report, the proposed scale of the development is considered acceptable.

- (c) Front building line is not consistent with the predominant front building line.

Response: As discussed, the ground and first floor front walls align with the neighbouring dwellings at Nos. 218 and 218A Victoria Street.

- (d) Neighbouring solar impact.

Response: Detailed discussion on overshadowing is provided in the issues section of this report.

Public Interest

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

S7.11 Contribution

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

56. The contribution has been calculated for 2 new dwellings that have 3 or more bedrooms. A credit has been given for the existing single dwelling (3-bedroom dwelling) that is to be demolished to facilitate the development.

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

(a) Open Space	\$12,875
(b) Community Facilities	\$2,563
(c) Traffic and Transport	\$3,269
(d) Stormwater Drainage	\$1,293
Total	\$20,000

Affordable Housing Contribution

58. Pursuant to the provisions of Clause 7.13 of the Sydney LEP 2012 and the Green Square Affordable Housing program, the development is subject to the levying of an affordable housing contribution. A condition has been recommended for imposition requiring a contribution of \$119,555.12. This contribution amount is based on the indexation rate at the time of determination, being the applicable rate between 1 March 2018 and 28 February 2019, and is subject to indexation.

Relevant Legislation

59. The Environmental Planning and Assessment Act 1979.

Conclusion

60. The subject application seeks consent for the demolition of the existing dwelling on site and the construction of two x three-storey semi-detached dwellings, both with a two-storey laneway structures on the rear lane. The development also proposes Torrens title subdivision of the existing site into two lots.
61. The application has been amended during the assessment to respond to the preliminary assessment issues identified by City staff, including height, setbacks, privacy, solar access and the form/scale of the laneway structures.
62. The development application is reliant on the community infrastructure floor space provisions of the Sydney LEP 2012. The application has been accompanied by a public benefit offer for a monetary contribution of \$38,902.50 towards the provision of infrastructure for Green Square. A draft Voluntary Planning Agreement has been prepared and has been publicly exhibited for a 28-day period between 2 May and 30 May 2018.
63. Subject to the imposition of conditions, the proposal is considered to be a contextually appropriate infill development within the Green Square urban renewal area. The proposal is considered to be generally compliant with the applicable planning controls and exhibit design excellence through an appropriate form, scale and materiality for the locality.
64. The application is recommended for a deferred commencement consent to allow the execution of the Voluntary Planning Agreement.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

Tom Irons, Planner