

Item 4.**Development Application: 21 Missenden Road, Camperdown**

File No.: D/2020/917

Summary

Date of Submission:	15 September 2020 Amended plans received 5 March 2021
Applicant:	Tone Wheeler
Architect:	Environa Studio
Owner:	STC and Co Pty Ltd
Planning Consultant:	Sutherland and Associates Planning
DAPRS:	7 December 2020
Cost of Works:	\$2,618,543
Zoning:	The site is zoned B1 Neighbourhood Centre. The proposed development is defined as mixed use development and includes retail premises and residential accommodation. The proposed use is permissible with consent.
Proposal Summary:	<p>The subject development application seeks consent for demolition of existing single storey dwelling and construction of new six storey mixed use development comprising of one retail tenancy, 6 x 1 bedroom residential apartments and 2 x 2 bedroom residential apartments.</p> <p>The application is referred to the Local Planning Panel for determination as the proposal is subject to the provisions of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.</p> <p>The application was notified and advertised for a period of 21 days between 6 October 2020 and 28 October 2020. Three submissions were received. Issues raised in the submissions relate to bulk and scale, parking, amenity impacts to neighbouring properties, impact to streetscape, lack of planting and safety.</p>

Following a preliminary assessment of the application, including consideration by the Design Advisory Panel - Residential Subcommittee, the applicant was requested to amend the application to address a number of issues. These issues relate to bulk and scale, building separation, inadequate landscaping and deep soil area, lack of architectural design and expression, poor residential entry and street level design, undersize communal open space and parking layout.

The proposal was amended on 5 March 2021. The amended plans addressed some of the matters raised above.

Notwithstanding this, a number of design issues have not been resolved. The building is located in a prominent corner location. The architectural design, landscaping, materials and detailing of the amended design as presented in the application documentation is not of a high quality and standard. In this regard the development responds poorly to the streetscape and locality and does not contribute positively to the character of the area.

Due to the excessive floor to ceiling height proposed to the ground floor level, the building base is disproportional and out of scale with the building and context of adjoining properties. The fenestration to the retail tenancy and glazing and louvres to the residential entry also appear out of character as it does not appropriately align with the fenestration of adjoining properties.

The design of levels 5 and 6 do not respond appropriately to the overall presentation of the building and is out of character with the context of adjoining properties. The roof presents as being of lightweight design of limited architectural expression and does not provide sufficient weather protection. The materials used for the walls is of a render finish which will appear heavy and is considered a low quality material.

The proposal has not adequately demonstrated whether adequate landscaping and planting would be achievable at the upper levels of the building. The deep soil zone has a width of only 1.8m - 2m. The application has not demonstrated whether the trees to be planted would provide sufficient long term canopy coverage.

In order to satisfy the design excellence provisions, substantial design changes are required. The design issues cannot be resolved through conditions as the changes required are likely to significantly alter the built form and layout of the development through amendments to and refinement of the base and top of the building (levels 5 and 6), the residential entry and services, the blank side walls, fenestration, awning details and materials.

As a result, the development does not exhibit design excellence and the application is recommended for refusal.

Summary Recommendation: This proposal is recommended for refusal.

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: BASIX) 2004
- (iv) State Environmental Planning Policy (Infrastructure) 2007
- (v) State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- (vi) State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development
- (vii) NSW Apartment Design Guideline 2015
- (viii) Sydney Local Environmental Plan 2012
- (ix) Sydney Development Control Plan 2012
- (x) City of Sydney Development Contributions Plan 2015

Attachments: A. Selected Drawings

Recommendation

It is resolved that consent be refused for Development Application No. D2020/917 for the following reasons:

- (A) The development does not satisfy the design excellence provisions of Clause 6.21 Design Excellence of the Sydney Local Environmental Plan 2012 as it fails to meet the following requirements:
 - (a) The proposal fails to provide a high standard of architectural design, materials and detailing appropriate to the building type and location which is contrary to Clause 6.21(4)(a).
 - (b) The external appearance of the proposed development will adversely impact the quality and amenity of the public domain which is contrary to Clause 6.21(4)(b).
 - (c) The entry and street level design does not contribute to the character of the area and existing streetscape which is contrary to Clause 6.21(4)(d)(x) and(xii).
 - (d) The alignment of the ground floor level with the public domain has not been resolved which is contrary to Clause 6.21(4)(d)(ix) and (x).
 - (e) The proposal fails to provide sufficient details to ensure the adequate integration of the landscaping with the building design which is contrary to Clause 6.21(4)(d)(xii).
- (B) The development fails to comply with the design principles of SEPP 65 Design Quality of Residential Apartment Development and provisions of the Apartment Design Guide (ADG) regarding communal open space, landscaping and aesthetics of the building.
- (C) The proposal does not make a positive contribution to the public domain and is therefore contrary to Section 3.1 Public Domain Elements of the Sydney Development Control Plan 2012.
- (D) The proposal fails to provide sufficient details to ensure integration of the landscaping with the building, to achieve canopy coverage and ensure street tree protection can be achieved, which is contrary to Sections 3.5 and 4.2.3.5 of the Sydney Development Control Plan 2012.
- (E) The proposal is not compatible with the streetscape and character of the area and does not appropriately address the public domain, and is therefore not considered to be in the public interest.

Background

The Site and Surrounding Development

1. The site has a legal description of Lot 1 DP 135846, known as 21 Missenden Road Camperdown. It is rectangular in shape with area of approximately 208.5sqm. The site is a corner allotment with a primary street frontage of 11.2m to Missenden Road and a secondary street frontage of 18.135m to Marsden Road.
2. The site contains a single storey dwelling. The site is not a heritage item and it is not located within a heritage conservation area. The site is located within the Camperdown locality and is not identified as being subject to flooding.
3. The surrounding area is characterised by a mixture of land uses of residential and commercial development:
 - (a) To the west is a narrow vacant 1.2m wide strip of land known as 45A Marsden Street (refer to Figure 6).
 - (b) Further west is a row of four single storey dwellings known as 39-45 Marsden Street which are owned by the NSW Department of Housing (refer to Figure 6 and 7) and a two storey dwelling known as 37 Marsden Street.
 - (c) To the north opposite Marsden Street is the Rydges Hotel known as 3-19 Missenden Road. The hotel is 8 storeys in height and provides onsite parking to the street level (refer to Figure 9).
 - (d) To the east opposite Missenden Road is the St Joseph's Catholic Church known as 25A Parramatta Road and Sancta Sophia College of the University of Sydney known as 8C Missenden Road (refer to Figure 10 and 11).
 - (e) To the south is a five storey mixed used building with retail to ground floor level and Quality Hotel serviced apartments on the levels above known as 23-33 Missenden Road (refer to Figure 8).
 - (f) Further south west is a medical centre and associated car parking known as 54-60 Briggs Street and 31-35 Marsden Street and a commercial building known as 50-52 Briggs Street (refer to Figure 12).
4. A site visit was carried out on 26 November 2020. Photos of the site and surrounds are provided below:



Figure 1: Aerial view of site and surrounds

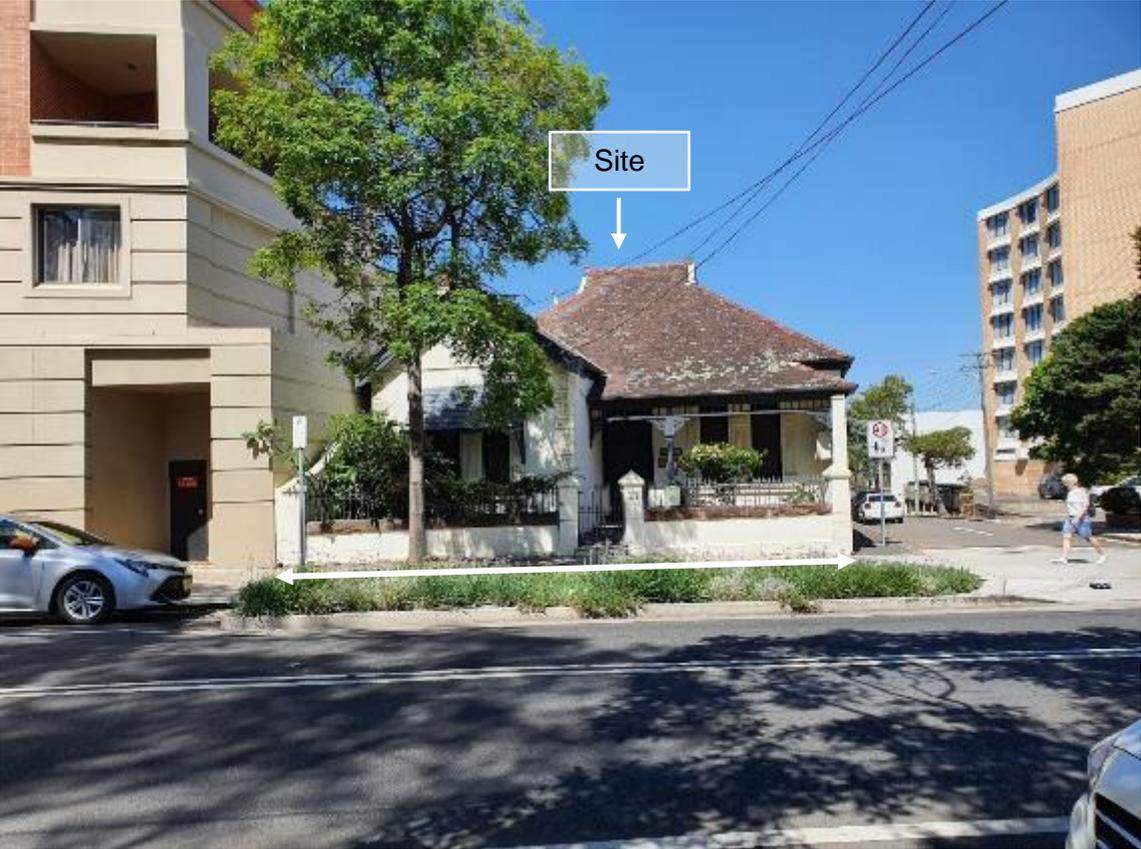


Figure 2: Site viewed from Missenden Road



Figure 3: Site viewed from corner of Missenden Road and Marsden Street, looking south



Figure 4: Site viewed from Missenden Road, looking north



Figure 5: Site viewed from Marsden Street, looking east

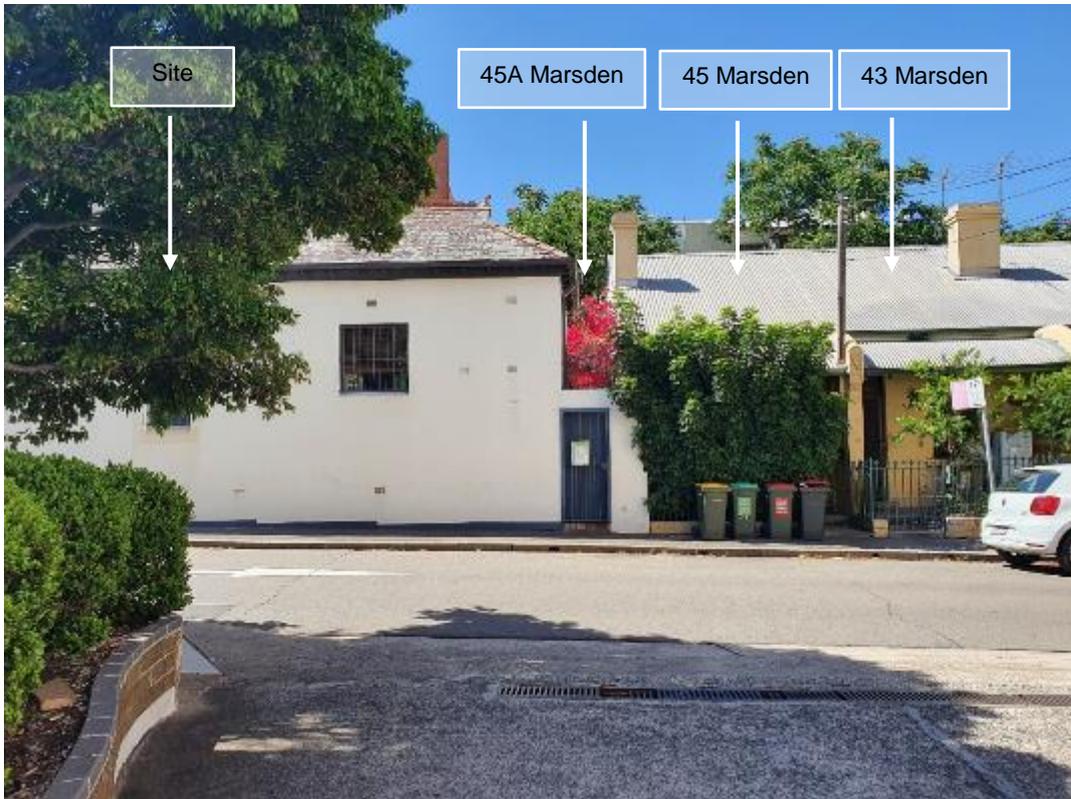


Figure 6: Adjoining properties west of the site showing narrow strip of land known as 45A Marsden Street and part of the terrace row at 43-45 Marsden Street



Figure 7: Adjoining properties further west from site showing terrace row known as 39-45 Marsden Street and two storey dwelling known as 37 Marsden Street

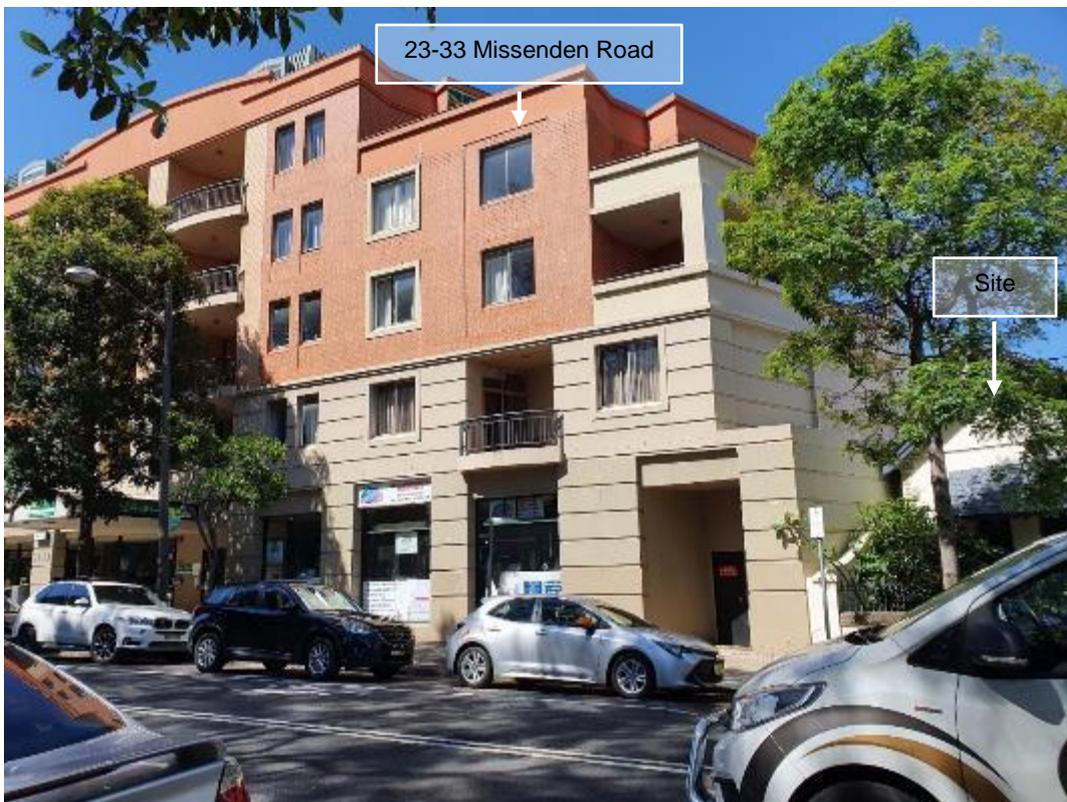


Figure 8: Adjoining property south of site showing mixed-used development with retail tenancies on ground floor and serviced apartments on levels above, known as 23-33 Missenden Road



Figure 9: Adjoining property north of site opposite Marsden Street showing Rydges Hotel known as 3-19 Missenden Road

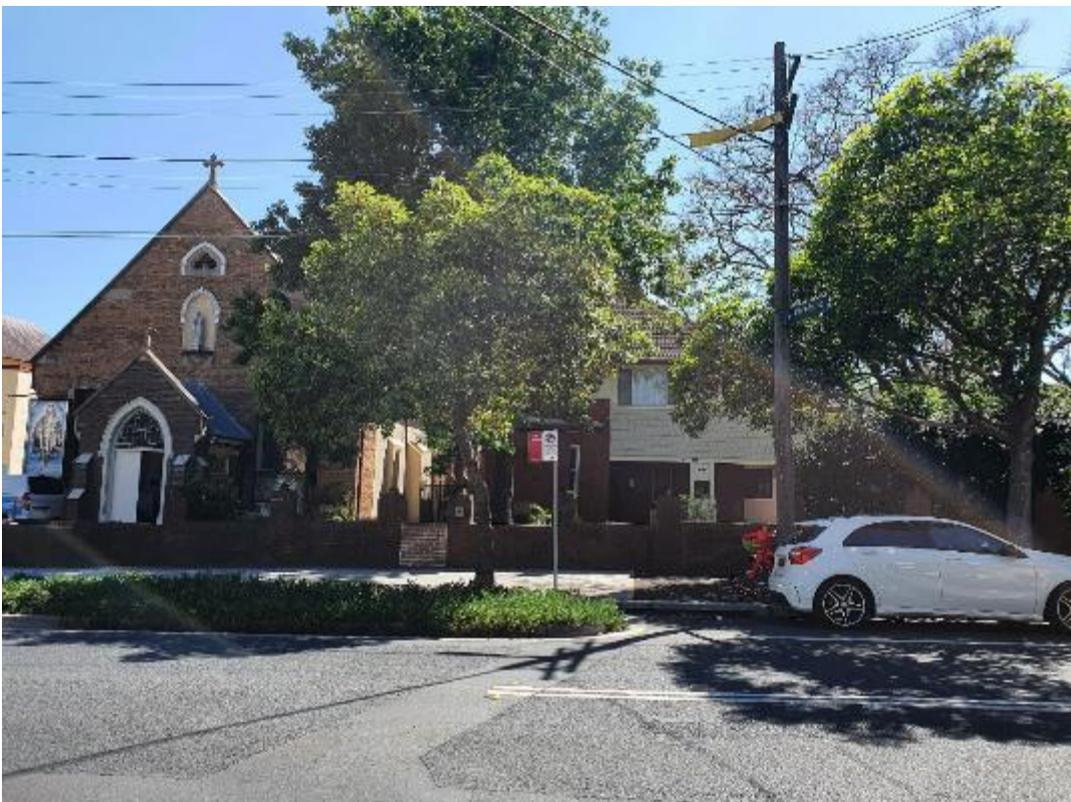


Figure 10: Adjoining property west of site opposite Missenden Road showing St Joseph's Church known as 25A Parramatta Road



Figure 11: Adjoining property west of site opposite Missenden Road showing Sancta Sophia College known as 8C Missenden Road



Figure 12: Further south west is a medical centre and associated car parking known as 54-60 Briggs Street and 31-35 Marsden Street and a commercial building known as 50-52 Briggs Street

Proposed Development

5. The development application seeks consent for the demolition of the existing single storey dwelling and the construction of a six storey mixed use development. In detail, the application proposes the following:

Ground floor/Level 1

- demolition of the existing single storey dwelling, ancillary structures and vegetation;
- one retail tenancy fronting Missenden Road with accessible toilet and waste room;
- entry lobby to residential apartments from Marsden Street;
- residential waste room and storage;
- bike storage room for 11 bicycle spaces;
- communal outdoor space;
- common circulation including lift and staircase;
- services, plant and exhaust areas, including air conditioning condenser unit in plant room on a platform slab; and
- awnings to the building entries on the Missenden Road and Marsden Street frontages.

Level 2 to 4 (inclusive)

- 6 x 1 bedroom residential apartments; and
- communal open space area on level 2.

Levels 5 and 6

- 2 x 2 bedroom (2-storey) residential apartments;
- communal open space area on level 5; and
- solar panels (26 panels) to roof top.

6. A photomontage and perspectives of the proposed development are provided at Figures 13 and 14 below, and selected drawings are provided at Figures 15 to 27. A full set of architectural plans is provided at Attachment B.



Figure 13: Photomontage of proposed development as viewed from opposite side of Missenden Road





Figure 14: Perspective images of the proposed development viewed from Marsden Street (image 1 - north elevation and image 3 - west elevation) and from Missenden Road (image 2 and image 4 - east elevation)

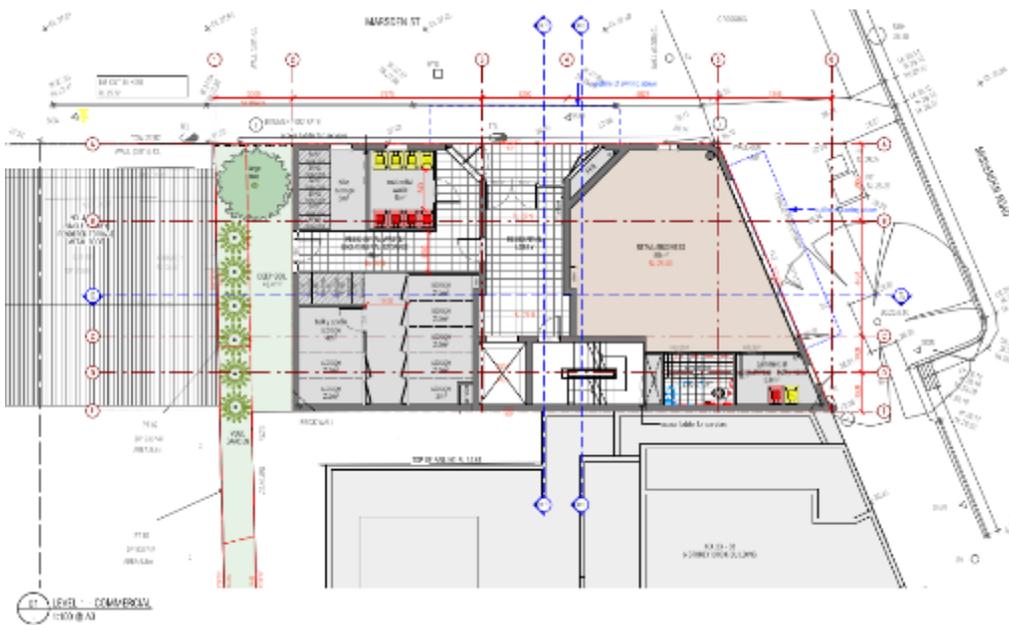


Figure 15: Proposed ground floor/Level 1 plan

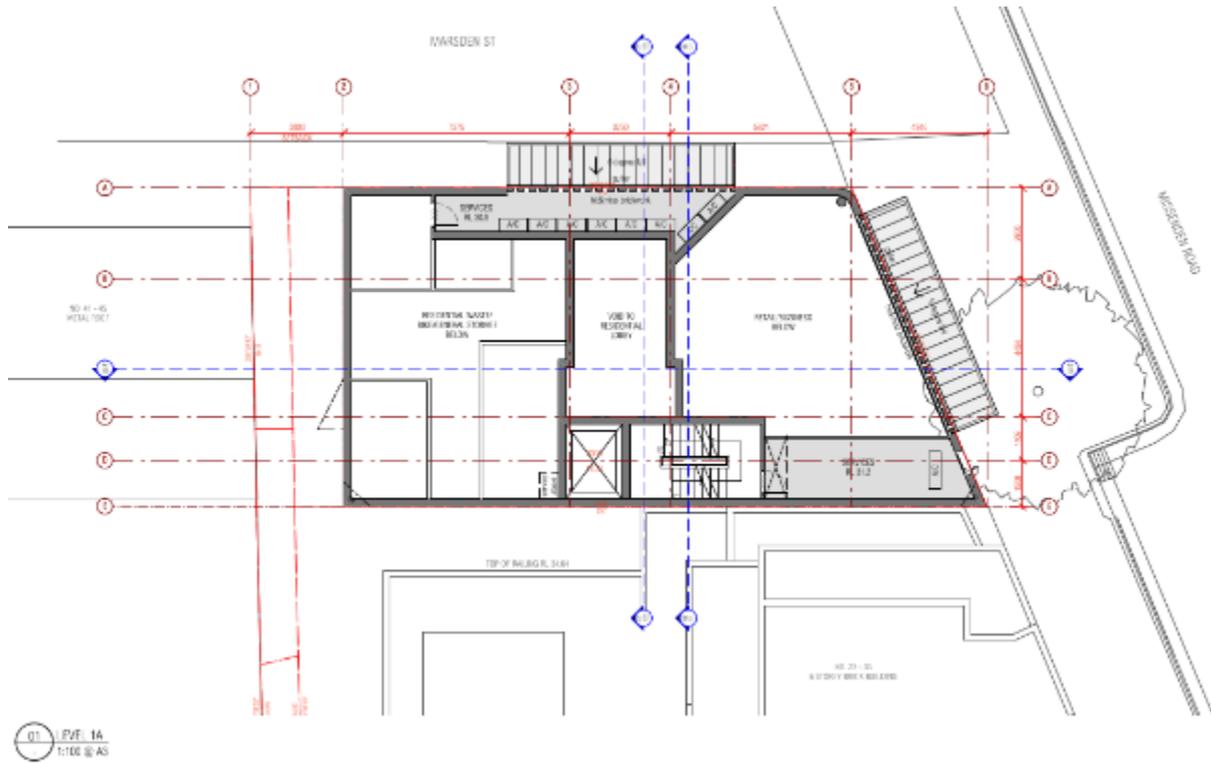


Figure 16: Proposed Level 1A/services plan

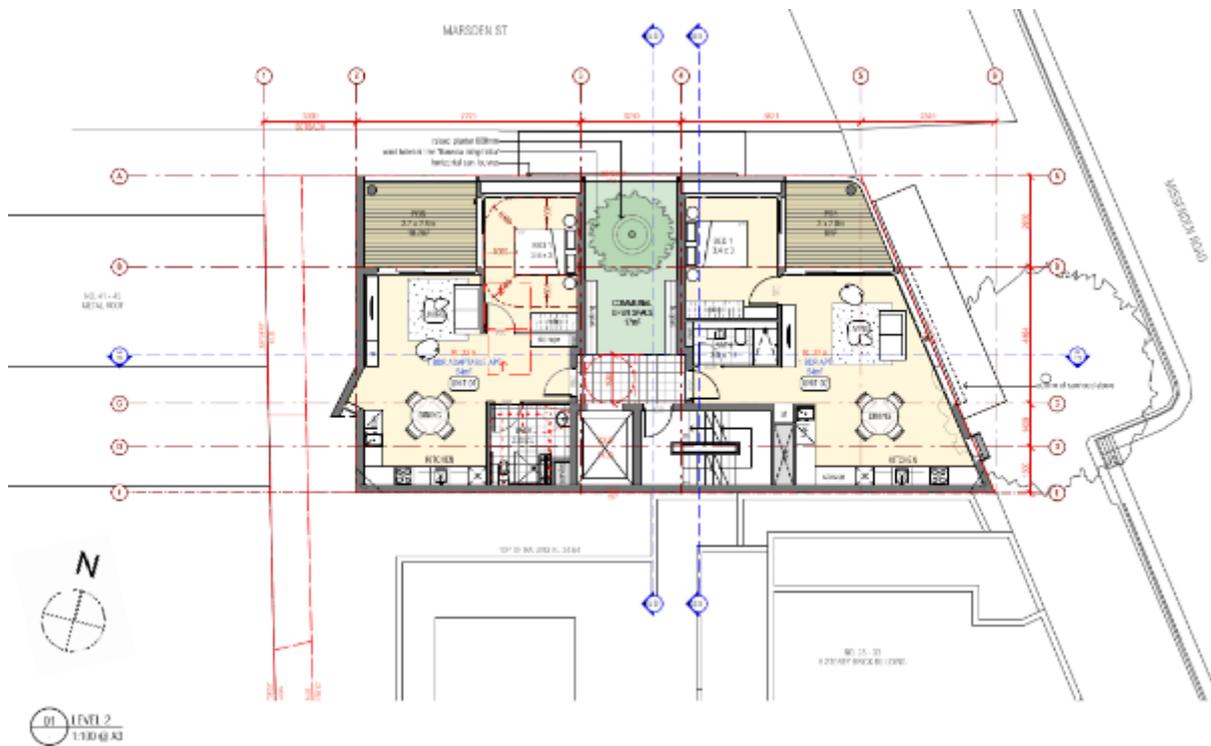


Figure 17: Proposed Level 2 plan

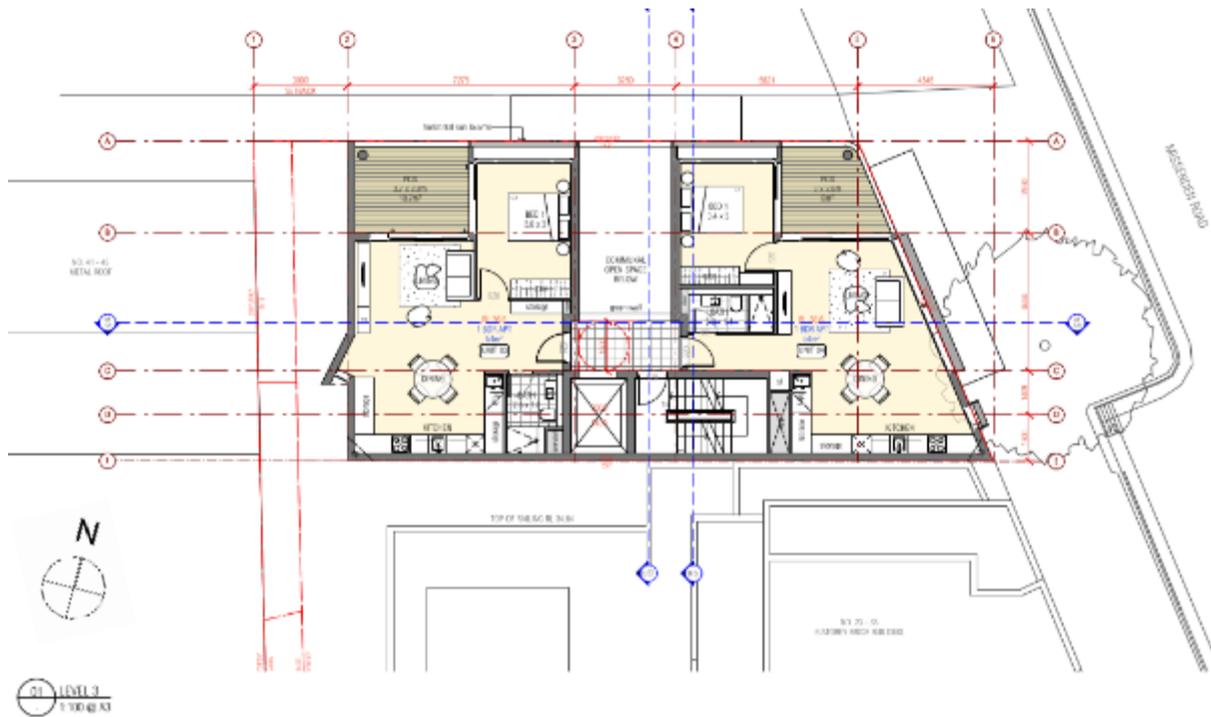


Figure 18: Proposed Level 3 plan

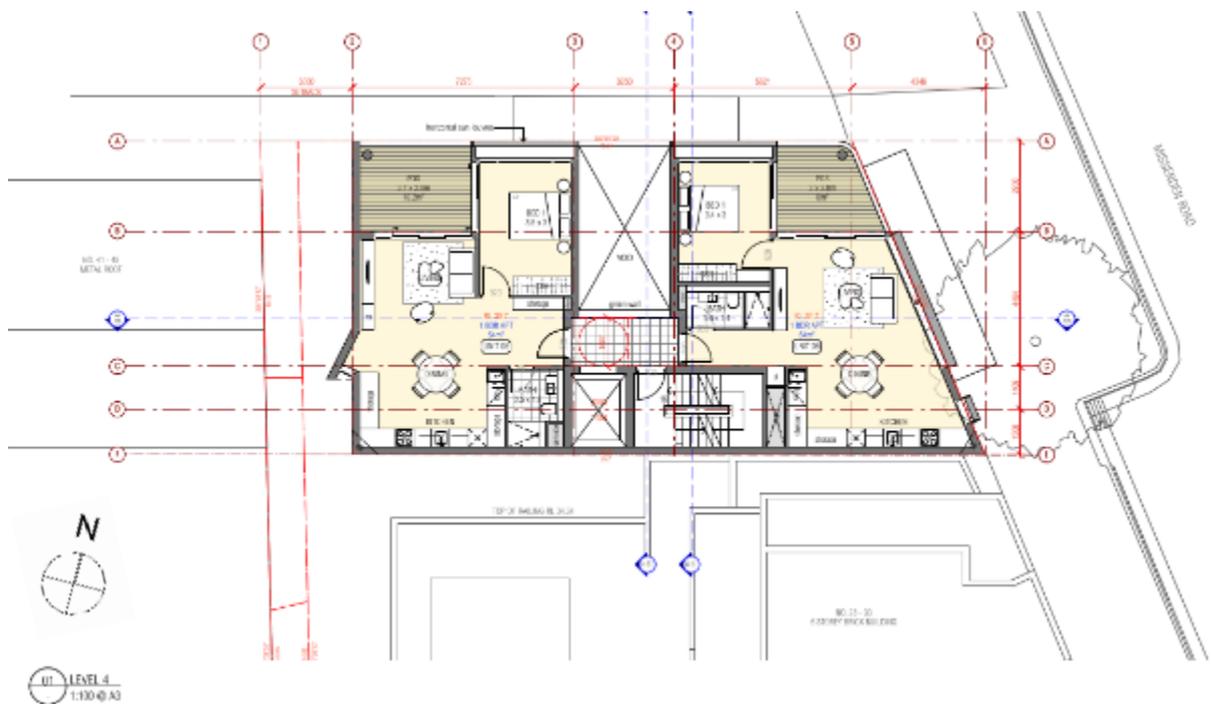


Figure 19: Proposed Level 4 plan

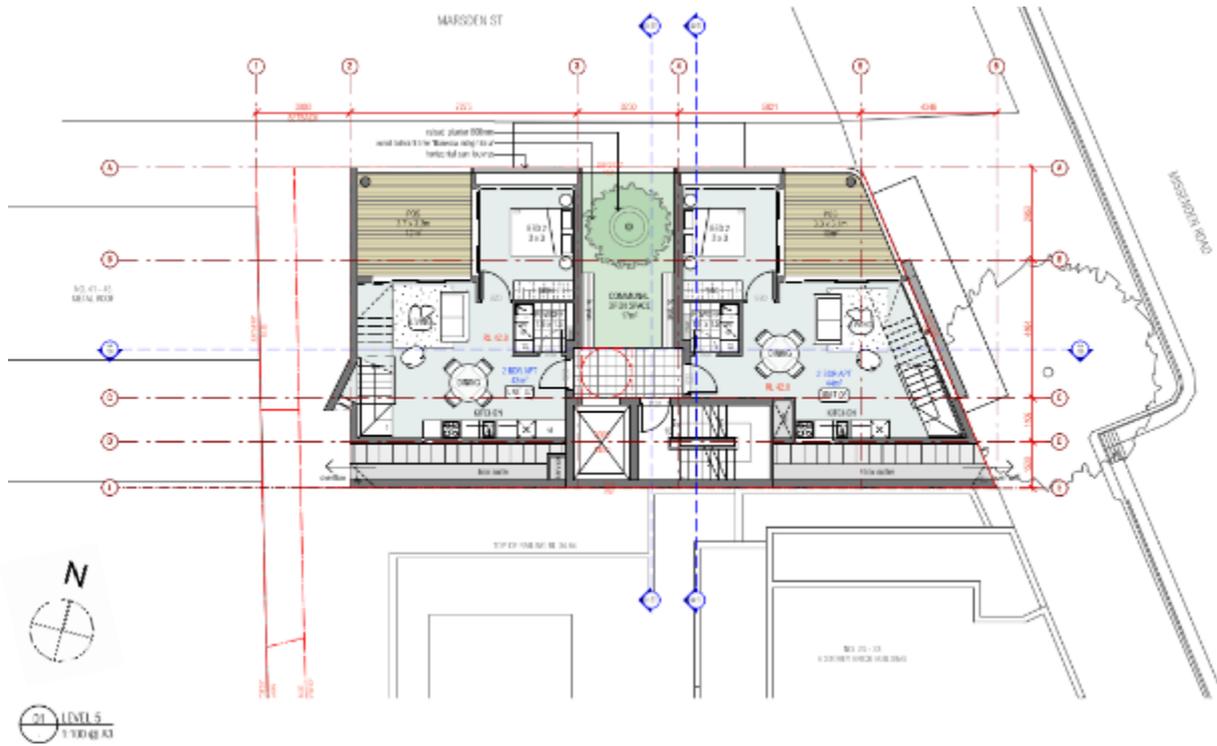


Figure 20: Proposed Level 5 plan

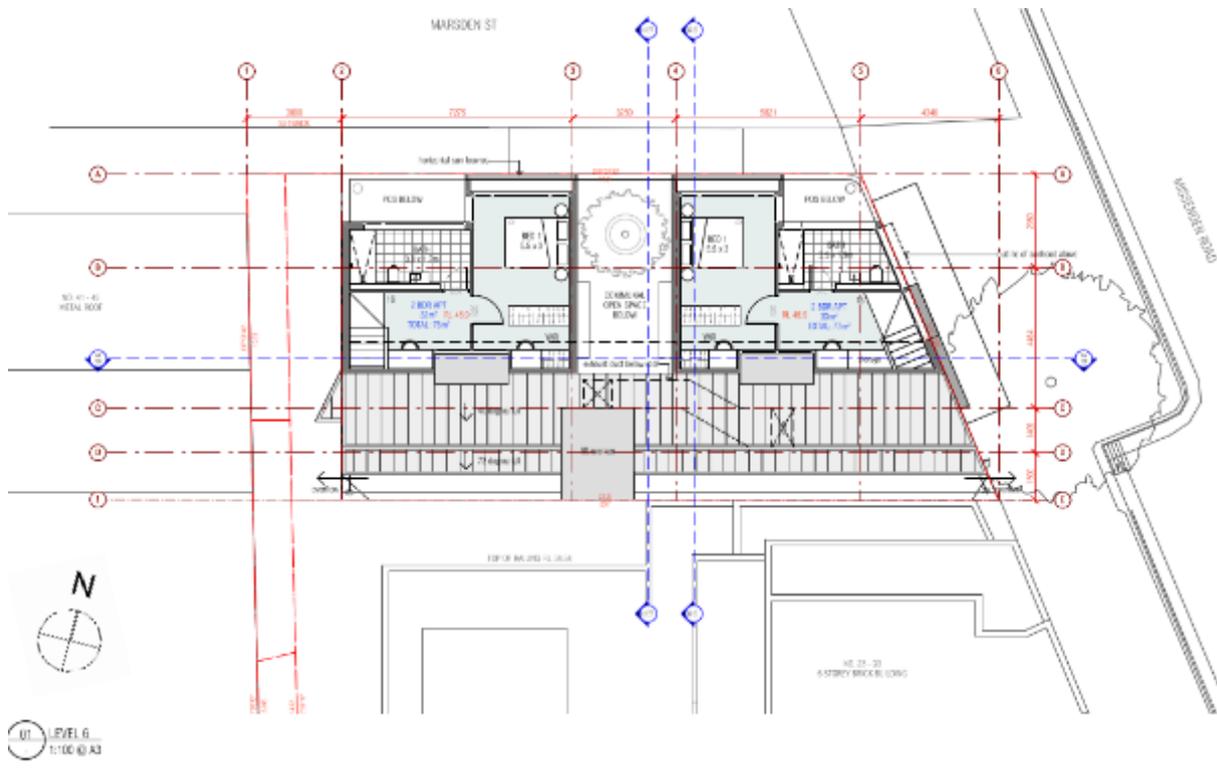


Figure 21: Proposed Level 6 plan

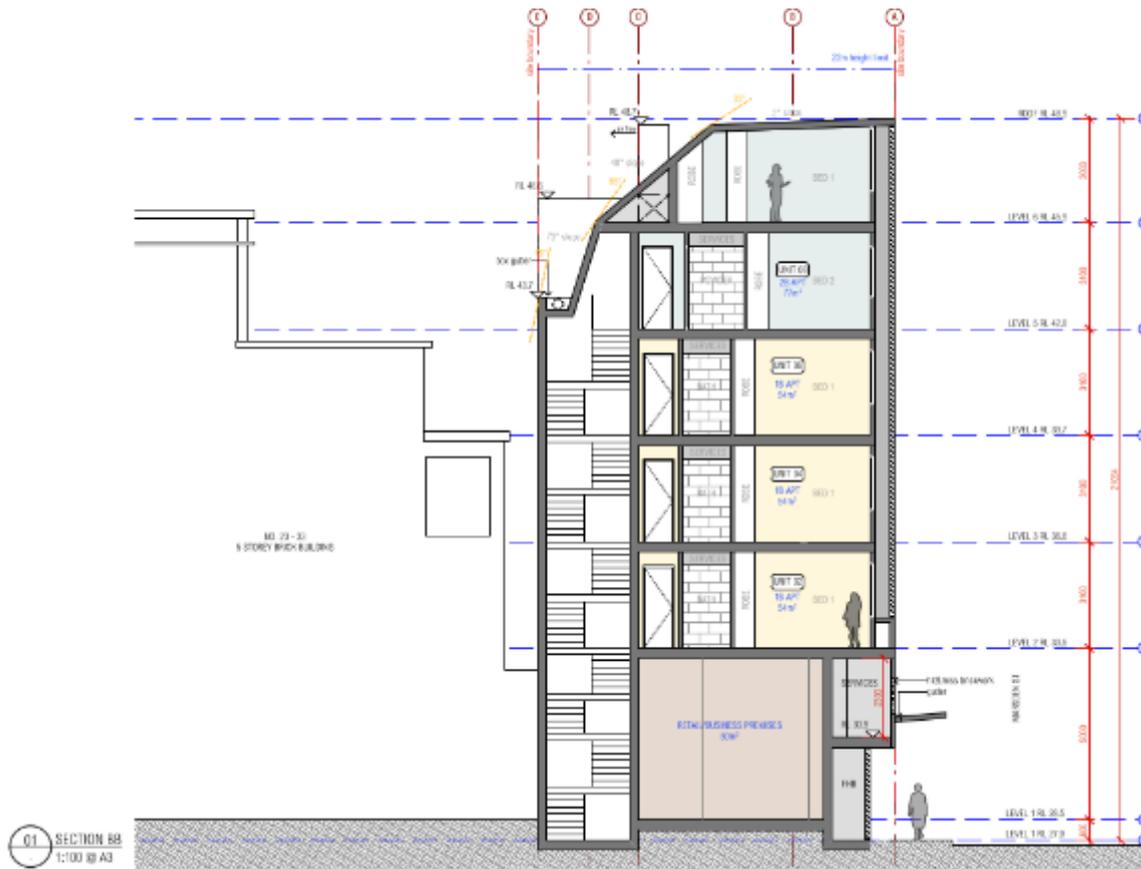


Figure 27: Proposed sections

History relevant to the development application

7. There is no relevant development application history of the site. The site has historically and currently been used as a residential dwelling and health consulting rooms.

Amendments to the proposal

8. On 15 September 2020, the subject application was lodged. The original application sought consent for 10 apartments, 2 car parking spaces, 2 motorcycle spaces and 7 bicycles spaces. Photomontage and elevations of the original proposed development is shown in Figure 28 below.



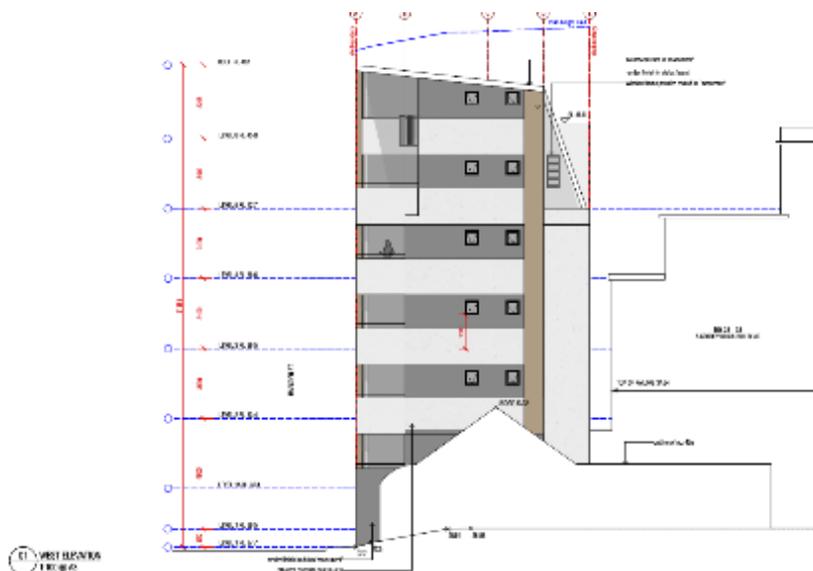
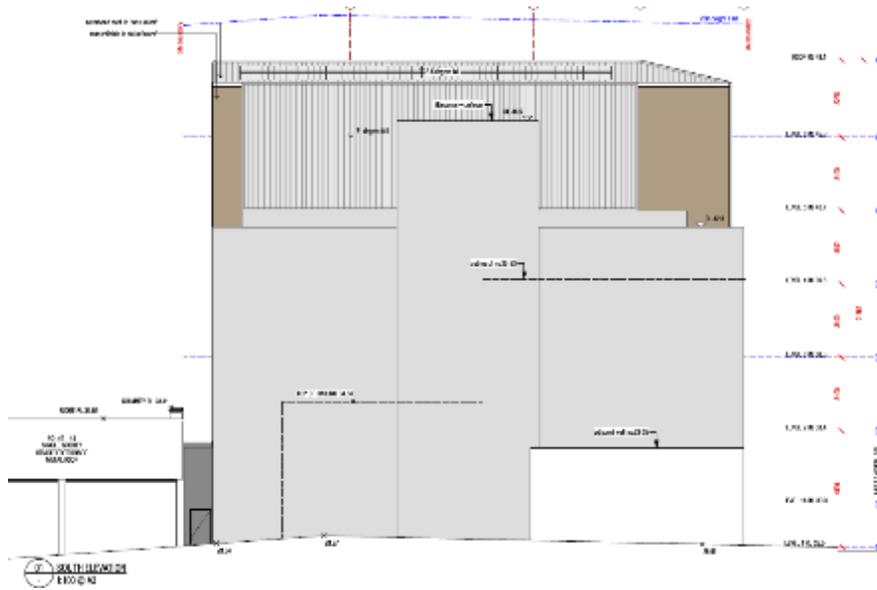


Figure 28: Photomontage and elevations of the original proposal lodged on 15 September 2020

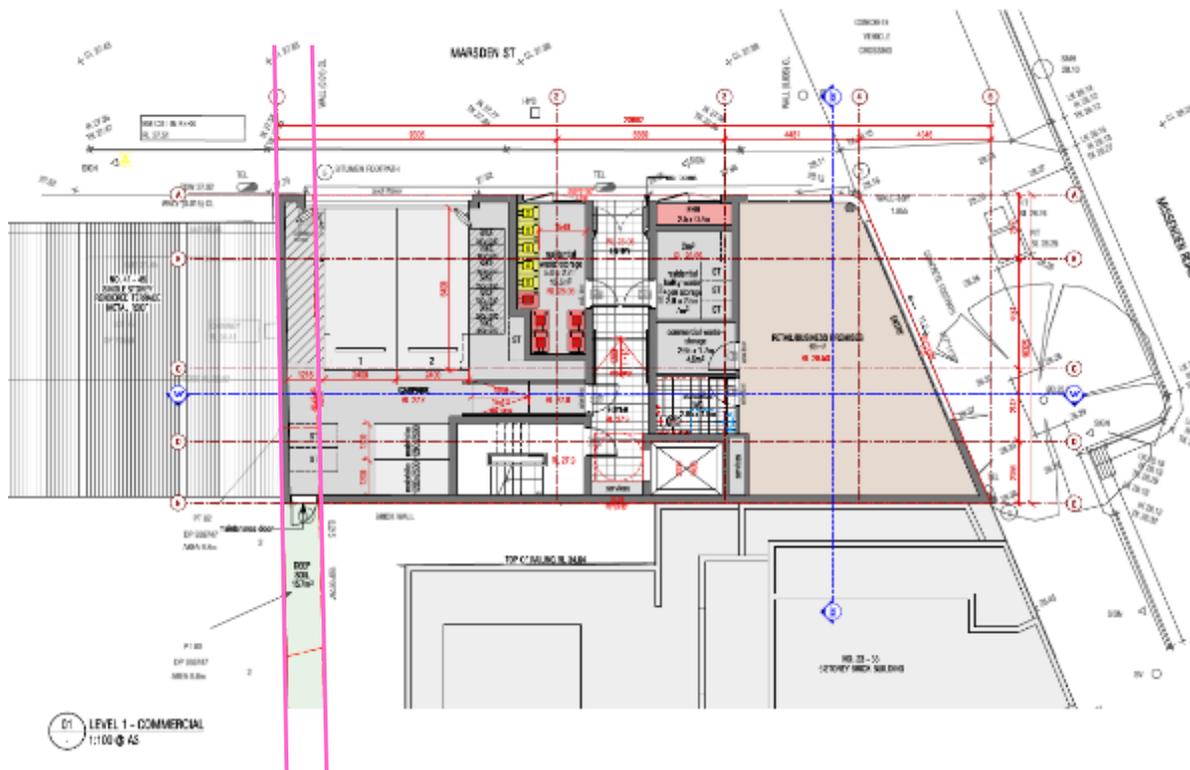


Figure 29: Originally proposed floor plan of the ground floor level (referred to on the plans as Level 1) showing the proposal extending onto the adjacent property at 45A Marsden Street (with boundaries of 45A Marsden Street highlighted in pink)

9. Following a preliminary assessment, the City advised on 23 September 2020 that no owners consent had been provided for the site at 45A Marsden Street. As the application proposed works on 45A Marsden Street and relied upon floor space and deep soil area from this lot it was requested that the applicant provide owner's consent or withdraw the application.
10. The applicant submitted information to advise that the owner of the subject site was in the process of acquiring the land at 45A Marsden Street. It was noted that the information submitted was still not adequate to meet the requirements under the planning legislation for owner's consent for 45A Marsden Street. The applicant was advised it was not sufficient and preliminary assessment of the application, including notification commenced.
11. On 7 December 2020, the application was considered by the City's Design Advisory Panel (Residential Sub-Committee).

12. In correspondence, dated 13 January 2021, Council staff advised that the application was not supported in its current form and as there was still no owners' consent for the site at 45A Marsden Street, it was requested that the application be withdrawn. In addition to the matter of owner's consent, the key issues identified with the proposal were as follows:
- (a) the development is over the maximum permitted floor space ratio and height in storeys with minimal setbacks;
 - (b) insufficient building separation from the western elevation being 1.2m from 45 Marsden Street limiting potential future uses for the adjacent site and poor amenity for the occupants;
 - (c) inadequate landscape design with the deep soil area being located only to part of the 1.2m wide strip of land at 45A Marsden Street which is inadequate in providing any appropriate and meaningful landscaping;
 - (d) elevations lack detail and architectural expression;
 - (e) poor residential entry/street level design;
 - (f) inadequate solar access diagrams demonstrating impact to neighbouring properties;
 - (g) proposed garage and parking layout arrangement is not workable with insufficient clearances provided for manoeuvrability between the different modes of transport. Insufficient bicycle parking and the double garage frontage is not supported;
 - (h) undersized communal open space area;
 - (i) waste room vents to residential entry resulting in poor amenity to occupants and visitors. Inadequate waste storage areas and access;
 - (j) no sunhoods provided to windows to reduce heat load and provide weather protection;
 - (k) awnings not provided to both frontages;
 - (l) inadequate details on the materials, finishes and colours, window operability, gutters and downpipes and services;
 - (m) adverse privacy impact from balconies and windows on the western elevation; and
 - (n) unit 3 apartment area and balcony is undersized.
13. On 15 February 2021, the applicant advised that they would not withdraw the application and instead would amend the proposal to no longer include the site at 45A Marsden Street.

14. The final revision was submitted to Council on 5 March 2021. These plans are the subject of assessment in this report. The key changes to the scheme are:
- (a) removal of 45A Marsden Street;
 - (b) removal of 2 apartments (previously Units 1 and 3) resulting in the development being compliant with the FSR, Building Height and height in storeys controls;
 - (c) greater setback from the western boundary and now being setback between 2-3m from the neighbouring terrace at 45 Marsden Street;
 - (d) provision of 17sqm of deep soil area;
 - (e) changes to the facade treatment and materiality and roof design;
 - (f) reconfiguration of the ground floor level (referred to on the plans as Level 1) to:
 - (i) remove car and motorcycle parking from the development and no longer propose a vehicular crossover from Marsden Street;
 - (ii) provide a larger residential lobby with a sense of address and entry from Marsden Street;
 - (iii) provision of more residential storage cages;
 - (iv) adequately sized and sited waste and bulky storage rooms; and
 - (v) provision of 11 bicycle parking spaces.
 - (g) additional communal open space provided, totalling an area of 51sqm;
 - (h) addition to the facades of weather protection, including sunhoods and louvres provided to windows on the east and north elevations and inclusion of awnings provided to both frontages/entries to the building;
 - (i) further details provided on the materials, finishes and colours, window operability, gutters and downpipes and services; and
 - (j) inclusion of a western elevation wall to the balconies in the north-western corner of the development for Units 1, 3, 5, and 7.
15. The amended design is considered to address a number of concerns raised during the assessment however a number of substantial design issues have not been resolved. The architectural expression of the building as presented in the documentation and landscape design is lacking in detail and does not satisfy the design excellence provisions of the Sydney LEP 2012 and is therefore recommended for refusal. This is discussed further in the report.

Assessment

16. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

State Environmental Planning Policies

State Environmental Planning Policy No 55 - Remediation of Land

17. The aim of State Environmental Planning Policy (SEPP) No 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.
18. The applicant in their Statement of Environmental Effects noted that the proposal does not change the nature of the use from (i.e. residential to residential). A review of the history of the site did not identify any history of any past land uses that would result in contamination on the site. On this basis, no further site investigation was submitted with the application.
19. The City's Environmental Health Officer reviewed the applicant's proposed development and SEPP 55 information. A search on City archives was undertaken and it is noted that it did not indicate any potential past use of the site that would contaminate the land. The Council's Health Unit is satisfied that the site is suitable for the proposed use. Notwithstanding this, the application is not supported.

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

20. The BASIX Certificate has been submitted with the development application and amended to suit the modified design.
21. The BASIX certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal. The application is not supported, however if approval was granted, a condition would be imposed to ensure the measures detailed in the BASIX certificate were implemented.

State Environmental Planning Policy (Infrastructure) 2007

22. The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.

Clause 45

23. The application is subject to Clause 45 (Subdivision 2 Development likely to affect an electricity transmission or distribution network) of the SEPP as the development will be carried out within 5m of an exposed overhead electricity power line.
24. In accordance with the Clause, the application was referred to Energy Australia for a period of 21 days. In correspondence, dated 30 October 2020, Ausgrid advised that there is no objection to the proposal subject to complying with minimum clearances to Ausgrid's infrastructure. Notwithstanding this, the application is not supported.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

25. The subject application seeks consent for a retail/business tenancy at the ground floor level fronting Missenden Road. The application has not specified a specific use, any operational details or fit out for this tenancy.
26. The SEPP provides that a number of first uses can be approved under a complying development certificate ('CDC'). A future use of this nature is consistent with the character of this section of Missenden Road which includes retail premises. Notwithstanding this, the application is not supported.

State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development

27. SEPP 65 provides that in determining an application for a residential flat development of three or more floors and containing four or more apartments, that 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

The site is located within a precinct featuring a range of development style and types from the adjoining hotel, service apartments, University of Sydney colleges and buildings, St Joseph's Church, and medium density apartments, to lower scale residential dwelling houses and retail shops and restaurants. The proposed introduction of a retail space on the ground floor and residential apartments above is consistent with the surrounding development and with the B1 Neighbourhood Centre objectives.

However, the architectural design as detailed in the application documentation requires significant refinement so as to contribute positively to the streetscape.

(b) Principle 2: Built Form and Scale

The proposed development is generally of a suitable scale, bulk and height with a compliant FSR and height (as amended) in accordance with the SLEP 2012 and compliant height in storeys in accordance with the SDCP 2012. The building is similar in scale to the medium and high density development along Missenden Road.

(c) Principle 3: Density

The density of the amended scheme is commensurate with the density anticipated by the planning controls. The proposal results in an FSR of 2.99:1, which is consistent with the permitted FSR in accordance with the SLEP 2012. The proposed density is generally compatible with existing infrastructure given its close proximity to public transport, employment and community facilities.

(d) Principle 4: Sustainability

The proposal is compliant with the requirements of BASIX and ensures adequate access to solar and natural cross ventilation to all proposed apartments.

(e) Principle 5: Landscape

A consolidated deep soil zone of 8.1% of the site area is provided along the west boundary of the site. This exceeds the 7% requirement of the ADG but at 1.8m to 2m wide does not satisfy the minimum dimension requirement. Additional green walls and communal open spaces are provided to a central location of the upper floors of the building.

However, only concept landscaping as shown on the architectural plans has been submitted. No detailed landscaping or planting plans of the deep soil zone, communal open spaces and green wall have been provided. The proposal has not adequately demonstrated whether landscaping and planting will be achievable at the upper levels and given the deep soil zone has a width of only 1.8m - 2m the application has not demonstrated whether the trees to be planted will provide sufficient long term canopy coverage.

(f) Principle 6: Amenity

All apartments exceed the minimum size and dimension requirements and comply with the minimum requirements for solar access and natural cross ventilation in accordance with the ADG. Equitable access is available to all levels with an adaptable unit provided on level 2.

Common open spaces are provided to ground floor level (referred to as Level 1 on the plans), level 2 and level 5. The communal open space is not consolidated into one useable area and the ground level space does not meet the minimum 3m dimension in accordance with the ADG.

(g) Principle 7: Safety

The safety and security of the public domain is enhanced by increased site activity and the casual surveillance of both Missenden Road and Marsden Street and from activating the frontage with a ground floor/level 1 retail tenancy. Separate and secured residential access is provided to Marsden Street.

(h) Principle 8: Housing Diversity and Social Interaction

The development provides an appropriate mix of dwelling types and sizes to accommodate different demographics and is generally consistent with the expected future housing needs of the local community.

(i) Principle 9: Aesthetics

The building is located in a prominent corner location. The architectural design, landscaping, materials and detailing of the amended design as presented in the

application documentation is not of a high quality and standard. In this regard the development responds poorly to the streetscape and locality and does not contribute positively to the character of the area. Therefore, the proposal is recommended for refusal. See further discussion in the Issues section.

28. The development fails to comply with the above stated principles and provisions of the Apartment Design Guide (ADG) regarding communal open space, landscaping, and aesthetics of the building. As a result, the development fails to contribute positively to the streetscape, character of the area and public domain.
29. The controls of the SEPP and ADG are generally replicated within the apartment design controls under the Sydney Development Control Plan 2012. A detailed assessment of the proposal against the ADG is provided below.

Apartment Design Guide

3D Communal and Public Open Space	Compliance	Comment
Communal open space has a minimum area equal to 25% of the site.	No	<p>Communal open space is provided in a number of spaces located across ground floor level (referred to as level 1) with an area of 17sqm, level 2 with an area of 17sqm and level 5 with an area of 17sqm.</p> <p>Collectively, a total of 51sqm of communal open space is provided, which comprises of 24.5% of the site.</p> <p>The communal open space is not consolidated into one useable area and the ground level space does not meet the minimum 3m dimension.</p> <p>Given the size of the ground level open space and its location behind the building it is unlikely it will be used for the purposes of a communal area. Future occupants would rely on the communal open spaces on level 2 and 5 which in total are considered to be undersized and based on the information submitted provide a limited amenity.</p>
Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of two (2) hours between 9am and 3pm on 21 June (midwinter).	Yes	The communal open space area on levels 2 and 5 receive direct sunlight for a minimum of two hours between 9am and 3pm on 21 June.

3E Deep Soil Zones	Compliance	Comment
<p>Deep soil zones are to have a minimum area equivalent to 7% of the site.</p>	<p>No</p>	<p>Deep soil space is proposed to ground floor level (referred to as level 1 on the plans), which has a dimension of 1.8 -2 m, and an area of 17sqm. This equates to an area of 8.1% of the site area. It is noted that no minimum dimension requirement exists in the ADG as the site area is less than 650sqm (the subject site area is 208.5sqm).</p> <p>However, the landscaping and planting details of the deep soil zone is insufficient. The proposal has not adequately demonstrated whether adequate landscaping and planting would be achievable in this deep soil zone and whether the trees planted would provide sufficient long term canopy coverage.</p> <p>Furthermore, landscaping works are shown on the narrow strip of land to the west of the site, known as 45A Marsden Street, no owners consent has been provided for any works to this site and this site does not form part of the DA.</p>

2F Building Separation 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 	<p>Partial Compliance</p>	<p>The proposal does not achieve the recommended separation distances to the west elevation adjoining 45A and 45 Marsden Street and south elevation adjoining 23-33 Missenden Road.</p> <p>As the site is small and narrow, a nil setback to the southern elevation and 2-3m setback to the western elevation is provided to allow acceptable amenity to the occupants. The proposed setbacks are also in line with the surrounding context. Furthermore, whilst the recommended separation distances are not achieved a reasonable visual privacy impact and amenity to the neighbouring is maintained. In the event the application was supported, the proposed building separation would be considered acceptable.</p>

4A Solar and Daylight Access	Compliance	Comment
<p>70% of units to receive a minimum of 2 hours of direct sunlight in midwinter to living rooms and private open spaces.</p> <p>Maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at midwinter.</p>	<p>Yes</p>	<p>100% of apartments comply with the minimum 2 hours of direct sunlight in midwinter to living rooms and private open spaces.</p>

4B Natural Ventilation	Compliance	Comment
<p>All habitable rooms are naturally ventilated.</p> <p>Minimum 60% of apartments in the first nine (9) storeys of the building are naturally cross ventilated.</p> <p>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p>	Yes	<p>All habitable rooms are naturally ventilated.</p> <p>All apartments achieve cross ventilation. As the site is a corner allotment with western elevation set in from boundary, all apartments have openable windows to dual aspects with an overall depth of approximately 10.3m.</p>

4C Ceiling Heights	Compliance	Comment
<p>Habitable rooms: 2.7m</p> <p>Non-habitable rooms: 2.4m</p> <p>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.</p>	Yes	<p>All habitable rooms comply with the minimum 2.7m floor to ceiling height except for the second floor of the two storey apartments. The ceiling height on level 6 generally ranges from 2.6m to 2.7m and is consistent.</p>
<p>If located in mixed use areas – 3.3m for ground and first floor to promote future flexibility of use.</p>	Yes	<p>The ground floor/level 1 retail tenancy provides for a 4.7m floor to ceiling height and the residential ground floor/level 1 area provides for a 5m floor to ceiling height.</p> <p>The ground floor to ceiling height is considered excessive resulting in a large proportion of blank brick walls to the base of the building which does not respond appropriately to the streetscape and the overall presentation of the building. This is further discussed in the Issues Section.</p>

4D Apartment Size and Layout	Compliance	Comment
<p>Minimum unit sizes:</p> <ul style="list-style-type: none"> • Studio: 35sqm • 1 bed: 50sqm • 2 bed: 70sqm • 3 bed: 90sqm <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</p>	Yes	All units comply with the minimum required unit sizes.
<p>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.</p>	Yes	All habitable rooms have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. All windows in the habitable rooms are generally visible from any point in the room.
<p>Habitable room depths are to be no more than 2.5 x the ceiling height.</p> <p>8m maximum depth for open plan layouts.</p>	Yes	The apartments are to have open plan layouts and do not exceed a depth of 7m.
<p>Minimum area for bedrooms (excluding wardrobes):</p> <ul style="list-style-type: none"> • master bedroom: 10m² • all other bedrooms: 9m² <p>Minimum dimension of any bedroom is 3m (excluding wardrobes).</p>	Yes	All bedrooms comply with the minimum required size and dimensions
<p>Living and living/dining rooms minimum widths:</p> <ul style="list-style-type: none"> • Studio and one-bedroom: 3.6m • Two-bedroom or more: 4m 	Yes	All living/dining rooms comply with the minimum required width dimensions

4D Apartment Size and Layout	Compliance	Comment
4m minimum width for cross over and cross through apartments.		

4E Private Open Space and Balconies	Compliance	Comment
<p>Studio apartments are to have a minimum balcony area of 4m² with a minimum depth of 1m.</p> <p>One bed apartments are to have a minimum balcony area of 8m² with a minimum depth of 2m.</p> <p>Two bed apartments are to have a minimum balcony area of 10m² with a minimum depth of 2m.</p>	Yes	The proposal complies with the minimum required private open space area and depth of balconies for all apartments.

4F Common Circulation and Spaces	Compliance	Comment
The maximum number of apartments off a circulation core on a single level is eight (8).	Yes	A maximum of 2 apartments share the circulation core on each level.
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.

4F Common Circulation and Spaces	Compliance	Comment
Daylight and natural ventilation are provided to all common circulation spaces.	Yes	All common corridors have access to light and air with the corridors from level 2 and 5 being generally open and not enclosed. It is noted that the corridors on level 2, 3 and 5 are partially screened by a "green wall" although little detail of the design of this feature is provided.

4G Storage	Compliance	Comment
Minimum storage provision facilities: <ul style="list-style-type: none"> • Studio: 4m³ • 1 bed: 6m³ • 2 bed: 8m³ • 3 bed: 10m³ 	Yes	Each apartment accommodates storage facilities within the apartments as well as storage units in the ground floor/level 1. The total storage area per apartment complies with the minimum required cubic metres.

4J Noise and Pollution	Compliance	Comment
Have noise and pollution been adequately considered and addressed through careful siting and layout of buildings	Yes	All apartments are capable of natural ventilation whilst providing a reasonable acoustic amenity.

Local Environmental Plans

Sydney Local Environmental Plan 2012

30. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided in the following sections.

Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	The site is in the B1 Neighbourhood Centre zone. The proposed development is defined as mixed use development, containing a 'retail premises' and 'residential accommodation', which is permissible with consent in the zone. The proposal generally meets the objectives of the zone.

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	Yes	The proposed development complies with the maximum height of buildings development standard. A maximum building height of 22m is permitted. A height of 21.2m is proposed.
4.4 Floor space ratio	Yes	The proposed development complies with the maximum floor space ratio development standard. The site has an area of 208.5sqm with a maximum floor space ratio of 3:1 (625.5sqm is permitted). A floor space ratio of 2.99:1 or 624sqm is proposed. It is noted that the site area in the amended application does not include the narrow strip of land to the west of the site, known as 45A Marsden Street.

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 4 Design excellence		
6.21 Design excellence	No	<p>The architectural expression of the building as presented in the application documentation is lacking in detail and is not compatible with the streetscape and character of the area.</p> <p>As a result, the development has not met the provisions in Clause 6.21 of the SLEP 2012 and does not exhibit design excellence. See further discussion in the Issues section.</p>

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development		
<p>7.5 Residential flat buildings, dual occupancies and multi dwelling housing</p> <p>7.7 Retail Premises</p>	Yes	<p>The site is located within Category B in the Land Use and Transport Integration map and Category E of Public Transport Accessibility Level map</p> <p>In accordance with this Clause, the development is permitted a maximum of 6 car parking spaces as follows:</p> <ul style="list-style-type: none"> • 4 resident parking spaces; • 1 retail parking spaces; and • 1 visitor parking spaces. <p>No car parking is proposed to the site.</p>
7.14 Acid Sulfate Soils	Yes	<p>The site is identified on the Acid Sulfate Soils Map as containing Class 5 Acid Sulfate Soils. If there are works that are below 5 metres Australian Height Datum and by which the water table is likely to be lowered below 1 metre Australian Height Datum, then an Acid Sulfate Soils Management Plan is required.</p>

Provision	Compliance	Comment
		The proposed development does not meet this threshold and therefore no additional reporting is required as part of the application.
7.15 Flood planning	Yes	The site is not identified as being flood prone land and therefore not subject to flooding.
7.17 Development in areas subject to airport noise	Yes	The site is located within ANEF Contour 15 and therefore, is not subject to the provisions of this clause.
7.19 Demolition must not result in long term adverse visual impact	Yes	The proposed development includes demolition of the existing building on the site. The subject application also includes the detailed design development of this site as a mixed use development, and as such, is consistent with the provisions of this clause.
7.20 Development requiring or authorising preparation of a development control plan	Yes	The site area is less than 5,000sqm and the development has a height less than 25 metres. As such, the development does not meet the thresholds under this clause to require the preparation of a site specific DCP (or concept DA).

Development Control Plans

Sydney Development Control Plan 2012

31. An assessment of the proposed development against the relevant provisions within the Sydney Development Control Plan 2012 is provided in the following sections.

Section 2 – Locality Statements

32. The site is located within the 2.3.4 Camperdown locality. The proposed development is consistent with the high density mixed-use neighbourhood and provides an active ground floor frontage to Missenden Road. However, the architectural design, detailing and materials of the development is not of high quality and is not compatible with the streetscape and the character of the locality.

Section 3 – General Provisions

Provision	Compliance	Comment
3.1 Public Domain Elements	No	<p>The proposed residential entry lobby opens onto a narrow footway on Marsden Street which is currently approximately 1.2m wide. This width is not considered to be an appropriate width for the primary entry to a development of this scale in this location. In this regard it is noted that existing traffic signposts within the footpath currently obstruct the pedestrian path of travel.</p> <p>Were the application to be supported it is considered that the footpath would need to be widened, which would impact on current traffic conditions. This would require the approval of the traffic committee. In this regard it is appropriate that the applicant investigate the necessary footway improvements and changes to traffic conditions prior to the determination of the application.</p> <p>The proposed residential lobby is set at RL27.9 which is below the existing top of kerb which is at RL28.06. The level changes have not been accommodated within the property to align with the public domain and has not demonstrated whether residential access complies with the Disability Discrimination Act.</p> <p>The proposal does not ensure that the development makes a positive contribution to the public domain.</p>
3.2. Defining the Public Domain 3.2.3 Active frontages	Yes	<p>The Missenden Road frontage of the site is identified as being an active street frontage area in the SDCP 2012. The proposal provides a retail tenancy on the ground floor fronting on to Missenden Road with the residential lobby located on Marsden Street, satisfying the active frontage requirement of the site.</p>

Provision	Compliance	Comment
3.2.4 Footpath awnings	No	<p>The details of the awning treatment to both Missenden Road and Marsden Street are insufficient. The proposal does not demonstrate whether the awning is to be of high quality when viewed both from the streetscape and the underside. Furthermore, the proposal does not demonstrate whether the awning on the Missenden Road frontage will not adversely impact on the retention of the street tree.</p>
3.5 Urban Ecology	No	<p>The proposed development does not involve the removal of any trees.</p> <p>A street tree is located on Missenden Road in close proximity to the proposed retail awning. The proposal does not adequately demonstrate whether the awning on the Missenden Road frontage will not adversely impact on the retention of the street tree.</p> <p>A tree is proposed to be planted in the deep soil zone on the ground floor level and a single tree in each communal open space on level 2 and 4. This has been proposed as a concept plan on the architectural drawings with no landscape and planting details provided to support this proposal.</p> <p>The proposal has not adequately demonstrated whether the trees could be planted which is a concern given the deep soil zone is only 1.8-2m in depth and no soil depth provided in the communal open space. Also, it is not demonstrated whether the development would achieve 15% canopy coverage of the site as required by this clause.</p> <p>The development has not demonstrated the tree planting can be achieved and whether it would positively contribute to the urban ecology of the site and locality.</p>

Provision	Compliance	Comment
3.6 Ecologically Sustainable Development	Yes	The proposal satisfies BASIX and environmental requirements.
3.11 Transport and Parking	Partial compliance	<p>As discussed above, the maximum car parking for the site is 6 parking spaces in accordance with the SLEP 2012.</p> <p>The application proposes no car parking and no motorcycle parking.</p> <p>No unloading area is proposed to the site. However, given the site constraints and relatively small retail space being proposed, if the application were to be supported, no unloading area would be acceptable.</p>
3.11.3 Bike parking and associated facilities	Partial Compliance	<p>In accordance with this clause, the development is to provide the following bike parking spaces.</p> <p>Residential Use:</p> <ul style="list-style-type: none"> • Residents - 1 per dwelling • Visitors - 1 per 10 dwellings <p>Retail Use:</p> <ul style="list-style-type: none"> • Employees - 1 per 250sqm area • Customers - 2 plus 1 per 100sqm over 100sqm GFA <p>The development requires 8 residential, 1 visitor, 1 employee and 2 customer bike parking spaces.</p> <p>The application proposes 11 bicycle parking spaces to ground level accessed via the residential lobby. The location is acceptable for the residential spaces and the retail employee usage. However, the area designated for these spaces is likely to be secure and not accessible to visitors to the site. Therefore, insufficient visitor bike parking has been provided.</p>
3.12 Accessible Design	Yes	The proposal includes 1 adaptable unit in accordance with this clause.

Provision	Compliance	Comment
3.13 Social and Environmental Responsibilities	Yes	The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.
3.14 Waste	Yes	The residential waste area and bulky waste area is located on ground level, which is easily accessible at street level and has a less than 10m clear path of travel from the waste rooms to the street for collection. If the application was supported, standard conditions would be applied in relation to waste minimisation.
3.15 Late Night Trading Management	Yes	The site is located within an "all other areas" zone in accordance with the late night trading area classifications of this section of the SDCP 2012. Retail tenancies are identified as Category B - Low Impact premises. Low impact premises within "all other areas" are permitted to have operating hours on a permanent basis from 7.00am to 10.00pm. If the application was supported, the proposed retail tenancy would be approved for the full base hours permitted in the SDCP 2012 and CDC provisions.
3.16 Signage and Advertising	Yes	No signage and fitout works have been proposed for the retail tenancy.

Section 4 – Development Types

4.2 Residential Flat, Commercial and Mixed Use Developments

Provision	Compliance	Comment
4.2.1 Building height		
4.2.1.1 Height in storeys and street frontage height in storeys	Yes	The site is permitted a maximum building height of six storeys. The proposed development is six storeys in height.

Provision	Compliance	Comment
4.2.2 Building setbacks	Yes	<p>The proposal has a nil setback to both the Missenden Road and Marsden Street frontages of the site, which is consistent with the context and surrounding development.</p>
4.2.3.1 Solar access	Yes	<p>The applicant provided shadow diagrams showing the proposed shadows falling predominantly within existing shadows of surrounding development and onto the adjoining commercial development which is acceptable.</p> <p>The only additional shadows are at 10.00am to 2sqm to the south western corner of the rear yard of 37 Marsden Street. As this overshadowing impact is minimal in size and is to the furthest corner of the site where a tree is located, the solar access impact is considered reasonable.</p> <p>The diagrams also illustrate that the building's shadow will fall to the outdoor terrace and pool of 23-33 Missenden Road. However, this site is a serviced apartment development, which has significant access to daylight for the apartments facing Missenden Road and the pool receives adequate sunlight for the warmer months of April, August, September and December which would be likely the times the area would be used by guest as opposed to during winter.</p> <p>Given the above, the proposed development will not cause unreasonable overshadowing to neighbouring properties.</p>

Provision	Compliance	Comment
<p>4.2.3.5 Landscaping</p> <p>4.2.3.6 Deep Soil</p>	No	<p>The application proposes a deep soil zone to the ground level, two communal open spaces/accessible green roofs to level 2 and 5 and a green wall to the level 2, 3 and 4. These landscaped areas are proposed to enhance the design of the building and improve the amenity to the streetscape.</p> <p>Only concept landscaping as shown on the architectural plans has been submitted and no detailed landscaping plans for the deep soil zone, communal open spaces and green wall has been provided. This is a concern given the deep soil zone is at a width of only 1.8m-2m, no soil depths for the planting in the communal open spaces are shown, and it has not been demonstrated how the green wall will be integrated in the design of the building. Furthermore, it is unclear whether the trees planted would provide sufficient long term canopy coverage.</p>
4.2.3.10 Outlook	Yes	<p>Apartments are appropriately orientated to take advantage of views to the north and eastern frontages which looks towards Missenden Road and Marsden Street and onwards instead of into adjoining properties. As views look towards the road, the direct outlook will not be obstructed by buildings in the future.</p>
4.2.3.11 Acoustic privacy	Yes	<p>An acoustic impact assessment has been provided demonstrating that all apartments will achieve an acceptable day time and night-time noise levels in a window-open scenario.</p> <p>If the application were able to be supported, appropriate conditions would be applied in relation to noise amenity.</p>

Provision	Compliance	Comment
4.2.6 Waste and recycling Management	Yes	Each residential apartment can accommodate at least two days volume of general waste and recyclables. Separate waste room and bulky waste storage rooms are provided to the ground level which is accessible to each apartment. If the application was supported, standard conditions would be applied in relation to waste minimisation.
4.2.7 Heating and cooling infrastructure	Yes	Centralised heating and cooling infrastructure for the development are located in the service area on ground floor. As further discussed below, the location of the services results in a large ground floor to ceiling height which is not supported.
4.2.8 Letterboxes	Yes	Letterboxes are provided within the lobby of the building in a secure location.

Discussion

Design Excellence

33. The development is subject to the requirements of Clause 6.21 Design Excellence of the Sydney LEP 2012. The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.
34. Clause 6.21 (3) provides that development consent must not be granted unless, in the opinion of the consent authority, the proposed development exhibits design excellence.
35. The original scheme as lodged was referred to Council's Design Advisory Panel (Residential Sub-Committee) (DAPRS) for consideration at its meeting on 7 December 2020.
36. The Design Advisory Panel (Residential Sub-Committee) and Council staff raised numerous significant issues with the original application including that the bulk and scale was excessive with minimal setbacks being provided, the landscape design was not acceptable and did not provide any deep soil area, elevations were lacking in detail and architectural expression, and the residential entry and street level design did not contribute to the character of the area and streetscape.

37. As detailed in the relevant history section of this report, there has been numerous sets of amended plans submitted and assessed to try to resolve the above matters.
38. Perspectives of the amended proposal submitted on 5 March 2021 are provided below at Figure 30.





Figure 30: Perspectives of the amended proposal lodged 5 March 2021

39. Whilst the amended design has resolved some of the issues raised with the originally lodged scheme in terms of amenity to future occupants and neighbouring properties, the architectural expression of the building as presented in the application documentation is still lacking in detail and design resolution. Furthermore, the entries and street level design does not contribute to the character of the area and streetscape, and the landscape design is lacking in detail.
40. In this regard, the following design elements of the development are considered to be lacking in detail and architectural expression and do not meet the provisions of Clause 6.21(4) of the SLEP 2012:
- (i) Base of the building - Due to the large floor to ceiling height proposed to the ground floor level, the base of the building is largely disproportional and out of scale with the building and context of adjoining properties. The development is to a corner site which is highly visible. The architectural treatment to the base is lacking detail and articulation resulting in the disproportional scale and blankness of the base being highly prominent from the streetscape.

The fenestration to the retail tenancy and glazing and louvres to the residential entry also appear out of character as it does not appropriately align with the fenestration of adjoining properties. The entries sit low within the ground floor level resulting in more of the brick blank walls being exposed on the base of the building which instead should incorporate more expression with the use of larger fenestration, glazing and openings.
 - (ii) Top of the building (levels 5 and 6) - The design of the top of building (level 5 and 6) does not respond appropriately to the overall presentation of the building and is out of character with the context of adjoining properties. The roof presents as being of lightweight design of limited architectural expression and does not provide sufficient weather protection. The materials used for the walls is of a render finish which will appear heavy and is considered a low quality material.

- (iii) Location of services - The location of the air conditioning units and plant service area has not been appropriately resolved as it is proposed to be located and ventilating above the residential entry. The location of the services also results in the large floor to ceiling height of the ground floor level which raises concerns of the overall form and design of the base of the building as discussed above.
- (iv) Awning Details - Details of the awning treatment to both Missenden Road and Marsden Street are insufficient. The proposal does not demonstrate whether the awning is to be of high quality when viewed both from the streetscape and the underside. Furthermore, the proposal does not demonstrate whether the awning on the Missenden Road frontage will impact on the retention of the street tree.
- (v) Landscape design- The application proposes a deep soil zone to the ground level, two communal open spaces/accessible green roofs to level 2 and 5 and a green wall to the level 2, 3 and 4. These landscaped areas are proposed to enhance the design of the building and improve the amenity to the streetscape.

The landscape design to all these areas are lacking in detail. The proposal has not demonstrated how the green walls work and whether they could be successfully integrated into the design of the building. The details of the planting and tree to the deep soil zone is also limited which does not provide assurance that the proposal can achieve a canopy coverage of 15% of the site in accordance with the SDCP 2012.

- (vi) Blank walls - The design of the western elevation wall is blank and offers limited treatment to the western facade particularly when viewed from the streetscape.
 - (vii) Windows - The single windows located on the on eastern elevation are not vertically proportioned.
41. Given the above, the architectural design, landscaping, materials and detailing of the amended design is lacking in detail and is not of a high quality which is contrary to Clauses 6.21(4)(a) and (d) of the SLEP 2012. As a result, the development responds poorly to the streetscape and locality. The external appearance of the development adversely impacts the quality and amenity of the public domain and does not contribute to the character of the area which is contrary to Clause 6.21(4)(b) and (d) of the SLEP 2012.
42. In order to satisfy the design excellence provisions, substantial design changes would be required. The design issues cannot be resolved through conditions as the changes required may significantly alter the built form and layout of the development through amendments to and refinement of the base and top of the building (levels 5 and 6), the residential entry and services, the blank side walls, fenestration, awning details and materials.
43. Therefore, having considered the matters in Clause 6.21(4) of the SLEP 2012, the development does not exhibit design excellence and development consent cannot be granted in accordance with Clause 6.21(3) of the SLEP 2012. On these grounds, the development is recommended for refusal.

Consultation

Internal Referrals

44. The application was referred to the following internal units:
- (a) Urban Designer;
 - (b) Environmental Health Officers;
 - (c) Transport Planner;
 - (d) Building Services;
 - (e) Specialist Surveyor;
 - (f) Public Domain Unit;
 - (g) Landscape Officer;
 - (h) Waste Management Officer; and
 - (i) Tree Management Officer.
45. The Urban Design team raised a number of design concerns resulting in the development not satisfying design excellence provisions. These concerns are raised in detail in the Issues section and are reasons for refusal.
46. The Landscape and Tree Management team raised concerns of the lack of details of the landscape design, proposed tree planting and retention of the streets. These concerns are discussed in detail throughout the report and are reasons for refusal.
47. In the event that proposal was supported, appropriate conditions could be applied to address all other issues raised by the referral units. However, as outlined above, the application is recommended for refusal.

External Referrals

Sydney Airport Referral Act 1996

48. 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 / 150 feet in height (45.62m) above existing ground height.
49. The proposed development reaches a maximum height of 21.2m and therefore will not intrude the prescribed air space area. As such, a referral to the Civil Aviation Safety Authority (CASA) is not required.

Advertising and Notification

50. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified and advertised for a period of 21 days between 6 October 2020 and 28 October 2020. As a result of this notification, a total of 260 properties were notified and three (3) submissions were received.

51. The amended plans provided in March 2021 were not considered to result in any significant additional environmental impacts from the original scheme in accordance with the SDCP 2012 and therefore was not required to be re-notified.

52. The issues raised are summarised below:

- (a) **Issue:** Bulk and scale will have adverse visual impact

Response: As discussed in the report, the amended proposed density and scale is acceptable with consideration that the development does not exceed the permissible floor space ratio and height controls permitted under the SLEP 2012.

- (b) **Issue:** Increase traffic and parking congestion particularly with insufficient parking provided. No area provided for deliveries for the retail space.

Response: As discussed in the report, the City's planning controls support development with no car parking provision that instead utilise alternative means of transport, such as walking, cycling and the use of public transportation. However, no loading area is proposed to the site and there is insufficient visitor bicycle parking.

- (c) **Issue:** Construction activities may disrupt neighbourhood amenity

Response: In the event the application was supported, conditions regarding construction noise and disturbance would be applied.

- (d) **Issue:** Adverse overshadowing impact

Response: As discussed in this report, the amended proposal complies with the solar access requirement under the ADG and SDCP 2012.

- (e) **Issue:** Reversing from carparking space will be dangerous to oncoming traffic and pedestrians

Response: As discussed in the report, the amended design has removed the carparking spaces from the proposal.

- (f) **Issue:** Increase in residents and workers will result increased noise levels

Response: The amended design has addressed acoustic privacy for the neighbouring properties by having the balconies, raised communal open spaces and the retail space directed away from neighbouring properties with minimal openings to adjoining properties.

- (g) **Issue:** Adverse privacy impact

Response: As discussed in the report, the amended design provides a reasonable level of privacy to the occupants and neighbouring properties.

- (h) **Issue:** Demolition of existing building will have adverse heritage impact

Response: As discussed in the report, the existing development is not a heritage item and is not located within a heritage conservation area. The planning controls for the site anticipate a medium to high density mixed use development. Therefore, demolition of the existing building with the construction of a mixed use development would be considered acceptable.

- (i) **Issue:** Lack of planting to the façade

Response: As discussed in the report, whilst the amended design has increased the deep soil zones and landscaping to the site, insufficient landscaping and planting details have been provided. As the proposal has not demonstrated whether the landscape component would be successful, the application is recommended for refusal.

- (j) **Issue:** Design lacks architectural expression and articulation, and materials and finishes may be of low quality which will adversely impact the streetscape

Response: As discussed in the report, the architectural design, landscaping, materials and detailing of the amended design are lacking in detail and not of high quality. As a result, the development is not compatible with the character of the streetscape and locality and does not exhibit design excellence. Therefore, the application is recommended for refusal.

Financial Contributions

Contribution under Section 7.11 of the EP&A Act 1979

53. In the event the proposal was supported, it would be subject of a S7.11 Contribution under the provisions of the City of Sydney Development Contributions Plan 2015.

Conclusion

54. The proposal seeks consent for the demolition of a single residential dwelling on the site and redevelopment of a new mixed-use building, comprising 1 retail use at ground floor and 8 residential dwellings on levels above.
55. The proposal is not considered to exhibit design excellence in accordance with the requirements of Clause 6.21 of Sydney Local Environmental Plan 2012 as it does not provide a high standard of architectural design and detailing that would be appropriate to the building type and location, and does not respond sympathetically to the area and streetscape.

56. The proposal has not provided sufficient details to ensure the landscape component would be successful and whether sufficient canopy coverage and street tree protection is provided.
57. The proposal does not ensure that the development makes a positive contribution to the public domain.
58. The proposed development is inconsistent with a key provision of the design principles of SEPP 65 and the Apartment Design Guide regarding communal open space, landscaping and aesthetics of the building.
59. As a result, the development does not contribute to nor enhance the streetscape, character of the area and public domain, and therefore is not considered to be in the public interest.

ANDREW THOMAS

Executive Manager Planning and Development

Charise Chumroonridhi, Specialist Planner