

**JOINT REGIONAL PLANNING PANEL**  
**(Sydney East Region)**  
**SUPPLEMENTARY REPORT**

JRPP No	<b>2014SYE016</b>
DA Number	<b>13/271</b>
Local Government Area	<b>City of Botany Bay</b>
Proposed Development	<p><b>Integrated Development Application for the construction of a residential flat building at 27 Church Ave, 18A, 20-22 John Street, Mascot, in the following manner:</b></p> <ul style="list-style-type: none"> <li>• <b>Demolition of all structures on site;</b></li> <li>• <b>Site excavation and remediation;</b></li> <li>• <b>Construction of 95 residential apartments contained in three residential flat buildings as follows:</b> <ul style="list-style-type: none"> <li>• <b>Tower A, 13 storeys (Fronting Church Ave) containing 46 units;</b></li> <li>• <b>Tower B, 13 storeys mid-<u>block</u> containing 22 units;</b></li> <li>• <b>Tower C, 8 storeys fronting John Street building containing 27 units;</b></li> <li>• <b>Two commercial units, facing both street frontages</b></li> </ul> </li> <li>• <b>Four levels of parking comprised of one basement level, one at grade parking level and two podium levels to accommodate 170 vehicles.</b></li> </ul>
Street Address	<b>27 Church Ave, 18A, 20-22 John Street, Mascot</b>
Applicant/Owner	<b>Olsson and Associates Architects</b>
No. of Submissions	<p><b>First notification – 13 individual submissions</b></p> <p><b>Second Notification – 4 individual submissions</b></p>
Regional Development Criteria	<b>Development with a CIV of \$24,200,000</b>
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> <li>• <b>Environmental Planning &amp; Assessment Act 1979, Part 4 – Development Assessment;</b></li> <li>• <b>Environmental Planning &amp; Assessment Regulation 2000, Part 6 – Procedures relating to development applications;</b></li> <li>• <b>State Environmental Planning Policy No. 55 – Contaminated Land;</b></li> <li>• <b>State Environmental Planning Policy 2004 (BASIX);</b></li> <li>• <b>State Environmental Planning Policy No. 65 – Design Quality of Residential Flat buildings &amp; Draft SEPP 65;</b></li> </ul>

	<ul style="list-style-type: none"> <li>• Botany Bay Local Environmental Plan 2013, and</li> <li>• Botany Development Control Plan 2013.</li> </ul>
Documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> <li>• Statement of Environmental Effects – Elton Consulting;</li> <li>• Amended Architectural Plans – Olsson and Associates;</li> <li>• Traffic Impact Assessment – Traffic and transport Planning P/L;</li> <li>• Phase 1 and 2 Environmental Site Investigation – Aargus, and</li> <li>• Noise Impact Assessment – Acouras Consultancy.</li> </ul>
Recommendation	The Sydney East Joint Regional Planning Panel (JRPP) note the contents of the Report.
Report by	<b>Lincoln Lawler – Senior Assessment Planner</b>

## BACKGROUND

The Development Application, as amended, seeks the construction of three residential flat buildings at 27 Church Ave, 18A and 20-22 John Street, Mascot (the Site), in the following manner:

- Demolition of all structures on site;
- Site excavation and remediation;
- Construction of 95 residential apartments contained in three residential flat buildings as follows:
  - Tower A, 13 storeys (Fronting Church Ave) containing 46 units;
  - Tower B, 13 storeys mid-block containing 22 units;
  - Tower C, 8 storeys fronting John Street building containing 27 units;
  - Two commercial units, facing both street frontages;
- Total floor space ratio of 3.2:1 and a maximum building height of 43.8metres, and
- Four levels of parking comprised of one basement level, one at grade parking level and two podium levels to accommodate 170 vehicles.

At the Joint Regional Planning Panel meeting of 16 April 2015, the JRPP deferred their decision of the application, as follows;

1. *The Panel resolves to defer the determination of the application until a further public meeting on 14 May 2015 on the grounds that the meeting has not been notified and advertised in sufficient time;*
2. *The Panel requests the applicant to revise the landscaping along the western boundary according to discussions with the objectors during this meeting and to submit an amended drawing by 20 April 2015, and*
3. *The Panel requests the council to prepare a supplementary report with revised draft conditions, which avoid duplication, by 24 April 2015, so it can be placed on the JRPP website.*

On the 20 April 2014 the Applicant submitted amended plans to Council. The amendments included the following:

- The parapet at the western boundary of the site (at the podium between Towers A and B on Level 3) matches the height of parapet of the property to the west, No. 1-5 Bourke Street.
- Planting within the planter along western boundary is to be low-lying, with plant selections to ensure there is no potential for plants to over-hang into the property at No. 1-5 Bourke Street.
- Add additional planter is introduced within the podium between Towers A and B, at the western boundary, to create additional setback from the property at No. 1-5 Bourke Street, as well as to further limit/restrict any opportunities for overlooking into the property to the west.

- The wall of the proposed development at Level 3 visible from low level apartments at 1-5 Bourke Street, is to be painted white or a light colour.
- A minor change to internal apartments has been made, with the configuration of walls to some studies to create a more 'open plan' space.
- Obscure glass blocks are to be used as articulation elements in the eastern facade of the proposed development.

The above changes addressed the issues discussed at the Public Meeting held on 16 April 2015 Panel. The residents affected by the proposed changes were notified of the amended plans and Council received nine (9) additional submissions, which were addressed in the Supplementary Report submitted to the JRPP on 2 April 2015.

The next JRPP Public Meeting was held on 14 May 2015. A solar access analysis was presented to the Panel for the subject site and the neighbouring site to the east, No 23 Church Ave by representation of the Objector to the development of that adjoining site, along with submissions from other neighbours which, were also made. The context of which is largely addressed in the previous Supplementary Report. On 2 April 2015 meeting the JRPP deferred their decision of the application as follows:

1. *The first concern is with the adequacy of solar access. The panel has received a submission from HWL Ebsworth Lawyers on behalf of the owner of the neighbouring site. The submission casts doubt on the accuracy of the solar analysis accompanying the assessment report.*  
*The Panel therefore requests the council to cause an independent solar analysis to be carried out, on the assumption that both the subject site and the neighbouring site are developed so as to comply with planning controls of FSR and height. The solar access to the apartments when they are both developed is to be calculated. This information should be provided before 31 May 2045*
2. *The second concern is that the proposal contains a 14-storey building setback 4m from the boundary. While the Panel is not requesting an amendment at this stage, it wishes to note this concern.*
3. *The third concern is that the two neighbouring sites, both of them extremely narrow, are to be developed without a masterplan. In the Panel's opinion, a master plan may overcome the inherent problems of two narrow sites, which are zoned for high density. The Panel notes that the Council could adopt a DCP for the two sites with or without the agreement of the owners.*

## **FURTHER ANALYSIS REQUESTED BY THE PANEL**

As required by point 1 of the Panel's decision Council commissioned SLR Consulting to independently review the solar access for the proposed development. This included evaluating the solar access received if the neighbouring site to the east was to develop in the

same manner as the proposed development, with a compliant FSR and height. The review was based on solar access information provided by the applicant and the owners of the neighbouring site to the east 23 Church Ave. A copy of the Report is attached.

Originally, the applicant purported that 70.5% of apartments at the subject development on 27 Church Ave received two hours of sunlight as confirmed by the SEPP 65 verification documentation that accompanied the application. This was calculated with only existing buildings located on 23 Church Ave based on a true north point of 18 degrees. Council officers undertook their own calculations and calculated that 62% of the apartments would receive 2 hours of direct sunlight as per Council's original report to the JRPP. This was based on compliance if only a reasonable amount of sunlight for each balcony/room

The owners of 23 Church Ave (the objectors) purported through their Solicitor that the information they provided to the JRPP that 47% of apartments on 23 Church Ave and 44% of the apartments on 27 Church received two hours of sunlight. This was calculated for with a mirrored compliant development on 23 and 27 Church Ave. It was based on a true north point of 18 degrees.

The following is a summary of what has been assessed by the various parties in terms of solar access.

<b>Solar Access - Information as at 14 May 2015</b>				<b>Updated 16 June 2015</b>
	<b>Applicant's report</b>	<b>Council's assessment</b>	<b>Objector's assessment</b>	<b>SLR For Council</b>
<b>Individually – Percentage of units receiving 2 hours of sunlight in mid-winter.</b>				
Subject site (27 Church Ave) alone	70.5 %	62%	unknown	<b>57.9%</b>
<b>Both 23 and 27 Church Streets built exact mirror, both assessed together -- Percentage of units receiving 2 hours of sunlight in mid-winter.</b>				
27 Church Street (applicant)	<b>Not presented*</b>	<b>N/A</b>	44%	<b>49.5%</b>
23 Church Street (objector)	<b>Not presented*</b>	<b>N/A</b>	47%	<b>57.9 %</b>
Combined both buildings	<b>Not presented*</b>	<b>N/A</b>	Not indicated (av 45.5%)	<b>51.1%</b>

\* It is noted that an alternative assessment was used by the applicant and Council.

Based on the above, key findings of the SLR Consulting report are as follows:

- From the 3D models provided for both sites from the applicant and owners of 23 Church, the true north bearing used for the studies was 18 degrees.
- The correct true north bearing used by SLR Consulting Pty Ltd, as per the amended survey is 9.5 degrees.
- On the basis of a mirrored development 49.5% of the apartments on the 27 Church Ave side would be provided with 2 hours of direct sunlight on the winter solstice of 21 June between 9.00am and 3.00pm
- On the basis of a mirrored development 57.9% of the apartments on the 23 Church Ave site would be provides with 2 hours of direct sunlight on the winter solstice of 21 June between 9.00am and 3.00pm.
- Overall for the two developments mirrored they would have a combined solar access of two hours direct sunlight to 53.7% of the apartments. Taking into consideration that area of glazing that receives adequate sunlight, in accordance with the Planning Principle for solar access, SLR Consulting has approximated that this would reduce the number of apartments receiving two hours of direct sunlight to 51.1%.
- In addition, Council further commissioned SLR Consulting Pty Ltd to verify the solar access of 27 Church Ave with no mirrored development on 23 Church Ave. The results of this analysis indicate that 61.1% of apartments proposed for 27 Church Ave would receive 2 hours of direct sunlight, falling to 57.9% if the Planning Principle was applied.

## **CONCULSION**

As requested by the JRPP in its decision of the 2 April 2015, Council engaged an independent solar analysis assessment. Based on the findings of this Report, it demonstrated that the development alone would have 57.9% solar access to its apartments. If the development was mirrored with 23 Church Ave, then both developments combined would receive approximately 51.1% solar access to the apartments.

It requested that the Joint Regional Planning Panel note the contents of this Report