



JOINT REGIONAL PLANNING PANEL

SUPPLEMENTARY REPORT

2 APRIL 2015

Application No.	D/2014/646
Address	30-40 George Street, LEICHHARDT NSW 2040
Proposal	Site preparation works (including diversion of services, demolition of existing structures and excavation), construction of 2 buildings of between 4 and 8 storeys comprising 123 residential units above a 2 level basement car park with 122 parking spaces, and associated works including providing communal open space incorporating a pool, landscaping works, removal of trees, provision of roof gardens with plunge pools, and strata subdivision
Date of Receipt	28 November 2014
Applicant	Stithos Pty Ltd
Owner	Mr T D Rowney
Number of Submissions	116 in opposition
Building Classification	Class 7a, Class 2
Attachment A:	Draft Conditions of Consent

1. PURPOSE OF REPORT

The purpose of the report is to:

- Assess the amended plans received in response to the Sydney East Joint Regional Planning Panel resolution of 2 April 2015; and
- Respond to a submission received relating to the amended plans.

2. REPORT

Amended Plans

This matter was considered at the Sydney East Joint Regional Planning Panel on 2 April 2015 where the following was resolved:

“The Sydney East Joint Regional Planning Panel (the Panel) is minded to grant consent, having regard to the specific site rezoning and DCP applicable to the site; the development application's apparent compliance with this rezoning and DCP, the clarification received from the EPA dated 26 March 2015 and the remediation and verification process. However, the Panel is concerned as to material presented to the Panel which Leichhardt Municipal Council (the Council) has not reviewed.

Accordingly, the Panel requires the following information to be submitted to the Council for assessment:

- 1. Deep soil details and calculations.*
- 2. Landscape plans that show significant planting to the northern boundary and planting to the street frontages.*
- 3. Clarification by way of dimension of all POS.*
- 4. Clarification of garbage facilities and operation.*
- 5. Solar access plans to confirm and clarify that three hours of solar access is achieved by 70% of units.*
- 6. Clarification of roof top screening to minimise visual impact and overlooking.*
- 7. Detailed table per unit demonstrating compliance with storage guidelines of RFDC*

These plans are to be provided to the Council by 20 April 2015. The Council is to assess and respond to this additional information by supplementary report by 4 May 2015, together with an amended set of proposed conditions of consent.

Those draft conditions are to be shown to the applicants for comment prior to forwarding the matter back to the JRPP.

When the supplementary report is received, the Panel will hold an electronic meeting to consider the development application, unless the Chair decides that an additional public meeting is necessary”.

The applicant submitted additional information in response to the panel resolution, as outlined below:

- Revised basement plans;
- Storage plans;
- Solar access floor plans;
- Basement waste collection plan;
- Roof terrace balustrade detail;
- Revised floor plans;
- Revised elevation plans;
- Revised deep soil planting & site coverage plan;
- Revised landscape design report;
- Traffic management swept paths;
- Revised landscape plans.

The following assessment will review the content of the additional information and how it has responded to the Panel resolution:

1. Deep soil details and calculations

Response: The submitted deep soil planting and site coverage plan have amended the location and size of the available deep soil planting on the site to comply with the minimum 10% requirement of George & Upwards Street Development Control Plan 2014 (DCP2014). The proposal is therefore satisfactory in this regard.

2. Landscape plans that show significant planting to the northern boundary and planting to the street frontages

Response: The revised landscape plan has increased the level of deep soil planting along the northern boundary adjacent to the through site link, which has improved opportunity for significant canopy planting in the form of four (4) *Angophora costata*. Smaller canopy trees in the form of *Banksia serrata* and *Ceratopetalum gummifernum* are provided along the northern boundary adjacent to the communal open space.

No changes have been made to the available deep soil along the street frontages, and as such the proposed canopy planting has not been altered. No canopy planting is provided along the Upward Street frontage, whilst the previously proposed canopy trees along George Street are retained within in the nature reserve. No canopy trees are provided along the George Street frontage within the subject site.

3. *Clarification by way of dimension of all POS*

Response: The applicant submitted revised floor plans which confirmed the dimensions for the size and depth of individual private open space areas, which are principally balconies. The majority of units can achieve the minimum size and depth requirements of the Residential Flat Design Code (RFDC) with the exception of units E21, E22, E25, E26, E29, E30 and F1. It should be noted that these non-compliances are a result of the wider balcony depth being provided adjacent to the master bedroom in lieu of the proposed living areas.

Accordingly the applicant's response to the Panel resolution is considered unsatisfactory.

4. *Clarification of garbage facilities and operation*

Response: The applicant has proposed that waste and recycling collection be serviced by a private contractor. As previously advised, Council does not support this approach as it will result in future property owners within the development being required to pay for two garbage services. That is, they will be required to pay the waste management services charge to Council, despite also having to pay for the private contractor. Under Section 496 (1) of the Local Government Act 1993 "a council must make and levy an annual charge for the provision of domestic waste management services for each parcel of rateable land for which the service is available".

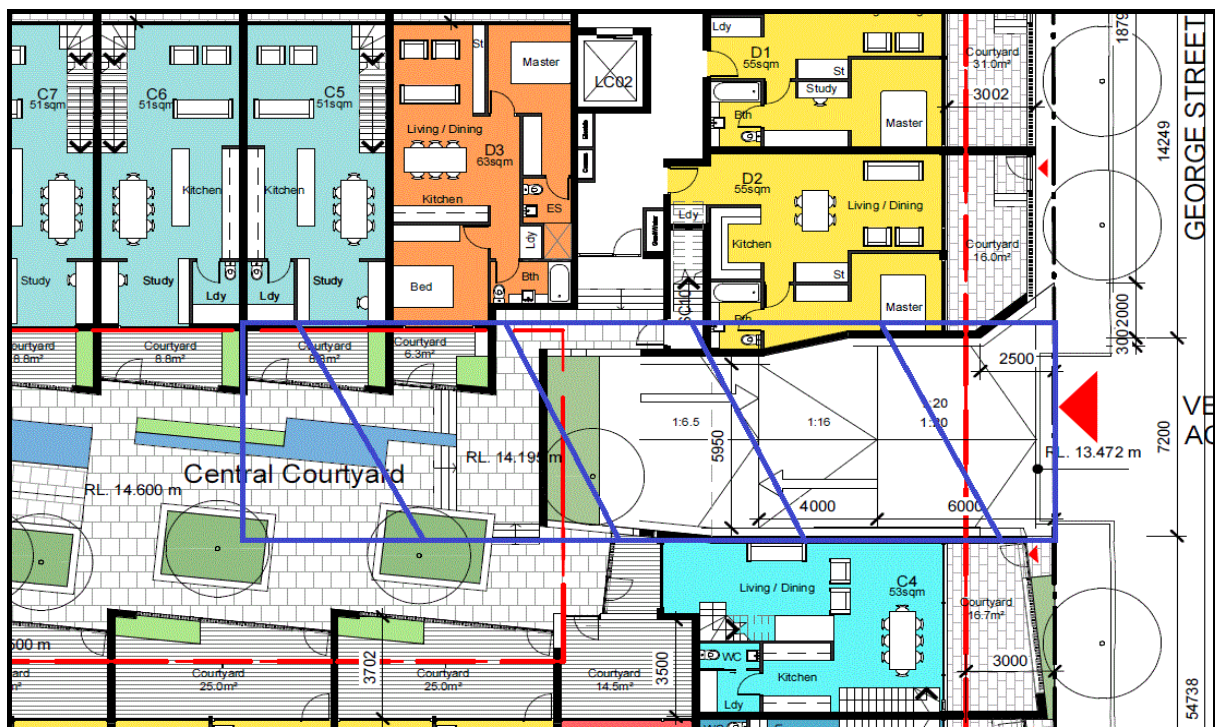
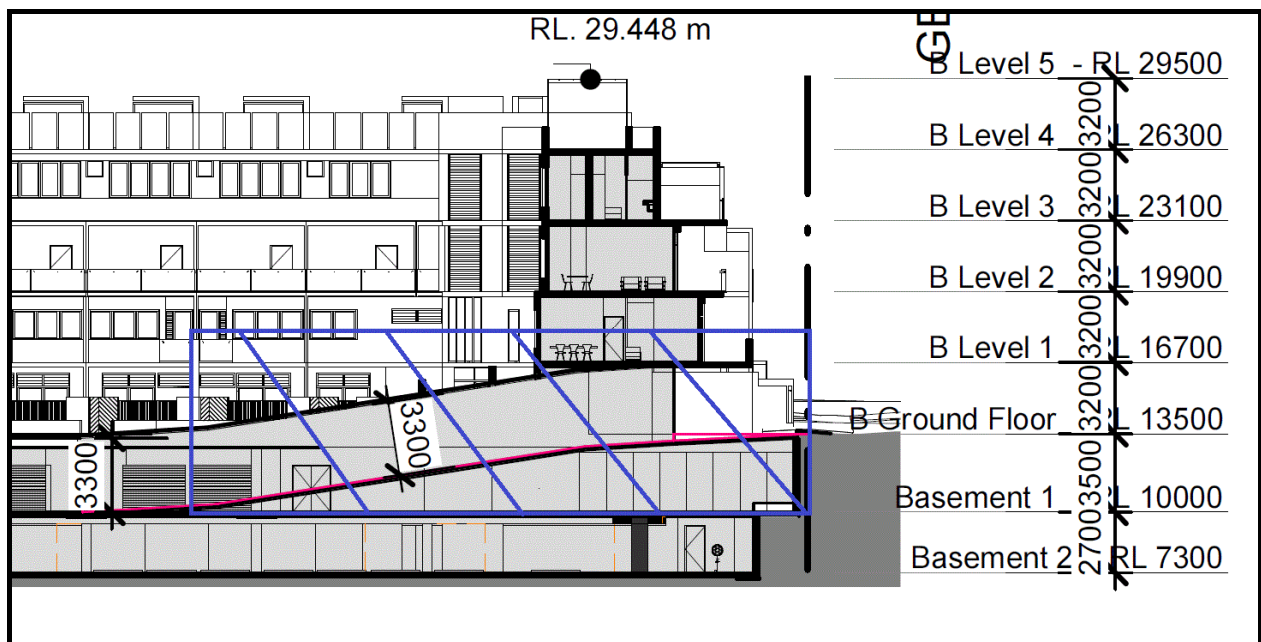
If this approach is accepted, it is essential that a clear alert be provided to potential purchasers in the form of a covenant on the property title together with the imposition of prescriptive conditions of consent.

Notwithstanding the above issue, the applicant has amended the proposal to accommodate a larger garbage collection truck with a headroom requirement of 3300mm. This is accepted as an improvement on the original proposal which only allowed headroom for the garbage collection vehicle of 2200mm.

However, it is apparent that the submitted driveway long section contains a number of significant errors and omissions which are detailed below, which gives rise to significant implications on the buildings and structures above the driveway, which have not been reflected on the submitted plans and elevations.

The submitted long section did not include accurate levels to demonstrate the transition of a 3m vehicle from the George Street kerb to the first floor basement in accordance with AS2890.

Council's assessment of the proposed driveway access using the existing road levels has concluded that the design fails to make allowance for the structural beams or ducting above the driveway, nor provide for any structural allowances to construct the landscaping elements to the central courtyard and units above. The area of concern is highlighted in the below graphics.



The impact of the driveway design on the buildings and structures in terms of level changes are demonstrated in the following table:

	Required change to building levels in order to comply with AS2890						
	Front Unit D5	Rear ct'yard Unit D3	Central Ct'yard adj D3	Rear ct'yard Unit C5	Central Ct'yard adj D3	Rear ct'yard Unit C6	Central Ct'yard adj D3
Level Change (m)	0.57m	2.31m	1.62m	1.47m	0.37m	0.92m	0.37m

The implications of the above conflicts can be summarised as follows:

- The first floor unit directly above the driveway would need to be raised by approximately 570mm to permit the required headroom or otherwise be deleted.
- The central courtyard would need to be raised approximately 2.31 metres above the adjacent entry foyer which would make the proposed access between them problematic.
- The rear courtyards to units D3, C5 and C6 would need to be raised by 0.92m, 1.47m and 2.31m respectively and would therefore need to be deleted. That is, only windows could be accommodated at the southern end of the units.
- It is unclear whether the 3300mm headroom can be achieved within basement level 1, beyond the access driveway. It may be that basement levels 1 and 2 would need to be lowered, which is able to be addressed.

5. *Solar access plans to confirm and clarify that three hours of solar access is achieved by 70% of units*

Response: The RFDC and site specific DCP require that solar access be provided to the living rooms and private open space for at least 70% of apartments for a minimum three (3) hours of direct sunlight between 9am and 3pm in mid-winter.

The applicant submitted solar access floor plans that demonstrate the available solar access to living areas and private open space between 9am and 3pm at the winter solstice. The calculations provided by the applicant conclude that 72% of units will receive three hours of solar access in accordance with RFDC requirement.

Council's assessment of the submitted information has concluded that a number of units that are stated as receiving three hours of solar access do not in fact receive the solar access to the main living areas as outlined in the submitted table. This is evidenced in units A1, A2, A3, A4, A5, B4, B5, B9, B10, B12, C6, E18, E19, E24, E33, E35, E36, F11, F16, F21, F26, F31, F36 and F39. It appears that the applicant's calculation has been provided on a combined assessment of the available solar access to the private open space and main living rooms, whereas Council has assessed whether three hours of direct solar access has been provided to each space (i.e. private open space or living room) within the unit.

This effectively increases the number of non-compliant units to 58, which decreases the percentage of units that receive solar access to the main living areas for the required three hours to 53%, which is inconsistent with the RFDC requirements, and consequently the site specific Development Control Plan. The proposal is therefore considered unsatisfactory in this regard.

6. *Clarification of roof top screening to minimise visual impact and overlooking*

Response: The applicant has provided detail and perspective showing the proposed treatment of the roof top terraces. They propose to incorporate a planter box and obscure balustrade to a height of 1.65m which will restrict opportunity for overlooking, however it is considered to result in an unsatisfactory visual impact when viewed from the public domain given the substantial built form, and context of surrounding low scale residential setting. A more complementary approach would be to provide landscaped screening within planter boxes which will have the effect of

reducing overlooking and the visual impact of the additional built form when viewed from the public domain – this has been conditioned.

It is also noted in the additional information that access to the proposed roof top swimming pools have not been provided. In any case Council does not support the roof top swimming pools which are recommended to be deleted via a condition of consent.

7. Detailed table per unit demonstrating compliance with storage guidelines of RFDC

Response: The applicant submitted amended floor plans demonstrating the available storage area for each unit. The majority of units are provided with a combination of in unit and basement storage which complies with the size requirement of the RFDC, with the exception of C6. Despite the minor non-compliance, the proposal is satisfactory in this regard.

Submission:

A submission was received raising the following issues:

- The proposal does not provide for reasonable transition in scale from the existing surrounding buildings, they are significant in bulk and scale with limited set-back which is contrary to the site specific DCP, item 2.1. If approved, this will change the entire streetscape and overall look and feel of Leichhardt.
- Contrary to the site specific DCP, item 2.3 C2 a. the design does not allow for the required solar access, being "at least 3 hours of direct sunlight to 50% of the primary private open space and living rooms". It does not appear to meet the 50% test for most units.
- Concern is raised regarding the current trend of re-zoning and drying up of employment generating land in the Leichhardt LGA, evidenced in their recent Industrial Land Strategy. Despite it not being required under the current zoning of this site, I would like to see some commercial applications included in the development.

Response: The proposed form and scale of the development is in response to height and setback controls of the George and Upward Street site specific DCP.

Assessment of the available solar access to the primary private open space and living rooms of each unit has been demonstrated within the submitted solar access floor plans, and found to be non-compliant with the RFDC, and therefore provides an unsatisfactory level of amenity to the proposed units.

The subject site is zoned R1 General Residential, the objectives of which seek to provide a variety of housing types and densities. The zone does allow flexibility for a variety of commercial to be incorporated; however no minimum was mandated as part of the rezoning process. It is however noted that approximately 600 square metres of commercial/retail space is proposed on the adjoining Kolotex site, which is zoned B4 Mixed Use.

3. CONCLUSION

Council has reviewed the additional information submitted by the applicant in response to the JRPP direction. Several of the points raised by the JRPP have been satisfactorily addressed by the additional information, however three fundamental issues remain in relation to the solar access, basement design and waste collection that are unable to be supported. Where achievable, draft conditions of consent have been incorporated to address the concerns, should the JRPP support the proposal in its current form.

4. RECOMMENDATION

That the amended plans and matters raised in the assessment report be considered by the JRPP in its consideration and determination of the matter.