

JOINT REGIONAL PLANNING PANEL (Sydney East Region)

JRPP No:	2015SYE158
DA No:	DA15/1345
Local Government Area:	Sutherland Shire
Proposed Development:	Demolition of existing structures, construction of a mixed use development containing 2 buildings with one commercial unit and 88 residential units and basement carparking
Street Address:	Lot 1 DP 212353 - 34 Railway Crescent, Jannali
Applicant/Owner:	Mr K Pitkanen
Number of Submissions:	Eight
Regional Development Criteria (Schedule 4A of the Act)	General Development over \$20 million
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development • Apartment Design Guide • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment • Sutherland Shire Local Environmental Plan 2015 • Draft Sutherland Shire Development Control Plan 2015 • Council’s Section 94 Contribution Plans
List all documents submitted with this report for the panel’s consideration:	<ul style="list-style-type: none"> • Draft Conditions of Development Consent • Sydney Trains concurrence letter • Architectural Review Advisory Panel (ARAP) comments
Recommendation:	Deferred Commencement Approval
Report By:	Kylie Rourke, Environmental Assessment Officer - Planner Sutherland Shire Council

EXECUTIVE SUMMARY

1.1 Reason for Report

This development application (DA) is referred to the Joint Regional Planning Panel (JRPP) pursuant to Schedule 4A of the Environmental Planning and Assessment Act 1979 (the Act) as the development has a stated capital investment value of \$26,800,000.00, which exceeds the \$20,000,000 threshold.

1.2 Proposal

The development includes the construction of two x six storey residential towers with at-grade and basement level parking, a ground floor commercial tenancy (nominally a replacement for the existing pub on the site) and associated works.

1.3 The Site

The site is located on the eastern side of Railway Crescent, opposite the Illawarra Train Line. The site is known as being the location of “Jannali Inn”, a suburban pub.

1.4 Key Issues

The main issues identified are as follows:

- Building separation/ setbacks
- Front setback treatment
- Sydney Trains concurrence requirements

1.5 Conclusion

Following detailed assessment of the proposed development, the current application is considered worthy of support, subject to deferred commencement conditions which will ensure compliance with the ADG requirements for building separation at a zoning interface and Sydney Trains concurrence conditions. In particular, it is recommended that the envelope of the proposed development be reduced by increasing setbacks where the buildings are oriented toward the northern side boundary.

2.0 DESCRIPTION OF PROPOSAL

The DA seeks approval for the demolition of the existing hotel and construction of a mixed use development within two towers over a shared basement comprising:

- Ground floor 677m² commercial tenancy (indicatively a replacement pub), with 43 residential/commercial parking spaces and loading dock at rear.
- Construction of two residential flat buildings (Building A and Building B) comprising 88 residential units.
- Entry “plaza” within the front setback of the site.
- Entry to the residential component through a centralised landscaped courtyard, adjacent to one of two communal open space areas.
- Two/three basement levels comprising 119 parking spaces, storage and services.

The proposal does not include the fitout or operational details of the re-built hotel, such as hours of operation, floor plan or patron numbers.

Indicative images and a site plan of the proposal are provided below.



Figure 1: Computer generated image - street elevation of 'Building A' (western building).

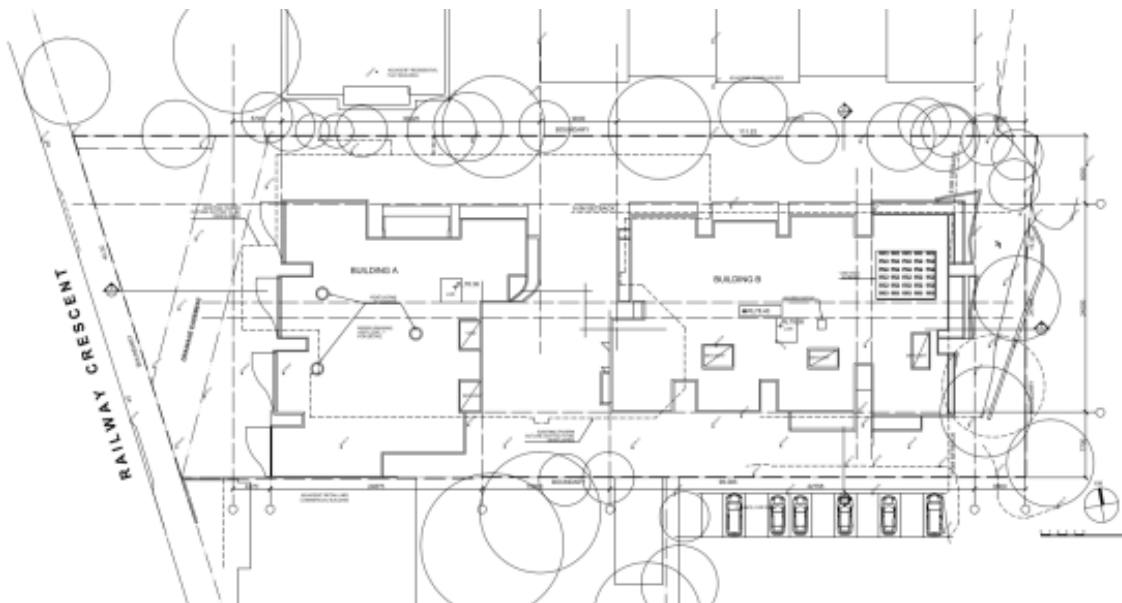


Figure 2: Site Plan

3.0 SITE DESCRIPTION AND LOCALITY

The subject land is a single allotment located at 34 Railway Crescent, Jannali, formally known as Lot 1 DP212353. Currently situated on the site is a two storey pub (a licensed premise with bistro and function room) known as the “Jannali Inn” with an associated drive-through bottle shop and at-grade parking both at the front and at the rear of the site.

The site has a splayed frontage of 42.2m to Railway Crescent, a 113.2m northern boundary and a 99m southern boundary. The eastern boundary is irregular and 40.3m in length. The land has an area of approximately 4255m².

A substantial level change exists at the rear and the site, and as a result, a rock ledge is visible. A stormwater drainage easement benefitting Council measuring 6.3m wide and 41.5m long is located diagonally across the western (front) portion of the site. No significant vegetation exists on the site.

The property shares a southern boundary with a two storey commercial building located on a nil setback at the street and zoned B2-Local Centre and a Council carpark zoned SP1-Special Activities toward the rear (southeast). To the north is land zoned R4- High Density Residential which contains two established three storey Residential Flat Buildings and two rows of Townhouses over a shared basement. An elevated Council reserve containing a significant tree adjoins the rear boundary of the property.

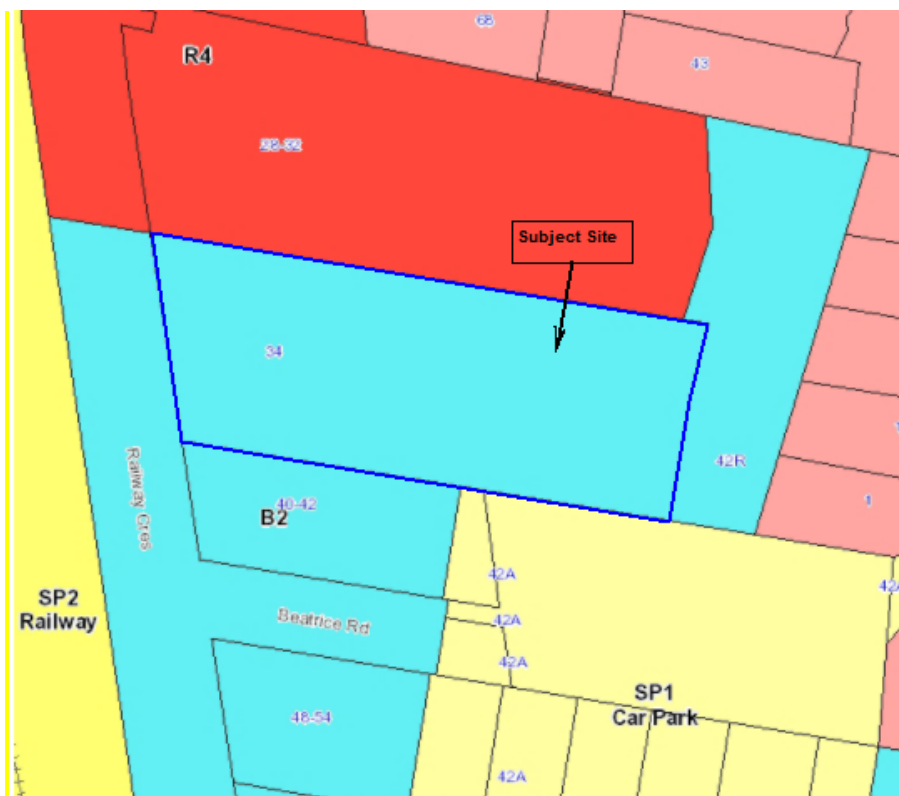


Figure 3: zoning map of subject site and surrounds.

A range of residential buildings surround the Jannali Centre, from detached dwelling houses to 'mid-rise' 3-4 storey residential flat buildings. To date, the Jannali Centre has not experienced any major redevelopment projects, and exhibits the characteristics of a smaller scale town centre or 'village'.



Figure 4: Aerial Photograph of subject site.

The site is located on the eastern side of Railway Crescent, and on the very north-eastern periphery of the Jannali Town Centre. The site is however very close (approximately 100m) to Jannali Train Station, and directly opposite the Illawarra Railway line.

4.0 BACKGROUND

A history of the development proposal is as follows:

- A pre-application discussion (PAD) was held on 16 June 2015 regarding the development. As a result of this a formal letter of response was issued by Council.
- The subject application was submitted on 3 November 2015.
- The application was placed on exhibition with the last date for public submissions being 10 December 2015. Eight submissions were received.
- The application was considered by Council's Submissions Review Panel on 8 March 2016.
- An Information Session was held on Tuesday 1 December 2015 and six people attended.
- Amended documents were lodged on 9, 16 and 17 March 2016.

5.0 ADEQUACY OF APPLICANT'S SUBMISSION

In relation to the Statement of Environmental Effects, plans and other documentation submitted with the application or after a request from Council, the applicant has provided adequate information to enable an assessment of this application.

6.0 PUBLIC PARTICIPATION

The application was advertised in accordance with the provisions of chapter 41 of draft Sutherland Shire Development Control Plan 2015 (DCP15).

99 adjoining or affected owners were notified of the proposal and eight submissions were received as a result. Submissions were received from the following properties:

Address	Issues
41 Charles Place Jannali	Loss of privacy.
28-32 Railway Crescent Jannali	Loss of outlook, construction impacts, noise from tavern,

	vehicles, residential access, and air conditioning, impact on “Jannali Village” atmosphere, privacy, parking and traffic.
38/28-32 Railway Crescent Jannali	Loss of outlook, privacy, scale of development and impact on “Jannali Village”, parking, construction impacts, tavern impacts, exhaust from carpark.
37/28-32 Railway Crescent Jannali	Setbacks, communal open space, landscaping to northern boundary, privacy, materials selection & reflectivity, noise from pedestrian access, building B north facing units, tavern and A/C, boundary fencing, noise from basement, loss of breezes, parking, impact from construction, short-term rentals.
2/28-32 Railway Crescent Jannali	Noise from construction, tavern, impact on “Jannali Villiage” atmosphere, scale of development, traffic and parking.
18/28-32 Railway Crescent Jannali	Noise from residential units, basement, tavern, and air conditioning units, building bulk, privacy, lightspill, construction impacts.
19/28-32 Railway Crescent Jannali	Noise from pedestrian access & tavern, construction impacts, boundary fence, carpark exhaust, privacy, overshadowing, traffic, scale of development and impact on “Jannali Village”.
79 Novara Crescent Como	Parking, traffic.

The issues raised in these submissions are discussed below:

6.1 Scale of Development

The development parameters relating to size have been set by the recently adopted Sutherland Shire Local Environmental Plan 2015 (LEP2015) which contains built form controls including the maximum height and maximum FSR. As indicated in further detail in the “Statement of Compliance” section of this report, the proposal complies with these standards. In terms of the composition of the built form, the scheme has employed elements to articulate the building, such as dividing the front façade into four separate vertical elements and the provision of double height portal frames, awnings, curved lines, and timber screening which assists in defining the commercial and residential uses within the building and breaking down the scale of the building to relate to its “village” context and the pedestrian environment.

6.2 Parking & Traffic

A large proportion of objectors were concerned that the proposed development will generate additional traffic and intensify parking requirements. A consequence of the density of the development permitted by the LEP density controls for the site is additional traffic, and a detailed discussion on the traffic implications for the development can be found in the “Assessment” section of this report.

Councils DCP sets minimum parking and maximum parking rates for the site. The proposed parking volume is above and beyond the minimum requirement, and below the maximum “cap” set by the DCP. The application of maximum parking rates to the subject site reflects Councils strategic direction for the site and the greater Jannali centre, to encourage the use of public transport in suitable locations (eg. in close proximity to train stations). The proposal is therefore consistent with Council’s strategic vision for the Jannali Centre.

6.3 Outlook & Breezes

Residents from the residential development to the north of the site raised concern that the outlook and breezes into their units would be affected by the development. The proposal

extends the length of the site, to within 6m of the rear boundary. The proposal will have an impact on breezes through the area.

The rear of the subject site is presently undeveloped, comprising only an at-grade open carpark, affording the townhouses unimpeded access to light and southerly breezes. The subject site does not currently realise its full development potential and as a consequence, the adjoining residential units benefit from some “borrowed amenity”. This level of amenity would not otherwise be experienced if the subject site had been developed to its full development potential. Notwithstanding, open space of 9-13.5m width has been provided between the two new residential flat buildings which will allow some southerly breezes to filter through the area.

The ADG provides criteria to guide the footprint of the development, and other built form parameters that affect air circulation and outlook and the compliance of the proposal with these recommendations is provided in part 8.0 of this report.

6.4 Privacy

The majority of residents who commented on the application raised concern regarding the impacts on existing privacy. The impact of the proposal on privacy is a key issue for the proposal, and is discussed in detail in the “Assessment” section of this report.

6.5 Construction Impacts

Impacts from construction works, including noise, dust and structural damage were raised as items of concern for a number adjoining residents. To address this, Council has recommended conditions of consent which set permitted hours of construction works, maximum noise limitations and site management protocols on site for the duration of construction works. A condition has also been recommended to require a dilapidation report be undertaken for properties in close proximity of the development site, to protect adjoining property owners in the unlikely event excavation works result in damage to adjoining buildings.

6.6 Setbacks

The building separation distance was raised as an item of concern for residents of the neighbouring residential development. Setback distances are a key issue for the development application, and a detailed assessment of the setbacks proposed is provided in the “Assessment” section of this report.

6.7 Boundary Fencing

Boundary fencing does not form part of this development application. The *Dividing Fences Act 1991* regulates neighbours’ responsibilities towards dividing fences and is designed to settle the contentious aspects of sharing a fence. Standard dividing fence disputes are a civil matter removed from the DA process, and are outside the scope of this Development Application.

6.8 Short-Term Renters

Council was requested to impose conditions of the approval to restrict the use of the development to long term or permanent occupants only. The subject proposal has not sought approval for short-stay accommodation style units, and therefore should approval be granted, it will be for standard residential units within a Residential Flat Building. Ordinarily, this would comprise a mixture of owner-occupiers and renters; however Council has no statutory powers to dictate the length of stay for future tenants.

6.9 Lightspill

Lightspill from the proposal development was raised as an item of concern by a submission received by Council. A standard condition of consent has been recommended to ensure external lighting of the development is consistent with the AS 4282-1997 Control of the obtrusive effects of outdoor lighting. Adequate setbacks and landscaping will control nuisance lightspill from within the apartments.

6.10 Overshadowing

The impact of the proposed development on the neighbouring residential units to the north was raised as an item of concern. Given the orientation of the site, all shadows generated by the development will be cast to the south of the subject site. There will be no overshadowing on the residential properties located to the north of the site as a result of the proposed development.

6.11 Out of Character

Although the proposed development is larger than the two and three storey buildings that exist in its current context, the proposal is in keeping with the desired future character envisaged by the Jannali Centre DCP and the LEP built form controls. The design scheme has adopted design features which aid in breaking the façade into smaller scale elements which articulate the building, and enable the building to sit comfortably within the streetscape.

6.12 Noise

Many residents of the adjoining RFB/townhouse development raised concern regarding noise from the residential pedestrian entry, air conditioners and plant equipment, the future operation of the pub and the proximity of these elements to the common boundary. The submitted acoustic report provides detail on the performance of the building and capability of a future use of the ground floor commercial premise as a pub in complying with the relevant noise criterion. Noise is discussed further in the "Assessment" Section of this report.

6.13 Communal Open Space

The proposal does not achieve the minimum communal open space recommended under the ADG. Further discussion on this matter is provided in the "Assessment" section of this report.

6.14 Landscaping- Northern Boundary

The landscape plans have been amended to provide dense 8-10m screening on the northern boundary to better screen the development to the north.

6.15 Carpark Exhaust

A number of submissions queried the location of exhaust vents to the car park, raising concern that the vent may be positioned to cause a nuisance to the existing residential dwellings to the north. The carpark, kitchen and garbage exhaust risers are indicated on the architectural plans in Building A next to the lift. The exhaust vents terminate at the roof, approximately 20m above existing ground level. This location is such that they will enable spent air to dissipate into the sky, providing substantial vertical separation to residential receptors below.

6.16 Materials Selection

The reflectivity and contextual suitability of wall cladding materials was questioned by one submission received by Council. ARAP has reviewed the proposal in terms of its materiality and raised no issue with the materials selection. The materials selected are not of a reflective nature, and are unlikely to cause a nuisance to adjoining properties.

6.17 Submission Review Panel (SRP)

The 8 submissions received by Council during public exhibition were considered by Council's SRP on 8 March 2016. The SRP concluded that all matters raised within the submissions are either relevant/reasonable but not substantive or can be dealt with via conditions of consent.

6.18 Revised Plans

The applicant lodged revised architectural plans on 9 March 2016 in response to a number of issues raised by Council, including, but not limited to, deep soil planting, separation distances to the lower density zone, and the provision of a flood study. The amendments made to the original proposal included the following:

- Increase setback of basement 1 (east) from 4.5m to 5.1 & basement 1 (west) from 4.5m to 5.3m.
- Remove structures from within drainage easement, including raised entry plaza, consistent with Council Engineer recommendation.
- Conversion of Common Open space adjacent to unit 2.10 to private open space, consistent with ARAP recommendation.
- Minor amendments to improve cross ventilation, privacy and solar access to various units.
- Addition of Privacy Screens to unit 3.08, 3.01, 3.14, 6.09, 7.02 & 7.03.

The changes are superficial and it was considered unnecessary to renotify the amended proposal on the basis that all amendments were minor in the context of the overall development.

7.0 STATUTORY CONSIDERATIONS

The land is zoned B2- Local Centre under Sutherland Shire Local Environmental Plan 2015. The proposed development, being a residential flat building and commercial premise are permissible land use within the zone with development consent from Council.

The following Environmental Planning Instruments (EPI's), Development Control Plans (DCP's), Codes or Policies are relevant to this application:

- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65)
- State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure)
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
- Sutherland Shire Local Environmental Plan 2015 (LEP 2015)
- Draft Sutherland Shire Development Control Plan 2015 (DCP 2015)
- Council's Section 94 Contribution Plans for Public Open Space & Community Facilities

8.0 STATEMENT OF COMPLIANCE

The statement of compliance below contains a summary of applicable development standards and controls and a compliance checklist relative to these:

8.1 State Environmental Planning Policy (Infrastructure) 2007

Excavation adjacent to rail corridors

Clause 86 of SEPP Infrastructure requires developments proposing excavation within 25m of a rail corridor to be referred to Railcorp, and the consent authority must not grant consent to the development without their concurrence. As discussed in further detail below, the proposal was referred to Railcorp, (concurrence functions have been delegated to Sydney Trains). Sydney Trains have provided conditional concurrence to the application, subject to a deferred commencement condition, which is discussed in further detail in section 9.0 of this report. The letter provided to Council from Sydney Trains is attached at **"Appendix B"**.

Impact of rail noise or vibration

SEPP Infrastructure prescribes that the consent authority must not grant consent to residential development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- (a) *in any bedroom in the building—35 dB(A) at any time between 10.00 pm and 7.00 am,*
- (b) *anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*

The SEPP Infrastructure requires the consent authority to take into consideration rail vibration and any guidelines that are issued by the Director-General.

In their submission, the applicant has addressed noise and vibration impacts in the submitted acoustic report (Acouras Consultancy, 26.10.2015). The report recommends the application of various noise attenuation measures such as acoustic glazing and seals, and the incorporation of specific construction materials. Providing the recommendations of the report are implemented, the noise and vibration impacts as a result of the railway line are within the acceptable limits established by SEPP Infrastructure. A condition of consent has been recommended to require that the acoustic measures recommended in the report are adopted into the building design.

8.2 State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65) and the accompanying Apartment Design Guide (ADG) seek to improve the design quality of residential flat development through the application of a series of 10 design principles. A brief assessment of the proposal having regard to the design quality principles of SEPP 65 is set out below:

Design Quality Principles	Assessment
Principle 1: Context	The proposal involves two separate multi storey residential flat buildings including a commercial tenancy. Although the scale of the residential towers is foreign in its current context, the proposal is in keeping with the desired future character established by the LEP built form controls and the Jannali Centre DCP. The existing pub is an important part of the character of the Centre and the incorporation of this element in the design contributes positively to the identity of the area.
Principle 2: Scale	The proposed buildings are in keeping with the height and gross floor area (GFA) parameters set by SSLEP2015. The scale of the buildings is considered appropriate when considered in the context of the desired future character of the Jannali Centre envisaged under SSLEP2015.
Principle 3: Built Form	The proposed built form is in keeping with SSLEP2015 and must therefore be considered consistent with the future character envisaged for the locality in terms of overall building bulk. Improvements can be made to the building separation proposed, particularly at the zone interface with lower density residential land, as discussed in the “Assessment” section of this report.
Principle 4: Density	In general terms the site is large and under-utilised and has good access to local shops, facilities and public transport. The density of the proposal is an appropriate response to the new development Floor Space Ratio development standards that apply to the Jannali Centre under SSLEP 2015.
Principle 5: Resource,	The development incorporates BASIX requirements and

Energy & Water Efficiency	sustainability measures into its overall design. Apartments generally receive adequate solar access and cross ventilation so as to enhance energy efficiency and to provide suitable amenity to the building's future occupants.
Principle 6: Landscape	A a higher proportion of indigenous plantings and minor changes to the landscape plan is recommended. A condition of consent is proposed to provide more connected practical and usable spaces with social opportunities and a high degree of amenity for future residents.
Principle 7: Amenity	The proposal satisfies the Apartment Design Guide recommendations in terms of residential amenity, including minimum areas, solar access and natural cross ventilation.
Principle 8: Safety and Security	The applicant has considered Crime Prevention Through Environmental Design (CPTED) principles in the design of the project. The development provides increased activation and passive surveillance of Railway Crescent. Residential entry and lobby areas are to be secured and well lit. A path along the northern boundary connects the residential part of the development to Railway Crescent and will facilitate activity and direct access to the centre of the site, which has a high degree of surveillance from overlooking residential units.
Principle 9: Social Dimensions & Housing Affordability	The proposal provides a mix of apartment types, which would encourage diversity in the future occupation of the development in terms of social mix. Affordable housing is not proposed as part of this development however, the mix of apartment types and the inclusion of adaptable and liveable apartments have merit. The development includes facilities to encourage social interaction including the construction of two common areas and a semi-public entry plaza.
Principle 10: Aesthetics	In general terms the building form, proportions and compositional strategies proposed for the development are of a good contemporary standard for buildings of this type.

8.3 Apartment Design Guide

The Apartment Design Guide (ADG) is akin to a DCP and complements SEPP 65. The Code gives more detailed guidelines in respect of the general design quality principles set out in the SEPP. The ADG illustrates good practice, though is not a statutory instrument. The following table contains an assessment of the proposal against key controls of the ADG. Refer to the Assessment section of this report for further details with respect to performance of the proposal against the ADG.

<i>Apartment Design Guide –Building Key Design Criteria</i>			
<i>Objective</i>	<i>Design Criteria</i>	<i>Proposal</i>	<i>Complies</i>
Building Separation: Level 1- 4	Min. Separation from buildings to side and rear boundaries:		
	<u>Up to 12m (4 storeys)</u> 6m (habitable rooms/ balconies)	<u>Level 1-4</u> <i>Southern boundary</i> Nil setback to blank wall.	Yes.
	No separation is required between blank walls.	Min. 2.9m setback to commercial building (B2 zone)	No (6m required)
	For retail, office spaces and	Min. 5.4m setback to	

	commercial balconies, use the habitable room distance- 6m. + Additional 3m when site adjoins lower density zone i.e. 9m to northern boundary	public carpark (SP1 zone) <i>Eastern boundary</i> L1 (Building B)= 7.1m L2-4 =6m <i>Northern boundary</i> L1 (Building B)=5 & 7.6m L2-4=7.6m & 6.4m	Yes No (9m required)
Building Separation: Level 5 & 6	Min. Separation from buildings to side and rear boundaries: <u>Up to 25m (5-8 Storeys)</u> 9m (habitable rooms / balconies) For retail, office spaces and commercial balconies, use the habitable room distance- 9m. +Additional 3m when site adjoins lower density zone i.e. 12m to northern boundary	<u>Level 5 & 6</u> <i>Southern boundary</i> Nil setback to blank wall. Min. 2.9m setback to commercial building (B2 zone) Min. 5.4m setback to public carpark (SP1 zone) <i>Eastern boundary</i> L5& 6 =9m <i>Northern boundary</i> L5&6=9.1m & 9.3m	Yes No (9m required) Yes No (12m required)
Building Separation: Between building A & B	Minimum separation between buildings on the same site should combine required building separation: <u>L1-4</u> 12m between buildings <u>L5 & 6</u> 18m between buildings	<u>Level 1-4</u> 9.1m & 13.6m <u>L5 & 6</u> L5=10.2m & 13.6m L6=12.1m & 13.6m	No No
Communal Open Space	Communal open space has a minimum area equal to 25% of the site. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter)	357.7m ² =8% site area. The proposal is compliant.	No Yes
Solar access	Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct	70% or 62 units receive minimum solar access.	Yes

	<p>sunlight between 9 am and 3 pm at mid winter</p> <p>A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter</p>	13 units or 15% receive no solar.	Yes
Natural ventilation	<p>At least 60% of apartments (53 units) 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>	<p>57% or 50 units are naturally cross ventilated.</p> <p>Max depth cross through units= 12.8m</p>	<p>No</p> <p>Yes</p>
Ceiling heights	Habitable rooms 2.7m	2.7m	Yes
Apartment Size	<p>1br bedroom – 50m²</p> <p>2br Bedroom – 70m²</p> <p>3br Bedroom 90m²</p>	<p>Min 52.5m²</p> <p>Min 70m²</p> <p>Min 104m²</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
Room Depth	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	8.1m	No, but acceptable.
Room Design	<p>Master bedrooms = 10m²</p> <p>Other Bedrooms = 9m²</p> <p>Minimum Dimension = 3m</p>	<p>>10m²</p> <p>Min 9m²</p> <p>Min 3m</p>	Yes
Primary Balconies	<p>1br = 8m² / depth 2m</p> <p>2br = 10m² / depth 2m</p> <p>3br = 12m² / depth 2.4m</p>	<p>Min 2.2m depth / 9.5m² area</p> <p>Min 2.6m depth / 10m² area</p> <p>Min 2.7m depth / 13m² area</p>	Yes
Storage	<p>1br apartment = 6m³</p> <p>2br apartment = 8m³</p> <p>3br apartment = 10m³</p> <p>At least 50% of storage to be located within the apartments</p>	50% of storage provided in apartments. Remaining located in basement.	Yes
Deep Soil Zones	<p>For sites greater than 1,500m² 7% = 297.8m².</p> <p>Minimum dimension 6m</p>	<p>486.1m² = 11% site area.</p> <p>5.2m/4.5m width proposed.</p>	<p>Yes</p> <p>No</p>

8.4 Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment

The Greater Metropolitan Regional Environmental Plan No. 2- Georges River Catchment (GMREP2) includes a number of aims and objectives for the environment and water quality within the catchment. Appropriate stormwater management and water quality measures are proposed and there are minimal likely adverse impacts on existing riparian processes are anticipated. Council is of the view that with the implementation of the recommended conditions of consent, the proposal would be consistent with the aims and objectives of GMREP2.

8.5 Local Controls- SSLEP 2015 and DCP2015

The compliance table below contains a summary of the applicable development controls:

Standard/Control	Required	Proposed	Compliance
<i>Sutherland Shire Local Environmental Plan 2015</i>			
Building Height	20m	Max height= 20m	Yes
Floor Space Ratio	Max. 2:1	2:1	Yes
<i>Sutherland Shire Development Control Plan 2015 (draft)</i>			
Lot width	Min. 20m	39.97m	Yes
Street address	Must address the street and have clearly identifiable entry.	Entry points to residential and commercial elements are featured parts of the front façade.	Yes
Building bulk	The building form must be articulated to avoid large expanses of unbroken wall, and to visually reduce bulk.	Elevations are well articulated. Only a small length of unbroken wall is proposed on southern wall due to nil setback.	Yes
Roof and wall cladding	Highly reflective materials are not acceptable for roof or wall cladding.	Highly reflective materials not proposed.	Yes
Basement/podiums	To be integrated into the architectural design of the building	Basement is integrated into design and not visible from the street.	Yes
Street trees	Additional street trees must be planted at 10m intervals.	The landscape plan indicates three street trees.	Yes
Front setback	First 2 storeys to have nil setback	Variable setback of 5.7-17.7m due to position of easement.	No , but acceptable. See discussion.
Street Setback	Development more than 2 storeys – setback should be at least 4m to street.	8.6-18.3m.	Yes
Active Frontages	Must be activated at footpath level along full length of the building	Frontage activated by commercial use and “entry plaza”.	Yes.

	frontage.	See further discussion in "Assessment" section of report.	
Noise	Residential development next to rail corridor designed to minimize noise impacts.	Proposal achieved minimum noise criteria, subject to the implementation of acoustic attenuation measures.	Yes, subject to condition.
Adaptable and Liveable Housing	Min 20% adaptable= 18 units Min 10% liveable= 9 units	18 adaptable and 9 liveable units and parking spaces provided.	Yes
Safety and Security	Comply with CPTED.	See detailed assessment below.	Yes
Car Parking Residential	<u>Residential</u> Min. 1 space per unit=88 spaces Max 2 spaces per unit=176 spaces. No visitor car space requirement. <u>Commercial</u> Hotel use as per RTA Guideline for Traffic Generating Development. Based on the parking survey, the proposed development GFA of 677 m ² requires minimum 20 parking spaces (3 spaces per 100 m ²).	<u>Residential</u> 129 spaces provided <u>Commercial</u> 33 spaces	Yes
Motor Cycle	1 per 25 car spaces=4 spaces	7 motorcycle spaces	Yes
Bicycle Spaces	1 space per 10 car spaces= 9 spaces.	13 spaces	Yes
Waste storage	A waste storage area is to be provided for all developments to store bins for general waste and recyclables.	A waste storage area has been provided in the basement, and is proposed to be collected by a private contractor from the onsite loading bay.	Yes

9.0 SPECIALIST COMMENTS AND EXTERNAL REFERRALS

The application was referred to the following internal and external specialists for assessment and the following comments were received:

9.1. Sydney Trains

Sydney Trains has taken the requirements of SEPP Infrastructure into consideration and has decided to grant its concurrence to the development proposed subject to Council imposing a deferred commencement condition and operational conditions of consent on the application. The conditions relate to the provision of further geotechnical and structural information to ensure the development does not affect the safety or structural integrity of the existing rail infrastructure. These conditions have been included in the recommended conditions of consent.

9.2. NSW Police

The proposal was referred to the NSW Police for comment on the 23 November 2015. Despite Council's request, a response to the referral had not been received at the time of writing. In any case, Council has reviewed the proposal with regard to Crime Prevention Through Environmental Design (CPTED) principles. Details can be found in the "Assessment" section of this report.

9.3. Architectural Review Advisory Panel

Council engages an independent architectural design panel for the review of large projects. The ARAP considered this application on 26 November 2015. A copy of the Architectural Review Advisory Panel (ARAP) report is attached at "Appendix C". In general terms, ARAP acknowledged the merits of the development, recognising that the proposal has addressed the complexities of the site constraints and the circulation challenges. Further recommendations included:

- There could be some more rigour given to the elevational treatment to ensure the facades cohere successfully.
- The awning over the front of the tavern should be continuous to reduce acoustic impacts to apartments above.
- Areas of common open space near unit 2.10 could be given to the unit for private open space to ameliorate the privacy impacts
- East building units 2.10, 3.10 etc could have better day light access through larger (protected) openings to the north.
- Units on the northern façade of the west wing have openings in the balcony wall that would cause privacy issues.
- The front entry sequence has been well resolved.
- There is a good variety of apartments proposed above a well sized tavern opening onto a well designed landscaped civic space.

The applicant has reasonably addressed the issues above, through some minor design amendments to provide a continuous awning to the tavern, reallocation of the common open space, removal of openings in balcony walls as recommended by the Panel. The changes made provide a satisfactory response to the suggestions made by the Panel.

9.4. Engineering

Council's Engineers have provided comment regarding the impact of the development on existing road infrastructure, car parking and stormwater management. The following issues were raised:

- Parking allocation: While it has been acknowledged that the residential visitor parking is not required under Council's DCP, it was recommended that the Level 1 parking spaces (43 spaces) be accessible for both the hotel patrons and residential visitors rather than being allocated as 33 tavern parking spaces and 10 residential parking spaces.

- Provide shared area for accessible parking spaces at basement-1 in accordance with AS2890.6.
- There is anticipated to be no significant impact on the surrounding road network from traffic generated by the proposed development.
- No structures are permitted to be constructed within the easement located in the front setback.
- Detailed stormwater design must be submitted which ensures that the overland flow up to the 1% AEP event is contained within the easement.

With regard to the recommended reallocation of parking, the proposal is consistent with the DCP 2015 car parking rates for the Jannali Centre. Despite the preference of Council's Engineers, the DCP rates reflect strategic direction envisaged by Council for the Jannali Centre.

Conditions of consent have been recommended for relatively minor amendments regarding the provision of accessible parking consistent with AS2890.6 and the submission of a detailed stormwater design.

The prohibition of structures within the easement, including any decking or minor fill, has significant implications for the front setback treatment, and the relationship of the ground floor commercial element and pedestrian entrance points. Further discussion regarding the front setback treatment is contained in the "Assessment" section of this report.

9.5. Landscape Architect

Council's Landscape Architect has undertaken an assessment of the application and has recommended a number of design changes to enable a greater level of amenity in the communal spaces, and to provide consistency with Council's Greenweb strategy for Greenweb 'restoration' areas. The amendments include:

- Improved connectivity of ground floor of Block B to the two communal open spaces.
- The provision of additional canopy trees.
- The provision of a water efficient irrigation system.
- Selection of a higher proportion of local tree species.

A condition of consent requiring the modifications be adopted into the detailed landscape plan is capable of addressing the above.

9.6. Environmental Health

Council's Environmental Health Officer has reviewed the proposal and made recommendations on acoustic attenuation measures, building ventilation, lighting, and waste management. The recommendations have been incorporated into the draft conditions of consent.

9.7. Community Services

The proposal was referred to Council's Community Services Unit for comment, who requested a Social Impact Assessment be submitted by the applicant. The pub use does not form part of the subject application, and the level of detail provided by the applicant is satisfactory in enabling Council to make an informed recommendation on the application. Further discussion on the social elements of the proposal, including CPTED principles can be found in the "Assessment" section of this report.

9.8. Liquor Licensing

Council's Liquor Licensing Officer has reviewed the information supplied and raised no objection to the proposed development. Regardless, details including operation hours, and safety and security will be assessed in further detail as part of a separate Development Application for the fitout and use of the commercial premise.

10.0 ASSESSMENT

Following a detailed assessment of the application having regard to the Heads of Consideration under Section 79C(1) of the Environmental Planning and Assessment Act 1979 and the provisions of relevant environmental planning instruments, development control plans, codes and policies, the following matters are considered important to this application.

10.1 Setbacks

The development falls short of the minimum setback to the northern and southern boundary which is discussed in further detail below.

Northern Boundary

The ADG recommends that apartment buildings have an increased separation distance of 3m (over and above the minimum requirements set out in the design criteria) when adjacent to a different zone that permits lower density development to provide for a transition in scale, accommodate additional landscaping, and resolve amenity impacts. Council's position is that the additional 3m separation is reasonable, and necessary in order to resolve amenity impacts upon No. 28-32 Railway Crescent given the relative difference in the zoning and built form controls that apply to each of the sites, and the context of the existing development.

The northern boundary shared with No. 28-32 Railway Crescent marks the interface between the "B2- Local Centre" urban zoning of Jannali and lower-density residential land surrounding the centre zoned "R4- High Density Residential". There are proportionate differences in the maximum development standards between the subject site which permits an FSR of 2:1 and height of 20m, and the adjoining site at No. 28-32 Railway Crescent which permits an FSR of 1.2:1 and a height of 16m. The relative difference in FSR between the sites is 40%, and height is 1 storey.

The applicant's position differs from Councils, suggesting that the increased separation distance does not apply to the subject application. The applicant's response to Councils states:

...the intention of the statement contained in the design guidance, is to provide greater separation distances between lower density and higher density developments, not those which represent a density of similar height and scale...It is therefore assumed that this clause would apply to developments at the zone interface of R2 Low Density Residential and R4 High Density Residential zones or for example, the B2 Local Centre zone and the R3 Medium Density zone.

Seaside Property Developments Pty Ltd v Wyong Shire Council [2004] NSWLEC 117 establishes a planning principle regarding development at the zone interface. Briefly, this principle establishes that a 'development proposal in one zone needs to recognise and take into account the form of existing development and/or development likely to occur in an adjoining different zone. ...in considering the likely future character of development on the other side of the interface it may be that the development of sites such as this may not be able to achieve the full potential otherwise indicated by applicable development standards...'

The ADG attempts to quantify this principle. The proposal has not reasonably responded to the likely future development on the adjoining site, the impacts of which primarily relate to visual dominance and privacy/ overlooking. The rear component of the proposed development has extensive north facing balconies and windows oriented directly toward and over the neighbouring apartments and townhouses, from which future residents will be able to overlook the adjoining site. Notwithstanding the form and scale of development that might otherwise be permitted, any design for a proposed new development must nevertheless take into account and be sensitive to the existing and character on adjoining sites also.

The applicant has made some late changes to the scheme by adding additional landscape screening along the northern boundary that is to be capable of reaching a height of 8-10m. Whilst this will go some way in addressing the overlooking impacts, it will only be of use to the lowest three levels and will not ameliorate acoustic privacy issues. It will also substantially reduce the solar amenity of the lower levels of the new development if their (less than compliant) courtyards and balconies are completely 'planted out'.

Further discussion on the setback variations proposed for each tower is provided below.

Building A

As discussed above, two x three storey Residential Flat Buildings (RFBs) and a set of townhouses (all within the same strata plan) exist to the north of the site. The southern-most RFB is directly adjoining the location of Building A and contains two units on each level which face the subject site, the balconies of which extend to within 4m from the shared boundary. Under the ADG the proposal requires a 9m setback for level 1-4, and a 12m setback for level 5 and 6 to the northern boundary.

Level 2-4 of Building A (level 1 is the commercial tenancy), provides a 7.6 and 8m setback to the north boundary resulting in a 1- 1.4m shortfall in the 9m setback. The element associated with the west facing units protrudes furthest into the setback zone and this element is associated with a living area with a single highlight window. Council is satisfied that the 'defensive' design of the west facing units, which are mostly oriented towards the street, reasonably addresses the intent of the ADG and is acceptable.

Further, whilst the balconies of 2.01, 3.01 and 4.01, face the side boundary, they are oriented toward a break in the buildings on the adjoining site, and are therefore considered acceptable at a setback of 8m.

A better relationship between the remaining north facing units in Building A and No. 28-32 Railway Crescent can, however, be achieved by altering the proposed balconies associated with units 2.08, 3.08 and 4.08, to delete the part of the balcony next to the bedroom positioned directly opposite existing south facing balconies on the adjoining RFB development. This relatively minor amendment would afford a greater level of privacy between existing and the proposed development by offsetting the balconies between the sites. A condition of consent has been recommended to require this change be implemented in the design.

Level 5 and 6 of Building A provide a 2.6- 4.4m shortfall in the ADG recommended setback. Figure 5 below indicates the extent of the non-compliance.

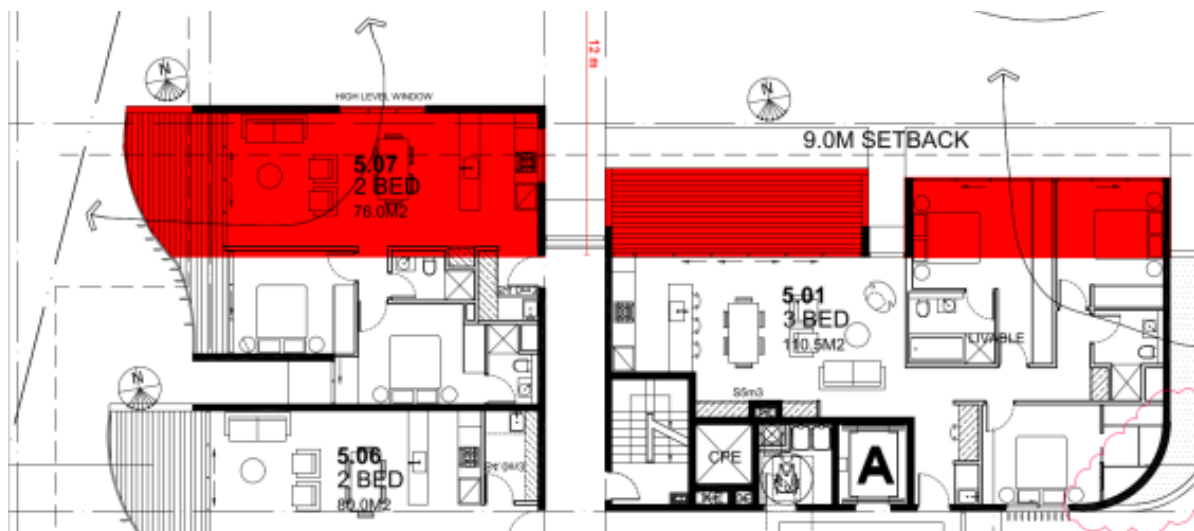


Figure 5: red highlight indicates extent of ADG non-compliance, Building A level 5 & 6.

As illustrated above, the element associated with the west facing units, protrudes furthest into the 12m setback zone providing a setback of only 7.6m. Consistent with the approach taken for levels 1-4, Council is satisfied that the defensive design of the west facing units reasonably addresses the intent of the ADG, and is acceptable. A major modification to this element of the design would not result in a significant amenity gain for the neighbouring property but would substantially disrupt the rhythm established by the curved balconies in the façade of the building as they present to Railway Parade.

The non-compliant elements of the north facing units on level 5 and 6 are related to the area of the balcony and two bedrooms which are provided with a 9.4m setback. If the adjoining site was to be developed to its full potential, overlooking would result, and this is primarily a consequence of the balcony orientation. A condition of consent has been recommended to require that this element of Building A is amended to ensure that the development is not less than 12m from the northern boundary. This change would only affect two units, unit 5.01 and 6.01, with the most apparent solution being the reduction in the size of the units from a three bedroom unit to a one bedroom unit to fit within the footprint envisaged by the ADG.

Building B

The proposal requires a 9m setback for level 1-4, and a 12m setback for level 5-6 to the northern boundary.

Courtyards, associated with ten x two storey townhouses exist on the adjoining to the north of Building B, making this interface particularly sensitive. The living/dining areas for each of the existing townhouses are located behind a sliding door adjoining the courtyard, and two bedrooms are located on the first floor.

Level 1 (labelled Level 2 on the plans) of the north facing units in Building B provides a 5m setback to the north boundary resulting in a 4m shortfall in the minimum ADG recommendation. Notably, the development is also deficient of the 6m setback prescribed by the “design criteria” that would apply even if the site were not located at a zone interface. The element associated with the level 2 balcony protrudes furthest into the setback zone, which, due to the basement protrusion, is 1.8m above existing ground level. Figure 6 below illustrates this relationship.

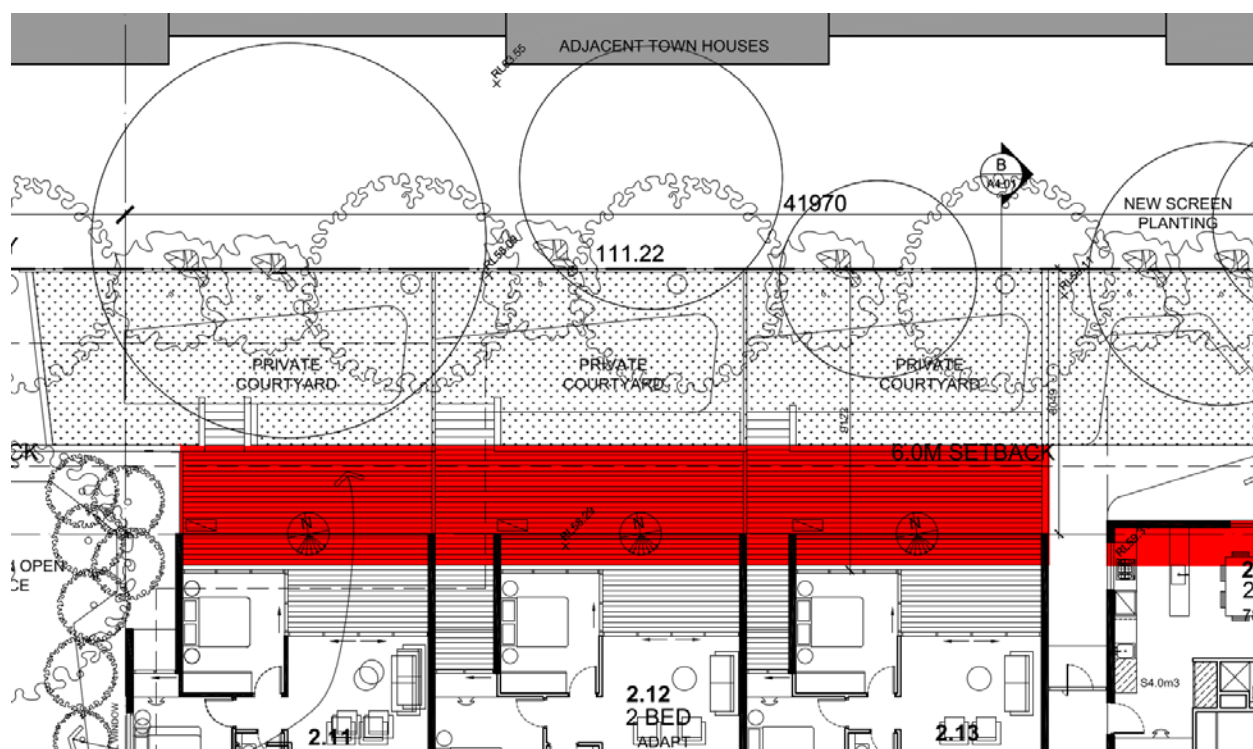


Figure 6: Annotated plan illustrating relationship between north facing ground floor units-Building B to adjoining townhouse courtyards. Red shading indicates area of non compliance with 9m setback. This element is up to 1.8m out of ground.

The non-compliant elements of the north facing units on level 1 are related to the area of the balcony. Impacts upon visual and acoustic privacy are likely to result. This is primarily a consequence of the orientation of the balconies and primary living areas of these units northward, toward the side boundary where multiple residential private open spaces, living areas and bedrooms exist. A condition of consent has been recommended to require that this element of Building B is amended to ensure that the development is not less than 9m from the northern boundary. The provision of a smaller sized balcony, or design which sets the deck at or near ground level would achieve the 9m setback without a significant impact on the development yield; however the applicant has failed to adopt any such changes.

Council is satisfied that despite the non-compliance with the setback for the northernmost east facing unit on level 1, the level difference, orientation and the defensive design, reasonably addresses the intent of the ADG, and is acceptable as proposed.

The north facing units on level 2-4 provide a setback of 8m. With amendment, this element of the proposal is capable of achieving the 9m setback with little implications to the floor plate other than minor the reduction in the size of the balcony. A condition of consent has been recommended to adopt this change.

The (northernmost) east facing units in on level 2-4 contain only a highlight window on the northern elevation, and the splayed balcony edge has been screened and is not considered to result in overlooking or privacy issues. The design provides architectural interest and achieves the intent of the ADG, despite exhibiting a variation to the 9m setback and is therefore supported.

Levels 5 and 6 provide setbacks of variable dimensions, ranging from 9.1m to 10.0m where 12m is required. A more significant redesign is required to accommodate a 12m setback at these levels. Figure 7 below indicates the degree of non-compliance on level 5.

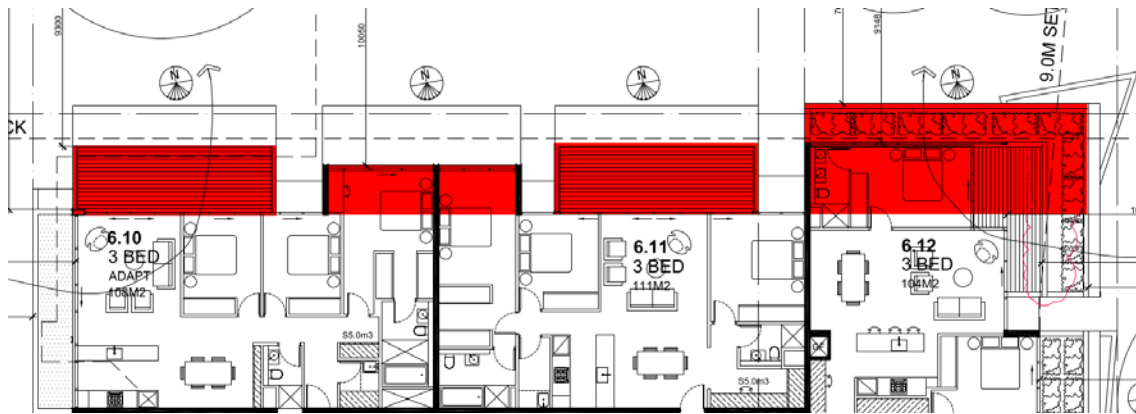


Figure 7: Annotated plan illustrating area of non compliance with 12m setback for Building B-level 5 (plans marked as level 6).

Consistent with the approach taken for levels 1-4, Council is satisfied that the defensive design of the west facing units reasonably addresses the intent of the ADG, and is acceptable. Overlooking and privacy impacts however are anticipated for the north facing units. A condition of consent has been recommended to require a 12m setback is provided.

Northern Setback Conclusions

Three units on level 1-4 and two units on level 5 and 6 of building B face directly toward the most sensitive northern boundary, the location of ten townhouses and their private open space. Though Council has raised this issue with the applicant, no genuine attempt has been made to ameliorate these impacts, by increasing separation distances or otherwise, with the exception of some additional screening to some units.

The adjoining development is a strata titled lot comprising 42 separate unit owners. It is unlikely that this site will be redeveloped in the near future to reflect its full development potential under Councils current LEP. The applicant's argument that the adjoining site could realistically be redeveloped under the current built form controls, with ADG compliant setbacks, is therefore poorly founded.

A better relationship between the north facing units in Building B and the townhouses at No. 28-32 Railway Crescent can be achieved by setting the building back to the minimum 9m and 12m setback recommended under the ADG. The impact is most apparent for the level 2 (ground level) units, which also do not comply with the lesser 6m setback, and are most proximal to the adjoining townhouse units. Lowering the finished level of the building to relate to the topography of the site would effectively ameliorate overlooking issues, or alternatively, an increased setback should be employed.

A deferred commencement condition of consent is recommended to require that the full extent (including any balcony) of level 1-4 of Building B, be pulled back to be no less than 9.0m from the northern boundary and level 5-6 are to be pulled back to be no less than 12.0m from the northern boundary. An exception to the above requirement is proposed to enable the east and west facing units to remain unchanged given the orientation and design proposed for these units would unlikely result in privacy implications.

A condition has also been imposed to require the glazing on the north facing balustrades comprise obscure glass to provide additional privacy between the existing and proposed developments.

Southern Boundary

To the south of Building A, at No. 40-42 Railway Crescent is a two storey commercial building containing retail and office uses. In accordance with the ADG recommendations, a 6m and 9m setback applies to Building A for four and 5-8 storey elements respectively. A nil

setback has been provided to the majority of the southern elevation of Building A, with the exception of a small length at the rear where a 2.9m setback to the southern boundary has been provided. The highlight windows provided to the bedrooms at this location are considered satisfactory in maintaining amenity to the proposed internal spaces, however the addition of a screen to the balcony would afford a greater level of privacy to residents, particularly if/when the adjoining site is redeveloped. A condition of consent has been recommended to ensure screens are fitted to the affected balconies.

To the south-east adjacent to Building B is a carpark zoned SP1-Carpark. Building B provides a minimum 5.4m setback to this boundary. Residential development is not a permissible use in the SP1 Zone, and Council does not anticipate residential development on this site in the near future – although it is capable of being developed and Council carpark sites in other centres have been sold and redeveloped in the recent past. There are no specific controls in the ADG which prescribe suitable setbacks to a carpark, however the 5.4m from the southern boundary is considered a reasonable response in achieving a reasonable degree of amenity into the south facing units of Building B given the size and orientation of the adjacent site.

Separation between Building A & Building B

The building separation distance between building A and B is inconsistent with the ADG. The inconsistency illustrated at levels 1-4 is isolated to a 7m length of Building A which extends into the setback zone by 2.9m. The remainder of the building provides a compliant 13.6m separation distance. The non compliant element of the building is associated with a bedroom and is opposite another bedroom in Building B.

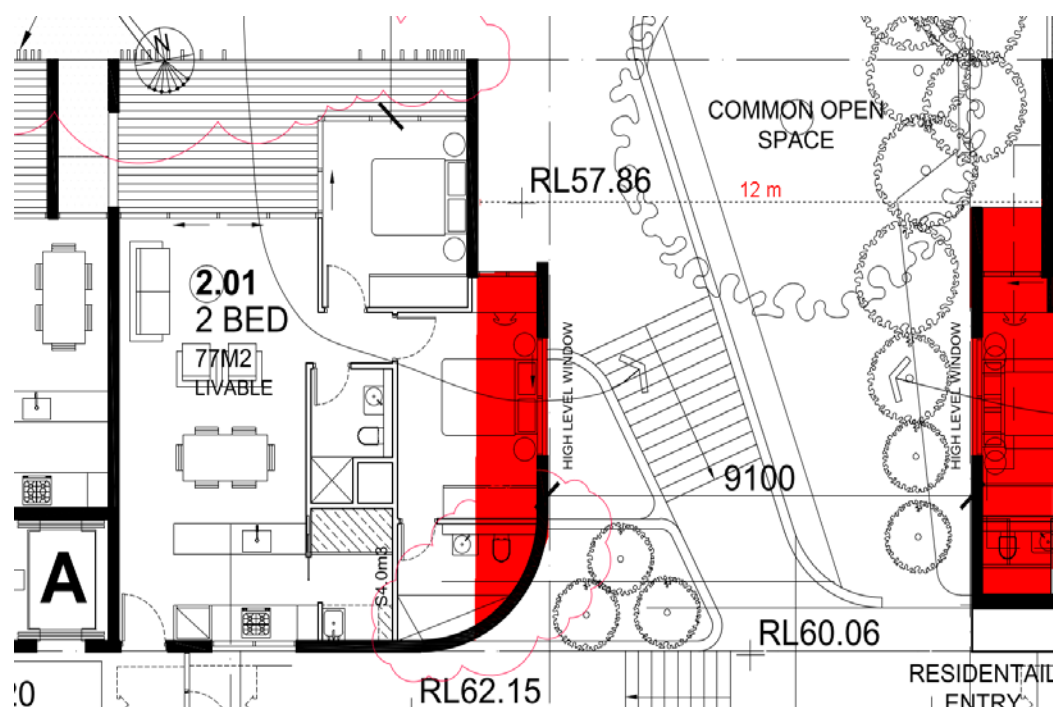


Figure 8: Annotated plan illustrating area of non compliance with 12m setback between building A and Building B (level 1-4) (red shading).

The proposal has employed design strategies, such as orienting active living spaces to the north to minimise privacy impacts within the development and providing highlight windows to the non compliant building elements. These strategies are successful in maximising visual privacy in lieu of the minimum separation distance called for by the ADG, and are supported.

Levels 5 & 6 are up to 7.8m deficient of the 18m setback recommended by the ADG. The design has incorporated a combination of design solutions to achieve visual privacy such as

orienting balconies and windows in alternate directions and installing privacy louvers. Importantly, the levels proposed for each floor of building A are approximately 1m higher than the opposing level in building B, providing a vertical offset between the buildings.

Importantly, the impacts of these non-compliances are isolated to the units within the development itself, and will not impact upon privacy to existing adjoining development. Regardless, the proposal achieves a reasonable level of internal privacy within the development, and the proposed separation between Building A and B is supported.

10.2 Front Setback Treatment

The site is identified in the DCP “Jannali Active Frontages Map” as a site where an activated frontage at footpath level is required to connect the development to the public and private domain. However, the front portion of the site is burdened by a significant (Council) drainage easement.

The position of the easement is such that the building cannot provide a nil setback for the first two storeys of the development. Rather, the building has been positioned as close to the street edge as possible, whilst avoiding the building footprint encroaching into the easement. The applicant has sought to indicatively utilise the frontage area for casual purposes dining associated with the (future) pub fitout DA.

Consistent with the DCP controls, a continuous awning has been provided along the street frontage, and the future facade for the ground floor commercial use consists of predominantly glazed windows. Given an increased setback, the awning will not align with the adjoining commercial site to the south, should it be redeveloped at a nil setback in the near future, however, the provision of an awning at the greater setback will still maintain some form of continuity in the street, and all weather shelter across the width of the ground floor commercial element.

Council's Engineers have advised that the easement needs to provide an overland flow component, despite containing substantial in-ground drainage infrastructure. To function as an overland flow path, no structures or fill (including decking) are permitted within the easement. A condition of consent has been recommended, to ensure it remains free of all obstructions.

The topography of the front setback area demonstrates a 1.5m cross fall from the south-western corner to the north-western corner of the street frontage. A combination of the requirement for the easement to remain free of structures and the proposed finished floor level of the ground floor commercial use, results a level difference of 0.34m and 1.04m between the outside level of the entry plaza and the ground floor level of the building. Given the extent of the proposed ground floor footprint, any stair access would need to be provided inside the building to avoid these structures encroaching into the easement.

Continuity of internal and external floor levels is a critical element in the successful activation of the front setback area. Level access of increased importance for the subject site given the building is unable to be positioned at a nil setback, which is the preferred design response to achieve good quality active pedestrian street environments. Design alternatives that may satisfy both the easement conditions and enable the indoor and outdoor levels to neatly align, for example the provision of temporary deck structures over the easement, were unable to be further investigated within JRPP reporting timeframes. A recommended solution is that the detailed design of the front setback be excluded from the subject application and subject to future agreement with Council's Stormwater Engineer Branch Manager in addition to being incorporated into the future development application for the ground floor commercial use. This would afford the applicant the opportunity to identify alternate solutions that may be satisfactory to Council and the future user of the commercial tenancy.

10.3 Cross Ventilation

A number of units in the proposal rely upon windows facing building indentations to provide a minimum 60% (or 53 units) of units as “naturally cross ventilated”. The ADG permits building indentations to be used to ventilate single aspect apartments where they have a width to depth ratio of 2:1 or 3:1 to ensure effective air circulation and avoid trapped smells.

The building indentations proposed have a width of 1.8m and a depth of 3.7m resulting in a width to depth ratio of 0.4:1. The dimensions therefore only provide approximately a quarter of the width required to achieve effective cross ventilation. Should these units be excluded from the “compliant” unit calculation, 57% or 50 of the 88 units would achieve natural cross ventilation.

The proposal falls short of the minimum requirements as a result of three units not complying with the technical ADG requirements for cross ventilation. The building design and orientation maximises the capture and use of breezes for cross ventilation as far as practical given the relatively large floor plate proposed. Although not technically compliant, the units which rely on ventilation through windows facing the building indentation will benefit from some airflow, albeit not to the degree that the ADG would define them as “naturally cross ventilated”. These units are well planned internally and also limited in depth, enabling good access to light and a reasonable level of amenity. Given this, and the minor nature of the non-compliance, the proposal is considered acceptable. The changes required to address setbacks and building massing discussed above may highlight opportunities to improve cross-ventilation for other apartments during design refinement.

10.4 Communal Open Space & Landscaping

The proposal falls short of the ADG recommendation of 25% of the site area, providing only 357.6m² or 8% of the site area as communal open space.

As discussed in Section 9 above, minor amendments are recommended to improve the quality of the two communal areas, and to bring the species selection in line with the requirements for sites located in Greenweb ‘restoration’ areas. The recommended changes will improve the connectivity of the communal spaces to the private courtyards and internal corridors, providing better permeability through the site.

Though the volume of communal open space is less than recommended, the communal spaces provided will, when amended, be well connected, usable, and active, providing a high level of amenity for residents consistent with the ADG and DCP objectives. Furthermore, the site is well located in terms of its proximity to the Jannali shops, services, and local parks and ovals. With the implementation of the recommended conditions, the proposed Communal Open Space provision is satisfactory.

10.5 Noise

SEPP Infrastructure, and Councils DCP and the NSW Government Office of Liquor, Gaming and Racing (OLGR) provide noise limit guidelines to protect the acoustic privacy of future occupants of the development and existing residents on adjoining sites.

SEPP Infrastructure sets noise criteria which aims to minimise noise impacts from road and rail infrastructure to future occupants of residential development. The scheme proposes to achieve these standards through the installation of attenuation measures identified in the submitted Acoustic Assessment by Acouras Consultancy. These measures have been reinforced in the recommended conditions of consent.

A number of submissions received by Council raised the impact of noise on the existing residential units at No. 28-32 as a concern, in particular noise from the residential pedestrian entry, air conditioners and plant equipment, and the operation of the pub.

The pedestrian entry has been located along the front section of the northern boundary, the commercial entry centrally, and the driveway is positioned along the southern boundary. The commercial and driveway entries are likely to result in the highest level of noise output, given the nature of these uses, and it is therefore logical they are located farthest away from any existing residential dwellings. The proposed location of the residential entry groups the existing and proposed residential uses together on the northern boundary, and is therefore a reasonable site planning solution.

Councils DCP requires that mechanical plant and equipment and air conditioners must not exceed an LAeq(15min) of 5dB(A) above background noise at the property boundary. A condition of consent has been recommended to ensure that the future operation of these units is consistent with these requirements.

As discussed previously, the use and operation of the commercial premise does not form part of this development application. Nonetheless, the submitted Acoustic Assessment has modelled the acoustic impacts on nearby residential receivers should the future commercial use comprise a pub. The report confirms that the acoustic impact on neighbouring residential units would not exceed the noise limits set by the OLGR. The Report anticipates that the noise produced by the pub is likely to be most audible in the residential units in the west facing units within the development itself, and additional acoustic measures have been recommended and reinforced in the draft conditions of consent.

10.6 Social Impact

Although a Social Impact Evaluation was not submitted as part of the development application, the information provided to Council was sufficient in enabling a detailed analysis of the social impacts to be undertaken. A complete Social Impact Evaluation will be an important issue for the future operation of the ground floor commercial use, particularly if it is to be operated as a licensed premise, and will be a necessary requirement of the detailed DA for the fitout and use application.

The addition of the proposed 88 residential units will result in an increase in activity, both in and around the location. This has the potential to increase the risk of crime, but also provide significant benefits in crime prevention through the activation of the street after hours through the ground floor commercial use and passive surveillance as a result of the introduction of residential uses on the site. The development is well considered in terms of Crime Prevention Through Urban Design Principles, with the open form of the front setback design limiting concealment opportunities and providing good natural surveillance. The central residential entry point facilitates good passive surveillance from the residential dwellings above and being adjacent to the Communal Open Space also provides good social opportunities for occupants. The proposed Accessible and Liveable units will increase the supply of adaptable and universal housing in the Sutherland Shire.

Treatment options have been recommended as a condition of development consent to further improve safety on site through the implementation of additional CPTED features such as appropriate lighting, CCTV, and security access throughout the development. With the imposition of the recommended conditions, the proposal will provide safety and security to users and the community and reasonably satisfies the CPTED guidelines, and Councils DCP requirements.

10.7 Traffic

Numerous community members raised concern particularly in relation to traffic and the impact upon the surrounding road network.

A traffic report has been submitted which concludes that the development will result in minor traffic impacts that can be readily accommodated within the surrounding road network. The trip generation modelled by the applicant, has been reviewed by Councils specialist Traffic

Engineers and deemed to be sound. Based on the trip generation rates, it is anticipated that the impact on the surrounding road network from the proposed development is acceptable.

10.8 Deep Soil Landscaping

The proposal provides over and above the minimum 7% of the site area as deep soil (11%) however the minimum 6m dimension called for by the ADG is not achieved. The scheme proposes a large proportion of the deep soil (5%) at the northern setback to Building B where a minimum width of 5.2m is proposed. The remaining deep soil zones are provided with variable widths to accommodate boundary tree planting along the residential entry path and scattered feature trees within the entry plaza. The deep soil dimension is capable of accommodating mature screen planting particularly where it will be of most value, such as along the entry paths and to the north of Building B where it can provide screening to the adjoining townhouse units. The width is sufficient to achieve the objectives of the ADG deep soil requirement, that is, to provide areas on the site that can support healthy tree growth.

11.0 SECTION 94 CONTRIBUTIONS

In accordance with Council's development contributions plans, the proposed development generates requirements for Section 94 contributions. The contribution requirements are reflected in the recommended conditions of consent.

12.0 DECLARATION OF AFFILIATION

No gifts, donations or political affiliations were declared with the application.

13.0 CONCLUSION

The proposed development is for the construction of two x six storey residential towers with at grade and basement level parking, ground floor commercial premise at 34 Railway Crescent, Jannali. The development provides a high quality design which contributes positively to the Jannali Centre and provides an appropriate response to the site features.

The land is zoned B2- Local Centre under Sutherland Shire Local Environmental Plan 2015. The proposed development, being a residential flat building and a commercial premise are permissible land use within the zone with development consent from Council.

The proposal was referred to Railcorp, who have provided their concurrence subject to the application of a deferred commencement condition, and operational conditions of consent.

Council's position is that the increased separation distance recommended by the ADG for zone interface land is reasonable and necessary, particularly at the rear portion of the site where the proposed buildings are oriented toward and over the neighbouring apartments and townhouses. Development should be sensitive to the existing context, and building setbacks provide an important basis in maintaining amenity to neighbours. Notwithstanding, many of the protrusions into the building separation distances are accepted as satisfactory in achieving the ADG objectives with the exception some of the north facing units. Some of the north facing units are recommended to be amended to provide a greater setback consistent with the ADG design guidelines in order to reduce overlooking and increase privacy to No. 28-32 Railway Crescent. A deferred commencement condition has been recommended to this effect.

In response to public exhibition eight submissions were received in objection to the proposal. Key issues arising from the submissions were traffic and parking, noise & amenity and construction and operational impacts. The matters raised in the objections and as a result of Council's detailed assessment may be dealt with by design changes or conditions of consent where appropriate and to the extent reasonable.

The application has been assessed having regard to the Heads of Consideration under Section 79C (1) of the Environmental Planning and Assessment Act 1979 and the provisions of Sutherland Shire Local Environmental Plan and all relevant Council DCPs, Codes and Policies. Following detailed assessment it is considered that Development Application No. DA15/1345 may be supported for the reasons outlined in this report.

14.0 RECOMMENDATION

- 14.1 That Development Application No. DA15/1345 for the demolition of existing structures, construction of a mixed use development containing 2 buildings with one commercial unit and 88 residential units and basement carparking at Lot 1 DP 212353 34 Railway Crescent, Jannali be approved, as a deferred commencement and subject to the draft conditions of consent detailed in Appendix "A" of this Report.