

ADDENDUM REPORT TO SCCPP

ADDENDUM REPORT to SCCPP re: 2016SYW226
DA-423/2016
18-24 Railway Street, LIDCOMBE

SUMMARY

Applicant	Lidcombe 2 Pty Ltd
Owner	Mr S Constandinou and Mrs M Constandinou
Application No.	DA-423/2016
Description of Land	Lot 1 Sec 2 DP 846, Lot 2 Sec 2 DP 846, Lot 3 Sec 2 DP 846, Lot 4 Sec 2 DP 846, 18-24 Railway Street, LIDCOMBE
Proposed Development	Demolition of existing structures, construction of a part 10 and part 11 storey mixed use development with 147 apartments and 3 levels basement car parking including a Voluntary Planning Agreement for the dedication of land to Council to widen an adjoining laneway
Site Area	2284.00m ²
Zoning	Zone B4 - Mixed Use
Disclosure of political donations and gifts	Nil disclosure
Issues	<ul style="list-style-type: none">- Height- Floor space ratio- Voluntary Planning Agreement- Submissions

1. Recommendation

- A. *That Development Application No. DA-423/2016 for Demolition of existing structures, construction of a part 10 and part 11 storey mixed use development with 147 apartments and 3 levels basement car parking including a Voluntary Planning Agreement for the dedication of land to Council to widen an adjoining laneway be approved subject to the conditions of consent listed in the attached schedule.*
- B. *That the Panel note and accept the two clause 4.6 variation requests with supporting Urban Design Assessment as per the resolution of the meeting dated 22 February 2018.*

2. Background

The application was referred to the Sydney Central City Planning Panel (SCCPP) on 22 February 2018 for determination. The original report recommended approval of the application.

At the meeting of 22 February 2018, the Panel resolved to defer the decision of the application to allow for the applicant to address the issues raised below:

1. *Submission of two well-founded Clause 4.6 variation requests in relation to Height and FSR.*
2. *Submission of an urban design advice on the design in relation to the bulk and height of the proposed building generally to assist with the final assessment.*

As a result of the Panels resolution, the applicant submitted to Council on 9 March 2018, supplementary documentation to address the two items raised above.

Assessment

The applicant has submitted an amended clause 4.6 variation to justify the contravention of floor space and building height below having regard to the relevant case law that provides a general guideline for consideration when assessing an exception to vary a development standard.

In relation to the variation sought for the height control, the applicant contends that:

- *The additional height on the North West corner responds appropriately to site characteristics and the local character and helps to hold the corner, completing the building form.*
- *The additional height on the north-west corner of the building mitigates visual bulk by providing height variation in the design. This helps to visually break up the built form mass and create a more varied skyline.*
- *The location of the bulk of the building to the north-west corner is setbacks from the southern edge of the building of approximately 14.5 m and 30 m from the western boundary. These setbacks ensure that the building will be visually recessive from the lower scale buildings at the periphery of the town centre.*
- *The addition of the non-compliant height does not increase the shadowing on properties on Marsden Street to its south that would be caused by a compliant scheme due to its location within the north-west corner and its generous setbacks from the from the southern and western boundaries. Additional shadowing on future built form occurs early in the day midwinter and is minor and partly offset by the reduction in building length on Mark Street.*
- *The additional height proposed above the HOB standard will not increase the potential for overlooking as it has been designed to ensure adequate separation distances to boundaries in accordance with the Apartment Design Guide.*
- *The proposed re-massing of the building in the north-west corner will enable improved accessibility via the rear lane to nearby redevelopment properties facing Railway and Marsden Streets.*
- *As a consequence, rear lane basement entries and garbage services will remove the need for car and truck crossings on the main street frontages on Railway and Marsden Street with an overall improved attractiveness and safety of the public domain by removing the need for vehicle movements over pedestrian paths with improved streetscapes from the removal of basement entries from building facades addressing the streets.*
- *In addition, the opportunity to address a specific site orientation issue by providing lift access to the roof to allow communal open space in excess of minimum area standards with improved mid-winter solar access is also considered to be sufficient grounds to justify the proposed contravention especially given the very limited extent of this variation.*

In relation to the variation sought for the FSR control, the applicant contends that:

- *The additional bulk on the North West corner responds appropriately to site characteristics and the local character and helps to hold the corner, completing the building form.*
- *The location of the bulk of the building to the north-west corner is setback from the southern edge of the building of approximately 14.5 m and 30 m from the western boundary. These setbacks ensure that the building will be visually recessive from the lower scale buildings at the periphery of the town centre.*
- *The proposed re-massing of the building and 5.6% increase in floor space will enable improved accessibility via the rear lane to nearby redevelopment properties facing Railway and Marsden Streets.*
- *As a consequence, rear lane basement entries and garbage services will remove the need for car and truck crossings on the main street frontages on Railway and Marsden Street with an overall improved attractiveness and safety of the public domain by removing the need for vehicle movements over pedestrian paths with improved streetscapes from the removal of basement entries from building facades addressing the streets.*
- *The intensity of the development is supported by local services and infrastructure, including public transport and there will be little additional traffic generated by the non-compliant development compared to a complying development but which can be accommodated as set out in the Traffic Report.*

- *The additional FSR can be supported on urban design grounds as assessed in the DLA Report and can be accommodated on the site without significant adverse impacts on the surrounding locality.*

Council staff have reviewed the information provided and concurs with the Clause 4.6 justification provided in relation to height and FSR which is further supported by an urban design assessment of the proposal prepared by David Lock Associates which Council accepts. Council therefore considers the proposal to be satisfactory and has sufficient planning and architectural merit to proceed.

Conclusion

The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979.

In view of the above, the proposal is considered to be acceptable having regard to the matters of consideration under Section 4.15C of the Environmental Planning and Assessment Act 1979 and recommends the approval of the application subject to imposition of conditions of consent as outlined in the attached schedule.

Appendix B – Original Assessment Report