

## COUNCIL SUPPLEMENTARY REPORT

<b>Panel Reference</b>	2017SNH012
<b>Application Number</b>	LDA2016/0395
<b>LGA</b>	City of Ryde
<b>Proposed Development</b>	Construction of a mixed use development
<b>Street Address</b>	25-27 Epping Road, Macquarie Park (Lachlan's Line)
<b>Applicant/Owner</b>	Greenland (Sydney) Lachlan's Line Macquarie Park Development Pty Ltd
<b>Date of Lodgement</b>	1 July 2016
<b>Recommendation</b>	Approval
<b>List of all documents submitted with this report for the Panel's consideration</b>	<p><u>Appendix A</u> Assessment Report</p> <p><u>Appendix B</u> Draft Conditions</p> <p><u>Appendix C</u> Covering letter from Urbis and attachments:</p> <ul style="list-style-type: none"> <li>• Attachment A: 'Summary Expert Opinion – Solar Access';</li> <li>• Attachment B: 'SEPP 65/ADG Solar Access Plans';</li> <li>• Attachment C: 'Gross Floor Area Plans'; and</li> <li>• Attachment D: Amended plan 'DA02.100 (Revision K) – Key Plan Ground Level'.</li> </ul>
<b>Report prepared by</b>	Tony Collier – Acting Senior Coordinator Major Development
<b>Report date</b>	30 August 2017

## PURPOSE OF THIS REPORT

The purpose of this supplementary report is to:

- a) Provide the Sydney North Planning Panel (SNPP) with an assessment of further information pertaining to solar access and gross floor area in accordance with the decision at the SNPP meeting of 9 August 2017; and
- b) Update Condition No. 1 in the draft conditions to include amended plans DA02.100 (Revision K) and DA08.003 (Revision K) as submitted by the applicant.

## RELEVANT BACKGROUND

The Development Application was referred to the Sydney North Planning Panel for determination on 9 August 2017.

In the Assessment Report forwarded to the Panel, Council made a recommendation to approve the proposal subject to Deferred Commencement conditions.

At the meeting on 9 August 2017, the Panel made the decision to defer the determination of the application for the following reasons:

*“The Panel is not satisfied that the documentation submitted to Council clearly demonstrates the impact of overshadowing of communal open space and solar access to units/balconies. It therefore defers its decision requesting further information.*

*The applicant is to appoint an independent consultant to review solar access to communal open space, balconies and apartments, consistent with ADG principles, for the combined sites. The Panel seeks this information not only for mid-winter but also for the equinox. The selection of the independent consultant is to be agreed by the Council.*

*The Panel is aware that full compliance may not be achievable at the proposed density. However, the application needs to demonstrate more accurately the degree of compliance, identify the areas of non-compliance and whether any amendments can improve compliance.*

*Further, the Panel requests plans showing both sites, which demonstrate the areas included as floor space for FSR calculation.*

*The Panel requests the Council provide a supplementary report assessing the additional information.”*

## ADDITIONAL INFORMATION PROVIDED BY THE APPLICANT

On 21 August 2017, the applicant submitted to Council the following information:

- Explanatory letter from Urbis dated 18 August 2017 (with the following Attachments):
  - Attachment A: 'Summary Expert Opinion – Solar Access' dated 14 August 2017 as prepared by independent consultant, Steve King;
  - Attachment B: 'SEPP 65/ADG Solar Access Plans' dated 16 August 2017 as prepared by Turner Studio;
  - Attachment C: 'Gross Floor Area Plans' as prepared by Turner Studio; and
  - Attachment D: Amended plan 'DA02.100 (Revision K) – Key Plan Ground Level' dated 16 August 2017 as prepared by Turner Studio.

## **COUNCIL OFFICER'S ASSESSMENT OF THE ADDITIONAL INFORMATION**

### **Solar Access**

The report prepared by Steve King employs:

1. A quantitative (i.e. percentage) methodology for solar access to apartments and balconies; and
2. A qualitative commentary for solar access to communal open space.

**Note to 1 above:** Steve King adopts a period of between 8am to 4pm to quantify solar access because of the relatively lower angle of the sun at the earlier and later times which permits greater penetration into apartments.

**Note to 2 above:** Steve King advises that the qualitative commentary for comparing the views from the sun of June 21 (i.e. solstice) and September/March 21 (i.e. equinox) to the communal open space was employed instead of a quantitative methodology because:

*"A preliminary inspection of the June 21 views from the sun makes clear that both areas and durations of direct sun to some areas of communal open space fall so far short of numerical measures suggested in the ADG Design Guidance, as to make detailed calculations of marginal utility."*

The following provides an assessment of the findings in Steve King's report:

#### Solar Access to Apartments and Balconies

Objective 4A-1(1) of the Apartment Design Guide (ADG) relevantly requires:

*"Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter in the Sydney Metropolitan Area."*

Furthermore, Objective 4A-1(3) of the ADG relevantly requires:

*"A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at mid-winter."*

### 21 June (solstice/mid-winter)

The following table provides a comparison between the provision of solar access between 9am and 3pm on 21 June (in accordance with the ADG) as claimed in the documentation supporting the Development Application (i.e. Energy Efficiency Report) and Steve King's report:

Objective	Development Application	Steve King
<b>4A-1(1)</b>	Lot 104: 75.3% (232 of 308 apartments) Lot 105: 70.5% (403 of 571 apartments) <b>Total: 72.2% (635 of 879 apartments)</b>	47% (413 of 879 apartments)
<b>4A-1(3)</b>	Lot 104: 13.3% (41 of 308 apartments) Lot 105: 14.4% (82 of 571 apartments) <b>Total: 13.9% (123 of 879 apartments)</b>	26.1% (229 of 879 apartments)

Therefore, in terms of ADG requirements and according to the analysis provided by Steve King, the development provides:

- a) 47% of apartment living rooms and private open spaces receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter; and
- b) 26.1% of apartments receive no direct sunlight between 9am and 3pm at mid-winter.

### 21 March/21 September (equinox)

The Development Application does not provide any details of sunlight access at the equinox.

Steve King does not provide a discussion on sunlight access to apartments and balconies at the equinox.

With respect to whether appropriate amendments can be made to the development improve compliance, Steve King states:

*"In a development of this scale, necessarily employing relatively large double loaded floor plates, and paying regard to external and internal overshadowing, this proposition has to be considered highly likely.*

*In fact, in my considered opinion, the designers have actually employed ingenious apartment layouts to maximise the distribution of apartments on the 'sunny sides' of the tall apartment blocks, while minimising the number on the side permanently shadowed in winter".*

### Solar Access to Communal Open Space

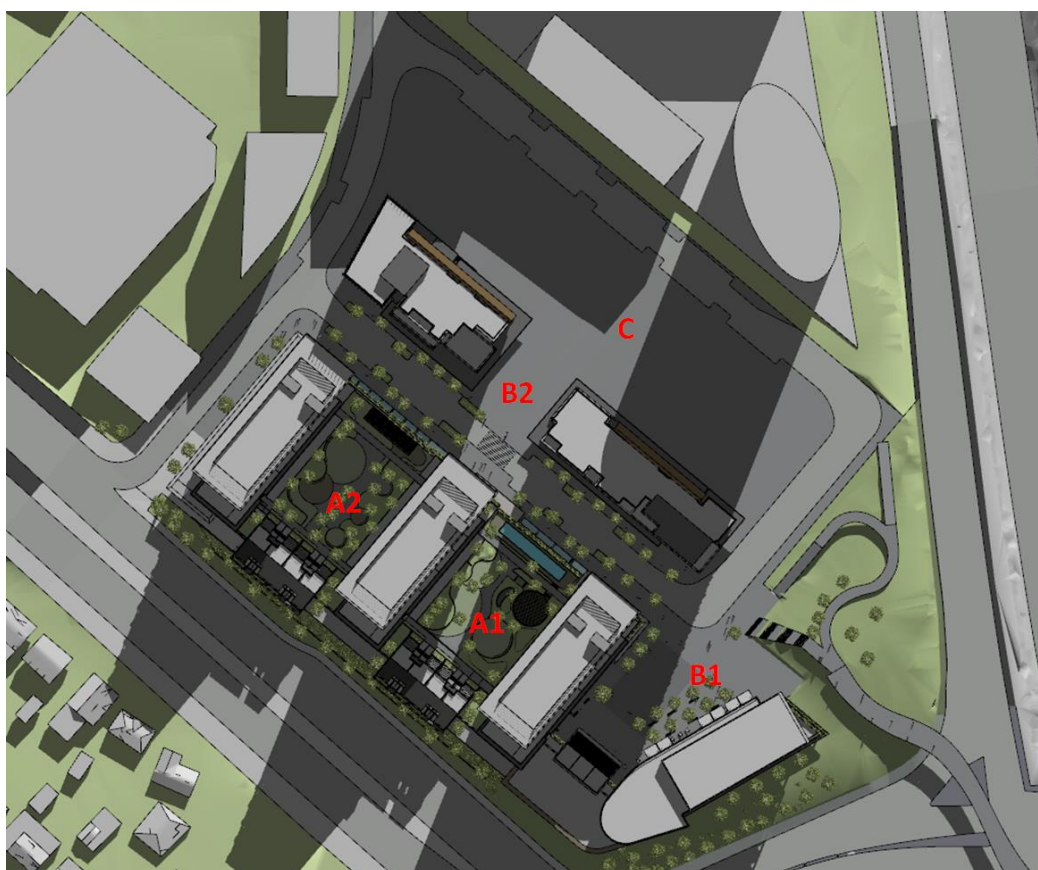
Objective 3D-1(2) of the ADG relevantly requires:

*“Developments achieve a minimum of 50% direct sunlight to the principal useable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June.”*

As noted earlier, Steve King has adopted a qualitative commentary for solar access to communal open space. In analysing solar access, Steve King identifies three areas:

- A. Conventional Communal Open Space (Being courtyards between Buildings L1, L2 and L3);
- B. Publicly Accessible Communal Open Space (Being the plaza between Buildings L3 and M and the space between Buildings J and K); and
- C. Public Open Space (Being the public park to the north-east of Lot 105).

Figure 1 below shows the locations of the identified open space areas:



**Figure 1 – Location of open space areas A, B & C (shown at 10.30am on 21 June)**

**Source:** Letter from Urbis dated 18 August 2017

To assist in comparing the development against the numerical requirement of Objective 3D-1(2), the following tables attempt to provide quantitative information from the Development Application and Steve King’s report.

*21 June (solstice/mid-winter)*

Development Application	Steve King
Lot 104: Information not provided Lot 105: Information not provided	Conventional Communal Open Space: Max 15% at 11.30am Publicly Accessible Communal Open Space: 50% at 10.30am Public Open Space: 100% at 9am to 3pm

**\*Note:** The Design Verification Report for Lot 104 indicates consistency with the Design Guidance.

*21 March/21 September (equinox)*

Development Application	Steve King
Lot 104: Information not provided Lot 105: Information not provided	Conventional Communal Open Space: 50% at 9am to 1pm Publicly Accessible Communal Open Space: Less than 50% Public Open Space: Similar to mid-winter

### Gross Floor Area (GFA)

The applicant has provided detailed plans illustrating the GFA of each building in the development. These plans have been compared to the plans (Issue J) referred to under Condition 1 to ascertain accuracy.

The table below details the GFA when compared to the State Significant Development (SSD) approval (SSD\_5093) and the data provided in the Assessment Report:

	A - SSD	B - Assessment	C - Analysis	Difference (B C)
Lot 104	51,884	53,828*	53,856	+28
Lot 105	24,136	24,136	24,134.5	-1.5
<b>Total</b>	<b>76,020</b>	<b>77,964</b>	<b>77,990.5</b>	<b>+26.5</b>

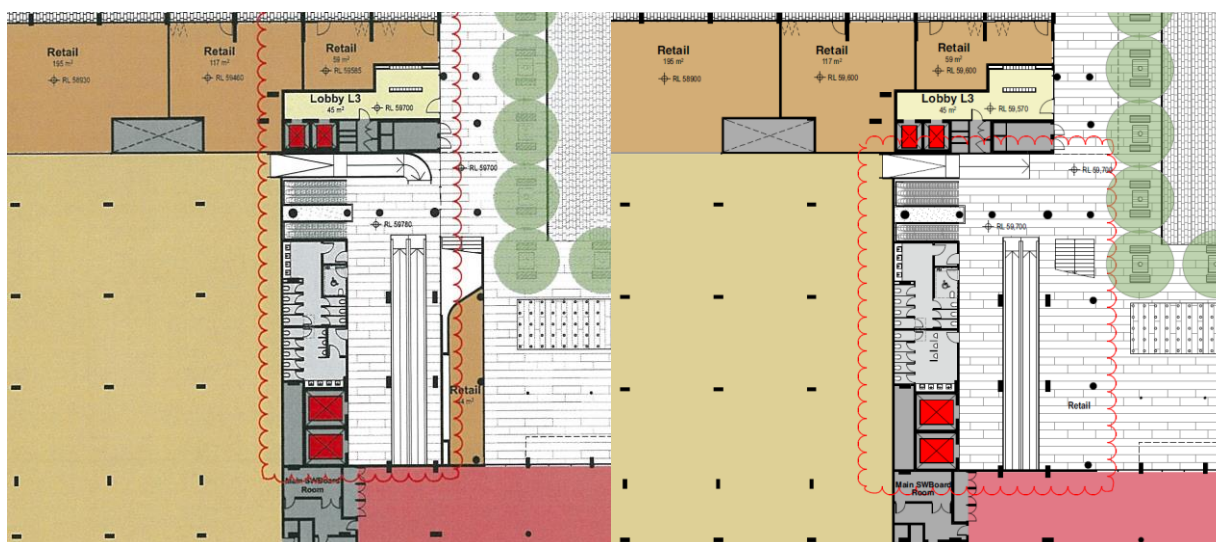
**\*Note:** The Assessment Report included 101 excess car parking spaces which represented an excess GFA of 1,944m<sup>2</sup>. This was supported under consideration against the provisions of Clause 4.6 of the Ryde Local Environmental Plan 2014.

### **AMENDED PLANS PROVIDED BY THE APPLICANT**

On reviewing the GFA for this exercise, the applicant amended floor plan for the Ground Level at Lot 104 (Lachlans Line).

The amendment involves the removal of the enclosed retail space adjacent to the escalator and minor reconfiguration of amenities facilities. This results in a more open floor plan which is supported by Council.

Figure 2 below shows the amendment:



**Figure 2 – Amended Plan (Issue K to the right) deleting enclosed retail area adjacent to escalator.**

**Source:** Plan DA02.100 (Issue J) and DA02.100 (Issue K) as prepared by Turner.

The amended plans (Issue K) replace the following plans:

- DA02.100 (Revision J) – Key Plan Ground Floor; and
- DA08.003 (Revision J) – Section Lachlans Square Facing Block L3.

Condition No. 1 has accordingly been updated to include the amended plans.

## CONCLUSION

The information provided by the applicant to address the decision of the SNPP has been provided and assessed in this report for the consideration of the Panel.

### ***Solar Access to Apartments***

The ‘Summary Expert Opinion – Solar Access’ prepared by Steve King addresses the solar access to living rooms and private open space areas for mid-winter only.

In this respect, the Report concluded that the development would achieve:

#### Mid-Winter

- 47% of apartment living rooms and private open spaces receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter; and
- 26.1% of apartments receive no direct sunlight between 9am and 3pm at mid-winter.

#### Equinox

The requested equinox period for solar access to living rooms and private open space areas is omitted from the Report.

### ***Solar Access to Communal Open Space***

The Report also considers solar access to communal open space during mid-winter and the equinox.

#### Mid-Winter

- Conventional Communal Open Space: Max 15% at 11.30am.
- Publicly Accessible Communal Open Space: 50% at 10.30am.
- Public Open Space: 100% at 9am to 3pm.

#### Equinox

- Conventional Communal Open Space: 50% at 9am to 1pm.
- Publicly Accessible Communal Open Space: Less than 50%.
- Public Open Space: Similar to mid-winter.

Solar access to communal open spaces was not detailed in the Development Application so no comparison can be made. However, it is noted that the calculated solar access identified in Steve King's report is quantitatively lower than that required by the Apartment Design Guide (ADG).

### ***Gross Floor Area***

The submission made by the applicant includes detailed plans which illustrate the GFA for the development.

The plans indicate that the development will include a total of 77,990.5m<sup>2</sup> GFA which is 26.5m<sup>2</sup> more than that indicated in the Development Application. However, this may be due to scaling.

### ***Amended Plans***

Amended plans have been received which involves the removal of the enclosed retail space adjacent to the escalator and minor reconfiguration of amenities facilities.

The changes are considered to result in a more open design which is supported by Council and Condition No. 1 has been amended to include the revised plans.

Given the above considerations, the findings in Steve King's report pertaining to solar access are concurred with and that the GFA has been accurately depicted in the Development Application.

In this respect, it is recommended that the Development Application be approved as per the recommendation in the Assessment Report and subject to the conditions contained under Appendix B of this report.



## **RECOMMENDATION**

That the Sydney North Planning Panel consider the information provided by the applicant and approve LDA2016/0395 for the construction of a mixed use development at 25-27 Epping Road, Macquarie Park subject to the conditions of consent in Attachment B of this report.