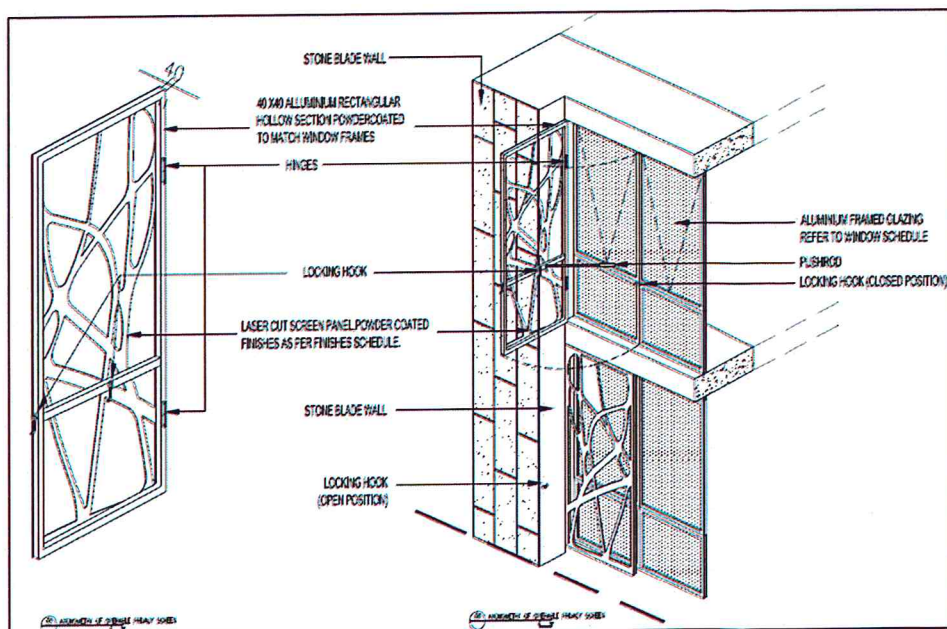


MODIFICATION REQUEST:
Residential Development
300 Johnston Street, Annandale
(MP10_0116 MOD2)

Modifications to the design of the approved town house development



Secretary's Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

May 2015

Cover: Retractable privacy screen treatment to windows of southern elevation
(source: tony owen partners, Dwg no. A 682 Rev A, 03.03.2015)

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1. BACKGROUND

The purpose of this report is to assess a modification request to the Concept Approval MP10_0116, for the construction of 23, two storey townhouses above basement parking at 300 Johnston Street, Annandale, pursuant to Section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The modification seeks approval to amend privacy treatments to the southern façade and elevated pedestrian walkway; to amalgamate two units reducing the number of dwellings from 23 to 22 and make minor internal layout changes.

1.1 Site Description

The site, known as 300 Johnston Street, Annandale, comprises two allotments, being Lot 2 in DP 1033147 and Lot 1 in DP 86953, is irregular in shape and occupies an approximate area of 2,695m² (**Figure 1**). The site is located on the western side of Johnston Street and north of Bayview Crescent. The site is on the southern side of the Inner West Light Rail Corridor, adjacent to the Rozelle Bay Light rail station. The site is approximately four kilometres west of the Sydney CBD and west of Rozelle Bay, within the Leichhardt local government area. Construction of the development is currently nearing completion.



Figure 1: Site Location (source: nearmap 8 March 2015).

1.2 Previous Approvals

On 22 March 2013, the Planning Assessment Commission (PAC) approved Concept Plan MP10_0116 for a residential development including:

- construction of 23 two-storey townhouses within 5 buildings;
- basement car park comprising 23 resident parking spaces and seven visitor parking spaces;
- 23 Lot Strata Subdivision;
- removal of existing vegetation and excavation of the site;
- landscaping, stormwater management and waste facilities throughout the site; and

- construction of a derailment barrier.

The PAC approved the development at project detail, subject to conditions, without the need for any further environmental assessment.

In particular, Condition B2 of the approval required the proposed privacy screens along the southern elevation of the development to be relocated to the northern side of the elevated walkway. This condition was imposed to address concerns that the screens would limit daylight access into south facing rooms of the development, noting that the relocation of the screens to the elevated walkway would have fewer impacts on daylight access into the dwellings.

2. PROPOSED MODIFICATION

The Proponent is seeking to modify the approved project to:

- delete Condition B2 and retain (redesigned) privacy screens on the southern façade and separately install a 1.6m high frosted etched glass screen to the elevated pedestrian walkway;
- amalgamate Units 2 and 3 into one unit, reducing total number of dwellings from 23 to 22;
- amend car parking layout, without changing the total number of approved car parking spaces; and
- interchange of a switch room and common toilet within the basement car park.

3. STATUTORY CONTEXT

3.1 Continuing Operation of Part 3A to Modify Approvals

In accordance with Clause 3 of Schedule 6A of the EP&A Act, Section 75W of the EP&A Act as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to transitional Part 3A projects.

Consequently, the report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or delegate) may approve or disapprove of the carrying out of the project under Section 75W of the EP&A Act.

3.2 Modification of a Minister's Approval

Section 75W (2) of the EP&A Act provides that a proponent may request the Minister to modify the Minister's approval of a project. The Minister's approval of a modification is not required if the approval of the project, as modified, would be consistent with the original approval. As the proposal seeks to modify the conditions of approval, the application will require the Minister's approval.

3.3 Secretary's Environmental Assessment Requirements

In this instance, it was not considered necessary to notify the proponent of the Secretary's Environmental Assessment Requirements (SEARs) pursuant to Section 75W (3) of the EP&A Act, as sufficient information was provided to assess the modification application.

3.4 Delegated Authority

In accordance with the Minister's delegation of 16 February 2015, the A/Director, Key Site Assessments who reports to the Executive Director, Infrastructure and Industry Assessments may determine the application as:

- Leichhardt Municipal Council has not made an objection;
- a political disclosure statement has not been made in relation to this or any previous application; and
- no public submissions in the nature of objections have been received.

4. CONSULTATION AND SUBMISSIONS

4.1 Notification

In accordance with Section 75X (2) (f) of the EP&A Act, the Department is required to make the modification request publicly available. The modification request was made available on the Department's website. The Department also notified Leichhardt Council (Council). Due to the minor mainly internal changes to the proposal, the modification request was not exhibited by any other means. No submissions were received from the public.

4.2 Leichhardt Municipal Council

Council initially objected to the proposed screen to the elevated walkway edge advising that it is inadequate to prevent overlooking of habitable rooms and courtyards on the southern side of the development. Further, Council considered that the reinstated privacy screens will have limited effect in reducing overlooking from the walkway unless they are closed at all times, raising further amenity issues (daylight loss).

In response, the proponent submitted amended plans, including a 1.6m high frosted glass walkway screen and fully operable (hinged) laser cut metal screens to south facing windows.

Council no longer objects to the proposal noting that the 1.6m screen height along the pedestrian walkway is acceptable. Further, Council does not object to the decrease in dwellings or to the minor internal changes.

5. ASSESSMENT

The Department considers that the key assessment issues are:

- privacy; and
- daylight access.

5.1 Privacy

The site is situated on the north side of Bayview Crescent, approximately 4.5 metres below the road reserve, within an excavated site. The original proposal located an elevated walkway 1.9m from the southern side of the approved development to provide pedestrian access from Johnston Street to individual dwellings within the development.

Due to the level difference between Bayview Crescent and the site, the elevated pedestrian walkway sits approximately 1.9 metres below the kerb height of the road reserve and is not immediately visible from street level. The walkway sits approximately 2.5 metres above the finished ground level of the courtyards below. **Figure 2** shows the elevated walkway in context of the level difference of the excavated site to the road reserve.

The proposal also provided for a one metre high balustrade to the walkway and privacy screens to the southern elevation of the development.

A key issue in the Department's original assessment and PAC's determination was the need to maximise natural light and to improve levels of privacy to habitable rooms and courtyards to those south facing parts of dwellings facing the elevated walkway.

In order to improve daylight access to the development, Condition B2 required that the privacy screens proposed along the southern elevation of the development be relocated to the northern side of the elevated walkway.

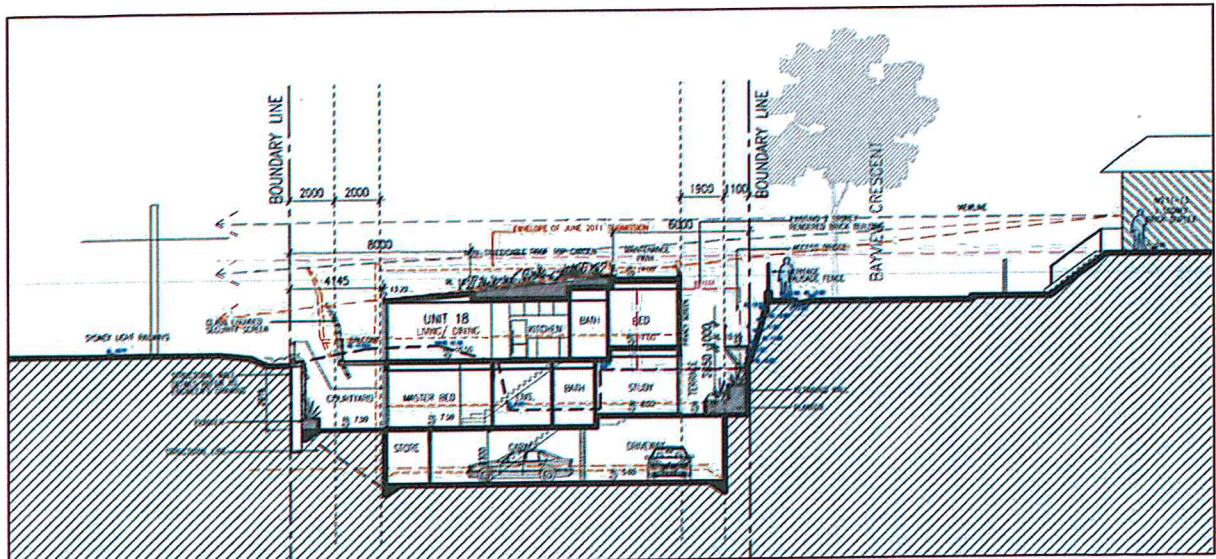


Figure 2: Originally proposed 1.0 metre high balustrade to northern edge of elevated pedestrian walkway (source: tony owen partners Drawing No: A301 Rev B4, dated 11.09.2012).

Although Condition B2 requires the deletion of the privacy screens on the southern elevation of the building, the proponent contends that the screens are an integral component of the desired architectural design. The proponent therefore seeks to delete Condition B2 in preference of:

- a 1.6m high fitted frosted etched glass screen in a pattern to match the building screens, erected along the northern edge to the elevated pedestrian walkway, to mitigate overlooking while allowing light to the courtyards (**Figure 3** and **Figure 4**).
- fully operable (hinged) laser cut metal screens attached to the southern glass face of the building which allow 90% access to daylight when closed and 100% access to daylight when open (**Figure 4**).

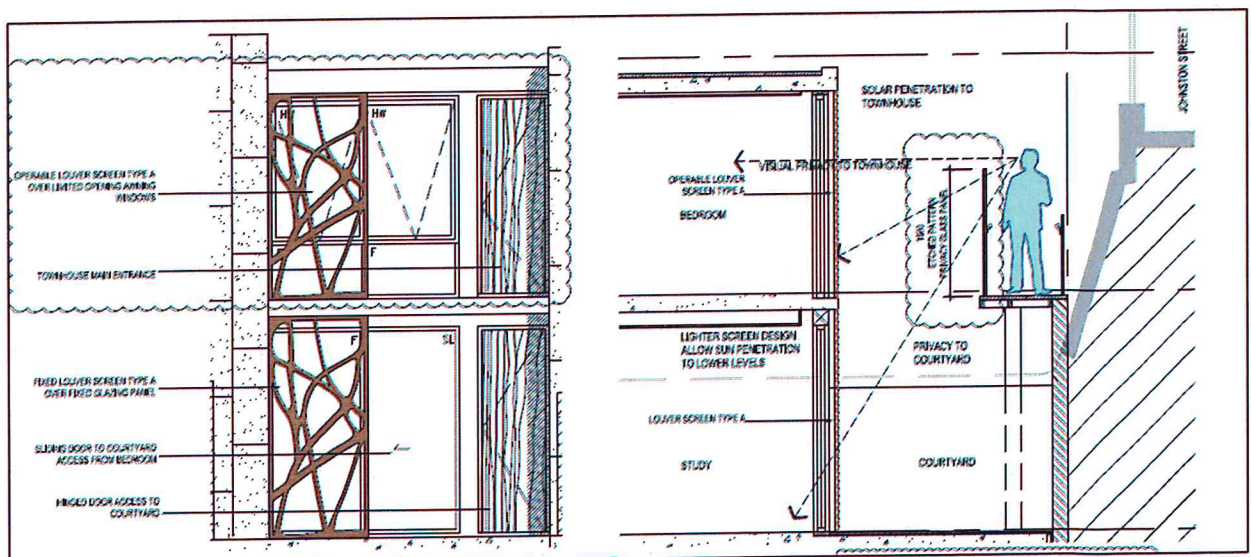


Figure 3: Proposed 1.6m balustrade height of screen to northern edge of elevated pedestrian walkway and detail of laser cut metal operable louvres to south facing windows (source: tony owen partners drawing 680 Rev D, dated 21.04.2015).

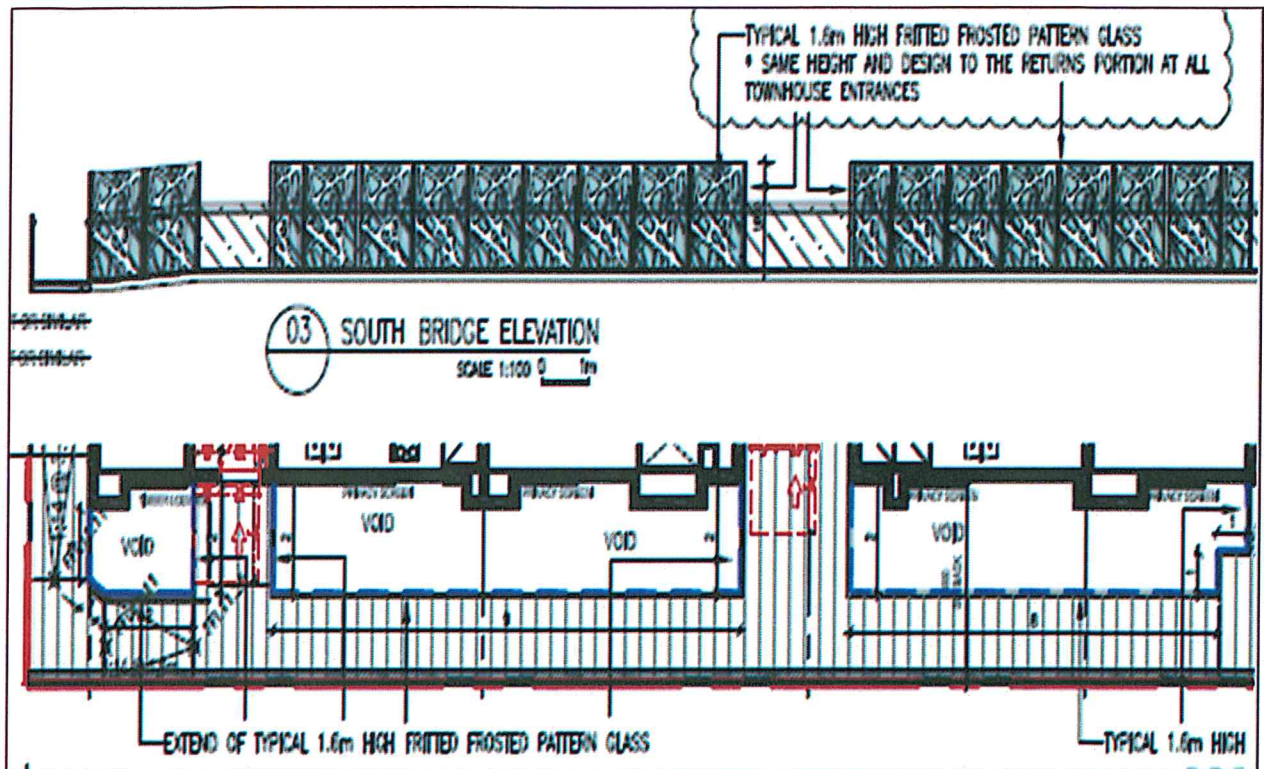


Figure 4: Part elevation of walkway screen (source: tony owen partners drawing A201 Rev C, dated 21.04.2015).

The Leichhardt Development Control Plan 2013 recommends that privacy screens are a minimum of 1.6 metres in height above finished ground level and have a reasonable density of at least 75% (i.e. maximum transparency of 25%).

The proposed screen complies with the DCP in terms of height, and the Department recommends a condition to ensure that the glazed screen has a maximum transparency of 25%. On this basis, the Department is satisfied that the screen will achieve the intent of Condition B2 to prevent overlooking from the elevated walkway into the private dwellings and their courtyards.

As mentioned above, the proponent seeks to retain some level of screening to the building façade as an architectural design feature which is contrary to Condition B2. Upon review of the details of the screens, the Department is satisfied that the screens will add visual interest to the southern elevation and also allow adequate daylight into the dwellings (as discussed in **Section 5.2**).

On this basis, the Department is satisfied that the proposed screens will ensure adequate privacy between the elevated walkway and south facing habitable rooms and courtyards within the development.

5.2 Daylight access

The Department previously recommended that the privacy screens on the southern building façade be relocated to the elevated walkway to maximise daylight access into the dwellings.

As discussed in **Section 5.1**, the proponent has provided a 1.6 metre high privacy screen to the northern edge of the elevated walkway to satisfy the condition, but seeks to retain redesigned brown powder coated metal cut operable screens to the southern elevation as an architectural design feature. The proponent notes that the screens (**Figure 3**) allow 90% of light to enter into the windows when closed and 100% access to light when open. The proponent considers that a 10% reduction in daylight access is acceptable noting the

southern orientation of the window openings and the desire to provide a consistent design outcome and add interest to the southern elevation.

The Department notes that the southern building façade comprises bedroom and study windows which are floor to ceiling in height. Also, the submitted plans indicate obscure glazing to the lower pane of upper level bedroom / study windows of Block A. Department staff have visited the site and note that the window fittings with obscure glazing have been installed (**Figure 5**).

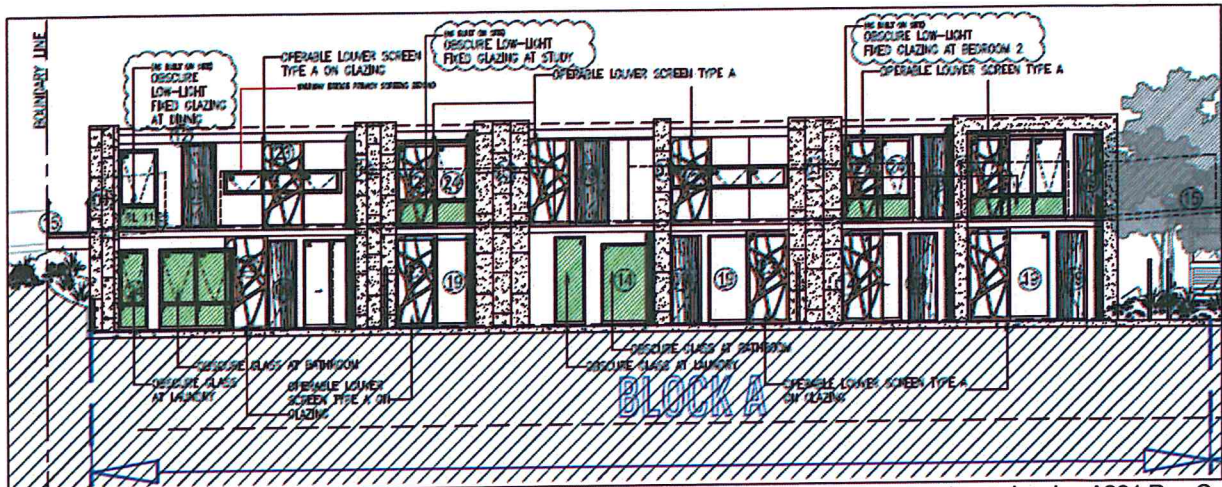


Figure 5: Proposed obscure glass to south facing windows in Block A (source: tony owen partners drawing A201 Rev C, dated 21.4.2015).

The Department considers that any reduction in daylight access as a result of the screen and introduction of obscure glazing to habitable windows of Block A is offset by the generously proportioned windows which maximise the amount of daylight into the rooms. Although the screens are not required for privacy reasons, they provide an interesting architectural feature and maintain a high level of daylight access, as intended by Condition B3. The Department therefore supports the proposed design amendments to the southern elevation.

It is also noted that the proposed 1.6m high frosted privacy screen to the elevated walkway will allow light into the courtyards of the development. Overall, the Department is satisfied that the proposed privacy measures have been balanced with the need to maximise the amount of daylight into the south facing windows of the development and courtyards.

5.3 Other

The proposal also seeks to combine 2 three bedroom units to create a single, four bedroom unit with study located at the western end of the approved development. Further, the modification seeks to amend the car parking basement layout in response to amalgamation of units 2 and 3 and to swap the switch room and common toilet locations. The Proponent contends the amendment provides for a minor variation to the dwelling mix within the development and allows for more efficient installation of cabling from the switch room to dwellings.

The amended car parking layout relocates a visitor parking space to allow individual car parking spaces for units 2 and 3 to be provided side by side. Further, the accessible car parking designation for unit 3 and internal access to a private lift is retained.

The Department notes there is no change to the external appearance, height, openings, approved car parking numbers and or changes to manoeuvring / swept paths of vehicles as a consequence of the modifications sought.

As the works are internal to the approved building, the Department is satisfied that the modification remains consistent with the terms of the original approval and that the works will not have additional environmental impacts.

6. CONCLUSION AND RECOMMENDATIONS

The Department considers that the proposed privacy treatments, as revised, are an acceptable alternative to the design modifications required by Condition B2 of the original approval. The revised modification is consistent with the intent of the original concept approval and will not result in any environmental impacts beyond those considered acceptable under the current approval.

The Department considers that the proposed screens are acceptable as:

- the 1.6 metre high screen on the northern edge of the elevated walkway meets the minimum height of privacy screens within the Leichhardt DCP 2013;
- the proposed etched printed screen is consistent with the pattern of the metal screens attached to the southern elevation of the building providing a consistent design outcome;
- the frosted glazing will prevent views through the screen (subject to a condition recommending a maximum transparency of 25%), but allow light into the courtyards of the development; and
- the metal screens to the southern façade of the development provide an architectural design feature, add visual interest to the development and allow light to enter into the window openings.

Although the Department previously recommended that the screens on the southern elevation be deleted, the Department is satisfied that the proponent has revised the design of the screens to ensure an adequate level of amenity.

The minor internal amendments to the basement level car parking including interchange of switch room and common toilet are supported as they do not alter the overall character and or use of the approved development.

The Department therefore supports the proposed modification, subject to conditions.

It is recommended that the A/Director, Key Site Assessments, as the delegate of the Minister for Planning:


- **consider** the findings and recommendations of this report;
- **approve** the modification request under Section 75W of the EP&A Act; and
- **sign** the attached instrument of Modification for MP10_0116 (**Appendix B**).

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Endorsed by:


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Approved by:

 5.5.15.
Ben Lusher
A/Director
Key Site Assessments

APPENDIX A MODIFICATION REQUEST

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6910