

**ITEM 4. DEVELOPMENT APPLICATION: 26-58 ROTHSCHILD AVENUE  
ROSEBERY - 'QUATTRO'****FILE NO: D/2011/1420****DEVELOPMENT APPLICATION NO: D/2011/1420****SUMMARY****Date of Submission:** 9 September 2011**Applicant:** Capital Corporation**Architect:** Turner & Associates

**Proposal Summary:** Stage 1 development application for a mixed use residential development comprising a gross floor area of 24,740sqm of residential floor space containing up to 254 residential dwellings within 7 development blocks and 370sqm of retail floor space including demolition of all structures on the site. The heights of the blocks range from three to 8 storeys (plus attic). The proposal incorporates two levels of basement car parking.

The proposal also provides a new public road and 5000sqm public park.

The proposal is consistent with the 2003 endorsed Masterplan for the site, the South Sydney LEP and the Green Square DCP. The proposed building envelopes respond appropriately to the constraints and opportunities of the site.

The Stage 1 DA was placed on public exhibition for a period of 28 days. Six (6) submissions were received. Concerns raised by residents can be summarised into the following issues: setbacks to streets, overshadowing, traffic impacts and location of public park.

**Summary Recommendation:** The development application is recommended for approval, subject to conditions.

**Development Controls:**

- (i) South Sydney Local Environmental Plan 1998
- (ii) Endorsed 2003 Masterplan
- (iii) South Sydney Development Control Plan 1997 - Urban Design (Part G: Special Precinct No. 9 - Green Square (December 2006)

- (v) Green Square Affordable Housing Development Control Plan
- (iv) City of Sydney Notification of Planning and Development Applications Development Control Plan
- (vi) City of Sydney Contaminated Land Development Control Plan 2004

**Developer Contributions:**

City of Sydney Development Contributions Plan 2006

**Attachments:**

A - Selected Stage 1 Drawings

B - Demolition Plan

**RECOMMENDATION**

It is resolved that consent be granted subject to the following conditions:

**SCHEDULE 1 - STAGE 1****(1) APPROVED DEVELOPMENT**

(a) Stage 1 development consent is granted only for:

- (i) Demolition of existing structures;
- (ii) Building envelopes for seven residential blocks;
- (iii) Basement car parking;
- (iv) An east-west public road reserve;
- (v) 5000sqm public park;

as detailed in the following drawings prepared by Turner and Associates and submitted with Development Application No. D/2011/1420 dated 9 September 2011:

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
DA010 H	Turner and Associates	20.12.11
DA020 K	Turner and Associates	20.12.11
DA021 K	Turner and Associates	20.12.11
DA022 F	Turner and Associates	20.12.11
DA023 H	Turner and Associates	20.12.11
DA024 G	Turner and Associates	20.12.11
DA025 G	Turner and Associates	20.12.11
DA026 G	Turner and Associates	20.12.11
DA027 H	Turner and Associates	20.12.11
DA005 D	Turner and Associates	20.12.11
DA101 L	Turner and Associates	20.12.11

and as amended by the conditions of this consent.

(b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

**(2) NOT APPROVED**

Consent is not granted for the following:

(a) Any construction, refurbishment and/or excavation;

- (b) The layout and number of residential units and car parking spaces;
- (c) The use of the residential units as serviced apartments or student accommodation;
- (d) The design of the building exteriors including facades or roof; and
- (e) Public domain and landscape design.

**(3) STAGE 2 TO BE CONTAINED WITHIN THE APPROVED ENVELOPE**

The detailed design developed under any future Stage 2 development application shall be contained within the building footprint and envelopes approved as part of this consent. Any modification of the envelopes must be fully justified and compliant with all relevant planning controls.

**(4) BUILDING HEIGHT**

- (a) The height of the buildings must not exceed the following RLs:

	<b>RL to the Parapet of the Building</b>	<b>Height in Storeys</b>
<b>Block A</b>	40.8	6 storeys
<b>Block B</b>	41.3	6 storeys
<b>Block C</b>	50.1	8 storeys
<b>Block D</b>	35.1	5 storeys
	41.3	6 storeys
<b>Block E</b>	41.3	6 storeys
<b>Block F</b>	41.3	6 storeys
	35.1	4 storeys
<b>Block G</b>	28.9	3 storeys

- (b) All roof-top plant and associated equipment must be integrated into the building design

**(5) DEDICATION OF LAND**

A draft Plan of Subdivision of the site must be submitted as part of the Stage 2 Development Application. The Stage 2 development application will be subject to the construction of the new road being the extension of Crewe Place and the public park. The plan must include:

- (a) A public road reserve a minimum of 17m wide and splay corners as shown on the Control Diagram Phase 01 Plan (DA020 F); and
- (b) The new public park with an area of 5000sqm located at the northern end of the site, as shown on the Control Diagram Phase 01 Plan (DA020 F).

**(6) SEPP 65 AND RESIDENTIAL FLAT DESIGN CODE**

Any Stage 2 Development Application must comply with all aspects of SEPP 65 and the Residential Flat Design Code (RFDC). A detailed compliance table is to be submitted with any Stage 2 DA showing compliance with SEPP 65 and the RFDC in particular the “rules of thumb”.

**(7) NEW ROAD DESIGN**

- (a) This area is covered by a 40km/h speed zone. The new road is to be designed to accommodate the requirements associated with this restriction. This may involve the requirement for traffic calming treatments to be included. This will need to be investigated and included as part of the Stage 2 application.
- (b) The pedestrian crossing over Rothschild Avenue, adjacent to the new road, must remain as it provides a connection to the bus stops. The new road must be designed to ensure this crossing can remain in place. Details must be provided as part of the Stage 2 application.
- (c) The centre line of the new road should align with the centre line of Crewe Place. The new road must be designed to ensure this is the case. Details must be provided as part of the Stage 2 application.

**(8) SYDNEY AIRPORT CORPORATION**

The applicant/developer shall liaise and obtain approval from the Sydney Airport Corporation as part of any future Stage 2 Development Application.

**(9) PUBLIC DOMAIN PLAN**

The indicative Public Domain Plans accompanying this Development Application are not approved by this consent.

Three copies of a detailed Public Domain Plan must be prepared by an architect, urban designer or landscape architect and must be lodged with Council's Public Domain Section as part of the future Stage 2 Development Applications.

The detailed plans must include the following:

- (a) proposed paving materials for footways, roads and parking bays;
- (b) proposed verge planting treatments and street tree species;
- (c) details of proposed water sensitive urban design treatments / tree pits;
- (d) dimensions showing footpath, verge and landscape setback widths;
- (e) maximise planted verge and tree planting opportunities to all frontages while maintaining adequate circulation to and from building entries and to and from parked cars;
- (f) justification for “special application” treatment (brick paving) to the proposed new road and footway.

The Public Domain Plan must be prepared in accordance with the City of Sydney's Public Domain Manual and the draft Sydney Streets Design Code. The works to the public domain are to be completed in accordance with the approved plan and the Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.

**(10) ALIGNMENT LEVELS**

Indicative footpath and building alignment levels, prepared by a Registered Surveyor must be provided with the future Stage 2 Development Applications for all frontages of the site to demonstrate that optimum footpath cross-falls of not steeper than 2.5% can be achieved from the building line to the kerb.

**(11) LANDSCAPING OF THE SITE**

- (a) The Landscape Plan accompanying this Development Application has not been approved by this Stage 1 consent.
- (b) A detailed Landscape Plan, drawn to scale, by a landscape architect or approved landscape consultant, must be submitted as part of the future Stage 2 Development Applications. The plan must include:
  - (i) Location of existing and proposed structures on the site including existing trees (if applicable);
  - (ii) Details of earthworks and clear soil depths including mounding and heights and materials of retaining walls and planter boxes;
  - (iii) Location, numbers and type of plant species;
  - (iv) Details of planting procedure and maintenance, in particular maintenance of proposed mounded planes if proposed to be turfed;
  - (v) Details of drainage, water-proofing and watering systems.

**(12) PAVING MATERIALS**

The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 4586:2004 (including amendments) "Slip resistance classification of new pedestrian surface materials".

**(13) FLOOD ASSESSMENT**

The development shall be constructed in accordance with the recommendations contained within the report prepared by Cardno, titled *26-56 Rothschild Ave, Rosebery Flood Assessment* dated 9 January 2012. Details shall be submitted to the Certifying Authority demonstrating that the development has been constructed in accordance with the recommendations contained within this report.

**(14) ACOUSTIC ASSESSMENT**

Any Stage 2 Development Application shall incorporate a detailed acoustic report from a suitably qualified acoustic consultant assessing the impact of noise emissions from the proposal. The report should include:

- (a) The identification of noise receivers potentially affected by the proposal;
- (b) The selection of a suitable assessment criteria from an appropriate Australian Standard, DEC Guideline or similar document recognised by the acoustic consultants' profession;
- (c) Assessment of the existing acoustic environment at the receiver locations in accordance with AS1055-1997 'Acoustic - Description and Measurement of Environmental Noise' and current DEC Guidelines;
- (d) The identification of future and/or existing operations from the proposed use giving rise to the emission of noise and prediction of resultant noise at the identified receiver locations. The method of noise prediction shall be justified and include an evaluation of prevailing atmospheric or other conditions that may promote noise propagation; and
- (e) A statement that the proposed use is capable of complying with the design criteria together with details of any necessary acoustic control measures that will be incorporated into the development or use.

**(15) SUBSTATIONS**

The location and placement of future sub stations required by Energy Australia are to be identified within any Stage 2 development application. Any substations are to be designed and located such that their placement does not deactivate and intrude upon the streetscape.

**(16) LOCATION OF ACCESSIBLE CAR PARKING SPACES**

Where a car park is serviced by lifts, accessible spaces for people with mobility impairment are to be located to be close to lifts. Where a car park is not serviced by lifts, accessible spaces for people with mobility impairment are to be located at ground level, or accessible to ground level by a continually accessible path of travel, preferably under cover. Detailed design must be submitted as part of any future Stage 2 application.

**(17) LOCATION OF DRIVEWAYS**

The access driveway for the site must not be closer than:

- (a) 10 metres from the kerb line of the nearest cross street/lane.
- (b) 20 metres from the kerb line of the nearest signalised cross street/lane.
- (c) 1 metre from the property boundary of the adjacent site.
- (d) 2 metres from any other driveway.

Detailed design is to be considered as part of any future Stage application.

**(18) WASTE COLLECTION AND SERVICE VEHICLES**

The stage 1 application indicates waste collection and larger removal vehicles will require loading to occur from the kerb side spaces. As part of the stage 2 applications the applicant must include a detailed review of all the options to provide for these vehicles within the site to show why on-street is the only option.

**SCHEDULE 1A - DEMOLITION****APPROVED DEVELOPMENT/DESIGN MODIFICATIONS/COVENANTS AND CONTRIBUTIONS/USE AND OPERATION**

**Note:** Some conditions in Schedule 1A are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of Occupation Certificate, where indicated.

**(19) APPROVED DEVELOPMENT**

- (a) Development must be in accordance with Development Application No. D/2011/1420 dated 9 September 2011 and the following drawings:

Drawing Number	Plan Name	Date
DA01	Demolition Plan	8.12.11
DA02	Site Establishment – Demolition Plan	8.12.11

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

**(20) RETENTION OF SLABS**

This consent allows for the removal of all structures on the site with the exception of the concrete slabs and hardstand areas on the site, the electricity substation, and the trees which must all be retained.

Should the slabs be damaged or disturbed at any point during the demolition works, an appropriately qualified Environmental Consultant must inspect the site immediately and determine whether contaminants have been disturbed and if preventative works need to be undertaken. A written statement prepared by the Environmental Consultant shall be provided to Council detailing the outcome of these investigations.

**(21) SIGNS - SEPARATE DA REQUIRED**

A separate development application for any proposed signage including marketing graphics (other than exempt or complying signs under Council's exempt and complying DCPs) must be submitted to and approved by Council prior to the erection or display of any such signs.



**(22) NOISE MANAGEMENT PLAN - DEMOLITION, EXCAVATION AND CONSTRUCTION****SCHEDULE 1B****PRIOR TO CONSTRUCTION CERTIFICATE/COMMENCEMENT OF WORK/HEALTH AND BUILDING**

**Note:** Prior to the issue of the Construction Certificate, sufficient information must be forwarded to the certifying authority (whether Council or a private accredited certifier) illustrating compliance with the relevant requirements of the Building Code of Australia (and a copy forwarded to Council where Council is not the certifying authority). If Council is to be the certifying authority, please contact the Building Unit to discuss the requirements prior to submission of the application for construction certificate.

**(23) ASBESTOS REMOVAL****(24) ASBESTOS REMOVAL SIGNAGE****(25) CLASSIFICATION OF WASTE****(26) DISPOSAL OF ASBESTOS****(27) NOTIFICATION OF ASBESTOS REMOVAL****(28) PROHIBITION OF ASBESTOS RE-USE****(29) SIGNAGE LOCATION AND DETAILS****(30) SKIPS AND BINS****(31) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT****(32) DILAPIDATION REPORT - MAJOR DEMOLITION****(33) EROSION AND SEDIMENT CONTROL - MORE THAN 2,500SQM**

Prior to the commencement of any works on site, including, but not limited to demolition, excavation or construction work, a Soil and Water Management Plan (SWMP) must be submitted to and be approved by Council.

- (a) The SWMP must identify and respond to all items for Erosion and Sediment Control Plans listed in the condition above, as well as:
  - (i) existing site contours;
  - (ii) location and diagrammatic representation of all necessary erosion and sediment control systems or structures used to mitigate or prevent pollution to stormwater;
- (b) Location and engineering details with supporting design calculations for all necessary sediment basins, constructed wetlands, gross pollutant traps, trash racks or biofiltration swales (as relevant).

- (c) The erosion and sediment control measures must remain on site at the completion of the demolition works to control stormwater run off from the slabs remaining on the site and prevent stormwater run off onto adjoining sites.

**(34) APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE**

**(35) DEMOLITION/SITE RECTIFICATION (if cost is over \$50m)**

The following conditions apply to the development:

- (a) Prior to any demolition works, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (b) Without limiting the generality of paragraph (b), the Deed must provide for:
  - (i) A bank guarantee to be provided in the sum of \$417,500 dollars as security for the costs of such works provided that:
    - a. the maximum liability under the Deed must not exceed \$417,500 dollars; and
    - b. the Council may accept a lesser amount as security if substantiated by detailed design and Quantity Surveyor costing for works which meet the objectives of the condition.
  - (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
    - a. demolition of the existing building has commenced but not been completed;
    - b. the existing building has been demolished; or
    - c. the site has been excavated; or
    - d. the erection of the structure has commenced;
  - (iii) that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the consent authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:
    - a. make the building safe and of an appearance acceptable to Council at ground level;

- b. allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point; or
- c. for the hole to be covered to allow it to be landscaped and of an appearance acceptable to Council from any public vantage point; or
- d. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenable stage;

AND to call on such bank guarantee to cover the cost thereof.

- (c) If the site is commenced to be developed and there is suspension in activity for 12 months (or suspensions of activity which in the aggregate exceed 12 months), resulting in a building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to:
  - (ii) require certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (b) (iii) a - d to take place on the site; and
  - (iii) in the event of default, have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the cost of the works.
- (d) The Deed may, if the Director City Planning is satisfied, provide for an adjustment of the guarantee amount during the course of construction to reflect that, as the development progresses, the likelihood and nature of the appropriate site rectification works may change. The stages of reduction will be:
  - (i) Stage 1 - Completion of the site excavation and all construction works necessary to complete all parts of the Development to street level, including sealing of the slab at that level.
  - (ii) Stage 2 - Completion of all construction works necessary to complete the structure of the Development to the roof level.
  - (iii) Stage 3 - Issue of the Final Occupation Certificate.
- (e) If a claim for an adjustment is made, the Deed must also provide that any such claim is to be supported by the following:
  - (iv) Certification (from an accredited certifier) that the relevant stage is complete;
  - (v) Detailed schedule of completed works carried out in the relevant stage;
- (f) Quantity Surveyors costing of the likely site rectification works required at each remaining stage.

**(36) BARRICADE PERMIT****(37) FOOTPATH DAMAGE BANK GUARANTEE****(38) STREET TREE HOARDING PROTECTION**

Street trees must be protected during the erection of hoardings and demolition works as follows:

- (a) Tree trunk and major limb protection must be undertaken before or during the installation of the hoarding. The protection must:
  - (i) be installed by a qualified arborist (AQF Level 3); and
  - (ii) include the wrapping of the tree's trunk with hessian or similar material to limit damage to the trunk and major branches, within 0.5m of the hoarding.
- (b) Materials or goods, including site sheds, must not be stored or placed:
  - (i) around or under the tree canopy; or
  - (ii) within two (2) metres of tree trunks or branches.
- (c) Protective fencing (1.8 metre chain wire mesh fencing) must be erected on top of the hoarding to protect branches during the demolition works.

**(39) TREE PROTECTION DURING DEMOLITION**

Stockpiling, storage or mixing of materials, washing of equipment, vehicle parking, disposal of liquids, machinery repairs and refuelling, disposal of building materials such as cement slurry, siting of offices or sheds and the lighting of fires, must not occur within 5m of the trunk of any tree to be retained.

**SCHEDULE 2**

**The prescribed conditions in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000 apply to the development.**

**SCHEDULE 3****TERMS OF APPROVAL - TO FORM PART OF ANY STAGE 2 APPLICATION**

The Terms of Approval for Integrated Development as advised by *Department of Primary Industries - NSW Office of Water* are as follows:

**NOTE: These terms do not represent any form of authorisation for the extraction of groundwater**

**1. General and Administrative Issues**

- a. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering.

- b. Pumped water (tailwater) shall not be allowed to discharge off-site (eg adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent.
- c. The licensee shall allow (subject to Occupational Health and Safety Provisions) the NSW Office of Water or any person authorised by it, full and free access to the works (excavation or bore/borefield), either during or after construction, for the purpose of carrying out inspection or test of the works and its fittings and shall carry out any work or alterations deemed necessary by the NSW Office of Water for the protection and proper maintenance of the works, or the control of the water extracted to prevent wastage and for the protection of the quality and prevention from pollution or contamination of the groundwater.
- d. If a work is abandoned at any time the licensee shall notify the NSW Office of Water that the work has been abandoned and seal off the aquifer by such methods as agreed to or directed by the NSW Office of Water.
- e. Suitable documents are to be supplied to the NSW Office of Water of the following:
  - A report of prediction of the impacts of pumping on any licensed groundwater users or groundwater dependent ecosystems in the vicinity of the site. Any adverse impacts will not be allowed and the project will need to be modified.
  - A report of assessment of the potential for salt water intrusion to occur as a result of the dewatering. This report is only required for sites within 250m of any marine or estuarine foreshore area. The generation of conditions leading to salt water intrusion will not be allowed, and the proposal will need to be modified.
  - Descriptions of the methods used and actual volume of groundwater to be pumped (kilolitres/megalitres) from the dewatering works, the works locations, the discharge rate (litres per second), duration of pumping (number of days/weeks), the amount of lowering of the water table and the anticipated quality of the pumped water.
  - Descriptions of the actual volume of pumped water (tailwater) to be reinjected (kilolitres/megalitres), the reinjection locations, the disposal rate (litres per second), duration of operation (number of days/weeks) and anticipated quality of treated water to be reinjected.
  - Monitoring of groundwater levels (minimum of 3 weekly measurements of depth to water at a minimum of 3 locations broadly distributed across the site) beneath the proposed development site prior to construction. This requirement is only for sites where the proposed structure shall extend greater than one floor level into the existing ground level.

## 2. Specific Conditions

- a. The design and construction of the structure must preclude the need for permanent dewatering.
- b. The design and construction of the structure that may be impacted by any watertable must include a water proof retention system (i.e. a fully tanked structure) with adequate provision for future fluctuations of water table levels. (It is recommended that a minimum allowance for a water table variation of at least +/- 1.0 metre beyond any expected fluctuation be provided). The actual water table fluctuation and fluctuation safety margin must be determined by a suitably qualified professional.

- c. Construction methods and material used in and for construction are not to cause pollution of the groundwater.
- d. Monitoring of groundwater levels is to be continued at least weekly during the construction stage and at least weekly over a period of at least 2 months following cessation of dewatering, with all records being provided to the NSW Office of Water on expiration of the licence. This requirement is only for sites where the proposed structure shall extend greater than one floor level into the existing ground level.
- e. Groundwater quality testing must be conducted (and report supplied to the NSW Office of Water). Samples must be taken prior to the commencement of dewatering, (and ongoing to the satisfaction of the NSW Office of Water for any extraction and reinjection activities). Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.
- f. Discharge of any contaminated pumped water (tailwater) that is not to be reinjected, must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority. The method of disposal of pumped water (i.e. street drainage to the stormwater system or discharge to sewer) and written permission from the relevant controlling authority must be presented to the NSW Office of Water in support of the licence application.
- g. Discharge of any contaminated pumped water (tailwater) that is to be reinjected, must comply with the provisions of the *Protection of the Environment Operations Act 1997*. The quality of any pumped water (tailwater) that is to be reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site. Contaminated groundwater is not to be reinjected into any aquifer. The following must be demonstrated in writing:
  - The treatment to be applied to the pumped water (tailwater) to remove any contamination.
  - The measures to be adopted to prevent redistribution of any contamination in the groundwater system. Any reinjection proposal that is likely to further spread contamination within the groundwater system will not be allowed and the project will need to be modified.
  - The means to avoid degrading impacts on the identified beneficial use of the groundwater. Any reinjection proposal that is likely to lower the identified beneficial use of a groundwater system will not be allowed and the project will need to be modified.
- h. Written advice be provided from the Certifying Authority to the NSW Office of Water to certify that the following ground settlement issues have been addressed in reports submitted by the proponent:
  - Assessment by a suitably qualified geotechnical professional that the proposed dewatering activity does not pose an unacceptable risk of off-site impacts such as damage to surrounding buildings or infrastructure as a result of differential sediment compaction and surface settlement during and following pumping of groundwater.
  - Settlement monitoring activities to be undertaken prior to, during and for the required period of time following the dewatering pumping to confirm the impact predictions.

- Locations of settlement monitoring points, and schedules of measurement.

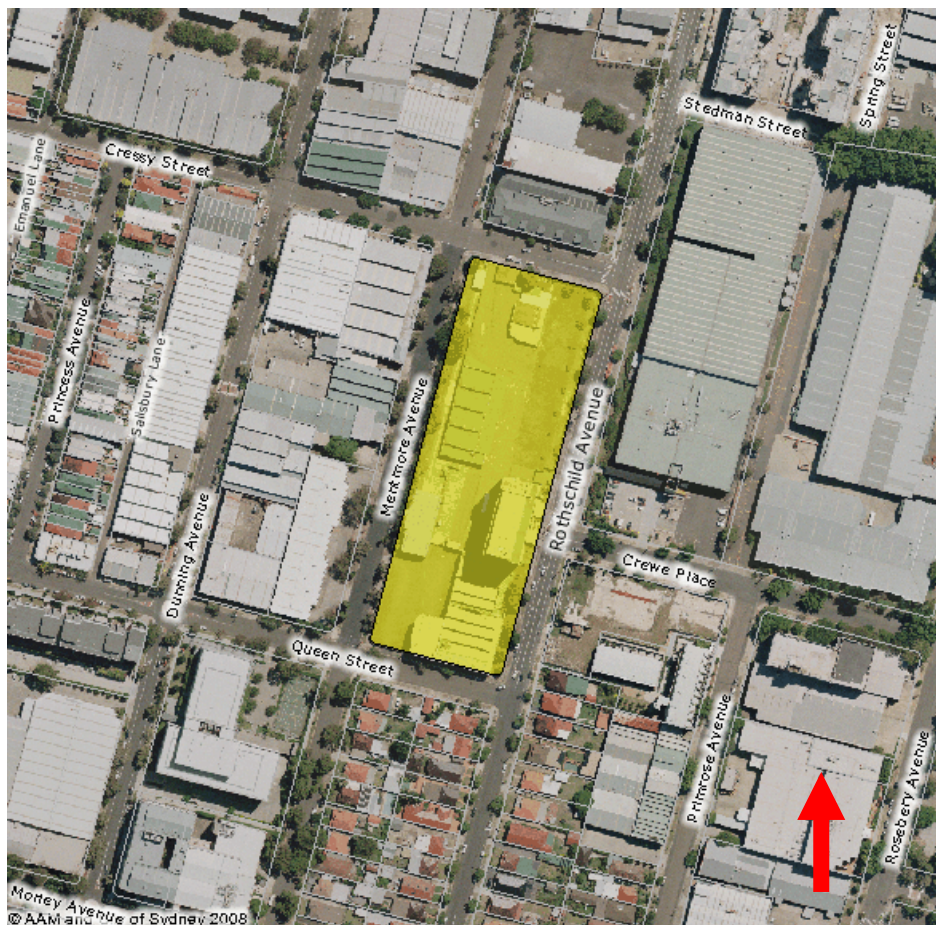
### 3. Formal Application Issues

- a. An application must be completed on the prescribed form for the specific purpose of temporary construction dewatering and a licence obtained from the NSW Office of Water prior to the installation of the groundwater extraction works. A plan drawn to scale will be required with the application clearly identifying the location of the dewatering installations.
- b. Upon receipt of a Development Consent from Council of the City of Sydney, a fully completed licence application form, unambiguous documentation of the means by which the below-ground areas of the development will be designed and constructed to prevent any groundwater seepage inflows (and therefore preclude any need for permanent or semi-permanent pumping), together with all other required supporting information, the NSW Office of Water will issue a Water Licence under Part 5 of the *Water Act, 1912*.
- c. A licence application under Part 5 of the *Water Act 1912* must be accompanied by a \$151.00 fee and must specify the proposed volume of groundwater to be pumped in total (megalitres). The licence is also subject to administrative charges as determined from time to time by the Independent Pricing and Regulatory Tribunal (IPART).

## BACKGROUND

### The Site and Surrounding Development

1. The subject site occupies an entire block bounded by Rothschild Avenue, Cressy Street, Mentmore Avenue and Queen Street Rosebery. The site is legally known as Lots 411-416, 449, 450-455 in DP 7534. The site has a total area of 1.67 hectares. An aerial photo is shown below in **Figure 1**.
2. The site is located within the southern part of the Green Square Urban Renewal Area and is a key transition site between low density residential development to the south and light industrial and mixed-use areas to the north. The site is currently vacant and formerly accommodated the administration offices and crash laboratories of the RTA.



**Figure 1:** Aerial photo of site to which draft Deemed DCP relates

3. Surrounding properties comprise low density residential dwellings, commercial and light industrial uses. Opposite the site (to the east), are large scale warehouse buildings and some residential development is also located to the south-east of the site. Opposite the site (to the west), is predominantly light industrial and commercial uses comprising 2-3 storey buildings.
4. The immediate north of the site is characterised by low scale light industrial and commercial warehouse uses and the south of the site is the residential area of Rosebery distinctly characterised by single storey detached dwelling houses.



- 5. The site is not a heritage item and is not located within a heritage conservation area.
- 6. Photographs of the site are provided below.



**Figure 2:** Corner of Queen Street and Rothschild Ave



**Figure 3:** Former RTA building fronting Rothschild Avenue



**Figure 4:** Existing residential building opposite the site – Rothschild Avenue



**Figure 5:** Mentmore Avenue

### **History of Development Applications Relevant to this Site**

7. The following masterplan and development applications are considered relevant to the proposed development:



**DU/2003/00149**

8. 22 October 2003, Council (the former South Sydney Council) endorsed a Masterplan (DU/2003/00149) for the site. The Masterplan was endorsed as follows:
- A maximum Floor Space Ratio (FSR) of 1.5:1 and reliance upon a public domain works package to offset the FSR bonus provisions;
  - 8 new courtyard block edge buildings between 3 to 9 storeys in height;
  - Predominantly residential uses with some retail/commercial uses at ground level;
  - Replacement of the existing 10 storey commercial building with an 8 storey plus attic residential building;
  - New east-west public road;
  - Provision of a public park within the northern portion of the site (approximately 5,000m<sup>2</sup> in area).



**Figure 6:** 2003 Approved Masterplan

**D/2005/1400**

9. On 6 March 2006, Council granted consent for alterations and refurbishment of existing 10 storey commercial office building (including facade upgrade, new ground level access, and creation of 40 commercial tenancies), demolition of a separate 2-3 storey brick building, provision of 76 car parking spaces (54 car spaces at grade and 22 car spaces within an existing basement car park) and associated landscaping. This consent was not activated.

**D/2005/1306**

10. On 7 March 2006, Council granted deferred commencement consent for the demolition of 7 buildings and associated structures, construction of 66 x 3 storey (3 bedroom) townhouses with rear lane garages of which 12 have studio space above garage, construction of 'T' shaped north-south and east-west laneways which are 6 metres wide, provision of a 980m<sup>2</sup> public park (to be dedicated to Council in lieu of the Green Square open space component of the Section 94 monetary contribution), subdivision, tree removal and landscaping. This consent was issued a deferred commencement consent and was not activated.

**M/2010/3 AND D/2010/1122**

11. The Masterplan application and Stage 2 DA for the site were lodged concurrently.
12. The Masterplan and Stage 2 DA were seeking development consent for the following:
  - (a) Demolition and removal of all existing buildings and improvements on the site, and removal of 16 trees.
  - (b) Construction and use of 86 three storey terrace houses, 58 of which include studios located above garages.
  - (c) Construction of four driveway crossings and community title laneways.
  - (d) Site landscaping.
  - (e) Public domain works comprising works within the verge of dedicated roads adjoining the site.
  - (f) Relocation of electricity substations.
  - (g) Community Title subdivision into 86 residential allotments and 1 community lot for private laneways.
13. The Masterplan application was refused 25 November 2010 as it failed to retain the 5000sqm public park and the Stage 2 DA was refused 30 November 2010 because it was inconsistent with the existing 2003 endorsed Masterplan.

**PROPOSAL**

14. The proposal seeks approval for a Stage 1 mixed use development comprising:
  - (a) demolition of all existing structures on the site;
  - (b) building envelopes for 7 new building blocks ranging in height from 3 to 8 storeys plus attic;
  - (c) residential apartments (indicative 245 apartment);
  - (d) basement parking (indicative 304 vehicles);
  - (e) new east west public road; and
  - (f) new public park - 5000sqm.

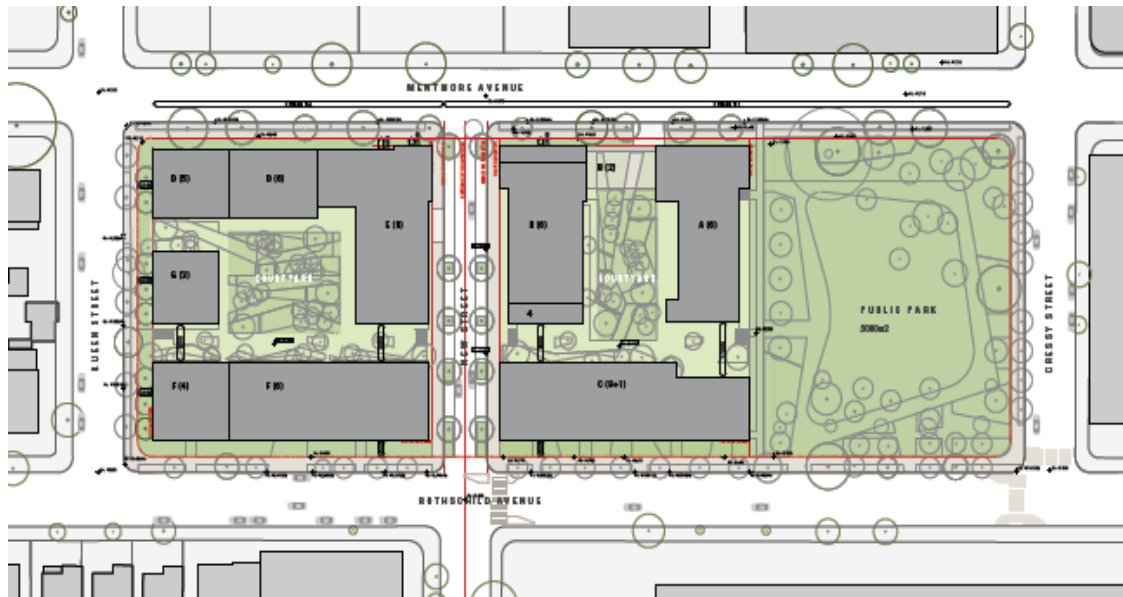


Figure 7: Proposed Stage 1 concept plan

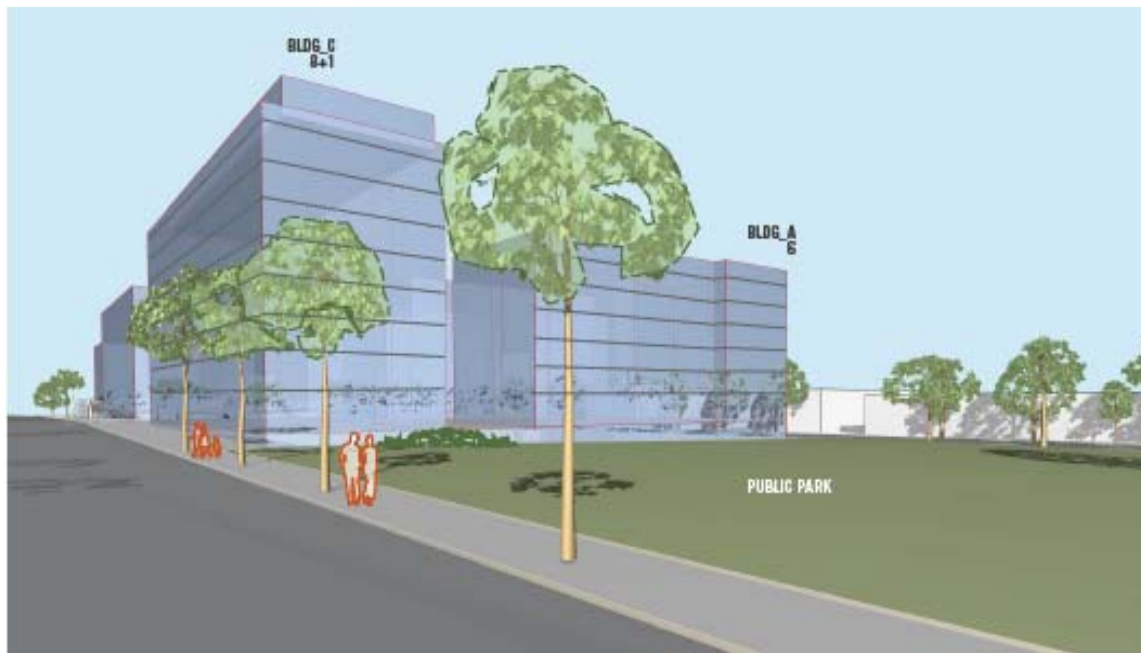


Figure 8: Illustrative building envelopes - View south along Rothschild Avenue.



**Figure 9:** Illustrative building envelopes - View corner of Mentmore & Queen Street

## **IMPLICATIONS OF THE PROPOSAL**

### **Section 79C Evaluation**

15. An assessment of the proposal under Section 79C of the Environmental Planning and Assessment Act 1979 has been made, including the following:

### **Section 79C(1)(a) Environmental Planning Instruments, DCPs and Draft Instruments**

### **STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)**

16. The following State Environmental Planning Policy/Policies are relevant to the proposed development:

### **Water Management Act 2000**

17. The proposed basement levels will require dewatering due to construction below the water table.
18. The application was referred to the NSW Office of Water with respect to temporary groundwater dewatering for the purposes of construction as Integrated Development. The NSW Office of Water has issued their General Terms of Approval to be addressed as part of the detailed Stage 2 application.
19. The Stage 1 application including demolition of existing buildings does not impact on the groundwater therefore the NSW Office of Water does not have a role in licensing these activities as part of the Stage 1 application.

**SEPP 32 - Urban Consolidation (Redevelopment of Urban Land)**

20. SEPP 34 provides for the increased availability of housing within the inner city and to assist in meeting the demand for housing which is close to employment, leisure and retail opportunities.
21. The proposed development is consistent with the aims and objectives of SEPP 34 and the State Government's urban consolidation initiatives. The site is urban land that has the potential for multi-unit housing. It is strategically located in proximity to the Sydney CBD and is generally serviced by existing public infrastructure, transport and community facilities.

**SEPP 55 - Remediation of Land**

22. The aim of SEPP 55 and the DCP is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.
23. The proposal is for building envelopes and demolition only. A condition will be imposed requiring the concrete slabs and hardstand areas on the site not be removed as part of the Stage 1 application so as to prevent any potential disturbance of contaminants on the site.
24. In relation to land contamination, sufficient information has been provided by the applicant to satisfy the requirements of SEPP 55. An Interim letter of Advice has been prepared by Graeme Nyland EPA Accredited Site Auditor of Environ dated 2 July 2010. The interim advice letter states that the site is capable of being made suitable for the proposed use subject to further onsite investigations, soil sampling and the preparation of a validation plan by a suitably qualified Environmental Consultant which must be reviewed by an EPA accredited Site Auditor.

**SEPP 65 - Design Quality of Residential Flat Development**

25. SEPP 65 provides that in determining an application for a residential flat development of three or more floors and containing four or more apartments that the consent authority takes into consideration a number of design quality principles and the Residential Flat Design Code.
26. The proposal is for building envelopes and does not include a detailed design. As described in the Residential Flat Design Code (Code), a building envelope is not a building but a three dimensional zone that limits the extent of a building in any direction and any future building designed within the building envelopes must comply with the applicable planning controls.
27. The Code requires that in general an apartment building depth of 18 metres is appropriate as a maximum in order to achieve high levels of day-light access and natural ventilation. The building envelopes propose a building depth of approximately 22 metres which include a 2 metre balcony zone either side of the building envelope.
28. The proposed building envelopes provide a minimum 9m building separation running north-south along the eastern envelopes and is able to comply with the minimum 18m building separation requirement for envelopes facing the internal courtyards.

29. Solar access will be constrained to the internal open space courtyards in mid-winter however the building envelopes through skilful design will allow private open space areas (i.e. balconies) to achieve high levels of solar access to compensate.
30. A detailed assessment of the proposal against SEPP 65 and the RFDC will be considered as part of the Stage 2 DA.

### **LEPs AND DCPs**

31. The following Local Environmental Plans are relevant to the proposal:

#### **Draft City Plan 2010**

32. The draft Sydney Local Environment Plan (draft LEP) was placed on public exhibition on 2 February 2011 and as such it is a consideration in the assessment of this proposal.
33. The site would be zoned 'B4 Mixed Use' which provides for a mixture of compatible land uses. The proposal is consistent with the objectives of the zone.
34. The FSR controls are 1.5:1. The proposal results in a total FSR of 1.5:1 subject to the bonus floor space provisions and is consistent with the 2003 approved Masterplan.
35. The draft LEP identifies the public park at the southern end of the site and a 3m height limit applies to this area to reflect this intent. This differs from the current Masterplan applying to the site which shows the park at the northern end of the site. The subject application has likewise located the park at the northern end of the site, to ensure that it can satisfy the test of consistency with the Masterplan, which is a prerequisite for approval under Clause 27C of the South Sydney LEP.
36. The proposed location of the park at the southern end of the site in the Draft LEP was informed by the Green Square Urban Renewal Area Background Paper 2008 which suggested that as an alternative to the location of the park on the northern end of the block, a park on the southern side could help buffer the future development from the existing residents. Although, this would result in the park being overshadowed by the future development.
37. Upon exhibition of the Draft LEP with regards to the proposed new location of the park, the landowner made a submission in support of the location of the park on the northern side, as depicted in the current endorsed Masterplan. In response, the landowner was advised by Council that an amendment to the draft LEP to relocate the park would trigger the re-exhibition of the entire LEP. However, the recommendations in the Planning Development and Transport Committee report for the Draft LEP (5 March 2012) suggest that the site be subject to a separate planning proposal in 2012 to further consider this issue.

#### **2003 Masterplan**

38. In accordance with Clause 27C of the South Sydney LEP 1998, Council must not grant consent to development that is inconsistent with an endorsed Masterplan. The proposed development is consistent with the 2003 endorsed Masterplan.



39. Pursuant to 2005 amendments to the *Environmental Planning and Assessment Regulation*, the adopted Masterplan is now regarded as a deemed DCP for the site.
40. Comparison of the Stage 1 proposal against the 2003 endorsed Masterplan controls are summarised below:

	<b>Endorsed Masterplan</b>	<b>Proposed Stage 1</b>
<b>Site Area</b>	1.68ha	1.68ha
<b>FSR 1:1 (bonus 1.5:1)</b>	1.5:1 (bonus)	1.5:1 (bonus)
<b>Building configuration</b>	8 x block edge buildings	7 x block edge buildings
<b>Building block heights</b>	<u>Northern block:</u> Building A: 6 levels Building B: 6 levels Building C: 9 levels Building D: 4-6 levels  <u>Southern block:</u> Building E: 5-6 levels Building F: 4-6 levels Building G: 3 levels Building H: 4-6 levels	<u>Northern block:</u> Building A: 6 levels Building B: 4-6 levels Building C: 8 levels + attic  <u>Southern block:</u> Building D: 5-6 levels Building E: 6 levels Building F: 4-6 levels Building G: 3 levels
<b>Parking spaces</b>	276 (indicative only)	305 (indicative only)
<b>Public open space</b>	5000sqm (northern end)	5000sqm (northern end)
<b>New roads/site through links</b>	New east-west road and site through link	New east-west road, site through link deleted.
<b>Existing 10 storey commercial tower and associated structures</b>	Demolished	Demolished
<b>Use</b>	Residential and commercial	Residential and commercial

### South Sydney Local Environmental Plan 1998

41. Compliance of the proposal with the LEP controls is summarised below:

<b>Development Controls</b>	<b>Permissible under South Sydney LEP 1998</b>	<b>Proposal as assessed under South Sydney LEP 1998</b>
<b>Planning Principles (Part 2)</b>	Development is to be considered having regard to the goals and objectives within the Strategy for a Sustainable City of South Sydney.	The proposed development application satisfies the Strategy.
<b>Zoning Controls (Part 3)</b>	Mixed Uses 10(e)	The development is permissible in this zone and is consistent with the 2003 endorsed Masterplan for the site.
<b>Vision for Green Square (CI 27A) Planning Principles for Green Square (CI 27B)</b>	Diversity, connectivity, interdependency and long-term growth.	The proposal is consistent with the vision for Green Square.
<b>Determination of Development Applications (CI 27C)</b>	Consent not to be granted unless development is consistent with adopted Master Plan.	The proposed development is consistent with the endorsed 2003 Masterplan.
<b>Affordable housing (CI 27P)</b>	Development within Zone 10(e) is subject to affordable housing contributions.	Affordable housing applies to the development site and will be levied at Stage 2.
<b>Urban Design Principles and Master Plans (CI 28)</b>	Development is to satisfy urban design requirements. Council must consider any Master Plan for the land.	The proposed development is consistent with the endorsed 2003 Master Plan.
<b>Flood Liable Land (CI 38)</b>	Council is to consider the likely impacts of flooding.	The flood assessment report dated 9 January 2012 prepared by Cardno is acceptable. The proposed floor level and carpark entry level are able to comply with the flood planning level requirements.
<b>Contaminated Land (CI 39)</b>	Council is to consider the issue of contamination.	The site is able to be made suitable for residential development.

**South Sydney Development Control Plan 1997: Urban Design - Part G: Special Precinct No. 9 Green Square (2006)**

42. Compliance of the proposal with the DCP controls is summarised below:

Matter to be Considered	Compliance	Comment
<b>PART 2: URBAN STRATEGY</b>		
<b>Landscape Elements</b> <i>Section 2.2</i>	✓	<b>Complies:</b> The submitted Landscape Area Concept Plan illustrates SEPP65 compliance with deep soil planting area.
<b>Transport and Parking</b> <i>Section 2.3</i>	✓	<b>Able to comply:</b> Will provide new pedestrian, cyclist and vehicular transport networks through the site. Parking levels are discussed below.
<b>Stormwater Management</b> <i>Section 2.5</i>	✓	<b>Able to comply:</b> Conditions relating to stormwater and drainage will be included on any Stage 2 approval.
<b>Social Infrastructure</b> <i>Section 2.6</i>	✓	<b>Able to comply.</b>
<b>Land Use and Neighbourhood Character</b> <i>Section 2.7</i>	✓	<b>Able to comply:</b> The new public park and new east-west street will connect and open the site to the Rosebery area.
<b>PART 3: URBAN FRAMEWORK PLAN</b>		
<b>Public Domain</b> <i>Section 3.1</i>	✓	<b>Able to comply:</b> The Stage 1 DA proposes to dedicate the new public street and new park as part of a VPA. The details will be provided at Stage 2.
<b>Built Form</b> <i>Section 3.2</i>	✓	<b>Able to comply:</b> The maximum FSR is 1:1 with bonus FSR of 1.5:1. The proposed FSR is 1.5:1 and the development will provide substantial public and environmental benefits through the provision of a VPA. Details will be provided at Stage 2.
<b>Building Type and Envelopes</b> <i>Section 3.2.1</i>	x	<b>Does not comply:</b> The height controls are inconsistent with this DCP however comply with the endorsed 2003 Masterplan.
<b>Building Interface</b> <i>Section 3.2.4</i>	✓	<b>Able to comply</b>
<b>Parking</b> <i>Section 3.2.9</i>	x	<b>Does not comply:</b> The proposed number of car parking spaces proposed is excessive and does not comply with DCP 11 or the vision for Green Square which is to reduce car dependency. Refer parking discussion below.

**South Sydney DCP 11: Transport Guidelines for Development**

43. DCP 11 sets out maximum car parking levels in order to reduce traffic congestion and reduce reliance on private vehicles in the city. In accordance with the Green Square DCP a relaxation of the parking rates from 0.8 spaces per 2 bedroom apartment to 1 space per 2 bedroom apartment only when the site is located outside of the 800m walking zone to Green Square Railway Station.
44. The parking rate of 1 space per 2 bedroom unit has been used to calculate the parking rate for the site by the applicant.
45. Compliance of the proposal with the DCP requirements is summarised below:

<b>South Sydney DCP 11: Transport Guidelines for Development</b>			
<b>Parking</b>	<b>Maximum permissible under DCP 11</b>	<b>Proposed</b>	<b>Compliance</b>
Car	259 (including visitor spaces and retail spaces)	305 (including visitor and retail spaces)	<b>Does not comply</b>
Bicycles	84	40	<b>Complies</b>

46. The development proposes 305 car-parking spaces which exceeds the maximum car parking rate in the DCP by 46 spaces and exceeds the endorsed Masterplan car parking rate by 29 spaces. It should be noted that DCP 11 identifies maximum parking rates and the calculations above have been considered against the 'relaxed' car parking rate for 2 bedroom units as specified in the Green Square DCP.
47. Notwithstanding the above, the actual number of car parking spaces is not approved as part of the Stage 1 application and will be confirmed at detailed design stage - Stage 2.

**Green Square Affordable Housing Development Control Plan 2002**

48. The DCP requires 3% of residential to be provided for affordable housing, either in kind / on-site or a monetary contribution in lieu.
49. Given the size of the contiguous allotments under the control of the applicant, a rare opportunity exists to provide affordable housing on site. Whilst the subject application is a Stage 1 proposal for building envelopes and does not attract a levy, the applicant is encouraged to consider the provision of this accommodation on the site, rather than a monetary contribution in lieu of affordable housing.

**City of Sydney Contaminated Land Development Control Plan 2004**

50. Refer discussion above under the heading *SEPP 55 - Remediation of Land*.

**ISSUES**

51. The issues identified in the above instruments/policies as non-complying or requiring further discussion in the abovementioned tables are discussed in detail below:

**Zone Objectives**

52. The site is located in the Mixed Uses 10(e) zone. The zone seeks to establish a 'predominantly employment-based zone' but does not prescribe a land use mix development standard for specific sites.
53. The proposed land use mix comprises 24,740sqm of residential floor space and 370sqm of retail floor space and as a result does not represent predominantly employment-based activities. However, the endorsed 2003 Masterplan was assessed against Clause 27C of the LEP and against the objectives of the Zone and approved as it was considered at the time of assessment that the zone as a whole was predominantly employment-based by virtue of extensive warehouse, storage, distribution and light manufacturing uses within the land between the site and Botany Road.
54. The Stage 1 development is consistent with the 2003 endorsed Masterplan and provides some employment based land uses and is consistent with the draft B4 – Mixed Use zoning identified for the site.

**Masterplan Provisions**

55. In accordance with Clause 27C of the South Sydney LEP 1998 (LEP), Council must not grant consent to development that is inconsistent with an approved Masterplan for the site. The LEP allows for a masterplan to provide planning standards that differ from those contained in a development control plan. The endorsed Masterplan for the site proposes development in accordance with planning standards that differ from those contained within the South Sydney DCP.
56. In 2003, the former South Sydney Council adopted a Masterplan for a mixed use development on the site comprising 8 building blocks with building heights ranging from 3 to 8 storeys + attic space, new east-west street and 5000sqm public open space at the northern end of the site.
57. The proposed building heights and layout is consistent with the endorsed Masterplan for the site. The proposed built form comprises seven new building blocks ranging in height from 3 to 8 storeys plus attic space spread across two development blocks divided by a new east-west street that forms as an extension of Crewe Place and new 5000sqm public park.
58. The proposed Stage 1 application satisfies the Masterplan test of consistency under Clause 27C of the LEP, allowing the consent authority to approve the subject application.

**Urban Design**

59. The Green Square DCP (Clause 3.2.1) encourages block edge building type development. The proposed building envelopes provides a courtyard block edge building type and provides adequate setbacks to all street frontages which generally relates to other buildings within the vicinity of the site. The building mass, scale and proportion of the building envelopes is consistent with the building height control as outlined in the endorsed Masterplan and maximum FSR applying to the site.
60. The design of the building envelopes includes differing heights to provide interest to relate to the context of the site. The varying building envelopes range in height from 3 storeys at the southern end of the site acknowledging the low density development of Rosebery and increasing in height further to the north of the site to 8 storeys plus attic along Rothschild Avenue where the former RTA building is located.
61. The site has a length of over 220m along Rothschild Avenue and Mentmore Avenue. The new road breaks up the large lot and provides a more permeable road pattern better suited to residential uses which will allow pedestrian/vehicle access and bike links from Crewe Place through to Mentmore Avenue.
62. The proposal improves upon the visual appearance which is currently afforded by the existing derelict buildings on the site and provides a generous amount of open space and deep soil zones.

**Provision of Public Open Space**

63. The Green Square DCP identifies the subject site as one of the two 'preferred locations' for a local park to meet the needs of the residents and workers in Open Space Catchment Area B. The DCP requires for this catchment that either one park of between 4,000-5,000sqm, or two parks with one being not less than 3,000sqm be provided. The development proposes one 5000sqm park. The DCP further states that the "Location may be altered in response to detailed Masterplanning or through negotiation of a planning agreement with developer(s)."
64. The 2003 endorsed Masterplan for the site included bonus FSR and a public domain works package. The package included provision of a public park of approximately 5000sqm on the northern part of the site. The cost to the applicant for dedicating the open space was offset by a higher development yield.
65. The Stage 1 DA is providing a 5000sqm public park at the northern end of the site consistent with the 2003 endorsed Masterplan. The existing Fig and Magnolia trees will be retained and incorporated into the new park which will provide character and amenity to the new park. A Landscape Plan has been submitted with the proposal which details the indicative embellishment of the park and additional tree plantings within the park which will be dedicated as part of the Stage 2 DA.



Figure 10: Indicative landscape treatment of new 5000sqm public park.

### Setbacks

66. The 2003 endorsed Masterplan featured a 6m setback to Rothschild Avenue and zero setback along Queen Street and Mentmore Avenue.
67. The Stage 1 application originally proposed a 6m setback to Rothschild Avenue and zero setback to Mentmore Avenue and 4 metre setback to Queen Street.
68. Notwithstanding the endorsed Masterplan zero lot setback Council officers raised concerns regarding the proposed zero setback to the boundary line along Mentmore Avenue as the development would adversely impact on the existing Melaleuca trees. As a result of further investigations regarding the trees, the extent of the tree canopy and root system the building envelopes were amended to provide a 2-3 metre building setback along Mentmore Avenue to ensure the retention and ongoing protection of the trees. This has been accommodated by shifting the buildings 2-3 metres to the west.
69. Due to the increased setback along Mentmore Avenue to protect and retain the trees the setback along Rothschild Avenue has been reduced to 4m. The reduction in the setback to Rothschild Avenue is considered acceptable as a minimum and the 4 metre setback will provide adequate space for landscaping and to expand the Public Domain.

### Solar Access and Overshadowing

70. Shadow diagrams have been provided which demonstrate the impact the proposal will have on adjoining and adjacent buildings.

71. The diagrams show that on the 21st June (winter solstice) there will be some overshadowing impacts to the adjoining residential dwellings to the south of the subject site between 9am and 12pm in mid-winter however the proposed development will not overshadow these dwellings from 12.30pm onwards. The diagrams also show that from 2pm there will be some overshadowing impacts to properties across Rothschild Avenue to the south east. However, the surrounding dwellings are able to maintain a minimum of 3 hours sunlight to their principle open space areas in mid-winter and as a result the proposal is considered acceptable.

### Demolition of all Structures

72. The proposal seeks to demolish all existing structures on the site and remove all materials with the exception of the slabs and to erect a perimeter fence.
73. The Stage 1 application does not include the erection of any buildings so therefore it is important that the demolition works will result in a site that contributes positively to the streetscape and the public domain. It is considered that the demolition of the existing vandalised and derelict buildings will in itself enhance the streetscape and amenity of the area as the buildings are detracting from the immediate and surrounding residential area. A Site Rectification Condition has been recommended to ensure that if the site remains vacant or there is a suspension in activity for longer than a 12 month period that Council will have the authority to require works to rectify the site.



**Figure 11:** Photo of former derelict RTA building.

74. The demolition works will not result in the loss of any trees on the site. The perimeter fencing will be located on the boundary and will consist of lifestyle graphics and other signage however this will be subject to a separate approval.
75. Due to the unique circumstances of the site (i.e. the 10 storey vacant derelict building and 4 other abandoned buildings) the demolition phase as part of the Stage 1 application is supported.



**Section 79C(1)(b) Other Impacts of the Development**

76. The proposed development will not result in any significant additional impacts other than those already identified and discussed above.

**BCA Matters**

77. The development is capable of satisfying the requirements of the BCA without significant modification.

**Section 79C (1) (c) Suitability of the site for the development**

78. The site is suitable for the proposed development. Site suitability has already been discussed in the table/issues section above.

**Section 79C (1) (e) Public Interest**

79. The proposed development is generally consistent with the relevant controls. In this regard it is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being imposed on any consent.

**POLICY IMPLICATIONS**

80. Not applicable to this report.

**FINANCIAL IMPLICATIONS - SECTION 94 CONTRIBUTIONS****Section 94 Contributions**

81. The proposal is a Stage 1 Development Application and should it be approved would not be subject to a Section 94 or Affordable Housing contributions as this would be addressed in a Stage 2 consent.

**PUBLIC CONSULTATION****Section 79C(1)(d)****Advertising and notification**

82. Adjoining and nearby owners and occupiers of buildings were notified of the proposal and invited to comment. In addition, notices were placed on the site and the proposal was advertised in the daily press in accordance with the provisions of the City of Sydney Notification of Planning and Development Applications Development Control Plan 2005.

Six (6) submissions were received. The grounds for objection are summarised as follows:-

- (a) There is no setback proposed along the Queen Street frontage. The development should be made to align with surrounding residential development and have a 5 to 6 metre setback.

**Comment:** The 2003 endorsed Masterplan featured a 6m setback to Rothschild Avenue and zero (nil) setback along Queen Street and Mentmore Avenue. The Stage 1 application proposes a 4m setback to Queen Street which is an improvement to the 2003 endorsed Masterplan.

- (b) Object to the 5 and 4 storey building located on the corner of Queen Street and Mentmore Avenue and Queen Street and Rothschild Avenue. Rosebery village is uniform in height being single storey.

**Comment:** Clause 27D of the South Sydney Local Environmental Plan requires the preparation of a Masterplan on land within Green Square. A Masterplan may propose planning standards that differ from those contained in a development control plan (Clause 27D). The 2003 endorsed Masterplan provides for planning standards that differ from the South Sydney DCP and under *the Environmental Planning and Assessment Amendment Act 2005* is now considered a deemed DCP. The proposed building heights that form part of the Stage 1 development and site layout are consistent with the endorsed 2003 Masterplan for the site (for more detail regarding the endorsed Masterplan refer to “Issues” section above).

- (c) Loss of privacy, overshadowing and traffic impacts.

**Comment:** The Stage 1 DA is for building envelopes and not a detailed design. Overshadowing impacts have been addressed above in the “Issues” section however the adjoining residential dwellings to the south and south east will be able to maintain a minimum of 3 hours sunlight to their private open space areas at the winter solstice (21st June) and is considered acceptable.

Access to the basement car parking for the southern block has been removed from Queen Street and relocated to the new street. This will reduce traffic impacts on Queen street and alleviate any conflict with the buses on Queen Street.

- (d) The southern end of the development is low density residential and it would be prudent to place the park at the Southern end of the development to form a land buffer between the new development and the low density residential to reduce the impact on the long term residents.

**Comment:** The 2003 endorsed Masterplan provides a 5000sqm public park located at the northern end of the site. The location of the park at the northern end of the site is consistent with the endorsed Masterplan and will allow for greater solar access to the public park due to its northern orientation (for more detail regarding the Public Park refer to “Issues” section above).

- (e) The new road is not a continuation of Crewe Place and appears to start where the pedestrian crossing is currently placed.

**Comment:** The location of the road has been amended to align the new east-west road with Crewe Place. The proposed new road breaks up the large lot, provides public accessibility through to Mentmore Avenue and provides a more permeable road pattern better suited to residential uses. The road is consistent with the endorsed 2003 Masterplan and the amended road alignment with Crewe Place represents a better design outcome. The location of the pedestrian crossing is currently located on the northern corner of Crewe Place and the new road.

**EXTERNAL REFERRALS****Commonwealth Airports (Protection of Airspace) Regulations 1996**

83. The proposal has been referred to the Sydney Airport Corporation in accordance with the requirement of Clause 8 of the *Airports (Protection of Airspace) Regulation 1996* as the development is a 'controlled activity' (a building which is proposed within 'prescribed airspace').
84. The Sydney Airport Corporation raises no objection to the proposal subject to a maximum height restriction of 51m AHD. This is consistent with the endorsed Masterplan and the approved heights are inclusive of all lift overruns, vents, chimneys, aerials, TV antennae etc.

**Energy Australia**

85. Energy Australia was notified of the proposed development. Energy Australia has advised that a substation is required on the premises.
86. A condition has been recommended requesting the location and placement of future sub stations required by Energy Australia are to be identified within any Stage 2 development application.

**Integrated Development**

87. The proposal is Integrated Development.
88. The NSW Office of Water has determined that a Licence under Part 5 of the *Water Act 1912* is required in relation to the subject development application. It has been identified that the proposed development may result in prolonged adverse impacts on groundwater resources if the required dewatering occurs on anything other than a temporary basis. Therefore, the proposal must not incorporate provision for the permanent or semi-permanent pumping of groundwater seepage from below-ground areas. To comply with this requirement, the construction of below-ground areas must incorporate a water proofing system (i.e. any basement void is to be designed and constructed as a fully tanked structure) with an adequate provision for future fluctuations of the water table level so that groundwater inflows do not occur.
89. The proposal is for a Stage 1 approval and demolition of existing buildings and clearing the surface of the site with the exception of slabs and any hardstand areas which will not impact on groundwater. Technical information will be provided to the NSW Office of Water as part of the Stage 2 assessment.

**INTERNAL REFERRALS**

90. The application was referred to Council's:
  - (a) Specialist Surveyor;
  - (b) Specialist Health Surveyor;
  - (c) Heritage Architect;
  - (d) Urban Designer;

- (e) Building Services Unit;
- (f) Health Unit;
- (g) Public Domain; and
- (h) Transport Management Unit.

91. No objection to the proposed development was raised, subject to the imposition of appropriate conditions. Appropriate conditions have been included in the recommendation of this report.

#### **RELEVANT LEGISLATION**

92. The Environmental Planning and Assessment Act 1979, Water Management Act 2000.

#### **CONCLUSION**

93. The proposal is consistent with the objectives, standards and guidelines of the relevant planning controls including the endorsed Masterplan and South Sydney DCP 1997.
94. The proposal has been demonstrated to respond appropriately to the constraints and context of the site and accordingly the Stage 1 application is recommended for approval, subject to a number of conditions.

#### **GRAHAM JAHN**

Director City Planning, Development and Transport

(Vanessa Aziz, Specialist Planner)