

ITEM 4. DEVELOPMENT APPLICATION: 1 HUTCHINSON WALK AND 6A VICTORIA PARK PARADE ZETLAND**FILE NO:** D/2011/1818**DEVELOPMENT APPLICATION NO:** D/2011/1818**SUMMARY****Date of Submission:** 9 November 2011

Amended - 24 May 2012

Applicant: Henlia No. 21 Pty Ltd**Architect:** Turner & Associates**Proposal Summary:** The subject application seeks consent for a Stage 2 development application for the detailed design of 5 residential apartment buildings ranging in height from 6 to 15 storeys, and encompasses the following:

- excavation for basement car parking levels;
- 322 residential apartments;
- 326 car parking spaces;
- landscaping and public domain works; and
- staged construction.

The notification of the application resulted in five (5) submissions being received and objecting to the following matters:

- compliance with the Victoria Park Masterplan;
- overdevelopment of the site;
- lack of non-residential floor space within development;
- lack of distinctive architecture;
- insufficient car parking; and
- cumulative traffic impacts.

Preliminary concerns identified with the proposal in the assessment related to consistency with the Masterplan, residential amenity, the public domain/ground floor level interface and architectural design of the buildings. Amended plans and additional information have been submitted to address these issues.

In its amended form, the proposal is considered to be consistent with the Refined Victoria Park Masterplan 2003 and relevant planning controls. The amended design provides an architectural form which responds appropriately to the constraints and opportunities of the site and achieves a satisfactory design outcome and streetscape presentation.

The proposed excavation may enter the natural water table, requiring separate approval under the *Water Management Act 2000*. As such the development application is an Integrated application. The New South Wales Office of Water has granted its general terms of approval to the proposal.

The proposal requires concurrence from Roads and Maritime Services under the State Environmental Planning Policy (Infrastructure) 2007. The Roads and Maritime Services has given its concurrence.

Subject to the imposition of the recommended conditions, and when considered in the context of the Victoria Park redevelopment site as a whole, the proposal is considered to be a satisfactory design outcome.

Summary Recommendation: Development Application No. D/2011/1818 is recommended for approval, subject to conditions.

Development Controls:

- (i) South Sydney Local Environmental Plan 1998 (Gazetted 28 April 1998, as amended)
- (ii) Sydney Draft Local Environmental Plan 2011
- (iii) Victoria Park Refined Master Plan (as amended) 2003 - deemed DCP
- (iv) South Sydney Development Control Plan 1997 - Urban Design (in force on 2 July 1997, as amended)
- (v) Green Square Affordable Housing Development Control Plan
- (vi) City of Sydney Notification of Planning and Development Applications Development Control Plan 2005 (date of commencement - 18 May 2005)
- (vii) Development Control Plan No. 11 - Transport Guidelines for Development 1996 (Adopted 8 May 1996)
- (viii) City of Sydney Contaminated Land Development Control Plan 2004 (in force on 28 June 2004)
- (ix) City of Sydney Access Development Control Plan 2004 (in force on 28 June 2004)

Developer Contributions:

- (x) City of Sydney Development Contributions Plan 2006

Attachments:

- A - Architectural Plans
- B - Photomontages

RECOMMENDATION

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

SCHEDULE 1A**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.

(1) STAGED CONSTRUCTION

This consent allows staging of works into 3 stages, with these stages referred to as follows:

(a) Stage 1:

- (i) Excavation of basement levels 1 and 2;
- (ii) Construction of Buildings B, C and D;
- (iii) Construction of slabs at ground and first floor only for Buildings A and E (not occupied);
- (iv) Construction and landscaping of the northern component of the podium communal courtyard; and
- (v) Construction of the Linear Park (Lot 306).

(b) Stage 2:

- (i) Construction of Building E and ground floor gymnasium; and
- (ii) Construction and landscaping of the southwestern corner of the podium communal courtyard.

(c) Stage 3:

- (i) Construction of Building A; and
- (ii) Construction and landscaping of the southeastern corner of the podium communal courtyard.

Various conditions in this consent make reference to the requirements of conditions as they may refer to each stage.

(2) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2011/1818, dated 9 November 2011, and the following drawings:

Drawing Number	Architect	Date
DA100 Revision R <i>Basement Level 02</i>	Turner & Associates	14 May 2012
DA101 Revision S <i>Basement Level 01</i>	Turner & Associates	14 May 2012
DA102 Revision T <i>Level 01</i>	Turner & Associates	14 May 2012
DA103 Revision U <i>Level 02</i>	Turner & Associates	14 May 2012
DA104 Revision G <i>Level 03</i>	Turner & Associates	14 May 2012
DA105 Revision U <i>Level 04</i>	Turner & Associates	14 May 2012
DA106 Revision U <i>Level 05</i>	Turner & Associates	14 May 2012
DA107 Revision G <i>Level 06</i>	Turner & Associates	14 May 2012
DA108 Revision U <i>Level 07</i>	Turner & Associates	14 May 2012
DA109 Revision G <i>Level 08</i>	Turner & Associates	14 May 2012
DA110 Revision T <i>Level 09</i>	Turner & Associates	14 May 2012
DA111 Revision U <i>Level 10</i>	Turner & Associates	14 May 2012
DA112 Revision G <i>Level 11-12</i>	Turner & Associates	14 May 2012
DA113 Revision A <i>Level 13-15</i>	Turner & Associates	14 May 2012
DA115 Revision F <i>Roof Plan/Site Plan</i>	Turner & Associates	14 May 2012
DA201 Revision G <i>North Elevation</i>	Turner & Associates	14 May 2012
DA202 Revision G <i>East Elevation</i>	Turner & Associates	14 May 2012

Drawing Number	Architect	Date
DA203 Revision H <i>South Elevation</i>	Turner & Associates	14 May 2012
DA204 Revision H <i>West Elevation</i>	Turner & Associates	14 May 2012
DA301 Revision F <i>Section A</i>	Turner & Associates	14 May 2012
DA302 Revision F <i>Section B</i>	Turner & Associates	14 May 2012
DA303 Revision F <i>Section C</i>	Turner & Associates	14 May 2012
DA304 Revision F <i>Section D</i>	Turner & Associates	14 May 2012
DA600 Revision F <i>Adaptable & Visitable Apartments</i>	Turner & Associates	14 May 2012

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.

(3) DESIGN MODIFICATIONS

The design of the development must be modified as follows:

- (a) The garbage collection/holding area shall be redesigned to incorporate the following:
- (i) Provision of a single vehicular access point from Kirby Walk;
 - (ii) Deletion of the vehicular egress and crossover to George Julius Avenue;
 - (iii) Provision of a turntable within the garbage collection room to ensure all vehicles can enter and exit the site in a forward direction
 - (iv) The garbage collection room must be designed to accommodate for residential removal vehicles and bulky goods/furniture deliveries vehicles; and
 - (v) The garbage collection room and turn table must be designed to accommodate a Council waste collection vehicle as defined in the City's "*Policy for Waste Minimisation in New Developments*".
 - (vi) The developer must submit the following information:

- a. Amended architectural plans, including Level 01 (Drawing No. DA102) and East Elevation (Drawing No. DA202) and any other accompanying plans and documentation shall be submitted to illustrate the deletion of the crossover in George Julius Avenue;
- b. Amended detailed driveway plans shall be submitted illustrating both of the following options:
- c. A standard driveway crossover at the kerb line to Kirby Walk; and
- d. A driveway with kerb extensions similar to those proposed to the basement car park entry from George Julius Avenue.
- e. Both options will be assessed by Council Officer's on traffic safety, loss of on-street car parking, impacts on drainage and architecture/urban design of the development.
- f. Swept path analysis prepared by a suitably qualified Traffic Engineer, shall accompany the amended plans illustrating the vehicle entering and exiting the garbage collection room, as well as a clear path of rotation for the vehicle when on the turntable.

The modifications are to be submitted to and approved by to the Director City Planning, Development and Transport prior to the issue of any **Stage 1 Construction Certificate**.

(4) DESIGN DETAILS (MAJOR DEVELOPMENT)

(5) DESIGN QUALITY EXCELLENCE

(6) FLOOR SPACE RATIO

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the residential use must not exceed 4.44:1 (for Lot 305 only) calculated in accordance with the South Sydney Local Environmental Plan 1998. For the purposes of the calculation of FSR, the total Gross Floor Area for the development of Lot 305 is 29,852sqm.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under South Sydney Local Environmental Plan 1998, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

(7) BUILDING HEIGHT

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

	RL to the Top of the Lift overrun and Plant	RL to the Parapet of the Building
Building A	71.20	70.40
Building B	43.70	41.70
Building C	56.10	54.15
Building D	50.00	47.90
Building E	49.40	47.65

- (b) Prior to a **final** Occupation Certificate being issued, a Registered Surveyor must provide certification that the height of the building accords with (a) above, to the satisfaction of the Principal Certifying Authority.

(8) APPROVED DESIGN ROOF - TOP PLANT

(9) USE OF COMMON AREAS AND FACILITIES

(10) ADAPTABLE APARTMENTS

Prior to the issue of a Stage 1 Construction Certificate amended plans shall be submitted to and approved by the Director City Planning, Development and Transport to illustrate the provision of 48 adaptable units within the development.

(11) SECTION 94 SOUTHERN PRECINCT CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2006

As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 (as amended), and City of Sydney Section 94 Contributions Development Contributions Plan 2006 the following monetary contributions towards the cost of providing facilities and amenities are required at the following stages.

Contribution payable at Stage 1 Construction Certificate:

<u>Contribution Category</u>	<u>Amount</u>
Community Facilities	\$432,704.73
Public Domain	\$266,521.16
New Open Space	\$2,076,671.47
New Roads	\$527,415.98
Accessibility	\$21,875.07
Management	\$23,651.99
Stage 1 Total:	\$3,348,840.40

Contribution payable at Stage 2 Construction Certificate:

<u>Contribution Category</u>	<u>Amount</u>
Community Facilities	\$81,878.24
Public Domain	\$50,432.27
New Open Space	\$392,956.66
New Roads	\$99,799.91
Accessibility	\$4,139.29
Management	\$4,475.33
Stage 2 Total:	\$633,681.91

Contribution payable at Stage 3 Construction Certificate:

<u>Contribution Category</u>	<u>Amount</u>
Community Facilities	\$279,762.36
Public Domain	\$172,317.48
New Open Space	\$1,342,658.09
New Roads	\$340,997.28
Accessibility	\$14,143.18
Management	\$15,292.04
Stage 3 Total:	\$2,165,170.42

The above payments will be adjusted according to the relative change in the Consumer Price Index using the following formula.

$$\text{Contributions at Time of Payment} = C \times \text{CPI}_2 / \text{CPI}_1$$

where:

C is the original contribution amount as shown above;

CPI₂ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and

CPI₁ is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being – March 2012.

The nominated contribution for a stage must be paid prior to issue of a Construction Certificate for that stage. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. Personal or company cheques will not be accepted.

Please contact Council's Planning Administration staff at planningsystemsadmin@cityofsydney.nsw.gov.au to confirm the amount payable, prior to payment.

Copies of the City of Sydney Section 94 Development Contributions Plan 2006 may be inspected at Council's offices.

(12) AFFORDABLE HOUSING CONTRIBUTION - GREEN SQUARE - PAYMENT OF MONEY IN LIEU OF FLOOR SPACE

In accordance with Clause 27P of South Sydney Local Environmental Plan 1998 (as amended), and **prior to a Construction Certificate being issued for each stage**, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid at the office of the Department of Planning or a bank guarantee in favour of The Department of Planning to the value of the required contribution has been lodged.

The contribution for each stage is detailed as follows:

Stage 1 Contribution:

The contribution is **\$2,480,930.62** based on the in lieu monetary contribution rate for residential development at \$136.57 per square metre of total residential floor area **18,166sqm**. Contributions will be indexed in accordance with the formula set out below.

Stage 2 Contribution:

The contribution is **\$399,740.39** based on the in lieu monetary contribution rate for residential development at \$136.57 per square metre of total residential floor area **2,927sqm**. Contributions will be indexed in accordance with the formula set out below.

Stage 3 Contribution:

The contribution is **\$1,548,020.95** based on the in lieu monetary contribution rate for residential development at \$136.57 per square metre of total residential floor area **11,335sqm**. Contributions will be indexed in accordance with the formula set out below.

Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the applicant must provide evidence that the bank guarantee referred to above has been redeemed as payment of this contribution. If the contribution is paid after the indexation period in which the consent is granted 1 March 2012 to 28 February 2012, the amount of the contribution will be indexed in accordance with the formula set out below.

Notes:

(a) Applicants have two payment options:

Option 1 is payment by bank cheque using 'Form B - Receipt to Release Certificate of Construction after payment by Bank Cheque'. Form B must be obtained from the Green Square Project Team in the City Strategy and Design Unit at the City of Sydney, and then must be lodged with a bank cheque with the NSW Department of Planning.

Option 2 is lodgement of a bank guarantee using 'Form A - Receipt to Release Certificate of Construction after lodgement of Bank Guarantee'. Form A must be obtained from the Green Square Project Team in the City Strategy and Design Unit at the City of Sydney, and then must be lodged with a Bank Guarantee with the NSW Department of Planning.

Where Form A has been used, an occupation certificate will not be released until payment by bank cheque using 'Form C - Receipt to Release Certificate of Occupancy after payment by Bank Cheque'. Form C must be obtained from the Green Square Project Team in the City Strategy and Design Unit at the City of Sydney and then must be lodged with a bank cheque with the NSW Department of Planning.

(b) Applicants are made aware that the contribution amount quoted in this condition may not be final and that a correct indexed affordable housing contribution amount can be obtained from the relevant Form A, B or C at time of payment.

(c) Forms A, B or C for payment of the affordable housing contribution can only be obtained from the City of Sydney, 456 Kent Street Sydney. Quote the development application number and the relevant Council officer will provide the applicant with an indexed contribution amount which must be paid at the Department of Planning. To arrange payment, contact the Housing Policy Team, NSW Department of Planning on Ph: 9228 6111 or Fax: 9228 6455 to arrange a time for payment.

(d) The contribution will be indexed on the basis of the Established House Price Index for Sydney as published by the Australian Bureau of Statistics.

(e) Contributions at Time of Payment = $C \times \text{HPI}_2 / \text{HPI}_1$, where:

(i) C is the original contribution amount as shown above;

(ii) HPI_2 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of the payment; and

(iii) HPI_1 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics that applied at the date of the consent 1 March 2012 to 28 February 2013.

The amount of the monetary contribution is calculated on the total floor area (not a percentage of it). Contribution = (total residential floor area (sqm) x residential rate (\$)) + (total non-residential floor area (sqm) x non-residential rate (\$)) + (total non-residential floor area (sqm) x non-residential rate (\$))

(13) RESTRICTION ON RESIDENTIAL DEVELOPMENT

(14) RESTRICTION ON USE OF CAR SPACES - RESIDENTIAL

(15) PROHIBITION ON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME APPLICATION OF CITY OF SYDNEY PERMIT PARKING POLICY - INELIGIBILITY FOR RESIDENT PARKING PERMITS

(16) SIGNAGE TO INDICATE NON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME

(17) CAR PARKING SPACES AND DIMENSIONS

A maximum of 326 off-street car parking spaces must be provided. The allocation of the spaces is to be as follows:

Residential	272
Visitor	54

The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan. The details must be submitted to and approved by the Principal Certifying Authority **prior to the Stage 1 Construction Certificate being issued.**

(18) BICYCLE PARKING

(19) SERVICE VEHICLES

Adequate space must be provided to allow manoeuvring and turning of the different sized vehicles. The design, layout, signage, line marking, lighting and physical controls for all service vehicles must comply with the minimum requirements of '*Australian Standard AS 2890.2 – 2002 Off-Street Parking Part 2: Commercial vehicle facilities*'. Details must be submitted to and approved by the Certifying Authority prior to a **Stage 1 Construction Certificate being issued.**

(20) SERVICE VEHICLE SIZE LIMIT

The size of vehicles servicing the property must be a maximum length of 9.6 metres.

(21) ALLOCATION FOR CAR WASH BAYS

(22) ALLOCATION FOR VISITOR PARKING

(23) ACCESSIBLE PARKING SPACE

- (24) ALLOCATION OF ACCESSIBLE CAR PARKING SPACES
- (25) LOCATION OF ACCESSIBLE CAR PARKING SPACES
- (26) LOCATION OF VISITOR PARKING
- (27) INTERCOM FOR VISITORS
- (28) VEHICLE ACCESS
- (29) SIGNS AT EGRESS
- (30) SECURITY GATES
- (31) VEHICLE FOOTWAY CROSSING
- (32) LOADING WITHIN SITE
- (33) LOADING/PARKING KEPT CLEAR
- (34) TRAFFIC WORKS
- (35) ASSOCIATED ROADWAY COSTS
- (36) COST OF SIGNPOSTING
- (37) COMPLIANCE WITH ACOUSTIC REPORT

The development shall be designed and constructed to include the recommendations in the Acoustic Report (Ref:20110805.1/1810A/R2/GC), dated 18 October 2011 and prepared by Acoustic Logic.

A statement prepared by an accredited Acoustic Consultant shall be submitted to the Council a minimum of one (1) month **prior to the issue of an Occupation Certificate for each stage of the development** certifying that the acoustic mitigation measures identified in the Acoustic Assessment Report, dated 18 October 2011 and prepared by Acoustic Logic are suitably incorporated into the development, and the internal noise amenity criteria stated within the subject report have been met **prior to issue of an Occupation Certificate for each Stage**.

- (38) NOISE USE
- (39) ACOUSTIC VERIFICATION REPORT - MECHANICAL SERVICES

A further Acoustic Assessment must be submitted to Council for review **prior to the issue of a Stage 1 Occupation Certificate** outlining the extent of the mechanical services provided within the development and confirming that resultant maximum individual and combined operational noise levels complies with the City of Sydney "Noise Use" condition which forms part of the consent . Should the report indicate that resultant noise levels exceed the noise criteria then further acoustic controls must be implemented as recommended by the acoustic consultant to ensure ultimate compliance.

The report must be prepared by an appropriately qualified Acoustic Consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants

- (40) AIR CONDITIONERS IN RESIDENTIAL BUILDINGS**
- (41) SWIMMING POOL/SPA PUMPS IN RESIDENTIAL PREMISES**
- (42) EXTERNAL LIGHTING**
- (43) REFLECTIVITY**
- (44) DEWATERING**
- (45) WASTE AND RECYCLING COLLECTION**

SCHEDULE 1B**Prior to Construction Certification/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.

- (46) SYDNEY AIRPORT REFERRAL**
- (47) NO WORKS PRIOR TO A CONSTRUCTION CERTIFICATE**
- (48) LAND SUBDIVISION - SEPARATE DA REQUIRED**
- (49) STRATA SUBDIVISION - SEPARATE DA REQUIRED**
- (50) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA**
- (51) BASIX CERTIFICATE - DETAILS TO BE LODGED WITH A CC**
- (52) FIRE SAFETY CERTIFICATE TO BE SUBMITTED**
- (53) STRUCTURAL CERTIFICATION FOR DESIGN - BCA (ALL BUILDING CLASSES)**
- (54) ANNUAL FIRE SAFETY STATEMENT FORM**
- (55) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL**
- (56) CONSTRUCTION TRAFFIC MANAGEMENT PLAN**
- (57) DEMOLITION, EXCAVATION AND CONSTRUCTION NOISE MANAGEMENT PLAN**
- (58) EROSION AND SEDIMENT CONTROL - MORE THAN 2,500SQM**

- (59) DILAPIDATION REPORT - MAJOR EXCAVATION
- (60) TEMPORARY GROUND ANCHORS, TEMPORARY SHORING AND PERMANENT BASEMENT/RETAINING WALLS AFFECTING THE ROAD RESERVE
- (61) ROAD OPENING PERMIT
- (62) APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE
- (63) BARRICADE PERMIT
- (64) FOOTPATH DAMAGE BANK GUARANTEE
- (65) ALIGNMENT LEVELS
- (a) Prior to of a **Stage 1 Construction Certificate** being issued, footpath alignment levels for the building and Linear Park must be submitted to Council for approval. The submission must be prepared by a Registered Surveyor and must be in accordance with the City of Sydney's Public Domain Manual.
 - (b) These alignment levels, as approved by Council, are then to be incorporated into the plans submitted with the application for a **Stage 1 Construction Certificate**, excluding a Construction Certificate for approved preparatory, demolition or shoring work.
 - (c) If a Public Domain Plan condition applies to the development the Alignment Levels application must be made concurrently with the submission of a Public Domain Plan.

(66) PUBLIC DOMAIN PLAN

The Public Domain Plan accompanying this Development Application has not been 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 and be approved by Council **prior to the Stage 1 Construction Certificate being issued** for any new building work (including internal refurbishments) excluding approved preparatory, demolition or shoring work.

The Public Domain Plan must be prepared in accordance with the City of Sydney's Public Domain Manual and must be generally consistent with the conditions, treatments and finishes approved under the Public Domain Masterplan (DU/2000/00759) and the Victoria Park Masterplan.

If an Alignment Levels condition applies to the development, the Public Domain Plan submission must be made concurrently with the Alignment Levels application.

Details of public domain works staging (if any) are to be submitted with the Public Domain Plan for approval by Council.

The works to the public domain as they relate to each stage (to be approved by Council) are to be completed in accordance with the approved plan and the Public Domain Manual before any Occupation Certificate is issued in respect to each stage of the development or before the use commences, whichever is earlier.

Note: A Public Domain Works Guarantee deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual. The Public Domain Works Guarantee must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.

Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Road Opening Permit for works on the public way being issued.

The Bank Guarantee may be partially released following completion of each distinct stage of the public domain works related to the development stages.

The Bank Guarantee value associated with each stage of public domain works will be retained in full until all Public Domain works for that stage are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities for the stage will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

(67) PUBLIC DOMAIN AND LINEAR PARK WORKS - HOLD POINTS AND HANDOVER

- (a) Prior to the **Stage 1 Construction Certificate** being issued for a new building work, excluding approved preparatory, demolition and shoring work, a set of hold points for approved public domain and civil construction work is to be determined with and approved by the City's Public Domain section in accordance with the City's Public Domain Manual.
- (b) Completion and handover (as required) of the constructed public domain and park works is to be undertaken in accordance with the City's Public Domain Manual, including requirements for as-built documentation, certification and defects liability period.

(68) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

- (a) Prior to a Construction Certificate being issued for **Stage 1** works, details of the proposed stormwater disposal and drainage from the development and details of the provision and maintenance of overland flow paths must be submitted to and approved by Council. All approved details for the disposal of stormwater and drainage are to be implemented in the development.

- (b) Any proposed connection to the Council's underground drainage system will require the owner to enter into a Deed of Agreement with the Council and obtain registration on Title of a Positive Covenant prior to Construction Certificate being issued and prior to the commencement of any work within the public way.
- (c) An "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.

(69) FLOOD ASSESSMENT REPORT

The development shall be constructed in accordance with the recommendations contained within the report prepared by WMA Water, titled *Flood Assessment Lot 305 Victoria Park Zetland Final Report*, dated October 2011. Details shall be submitted to the Certifying Authority demonstrating that the development has been constructed in accordance with the recommendations contained within this report.

(70) PRESERVATION OF SURVEY MARKS

(71) LANDSCAPING OF THE SITE (LOT 305)

- (a) A detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted to and approved by Council prior to the issue of the Stage 1 Construction Certificate. The plan must include:
 - (i) Location of existing and proposed structures on the site including existing trees (if applicable);
 - (ii) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
 - (iii) The minimum soil depth for planting on slab shall be 1000mm for trees, 600mm for shrubs and 300mm for turf and grasses, over and above all drainage materials. Reduced planter depth may be acceptable pending approval of the planter bed width, depth, irrigation and species selection by Council.
 - (iv) Location, numbers and type of plant species;
 - (v) Details of planting procedure and maintenance;
 - (vi) Details of drainage and watering systems;
 - (vii) Details of landscape staging and any temporary works (if any) including fencing, drainage, irrigation capping, planter retaining structures or similar.
- (b) Prior to the issue of the Stage 1 Construction Certificate, a maintenance plan is to be submitted to and approved by the Principal Certifying Authority. The maintenance plan is to be complied with during occupation of the property.

- (c) All landscaping in the approved plan is to be completed prior to an Occupation Certificate being issued.

(72) PAVING MATERIALS

(73) NO ENCROACHMENT INTO PUBLIC DOMAIN

(74) LINEAR PARK DESIGN AMENDMENT (LOT 306)

The design of the Linear Park is to be further resolved in consultation with Council's Public Domain Section. The following design modifications are to be included;

- (a) The proposed landscape treatment must be fully integrated with the public domain treatments to Kirby Walk, Gadigal Avenue and Victoria Park Parade.
- (b) The design must provide a strong connection between the green spaces to the north and south and the overall Victoria Park public domain network.
- (c) Lighting to the park paths is to be provided to Council and Australian Standards
- (d) Building entries are not to dictate the design of the park including, planting design and path layout.
- (e) Landscape treatments and finishes are to be to City standards, the City's Public Domain Manual and must be generally consistent with the conditions, treatments and finishes approved under the Public Domain Masterplan (DU/2000/00759) and the Victoria Park Masterplan.
- (f) Details of the water treatment zone are to be provided including documentation of the proposed catchment area and water volumes, water depth at high and low flow, rubbish collection measures, and ground levels.

Three copies of a detailed Linear Park landscape plan documented to a level of detail consistent with construction documentation must be prepared by an architect, urban designer or landscape architect and must be lodged with Council's Public Domain Section and be approved by Council prior to the **Stage 1 Construction Certificate** being issued for any new building work (including internal refurbishments) excluding approved preparatory, demolition or shoring work.

The works to the Linear Park are to be completed in accordance with the approved plan and the Public Domain Manual before the first Occupation Certificate for the development is issued or before the use commences, whichever is earlier.

(75) DEMOLITION/SITE RECTIFICATION (if cost is under \$50m)

The following conditions apply to the development:

- (a) Demolition or excavation must not commence until a **Stage 1 Construction Certificate** has been issued for construction of the substantive building.
- (b) Prior to a **Stage 1 Construction Certificate** being issued, 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.
- (c) Without limiting the generality of paragraph (b), the Deed must provide for:
 - (i) a bank guarantee to be provided in the sum of \$2,046,750.00 dollars as security for the costs of such works provided that:
 - a. the maximum liability under the Deed must not exceed \$2,046,750.00 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;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:
 - e. make the building safe and of an appearance acceptable to Council at ground level;
 - f. allow the ground level to be landscaped and of an appearance acceptable to Council from any public vantage point; or
 - g. for the hole to be covered to allow it to be landscaped and made attractive from any public vantage-point; or

- h. 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 tenatable stage;

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

- (d) If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in a building site which has an appearance not acceptable to Council, then the Council will have the readily enforceable rights to:
 - (i) require certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (c) (ii) e – h to take place on the site; and
 - (ii) 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.
- (e) The Deed may provide for the release of the Bank Guarantee at such time that the Final Occupation Certificate for the approved development is issued. If the approved development also relates to works to existing buildings, the relevant Final Occupation Certificate is the one that relates to that part of the approved development which involves the demolition and new construction.

(76) ELECTRICITY SUBSTATION

(77) TELECOMMUNICATIONS PROVISIONS

(78) UTILITY SERVICES

(79) REDUCTION OF NOISE FROM EXTERNAL SOURCES (RESIDENTIAL AND SERVICED APARTMENTS)

(80) ACOUSTIC PRIVACY BETWEEN UNITS

(81) AIRCRAFT NOISE

(82) FLOOR TO CEILING HEIGHT

(83) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES

(84) ADAPTABLE HOUSING

(85) PHYSICAL MODELS

(86) SUBMISSION OF ELECTRONIC MODELS PRIOR TO CONSTRUCTION CERTIFICATE AND PRIOR TO OCCUPATION CERTIFICATE

(87) SWIMMING POOL/SPA

(88) MINIMISE IMPACT OF SPA ON NEIGHBOURING PROPERTIES

- (89) SWIMMING POOL - WASTE AND OVERFLOW WATERS**
- (90) MECHANICAL VENTILATION**
- (91) CAR PARK VENTILATION**
- (92) MICROBIAL CONTROL**
- (93) CONTROL OF LEGIONNAIRES DISEASE**
- (94) WATER POLLUTION**

SCHEDULE 1C

During Construction/Prior to Occupation/Completion

- (95) OCCUPATION CERTIFICATE TO BE SUBMITTED**
- (96) SURRENDER OF PRIOR CONSENT**

Prior to the issue of any Occupation Certificate for the development, the applicant/developer must surrender the existing development consent for the site pursuant to D/2008/1939.

- (97) RIGHT OF PEDESTRIAN ACCESS**

Prior to the issue of a Stage 1 Occupation Certificate, evidence must be submitted to Council to indicate that either:

- (a) An easement has been registered on the title of Lot 306 DP1063152 to permit a right of pedestrian access across this allotment to benefit the residents of Building D and E of Lot 305 DP 1063152; or
- (b) That Lot 306 DP 1063152 has been dedicated to Council as public open space.

- (98) BASIX**
- (99) HOURS OF WORK AND NOISE - OUTSIDE CBD**
- (100) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS**
- (101) NOTIFICATION OF EXCAVATION WORKS**
- (102) USE OF APPLIANCE OF A HIGHLY INTRUSIVE NATURE**
- (103) SYDNEY WATER CERTIFICATE**
- (104) PROTECTION OF STREET TREES DURING CONSTRUCTION**
- (105) COVERING OF LOADS**
- (106) VEHICLE CLEANSING**
- (107) LOADING AND UNLOADING DURING CONSTRUCTION**

(108) ACCESS DRIVEWAYS TO BE CONSTRUCTED

(109) NO OBSTRUCTION OF PUBLIC WAY

(110) USE OF MOBILE CRANES

(111) EROSION AND SEDIMENT CONTROL

(112) HAZARDOUS AND INDUSTRIAL WASTE

(113) SURVEY

(114) SURVEY CERTIFICATE AT COMPLETION

(115) STREET NUMBERING - MAJOR DEVELOPMENT

SCHEDULE 2

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

SCHEDULE 3

(116) RMS CONCURRENCE CONDITIONS

- (a) Priority and circulation arrangements within the car park should be clearly defined to ensure orderly and safe traffic movement.
- (b) The proposed pedestrian accesses shall comply with AS 1428 for access and mobility.
- (c) Vegetation and proposed landscaping/fencing must not hinder sightlines to and from the proposed access driveways to pedestrians and cyclists along George Julius Avenue.
- (d) All vehicles shall enter and exit the site in a forward direction.
- (e) The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) are to be in accordance with AS 2890.1 - 2004.
- (f) All works/regulatory signposting associated with the proposed development are to be at no cost to the RTA.

SCHEDULE 4

Terms of Approval

Integrated Development Approvals

The Terms of Approval for Integrated Development as advised by the NSW Office of Water are as follows:

(117) 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:
 - (i) 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.
 - (ii) 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.
 - (iii) 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.
 - (iv) 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.

- (v) 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.

(118) 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:
- (i) The treatment to be applied to the pumped water (tailwater) to remove any contamination.
 - (ii) 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.
 - (iii) 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:
- (i) 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.
 - (ii) 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.
 - (iii) Locations of settlement monitoring points, and schedules of measurement.

(119) 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 site is located within the suburb of Zetland, which is located approximately 3 kilometres south the Sydney CBD. The site is located within the Victoria Park redevelopment and within the boundaries of the Green Square urban renewal area. The subject site being located approximately 1 kilometre northeast of the Green Square railway station.
2. The site has a legal description of Lots 305 and 306, DP 1063152 and is commonly known as 1 Hutchinson Walk and 6A Victoria Park Parade, Zetland, respectively.
3. The site is generally rectangular in shape with a splay at the northwestern corner on its Gadigal Avenue frontage. The site has four street frontages and is bounded by Gadigal Avenue and Hutchinson Walk to the north, George Julius Avenue to the east, Kirby Walk to the south and Victoria Park Parade to the west. The sites have a collective area of 8,187sqm, which comprises of 6,721sqm for Lot 305 and 1,466sqm for Lot 306. The site is currently vacant with the exception of a 1.8m high wire mesh fence on its perimeter.
4. The site is located within the southwestern section of Victoria Park. **Figures 1 and 2**, below, illustrates the boundaries of Victoria Park and the context of the subject site.



Figure 1 - Location Plan



Figure 2 - An aerial view of the site and Victoria Park looking east

Surrounding Development

5. As illustrated in **Figure 2**, above, the site is the last remaining undeveloped site within this southern-most portion of Victoria Park.
6. Development directly to the south of the site, on the southern side of Kirby Walk and located outside the boundaries of Victoria Park, is the site at 114-120 Joynton Avenue. This site is also referred to as the 'Xerox' site. Deferred commencement consent was granted on 18 August 2011 for the demolition of the existing structures and construction of 6 new residential apartment buildings, ranging in height from 4 to 10 storeys and comprising 345 apartments, 2 levels of basement car parking for 312 vehicles, 2 new north-south roads and landscaping and public domain works. **Figures 3** and **4** illustrate the existing site and the approved development currently under construction on the 'Xerox' site.
7. To the north of the site, on the opposite side of Gadigal Avenue and Hutchinson Walk, is both public open space known as Joynton Park and the 4-15 storey mixed use development at 2 Hutchinson Walk and 3 Defries Avenue (the 'Form' development) (refer to **Figures 5** and **6**, respectively).
8. **Figure 7**, illustrates the development located directly to the east of the site, being Nuffield Park and the 5-15 storey residential apartment building at 5 Defries Avenue, known as the 'WeLive' development.
9. Included within the subject development site is Lot 306 and the proposal includes the delivery of the 'Linear Park'. Further westwards, on the opposite side of Victoria Park Parade, is the 'Nest' residential apartment building, which ranges in height between 6 and 9 storey (refer to **Figure 8**, below).



Figure 3 - The 'Xerox' site as viewed from Kirby Walk



Figure 4 - A photomontage of Buildings E and F on the 'Xerox' site, located directly to the south of the site



Figure 5 - View of Joynton Park looking northwards



Figure 6 - The 'Form' development located to the north of the site fronting Gadigal Avenue and Hutchinson Walk



Figure 7 - View of Nuffield Park and 'WeLive' development to the east of the site



Figure 8 - View of 'Nest' development to the west of the site

Relevant History of the Site

Victoria Park Masterplan

10. The former South Sydney Council endorsed a Masterplan for Victoria Park on 10 February 1999. The Masterplan approved the following works:
 - (a) Provision of up to 611,700sqm of mixed-use gross floor area, representing a FSR of 2.5:1 across the site as a whole;
 - (b) Up to 1,800 new residential dwellings;
 - (c) 150,000sqm of commercial and retail gross floor area along the South Dowling Street corridor strip of the site;
 - (d) Building heights ranging between 3 and 14 storeys, being predominately 4-storeys and 6-storeys for the South Dowling Street corridor, with 14-storey tower elements; and
 - (e) Building envelopes are predominately perimeter blocks with centralised courtyards, with slimline towers to marking the major entry points to the site.

The Refined Victoria Park Masterplan

11. The Masterplan was amended in both December 1999 and December 2003. The Refined Victoria Park Masterplan (2003) is the most relevant to the subject site, with the following amendments made to the originally endorsed Masterplan:
 - (a) Increases in height along the Gadigal Avenue frontage of the site to 9 storeys;
 - (b) Relocating the tower to the southeastern portion of the site and increasing the maximum height of this tower element to 15 residential storeys;
 - (c) Limiting the floor plates of all residential towers to a maximum of 700sqm; and
 - (d) Development on the eastern boundary of the site, fronting Nuffield Park, should be 4 or 5 storeys (with 5th storey setback) to reflect the predominant scale of residential streets within Victoria Park.
12. **Figures 9 and 10**, below, illustrates the variation in building heights that resulted on the subject site from the 2003 amendments to the Victoria Park Masterplan.

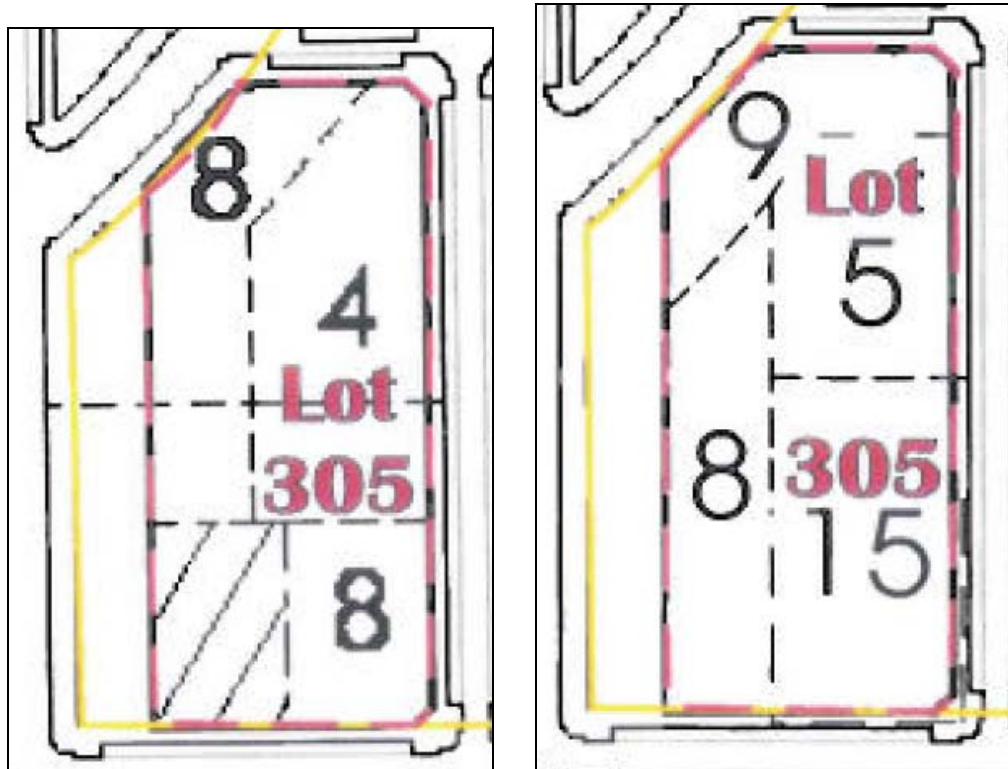


Figure 9 - The building heights (in storeys) for the site as detailed in the 1998 Masterplan (left) and as amended by the 2003 Masterplan (right).

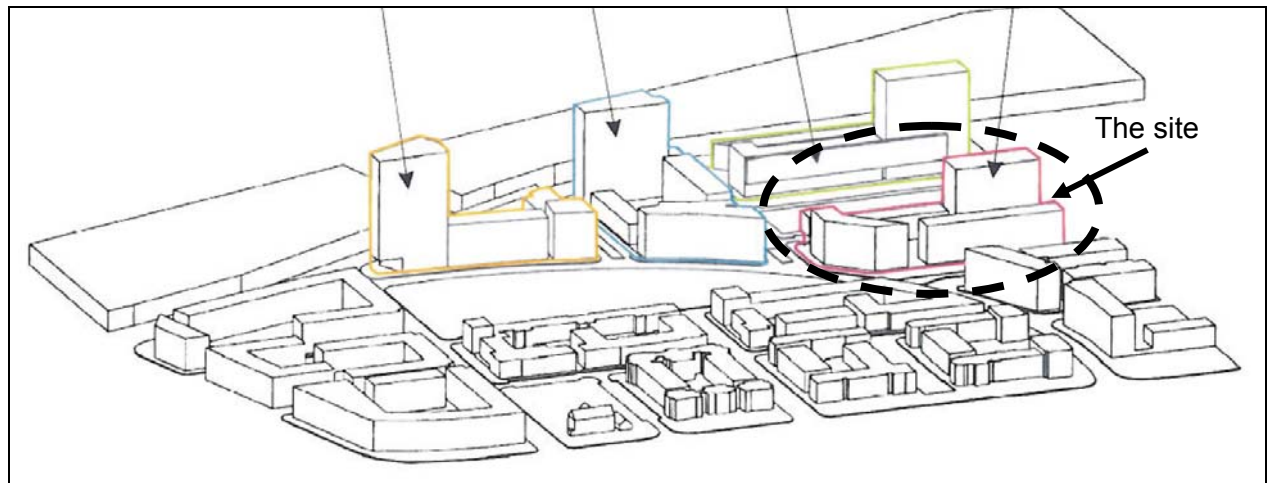


Figure 10 - Built form envelopes from the Revised Victoria Park Masterplan (2003)

Existing Development Consent for the Site (D/2008/1939)

13. The Central Sydney Planning Committee (CSPC) considered Development Application D/2008/1939 at its meeting on 17 September 2009. The application sought consent for a retirement village development, comprising:
- (a) 174 independent living units;
 - (b) 136 bed residential aged care facility;

- (c) Buildings ranging from 2 to 10 storeys in height, with a 20 storey tower at the south eastern corner of the site;
 - (d) 224 parking spaces at basement, ground and first floor levels, and a drop-off area at Kirby Walk;
 - (e) Communal facilities, an external courtyard and a 120sqm retail unit fronting Hutchinson Walk; and
 - (f) Landscaping of Linear Park along the western side of the building.
14. At this meeting, the CSPC resolved that authority be delegated to the Chief Executive Officer to determine the development application, subject to an amended proposal being submitted that reduced the height of the 20-storey tower to a maximum of 15 storeys and modify minor design aspects of the proposal.
15. The applicant submitted amended plans on 22 December 2009 reducing the height of the tower to be consistent with the Masterplan and be a maximum of 15 storeys. The amended scheme was approved on 1 February 2010. **Figures 11** and **12**, below, illustrates photomontages of the approved development.



Figure 11 - Photomontage of the eastern elevation of the approved development as viewed from Nuffield Park



Figure 12 - Photomontage of the northern elevation of the approved development as viewed from Joynton Park

Pre DA discussions and DA History

16. Pre-lodgement meetings were held with the applicant on 1 August 2011 and 12 September 2011 to brief Council on the intention to lodge a new development application for the site to supersede the 2010 consent (D/2008/1939). At these meetings, Council staff raised the following matters for consideration in any new scheme lodged:
 - (a) consistency with the Refined Victoria Park Masterplan (2003), particularly predominant building heights and floor plates;
 - (b) solar access to the central courtyard/communal open space;
 - (c) breaking down the built form and perceived bulk when viewed from adjacent areas of open space;
 - (d) use of distinct materials and façade treatments for each building; and
 - (e) ground floor and lower level treatment, including increased planting at street level and provision of separate entries and gardens for ground floor units.
17. The subject application was lodged with Council on 9 November 2011.
18. Following a preliminary assessment of the application by City staff and the Design Advisory Panel, the applicant was advised in correspondence, dated 2 February 2012, that the application required modification to address the following issues:
 - (a) reduction in height of Building A to a maximum of 15 storeys and reduction in the floor plates of Buildings A and C to ensure consistency with the Refined Victoria Park Masterplan (2003);

- (b) additional shadowing analysis and modifications needed to unit mix;
- (c) residential amenity of apartments resulting in variations sought from SEPP 65/ Residential Flat Design Code;
- (d) further revision and refinement required to the architectural treatment and expression of Buildings A, B and D;
- (e) inadequate setback from the southern boundary from Kirby Walk and lack of activation of this façade; and
- (f) reconfiguration of car parking levels and provision of on-site garbage collection.

19. Amended documentation to address these matters was submitted in May 2012.

PROPOSAL

20. The subject application seeks consent for the following works:

- (a) excavation, site preparation works and construction of 5 residential apartment buildings ranging in height from 6 to 15 storeys, accommodating 322 apartments and a gross floor area of 29,852sqm, in the following configuration:
 - (i) Building A - 15 storeys in height and containing 111 apartments;
 - (ii) Building B - 6 storeys in height and containing 43 apartments;
 - (iii) Building C - 10 storeys in height and containing 80 apartments;
 - (iv) Building D - 8 storeys in height and containing 57 apartments; and
 - (v) Building E - 8 storeys in height and containing 31 apartments.
- (b) provision of 326 car parking spaces and 138 bicycle parking spaces within the 2 basement levels and ground floor level of the proposed development, with vehicular access off George Julius Avenue;
- (c) landscaping and public domain works, including the provision of a communal landscaped courtyard (of approximately 2,000sqm) and delivery of the Linear Park open space; and
- (d) staged construction.

21. Plans, elevations and photomontages of the development are provided in **Attachments A and B**.

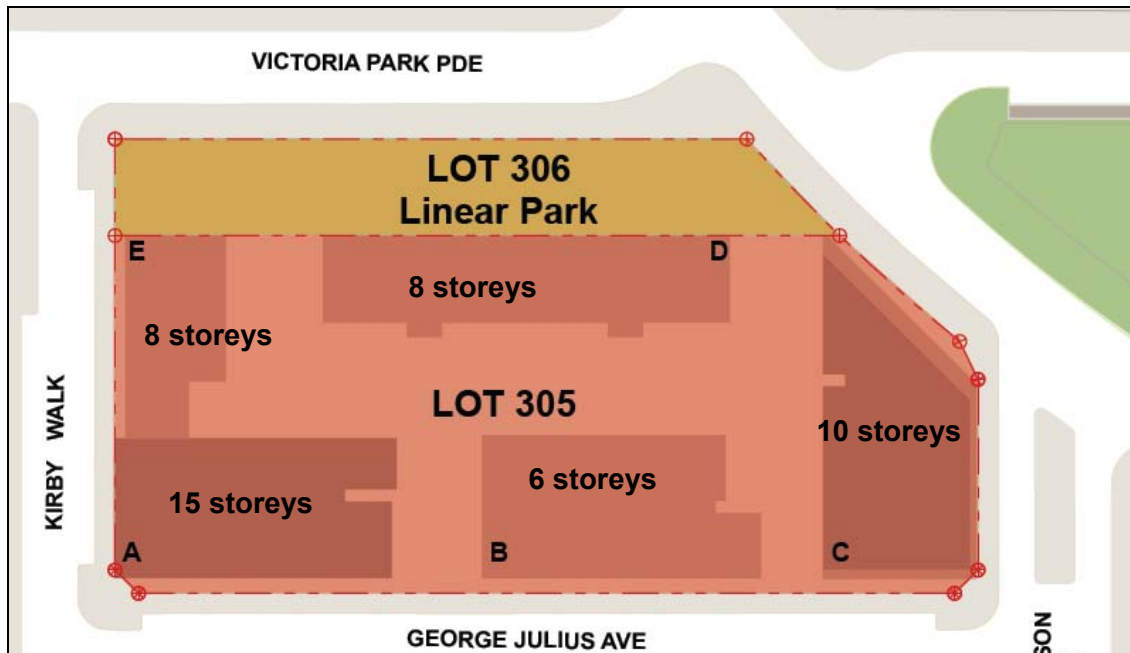


Figure 13 - Proposed footprints of the 5 residential apartment buildings



Figure 14 - The proposed development (Buildings A, B and C) as viewed from Nuffield Park and Hutchinson Walk



Figure 15 - The proposed development (Buildings C and D) as viewed from the corner of Gadigal Avenue and Victoria Park Parade



Figure 16 - The proposed development as viewed from the corner of Kirby Walk and George Julius Avenue



Figure 17 - The proposed development (Buildings D and E) as viewed from Victoria Park Parade

IMPLICATIONS OF THE PROPOSAL

Section 79C Evaluation

22. 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

WATER MANAGEMENT ACT 2000

23. The proposed excavation works to accommodate the basement car parking levels are to a depth where dewatering of the site will be required. The application was subsequently referred to the NSW Office of Water in accordance with the Water Management Act, 2000.
24. The NSW Office of Water granted its concurrence in correspondence dated 21 December 2011 and has provided its General Terms of Approval. These General Terms of Approval have been included within the recommendation, and will be imposed on any consent granted.

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)

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

SEPP (Infrastructure) 2007

26. The application was referred to the Roads and Maritime Services (RMS) pursuant to Clause 104 of SEPP (Infrastructure) 2007 on 23 November 2011. The proposal was considered by the Sydney Regional Development Advisory Committee (SRDAC) at its meeting on 14 December 2011.
27. In correspondence, dated 14 December 2011, the RMS has advised that no objection is raised to the proposed development, subject to the imposition of recommended conditions. These conditions have been included within the recommendation section of this report.

SEPP 32 - Urban Consolidation (Redevelopment of Urban Land)

28. SEPP 32 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.
29. The proposed development is consistent with the aims and objectives of SEPP 32 and the State Government's urban consolidation initiatives. The site is urban land that has the potential to accommodate 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

30. SEPP 55 requires the consent authority to consider whether the land is contaminated prior to consenting to the carrying out of development. If the land is contaminated, the consent authority must be satisfied that the land is suitable for its intended use in its present state, or that it will be suitable after remediation. The provisions of SEPP 55 are replicated in the City of Sydney Contaminated Land DCP 2004.
31. A Site Audit Statements (SAS) have been provided by a NSW EPA Accredited Site Auditor, dated 14 May 2001 and 4 September 2001. This SAS states that the site is suitable for the intended uses. Council's Health Unit are satisfied that sufficient information has been submitted to conclude that the site is suitable for the proposed uses and to satisfy the requirements of SEPP 55.

SEPP 65 - Design Quality of Residential Flat Development

32. SEPP 65 requires 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 take into consideration a number of matters relating to design quality, including the following 10 design quality principles:

(a) **Principles 1, 2 and 3:** Context, Scale and Built Form

Complies: Both the Refined Victoria Park Masterplan (2003) and the previous development application for the site, approved in 2010, provide guidance on an acceptable built form and scale for the subject site.

As amended, the height of Building A has been reduced to 15-storeys to be compliant with the Masterplan and as illustrated in **Figures 19** and **20** (below), the proposal results in a reduced building envelope from the scheme approved in 2010, reducing both the height (some 8 metres) and footprint of this building.

Generally, the massing and heights of the five buildings reflect the desired built form of the Refined Masterplan for Lot 305 (refer to **Figure 9**). Where elements of the proposed buildings do propose numeric variation from the Masterplan (such as Building C), the upper floors have been recessed to minimise their visibility. These setbacks ensure the integration of the buildings with the scale of existing development along the Gadigal Avenue frontage of the site. Further discussion on the consistency of the proposed development with the Masterplan and previous consent is provided in the issues section of this report.

The proposal responds to its context, with the built form activating three of the site's frontages through the provision of individual apartment entries. These entries provide a sense of address, a pedestrian scale to the development and allows casual surveillance of the streets/parks.

The scheme utilises differing architectural language and materials for each building to provide visual interest and identity to the buildings, as well as breaking up the perceived bulk and scale of development.

(b) **Principle 4: Density**

Complies: The development will contribute to the increase in the residential population on the site as envisaged by the Masterplan. The total floor space sought in both the approved 2010 and proposed schemes are generally consistent, with the subject application reducing the amount of gross floor space provided on the site by 219sqm.

(c) **Principle 5: Resource, energy and water efficiency**

Complies: The residential component of the proposal is compliant with the requirements of BASIX, and an appropriate condition is recommended to ensure that the development complies with the commitments contained on its BASIX certificate.

(d) **Principle 6: Landscape**

Generally complies: The proposal incorporates a central landscaped courtyard area of 2,000sqm located at podium level (Level 2).

This courtyard will be accessible by residents from Victoria Park Parade and George Julius Avenue and internally from the lift lobby of each building at Level 1. Further to this, approximately 9 of the Level 1 apartments have direct access from their private open space to the central courtyard.

The design of the central courtyard incorporates stone paved pathways and shade pods interspersed with soft planting in soil depths of approximately 700mm and areas of mounded soil to a depth of 1 metre to facilitate more substantial planting. **Figure 18**, below, illustrates the proposed courtyard landscape treatment, as well as the interface treatment between the building and the public domain.



Figure 18 - Proposed landscaping of the communal open space and public domain

Whilst through-site access is provided for residents across the communal courtyard, no public thoroughfare across the central courtyard is proposed. The lack of a publicly accessible through-site link is consistent with the provisions of the Masterplan, and will be addressed within the issues section of this report.

The development also includes the landscaping of the Linear Park (Lot 306), located along the western boundary of the site. Whilst in-principle the provision of deep soil planting along this frontage of the property is supported and is consistent with the Masterplan, it is considered that the design and landscaping treatment requires further resolution. Appropriate conditions are recommended for imposition to ensure that the final design of the park is consistent with the approved extension to the south on the Xerox site (114-120 Joynton Avenue) and to ensure that the park treatment is not only an extension of the private landscaping and entries to the ground floor level dwellings of Buildings D and E, but provides a suitable outdoor space for the public.

(e) **Principle 7: Amenity**

Generally complies: The proposal provides for an adequate level of amenity as follows:

- (i) The unit sizes, width and depth dimensions generally meet the requirements in the RFDC and all units have a 2.7 metre floor to ceiling height;

- (ii) 64% of apartments will receive two or more hours of solar access between 9.00am and 3.00pm on the winter solstice. Whilst this represents a slight departure from the RFDC guideline (where 70% of apartments should receive 2 hours of solar access in high density areas), variation is supported in this instance as the Masterplan for Victoria Park has dictated a north-south street and building orientation, and therefore, a percentage of apartments must be oriented east-west within these buildings.

It is considered that despite the numeric variation sought, the overall design of the buildings and apartments achieves a high level of natural light into the principal living areas of units, and it should be noted that when considered between the hours of 8.00am and 4.00pm (an additional 2 hours) on the winter solstice, 70% of apartments will receive 2 hours of solar access.

- (iii) 59% of the units have cross ventilation (and of this being 87% are dual aspect and 13% are through a plenum system). The RFDC suggests that 60% should be cross ventilated, however the proposal is considered to be generally consistent and acceptable in this instance.
- (iv) The proposed development proposes apartments with the internal areas detailed below. Whilst a small percentage of units are technically below the RFDC guidelines, the extent of variation is minor (being only 2sqm at a maximum) and considered acceptable in this instance:
 - a. 1 bedroom - 48-60sqm;
 - b. 2 bedroom - 69-86sqm;
 - c. 3 bedroom - 93-121sqm.
- (v) Acoustic and visual privacy is achieved through a layout which creates satisfactory separation.
- (vi) All apartments have private outdoor balconies or courtyards.
- (vii) Storage areas are provided within the units and basement levels.
- (viii) Disabled access is provided to all units.

(f) **Principle 8: Safety and Security**

Complies: The proposed development has been assessed against the Crime Prevention Through Environmental Design Principles outlined in 'Crime prevention and the assessment of development applications – Guidelines under Section 79C of the Environmental Planning and Assessment Act 1979' prepared by the Department of Urban Affairs and Planning (now Department of Planning).

(g) **Principle 9: Social Dimensions**

Complies: The proposed development has the following unit mix:

- (i) 112 x 1 bedroom (35%),
- (ii) 180 x 2 bedroom (56%) and
- (iii) 30 x 3 bedroom (9%) apartments.

The proposal generally achieves compliance with the DCP requirements, and is considered to be acceptable in providing a range of housing options.

(h) **Principle 10: Aesthetics**

Complies: The proposal utilises an architectural language appropriate to the building’s proportions and hierarchy within the overall site. The proposed development provides a high level of visual interest through variety in materiality, building appearance.

33. The development is considered generally acceptable when assessed against the above stated principles and the SEPP generally, which are replicated in large part within Council’s planning controls.

SEPP (Building Sustainability Index: BASIX) 2004

34. A BASIX certificate was submitted confirming the proposal will meet NSW government minimum requirements for sustainability if built in accordance with the certificates commitments.

LEPs AND DCPs

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

South Sydney Local Environmental Plan 1998

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

Development Controls	Permissible under South Sydney LEP 1998	Proposal as assessed under South Sydney LEP 1998
Planning Principles (Part 2)	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.
Zoning Controls (Part 3)	Mixed Uses 10(b)	The proposal is defined as ‘multiple dwellings’ within Schedule 1 of SSLEP 1998, with this being a permissible use within the zone.

Development Controls	Permissible under South Sydney LEP 1998	Proposal as assessed under South Sydney LEP 1998
Vision for Green Square (CI 27A) Planning Principles for Green Square (CI 27B)	Diversity, connectivity, interdependency and long-term growth.	The proposal will provide residential development located close to transport, social infrastructure and facilities.
Consistency with Masterplan (CI 27C)	Consent not to be granted unless development within Green Square is consistent with endorsed Masterplan.	The proposed development is generally consistent with the Victoria Park Masterplan. Refer to further discussion within the issues section of this report.
Affordable housing (CI 27P)	Development within Zone 10(b) is subject to affordable housing contributions.	A condition of consent shall be imposed in relation to an affordable housing contribution.
Non Residential Development in Zone 10(b) (CI 27I and 27J)	Non residential uses are to be consistent with the residential character of the area, safeguard residential amenity and be no more than 25% of the floor space of the development.	The proposed development does not include the provision of any non-residential floor space. No objection is raised, as collectively greater than 25% of the GFA within Victoria Park is non-residential uses, particularly within the South Dowling Street corridor.
Urban Design Principles and Master plans (CI 28)	Development is to satisfy urban design requirements. Before granting consent to development in Zone 5 or on a site greater than 5000 sqm Council must consider any master plan for the land that is available.	The proposed development is consistent with the Refined Victoria Park Masterplan.
Flood Liable Land (CI 38)	Council is to consider the likely impacts of flooding in determining an application for the erection of a building or the carrying out of works on land.	The development satisfies these provisions, subject to appropriate conditions of consent.

Development Controls	Permissible under South Sydney LEP 1998	Proposal as assessed under South Sydney LEP 1998
Contaminated Land (CI 39)	Council is to consider the issue of contamination in determining an application for a residential, child care centre or commercial use on land previously occupied by an industrial use.	The development satisfies these provisions.

Draft Sydney LEP 2011

37. The Draft Sydney LEP 2011 was placed on public exhibition in February 2011. The provisions of the Draft LEP have been taken into consideration in the assessment of the proposal.
38. The site is located within the R1 – General Residential zone. The proposed development is classified as “*residential flat building*” pursuant to Clause 1.4 of the Draft LEP, which is a permissible use within the R1 – General Residential zone.
39. Clause 4.3 of the Draft LEP permits a maximum height of 55 metres for the site. The proposed development has a maximum height to the lift overrun of Building A of 50.4 metres, compliant with the draft height control.
40. Clause 4.4 of the Draft LEP stipulates a draft floor space ratio of 2.5:1 for the site (being Lot 305 only). Lot 306 (the Linear Park) has no floor space attributed to it, and therefore, is excluded from inclusion in the calculation of site area for FSR purposes.
41. As the proposed development has a FSR of 4.44:1, it is non-compliant with the floor space provisions of the Draft LEP. A submission was made on behalf of the owner of the site during the exhibition period of the Draft LEP seeking to retain the FSR approved under the previous development application (D/2008/1939), being 4.47:1.
42. At the time of writing, no report on a future Planning Proposal had been prepared by Strategic Planning, however, the anomaly between the approved floor area and the draft FSR control has been noted and will be addressed at a later date. In this instance, no objection is raised to the extent of variation proposed to the draft FSR development standard for the following reasons:
 - (a) the proposal represents a lesser FSR than that approved in 2010;
 - (b) the proposed building envelopes are generally compliant with the Refined Masterplan; and
 - (c) collectively, the floor space within Victoria Park remains below the maximum FSR of 2.5:1 as stipulated within the Masterplan.

43. The Draft LEP permits a maximum of 299 car parking spaces to be provided for proposed development. The proposal incorporates 326 car parking spaces within the ground and basement car parking levels. Whilst this represents 27 spaces above the draft controls, no objection is raised in this instance as the provision of parking within the development is compliant with DCP 11 - Transport Guidelines for Development, 1996.
44. The site would be subject to an affordable housing dedication or contribution pursuant to Clause 7.15 of the Draft LEP. The imposition of an affordable housing contribution is consistent with the current provisions of the SSLEP 1998, and, an appropriate condition is recommended for imposition on any consent granted.

South Sydney DCP 1997

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

Matter to be Considered	Compliance	Comment
PART C: PUBLIC DOMAIN		
Public Domain Improvement Section 2	✓	Complies: The proposal provides a high quality public domain interface. A condition of consent will be imposed requiring the submission of a Public Domain Plan prior to release of the Construction Certificate.
Security Section 3	✓	Complies: The proposal introduces activation to all facades, which achieves passive surveillance over the communal areas of the site.
Implementation (Section 94, FSR Bonus) Section 4	✓	Able to comply: Appropriate contribution conditions are recommended for imposition on any consent granted.
PART D: SOCIAL PLANNING		
Access Section 2	✓	Complies: The proposal provides equitable access via internal lifts.
Social Housing and Mix Section 3	✓	Complies: The proposed apartment mix is generally consistent with the desired mix contained within the Draft Sydney DCP 2010.

Matter to be Considered	Compliance	Comment
Community Infrastructure Section 5	✓	Able to comply: Appropriate conditions are recommended for imposition to ensure the upgrade of essential infrastructure and services.
PART E: ENVIRONMENTAL DESIGN CRITERIA		
Floor Space Ratio Section 2.2 Height and Scale Section 2.3	✓	Complies: DCP 1997 specifies a FSR range of 1.5:1 to 2.5:1 and a height limit of 18 metre. These controls are not applicable to Victoria Park in that they have been superseded by the endorsed Masterplan, which established site specific density, built form and parking controls Further discussion on the compliance of the proposal with the Masterplan within the issues section of this report.
Site Analysis/Layout Section 1.1 and 1.2 Public/Private Open Space Section 1.3 and 1.4 Landscaping Section 1.5 Parking, Access and Servicing Section 1.6 Storm water Drainage Section 1.7 Building Envelope Section 2.1 Setbacks Section 2.4	✓	Addressed under Part G: Green Square 2006 Controls, below.
Site Facilities Section 1.9	✓	Complies: Site facilities including garbage rooms, plant, maintenance and storerooms are provided.
Façade Treatment Section 2.5	✓	Complies: The facades incorporate a number of differing elements and materials which introduce depth, variation and articulation and creates a satisfactory level of visual interest.

Matter to be Considered	Compliance	Comment
Visual and Acoustic Privacy Section 4.1	✓	Complies: The proposal provides satisfactory separation and design to achieve an appropriate level of privacy within the development.
Access and Mobility Section 4.4	✓	Complies: The proposal provides equitable access via internal lifts.
Fire Regulations Section 4.6	✓	Able to comply.
Energy Efficiency Section 5.1 to 5.3	✓	Complies: The development is BASIX compliant.

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

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

Matter to be Considered	Compliance	Comment
PART 2: URBAN STRATEGY		
Landscape Elements <i>Section 2.2</i>	✓	Complies: The proposal incorporates public domain improvement works to all its street frontages and includes the delivery of the Linear Park on the western boundary of the site. The 2,000sqm landscaped podium provides communal open space and has been designed for passive recreational use by residents, and includes a series of outdoor seating/ gathering areas. These are to be constructed of timber, bamboo and translucent materials and provide functional areas within the landscape setting.
Transport and Parking <i>Section 2.3</i>	✓	Complies: Refer to discussion and compliance table provided elsewhere within this report.
Stormwater Management <i>Section 2.5</i>	✓	Complies: Conditions relating to stormwater and drainage will be included in any development consent.

Matter to be Considered	Compliance	Comment
Land Use and Neighbourhood Character <i>Section 2.7</i>	✓	Complies: The development responds appropriately to the future desired character of the area by providing a built form and land use that is consistent with the Victoria Park Masterplan.
PART 3: URBAN FRAMEWORK PLAN		
Public Domain <i>Section 3.1</i>	✓	Complies: The proposal improves the public domain interface of the site. A condition of consent will be imposed requiring the submission of a Public Domain Plan prior to release of the Construction Certificate.
Built Form <i>Section 3.2</i> Building Type and Envelopes <i>Section 3.2.1</i> Height and Scale Variations <i>Section 3.2.2</i>	✓	Complies: The site is subject to the provisions of the Victoria Park Masterplan. Further discussion is provided at the issues section of this report.
Building Interface <i>Section 3.2.4</i>	✓	Complies: The development has generally been designed to provide an appropriate interface with the public domain and contains the active uses at the ground level of the building.
Noise <i>Section 3.2.8</i>	✓	Complies: The SSDCP 1997 imposes more stringent acoustic attenuation standards for developments within the Green Square redevelopment area to specifically deal with the potential conflict between the older existing industrial uses and the new mixed-use redevelopments, which are aligned with the desired future character. Furthermore, it is acknowledged that this redevelopment area must also consider noise conflicts from traffic and aircraft noise.

Matter to be Considered	Compliance	Comment
Noise <i>Section 3.2.8</i> (cont'd)	✓	The subject application has been accompanied by an acoustic report and includes noise attenuation measures that satisfactorily address these requirements. Conditions of consent are recommended for imposition to ensure that these acoustic attenuation measures are implemented during construction.

South Sydney DCP 11: Transport Guidelines for Development

47. DCP 11 sets out maximum car parking levels in order to reduce traffic congestion and reduce reliance on private vehicles in the city.
48. Further to rates outlined in DCP 11, Section 3.2.9, Parking, Part G of SSDCP 1997 permits a relaxation of the parking rates for 2 bedroom apartments where these apartments are located greater than 800 metres walking distance from the Green Square Railway Station. In this instance, all apartments within the development are located between 999 metres and 1.044 kilometres, and therefore, a rate of 1 space per 2 bedroom apartment is applicable.
49. Compliance of the proposal with the DCP requirements is summarised below:

South Sydney DCP 11: Transport Guidelines for Development			
Apartment Type	Maximum permissible under DCP	Proposed Spaces	Compliance
1-bedroom	112 units x 0.5 = 56	272	
2-bedroom	180 units x 1.0 = 180		
3-bedroom	30 unit x 1.2 = 36		
Visitor Spaces	322 units / 6 = 53.67	54	
Total	326	326	✓
Bicycles - Residential	322 units /3 = 107	107	✓
Bicycles - Visitor	322 units /10 = 32	32	✓

City of Sydney Access DCP 2004

50. The Access DCP 2004 requires that for a development of this scale, a total of 15% of all apartments provided are to be adaptable units.

51. The proposed development incorporates a total of 46 adaptable apartments, which equates to 14.3% of the development. This represents a shortfall of 2 apartments below the requirement within the Access DCP, and as such, a condition is recommended for imposition that 48 adaptable apartments shall be provided within the development to ensure compliance.
52. It is noted that the proposal has incorporated 48 accessible residential car parking spaces within the basement parking levels, which once the proposal is amended, will equate to one space for every adaptable apartment. Further to this, a total of 6 accessible visitor parking spaces are provided at the ground level car park in accordance with the requirements of DCP 11.

Green Square Affordable Housing Development Control Plan 2002

53. The DCP requires 3% of residential and 1% of non-residential total floor area to be provided for affordable housing, either in kind / on-site or a monetary contribution in lieu. An appropriate condition of consent has been recommended based on a total residential floor area (including balconies) of 32,428sqm.

Strategy for a Sustainable City of South Sydney

54. One of the principal objectives of the LEP as stated in Clause 7 is to implement the goals and objectives contained in the Strategy for a Sustainable City of South Sydney. Clause 8 also provides that in assessing any development application that the Council must take into consideration the goals and objectives of the Strategy as they relate to the proposed development.
55. In order to realise the main goal of the strategy, a number of detailed strategies were developed and are grouped under sub-goals of Environment, Land Use and Transport, Character and Identity, Community Well-Being and City Management. An assessment of the development application reveals that it meets the goals of the above strategies.

ISSUES

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

Compliance with the Victoria Park Masterplan

57. Clause 27C of the SSLEP 1998 states that:

“The Council must not grant consent for development of any land within Green Square unless:

- (a) there is a masterplan adopted by the Council for the development site...and*
- (b) the development is consistent with the masterplan.”*

58. The proposed is considered against the provisions of the Victoria Park Masterplan in the table below:

Matter to be Considered	Compliance	Comment
URBAN STRATEGY		
Land Use	✓	Complies: The proposed residential nature of the development is consistent with the Masterplan.
PUBLIC DOMAIN		
Site Address and Connectivity	✓	<p>Complies: The proposal incorporates building footprints and is generally sited in accordance with the Refined Masterplan. The ground floor planning results in a development that both address and activates its frontages, including integration with the adjacent areas of open space.</p> <p>Appropriate conditions are recommended regarding the landscaping treatment of the Linear Park to ensure it is consistent with the Masterplan and in accordance with Council's Public Domain Manual.</p>
	✘	<p>Does not comply but satisfactory: The Refined Masterplan identified a publicly accessible through-site link in an east-west direction centrally through the site.</p> <p>As outlined within the SEPP 65 discussion of this report, only private access for residents is proposed across this courtyard. The lack of a through-site link on this site is considered acceptable in this instance due to the availability of east-west access on both Hutchinson Walk and Kirby Walk, both of which are located some 60 metres from the desired location of the link.</p> <p>Further to this, as ground level parking is proposed, any link provided would require a crossing over the podium and as such, would not be at grade or accessible. In this instance, the provision of concealed parking and active frontages is supported over the provision of an at grade though site link, where pedestrian access on nearby streets is possible and does not require any substantial deviation in travel paths.</p>

Matter to be Considered	Compliance	Comment
BUILT FORM		
Densities	✓	Complies: Refer to floor space discussion within the issues section below.
Site Coverage	✘	Does not comply but satisfactory: The proposed site coverage of 100% (excluding the Linear Park) exceeds the maximum site coverage of 65% as outlined within the Masterplan. Refer to further discussion at the issues section of this report.
Building Heights	✓	Generally complies: The proposed development is generally consistent with the revised building heights approved for the site under the Refined Master Plan Amendment (2003) as depicted in Figure 9 , with the exception of the additional storey proposed on Building B. This 6-storey element is supported in this instance and is consistent with the overall height of development within Victoria Park.
Street Setbacks	✓	Complies: The proposed setbacks of the building are consistent with the Masterplan and achieve the desired street-edge alignment at the northern boundary (to Gadigal Avenue and Hutchinson Walk), as well as providing transitional zones between open space and the building edge.
INTERNAL AMENITY		
Floor Plates	✓	Does not comply but satisfactory: The Masterplan stipulates that towers are required to have a maximum floor plate area of 700sqm. The proposal has been amended to reduce the floor plates of the upper levels of Building C to comply with the 700sqm requirement of the Masterplan. This reduces the bulk and visibility of these upper floors, and is considered satisfactory.

Matter to be Considered	Compliance	Comment
Floor Plates (cont'd)	✓	The proposed floor plates of Building A are 800sqm, and are numerically non-compliant with the Masterplan for tower developments. Further discussion is provided within the issues section of this report.
Dual Orientation	✓	<p>Does not comply but satisfactory: In its resolution of 19 November 2003, the former South Sydney endorsed the Refined Masterplan amendments 2003, and included the requirement that a minimum 60% of apartments should be dual orientation/aspect.</p> <p>The development provides 167 apartments or 52% of units with dual orientation.</p> <p>Whilst the proposal falls marginally short of the 60% requirement, variation is supported in this instance due to the constraints of the site imposed by the Masterplan, including lot orientation, building location/envelopes and the desire for active frontages to both the street and the communal internal courtyard.</p> <p>The provision of the proposed apartment configuration maximises cross ventilation and solar access, whilst achieving a generally compliant scheme with the Masterplan.</p>
PARKING AND SERVICING		
Parking	✓	Complies: The extent of parking proposed is compliant with DCP 11, as detailed elsewhere within this report.
Stormwater	✓	Complies: Conditions relating to stormwater and drainage are recommended for imposition on any consent granted.
Power Supply	✓	Complies: Provision has been made for a substation along the southern boundary of the site.

Floor Space

59. The Victoria Park Masterplan endorsed a maximum FSR for the entire site of 2.5:1. Within this control, the Masterplan does not stipulate specific FSR controls for individual sites and nor does it preclude sites within Victoria Park from exceeding an FSR of 2.5:1.
60. The proposal's compliance with the Masterplan is detailed in the table, below:

	Control	Proposed
Gross Floor Area	611,700sqm (Victoria Park)	436,001sqm (Victoria Park) 29,852sqm (Site)
Floor Space Ratio	2.5:1 (Victoria Park)	1.78:1 (Victoria Park) 4.44:1 (Site, excluding Linear Park)

61. To date, the total FSR of Victoria Park, including constructed, approved and pending GFA, is 1.78:1, and remains compliant with the Masterplan.
62. The desired built form and resulting bulk and scale on individual sites within Victoria Park is governed primarily by the height and building separation controls, and approved building envelopes under the Master Plan, not by the FSR which provides for an overall quantum of floor space within Victoria Park. As detailed in the above table, the proposal does not exceed the overall quantum of floor space within Victoria Park, results in a reduction of 219sqm of GFA from that approved in the previous development application and does not consume an unreasonable portion of this quantum.

Tower Floor Plates

63. In its resolution of 19 November 2003, the former South Sydney Council endorsed the amendments to Masterplan and included the requirement that tower elements should be limited to maximum floorplates of 700sqm.
64. The proposal has been amended to reduce the floor plates of the upper two levels of Building C in order to comply with the 700sqm requirement. This reduces the bulk and visibility of these upper floors, and is considered satisfactory.
65. The proposed floor plates of the 15-storey tower (Building A) exceed the recommended maximum of 700sqm, instead are proposed at 800sqm on Levels 2 to 15. Whilst this represents a numeric variation, it should be noted that the approved floor plates for this tower within the previous DA were 850sqm. **Figures 19 and 20**, below, illustrate the reduced bulk and scale of the proposal from that the Anglican Retirement Village scheme approved in 2010.

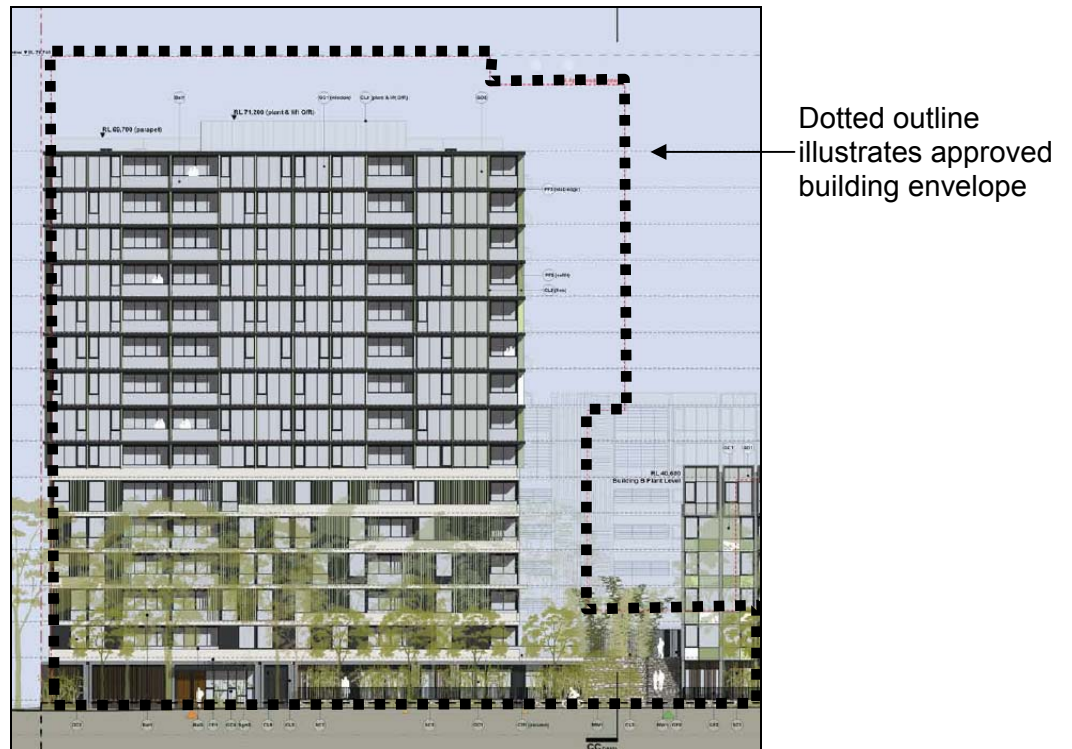


Figure 19 - The reduced envelope and floorplate of Building A from that approved in the previous DA scheme

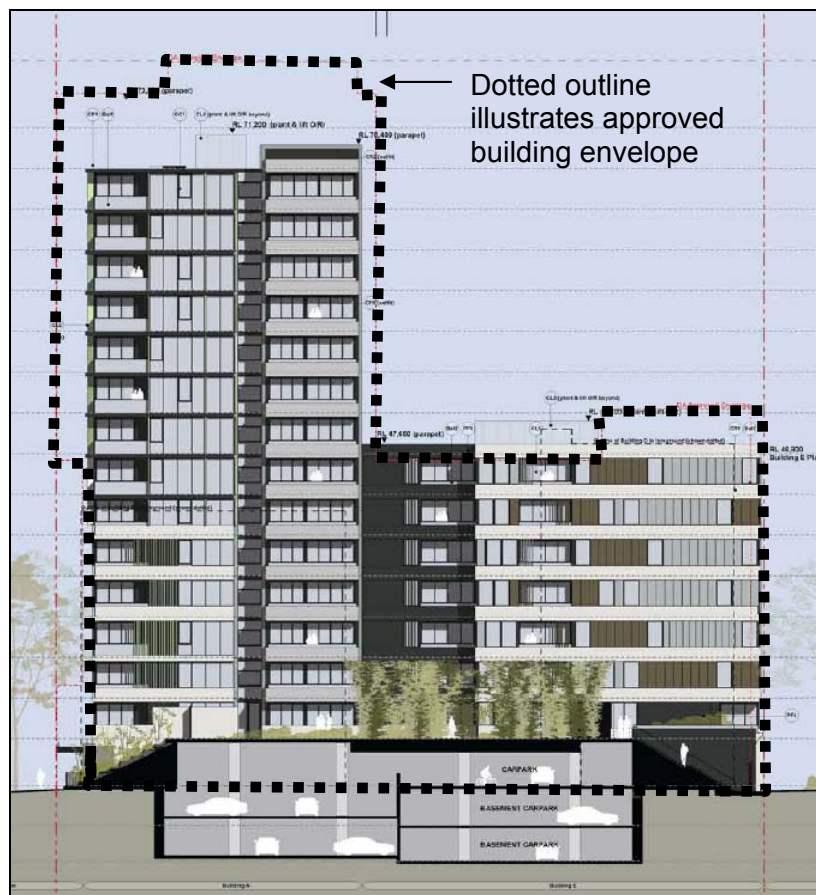


Figure 20 - The reduced envelope and floorplate of Building A from that approved in the previous DA scheme

66. The guiding principle behind the limitation of floorplates was both related to perceived building bulk as well as to improve internal amenity of apartments. In this instance, the extent of variation is able to be supported based on the proposed internal configuration:
- Generally 50% of units on each level are dual aspect and naturally cross ventilated;
 - No single aspect apartments are proposed within the tower floor plates of Building A that have a southerly orientation;
 - The internal layout of the single aspect apartments within the tower floor plates have been designed to maximise sunlight to the principal living areas and balconies of that apartment (with approximately 63% receiving 2 hours to their living rooms and 100% receiving 2 hours to their balconies on the winter solstice);
 - A maximum of 8 apartments are accessed off each lift core and all floors are capable of being naturally lit and ventilated; and
 - Acceptable perceived bulk and scale through the use of architectural articulation of the façades and variation in materials.

Site Coverage

67. The proposed development has been designed as a perimeter building form, with the car parking located within the centre of the site, such that the car parking areas are not visible from the public domain surrounding the site.

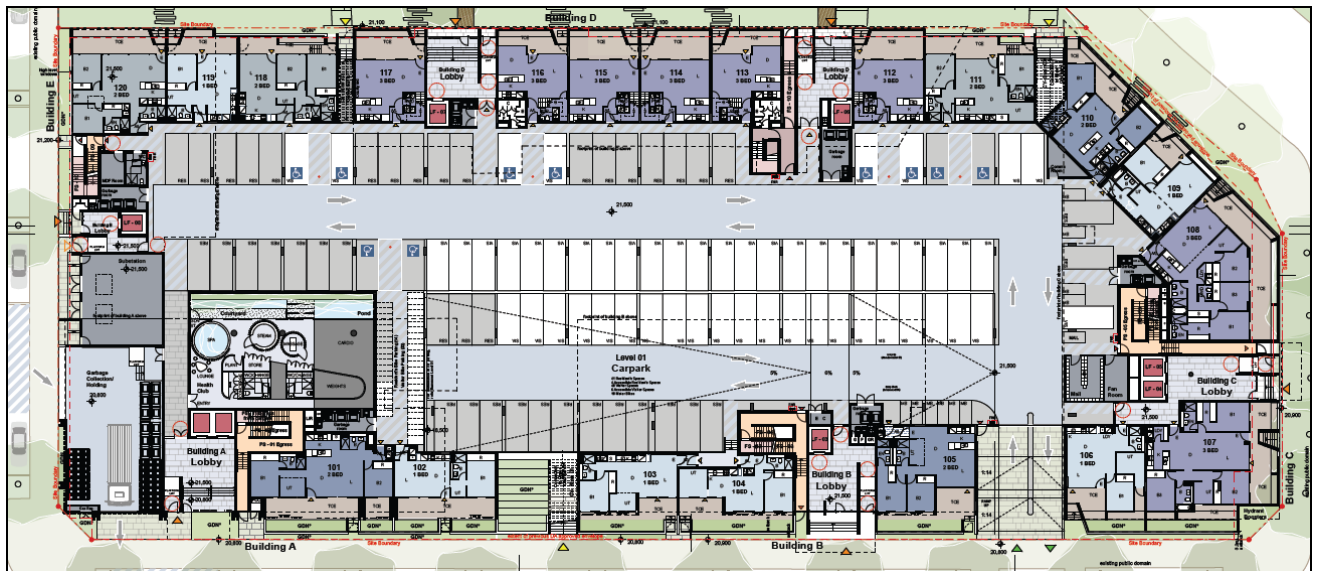


Figure 21 - The internalised car park screened by perimeter residential dwellings at ground floor level

68. This results in a site coverage of 96% (on Lot 305 only) which exceeds both the maximum site coverage provision of 65% contained within the Victoria Park Refined Master Plan Amendment 2003, and the requirement of the Council resolution to locate deep soil areas within the centre of the site.

69. Victoria Park has a high water table, and as a consequence, most developments have incorporated some form of above ground car parking. The impact of this constraint is evident in a number of previously constructed developments within Victoria Park where above ground car parks have resulted in excessive expanses of inactive facades at the ground level.
70. The above ground parking levels have been effectively integrated into the design of the building, with the siting of parking above ground able to be accommodated without impacting upon the permeability of the development at street level. Consequently, the proposal for above ground car parking is supported in this instance.
71. Whilst the location of car parking areas within the site results in substantial site coverage and prevents deep soil planting within the site, this is considered acceptable for the following reasons:
 - (a) A constraint of the site is that it is surrounded on all sides by roads/parks, which requires all facades to be activated. The proposed design achieves a good design outcome by preventing expanses of inactive facades dominated by car parking;
 - (b) The proposal incorporates podium landscaped areas above the car parking area, which includes soil depths from 700mm to 1,000mm to allow for substantial planting and useable recreational spaces for residents; and
 - (c) The development includes the landscaping of the Linear Park which is a large 1,468sqm strip park located directly along the western side of the building. The park provides a substantial area of deep soil and continues the desired provision of linked landscaped open spaces within Victoria Park.

Urban Design

72. Concern was initially raised by City staff and the Design Advisory Panel with regard to the architectural merit of the building's facades to both George Julius Avenue (Buildings A and B) and Victoria Park Parade (Building D). The primary concerns related to lack of articulation, need for further resolution in these building's façade expression and use of material and finishes to create greater distinction between the individual buildings.
73. Subsequent amendments were made to eastern elevation of Buildings B and western elevation of D to create greater vertical emphasis and modulation within these facades, as well as variation in materials, colours and the upper floor/roof treatment.
74. Amendments were made to the facades of the tower building (Building A) to delete the originally lodged scheme's framed articulation and horizontal emphasis of the George Julius Avenue elevation. The revised scheme (lodged in May 2012) has utilised colour, fins and screens to provide visual interest and break up the façade. The revised treatment is considered an improved outcome on the originally lodged scheme, and when considered in the context of the envelopes approved by the Masterplan, the proposal is generally considered to be satisfactory architectural solution.

75. **Figures 22 to 23**, below illustrate the modifications made to the façade treatments of each of these buildings.



Figure 22 - The originally proposed eastern façade treatments of Buildings A and B fronting George Julius Avenue.



Figure 23 - The revised eastern elevation treatments of Buildings A and B.

On-site Garbage Collection

76. The applicant was advised that the originally proposed on-street garbage collection from Kirby Walk was not supported and was contrary to the City's Policy for Waste Minimisation in New Developments and the proposal required amendment to accommodate on-site collection within the ground or basement levels of the development.
77. In its revised form, the proposal includes a garbage storage and collection room within the southeastern corner of the development, at the intersection of Kirby Walk and George Julius Avenue. **Figure 24**, below, illustrates the proposed garbage room configuration.
78. Whilst the provision of these facilities on-site is supported, it is considered that further design resolution is required to delete the vehicular access to George Julius Avenue to minimise impacts to the public domain and maintain on-street car parking. Instead modifications are recommended to the garbage room, included provision of a turntable to allow entry and exit via Kirby Walk. A design modification condition has been recommended for imposition to this effect.

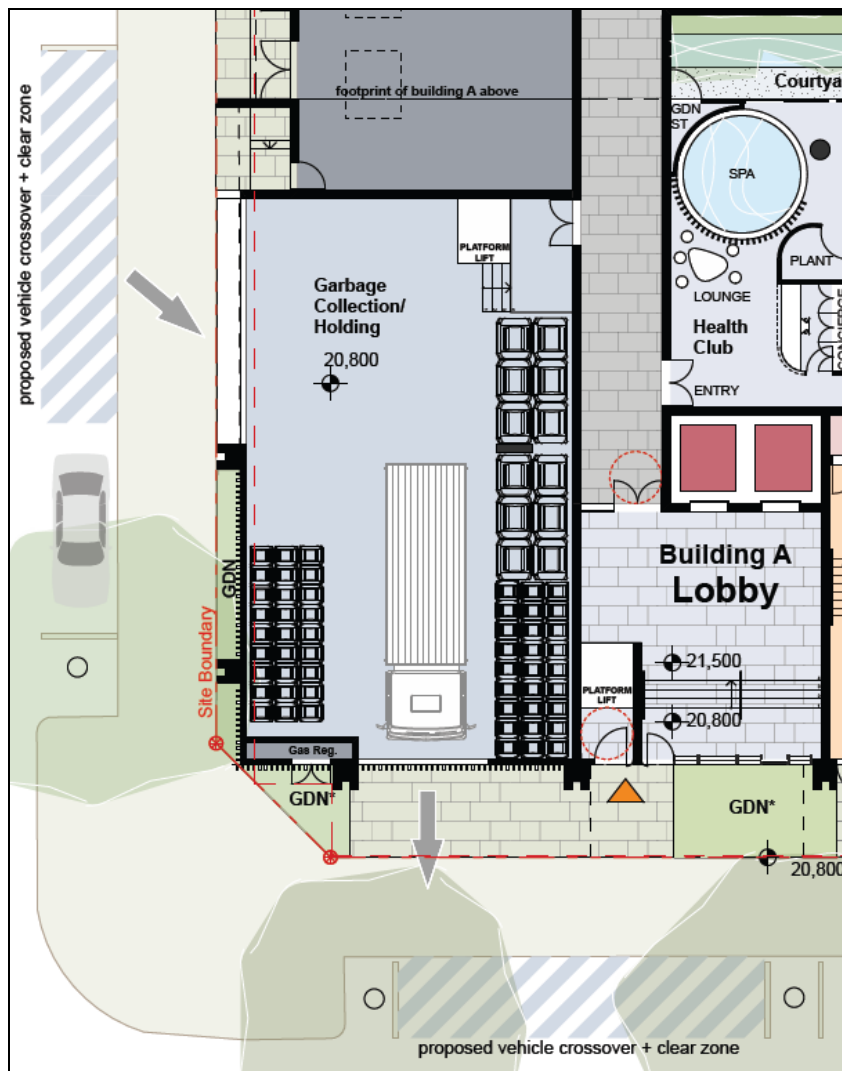


Figure 24 - The proposed garbage storage and collection room and vehicular egress requirements from Kirby Walk and George Julius Avenue.

Staged Construction

79. The application proposes staging of the construction works into the following three stages:

(a) **Stage 1:**

- (i) Excavation of basement levels 1 and 2;
- (ii) Construction of Buildings B, C and D;
- (iii) Construction of slabs at ground and first floor only for Buildings A and E (not occupied);
- (iv) Construction and landscaping of the northern component of the podium communal courtyard; and
- (v) Construction of the Linear Park (Lot 306).

(b) **Stage 2:**

- (i) Construction of Building E and ground floor gymnasium; and
- (ii) Construction and landscaping of the southwestern corner of the podium communal courtyard.

(c) **Stage 3:**

- (i) Construction of Building A; and
- (ii) Construction and landscaping of the southeastern corner of the podium communal courtyard.

80. No objection is raised to the staging of construction or occupation of the building, as detailed in the three stages above. Whilst staging of the construction is proposed, it is considered that each of the earlier stage allow for adequate amenity and visual outlook for the residents, including provision of communal facilities and landscaping of the central courtyard.

81. On any approval given, the conditions of consent will detail at what stage that condition must be satisfied.

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

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

BCA Matters

83. 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

84. 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

85. 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

86. Not applicable to this report.

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

87. A total contribution of \$6,147,692.73 is required in accordance with the City of Sydney Development Contribution Plan 2006.

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

88. The application constitutes integrated development; as such the application was advertised and notified for 30 days between 23 November 2011 and 24 December 2011 in accordance with the provisions of the Environmental Planning and Assessment Regulation 2000. Notices were placed on the site of the proposal, advertised in the local press and adjoining and nearby owners and occupiers of surrounding buildings within a 100 metre radius of the site were notified of the proposal and invited to comment.

89. A total of 5 submissions were received. The grounds for objection are summarised as follows:-

- (a) Non-compliance with the height with the Victoria Park Masterplan and SSDCP 1997.

Comment: The 18 metre height control contained within the SSDCP 1997 is superseded by the height and building envelopes contained within the Victoria Park Masterplan. The proposal has been amended to be generally compliant with the building heights and floor plates contained within the Refined Masterplan, as detailed within this report.

- (b) Non-compliance with FSR control within the Victoria Park Masterplan and SSDCP 1997.

Comment: Victoria Park has a FSR of 2.5:1 for the site as a whole, and does not prevent individual sites from exceeding this ratio. As detailed within this report, collective the approved and constructed floor space within Victoria Park to date equates to a FSR of 1.78:1, and is therefore compliant with the planning controls applicable to this site.

- (c) Similarity of architecture with other nearby developments. Urge Council to require amendments to the development to require a distinct architecture, colours and finishes for each building.

Comment: The proposal has been amended to refine the architectural treatment of the proposed buildings utilising a variety of materials and colours to provide distinctiveness and a sense of address to each building within the development.

- (d) Lack of any retail or non-residential floor space provided within the development.

Comment: No commercial or retail tenancies are proposed as part of the subject application. No objection is raised in this instance, and the zoning of the site envisaged a residential development on this site. The zoning of Victoria Park as a Mixed Uses 10(b) zone under the SSLEP 1998 requires the provisions of 25% non-residential floor space. This is considered and assessed collectively across the site, with Victoria Park being compliant with this zoning requirement.

It should be noted that approval was granted in December 2011 to the development of the shopping centre for Victoria Park in Defries Avenue, which is located approximately 200 metres from this site.

- (e) Overdevelopment of the site, noting the number of dwellings proposed and the number of buildings currently under construction within Victoria Park. Recommend reducing the height of buildings to 4-5 storeys to limit population and associated parking and traffic issues.

Comment: The proposal is not considered to be an overdevelopment of the site and is reflective of the development scale, apartment yield and future population envisaged by the Victoria Park Masterplan. The proposed development includes the provision of 326 car parking spaces in accordance with the planning controls, which is considered sufficient to cater for the number of apartments proposed.

Further to this, developer contributions are imposed on all redevelopment sites to allow the provision of further community and open space facilities and infrastructure works to the surrounding area to cater for the increased population anticipated in the area.

- (f) A minimum of one parking space per apartment should be required to address the demand for on-street parking spaces.

Comment: The number of car parking spaces within the development has been provided on site in accordance with Council's DCP 11. Council is supportive of reduced car parking rates for new developments due to the proximity of the site to the CBD, Airport and other employment nodes, and is well serviced by a variety of public transportation systems. In this instance, the provision of 272 residential parking spaces is considered acceptable to service the needs of future residents without adversely impacting upon available street parking.

EXTERNAL REFERRALS

Commonwealth Airports (Protection of Airspace) Regulations 1996

90. 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').

91. To date no written comments have been provided. However, there is no impediment to determining the proposal as there is no requirement under the Environmental Planning Assessment Act or Regulation for concurrence, nor is the issue of Airport referrals an Integrated matter under Section 91 of the Environmental Planning and Assessment Act.
92. Notwithstanding this, the applicant cannot act upon a development consent and carry out a 'controlled activity' unless it has been granted approval pursuant to Section 183 of the Airports Act 1996. This approval is granted by the Department of Infrastructure, Transport, Regional Development and Local Development (Federal department) and the applicant is encouraged to engage in consultation with the Department.

Sydney Regional Development Advisory Committee (SRDAC)

93. A referral to the Sydney Regional Development Advisory Committee (SRDAC) was undertaken. Further discussion is provided under SEPP (Infrastructure) 2007.

Ausgrid

94. Ausgrid (formerly Energy Australia) advised that an electrical substation/s shall be provided within the site. A substation is proposed on the southern boundary of the site fronting Kirby Walk.

Integrated Development

95. The proposal is Integrated Development pursuant to the provisions of the Water Act, 1912. The Terms of Approval of the NSW Office of Water has been received within the statutory time. The conditions from the Authority are included in the Recommendation.

INTERNAL REFERRALS

96. The application was referred to Council's Urban Designer/Design Advisory Panel; Strategic Planning, Public Domain Unit; Health; Building Services Unit; and Transport Management Unit.
97. Those issues identified with the proposal as originally lodged have been addressed within this report. All appropriate conditions recommended for imposition from the referrals have been included in the recommendation section of this report.

RELEVANT LEGISLATION

98. The Environmental Planning and Assessment Act 1979 and Water Management Act 2000.

CONCLUSION

99. The proposal has been amended during the assessment period to address preliminary concerns regarding non-compliances with the Masterplan, residential amenity, the public domain/ground level interface and architectural design of the buildings.

100. As amended, the proposal is considered to be consistent with the relevant planning controls and responds appropriately to the constraints of the site. With the imposition of the recommended conditions, and when considered in the context of the Victoria Park site as a whole, the proposal is considered to be a satisfactory design outcome.

GRAHAM JAHN

Director City Planning, Development and Transport

(Nicola Reeve, Senior Planner)