

**ITEM 5. DEVELOPMENT APPLICATION: 301-303 BOTANY ROAD ZETLAND
- FORMER JOHN NEWELL MAZDA SITE****FILE NO:** D/2012/1056**DEVELOPMENT APPLICATION NO:** D/2012/1056**SUMMARY****Date of Submission:** 13 July 2012**Applicant:** John Newell Pty Ltd**Architect:** Stanisic Associates**Developer:** John Newell Pty Ltd**Owner:** John Newell Pty Ltd**Development Cost:** \$113,748,195

Proposal Summary: The proposal is a Stage 1 Development Application (DA) to establish building envelopes and indicative site layout for future mixed use development. Future development would contain retail and residential development and basement car parking.

The proposal seeks consent for:

- a building envelope with the potential to accommodate 34,380sq.m of residential floor space (approximately 346 apartments), 5,000sq.m of retail floor space and 3 levels of basement car parking (approximately 311 spaces);
- 8 – 18 storeys built form;
- indicative vehicular access; and
- indicative landscaping and public domain works.

The proposed building envelopes largely comply with the Green Square Town Centre built form provisions of the South Sydney Local Environmental Plan 1998 and the Green Square Town Centre Development Control Plan 2012.

The Green Square Town Centre planning controls have been “un-deferred” for the site following the execution of a Voluntary Planning Agreement (VPA) between the Applicant and Council. The VPA secures a range of public benefits, as further explained in this report.

**Proposal Summary
(continued):**

The Green Square Town Centre is a deferred matter under the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012, therefore LEP 2012 and DCP 2012 are not applicable.

The Applicant is requesting an additional 10% of gross floor area under the South Sydney LEP 1998, which permits a gross floor area up to 10% greater than the specified allowance, provided the proposal satisfies a number of prerequisites (e.g. the development will not have a significant adverse effect on the use of any adjoining land).

The proposed building envelopes can accommodate a 10% uplift in gross floor area (GFA) whilst remaining compliant with Council's building height controls. The proposed building envelopes are acceptable. However, the Stage 2 DA will need to demonstrate that the relevant pre-requisites are satisfied to achieve a 10% uplift.

The setbacks of the proposal require amendments to better activate and define the street frontages of the site. The recommendation includes conditions of consent in this regard.

The Applicant is requesting to 'lock in' car parking rates for the future development. However, the 'locking in' of car parking rates are not supported at the Stage 1 DA stage and are suitable for revisiting at the Stage 2 DA stage.

No submissions were received during the notification and advertising period.

The DA is the first redevelopment site to be considered by the Central Sydney Planning Committee (the CSPC) within the Green Square Town Centre. It relies on the completion of infrastructure and public domain works around the site, primarily as a result of Council's "Essential Infrastructure DA".

Summary Recommendation:

The development application is recommended for approval, subject to conditions.

Development Controls:

- (i) South Sydney Local Environmental Plan 1998 (Gazetted 28 April 1998, as amended)
- (ii) Sydney Development Control Plan (Green Square Town Centre) 2012 (in force on 24 April 2012)
- (iii) Green Square Affordable Housing Development Control Plan (in force on 10 September 2002)

Attachments:

- A - Selected Drawings
- B - NSW Office of Water General Terms of Approval

RECOMMENDATION

It is resolved that consent be granted to Development Application No. D/2012/1056, subject to the following conditions:

SCHEDULE 1A**Approved Development/Design Modifications/Covenants and Contributions/Use and Operation****(1) APPROVED DEVELOPMENT**

- (a) Stage 1 development consent is granted only for building envelopes and general arrangement of land uses within the development, being basement car parking; mixed use podium blocks containing retail premises and residential apartments; residential towers; and an east-west through-site link, in accordance with Development Application No. D/2012/1056 dated 13 July 2012 and Statement of Environmental Effects prepared by JBA Planning, dated June 2012 and the following drawings:

Drawing Number	Architect	Date
DA02 Site Analysis	Stanisic Associates	02.09.11
DA27 Building Envelope – North-east Elevation	Stanisic Associates	17.02.12
DA28 Building Envelope – North-west Elevation	Stanisic Associates	17.02.12
DA29 Building Envelope – West Elevation	Stanisic Associates	17.02.12
DA30 Building Envelope – South-west Elevation	Stanisic Associates	17.02.12
DA31 Building Envelope – South-east Elevation	Stanisic Associates	17.02.12
DA32 3D Envelopes	Stanisic Associates	17.02.12

and as amended by the conditions of this consent:

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

(2) MATTERS NOT APPROVED

The following items are not approved and do not form part of this Stage 1 development consent:

- (a) any demolition, construction, refurbishment and/or excavation;
- (b) the 'locking in' of car parking rates. The Stage 2 DA is to be designed with regard to the car parking rates within the planning controls relevant at the time; and
- (c) the layout, unit mix and number of residential dwellings, car parking spaces and basement levels.

(3) BUILDING ENVELOPE

Subject to the other conditions of this consent, the building envelope is only approved on the basis that the ultimate building design, including services, will be entirely within the approved building envelopes and provide an appropriate relationship with neighbouring and approved buildings. Any projection beyond the approved building envelopes must be justified through the Stage 2 Development Application process.

(4) ELECTRICITY SUBSTATION

The substation at the south-eastern corner at the future intersection of Ebsworth Street and Tweed Place shall be relocated along Tweed Place away from the intersection so that is not readily visible from Ebsworth Street and is not within any landscaped area.

The owner must dedicate to the applicable energy supplier, free of cost, an area of land within the development site for the (relocated) substation.

(5) THROUGH-SITE LINK

Opportunities to express the through-site link to the sky shall be reviewed and documented in the Stage 2 DA documentation.

Alternatively, the Stage 2 DA documentation is to increase the height of the through-site link or modulate the top of the street wall to reduce the bulk. This may be achieved by removing 2-3 storeys from Levels 7, 8 and 9 above the through-site link.

Details of the through-site link are to be submitted with the Stage 2 DA. These details are to include:

- (a) levels;
- (b) easements and future restrictions;
- (c) design of the space; and
- (d) lighting.

(6) LOCATION OF DRIVEWAY

Vehicular access to the site shall be located along the future Tweed Place 45m from the centreline of the future Ebsworth Street.

(7) BUILDING HEIGHT

The maximum height of the Stage 2 Development Application buildings, as defined in the South Sydney Local Environmental Plan 1998 (as may be amended) must not exceed a maximum podium RL of 51.5 and a maximum tower RL of 75.

(8) PUBLIC DOMAIN PLAN

The public domain plans accompanying this Development Application have not been approved by this consent. A Public Domain Plan must be lodged with the Stage 2 DA. The Public Domain Plan must be prepared in accordance with the City of Sydney Public Domain Manual and must be consistent with the Sydney Streets Design Code.

If staging of the public domain works is proposed, this is to be detailed in the Stage 2 DA submission.

(9) PROPERTY BOUNDARY LEVELS

The ground level of the development must correspond with the Green Square Town Centre Essential Infrastructure design (including road, footway, drainage and overland flow designs and levels) and be in accordance with Council's Alignment Level requirements.

The level difference between any ground floor level and the adjacent public footpath level shall not exceed 1200mm.

The Stage 2 DA must demonstrate compliance.

(10) FLOOD PLANNING LEVELS

Floor levels for buildings and structures for the development are to comply with the City of Sydney's Flood Planning level requirements and the recommendations outlined in the Flood Impact Assessment report by Cardno dated November 2012. Plans and documentation is to be submitted with the Stage 2 DA.

The following performance criteria shall apply:-

- (a) All habitable floor levels, ground floor levels and basement car park entry levels within the site shall be set 500mm above design 1% average exceedence probability (AEP) flood level;
- (b) Suitable freeboard protection shall be provided to lift shaft areas and other basement access points such as stairwells; and
- (c) All commercial/retail floor levels to be at a minimum 1% AEP flood level.

(11) STORMWATER AND DRAINAGE – MAJOR DEVELOPMENT

On-site detention, treatment and re-use is encouraged.

The stormwater drainage design for the site must take into consideration and work with the overall drainage network proposed for Ebsworth Street and Tweed Place which forms part of the Green Square Town Centre Essential Infrastructure documentation.

(12) LANDSCAPING OF THE SITE

A detailed Landscape Plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted with the Stage 2 DA. The plan must include:

- (a) Location of existing and proposed structures on the site, including existing trees;
- (b) Details of earthworks including mounding, retaining walls and planter boxes;
- (c) Location, numbers and type of plant species;
- (d) Details of planting procedure and maintenance;
- (e) Details of drainage and watering systems;
- (f) Details of the proposed green roofs;
- (g) Details of the through-site link.

(13) BASEMENT EXTENT

The basement levels are to be wholly within the final property boundaries. No encroachment into the public domain or land under the public domain, including the building setbacks along Botany Road and Bourke Street, will be permitted at the Stage 2 DA.

(14) LANDSCAPE FINISH TO LAND TO BE DEDICATED TO COUNCIL

The landscape finish to the building setbacks along Botany Road and Bourke Street, and the future Civic Plaza, is to match the surrounding public domain area, and is to be in accordance with the City of Sydney's Public Domain Manual and Sydney Streets Design Code.

Details of the landscape finish are to be submitted at the Stage 2 DA phase and approved by Council.

(15) INTEGRATED BASEMENT CAR PARKING

The Stage 2 DA is to allow for a break through panel on Basement Level 1 (retail carpark level) to future-proof for the possibility of integrated carparking basements with the site to the south-east.

(16) TWEED PLACE PODIUM ENVELOPE

The Stage 2 DA documentation must demonstrate that an active frontage (generally in the form of retail development) can be provided to the Tweed Place street edge. The courtyard shown along Tweed Place within the documentation accompanying this Development Application is not approved and must be replaced by a podium built to the boundary.

Ground level retail is to step with the grade of Tweed Place and the through-site link.

(17) EBSWORTH STREET SETBACK NOT APPROVED

The Stage 2 DA documentation must demonstrate that the Ebsworth Street frontage is built to the street boundary line at the ground level.

(18) STREET AWNINGS

Street awnings must be incorporated into the Stage 2 DA documentation.

(19) COMPLIANCE WITH ACOUSTIC REPORT

The recommendations contained with the Stage 1 Acoustic Report (Wilkinson Murray Report No. 10086, July 2010) are to be complied with as part of the Stage 2 DA.

(20) SITE AUDIT STATEMENT

A Site Audit Statement is to be prepared and lodged with the Stage 2 DA documentation which confirms that the site is suitable for the proposed land use.

(21) ASSOCIATED ROADWAY COSTS

All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City's "Development Specification for Civil Works Design and Construction".

(22) BICYCLE PARKING

The layout, design and security of bicycle facilities either on-street or off-street must comply with the minimum requirements of Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities except that:

- (a) All bicycle parking for occupants of residential buildings must be Class 1 bicycle lockers, and
- (b) All bicycle parking for staff / employees of any land uses must be Class 2 bicycle facilities, and
- (c) All bicycle parking for visitors of any land uses must be Class 3 bicycle rails.

The design and layout of the bicycle parking spaces is to be provided for approval as part of the Stage 2 application.

(23) CAR PARKING SPACES AND DIMENSIONS

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 design and layout of the car parking spaces is to be provided for approval as part of the Stage 2 application.

(24) COST OF SIGNPOSTING

All costs associated with signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer.

(25) HOLDING AREAS

Areas within the site must be clearly sign-posted and line marked as waiting bays for the purpose of allowing clear access to vehicles entering or exiting the site via a one-way access driveway.

The details must be provided for approval as part of the Stage 2 application.

(26) LOADING WITHIN SITE

All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.

The details must be provided for approval as part of the Stage 2 application.

(27) LOCATION OF ACCESSIBLE CAR PARKING SPACES

Where a car park is serviced by lifts, accessible spaces for people with mobility impairment are to be located to be close to lifts. Where a car park is not serviced by lifts, accessible spaces for people with mobility impairment are to be located at ground level, or accessible to ground level by a continually accessible path of travel, preferably under cover.

The details must be provided for approval as part of the Stage 2 application.

(28) LOCATION OF DRIVEWAYS

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

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

The details must be provided for approval as part of the Stage 2 application.

(29) LOCATION OF VISITOR PARKING

All visitor parking spaces must be grouped together, and located at the most convenient location to the car parking entrance.

The details must be provided for approval as part of the stage 2 application.

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

All owners, tenants and occupiers of this building are not eligible to participate in any existing or proposed Council on-street resident parking schemes.

(31) SECURITY GATES

Where a car park is accessed by a security gate, that gate must be located at least 6 metres within the site from the street front property boundary.

(32) 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.

The details, including a swept path analysis of the largest vehicle entering, exiting and manoeuvring within the site, must be provided for approval as part of the Stage 2 DA.

(33) TRAFFIC WORKS

Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with Roads and Maritime Services (RMS) Technical Directives and must be referred to and agreed to by the Local Pedestrian, Cycling and Traffic Calming Committee prior to any work commencing on site.

(34) SMALL CAR PARKING SPACES AND DIMENSIONS

The design and layout of all off-street small car parking spaces 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.

All small car spaces must be clearly marked and identifiable as small car spaces. The details must be provided for approval as part of the Stage 2 application.

(35) ACCESSIBLE PARKING SPACE

The design, layout, signage, line marking, lighting and physical controls of all off-street accessible parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.6 - 2009 Parking facilities Part 6: Off-street parking for people with disabilities.

The details must be provided for approval as part of the Stage 2 application.

(36) TRAFFIC GENERATION

The Stage 2 applications traffic report must include an assessment of the AM peak, PM peak and 24 hour traffic generation from the site.

(37) OFFICE OF WATER - GENERAL TERMS OF APPROVAL

The Stage 2 DA shall have regard to the attached General Terms of Approval issued by the NSW Office of Water dated 14 November 2012.

RAILCORP CONDITIONS**(38) REVISED IMPACT ASSESSMENT REPORT**

Prior to the lodgement of any subsequent Development Application for the subject site, the applicant is to submit to RailCorp for review a revised version of the document "Newell Development Site – Green Square Station, Alexandria – Report of Site Investigation and Analysis of Potential Impact of Proposed Building Development – Ref: 279849 – Date: 24 February 2001" which meets RailCorp's requirements. This revised document is to include, but not limited to, the following:

- (a) Final Geotechnical and Structural report/drawings that meet RailCorp's requirements;
- (b) Final Groundwater Assessment Report;
- (c) Final construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Railcorp will not permit any rock anchors/bolts (whether temporary or permanent) or physical intrusion of piers/piles/foundations within its land or easements;
- (d) An assessment of the impact or any movement on the rail tunnel that may result from the proposed development. This report is to be based on the Final Geotechnical and Structural Report;
- (e) Final cross sectional drawings showing the tunnel location, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail tunnel. All measurements are to be verified by a Registered Surveyor;
- (f) Detailed Survey Plan showing the relationship of the proposed development with respect to RailCorp's land and infrastructure; and

- (g) If required by RailCorp, a numerical analysis which assesses the different stages of loading-unloading of the site and its effects on the rock mass surrounding the rail corridor.

(39) ACOUSTIC ASSESSMENT

An acoustic assessment demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads – Interim Guidelines" shall be lodged with the Stage 2 DA documentation.

ROADS AND MARITIME SERVICES CONDITIONS

(40) NO STOPPING RESTRICTION

Full time 'No Stopping' parking restriction shall be implemented on Botany Road along the full length of the subject site.

(41) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

A Construction Traffic Management Plan detailing construction vehicles routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a construction certificate for the Stage 2 DA.

(42) CONSTRUCTION VEHICLE ACCESS

All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.

(43) VEHICLE ACCESS

The site must be configured to allow all vehicles to be driven into and from the site in a forward direction. Details shall be submitted with the Stage 2 Development Application.

(44) DETAILED DESIGN DOCUMENTATION

The developer is to submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to the RMS for assessment. The developer is to meet the full cost of the assessment by the RMS.

This report would need to address the following key issues:

- (a) The impact of excavation/rock anchors on the stability of the Botany Road and detailing how the carriageway would be monitored for settlement;
- (b) The impacts of the excavation on the structural stability of the Botany Road;
- (c) Any other issues that may need to be addressed. (Contact: Geotechnical Engineer Stanley Yuen on phone 8837 0246 or Graham Yip on phone 8837 0245 for details).

(45) STORMWATER DISCHARGE

The post development stormwater discharge from the site into the RMS drainage system does not exceed the pre-development discharge.

Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to the RMS for approval prior to the commencement of any works.

Details should be forwarded to:

The Sydney Asset Management
Roads and Traffic Authority
PO Box 973, Parramatta CBD 2124

A plan checking fee will be payable and a performance bond may be required before the RMS's approval is issued. With regard to the Civil Works requirement please contact the RMS's Project Engineer, External Works, ph: 8849 2114 or Fax: 8849 2766.

(46) COMPLIANCE WITH AUSTRALIAN STANDARDS

The layout of the proposed car parking areas, loading docks and access driveway associated with the subject development (including, grades, lifts, turn paths, sight distance requirements, aisle widths and parking bay dimensions) should be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicle usage.

(47) NO COST TO RMS

All works associated with the development are to be at no cost to the RMS.

SCHEDULE 2

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

BACKGROUND

The Site

1. The site comprises 301-303 Botany Road, Zetland. It has an area of approximately 5,470sq.m and has an irregular shape. It has a 54m frontage to Bourke Street to the north and a 50m frontage to Botany Road to the west.
2. Due to the topography of the site, there is a level difference of approximately 3m (which is the equivalent of one storey) between the north-eastern corner and the south-west corner of the site.



Figure 1: Location Plan

3. The site contains a single storey motor showroom, offices, vehicle service centre and extensive hardstand areas used for the display of vehicles for sale. These structures were used by John Newell Mazda for 18 years between 1993 and 2011. The site is currently occupied by a Nissan and Suzuki dealership but has remained under the ownership of John Newell Pty Ltd.
4. Vehicular access to the site is from driveways along both Bourke Street and Botany Road.
5. Along the Botany Road frontage of the site, within the footpath, is a pedestrian staircase, but no lift, for the Green Square Railway Station.
6. Below the site, at the north-western corner, is a rail tunnel serving the Airport Line and the Green Square Railway Station. The stratum lot within which the railway tunnel lies is, at its shallowest point, 8m below ground level. The top of the station platform tunnel is about 18m below ground level.

7. The site is at the north-eastern corner of the future Green Square Town Centre.
8. The surrounds of the site are set to undergo a radical transformation over the next 10-20 years as the development of the Green Square Town Centre takes shape. The Town Centre covers an area of 13.74 hectares in some of Sydney's oldest industrial districts. The Town Centre comprises 15 allotments, including several large lots owned by State and local public authorities. These 15 allotments have been earmarked for 19 development sites within the applicable planning controls. The subject site is identified as 'Development Site 6'.



Figure 2: Location of site relative to Green Square Town Centre boundaries

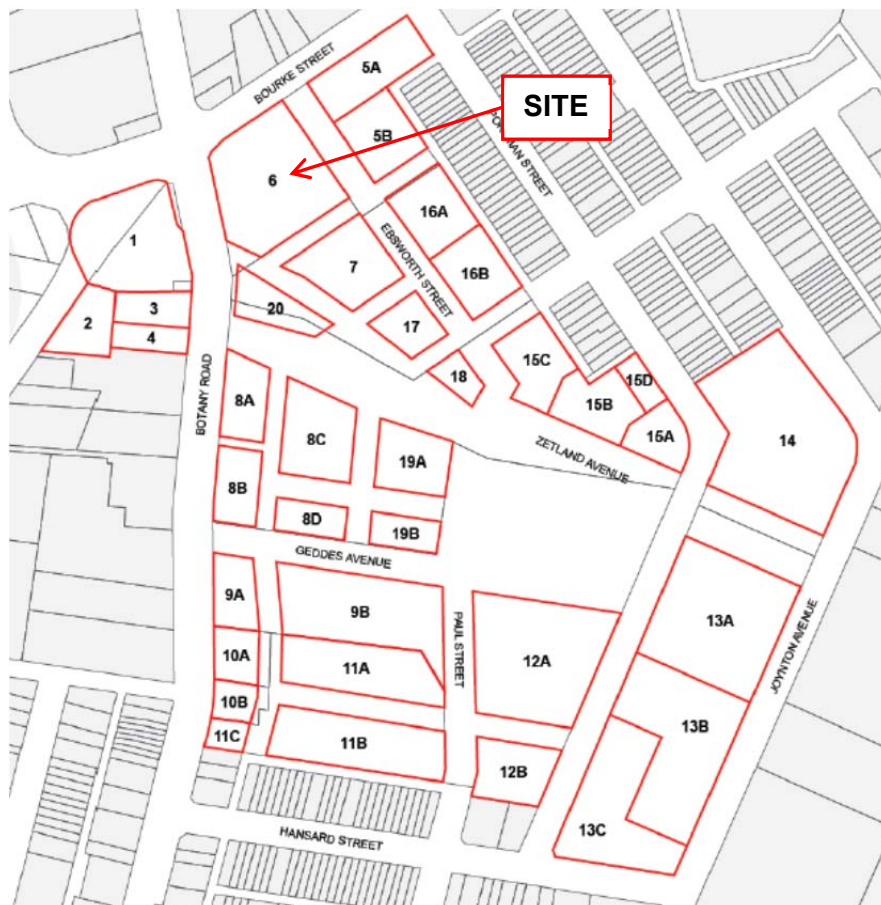


Figure 3: Development sites within the Green Square Town Centre

9. Council's vision for the Green Square Town Centre is for a centre that provides employment, services and dwellings for the Green Square redevelopment area (278 hectares) and the southern areas of the City of Sydney Local Government Area. It will do so by providing retail, office, residential, leisure, medical, cultural and civic functions. In particular, it is forecast that the Town Centre will house 6,500 residents and will be *the* main retail and commercial centre between the CBD and the airport.

Surrounding Development

10. Surrounding development includes current manufacturing, processing, distribution and automotive industries. A number of surrounding sites have been vacated and cleared of improvements, including land formerly used as two local government depots and waste management facilities.
11. To the north of the site is Bourke Street, on the northern side of which are industrial and distribution premises that are located outside the boundaries of the Green Square Town Centre.
12. To the east and south of the site are two former Council depot facilities, one formerly operated by the City of Sydney as a works depot and the other formerly operated by Waverly and Woollahra Councils for a waste facility. Both sites are within the boundaries of the Green Square Town Centre and are now owned by the NSW Government and managed by Landcom to be developed for mixed use development by a consortia comprising Mirvac and Leighton Properties.
13. Immediately to the south of the site is the area designated for the proposed Green Square Town Centre Civic Plaza and Green Square Town Centre Library. The proposed Library has recently been the subject of a Design Competition.
14. To the west of the site is Botany Road, on the western side of which is the main pedestrian entrance to the Green Square Railway Station.
15. Photographs of the existing buildings and their surrounds are found below.



Figure 4: View toward the south-east illustrating Site at intersection of Bourke Street, Botany Road and O'Riordan Street



Figure 5: Photograph of the site from corner Bourke Street and Botany Road



Figure 6: Photograph of Green Square Station access to the west

History of Development Applications, VPA and Planning Proposals Relevant to this Site

16. The following matters are considered relevant to the proposed development:-

Development Applications

Essential Infrastructure DA

- (a) On 6 August 2012, Council's City Operations Directorate lodged a DA (D/2012/1175) for the provision of essential infrastructure for the Green Square Town Centre. The DA is for the staged demolition of minor structures, tree removal and above and below ground road works, services, green infrastructure works, concept landscaping and streetscape design.

The DA is critical to the redevelopment of the Green Square Town Centre in that it will provide future access, services and public domain. In the context of the subject site, the Essential Infrastructure DA would:

- (i) provide new roads called Ebsworth Street adjacent to the north-east boundary and Tweed Place adjacent to the south-eastern boundary to allow vehicular access to the site, as access from Bourke Street or Botany Road is not permitted;
- (ii) establish future ground levels at the boundaries of the site; and
- (iii) provide services and infrastructure connections.

Activation of Green Square Planning Controls

- (b) The South Sydney Local Environmental Plan 1998 was amended in December 2006 by Amendment No. 17 – Green Square Town Centre to give effect to amended Town Centre zones and planning controls. However, the amended zoning and planning controls were established as a “deferred matter” under Section 59(3) of the Environmental Planning and Assessment Act 1979. This deferral mechanism has been used to ensure the delivery of essential infrastructure to support the Green Square Town Centre prior to enabling individual development sites to take advantage of the planning controls. The trigger for ‘un-deferring’ land is a commitment, in this case captured within a Voluntary Planning Agreement, by the site owner and/or developer to contribute to the delivery of essential infrastructure to enable the Town Centre to integrate and function.
- (c) The site is currently the only site within the Green Square Town Centre where the planning controls within the South Sydney LEP 1998 have been ‘un-deferred’. In other words, the planning controls guiding building height and gross floor area, among other matters, have been unlocked because the site owner has executed a Voluntary Planning Agreement with Council.
- (d) The VPA for this site was executed on 20 October 2011 and Amendment No. 21 to the South Sydney Local Environmental Plan 1998 to ‘un-defer’ the planning controls was gazetted on 22 June 2012.

Voluntary Planning Agreement

- (e) On 20 October 2011, a Voluntary Planning Agreement (VPA) was executed between the Applicant and Council and allowed the planning controls within the South Sydney LEP 1998 to be subsequently ‘un-deferred’.
- (f) The VPA provides for the following:
 - (i) dedication of 231sq.m of land towards the creation of the Green Square Town Centre Civic Plaza;
 - (ii) dedication of 347.5sq.m of land as a continuous 3m setback from the property boundary along the length of Botany Road and Bourke Street for footpath widening;
 - (iii) remediation of the abovementioned land to be dedicated to Council so that it is suitable for its intended purpose;
 - (iv) site works so that the land to be dedicated to Council has ground levels that are consistent with the surroundings;
 - (v) a cash contribution of \$11.89 million for essential infrastructure within the Green Square Town Centre. This contribution value was agreed as at December 2010, therefore it does not including indexation;
 - (vi) public pedestrian access and directional signage to the proposed retail car park on the site for future users of the Green Square Plaza and Library;

- (vii) public domain works on Botany Road and Bourke Street;
- (viii) the connection of any proposed residential and retail development to Council's proposed 'green infrastructure' for the Green Square Town Centre; and
- (ix) the design and construction of any retail and residential development being capable of full connection to the 'green infrastructure' to be provided for the Green Square Town Centre.

Planning Proposal for Amended Floorspace Mix

- (g) On 22 June 2012, South Sydney LEP 1998 was amended to facilitate the redevelopment of the site for residential and retail purposes rather than commercial, residential and retail purposes. The relevant amendment altered Schedule 5 of the South Sydney LEP 'Gross floor area and land use mix for specified development sites' by eliminating the allowance/requirement for commercial floorspace within the site and increasing the proportion of retail and residential floorspace by an amount equal to the loss of commercial floorspace.
- (h) Following the gazettal of the amendment, the following gross floor area allowances are applicable to the site:-

<i>Total gross floor area</i>	<i>Commercial development</i>	<i>Residential development</i>	<i>Retail development</i>
35,800sq.m	Nil	87.3%	12.7%
		(31,253sq.m)	(4,547sq.m)

- (i) The proposal complies with the above gross floor area allocation.

Standard Instrument LEP for the Green Square Town Centre

- (j) Council has prepared a Planning Proposal to replace the current Green Square Town Centre provisions within the South Sydney LEP 1998 with a stand-alone Green Square Town Centre LEP prepared in accordance with the Standard LEP Instrument. The Green Square LEP is to apply to 12 sites within the Green Square Town Centre, including the subject site.
- (k) The NSW Department of Planning and Infrastructure is currently finalising the Planning Proposal. When it is gazetted, the relevant Green Square Town Centre sites will be subject to standardised zoning and development standard provisions and the planning controls will be capable of easier integration with the Sydney Local Environmental Plan 2012.

PROPOSAL

17. The Stage 1 DA seeks consent for the following:-

- (a) A mixed use development containing indicative residential and retail uses;
- (b) A building envelope capable of accommodating a total gross floor of 39,380sq.m

(c) Indicative land uses comprising:-

- (i) 34,380sq.m for residential uses; and
- (ii) 5,000sq.m for retail uses.

(These gross floor area figures include the Applicant's requested 10% uplift in gross floor area. However, the Stage 2 DA will need to demonstrate compliance with Council's planning controls in order to achieve the 10% uplift).

(d) Building envelopes comprising the following:

- (i) a podium base with a 2-10 storey building wall;
- (ii) residential tower elements comprising two 18 storey buildings;
- (iii) maximum building heights ranging from RL 43.5 AHD to the top of the podium level to RL 75m AHD to the top of the residential towers;
- (iv) separation between buildings by a central courtyard for private open space and a 6m wide through-site link;
- (v) street setbacks off Botany Road and Bourke Street defined by the dedication of land to Council for footpath widening; and
- (vi) basement car parking accessed off Tweed Place.

(e) Car parking for residential and retail uses 'locked in' (i.e. 'Applicant lock in request') for the future redevelopment at the following rates:

- (i) Residential component: 211 spaces, generated by the adoption of the following breakdown, with the total number then reduced by some 16% taking into account the close proximity to public transport:-

Studio / 1 bedroom apartments 0.5 spaces per apartment

2 bedroom apartment 0.8 spaces per apartment

3 bedroom apartment 1.2 spaces per apartment

- (ii) Retail and residential visitor component (shared): 100 spaces generated by the adoption of the 1 space per 50sq.m.

(f) Indicative vehicular and pedestrian access arrangements;

(g) Indicative landscaping concepts; and

(h) An Ecologically Sustainable Development (ESD) Strategy.

18. The proposal has been designed to cater for:

- (a) dedication of land to Council for the creation of the Green Square Town Centre Plaza;
- (b) dedication of land to Council for footpath widening; and

- (c) a pedestrian through-site link connecting the future Ebsworth Street and Botany Road, with pedestrian access to Green Square Railway Station along the through-site link.
19. Plans, elevations and photomontages of the development are provided below and in **Attachment A**.

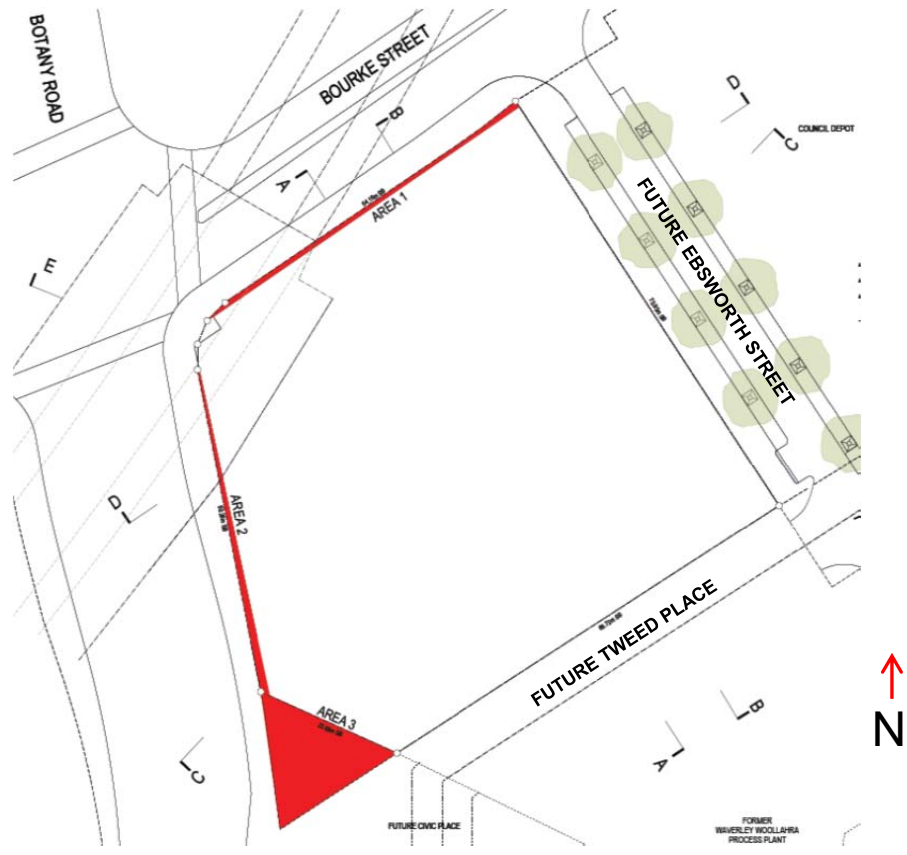


Figure 7: Plan showing land to be dedicated to Council

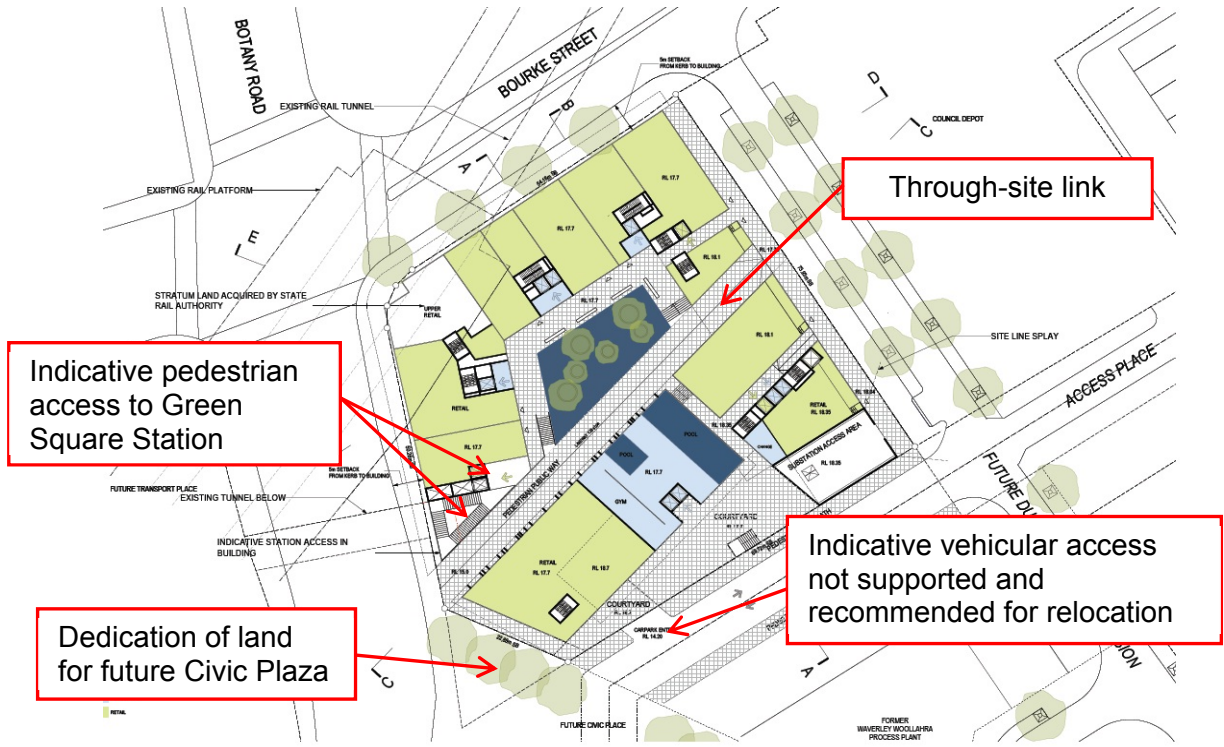


Figure 8: Indicative Ground Floor Level

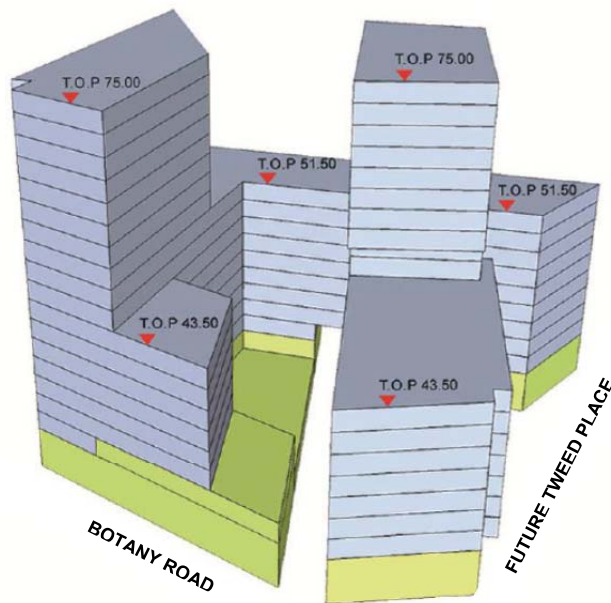


Figure 9: Proposed Building Envelopes – Botany Road frontage

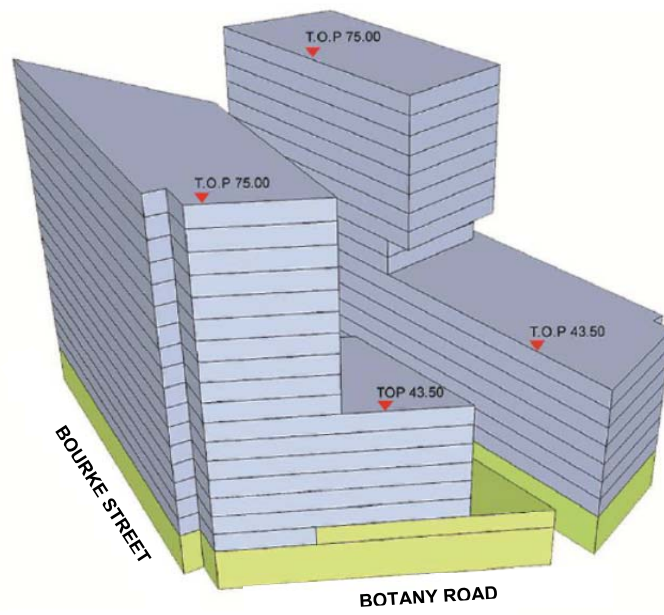


Figure 10: Proposed Building Envelopes – Corner Botany Road and Bourke Street

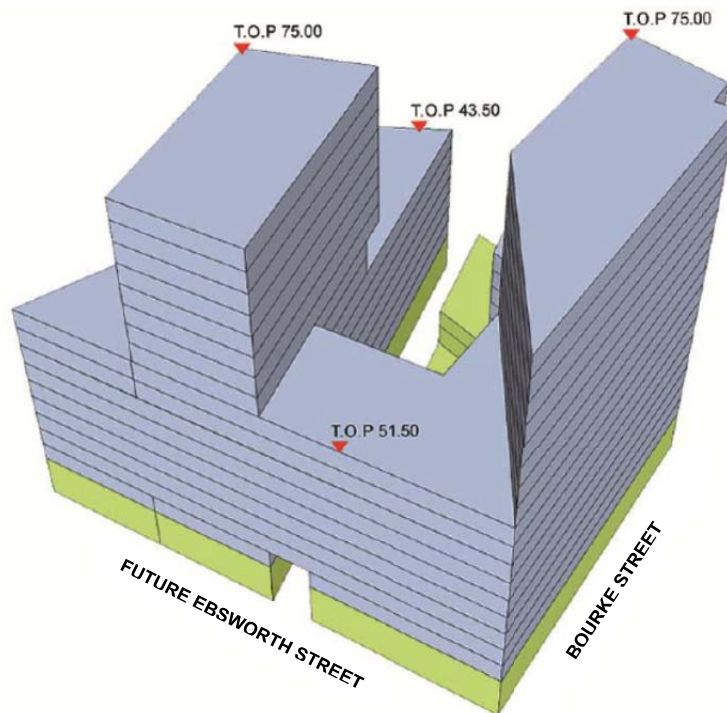


Figure 11: Proposed Building Envelopes – Corner Bourke Street and future Ebsworth Street

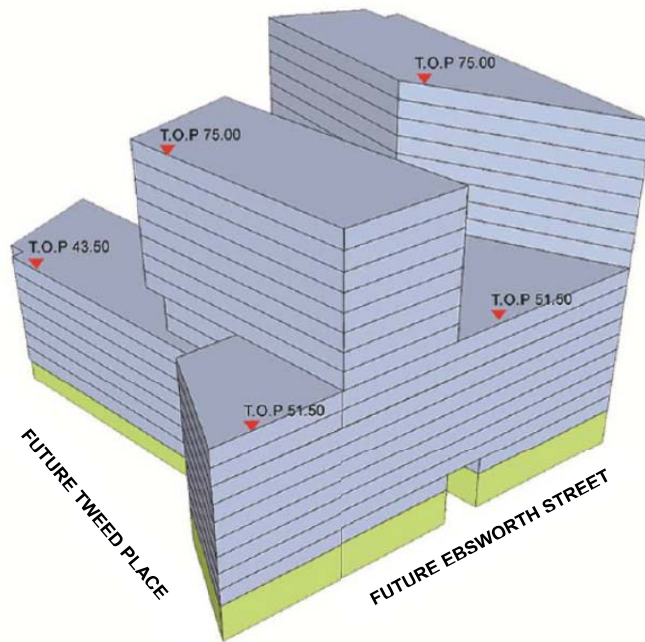


Figure 12: Proposed Building Envelopes – Corner future Ebsworth Street and future Tweed Place



Figure 13: Indicative Photomontage as viewed from Botany Road frontage



Figure 14: Indicative Photomontage as viewed from Bourke Street frontage

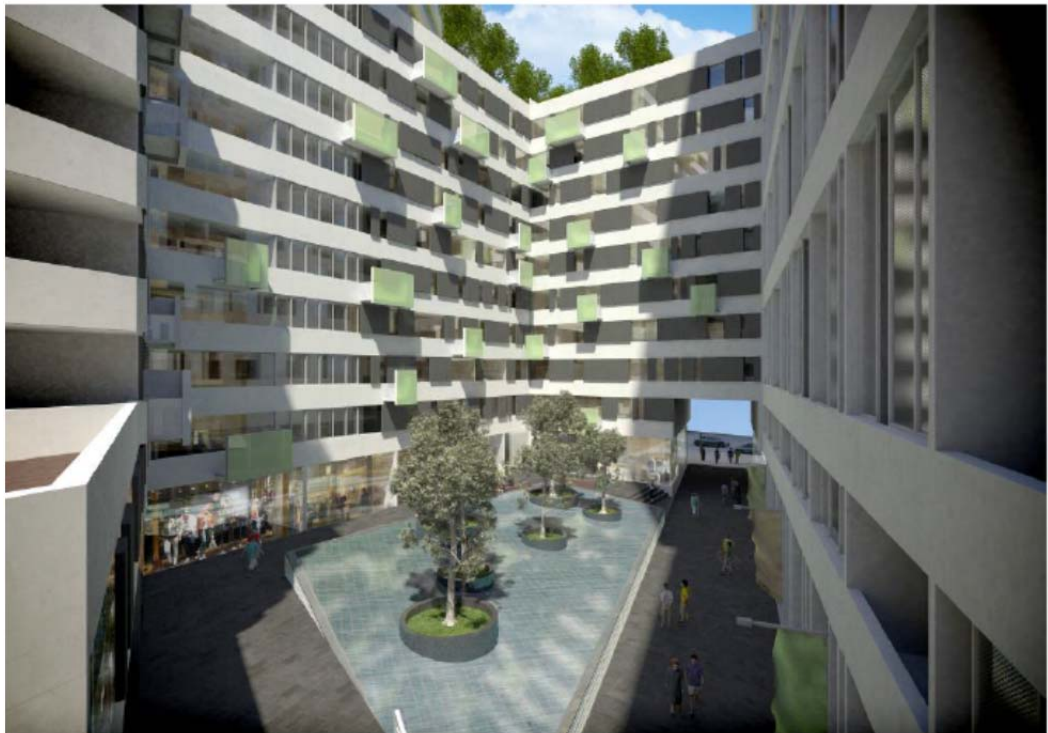


Figure 15: Indicative Photomontage of Internal Courtyard with Through-site Link

IMPLICATIONS OF THE PROPOSAL**Section 79C Evaluation**

20. 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**

21. The Development Application was referred to the NSW Office of Water pursuant to the provisions of the Water Management Act 2000 as the future basement car parking will require dewatering of the site which is deemed to be an aquifer interference activity.
22. The NSW Office of Water provided General Terms of Approval to the development and these will need to be considered in the Stage 2 DA design phase. The Stage 2 development will need to satisfy the General Terms of Approval.

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)

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

SEPP (Infrastructure) 2007RailCorp

24. Clause 86 of the SEPP requires RailCorp concurrence if a proposal involves excavation to a depth greater than two metres where this excavation is within 25 metres of a rail corridor.
25. Although no work is proposed as part of this Stage 1 DA, the Stage 2 DA will include excavation for basement car parking and footings. The proposal has been referred to RailCorp, with concurrence and recommended conditions of consent provided in correspondence dated 29 November 2012. The RailCorp conditions have been incorporated in the recommendation.

Roads and Maritime Services

26. The application was referred to RMS under Clause 104 of the SEPP due to the scale of the development and the proximity to a classified road. The RMS have provided comments on the proposal. Where relevant, these comments have been incorporated as conditions of consent in the recommendation.

SEPP 55 – Remediation of Land

27. SEPP 55 provides that a consent authority must not grant consent to the carrying out of any development on land unless:
- (a) it has considered whether the land is contaminated; and

- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out; and
 - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.
28. The provisions of SEPP 55 are replicated in the Green Square Town Centre DCP.
29. It is noted that the proposal is a Stage 1 DA of a conceptual nature and that detailed matters in relation to contamination and any necessary remediation of the site can be addressed as part of the future Stage 2 DA. Nevertheless, the Applicant lodged a Phase 1 Environmental Site Assessment which demonstrates that the site is suitable for the proposed development.
30. Council's Health Officers raise no objection to the proposal in relation to site contamination subject to a Site Audit Statement prepared by a NSW EPA accredited auditor being submitted to Council with the Stage 2 DA. An appropriate condition to this effect has been recommended.

SEPP 65 - Design Quality of Residential Flat Development

31. SEPP 65 provides that in determining an application for a residential flat development of three or more floors and containing four or more apartments, that the consent authority take into consideration a number of matters relating to design quality, including 10 design quality principles.
32. Due to the conceptual nature of a Stage 1 DA, a detailed assessment against SEPP 65 and the Residential Flat Design Code would only occur as part of the Stage 2 DA. Notwithstanding, an assessment of the proposed building envelopes is provided and indicates that the orientation, separation and scale of the building envelopes will produce satisfactory outcomes.

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

The proposed building envelope is consistent with the maximum gross floor area control in the South Sydney LEP 1998 and the maximum building height controls in the Green Square Town Centre DCP. The context, scale and built form are considered to be appropriate and provide an acceptable outcome within the locality.

(b) **Principle 4:** Density

Subject to conditions of consent, the proposed building envelopes are able to comply with the core planning controls (height and FSR) and achieve a density envisaged for this site as part of the Green Square Town Centre planning controls.

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

Principles relating to energy efficiency will be assessed during the detailed Stage 2 DA which will also be subject to the BASIX targets.

(d) **Principle 6: Landscape**

The proposed indicative private open space, pedestrian through-site link and landscaped areas are considered to be acceptable. However, the indicative courtyard at the south-eastern side of the site, along the future alignment of Tweed Place, is not supported on urban design grounds and a condition is recommended such that the building, and at least the podium base, is located at the property boundary to provide activation and interest. Further discussion is provided in the Issues section below.

(e) **Principle 7: Amenity**

An acceptable level of amenity is able to be achieved from the orientation, building separation, bulk and scale of the proposed building envelopes. Although a detailed assessment against the provisions of the Residential Flat Design Code in term of optimum building width, minimum solar access per apartment, minimum natural ventilation per apartment, best-practice private open space and the like will be carried out at Stage 2 DA phase, the proposed building envelopes demonstrate that an appropriate level of amenity is possible.

Details with respect to acoustic and visual amenity will need to be considered as part of the future Stage 2 DA.

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

The proposed indicative land uses will provide satisfactory activation of the surrounding streets.

The vehicle entrance to the site, subject to the recommendation which includes the relocation of the Applicant's point of access, will produce satisfactory outcomes for vehicles, pedestrian and cyclists.

The proposed through-site link is to be open 24 hours a day and will need careful consideration in terms of Crime Prevention Through Environmental Design (CPTED) principles at the Stage 2 DA phase.

Separate and secure entrances are able to be provided to the different building uses. Details will need to be fully considered as part of the future Stage 2 DA.

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

Issues regarding social dimensions and appropriate apartment mix will be considered as part of the future Stage 2 DA.

(h) **Principle 10: Aesthetics**

The appearance and finish of the development will need to be fully considered as part of the Stage 2 DA. At this stage, the indicative building envelopes are able to comply with the controls set out in the Green Square Town Centre Development Control Plan and the proposal is capable of having acceptable aesthetics.

33. The development is considered generally acceptable when assessed against the above stated principles and the SEPP generally. It is evident in the Stage DA drawings that the proposed residential layout would not comply with some guidelines in the Residential Flat Code and these matters will need to be resolved with the Stage 2 DA.

SEPP (BASIX)

34. Compliance with BASIX targets will need to be demonstrated as part of the future Stage 2 DA.

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)	<p>The site is zoned 11(a) Green Square Town Centre and 11(b) Green Square Town Centre Public Domain.</p> <p>The 11(b) zone applies to the south-west corner of the site which is affected by land dedication for the formation of a public plaza and two narrow strips along Bourke Street and Botany Road affected by land dedication for footpath widening. The land to be dedicated is 282sq.m of the 5,470sq.m site.</p>	The development is defined as residential development and retail development. These uses are permissible.
Heritage Conservation (Cl. 22 to 27)	Development is to satisfy certain heritage requirements.	No heritage issues are evident in relation to the proposal.

Development Controls	Permissible under South Sydney LEP 1998	Proposal as assessed under South Sydney LEP 1998
Development at Green Square (Cl. 27C)	Development is to satisfy the vision, planning principles and Masterplan provisions of the LEP.	The proposal satisfies the vision and planning principles for Green Square in that it provides a diversity of land uses, provides connectivity as required, provides uses and a design which is internally and externally compatible and supports the aim to create a compact and sustainable urban area. The requirement for a Masterplan is satisfied by the lodgement of a Stage 1 DA.
Green Square Town Centre (Part 4, Div 2A)		
Clause 27KE – Architectural Design Standards	Council must not grant consent to development unless it is satisfied that: <ul style="list-style-type: none"> • A high standard in terms of architectural design, materials and detailing will be achieved; and • The form and external appearance of the building will contribute in a positive manner to the quality, amenity and character of the public domain, consistent with the objectives of the zone. 	The proposal is capable of satisfying the architectural design provisions. The Stage 2 DA will need to consider the design standard provisions of the LEP in greater detail.
Clause 27KF – Gross Floor Area and Land Use Mix	The site is allocated a total gross floor area of 35,800sq.m, with a breakdown of 87.3% residential development and 12.7% retail development. A 10% uplift in gross floor area is permitted provided a number of design related pre-requisites are met.	The indicative land uses comply with the allocated appointment. Refer to Issues section of report in relation to the proposed 10% uplift in gross floor area.

Development Controls	Permissible under South Sydney LEP 1998	Proposal as assessed under South Sydney LEP 1998
Clause 27KG – Maximum Height	Council must not grant consent to the erection of any building whose height exceeds the maximum height shown in the Green Square Town Centre Height Map. In this case, the relevant maximum podium height is RL 51.7 and the relevant maximum tower height is RL 75.2.	The proposed building envelopes comply with the maximum building height standards. The maximum podium height is RL 51.5 and the maximum tower height is RL 75.0.
Clause 27KH – Floodwater Management	Development must not affect upstream or downstream flood behaviour, must not significantly increase flood hazard or potential for damage, must not restrict capacity in any floodway, must not increase risk to persons and must provide adequate flood protection.	A Flood Impact Assessment was lodged with the DA. Council's Engineers have recommended a condition of consent regarding flood planning levels for the site.
Design Principles and Masterplans (Cl. 28)	Council is to consider whether development satisfies design related principles in relation to streetscape, scale, amenity, energy efficiency and other matters. Council is also to take into consideration any Masterplan that is available for sites greater than 5,000sq.m.	The proposal satisfies the relevant design principles and the Stage 2 DA will similarly need to demonstrate compliance. As addressed above, the requirement for a Masterplan is satisfied by the lodgement of a Stage 1 DA.
Contaminated Land (Cl. 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 can satisfy these provisions, subject to any necessary remediation of land. A condition of consent is included in the recommendation requiring a Site Audit Statement with the Stage 2 DA.

Sydney LEP 2012

37. The Sydney LEP 2012 does not apply to the site because the Green Square Town Centre is deferred from the LEP.

Sydney Development Control Plan (Green Square Town Centre) 2012 (“the Green Square Town Centre DCP”)

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

Development Controls	Permissible under Green Square Town Centre DCP	Proposal as assessed under Green Square Town Centre DCP
Objectives (s.1.4)	The DCP objectives include the creation of a model example of sustainable urban renewal, creation of high quality public domain and the creation of buildings within their context.	The proposal satisfies the intent of the objectives.
Public Open Space (s.3.1)	Green Square Plaza is to be provided and a minimum amount of solar access within the Plaza is to be maintained.	The proposal has been designed having regard to the dedication of land towards the creation of the Square and maintains the required amount of solar access to the Plaza.
Street Network (s.3.3)	<p>The future Ebsworth Street and Tweed Place are to be provided,</p> <p>Vehicular entry off Bourke Street and Botany Road is not permitted.</p> <p>Tweed Place is to operate as a slow zone where pedestrians and cyclists share the space.</p> <p>A through-site link or arcade is to be provided between Ebsworth Street and Botany Road, with a width of 4.5-6m, as open to the sky as possible, with active edges and clear visibility.</p>	<p>Ebsworth Street and Tweed Place are to be constructed by Council. The proposal has been designed to correspond with the alignment and levels of the future streets.</p> <p>Refer to the Issues section in relation to the proposal's effects on the role and function of Tweed Place.</p> <p>A through-site link has been catered for and the design satisfies the relevant controls.</p>
Flooding and Stormwater Management (s.3.4)	Development is to have regard to studies and principles for flood and stormwater management.	The DA was accompanied by a Flood Impact Assessment and the recommendations are to be followed with the Stage 2 DA. Council's Engineers have recommended a condition of consent regarding flood planning levels for the site.

Development Controls	Permissible under Green Square Town Centre DCP	Proposal as assessed under Green Square Town Centre DCP
Land Uses (s.4)	<p>Any Stage 1 DA is to identify how gross floor area is to be distributed throughout the site.</p> <p>The site is to provide retail uses at ground floor, retail or commercial uses at first floor and mixed use development from second floor and above.</p> <p>Except for the through-site link and vehicle access, the site is to provide active frontages.</p> <p>Ebsworth Street is to be a retail 'high street'.</p>	<p>The DA identifies the proposed distribution of floor space. The proposal provides retail uses at lower ground and upper ground floors and residential uses above ground floor.</p> <p>The proposal provides active frontages to the majority of the streets and promotes the establishment of Ebsworth Street as a retail 'high street'.</p> <p>The lower ground floor retail is partially within the basement due to the topography of the site. However, this design still promotes an active use on the low side of the site, which is encouraged in the DCP.</p> <p>Included within the recommended conditions of consent are conditions to improve the extent of active frontages. Further discussion on the setbacks of the development is included in the Issues section.</p>
Building Layout, Form and Design (s.6)		
Competitive Design Processes	A competitive design process is to take place for development 16 storeys or greater.	The Stage 2 DA will need to be subject to a competitive design process. Bonus floorspace may be possible over and above the proposed gross floor area, including the 10% uplift in gross floor area.

Development Controls	Permissible under Green Square Town Centre DCP	Proposal as assessed under Green Square Town Centre DCP
General Built Form	Buildings are to address and be aligned with streets and full height gaps are to be provided between buildings.	<p>The layout of the proposal is almost identical to the building footprints identified in the DCP.</p> <p>Conditions of consent are included in the recommendation to ensure the Stage 2 building envelopes are not setback from Ebsworth Street and Tweed Place and these frontages provide active uses at ground floor. Refer to Issues section.</p>
Building Length	Any building greater than 45m in length is to be broken up into separate components.	The proposed building envelopes are greater than 45m long and separate building components have been identified. There is a clear distinct between material and built form along the relevant long frontages.
Building Height	<p>The desired building heights for the site are an 8-10 storey podium with two 18 storey tower elements. The 8-10 storey components are to have a height up to RL 37 and the 18 storey components are to have a height up to RL 63.5.</p> <p>NOTE: This is inconsistent with the South Sydney LEP 1998 which refers to a maximum podium height of RL 51.7 and a maximum tower height of RL 75.2</p>	The height of the proposed building envelope is in keeping with the number of storeys required in the DCP and is able to achieve the required floor to ceiling heights. The RLs of the proposal comply with the South Sydney LEP 1998.

Development Controls	Permissible under Green Square Town Centre DCP	Proposal as assessed under Green Square Town Centre DCP
Setbacks	<p>A 5m setback is to be applied from the kerb to the building along Bourke Street and Botany Road for footpath widening.</p> <p>Development is to provide a street wall alignment at the podium and a 3m setback above the podium along the future Ebsworth Street.</p>	<p>Refer to Issues section regarding the proposed setbacks.</p> <p>In summary:</p> <ul style="list-style-type: none"> the proposal includes a 3m setback at the ground floor along Ebsworth St and it is recommended that the ground floor be brought forward to the street alignment; and the proposal does not include a 3m setback above the podium level along Ebsworth Street. However, Council's Urban Designers and Planners raise no issue with this because the proposed tower frontage is minimal.
Dwelling Mix	Dwelling mix provisions apply.	The proposal includes indicative dwelling mix targets. Dwelling mix will be addressed at the Stage 2 stage. It is noted in the current form that there is an undersupply of 3 bedroom apartments.
Amenity	Amenity consideration such as solar access, wind effects, acoustic and visual privacy and safety are to be considered.	The Stage 2 DA will need to address the amenity of the development and the amenity impacts on adjoining land. In principle, the proposed building envelopes are anticipated to have acceptable internal and external amenity.
Environmental Management (s.8)	Various controls in relation to energy efficiency, waste management, material selection, use of resources and the like apply.	The Stage 2 DA will need to address these matters.

Development Controls	Permissible under Green Square Town Centre DCP	Proposal as assessed under Green Square Town Centre DCP
Transport and Parking (s.10)	<p>Vehicle parking is to be provided at the relevant LEP rates. Bicycle parking and loading docks are to be provided in accordance with the rates and requirements in the DCP.</p> <p>Basements are not to protrude more than 1.2m above ground level.</p> <p>Development sites are to allow for inter-connected basement car parking.</p>	<p>Refer to the discussion in the Issues section below regarding parking rates and integrated basement car parking.</p> <p>The indicative lower ground floor basement protrudes above ground level by approximately 1m and is acceptable.</p>

Green Square Affordable Housing Development Control Plan

39. The Green Square Affordable Housing DCP applies a contribution, either on site through the quarantining of apartments for use by a community housing provider or as a monetary contribution in lieu of on-site provision, towards affordable housing.
40. As this is Stage 1 DA, no affordable housing contribution is relevant. The amount of the affordable housing contribution relevant to the redevelopment of the site will be determined on the basis of the quantum of residential and non-residential floor space at the Stage 2 DA stage.

Draft Sydney Local Environmental Plan 2010 (Green Square Town Centre)

41. As draft Sydney LEP 2010 (Green Square Town Centre) (the draft LEP) has been exhibited, it is a relevant matter for consideration in the assessment of this DA. The aim of the draft LEP is to apply new standardised zoning and development standards provisions to 12 sites in the Town Centre, including the subject site so that the planning controls for those sites are capable of future integration with the Sydney LEP 2012.
42. The draft LEP is currently with the NSW Department of Planning and Infrastructure for finalisation.
43. The draft LEP applies a draft B4 Mixed Use Zone, a draft floor space ratio standard of 6.35:1 and a draft maximum building height limit of RL 79.5 to the site. The proposal is in keeping with the draft height control (it is, in fact, a storey less than the control), but would exceed the draft FSR control. Measured under South Sydney LEP 1998, the proposed FSR is 7.19:1, including a 10% uplift in gross floor area.

ISSUES

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

Request for 10% Uplift in Gross Floor Area

45. The Applicant's proposed allocation of floor space includes a 10% uplift in gross floor area as per the allowance of Clause 27KF of the South Sydney LEP 1998.
46. The proposed building envelopes can accommodate a 10% uplift in GFA whilst remaining compliant with Council's building height controls. The proposed building envelopes are acceptable. However, the Stage 2 DA will need to demonstrate that the relevant pre-requisites are satisfied in order to achieve a 10% uplift in gross floor area.

Design Issues

Building Setbacks

Bourke Street and Botany Road

47. The indicative layout of the proposal includes a 5m setback from the kerb to the building wall along Bourke Street and Botany Road for future footpath widening.
48. The Bourke Street and Botany Road setbacks are not consistent with the terms of the VPA executed between the Applicant and Council. The VPA established the requirement for a continuous 3m wide setback from the property boundary to be dedicated to Council for footpath widening. The proposal provides for a 5m setback from the kerbs of Bourke Street and Botany Road to the proposed property boundary. The DCP requires a 5m setback from kerb to boundary line and the DCP contains comprehensive controls for the design of the Town Centre. The VPA will need to be amended to remove the agreement to dedicate 3m of the site for footpath widening.

Ebsworth Street

49. The indicative layout of the proposal includes a 3m setback from the property boundary to the building walls at the ground floor along the future Ebsworth Street.
50. Council's Urban Designers recommend that no setback be applied to the ground floor along Ebsworth Street to provide an active frontage and reinforce the retail 'high street' being encouraged for Ebsworth Street. This is captured in the recommended conditions of consent.

Tweed Place

51. The indicative layout of the proposal includes a setback of 3m–16m from the property boundary to the building wall along Tweed Place.

52. The Tweed Place setback assumes that the immediate south-east side of the proposal (Development Site 7) would be developed for mixed use purposes and that building separation would be necessary. However, since the date that the DA was lodged, Tweed Place has been confirmed as part of the Green Square Town Centre road network. Accordingly, Council's Urban Designers do not support any setback along Tweed Place and have recommended the proposal have an active retail frontage which is built to the street alignment. This is captured in the recommended conditions of consent.

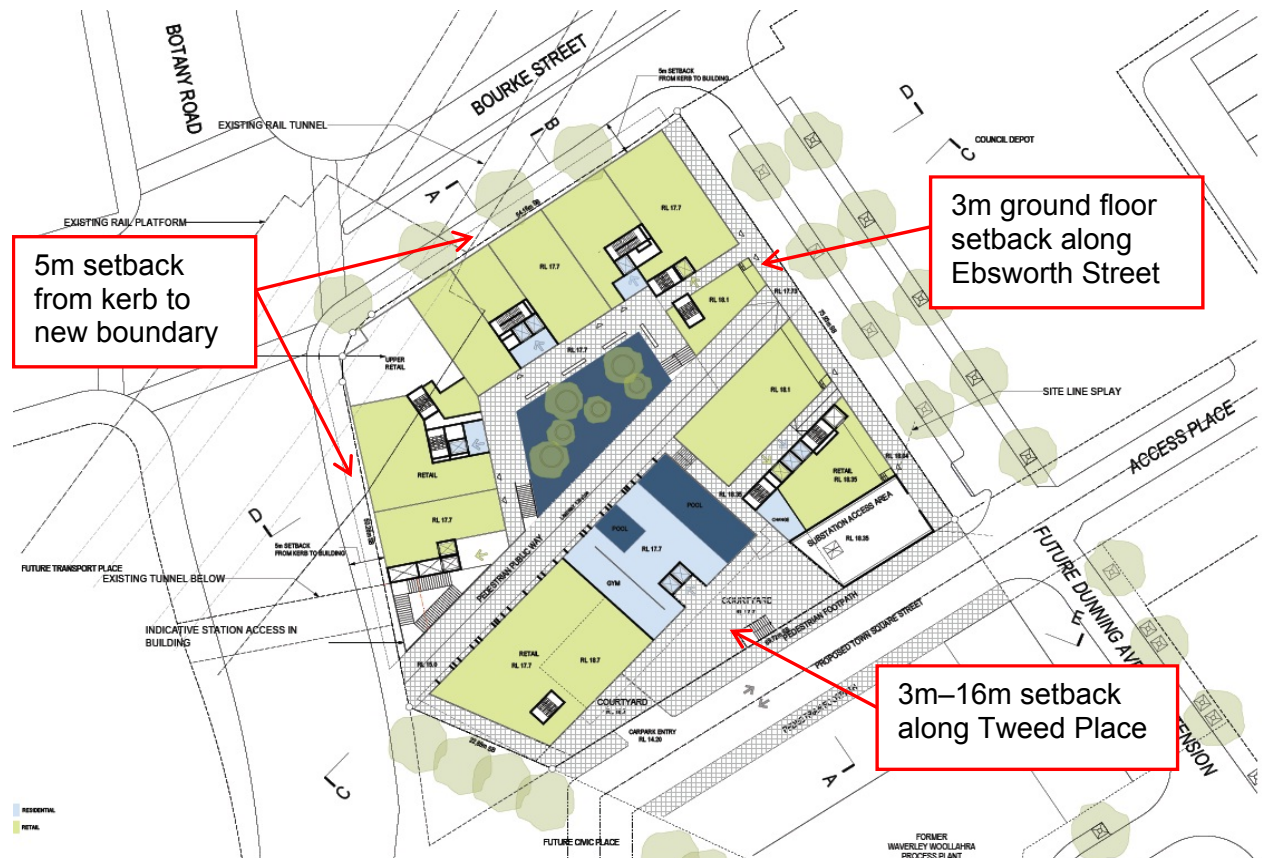


Figure 16: Proposed building setbacks

Vehicular Access

53. The redevelopment of the site relies upon the provision of essential infrastructure by Council and by others. Vehicular access to the site is reliant upon the construction of the following public roads:-
- Ebsworth Street, providing a local road function through the centre of Green Square Town Centre from Bourke Street in the north to Dunning Avenue in the south. Ebsworth Street is to be a future retail 'high street' for the Green Square Town Centre; and
 - Tweed Place, providing a local street function on the north-eastern and south-western sides of Ebsworth Street. Tweed Place has been put forward by Council as a shared zone with slow moving traffic.

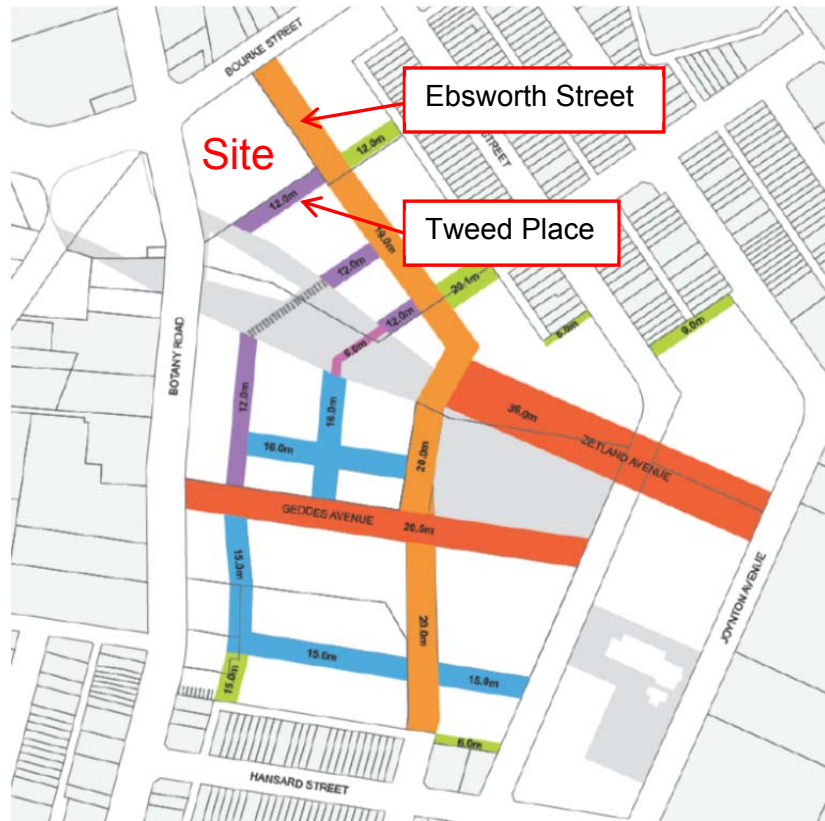


Figure 17: Future Road Network, Green Square Town Centre DCP 2012



Figure 18: Tweed Place Shared Zone, Green Square Town Centre DCP 2012

54. Council’s Green Square Project Managers have confirmed that Council will be taking on the responsibility for delivering Ebsworth Street and Tweed Place because the road corridors are essential for access to several properties. Council’s Project Managers are currently negotiating landowner works before the roads would be constructed by Council (i.e. any necessary remediation and earthworks).
55. The Development Application documentation indicated three potential options for car parking and loading access as follows:
- (a) a temporary position accessed off Bourke Street. However, access is not permitted from Bourke Street under the Green Square Town Centre DCP and it is considered unlikely that the temporary access would later revert to a permanent access from a different street due to the high capital costs of changing access driveways, boom gates, signage, etc, later.
 - (b) a permanent option along Ebsworth Street. This option was devised before Tweed Place to the south was confirmed by Council. The proposed driveway access would be too close to the intersection of Ebsworth Street and Tweed Place and is not supported. A driveway along Ebsworth Street would also disrupt the creation of a retail ‘high street’ along Ebsworth Street as encouraged within the Green Square Town Centre DCP.
 - (c) a permanent option along Tweed Place toward the south-western corner of the site.

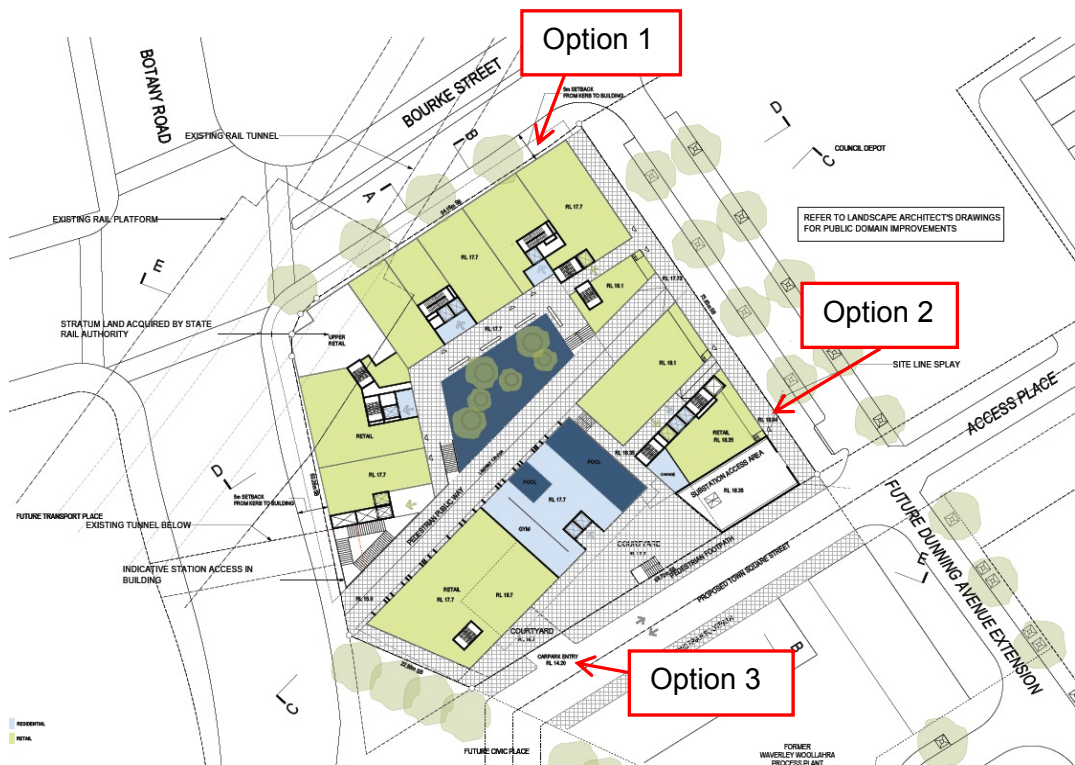


Figure 19: Applicant’s three options for vehicular access

56. Access is supported from Tweed Place. However, the Applicant’s proposed Tweed Place option has two issues:

- (a) The position is further along the site than Tweed Place is proposed to extend; and
 - (b) The traffic volumes forecasted to use Tweed Place to and from the development site are in the order of 250 vehicles per day in the peak period. However, a shared zone is to be designed to take a maximum of 100 vehicles per hour.
57. In relation to issue (a), Council's Traffic and Urban Design Officers have consulted and recommended an alternative position along Tweed Place which is limited to 45m from the centreline of Ebsworth Street. This distance enables Tweed Place to be marginally extended whilst being limited enough so that drivers may quickly realise there is no turning facility. A condition is included in the recommendation to require access to the site to be provided along Tweed Place approximately 45m from the centreline of Ebsworth Street.
58. In relation to issue (b), Council's Traffic Unit, Urban Designers and Planning Assessment Officers have consulted and envisage that reclassifying the function of Tweed Place from a shared zone to a local street would be acceptable.
59. The recommended revised access position needs to be detailed in the Stage 2 DA.

Car Parking – Request to lock in parking rates

60. The Applicant seeks consent to 'lock in' car parking rates for the development at parking rates contained within the former South Sydney Development Control Plan 11 – Transport Guidelines for Development.
61. This is not supported at Stage 1 DA stage. There is no certainty when a Stage 2 DA may be lodged and car parking rates within the relevant planning controls are subject to change.
62. The Stage 2 DA is to be designed with regard to the car parking rates within the planning controls at the time.

Integrated Basement Car Parking

63. The Green Square Town Centre is envisaged to contain integrated basement car parking. In this regard, individual development sites are to provide the ability for basement car parking to connect to other sites. In this case, the subject site is to have integrated basement car parking with the site to the south-east (across Tweed Place),
64. A condition is included in the recommendation for the Stage 2 DA to include a break through panel on Basement Level 1 (the retail car parking level) to future-proof the possibility of integrated basement car parking with the site to the south-east.

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

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

BCA Matters

66. The development is capable of satisfying the requirements of the Building Code of Australia.

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

67. 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

68. 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

69. Not applicable to this report.

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

70. The development is not subject to a Section 94 Contribution at Stage 1 DA.

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

71. The application constitutes integrated development; as such the application was advertised and notified for 30 days between 31 July 2012 and 31 August 2012 in accordance with the provisions of the Environmental Planning and Assessment Regulation 2000.
72. In accordance with the provisions of the City of Sydney Notification of Planning and Development Applications Development Control Plan 2005, notices were placed on the site of the proposal, advertised in the local press, and adjoining and nearby owners and occupiers of surrounding buildings were notified of the proposal and invited to comment.
73. No submissions were received.

EXTERNAL REFERRALS**Design Advisory Panel**

74. The City of Sydney Design Advisory Panel considered the proposal and had the following recommendations:
- (a) the Tweed Place setback should be changed to ensure alignment with the street;

- (b) the Ebsworth Street setback should be deleted and the building should be aligned to the street;
- (c) the substation indicated for the corner of Tweed Place and Ebsworth Street should be reconsidered;
- (d) opportunities for awnings should be incorporated within the Stage 2 DA;
- (e) access off Tweed Place is supported, on the proviso that the access is closer to the middle of the block compared to the Applicant's option; and
- (f) the height of the through-site link where it traverses through the building envelopes should be increased to maximise views of the sky.

All of the above recommendations were in alignment with Council's Urban Designers recommendations and conditions are included in the recommendation to address each.

Independent Quantity Surveyor

75. The DA was referred to an external Quantity Surveyor (QS) to review the Applicant's estimated cost of development. Council's QS determined that the Applicants estimated cost of development is fair and reasonable.

Local Pedestrian, Cycling and Traffic Calming Committee

76. The DA does not require referral to the Local Pedestrian, Cycling and Traffic Calming Committee.

Ausgrid

77. The application was referred to Ausgrid who advised that an electricity substation within the development should be provided. An appropriate condition has been included in the recommendation.

NSW Office of Water

78. The proposal was approached as being Integrated Development under the Water Management Act due to the future construction of basement car parking requiring dewatering processes which are deemed to be an 'aquifer interference activity'.
79. The NSW Office of Water issued its General Terms of Approval (GTAs) (**Attachment B**). Although the GTAs are not relevant to the DA because no excavation or construction works are to be carried out, the GTAs have nevertheless been incorporated within the recommended conditions of consent. The GTAs may inform the design of the Stage 2 DA and, if the Stage 2 DA is consistent with the GTAs, new GTAs may not be necessary at Stage 2.

INTERNAL REFERRALS

80. The application was referred to Council's:
- (a) Urban Design Unit;
 - (b) Public Domain Unit;

- (c) Building Services Unit;
 - (d) Health Unit;
 - (e) Safe City Unit; and
 - (f) Transport Management Unit.
81. No objection to the proposed development was raised, subject to the imposition of appropriate conditions. Appropriate conditions have been included in the recommendation of this report.

RELEVANT LEGISLATION

82. The Environmental Planning and Assessment Act 1979 and the Water Management Act 2000.

CONCLUSION

83. This DA is the first DA for redevelopment within the Green Square Town Centre. It proposes to establish building envelopes and indicative layout of a mixed use development containing residential and retail land uses and associated basement car parking.
84. The proposed development largely complies with the core built form provisions of the LEP and DCP. With relatively minor amendments at the Stage 2 DA phase to address urban design issues and integration with adjoining land, the building envelopes will result in an acceptable outcome.
85. The Applicant's request for a 10% uplift in gross floor area and the Applicant's request to the 'lock in' car parking rates will need to be addressed at the Stage 2 DA. In relation to the uplift in gross floor area, the proposed building envelopes can accommodate a 10% uplift in gross floor area.
86. The proposed building envelopes, subject to the recommended conditions of consent, will result in appropriate bulk and scale, the connection of public spaces and facilities with one another and the promotion of active retail frontages especially on one of the Green Square Town Centre's future 'high streets'.
87. The application is recommended for approval subject to conditions.

GRAHAM JAHN

Director City Planning, Development and Transport

(Russell Hand, Senior Planner)