ITEM 8. DEVELOPMENT APPLICATION: 18 - 20 O'DEA AVENUE WATERLOO

FILE NO: D/2013/2030

DEVELOPMENT APPLICATION NO: D/2013/2030

SUMMARY

Date of Submission:	24 December 2013,	amended	plans received	11
	August 2014			

Applicant: CROWN W1 DEVELOPMENTS PTY LTD

Architect: SJB ARCHITECTS

- **Developer:** CROWN W1 DEVELOPMENTS PTY LTD
- **Cost of Works:** \$109,428,000

Proposal Summary: Stage 1 Integrated Development Application for demolition of all existing structures, four building envelopes ranging from 7 to 20 storeys in height, residential apartments and ground floor retail land uses and the provision of public infrastructure including construction and dedication of Dunkerley Place, Hatter Lane, O'Dea Ave setback and Rope Walk park.

> The application involves a concept for redevelopment that would be classified as an Integrated Development as any future works would require an approval under the *Water Management Act 2000*.

> The application was exhibited for a period of 30 days and 20 submissions were received raising concerns relating to the height, scale, traffic congestion and amenity impacts including overshadowing, privacy and view loss. Amended plans and additional information were received and re-exhibited for a period of 30 days, 3 submissions were received. The concerns raised have been considered throughout the assessment and addressed within this report.

The Stage 1 development application proposes a predominately residential development within the South Sydney LEP 1998 10(e) Mixed Uses zone, which seeks to establish a predominately employment-based zone. This assessment finds that, based on the existing land use mix as a floorspace, the zone and precinct will continue to be a predominately employment based zone in the short term.

Proposal Summary (continued):	The site has been the subject of a competitive design process that resulted in an alternative response to the site planning for building envelopes compared to those prescribed in the Lachlan DCP.
	The proposed departure from the DCP envelopes is assessed as acceptable in this instance as the concept reduces the number of buildings on the site, improves the quantity and quality of communal open space for future occupants and the redistributed floorspace on top of the remaining buildings does not result in unreasonable impacts internal and external to the site.
	The application satisfies the requirement for a masterplan to be prepared and it has been demonstrated that the building envelopes have the capability of accommodating buildings and land uses that perform against the relevant built form and amenity controls contained in the Lachlan DCP, SEPP 65, RFDC and draft SLEP 2012.
	The application was accompanied by a public benefit offer for the delivery of future roads, infrastructure and public open space on the site. The package of public benefit is consistent with the public domain improvements identified on the site in the Lachlan DCP and the City of Sydney Development Contributions Plan 2006.
	A draft Planning Agreement has been prepared to secure the provision of the public benefit package and is currently on public exhibition. Any submissions will be considered prior to execution and any Stage 2 consent being issued. The application can be determined by the Central Sydney Planning Committee, subject to a condition requiring the execution and registration of the Planning Agreement to be linked to any Stage 2 consent.
Summary Recommendation:	The development application is recommended for approval, subject to conditions.

Development Controls:

- (i) State Environmental Planning Policy No 55— Remediation of Land
- (ii) State Environmental Planning Policy No 65— Design Quality of Residential Flat Development
 - a. Draft SEPP65 exhibited on 23 September 2014
- (iii) State Environmental Planning Policy 70 Affordable Housing (Revised Schemes)
- (iv) State Environmental Planning Policy (Infrastructure) 2007
- (v) State Environmental Planning Policy No 32— Urban Consolidation (Redevelopment of Urban Land)
- (vi) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- (vii) South Sydney Local Environmental Plan 1998 (Gazetted 28 April 1998, as amended)
- (viii) Sydney Local Environmental Plan 2012 (Gazetted 14 December 2012, as amended)
 - a. Lachlan Precinct Planning Proposal amendment to Sydney Local Environmental Plan 2012
- (ix) South Sydney Development Control Plan 1997
 Urban Design (in force on 2 July 1997, as amended)
 - a. South Sydney DCP 1997: Urban Design -Green Square Part G: Special precinct No. 9 Green Square (in force on 19 December 2006)
 - South Sydney DCP 1997: Urban Design -Green Square Part G: Special precinct No. 9 Green Square (Lachlan Precinct) (in force on 16 April 2013)
- (x) Development Control Plan No. 11 Transport Guidelines for Development 1996 (Adopted 8 May 1996)
- (xi) City of Sydney Notification of Planning and Development Applications Development Control Plan 2005 (date of commencement – 18 May 2005)

Attachments:

- (xii) City of Sydney Contaminated Land Development Control Plan 2004 (in force on 28 June 2004)
- (xiii) City of Sydney Access Development Control Plan 2004 (in force on 28 June 2004)
- (xiv) Green Square Affordable Housing Development Control Plan – (adopted 14 August 2002, in force 10 September 2002)

Developer Contributions:

(xv) City of Sydney Development Contributions Plan 2006

Affordable Housing Contributions

- (xvi) Green Square Affordable Housing Program (adopted 12 March 2012)
- A Stage 1 Envelope Drawings
- B Selected Indicative Detailed Drawings
- C Overshadowing Modelling and Analysis
- D Visual Impact Assessment

RECOMMENDATION

It is resolved that consent be granted to the Stage 1 Development Application No. D/2013/2030, 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 DEVELOPMENT APPLICATION

Pursuant to Clause 100 of the *Environmental Planning and Assessment Regulation 2000,* this Notice of Determination relates to a Stage 1 development application and a subsequent development application (Stage 2) or applications are required for any work on the site.

(2) APPROVED STAGE 1 DEVELOPMENT

(a) Any future Stage 2 development must be in accordance with Development Application No. D/2013/2030 dated 24 December 2013 and amended on 11 August 2014 and the Statement of Environmental Effects prepared by JBA Urban Planning Consultants Pty Ltd dated December 2013 and the following drawings:

Drawing Number	Revision	Architect	Date
A-0111	13	SJB Architects	6 August 2014
A-0121	13	SJB Architects	6 August 2014
A-0122	13	SJB Architects	6 August 2014
A-0123	13	SJB Architects	6 August 2014
A-0124	13	SJB Architects	6 August 2014
A-0125	13	SJB Architects	6 August 2014

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) PLANNING AGREEMENT

The draft Planning Agreement between the Council of the City of Sydney and Crown Pty Limited is to be executed and registered on title in accordance with the requirements contained within any Stage 2 consent.

(4) MATTERS NOT APPROVED IN STAGE 1 DA

The following matters are not approved as part of the Stage 1 consent:

- (a) Any works, including demolition, excavation, construction and public domain improvements;
- (b) Subdivision;
- (c) Layout, mix and number of residential units, car parking spaces and number of basements;
- (d) Precise quantum of floorspace;
- (e) Any additional 10% Design Excellence floor space allowable under control 5.6.3 of South Sydney DCP 1997: Urban Design - Green Square Part G: Special precinct No. 9 Green Square (Lachlan Precinct).
- (f) Any built form on Level 20 in Building C other than plant, lift over runs (etc.) and green roofs allowable under control 5.6.2 in South Sydney DCP 1997: Urban Design - Green Square Part G: Special precinct No. 9 Green Square (Lachlan Precinct).

(5) STAGE 2 TO BE CONTAINED WITHIN APPROVED ENVELOPE

The detailed Stage 2 design, including services, must be contained within the building footprint and envelopes approved as part of this consent and comply with the relevant planning controls.

(6) **BUILDING HEIGHT**

- (a) The height of any future building must not exceed the maximum levels set out in the approved building envelopes.
- (b) The floor to floor heights are to comply with the minimum or maximum controls, calculated in accordance with control 5.6.2 in South Sydney DCP 1997: Urban Design - Green Square Part G: Special precinct No. 9 Green Square (Lachlan Precinct).

(7) FLOOR SPACE RATIO - ALL OTHER AREAS

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the proposal must not exceed 2:1 calculated in accordance with control 5.6.1 in South Sydney DCP 1997: Urban Design - Green Square Part G: Special precinct No. 9 Green Square (Lachlan Precinct).
- (b) The maximum Floor Space Ratio may be increased up to 2.2:1 only if the consent authority is satisfied that the resulting Stage 2 development exhibits design excellence and is the result of a competitive design process which satisfies the requirements of any relevant development control plan.

(8) STAGE 2 DESIGN DEVELOPMENT AND DETAILS

- (a) Any future Stage 2 DA is to provide details of the design development from the winning competitive design concept and scheme and demonstrate how the architectural quality has improved through the design development phase.
- (b) Any future Stage 2 DA is to provide details of how the residential component of the development achieves the minimum internal amenity requirements established in any relevant SEPP 65 design code or design guideline.
- (c) Any future Stage 2 DA is to provide details of how the development achieves the various controls and objectives under control 5.6 Built Form of South Sydney DCP 1997: Urban Design - Green Square Part G: Special precinct No. 9 Green Square (Lachlan Precinct), particularly in relation to:
 - (i) Architectural Diversity and Articulation
 - (ii) Vertical Circulation
 - (iii) Active street frontages and Active Edges
 - (iv) Continuous Awnings
 - (v) Green Roofs
 - (vi) Ground Floor Conditions for Residential Flat Buildings
- (d) Any future Stage 2 DA is to provide details of the proposed construction and subdivision staging.
- (e) Any future Stage 2 DA is to include a highly developed landscape scheme for the site demonstrating landscape excellence and integration of the landscape design with the architectural design.
- (f) Any future Stage 2 DA is to integrate the recommendations and commitments outlined in the ESD Report Prepared by Cundall Dated 17 December 2013 into the design.
- (g) Any future Stage 2 DA is to integrate the recommendations outlined in the Pedestrian Wind Environment Statement Prepared by Windtech Consultants Dated 26 November 2013 into the design.

(9) STAGE 2 DESIGN MODIFICATIONS

Any future Stage 2 DA must incorporate the following design refinements and modifications:

- (a) Retail floor levels shall not be greater than 1.2 metres above the adjoining public domain.
- (b) The floor to floor heights of all residential levels above first floor shall have a minimum floor to floor height of 3.1 metres.

- (c) The design of the Hatter Lane Loading Dock is to be refined in the following manner:
 - (i) The loading bay is to be wholly contained within the site, yet external to the building;
 - (ii) No wall is permitted along the new western boundary to obstruct sight lines;
 - (iii) Truck movements must be in forward direction back onto Hatter Lane with minimal encroachment into the deep soil zone;
 - (iv) Garbage storage is to be located within the building, with bin holding areas towards southern area of loading bay;
 - (v) The western external wall and openings adjacent to the loading bay are to be integrated with the architecture of the building
 - (vi) A sleeve of retail uses to the O'Dea Ave frontage is to be maintained to obscure view of the dock from O'Dea Ave.
- (d) Landscape planting should be integrated into the stairway that will form the public domain interface with O'Dea Avenue frontage.
- (e) Detail of investigation into provision of larger private open space (balconies) to achieve compliance with the minimum 2m depth and minimum areas.

(10) PUBLIC ART

A Public Art Strategy is to be developed for the site/development in accordance with the *City of Sydney's Public Art in Private Developments Guidelines* and the *City of Sydney's Public Art Policy* and submitted with the Stage 2 DA.

(11) DETAILED ENVIRONMENTAL SITE ASSESSMENT

A Detailed Environmental Site Assessment is to be submitted with the Stage 2 DA. The Detailed Environmental Site Assessment is to be carried out in accordance with the NSW EPA Contaminated Sites guidelines, certifying that the site is suitable (or will be suitable, after remediation) for the proposed use.

Note:

Where the Detailed Environmental Site Assessment states the site is suitable for the proposed use it is to be peer reviewed by a NSW EPA accredited site auditor and a Site Audit Statement submitted to Council prior to granting any consent, certifying that the site is suitable for the proposed use.

OR

Where the Detailed Site Assessment states that a Remediation Action Plan (RAP) is to be undertaken, the RAP is to be peer reviewed by a NSW EPA accredited site Auditor and include a statement certifying that the RAP is practical and the site will be suitable after remediation for the proposed use before consent is given.

(12) TREES THAT MUST BE RETAINED IN STAGE 2 DESIGN

- (a) Approval is NOT granted for the removal of the following trees, which Council has determined to be prominent landscape elements.
- (b) Table 2 Tree Retention

Tree Botanical / Common Name		Location	
No:			
7	Ficus rubiginosa (Port Jackson Fig)	O'Dea Ave – southern boundary	
14 & 15	Melaleuca quinquenervia (Paperbark)	Street trees – adj. eastern boundary	

(c) Reference should be made to the Arboricultural Impact Assessment Report and Tree Protection Specification prepared by TreeiQ dated 18 December 2013 for tree numbering and locations

(13) BICYCLE PARKING AND END OF TRIP FACILITIES

- (a) Details of the location, number and class of bicycle parking spaces must be included in the Stage 2 DA.
- (b) All visitor bicycle parking is to be provided at ground floor level in an easily accessible and visible location. Staff bicycle parking is to be provided at ground floor level or basement level 1 and is to be in close proximity to end-of-trip facilities.

Note: Council supports the provision of innovative bicycle parking solutions in new development. Should the applicant wish to discuss bicycle parking options, please contact the City Access and Transport Unit.

(14) PARKING DESIGN

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 Parking facilities Part 1: Off-street car parking, AS/NZS 2890.2 Parking facilities Part 2: Off-commercial vehicle facilities and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities.

(15) 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.

(16) LOCATION OF VISITOR PARKING

All visitor parking spaces must be grouped together, and located at the most convenient location to the car parking entrance. All visitor parking spaces are to be provided on the uppermost basement level.

(17) MOTORCYCLES

An area equivalent to 1 car parking space must be provided for the purpose of motorcycle parking for every 50 car parking spaces.

(18) 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.

(19) TRAFFIC WORKS

Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with 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.

(20) VEHICLES ACCESS

The site must be configured to allow all vehicles to be driven onto and off the site in a forward direction.

(21) 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.

(22) 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.

(23) 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.

(24) CAR SHARE SPACES

(a) A minimum of 3 car parking spaces for the exclusive use of car share scheme vehicles are to be provided. The detailed basement plan provided at Stage 2 should show these spaces.

- (b) The spaces will be required to be retained as common property of the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time.
- (c) The spaces will need to be made available to car share operators without a fee or charge.
- (d) The spaces will need to be sign posted for use only by car share vehicles and well lit.
- (e) The spaces will need to be publicly accessible at all times.
- (f) The car share spaces will need to be available at the same time that the car park commences operation.

(25) PARKING PLAN

A plan showing the proposed parking restrictions adjacent to the site must be prepared, including the parking restrictions, the locations of all the parking signs and stems and their chainages from the nearest intersection.

The parking restrictions at the eastern end of Dunkerley Place should be consistent with those proposed along the western section of Dunkerley Place.

The plans must be submitted with the public domain plan. The plan must be approved by Council, and gain the concurrence of the Local Pedestrian Cycling and Traffic Calming Committee.

All parking signs are to be installed at no cost to Council and must be installed prior to the Occupation Certificate being issued for the Stage 2 DA and prior to the road being open for public use.

(26) HATTER LANE SHARED ZONE

Hatter Lane is to be designed as a shared zone. Details of the design including typical cross sections are to be provided with the Stage 2 application.

The design should be developed in consultation with the City Infrastructure and Traffic Operations Unit, and guided by the RMS guidelines for Shared Zones.

Given the length of the shared zone appropriate traffic calming features will be required every 30m along the length. Council encourages the use of traffic calming features which promote the horizontal deflection of vehicles and discourages the use of speed humps where possible

Note: The design of the shared zone will require a referral to the Local Pedestrian, Cycling and Traffic Calming Committee (LPCTCC) for endorsement and then a referral to the RMS for final approval. The plan must be approved in conjunction with the Public Domain Plan prior to the issuing of the Construction Certificate for the Stage 2 development application.

Note: RMS shared zone policy and guidelines can be found on their website.

(27) DUNKERLEY PLACE DESIGN

The design of Dunkerley Place is to be undertaken in consultation with Council's City Infrastructure and Traffic Operations team.

The road alignment is to be consistent with the western section of Dunkerley Place which is currently being delivered as part of the 1-2 Sydneygate development.

Provisions for vehicle turning and service vehicle access to the park need to be accommodated in the design at the eastern end of Dunkerley Place.

The area currently shown within the turning head at the eastern end of Dunkerley Place is to be tightened to help restrict vehicle speeds. The design should allow for a B99 vehicle to carry out a smooth turn in one movement, whilst larger vehicles should be able to perform a three point turn in order to turn around.

(28) LEFT IN ONLY ARRANGEMENT AT O'DEA AVENUE / HATTER LANE

The provision of a median at the intersection of O'Dea Avenue and Hatter Lane to restrict vehicle movements to a left in arrangement will be considered as part of the Stage 2 Development Application.

A preliminary design is to be submitted with the Stage 2 Development Application, complete with swept paths of two buses passing the median simultaneously.

The dimensions for which vehicles to use will need to be obtained from the STA. These swept paths must be submitted to Council for review, they will then be sent from Council to the STA for comment.

Once Council and the STA are satisfied the plans will then require a referral to the Local Pedestrian, Cycling and Traffic Calming Committee for endorsement.

The design must also include details to address how the overland flow will be managed as a result of the median.

Note: The process of reporting an item to the Local Pedestrian, Cycling and Traffic Calming Committee takes approximately 8 weeks from the relevant Council officer being satisfied with the proposal.

(29) SECTION 116 OF THE ROADS ACT 1993

The proposed median at the intersection of O'Dea Avenue and Hatter Lane will prohibit existing traffic movements. This requires section 116 of the Roads Act 1993 to be satisfied.

This requires public consultation, a referral to the Local Pedestrian, Cycling and Traffic Calming Committee, a Traffic Management Plan to be approved by the RMS and a report to be put before Council.

The developer is required to contact Council when they wish to begin this process. They will need to discuss with the Traffic Operations team what documentation they need to submit.

Any additional information or design amendments required as part of this process must be provided by the developer at no cost to Council.

This process must be completed prior to any approval for the construction of the median being granted.

The Section 116 process can take up to 12 months from the Council Officer being satisfied with the proposal.

The Section 116 process can happen concurrently with the process to approve the median design.

(30) ASSOCIATED ROADWAY COSTS

All costs associated with the design and 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 "Sydney Streets Technical Specification" including amendments and "Sydney Streets Code".

(31) ALIGNMENT LEVELS – MAJOR DEVELOPMENT

- (a) Proposed building floor levels, basement levels, basement car park entry levels and ground levels shown on the approved Stage 1 DA plans are indicative only and have not been approved by this consent.
- (b) Alignment levels for the building and site frontages must be submitted as part of the Stage 2 DA. The submission must be prepared by a Registered Surveyor, must be in accordance with the City of Sydney's *Public Domain Manual* and must be submitted with a completed Alignment Levels checklist (available in the *Public Domain Manual*) and Footpath Levels and Gradients Approval Application form (available on the City's website).
- (c) If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.

(32) PAVING MATERIALS

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

(33) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN

Prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's satisfaction.

The recording must include clear images of the building facade adjoining the footpath, the footpath, nature strip, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street.

The form of the recording is to be as follows:

- (a) A PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;
- (b) Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;
- (c) ach image is to be numbered and cross referenced to a site location plan;
- (d) A summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record;
- (e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must immediately be made safe and functional by the applicant. Damage must be fully rectified by the applicant in accordance with the City's standards prior to a Certificate of Completion being issued for Public Domain Works or before an Occupation Certificate is issued for the development, whichever is earlier.

(34) PUBLIC DOMAIN PLAN

The Indicative Public Domain Plan accompanying the Stage 1 DA has not been approved by this consent.

(a) A detailed Public Domain Plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and must be lodged with the Stage 2 Detailed DA. The Public Domain Plan must be submitted with a completed Public Domain Plan checklist (available in the City of Sydney's *Public Domain Manual*). (b) The Public Domain Plan must document all works required to ensure that the public domain complies with the City of Sydney's *Public Domain Manual, Sydney Streets Design Code, Sydney Streets Technical Specification* and *Lachlan Precinct Civil Design Plans* including requirements for road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain elements. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must incorporate the approved Alignment Levels.

(35) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

- (a) The applicant is to demonstrate by means of a hydraulic model submitted to Council as part of the Stage 2 Detailed DA that the proposed stormwater discharge through an on-site detention system from the site into the City's underground stormwater system can cope with the additional concentrated flow as a consequence of the development.
- (b) The requirements of Sydney Water with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the requirements of Sydney Water for the on-site detention must be submitted as part of the Stage 2 Detailed DA.
- (c) A stormwater quality assessment is to be submitted as part of the Stage 2 detailed DA in accordance with the relevant DCP requirements. The stormwater quality assessment must:
 - (i) be prepared by a suitably qualified drainage engineer with experience in Water Sensitive Urban Design;
 - (ii) use modelling from an industry-standard water quality model; and
 - (iii) demonstrate what water sensitive urban design and other drainage measures will be used to ensure that the development will achieve the following post-development pollutant loads:
 - a. reduce the baseline annual pollutant load for litter and vegetation larger than 5mm by 90%;
 - b. reduce the baseline annual pollutant load for total suspended solids by 85%;
 - c. reduce the baseline annual pollutant load for total phosphorous by 65%;
 - d. reduce the baseline annual pollutant load for total nitrogen by 45%.

(36) DRAINAGE AND SERVICE PIT LIDS

Drainage and service pit lids throughout the public domain shall be heelguard and bicycle safe, finish flush with the adjacent pavement to avoid trip hazards and be clear of obstructions for easy opening and cleaning. Pit lids shall be in accordance with the *City of Sydney's Sydney Streets Code* and *Sydney Streets Technical Specification*.

(37) FLOOR LEVELS FOR BUILDINGS AND STRUCTURES

The level difference between ground floor building levels and the adjacent public footpath shall not exceed 1200mm. Detailed plans demonstrating compliance with this requirement must be submitted to and approved by Council as part of the Alignment Levels application prior to the issue of a Construction Certificate for any excavation, construction work or building work (whichever is earlier), excluding any approved preparatory or demolition work.

The following performance criteria shall apply to the design of buildings and structures on the site:

- (a) All proposed habitable floor levels, ground floor levels and basement car park entry levels within the site shall be set 500mm above design 1% AEP flood levels; and
- (b) Suitable freeboard protection shall be provided to other basement access points such as stair wells, lift wells and pedestrian entry / exit points.

A design certification report for floor levels of buildings and structures shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate for any Stage 2 consent.

(38) ROAD NETWORK AND GEOMETRIC ROAD DESIGN

- (a) Preparation of the detailed design documentation for the proposed public road system shall include all necessary liaison with and requirements of all relevant public utility authorities, Roads and Maritime Services, Council, the Local Pedestrian Cycling and Traffic Calming Committee and its nominated consultants in order to achieve design approvals. Written evidence of approval from relevant authorities must be submitted to Council with the road design submission.
- (b) The design of all road works shall be undertaken in accordance with City of Sydney's Sydney Streets Technical Specification, Public Domain Manual and the Civil Design Plans for Lachlan Precinct. Detailed plans for the works shall be prepared and submitted to Council as part of the Stage 2 Detailed DA. The detailed plans and supporting documentation shall include as a minimum the following information;
 - (i) General subdivision plan with contour details, clearly indicating the extent of work;

- Road cross sections showing road and footway widths, existing levels, design levels, cross fall grade pavement configuration, batter slopes, engineered retaining walls, kerb returns, kerb and gutter, vehicle crossovers, pedestrian ramps, traffic calming devices, the location of public utility services and 900mm minimum road restoration to match smoothly into the existing road levels;
- (iii) Plan drawing and longitudinal section showing gutter invert, kerb and boundary alignments with design grades of the existing and proposed future public road network including public utility services.

(39) TACTILE GROUND SURFACE INDICATORS AND HANDRAILS

All tactile ground surface indicators, handrails and other elements required to provide access into the building / property must be located entirely within the private property boundary.

(40) STORMWATER DRAINAGE SYSTEM DESIGN

The design of the stormwater drainage system shall be undertaken in accordance with City of Sydney's *Sydney Streets Technical Specification*, *Public Domain Manual* and the *Civil Design Plans for Lachlan Precinct*. Detailed plans for the works shall be prepared and submitted to Council as part of the Stage 2 Detailed DA. The stormwater drainage design shall include at a minimum plans and longitudinal sections showing drainage pits and pipes locations, invert levels of pits, pipe sizes, hydraulic grade lines for the design storm and other standard features such as flow rates, pipe class, pipe grade and velocity direction of overland flow and connections to the existing piped drainage system.

(41) STREETSCAPE

Streetscape design and documentation for all existing and new streets associated with this development is to be prepared generally in accordance with the City's *Sydney Streets Code and draft Sydney Lights Code*, and the newly constructed Dunkerley Place public domain works including timber decks, stormwater and subsoil drainage, dolphin kerb works, civil infrastructure, lighting and planting works.

Street tree planting to existing and new streets shall be in accordance with the City's Street Tree Master Plan 2011. Street trees shall be planted at minimum 200L pot sizes with a 4m long x 2m wide structural soil chamber beneath proposed pavement areas. A tree 'procurement' strategy with a reputable nursery shall be required to ensure the availability of suitable advance species (minimum 200L) at the time of implementation of the development.

Planting to central raingardens shall be minimum tubestock and include the following species selection:

- (a) Baumea juncea (Bare Twig Rush)
- (b) Carex fascicularis (Tassel Sedge)
- (c) Cyperus involucratus (Umbrella Plant)
- (d) Dianella longifolia (Smooth Flax Lily)
- (e) Gahnia clarkei (Tall Saw-sedge)
- (f) Juncus pallidus (Giant Rush)
- (g) Lepyrodia mulleri (Scale-rush)
- (h) Lomandra longifolia (Spiny headed Matt-Rush)
- (i) Poa labillardieri (Tussock Grass)
- (j) Restio tetraophyllus (Tassel Cord-Rush)

(42) STREET AND PEDESTRIAN LIGHTING

The applicant shall design a system of underground street and pedestrian lighting along all roads, footpaths and within the new park in accordance with Council and Ausgrid standards. Detailed lighting plans shall be prepared by a suitably qualified Electrical/Lighting Engineer in accordance with Council's and Ausgrid's specifications and comply with AS 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting. The lighting plans shall be submitted to Council as part of the Stage 2 Detailed DA.

The Lighting Plan(s) shall indicate layout, location, connections, conduits, types, luminaries, fixtures and category for street lighting, pedestrian lighting and feature lighting.

The detailed plans and supporting documentation shall conform to the following design criteria:

- (a) Lighting in laneways and pedestrian pathways to comply with AS1158.3.1 Category P2;
- (b) Lighting in all footpaths and the new public roads to comply with AS1158.3.1 Category P2; and
- (c) The through traffic road, O'Dea Avenue, shall be illuminated to comply with AS1158.3.1 Category V3.

(43) ROPE WALK

The Indicative Landscape Plan for the Rope Walk accompanying the Stage 1 DA has not been approved by this consent.

The design of the Rope Walk shall be generally consistent with The Rope Walk Stage 3 Concept Plan Dwg No. CD/CPT001 prepared by City of Sydney dated 6 June 2014 and the adjacent newly completed section of Rope Walk to the north.

The park shall provide continuous accessible paths of travel between the O'Dea Avenue, Dunkerley Place, the Through Site Link of 30-36 O'Dea Avenue and the park to the north in accordance with the City of Sydney Access Development Control Plan 2004 and AS 1428-2009: Design for Access and Mobility. All continuous paths of travel shall be clearly indicated. The applicant shall provide a certificate of compliance to the Principal Certifying Authority prior to issue of Construction Certificate for each stage.

No obstructions relating to the adjacent buildings such as access ways or service vents are permitted within the park. The park shall not be ramped to provide access to the buildings. Any required access to property shall be achieved through ramping or stairs within the property boundary and not within the public land.

The applicant shall provide a fully automatic irrigation system to all landscape areas and turf. The applicant is responsible for all liaison, authorities certificates, approvals and commissioning from all relevant authorities.

Planting layout and massing for landscaped areas shall be in accordance with the following (unless determined otherwise by Council):

Material Mature	Height	Minimum Spacing Minimum	Pot Size
Trees	Varies	Varies	100L (min.
			2.0m high)
Tall Shrubs	> 1.5m high	3-6 per sq.m.	10L
Shrubs	600mm-	4-7 per sq.m.	5L pot
	1.5m high		
Groundcovers	<500mm high	5-10 per sq.m.	150mm pot

Lighting shall be designed by a suitably qualified Electrical/Lighting Engineer. The objectives of the lighting design shall be to provide an aesthetically pleasing, safe functional night time environment utilising variable high quality vandal resistant light fixtures in accordance with the City's policies.

The detailed design of the park shall be undertaken in accordance with City of Sydney's Sydney Streets Technical Specification, Parks Manual and the Public Domain Manual. A detailed Landscape Plan for the Rope Walk, drawn to scale, by a landscape architect or approved landscape consultant, shall be prepared and submitted to Council as part of the Stage 2 DA.

The Landscape Plan must include:

- (a) Location of existing and proposed structures on the site including existing trees (if applicable).
- (b) Levels and grading demonstrating the connection with the adjoining park, roads, footways, entryways and through site links.
- (c) Details of earthworks including mounding and retaining walls (including below ground) and planter boxes;
- (d) Location and extent of the culvert and other relevant services that will restrict root growth of trees.

- (e) Details of paving materials.
- (f) Locations, spacing and type of plant species;
- (g) Location and numbers of street furniture;
- (h) Details of lighting;
- (i) Details of drainage, irrigation systems and waterproofing details (as applicable).

The landform and embankments proposed for the parks shall ensure ease of maintenance (typically 1:6 maximum slope).

The proposed fig tree planting to the western edge of the park shall be planted at a minimum 400 litre pot size and established in a planting environment conducive to their large vigorous root systems, buttressed trunks, height and width. The applicant shall provide a minimum soil chamber of 2.0m wide x 4.0m long. Spacing of the fig trees shall be consistent with those planted in the completed sections of the park.

The public domain pathway along the western edge of the park bounding private property shall be consistent with that in the northern park, a Class 1 Durability timber deck consisting of native plantation timbers from a source approved by the New South Wales Department of Primary Industries. The framework shall be galvanised steel.

(44) WASTE COLLECTION

Any future Stage 2 DA shall demonstrate compliance with Council's requirements for waste collection for residential development and Policy for Waste Minimisation in New Development 2005.

(45) ELECTRICITY SUBSTATIONS

Details of a suitable area that meets the locational requirements for multiple electricity substations is to be provided with the Stage 2 application.

(46) SYDNEY WATER ASSETS

It is recommended that the applicant discuss any Stage 2 design with Sydney Water to identify any Notice of Requirements that may significantly affect the Stage 2 design.

SCHEDULE 2

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

SCHEDULE 3

ADVISORY TERMS OF APPROVAL

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

General

- (47) An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.
- (48) The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforseen high water table elevations to prevent potential future inundation.
- (49) Construction methods and material used in and for construction shall not cause pollution of the groundwater.

Prior to excavation

- (50) Measurements of groundwater levels beneath the site from a minimum of three monitoring bores shall be taken and a report provided to the NSW Office of Water. A schedule and indicative plans of the proposed ongoing water level monitoring from the date of consent until at least two months after the cessation of pumping shall be included in the report.
- (51) A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and a report provided to the NSW Office of Water. Details of the calculation method shall be included in the report.
- (52) A copy of a valid development consent for the project shall be provided to the NSW Office of Water.
- (53) Groundwater quality testing shall be conducted and a report supplied to the NSW Office of Water. Samples must be taken prior to the commencement of pumping, and a schedule of the ongoing testing throughout the dewatering activity shall be included in the report. 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.

- (54) The method of disposal of pumped water shall be nominated (i.e. street drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided to the NSW Office of Water. The disposal of any contaminated pumped groundwater (tailwater) must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.
- (55) Contaminated groundwater shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and a report provided to the NSW Office of Water. 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

During excavation

- (56) Piping or other structures used in the management of pumped groundwater (tailwater) shall not create a flooding hazard. Control of pumped groundwater (tailwater) is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
- (57) Measurement and monitoring arrangements to the satisfaction of the NSW Office of Water are to be implemented. Monthly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a report provided to the NSW Office of Water after dewatering has ceased. Daily records of groundwater levels are to be kept and a report provided to the NSW Office of Water after dewatering has ceased.
- **(58)** Pumped groundwater (tailwater) shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater (tailwater) shall be complied with.
- (59) Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulphate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
- (60) The location and construction of groundwater extraction works that are abandoned are to be recorded and a report provided to the NSW Office of Water after dewatering has ceased. The method of abandonment is to be identified in the documentation.
- (61) Access to groundwater management works used in the activity is to be provided to permit inspection when required by the NSW Office of Water under appropriate safety precautions.

Following excavation

(62) All monitoring records must be provided to the NSW Office of Water after the required monitoring period has ended together with a detailed interpreted hydrogeological report identifying all actual resource and third party impacts.

SCHEDULE 4

AIRPORT CONCURRENCE

(63) Any Stage 2 DA must comply with the conditions contained within the Department of Infrastructure and Regional Development decision dated 26 June 2014.

BACKGROUND

The Site

- 1. The site is identified as Lot 21 and Lot 22 DP 862254 and has a street address of No. 18 and 20 O'Dea Avenue, Waterloo ("the site"). The site is irregular in shape and has a varied 'dog leg' boundary to O'Dea Avenue to the south and the east, a 77.88 metre boundary to the north and a 131 metre boundary to the west.
- 2. The site is 11,812sqm in area and has a fall of 2.3 metres from the higher north western corner to the lower south eastern corner at O'Dea Avenue.
- 3. The site is currently occupied by one and two storey brick factory buildings formerly used for light industrial and warehousing purposes and known as the Irwin and Sheehan Site. Along the southern and eastern boundaries addressing O'Dea Ave are a row of 15 trees including a Port Jackson Fig which is listed on Council's significant tree register.
- 4. A number of rights of carriageway and easements exist within the site for access and utility purposes. A Sydney Water main with a 2.1 metre diameter concrete pipe traverses the south eastern corner of the site.
- 5. The site is identified as containing contaminated soil, and groundwater levels have recently been observed at 2.7 metres below existing ground level.
- 6. The public domain adjacent to the site to the south contains a footpath, grass road reserve, a driveway crossing and 2 street trees.
- 7. Figures 1 7 below illustrate the site location and existing development.

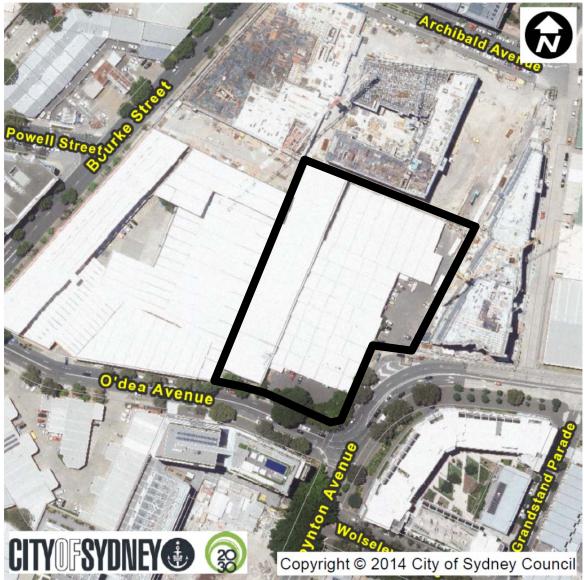


Figure 1: Aerial image of subject site and surrounding area.

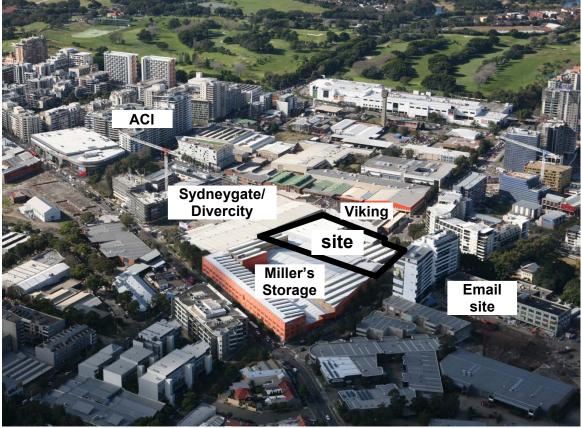


Figure 2: Aerial photograph of subject site and surrounding area, generally looking north east.



Figure 3: Aerial photograph of subject site and surrounding Lachlan precinct, generally looking west.



Figure 4: The Site, as viewed from the corner of O'Dea Avenue and Joynton Avenue in a north westerly direction.



Figure 5: The Site, as viewed from O'Dea Avenue in a northerly direction.



Figure 6: Panoramic view of the Site, as viewed from the corner of O'Dea Avenue and Joynton Avenue in a north westerly direction.



Figure 7: The Site, as viewed from Dunkerley Place in an easterly direction.

Surrounding Development

- 8. Adjoining the existing building on the site, to the west is a brick warehouse building currently operating as a commercial hire premises known as Millers/Kennards Storage at 866 Bourke Street, Waterloo and is a local heritage item.
- 9. Adjoining the site to the east is a nearly completed 7 to 10 storey mixed use building known as the Viking Development at 30-36 O'Dea Avenue, Waterloo.

- 10. Adjoining the site to the north is a construction site where two 9 to 11 storey buildings used for commercial and residential purposes are currently being built. The development comprises of retail units and 289 residential units and are known as 'Block C and Block D' of the Divercity Development (formerly known as the Sydneygate site). Public domain works associated with the Divercity development required the delivery of part of Dunkerley Place and Rope Walk park that also adjoin the subject site.
- 11. Opposite O'Dea Avenue to the south is an 11 storey building known as the EPIC development at 13 Joynton Ave and 5 O'Dea and comprises of retail space and 98 residential units.
- 12. Opposite O'Dea Avenue to the south east is a 9 storey building known as the Prominence development at 98 Joynton Avenue and 1 Grandstand Parade and comprises of residential units.
- 13. The broader area around the site is characterised by large sites used for light industrial and warehousing purposes and relatively new 7 to 13 storey mixed use developments.



14. Figures 8 - 12 below illustrate the development that surrounds the site.

Figure 8: Heritage listed warehouse to the west of the site as viewed from O'Dea Avenue.



Figure 9: Heritage listed warehouse to the west of the site as viewed from Dunkerley Place.



Figure 10: *Viking* Development to the east of the site as viewed from O'Dea Avenue.



Figure 11: EPIC development on the opposite side of O'Dea Avenue to the south of the site.



Figure 12: Prominence development to the south east of the site as viewed from O'Dea Avenue.

History of Applications Relevant to this Site

15. The following competitive design process is considered relevant to the proposal:

(a) Competitive Design Process - CMP/2013/7

In October 2013, a Competitive Design Alternative process commenced where four invited Architects designed schemes for the redevelopment of the site. The selected winner of the process was SJB Architects. Figures 13 - 16 illustrate the winning scheme ("**Selected Design**").



Figure 13: Photomontage of the Selected Design by SJB Architects as viewed in a southerly direction from Rope Walk.



Figure 14: Photomontage of the Selected Design by SJB Architects as viewed in a westerly direction from O'Dea Avenue.



Figure 15: Photomontage of the Selected Design by SJB Architects as viewed in a northerly direction from O'Dea Avenue.



Figure 16: Photomontage of the Selected Design by SJB Architects as viewed within the pedestrian entrance between buildings C and D.

Subject Application History and Amendments

- 16. Council requested additional technical and detailed information be submitted as a result of the preliminary assessment of the subject application. On 11 August 2014 the applicant submitted additional information and amended drawings. The main amendments to the design include:
 - (a) amend Building A envelope to be reduced in depth, increase the size of communal open space, allow indent in southern elevation to accommodate tree protection zone for the Port Jackson Fig.;
 - (b) amend Building C (tower) envelope from 20 storeys plus roof structure to 21 storeys plus roof garden (floor to floor heights have been reduced and maximum height unchanged at RL93.1) and reduce the tower footprint by providing setbacks to the eastern boundary;
 - (c) amend Building D envelope to provide 7 storeys to Dunkerley Place and 8 storeys to southern portion of the building, reduce footprint by providing setback to Hatter Lane above ground level and nominated zone for architectural roof feature;
 - (d) deletion of the cabana structure along Hatter Lane; and

(e) amend basement to be accommodated over 3 levels instead of 2 levels.

PROPOSAL

- 17. The Stage 1 development application seeks consent to establish the land use and building parameters on the site, specifically:
 - (a) concept for demolition of existing buildings, removal of 14 trees and retention and protection of 3 trees;
 - (b) building envelopes for a future mixed use development:
 - (i) four buildings between 1, 7, 8 and 21 storeys in height;
 - (ii) ground floor retail floorspace addressing the Rope Walk and O'Dea Avenue - indicatively 2 tenancies totalling 716sqm of GFA;
 - (iii) residential apartments indicatively 331 apartments totalling 25,081sqm of GFA; and
 - (iv) total GFA of 25,797sqm and an FSR of 2.2:1;
 - (c) concept for central communal open space, deep soil and private landscaping;
 - (d) concept design for the site excavation and construction of 2 levels of basement parking (indicatively 307 spaces) with residential vehicle access from Dunkerley Place and service vehicle access from Hatter Lane;
 - (e) Developer Contributions and Material Public Benefit materialised in a draft Planning Agreement, including:
 - dedication of land for future Hatter Lane, Dunkerley Place and the Rope Walk (park) and triangular setback to O'Dea Ave, which amount to 5,431sqm of dedicated land; and
 - (ii) concept for public domain embellishment works:
 - a. construction of eastern portion of Dunkerley Place (road) along northern part of the site and connection to western part of the road already completed;
 - b. construction of Hatter Lane (road) as a shared vehicle and pedestrian zone to connect O'Dea Avenue to Dunkerley Place;
 - c. construction of the southern section of the Rope Walk (park) along eastern side of the site including stormwater culvert drain and landscaping; and
 - d. construction of O'Dea Ave landscape setback and road realignment (road); and
 - (f) concept for construction staging:
 - (i) Stage A Building D, Dunkerley Place and Hatter Lane;

- (ii) Stage B Building A and Building B, O'Dea Avenue kerb realignment and 732.3sqm portion of the Rope Walk embellishment works; and
- (iii) Stage C Building C and remaining 2350.7sqm portion of the Rope Walk embellishment works.
- The Stage 1 envelope drawings and general massing diagram are provided in Figures 17 – 21 below. A full set of Stage 1 plans and elevations are provided in Attachment A and a full set of indicative detailed drawings are provided in Attachment B.

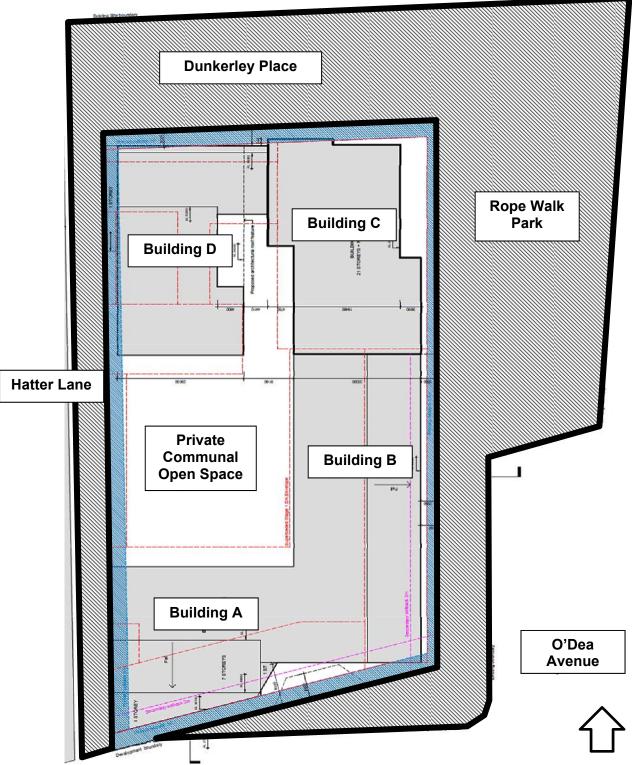


Figure 17: Site Plan illustrating proposed Building footprints, around private communal open space and future public domain and dedications (dashed area).

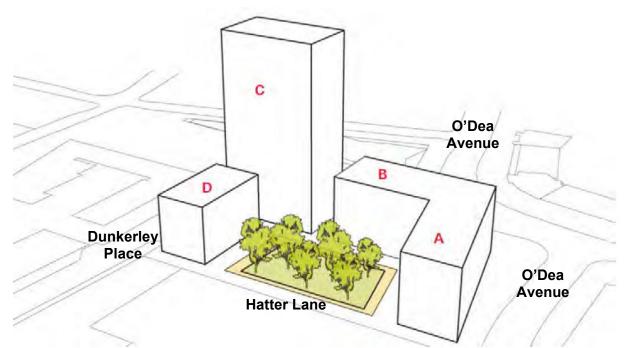


Figure 18: Massing Diagram illustrating general arrangement of building envelopes around communal open space.

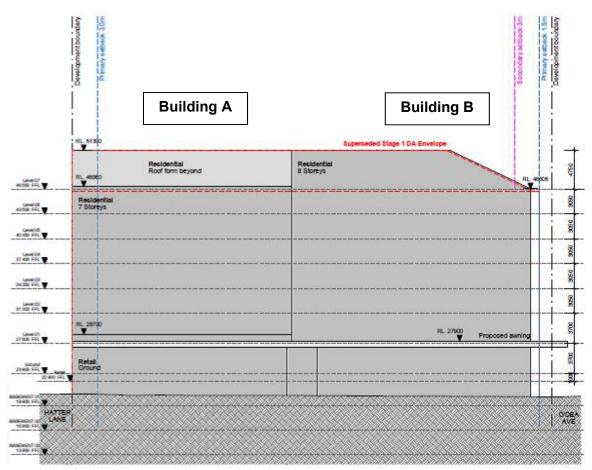


Figure 19: O'Dea Ave elevation illustrating Building A and Building B envelopes.

CENTRAL SYDNEY PLANNING COMMITTEE

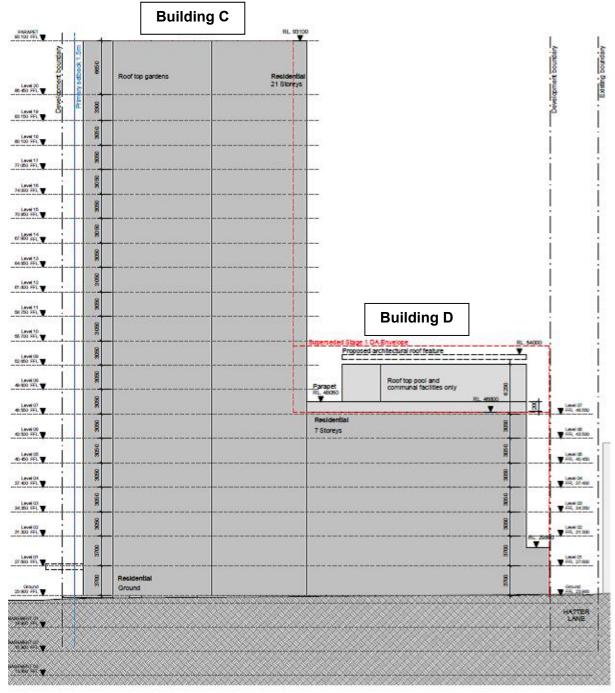


Figure 20: Dunkerley Place elevation illustrating Building C and Building D envelopes.

CENTRAL SYDNEY PLANNING COMMITTEE

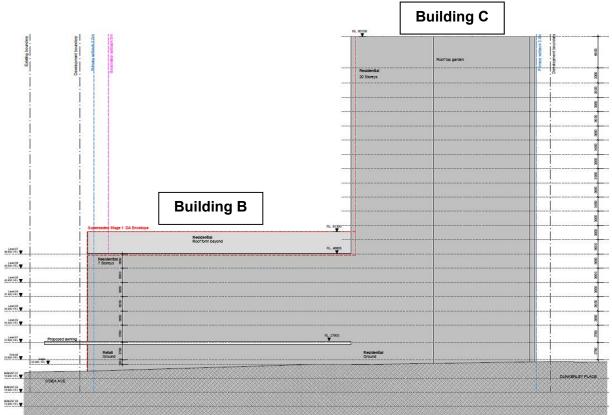


Figure 21: Rope Walk elevation illustrating Building B and Building C envelopes.

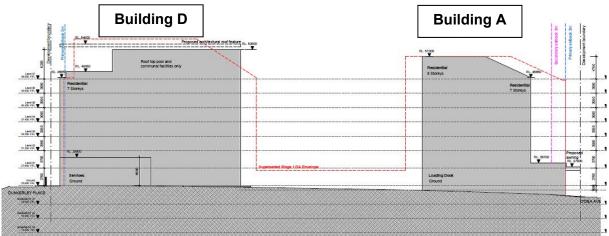


Figure 22: Hatter Place elevation illustrating Building D and Building A envelopes.

ECONOMIC/SOCIAL/ENVIRONMENTAL IMPACTS

19. The application has been assessed under Section 79C of the Environmental Planning and Assessment Act 1979 ("EP&A Act"), including consideration of the following matters:

(a) Staged development applications – Section 83A – 83D EP&A Act

The applicable environmental planning instrument is South Sydney LEP 1998 which requires the preparation of a masterplan (or site specific development control plan) before any particular or kind of development is carried out on the site. Pursuant to Section 83C of the EP&A Act that obligation can be satisfied by the making and approval of a staged development application in respect of that land. A staged development application is to contain the information required to be included in the masterplan as detailed in South Sydney LEP 1998 or the Regulations.

The application has been made as a Stage 1 development application which establishes the concept for the redevelopment of the site. The application does not seek consent for any detailed aspect of the development and pursuant to Section 83B of the EP&A Act it is recommended that a condition is imposed in the consent providing that the Stage 1 consent does not authorise the carrying out of development on any part of the site.

Pursuant to Section 83D of the EP&A Act, any subsequent Stage 2 development determination cannot be inconsistent with the Stage 1 consent.

(b) Integrated Development - Section 91 EP&A Act

The concept design includes bulk excavation approximately 12 metres deep for the proposed basement car park and involves the interception of groundwater level which has been recently observed at 2.7 metres below existing ground level. To undertake this activity an Aquifer Interference Approval is required from NSW Office of Water, classifying the development as Integrated Development under section 91 of the EP&A Act. The Stage 1 application was referred to the NSW Office of Water and General Terms of Approval ("**GTA**") were issued and are incorporated into Schedule 3 of the recommendation as advisory General Terms of Approval.

(c) Environmental Planning Instruments and DCPs

State Environmental Planning Policy No 55—Remediation of Land ("SEPP 55")

- 20. The aim of SEPP 55 is to reduce the risk of harm to human health or any other aspect of the environment arising from contaminated land through land remediation. The land has been previously used for industrial purposes including manufacturing and it is highly likely that the soil and groundwater is contaminated.
- 21. The Stage 1 application proposes a more sensitive land use for residential, commercial and public park purposes and Council must be satisfied that the site is capable of being made suitable for the proposed use.
- 22. A Stage 1 Environmental Site Assessment ("ESA") was submitted with the application which recommends a Stage 2 Detailed Environmental Site Assessment ("DESA") is undertaken.
- 23. Council's Health and Building Unit have assessed the ESA and recommends that a condition is imposed in the consent requiring the submission of a DESA and any required Remediation Action Plan (depending on the results of the sampling regimes) with the Stage 2 development application.

State Environmental Planning Policy No 65—Design Quality of Residential Flat Development ("SEPP 65")

- 24. SEPP 65 applies to the proposal as any future detailed Stage 2 application/s will comprise of a number of residential flat buildings. Indicative detailed plans have been submitted with the Stage 1 application to enable an indicative assessment against the design quality principles and Residential Flat Design Code ("RFDC"), which is provided below:
 - (a) **Principle 1**: Context

The subject site is located in Lachlan Precinct in the Green Square Locality. As per the Character Statement in *South Sydney DCP Part G (Lachlan Precinct)*, the area is a period of transition from industrial and warehouse uses to mixed use and predominantly low to medium scale residential development. The locality statement highlights the need to undertake future public domain improvements and ensure new development adopts an appropriate medium scale residential built form achieving suitable streetscape presentation, quality architectural design, good residential amenity and compatible materials.

Relevant to the subject site, the character statement identifies:

- (i) the need for a permeable pattern of new streets and stormwater management infrastructure;
- (ii) the need for ground floor non-residential uses along O'Dea Avenue to buffer heavy traffic use;
- (iii) the Rope Walk as a significant linear park;
- (iv) tower forms to be along the north-south axis and buildings to be of the highest architectural quality and contribute to the urban design quality of the area; and
- (v) a deep soil landscape setback along O'Dea Avenue to achieve a desirable tree lined character.

The concept proposal is for four buildings, used primarily for residential apartments and provides retail tenancies addressing O'Dea Avenue and part of Rope Walk at ground level. These uses are considered to be consistent with the desired uses identified in the character statement.

The development addresses the need for provision of public infrastructure by proposing to construct and dedicate part of Dunkerley Place, all of Hatter Lane, the triangular landscape setback along O'Dea Avenue and the southern portion of the Rope Walk park.

The proposed building envelopes include three 7-8 storey buildings and a 21 storey tower in the north eastern corner of the site and each address the existing and future street frontages or public domain.

(b) **Principle 2 and 3**: Scale and Built Form

The proposed building envelopes depart from the preferred footprint and envelope controls identified in the Lachlan DCP. The main departures arise from the deletion of the Hatter Lane building and replacing with larger communal open space and transferring the floorspace from that building to 1 or 2 additional storeys on buildings A, B, C and D.

The additional height and scale has been tested for visual and overshadowing impacts and considered to result in reasonable impacts.

The assessment finds that subject to no built form other than plant and green roofs being located above the 20th storey in Building C, the proposed building envelopes are adequately separated and capable of accommodating built form that is appropriate for the site and capable of achieving the performance provisions and objectives of the Lachlan DCP and RFDC.

Overall, the scale and built form is considered appropriate for the site and within the greater Lachlan Precinct as it establishes a planned slender tower form with lower scale buildings consistent with the scale of recently developed sites and planned urban renewal principles of the area.

(c) **Principle 4:** Density

The indicative GFA diagrams illustrate that the future building envelopes have been designed to maximise the allowable density on the site. The density of 2.2:1 could be considered as appropriate in the context if the future detailed buildings can demonstrate design excellence and required infrastructure is delivered.

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

An ESD report was submitted with the application outlining the minimum regulatory BASIX and BCA requirements and the additional ESD approach to be developed in Stage 2. The approach identifies passive design through orientation, shading and glazing, facilities to encourage use of non-motorised transport, efficient systems and their monitoring and a commitment to environmental management. It is recommended that the recommendations and commitments outlined in the ESD report are included in design development for Stage 2

(e) **Principle 6:** Landscape

The Stage 1 application outlines a concept for both private and public landscape. Internally the concept includes a private communal open space at ground and on Building C and Building D roof levels, totalling 1650sqm or 25.9% of the new site area (after dedications). The ground level communal open space has an area of 1362sqm which equates to 21.3% of new site area and includes a consolidated area of deep soil equating to 930sqm or 14.6% of the new site area. The indicative roof top communal areas include a pool, break out recreation spaces, communal gardens and green roofs.

It is recommended that the consent includes a condition requiring the submission of a comprehensive landscape design package with the Stage 2 application demonstrating how the internal private landscaping and communal area are resolved and achieve the highest quality landscape design.

(f) **Principle 7:** Amenity

When considering the indicative apartment design against the relevant amenity principles, the future residential flat buildings are capable of providing a satisfactory level of internal amenity subject to further design development.

Floor to Ceiling Heights

Building C has floor to floor heights between residential levels of 3.05 metres which is inconsistent within the 3.1 metre Lachlan DCP control, the competition scheme and original drawings submitted with the Stage 1 application. A floor to floor height of 3.1 metres is required to enable delivery of a 2.7m floor to ceiling height during construction and comply with the RFDC. As such, it is recommended a condition is imposed in the consent to ensure that the Stage 2 detailed design providing minimum 3.1 metre floor to floor heights between residential levels.

Apartment and Private Open Space Size Areas

The indicative apartment sizes appear to comply with the minimums recommended. The balconies proposed range between 4.2sqm to 8sqm and below the minimum required. It is recommended a condition is imposed in the consent to ensure that the Stage 2 detailed design provides an investigation into the opportunities to provide larger private open space (balconies) to achieve compliance with the minimum 2m depth and Lachlan DCP areas.

Solar Access

The indicative detailed design included an internal solar access analysis showing that 233 apartments or 70% receive a minimum of 2 hours of direct sunlight between 9am and 3pm on June 21st onto at least 1sqm of living room windows which complies with part of the minimum RFDC control. It is recommended that a condition is imposed in the consent to require details as to how the residential component of the development achieves the minimum internal amenity requirements established in the Residential Flat Design Code. The indicative detailed design shows 9 apartments or 2.7% have a single aspect and face directly south, complying with the maximum 10% recommended in the RFDC.

Natural Cross Ventilation

The indicative detailed design included a natural ventilation analysis showing that 301 apartments or 91% are naturally ventilated. The analysis includes apartments that rely on a central void which is not considered natural cross ventilation. When omitting the 48 apartments which rely on the void, the number of apartments that are capable of being naturally cross ventilated is 76% and complies with the minimum 60% recommended in the RFDC.

Access and Circulation

The number of apartments accessible from a single core/corridor does not exceed 8 except for Building B where 10 apartments are accessed off that lift core. The Stage 2 application will need to address whether an acceptable level of amenity is afforded to the circulation space to support the departure from the control.

Separation and Privacy

The building separation and visual privacy between most habitable rooms in the development exceeds the minimum 18m and 24 metre RFDC requirements for 7/8 storey buildings. The balconies and living areas at the internal corner/junction of Building A and B is between 5 metres and 11 metres. The Stage 2 application will need to address whether an acceptable level of amenity is afforded to these areas to support the departure from the control.

Storage and Studies

The indicative detailed design provides individual storage facilities within the basement levels. A number of apartments also have a study/utility area which may have the capacity to be used as a separate bedroom. These areas are to be appropriately designed for genuine use for storage and study purposes and appropriately conditioned in Stage 2 to not to be converted to a separate habitable bedroom.

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

The indicative retail premises, residential lobbies and balconies are capable of providing casual surveillance of the existing and future public domain. The vehicular access is concentrated to a single cross over from Dunkerley Place and adequately separated from the main pedestrian entries.

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

The indicative detailed design provides a mix of studio, one, two and three bedroom dwellings and achieves a mix that generally complies with Council's draft Sydney DCP 2012. Indicatively, 50 apartments or 15% are capable of adaptation for access for all age groups and degrees of mobility.

(i) **Principle 10:** Aesthetics

The indicative detailed design nominates a variety of materials and finishes including painted render, glazing, batten screening, vertical metal and timber screening and standard seam metal roofing. It is recommended that the consent includes a condition requiring the Stage 2 application to demonstrate how the building aesthetic has been developed from the Selected SJB Design.

25. The indicative detailed design has the capability to meet the principles outlined in SEPP 65 generally, subject to addressing the abovementioned matters in the Stage 2 application.

Draft State Environmental Planning Policy No 65—Design Quality of Residential Flat Development ("Draft SEPP 65")

- 26. On 23 September 2014, the Department of Planning and Environment exhibited the proposed changes to SEPP 65 which includes the replacement of the RFDC with an Apartment Design Guideline.
- 27. These amendments have been considered in the Stage 1 DA and any Stage 2 DA is capable of complying with draft SEPP 65.

State Environmental Planning Policy 70 Affordable Housing (Revised Schemes) ("SEPP 70")

- 28. SEPP 70 relates to Section 94F of the EP&A Act and provides that where the consent authority is satisfied that the development meets certain criteria and a Local Environmental Plan authorises an affordable housing condition to be imposed, such a condition should be imposed so that mixed and balanced communities are created.
- 29. Clause 27P Affordable Housing Conditions of South Sydney LEP 1998 authorises that an affordable housing contribution may be levied for development in land in Green Square within zone 10(e).
- 30. Any future Stage 2 application for development will be subject to an affordable housing contribution calculated in accordance with the relevant policy.

State Environmental Planning Policy (Infrastructure) 2007 ("ISEPP")

- 31. The application is subject to clause 45 of ISEPP as the development is likely to affect an electricity transmission or distribution network. The application was referred to Ausgrid who advised that multiple electricity substations will be required to be accommodated within the development. It is recommended that details of suitable area that meet the locational requirements for the substations are provided with the Stage 2 application.
- 32. The application is subject to clause 104 of ISEPP as the development constitutes Traffic Generating Development as more than 75 residential dwellings will be provided with access from Dunkerley Place which connects within 90 metres of a Classified Road (Bourke Street). The application was referred to the RMS and no objections were raised subject to standard considerations being undertaken by Council.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

33. The development will be classified as BASIX affected development and a BASIX Certificate and associated documentation will need to be submitted in accordance with requirements in SEPP BASIX and the EP&A Regulation 2000 with the Stage 2 application/s. A preliminary ESD assessment has been carried out which establishes strategies to achieve BASIX targets.

State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land) (SEPP 32)

34. SEPP 32 provides for the increased availability of housing within the inner city and to assist in meeting the demand for housing close to employment, leisure and retail opportunities.

35. The concept for redevelopment on the site is consistent with the aims and objectives of SEPP 32 in that the staged development will increase the housing stock and provides a mix of apartments to meet the demand generated by the urban renewal within Green Square.

South Sydney Local Environmental Plan 1998 ("SSLEP 1998")

36. The relevant matters to be considered under SSLEP 1998 for the proposed development are outlined below.

Provision	Consideration	Comment
Part 2 Planning Principles	Development is to be considered having regard to the goals and objectives within the Strategy for a Sustainable City of South Sydney.	The proposed redevelopment concept is considered to be able to achieve the goals and objectives of the Strategy.
Part 3 Zoning Controls	The site is located within the 10(e) Mixed Uses zone.	The proposed land uses are characterised as a 'commercial premises', 'multiple dwellings', 'roads' and 'recreation area' which are permissible with development consent.
		The zoning objectives seek to establish a predominately employment-based zone while allowing residential use on appropriate development sites and that are compatible with other surrounding non-residential uses.
		The proposal is for a predominately residential land uses and pursuant to Clause 10, Council must be of the opinion that the proposal is consistent with the objectives of the zone.
		This assessment finds that, notwithstanding that the individual development is predominately residential, the 10(e) zone and specifically the Lachlan Precinct remains a predominately employment-based zone at the time of determination and considered to be consistent with the objectives of the zone.
		Refer to detailed discussion in Issues section later in this report.

Provision	Consideration	Comment
Division 2 Development at Green Square CI 27A to 27K	Council must consider certain principles before granting consent to any development within Green Square. Council must not grant consent for development of any land within Green Square unless a masterplan is adopted the development is consistent with the masterplan.	This assessment finds that the proposal is consistent with the vision for Green Square and the relevant planning principles. The land is located in Green Square and the preparation of a masterplan is required. The Stage 1 DA has been submitted to satisfy the obligation for a masterplan (site specific DCP) to be prepared for the site. This assessment finds that the Stage 1 application sufficiently addresses the relevant matters to be included in the masterplan subject to recommended conditions. Refer to discussion in Issues section later in this report.
Division 2 Affordable housing at Green Square Cl 27L – 27R	This clause authorises the imposition of an affordable housing condition when the consent authority grants consent to the carrying out of development in Zone 10(e) in Green Square.	The site is located in Green Square and any future detailed Stage 2 application/s will be subject to an affordable housing contribution.
CI 28 Built environment design principles and masterplans	Council must take into consideration certain design principles when determining an application for consent to the carrying out of any development on land which this plan applies.	The proposed building envelopes respond to the transitioning context, is capable of providing an acceptable level of amenity to future occupants, improves the public domain and comprises of compatible land uses.
CI 29 Subdivision of land	A person must not subdivide land to which this plan applies without the consent of the Council.	The application conceptually seeks development consent for land subdivision through the excising of land for dedication to Council for road and public recreation purposes. The Stage 2 application will need to include appropriate conditions relating to land subdivision and associated works.

Provision	Consideration	Comment
CI 29A Application of provisions of Sydney Local Environmental Plan 2012	Certain provisions of <i>Sydney Local</i> <i>Environmental Plan</i> <i>2012</i> apply to development on land to which this Plan applies.	 The following provisions of Sydney LEP 2012 apply to development: Cl 2.8 Temporary use of land Part 3 Exempt and complying development Cl 7.15 (Flood planning) Cl 7.17 (Development in areas subject to airport noise) Cl 5.10 (Heritage conservation) Refer to discussion under Sydney LEP 2012 section later in this report.
CI 39 Contaminated Land	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.	As discussed under the SEPP 55 section earlier in this report, the site is highly likely of being contaminated and the development proposes a more sensitive land use. It is recommended that a Detailed ESA and any required RAP is submitted with the Stage 2 application.
CI 44 Suspension of covenants, agreements and instruments	The operation of any covenant, agreement or similar instrument that purports to impose restrictions on the carrying out of development on the land to which this plan applies, to the extent necessary to serve that purpose, shall not apply to any such development.	The site contains a number of rights of carriage and easements for access and utility purposes which are located on the land to be dedicated as road/public open space.

Sydney Local Environmental Plan 2012 ("SLEP 2012")

37. Clause 29A of SSLEP 1998 provides that certain provisions of SLEP 2012 apply to development on the site. The relevant provisions are addressed below.

(a) Clause 5.10 Heritage conservation

The site is not identified as containing a heritage item. The site adjoins a heritage item (Miller's Storage building) at 866-882 Bourke St and in the vicinity of Heritage listed Fig trees along Joynton Avenue. The application was referred to Council's Heritage Specialist who has advised that the likely impact on the surrounding heritage items is acceptable.

The Heritage advice also recognised that the front double storey brick administration building on the site held some historical significance and there is archaeological potential as No. 18 O'Dea Avenue was part of the historic Rope Walk which was established in 1865. To address these likely impacts, a number of conditions are recommended, however, these are considered to be more appropriately imposed in the Stage 2 consent.

(b) Clause 7.15 Flood planning

A Hydraulic Impact Assessment Report was submitted analysing the site for flooding in the 100 year ARI events and determined a minimum flood planning level of RL 22.40 could be achieved for the retail component and RL 22.9 for the residential component (which includes a 500mm freeboard). The Stage 1 envelope drawings show the retail and residential lobby at RL22.9. For urban design reasons, retail levels should be as close to the public domain as possible while still complying with the minimum FPL. It is recommended that RL 22.40 is adopted for these levels.

See discussion under *Retail Development Levels and Public domain Interface* in the Issues section later in this report.

(c) Clause 7.17 Development in areas subject to airport noise

The land is not identified as being in an area sensitive to aircraft noise.

Lachlan Precinct Planning Proposal – amendment to Sydney Local Environmental Plan 2012

- 38. On 3 April 2014 and 7 April 2014, the Central Sydney Planning Committee and Council respectively resolved to approve the Lachlan Precinct Planning Proposal for Gateway Determination and public exhibition. A draft DCP amendment to Sydney DCP 2012 was also considered and approved for public exhibition.
- 39. The Lachlan Precinct Planning Proposal and DCP amendment seeks to translate and integrate the South Sydney controls into *Sydney Local Environmental Plan 2012* and *Sydney Development Control Plan 2012*. Specifically, the planning proposal seeks to make the following amendments to the SLEP 2012:
 - rezone land from Mixed Uses Zones 10(b) and 10(e) under South Sydney LEP 1998 to B4 Mixed Use;
 - (b) translation of 1.5:1 FSR from South Sydney LEP 1998;
 - (c) introduction of FSR incentives for commercial and retail development and design excellence;
 - (d) translation of height in metres from South Sydney LEP 1998 to "reduced levels" on indicative building footprints in Sydney LEP 2012;

- (e) list heritage item 866-882 Bourke Street in schedule 5; and
- (f) integration of appropriate controls for the precinct in the following maps: heritage; locality and site identification; acid sulphate soils; special character areas; land reservation; land use and transport integration; and public transport accessibility.
- 40. The Gateway determination was issued on 4 June 2014 and the Planning Proposal has been publically exhibited, reported back to Council and the CSPC in October 2014 and expected to be gazetted in the new year.
- 41. Pursuant to Section 79C of the Environmental Planning and Assessment Act 1979, the proposed Stage 1 application is considered against the following relevant matters in the proposed instrument:
 - (a) **Zoning**

The proposed Stage 1 land uses being residential flat buildings and retail premises would be permissible with consent and generally consistent with the proposed mixed use B4 zone objectives.

(b) **FSR**

The proposed Stage 1 FSR would comply with the maximum FSR including eligible community infrastructure and design excellence incentives up to 2.2:1.

(c) Height

The proposed height of the building envelopes would exceed the "Reduced Levels" identified for the site. Building A and B are 3.26 metres greater than RL on the map, Building C is 1.5 metres greater than RL on the map and Building D is 5.15 metres greater than RL on the map. This non-compliance arises from the Reduced Levels being derived from the Lachlan DCP building envelope control. The subject Stage 1 application seeks to justify that additional height on the buildings is acceptable as a 4 storey building is removed from Hatter Lane and internal communal open space in improved. This assessment finds that the proposed envelopes are acceptable in this circumstance.

See discussion under *Building Envelopes* in the Issues section later in this report.

(d) Restricted Retail

The proposed indicative size of the retail tenancies would not exceed 1000sqm and would be consistent with the draft development standard.

(e) Parking

Based on the indicative unit mix, the allowable maximum parking under the exhibited controls would be 250 spaces, whereas the indicative basement design shows a total of approximately 304 spaces to service these uses. Parking numbers are not approved in a Stage 1 consent and the Stage 2 proposal will need to comply with the parking controls under the applicable instrument/policy at the time of lodgement.

42. The proposal has been considered against the draft controls outlined in the exhibited draft instrument and found that a future development could be generally consistent with the standards with the exception of height and parking numbers. This assessment finds that the height established in the building envelopes is acceptable in this instance. It is recommended that a condition is imposed in the consent clarifying that the Stage 1 consent does not approve the number of car parking spaces.

South Sydney DCP 1997 ("SSDCP 1997")

43. Assessment of the proposal against the SSDCP 1997 controls is summarised below:

Development Control	Complies	Comment		
PART B: URBAN I	DESIGN PRIN	CIPLES		
Urban Form Section 2	Yes	The Stage 1 involves the concept plan for the delivery of future roads, infrastructure and a park planned for the precinct and will not unreasonably obstruct significant views to the city skyline.		
Urban Villages, Public Spaces and Pedestrian Networks Section 3	Yes	The Stage 1 involves the concept plan for the delivery of roads, infrastructure, a park and landscaped setbacks which contribute to the public domain improvements identified in SSDCP 1997.		
Sustainable, Healthy Environment Section 4	Yes	The Stage 1 building envelopes provide a site responsive design, with the capability of achieving passive solar design principles, natural light and ventilation and water and energy efficiency targets.		
PART C: PUBLIC	PART C: PUBLIC DOMAIN			
Public Domain Improvement Section 2	N/A	Refer to Part G: Lachlan Precinct		
Security Section 3	N/A	Refer to Part G: Lachlan Precinct		
Implementation (Section 94, FSR Bonus) Section 4	N/A	Refer to Part G: Lachlan Precinct		

Development Control	Complies			Comment	
PART D: SOCIAL	PLANNING				
Access Section 2	Capable	Stag prov	indicative detaile ge 1 DA show the viding equitable a dings.	e developm	ent is capable of
Social Housing and Mix Section 3	No (Capable)	The indicative detailed design submitted with the Stage 1 DA show a dwelling mix of:			
			Туре	Control	Proposed
			Studios		4.8% (16)
			1 bedroom	28%	40.2% (133)
			2 bedrooms	50%	43% (141)
			3+ bedrooms	22%	12% (41)
		stud 2 be 199 Mor a so has hou 201 indio	edroom and 3 bec minimum control 1 Australian Bure e recent data iden ocially diverse pop been reviewed a sing and dwelling 2. While this cont	m apartme droom apar ls in SSDC au of Statis ntifies a diff pulation. Th nd adopted mix contro rol may not uld generall	nts and not enough tments. P 1997 are based on stics census data. ferent mix to achieve he more recent data I into the Flexible
Cultural Issues Section 4	Yes	crea	ation of the Lachla tribute to a neight	an Precinct	
Community Infrastructure Section 5	Yes	of p	-	etwork, par	uction and dedication ks and landscape chlan Precinct.
Cumulative Impacts and Trade-Offs Section 6	Capable	urba futu cum		or the Lach	

Development Control	Complies	Comment
Economic Issues Section 7	Capable	The Stage 1 concept has the capability to promote the social and economic conditions of the local community.
Food Supply Section 8	Capable	The indicative detailed design submitted with the Stage 1 show ground floor retail floorspace that is capable of providing fresh food outlets.
Security Section 9	Capable	The indicative detailed design submitted with the Stage 1 show the development is capable of being designed to achieve safety and security principles.
PART E: ENVIRON	MENTAL DE	SIGN CRITERIA
Site Analysis/Layout Section 1.1 and 1.2	Yes	The Stage 1 concept adequately considers the characteristics of a site and its transitioning context to achieve responsive building envelopes and open space.
Public/Private Open Space Section 1.3 and 1.4	N/A	Refer to Part G: Lachlan Precinct
Landscaping Section 1.5	Capable	The indicative detailed design submitted with the Stage 1 show that an acceptable level of communal open space and deep soil can be provided.
Parking, Access and Servicing Section 1.6	N/A	Refer to Part G: Lachlan Precinct
Storm water Drainage Section 1.7	Capable	A detailed Drainage and Stormwater Concept Plan will need to be submitted with the Stage 2 application.
Site Facilities Section 1.9	Capable	A detailed Waste Management Plan demonstrating compliance with Council's Waste Minimisation Code will need to be submitted with the Stage 2 application.
		The indicative detailed design submitted with the Stage 1 show that adequate site facilities such as mail boxes and general storage can be accommodated within the development.
Building Envelope Section 2.1	N/A	Refer to Part G: Lachlan Precinct

Development Control	Complies	Comment		
Floor Space Ratio Section 2.2	N/A	Refer to Part G: Lachlan Precinct		
Height and Scale Section 2.3	N/A	Refer to Part G: Lachlan Precinct		
Setbacks Section 2.4	N/A	Refer to Part G: Lachlan Precinct		
Façade Treatment Section 2.5	N/A	Refer to Part G: Lachlan Precinct		
Visual and Acoustic Privacy Section 4.1	N/A	Refer to Part G: Lachlan Precinct		
Safety and Security Section 4.2	Capable	The indicative detailed design submitted with the Stage 1 shows the development is capable of being designed to achieve safety and security principles.		
Fire Regulations Section 4.6	Capable	Any future building will be required to comply with the Building Code of Australia.		
Energy Efficiency Section 5.1 to 5.3	Capable	The Stage 1 building envelopes provide a site responsive design, with the capability of achieving passive solar design principles, natural light and ventilation and water and energy efficiency targets.		
Operational Controls Section 6	Capable	The operational controls are details which will need to be addressed at Stage 2.		
PART F: DESIGN CRITERIA FOR SPECIFIC TYPES				
Residential Flat Building and Mixed Use Development Section 2 and 4	N/A	Refer to Part G: Lachlan Precinct		
PART G: SPECIAL	PART G: SPECIAL PRECINCTS - NO. 9 GREEN SQUARE			
Urban Strategy Section 2	N/A	Refer to Part G: Lachlan Precinct		

Development Control	Complies	Comment
Urban Frame Work Section 3	N/A	Refer to Part G: Lachlan Precinct
PART G: SPECIAL	PRECINCTS	- NO. 9 GREEN SQUARE(LACHLAN PRECINCT)
5.3 Definitions	Yes	<i>Gross Floor Area</i> and <i>Building Height</i> are defined differently in the Lachlan DCP compared to the other sections of the SSDCP 1997. The definitions in the Lachlan DCP prevail and are adopted for the purposes of calculating <i>Gross Floor Area</i> and <i>Building Height</i> in this assessment.
5.4 Character Statement	Yes	The Character Statement identifies that the Lachlan Precinct is a period of transition from industrial and warehouse uses to mixed use and predominantly low to medium scale residential development.
		The indicative detailed design shows future built form used for predominately residential land uses and provides retail tenancies addressing O'Dea Avenue and future Rope Walk park to the east. The land uses and their location within the building envelopes are considered to be consistent with the desired uses identified in the character statement.
		The Stage 1 addresses the need for provision of public infrastructure by proposing to construct and dedicate part of Dunkerley Place, all of Hatter Lane, the triangular landscape setback along O'Dea Ave and the southern portion of the Rope Walk park.
		The proposed building envelopes depart from some of the core built form controls, which, this assessment finds is acceptable in this circumstance.
5.5 Public Domain	Yes	5.5.1 Street Hierarchy and Transport
Domain		The Stage 1 involves the concept plan for the construction and dedication of new streets consistent with the locations and design principles identified in the Lachlan DCP.
		Refer to discussion in the Issues section later in this report.

Development Control	Complies	Comment
	Yes	5.5.2 Open Space
		The Stage 1 involves the concept plan for the construction and dedication of new open space consistent with the location and design principles identified in the Lachlan DCP.
		Refer to discussion in the Issues section later in this report.
	N/A	5.5.3 Through-Site Links
		The site is not identified as required to provide a through-site link.
	Capable	5.5.4 Waterways and Stormwater Management
		Any future Stage 2 DA will need to address stormwater management and flood risk on the site.
5.6 Built Form	Capable	5.6.1 Floor Space Ratio
		The floor space ratio (" FSR ") control for this site is 2:1.
		This FSR figure is inclusive of 1.5:1 base FSR and, 0.5:1 bonus FSR as the development provides material public benefit.
		The future Stage 2 may also be eligible for up to an additional 0.2:1 FSR if the development is a selected scheme arising from a competitive design process and can demonstrate design excellence.
		The indicative detailed design submitted with the Stage 1 included gross floor area (" GFA ") diagrams illustrating that the building envelopes achieve a maximum GFA of 25,979sqm or 2.2:1.
		It is recommended that a condition is imposed in the consent to ensure that the Stage 1 only approves a maximum FSR of 2:1 and an additional 0.2:1 may be considered if the development is a selected scheme arising from a competitive design process and can demonstrate design excellence.

Development Control	Complies	Comment
	No	5.6.2 Building Height
		Height in Storeys
		The building height in storeys control for this site is varied with four buildings between 4, 6, 7 and 20 storeys permitted.
		Parts of the proposed building envelopes do not strictly conform to the DCP envelopes and propose buildings between 7, 8 and 21 storeys.
		Refer to discussion in the Issues section later in this report.
		Floor to Floor Heights
		 The Stage 1 envelopes include floor to floor heights of: retail - 4.7 metres and comply with the 4.2 metre control ground and first floor residential - 3.7 metres and comply with the 3.7 metre control residential above first floor - 3.05 metres which is inconsistent within the 3.1 metre control, the competition scheme and original drawings submitted with the Stage 1 application A floor to floor height of 3.1 metres is required to enable delivery of a 2.7m floor to ceiling height during construction and comply with the Lachlan DCP and RFDC. As such, it is recommended a condition is imposed in the consent to ensure that the Stage 2 detailed design provided 3.1 metre floor to floor heights
	Yes	5.6.3 Design Excellence
	1 65	A competitive design process has been undertaken that covered the new site (excluding land to be dedicated). Under the control the potential additional floor space awarded for the competitive design process is proportional to the percentage of the total landholding covered by each competitive process, excluding any land to be dedicated for streets and open space.

Development Control	Complies	Comment
		Using the formula in the control, additional floor space bonus (%) is calculated as:
		 Competitive design process site area / (Lot area – Land to be dedicated area) x 10
		 6,381sqm / (11,812sqm – 5,431sqm) x 10
		The additional floor space bonus for the site is 10%. Applying this bonus to the 2:1 FSR control equates to an amount of 2,362.4sqm of design excellence floor space.
		Converting this GFA to an FSR results in 0.2:1 and therefore the total potential FSR available for the site is 2.2:1.
		As the site has already been the subject of a competitive design process, preparation of a Design Excellence Strategy is not considered necessary in this instance.

Development Control	Complies	Comment
	No	5.6.4 Building Form and Design
		Built Form layout
		The built form layout is inconsistent with the preferred built form layout and envelopes identified in the control.
		Refer to discussion in the Issues section later in this report.
		Building Setbacks
		The proposed envelopes generally comply with the primary and secondary setbacks nominated in the control.
		Building Types/Uses
		The proposed land uses are consistent with the control being, ground floor non-residential uses addressing O'Dea Ave and part of Rope Walk with residential dwellings permitted elsewhere on the site.
		Architectural Diversity and Articulation
		It is recommended that details of how the individual buildings achieve architectural diversity and are not similar in design are to be submitted with the Stage 2 application.
		Vertical Circulation
		It is recommended that details of how the buildings address vertical circulation objectives are submitted with the Stage 2 application.

Development Control	Complies	Comment			
		Active street frontages and Active Edges			
		It is recommended that details of the active retail edge including treatment at the interface with the public domain are submitted with the Stage 2 application.			
		Continuous Awnings			
		It is recommended that details of continuous awnings provided above the retail footpath adjacent to the retail tenancies are submitted with the Stage 2 application.			
		Residential Amenity			
		It is recommended that details of how the individual buildings achieve minimum amenity controls in the RFDC and Lachlan DCP are submitted with the Stage 2 application.			
		Green Roofs			
		The indicative detailed drawings show a concept for green roofs on Buildings A, C and D. It is recommended that details of the green roofs are submitted with the Stage 2 application.			
		Public Art			
		The indicative detailed drawings show a concept for Public Art located on the southern façade of Building B addressing O'Dea Avenue. It is recommended that a public art strategy is submitted with the Stage 2 application.			
	Capable	5.6.5 Typical Ground Floor Condition for Residential Flat Buildings			
		The Stage 2 application will need to demonstrate compliance with the relevant controls.			
	Capable	5.6.6 Acoustic and Visual Privacy			
		The Stage 2 application will need to demonstrate compliance with the relevant controls.			

Development Control	Complies	Comment			
	Capable	5.6.7 Development Levels			
		The proposed retail development levels would result in a difference of level of up to 1.7 metres between the retail tenancy and the adjoining public domain along O'Dea Avenue. This assessment finds that due to flood planning requirements the retail development levels can be a minimum 1.2 metres above public domain level.			
		Refer to discussion later in this report.			
	Capable	5.6.8 Parking and Access			
		The indicative detailed design submitted with the Stage 1 show 3 levels of basement parking accessed from Dunkerley Place and servicing located in a dedicated loading bay accessed off Hatter Lane. The preferred location for loading facilities is within the basement, however, this assessment find that the location off Hatter Lane is acceptable in this instance.			
		Refer to discussion later in this report.			
		The entrance to the basement levels is generally consistent with the Lachlan DCP location. Council's Transport and Access Unit have advised that a greater setback from the intersection would be desirable, however, accepts that a built out kerb could restrict vehicle movements and improve pedestrian safety.			
	Yes	5.6.9 Staging and Implementation			
		The Stage 1 and draft Planning Agreement proposes the following concept for construction staging:			
		 Stage A – Building D, Dunkerley Place and Hatter Lane 			
		 Stage B – Building A and Building B, O'Dea Ave kerb realignment and 732.3sqm portion of the Rope Walk embellishment works 			
		 Stage C - Building C and remaining 2350.7sqm portion of the Rope Walk embellishment works 			

Development Control	Complies	Comment		
		The staging ensures that the relevant public domain infrastructure is secured in order to service the associated building. In short, each building will have a public road / open space frontage at completion. It is recommended that details of the construction and subdivision staging are submitted with the Stage 2 application.		

Development Control Plan No. 11 – Transport Guidelines for Development 1996 ("DCP 11")

- 44. DCP 11 sets out maximum car parking levels in order to reduce traffic congestion and reduce reliance on private vehicles in the city. Car parking rates will be determined at Stage 2 and will not form part of the Stage 1 consent. Notwithstanding this, the indicative detailed drawings appear to illustrate compliant rates consistent with DCP 11.
- 45. It is recommended that conditions are imposed in the Stage 1 consent providing guidance relating to bicycle, motorcycle, service and car share parking and the design and location of parking spaces.

City of Sydney Contaminated Land Development Control Plan 2004

46. As discussed under the SEPP 55 section earlier in this report, the site is highly likely of being contaminated and the development proposes a more sensitive land use. It is recommended that a Detailed ESA and any required RAP is submitted with the Stage 2 application.

City of Sydney Access Development Control Plan 2004 ("Access DCP")

47. As discussed earlier in this report, the Stage 2 application will need to address accessibility.

Green Square Affordable Housing Development Control Plan ("Affordable Housing DCP")

48. As discussed earlier in this report, the site is located in Green Square and the future detailed Stage 2 application will be subject to an affordable housing contribution.

ISSUES

49. The issues identified in the abovementioned discussions and compliance tables as non-complying or requiring further discussion are discussed in detail below:

Mixed Uses Zone Objectives and Proposed Land Uses

50. Pursuant to SSLEP 1998, the site is located within the 10(e) Mixed Uses zone. The land uses proposed in the Stage 1 are characterised as a 'commercial premises' and 'multiple dwellings' which are permissible with development consent in the 10(e) zone.

51. Clause 10 of SSLEP 1998 provides that

Except as otherwise provided by this plan, the Council must not grant consent to the carrying out of development on land to which this plan applies unless the Council is of the opinion that the proposal is consistent with the objectives of the zone within which the land is located.

- 52. The 10(e) zoning objectives are:
 - (a) to establish a predominantly employment-based zone while allowing residential use on appropriate development sites, and
 - (b) to allow for appropriate business activities which contribute to economic growth and employment opportunities within the Green Square area, provided they are environmentally compatible in terms of design and operational requirements with residential development, and
 - (c) to allow residential development within the zone, provided it is designed so as to be compatible with other non-residential uses and will not adversely affect the operations of existing lawfully operating industrial uses, and
 - (d) to minimise any adverse impact, including social impact, on residential amenity by devising appropriate design assessment criteria and applying specific impact mitigation requirements by the use of development control plans, and
 - (e) to ensure that development within the zone contributes to a highly sustainable, vibrant community, and reflects equal and integrated consideration of social, economic and environmental design issues.
- 53. Overall, the zone objectives seek to establish a predominately employment-based zone while allowing residential uses on appropriate development sites that are compatible with other surrounding non-residential uses.
- 54. The Stage 1 proposes a concept for a predominately residential land use mix and pursuant to Clause 10 of SSLEP 1998, the Central Sydney Planning Committee must not grant consent to the development unless they are of the opinion that the proposal is consistent with the objectives of the zone, and more specifically in this instance, that the 10(e) zone remains a predominantly employment-based zone.
- 55. Given the ambiguity of the word "predominately" and lack of standard or control, at its meeting on 9 May 2005, Council resolved to adopt an interim policy position for the 10(e) zone. The policy position sought to guide redevelopment in the zone until a review of the mixed uses zones was completed. The resolution provided that a minimum of 50% of the floorspace proposed must be non-residential uses. The indicative land use mix proposed only results in 2.8% non-residential uses and 97.2% residential uses, and does not perform against the 50% interim policy position.
- 56. The city undertook a Review of Zoning and Land Use in the Green Square Urban Renewal Area in 2006 in the lead up to the preparation of Sydney LEP 2012. The Lachlan Precinct was deferred from the Sydney LEP 2012 to enable further testing of the controls and additional consultation. SSLEP 1998 and the 10(e) zone continued to apply to the land.

- 57. Recently, the City has undertaken a further review of the zoning in the Lachlan Precinct and at its meeting on 3 April 2014 and 7 April 2014, the CSPC and Council respectively resolved to approve the Lachlan Precinct Planning Proposal for Gateway Determination and public exhibition.
- 58. The proposed amendments include the rezoning of the Lachlan Precinct from 10(e) Mixed Uses zone to B4 Mixed Uses. The B4 Mixed Uses zone does not emphasise a predominant land use and would allow a compatible land use mix like that proposed. The zone review process is nearing completion with the future direction for the area envisaged to transition to a mix of compatible uses.
- 59. The Lachlan Precinct Planning Proposal has been publically exhibited, reported back to Council and the CSPC in October 2014 and is expected to be gazetted in the new year. The potential rezoning to B4 has some status in the consideration of the subject application, however, the proposed land use mix must stand up on its merits when tested against the current 10(e) land use objectives to satisfy clause 10 of SSLEP 1998.
- 60. The 10(e) zone is located in two geographic areas in the local government area. Figure 23 illustrates where the 10(e) zone is located and its two sectors being the north sector (Lachlan Precinct) and the west sector (bound by McEvoy St and Bowden Street).



Figure 23: Map illustrating existing 10(e) zones, identified as the North sector and West Sector, and the subject site (dot).

- 61. In order to establish whether the 10(e) zone will remain a predominantly employment-based zone or not, it was considered that a review of the existing floorspace (non-residential versus residential) across the zone was the most suitable approach.
- 62. Data from the City's 2012 Floor Space and Employment Survey was obtained from Council's Research, Strategy & Corporate Planning Unit. This data was collated with the floorspace of mixed use developments that were completed, approved or near determination since the 2012 study, including:
 - (a) Viking development,
 - (b) Blocks B, C and D of the Divercity development;
 - (c) 11B Lachlan Street; and
 - (d) Current DA before the CSPC for Block A in the Divercity development.
- 63. The following table in Figure 24 outlines the existing and proposed proportion of non-residential floorspace versus residential floor space on a sector basis and total 10(e) zone basis.

	Existing		Proposed Block A		Proposed 18-20 O'Dea Ave	
	Non- residential floor space	Residential floor space	Non- residential floor space	Residential floor space	Non- residential floor space	Residential floor space
North Sector	60%	40%	66%	43%	50%	50%
West Sector	100%	Nil	100%	Nil	100%	Nil
Total 10(e) zone	71%	29%	69%	31%	63%	37%

Figure 24: Table summarising the proportion of land uses (existing versus proposed).

- 64. Across the 10(e) zone, the effect of a net increase in residential floor space and net decrease in non-residential floorspace results in a 10(e) zone that remains predominately (63%) non-residential.
- 65. The proposal is also considered to be consistent with the other relevant objectives noting that the indicative residential/retail uses are capable of being designed to be compatible with the non-residential (light industrial/commercial) uses and operations to the west of the site. As such, the CSPC can be satisfied that the zone objectives are achieved and consent can be granted pursuant to Clause 10 of SSLEP 1998.

Building Envelopes - Layout and Height

- 66. The controls for the site identity four buildings ranging in height from 4 storeys to 20 storeys (refer to **Figure 25**).
- 67. The proposed building envelopes depart from the footprint and envelope controls identified in the Lachlan DCP (refer to **Figure 26**) in the following manner:
 - (a) deletion of the a 4 storey building addressing Hatter Lane;
 - (b) an additional storey to Building A, B and C (tower);
 - (c) an additional 1 and 2 storeys to Building D; and
 - (d) shifting of Building C (tower) to the west to align with Building B and Divercity development to the north.

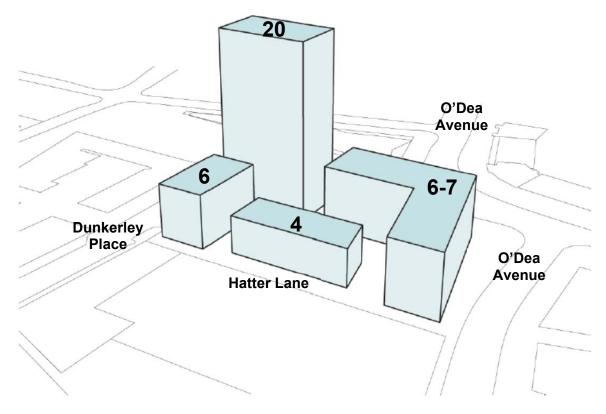


Figure 25: Preferred building envelopes and maximum height in storeys as per Lachlan DCP.

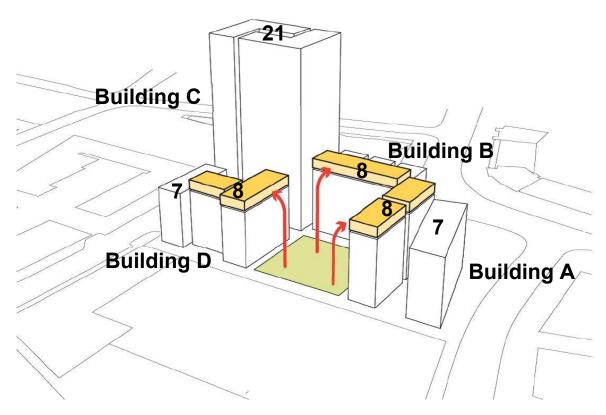


Figure 26: Proposed Stage 1 building envelopes and proposed height in storeys.

68. The Lachlan DCP contemplates that a consent authority may grant consent for development that varies the building heights subject to consideration of a number of factors which are each addressed below:

(a) Meeting the general environmental performance provisions and built form objectives of this DCP

The proposed Building A, B and D envelopes are capable of accommodating built form that can achieve the performance provisions and objectives of the DCP.

Building C is a 21 storey tower and has typical residential floor to floor heights of 3.05 metres and does not achieve the performance provisions and objectives of the DCP for the following reasons:

- (i) The DCP recommends a minimum 3.1 metres floor to floor heights for residential levels to ensure that a minimum 2.7 metre floor to ceiling height can be achieved in construction. As this is a minimum amenity standard for future residential apartments, it is recommended that a condition is imposed to ensure that any stage 2 design incorporates complying floor to floor heights.
- (ii) The non-complaint 21st residential storey on the tower is located within the part of the envelope where only essential plant, lift over runs and green roofs are permitted. An additional storey that is utilising envelope space nominated for essential roof top elements is not supported. It is recommended that a condition is imposed to ensure that the Stage 2 design only locates plant, lift over runs and green roofs above the 20th storey.

Subject to providing compliant floor to floor heights and only permitting plant, lift over runs and green roofs above the 20th storey, the proposal can meet this objective.

(b) Achieving variety in building height and scale within street blocks and across the precinct

The proposed 7, 8 and 20 storey buildings provide a varying scale in the street block and contribute to the scale and form within the greater precinct. The tower form and lower buildings are consistent with the height and scale established in the immediate vicinity of the site and broader area.

(c) The prevailing scale of the streetscape and the adjacent public domain

The prevailing scale adjacent to the public domain will be 7 storeys with the 8 storey component setback and integrated into the roof form. The proposal improves the interface with Hatter Lane which is a narrow shared zone, as it creates a 38 metre wide opening between built form to allow views from the lane to the landscaped communal open space and sky.

(d) The public domain improvements achieved

The Stage 1 involves the concept plan for delivery of future roads, infrastructure and public open space planned for the precinct and identified in the Lachlan DCP. The construction, delivery and dedication of these works are secured through a draft Planning Agreement that would require execution prior to enabling any future redevelopment of the site.

(e) The cumulative reduction of solar access to the development site and surrounding blocks and public domain

The proposed envelopes have been tested for solar access internally and externally. This assessment finds that compliant solar access is capable of being achieved to the indicative apartments, communal open spaces and to surrounding residential developments. The redistributed storeys across the site are not considered to cause any unreasonable amount of additional overshadowing to Rope Walk park or surrounding developments beyond that contemplated in the DCP envelopes.

(f) Amalgamating landholdings, where necessary, in accordance with Map 18: Lachlan Precinct – Required Land Amalgamation

The Stage 1 involves the concept to amalgamate two landholdings consistent with the Lachlan DCP.

(g) Demonstrating design excellence in accordance with the provisions in 5.6.3 Design Excellence, if pursuing additional Floor Space Ratio under Clause 5.6.1(3) or building height of 9 storeys or more, and if the variations in height are first shown to be acceptable via an approved Design Excellence Strategy in accordance with Clause 5.6.3(5).

The concept to depart from the DCP height and envelope controls was explored in the competitive design process for the site in October 2013. The Selected Scheme sought to rationalise the site planning to increase the size and quality of the communal open space and the residential amenity at the lower floors by deleting the Hatter Lane building. The redistribution of floorspace and additional height has merit in that proposal results in an improved amenity outcome for the future residents and does not give rise to unreasonable impacts when viewed from surrounding development and the public domain.

69. The arrangement and height of the proposed envelopes are supported as they result in an improved amenity outcome internally for future residents and externally as it creates a visual connection to landscaped areas for users of Hatter Lane.

Retail Development Levels and Public Domain Interface

70. The proposed retail development levels are at RL 22.9, which would result in a level difference of up to 1.7 metres between the retail tenancy and the adjoining public domain along O'Dea Avenue (refer to **Figure 27**).

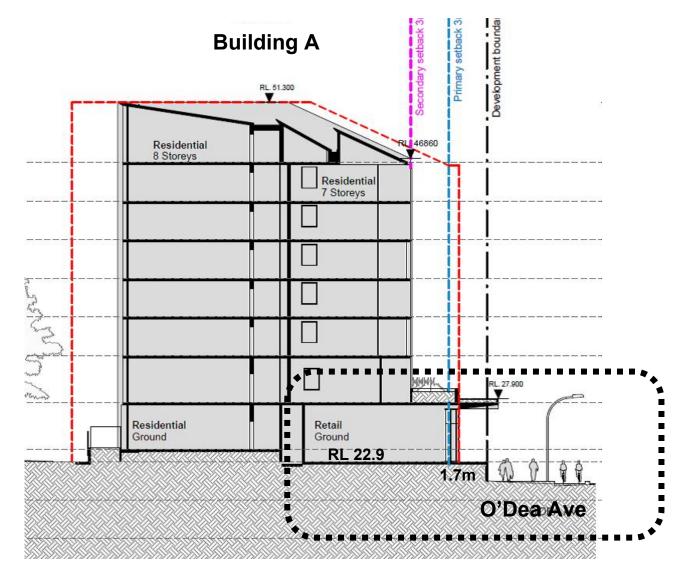


Figure 27: Section through Building A illustrating the difference of level between the retail tenancy and the adjoining O'Dea Avenue footpath.

- 71. This is an undesirable public domain interface with O'Dea Avenue and the Lachlan DCP encourages retail levels to be located as close to the public domain levels while complying with the flooding planning levels.
- 72. Based on the Hydraulic Impact Assessment Report that was submitted analysing the site for flooding in the 100 year ARI events, the retail component can be 500mm lower still comply with the flooding planning levels.
- 73. Council's Public Domain Unit has reviewed the report and recommends that the retail development levels should be no higher than 1.2 metres above the adjoining public domain to comply with the flood planning levels (RL 22.4).
- 74. Council's Urban Design Specialist has recommended that landscape design measures should be incorporated into the Stage 2 design to mediate the interface between the footpath and the retail level along O'Dea Avenue. A suggestion includes reducing the length of frontage for stairs and providing an integrated landscape setback.
- 75. It is recommended that conditions are imposed to ensure that:

- (a) the retail level is located as close to the public domain levels while complying with the flooding planning levels; and
- (b) investigation into design opportunities to incorporate landscaping into part of the public domain interface with O'Dea Avenue is submitted with the Stage 2 DA.

Service Vehicular Access/Loading Dock

76. Council's policies recommend that the preferred location for servicing and loading/unloading activities is within the basement of a development to reduce conflict with pedestrians and optimise the public domain interface. The indicative detailed design shows the access for service vehicles (garbage, delivery trucks) located in a dedicated loading bay off Hatter Lane (refer to **Figure 28**).

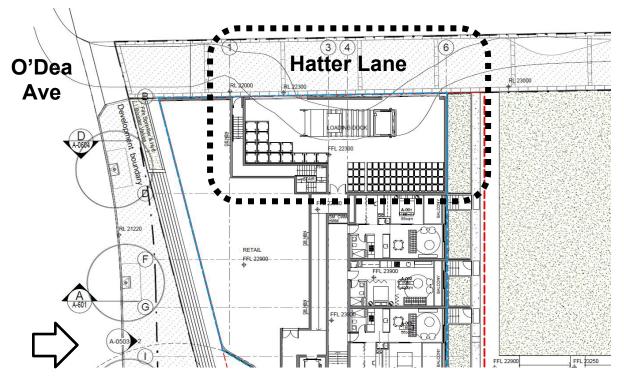


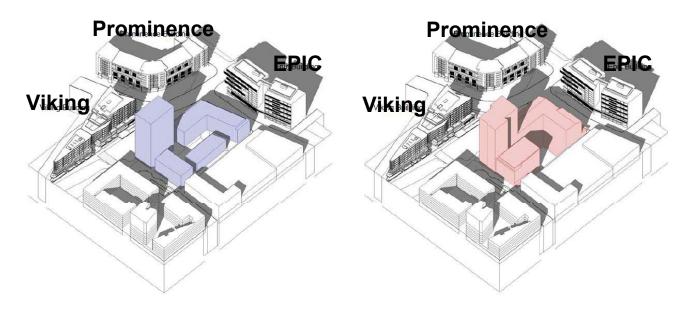
Figure 28: Indicative detailed design illustrating the access for service vehicles (garbage, delivery trucks) located in a dedicated loading bay off Hatter Lane.

- 77. The applicant has investigated locating the loading/unloading activities within the basement and has provided the following justifications for the loading dock off Hatter Lane:
 - (a) turning the basement entry into a service vehicle entry would result in a significant increase in the size of the driveway crossover and basement entry, negatively impacting the architectural and urban design outcome along the Dunkerley Place elevation;
 - (b) the loading dock off Hatter Lane will not result in increased northbound traffic along Hatter Lane;
 - (c) the shape of the site and buildings and required turning circles would lead to a loss of efficiency in the basement and greater amounts of excavation to achieve clearance heights;

- (d) basement loading would further exacerbate safety concerns by mixing residential vehicle and pedestrian activities with loading activities;
- (e) laneways are specifically designed to accommodate loading, garbage collection, and other uses of this nature; and
- (f) the loading dock will utilise roller doors, which will hide loading operations from the laneway, resulting in minimal visual or acoustic impact on the laneway itself.
- 78. The indicative location for the loading dock is considered an acceptable alternative given that it is accessed off a lower order street (Hatter Lane) and locating it in the basement would affect the public domain interface with a higher order street (Dunkerley Place) and will likely create more conflicts with pedestrians.
- 79. It is recommended that a condition is imposed in the consent to ensure that the Stage 2 design is refined in the following manner:
 - (a) the set down area is to be wholly contained within the site but external to the building;
 - (b) no wall is permitted along the boundary to obstruct sight lines;
 - (c) truck movement in a forward direction back onto Hatter Lane with minimal encroachment into the deep soil zone;
 - (d) garbage storage is to be located within the building with bin holding areas towards southern area of loading bay;
 - (e) the western external wall and openings adjacent to the loading bay are to be integrated with the architecture of the building; and
 - (f) a sleeve of retail to O'Dea Avenue frontage is to be maintained to obscure view of the dock from O'Dea Avenue.

Overshadowing Impacts to Surrounding Properties

- 80. The proposed building envelopes have been tested for overshadowing impacts on the surrounding developments to the east (Viking), south east (Prominence) and south (EPIC).
- 81. **Figure 29** illustrates the 12pm mid-winter 3D model showing the overshadowing of surrounding land created by the Lachlan DCP envelopes versus the proposed Stage 1 envelopes. The full Overshadowing Modelling and Analysis is provided in **Attachment C**:



- **Figure 29**: The 12pm mid-winter 3D model illustrating the overshadowing of surrounding land created by the Lachlan DCP envelopes (left) versus the proposed Stage 1 envelopes (right).
- 82. An assessment of the Overshadowing Modelling and Analysis finds that on 21st June:
 - (a) **Viking** the proposed envelopes slightly reduce overshadowing at 3pm when compared to the DCP envelopes. Overall, all west facing apartments maintain a minimum of 2 hours of direct sunlight between midday and 2pm.
 - (b) Prominence the proposed envelopes slightly reduce overshadowing at 12pm midday and slightly increase overshadowing at 3pm when compared to the DCP envelopes. Overall, the north and west facing apartments maintain a minimum of 2 hours of direct sunlight between 9am and 3pm, with the exception of the ground floor west facing apartments.
 - (c) **EPIC** the proposed envelopes slightly increase overshadowing at 9am when compared to the DCP envelopes. Overall, the north facing apartments maintain a minimum of 2 hours of direct sunlight between 9am and 3pm.
- 83. This assessment finds that the proposed building envelopes maintain a complying amount of direct sunlight to adjoining residential developments.

View Impacts from Surrounding Properties

84. Apartment owners from the EPIC and Prominence buildings have raised concerns relating to the proposed building envelopes impacting on views to the CBD skyline and outlooks across the locality. **Figure 30** illustrates the location of the apartments and their relationship to the proposal.

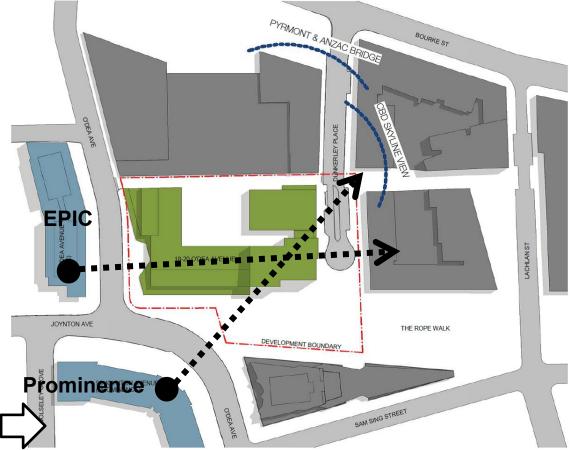


Figure 30: Location of the apartments where a view loss analysis was undertaken and general direction of the views.

- 85. Council officers undertook inspections of the affected apartments in May 2014 and subsequently, Council requested the applicant undertake an analysis of the view impact arising from the proposed building envelopes from those apartments. The applicant submitted a Visual Impact Assessment (refer to **Attachment D** for full assessment) which superimposes a ghosted image of the proposed building envelope over photographs taken from the apartments.
- 86. The photographs from Council's site inspections and the applicant's Visual Impact Assessment is the information used to undertake the following assessment against the four step view loss planning principle established in the Land and Environment Court case, *Tenacity Consulting v Warringah* [2004] NSWLEC 140.

87. First Step – What is the view/s to be affected?

- (a) **EPIC Apartment -** the affected view is to the north and north west where the city skyline and district outlook is visible (refer to **Figure 31**).
- (b) **Prominence Apartment -** the affected view is to the north west where the city skyline and district outlook is visible (refer to **Figure 32**).



Figure 31: Photograph taken from the balcony of the EPIC apartment looking over the subject site to the city skyline and horizon line beyond.



Figure 32: Photograph taken from the balcony of the Prominence apartment looking over the subject site to the city skyline and horizon line beyond.

88. Second Step – Where are the views are obtained from?

- (a) **EPIC Apartment -** the views are obtained from standing positions in the living room, bedroom and balcony of the apartment located in the north eastern corner, on Level 11 of the EPIC development.
- (b) **Prominence Apartment** the views are obtained from standing positions in the living room, bedroom and balcony of the apartment located in the north western corner, on Level 9 of the Prominence development.

89. Third Step – What is the extent of the impact?

- (a) **EPIC Apartment** the impact on the view is considered to be minor as the proposed tower will affect the district outlook directly to the north, however, the CBD skyline is maintained in its entirety from the living area, bedroom and balcony (refer to **Figure 33**).
- (b) Prominence Apartment the impact on the view is considered to be moderate as the envelopes will affect the majority of the outlook to the horizon to the north west, however, the existing CBD skyline (including the top of Sydney Tower beyond Block B in Divercity) will be maintained (refer to (refer to Figure 34).



Figure 33: Panoramic photograph taken from the balcony of the EPIC apartment with superimposed proposed building envelopes (ghosted).



Figure 34: Panoramic photograph taken from the balcony of the Prominence apartment with superimposed building envelopes (ghosted).

90. Fourth Step – what is the reasonableness of the proposal that is causing the impact?

- (a) EPIC Apartment the minor impact is caused by the proposed tower which does not strictly comply with the location identified in the Lachlan DCP. The proposed tower has been shifted slightly to the west, however, this does not cause the tower to obstruct CBD skyline views. On the contrary the shifting of the tower westward opens up views over the Rope Walk park for the apartment. In this regard, the proposal and its impact on the EPIC apartment are considered reasonable
- (b) Prominence Apartment the moderate impact is caused by Building B and the tower which does not strictly comply with the building location and height in storeys control identified in the Lachlan DCP. A comparison between the DCP envelope and proposed envelope (refer to Figure 35) finds that the proposed tower improves the CBD skyline view, however, the additional storey on Building B obstructs the district outlook to the north west. On balance, the difference in view impact between a complying envelope and proposed envelope is considered minimal, and subsequently considered to be a reasonable impact in this circumstance.

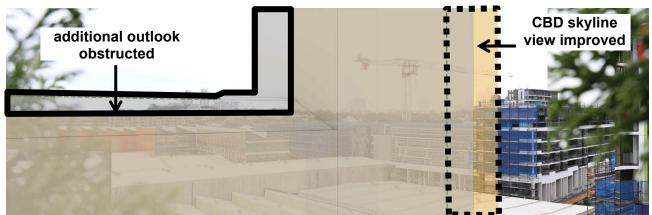


Figure 35: Diagram illustrating the additional view obstructed by non-complying element (solid area) versus gained view by building no longer in this location (dashed area).

91. Given the planned urban renewal of the area and established controls, there is a reasonable expectation that redevelopment will impact on existing private outlooks and views. This assessment finds that the proposed building envelopes have the capacity to contain built form that are considered to have reasonable view impacts from apartments in surrounding developments.

Floor Space Ratio, Material Public Benefit and Section 94 Works in Kind

- 92. The Stage 1 application seeks consent for building envelopes that rely on an additional 0.5:1 of FSR permitted under section 5.6.1 Floor Space Ratio of the Lachlan DCP (material public benefit floor space). This additional FSR can only be achieved where a development provides a material public benefit to the satisfaction of the consent authority.
- 93. The Stage 1 application also seeks concept approval for the provision of public open space which is identified in the City of Sydney Development Contributions Plan 2006.

- 94. The developer made a public benefit offer to construct a series of public domain improvements and dedicate the embellished land to Council. The value of the public domain improvements are proposed to be offset against the total value of the material public benefit obligation arising from the additional FSR, and part of the Section 94 developer contributions arising from the net increase in resident and workforce population.
- 95. In summary, the public benefit package includes:
 - (a) construction and dedication of the eastern portion of Dunkerley Place (road) along northern edge of the site proposed to be offset against the material public benefit floor space obligation and part of the section 94 obligation;
 - (b) construction and dedication of Hatter Lane (road) along western edge of the site to connect O'Dea Avenue to Dunkerley Place and proposed to be offset against the material public benefit floor space obligation;
 - (c) construction and dedication of the southern section of the Rope Walk (park) along eastern edge of the site including stormwater culvert drain and landscaping and proposed to be offset against the Section 94 obligation; and
 - (d) construction and dedication of O'Dea Avenue landscape setback (road) along the southern edge of the site and proposed to be offset against the material public benefit floor space obligation.
- 96. Figure 36 illustrates the concept for the public benefit package including the roads, setback and park required to be delivered and dedicated as part of the terms of the draft Planning Agreement.

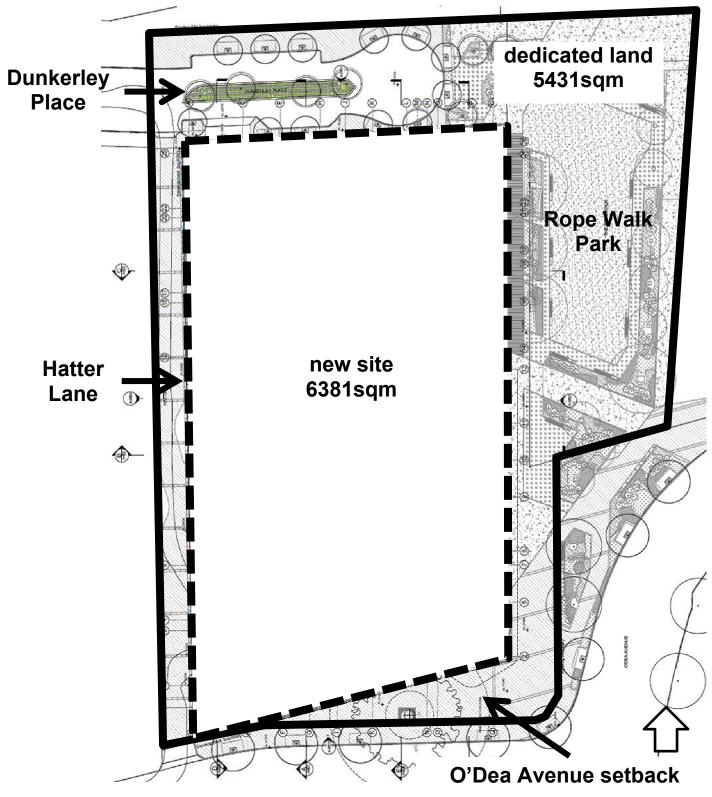


Figure 36: Diagram illustrating land to be dedicated and delivered as roads, setbacks, park and landscaping as part of the terms of the Planning Agreement.

- 97. Council has reviewed the offer and is satisfied that it is consistent with the material public benefit identified for this site in the Lachlan DCP and identifiable works in the 94 Plan.
- 98. The total value of the public benefit offer is \$8,610,348, noting:

- (a) the value of the material public benefit FSR obligation is based on indicative GFA and the rates set out in the South Sydney Bonus Floor Space guideline;
- (b) the value of the Section 94 obligation is based on indicative apartment mix, net increase in workforce population and the June 2014 CPI rates;
- (c) the value of the works have been costed by a quantity surveyor and accepted by Council's Public Domain Unit; and
- (d) the value of the land dedications are consistent with the rates in *South Sydney Bonus Floor Space guideline* or rates outlined in the 94 plan.
- 99. The total value of the cost to construct and dedicate Dunkerley Place, Hatter Lane and O'Dea Avenue setback exceeds the value of the material public benefit FSR obligation by \$391,512. The applicant has requested that the outstanding credit is offset against the Section 94 developer contributions in accordance with Section 93F of the EP&A Act 1979.
- 100. The construction and dedication of future Dunkerley Place, Hatter Lane and O'Dea Avenue setback is not identified in the 94 plan, therefore, where a developer proposes to offset works that are not specifically listed in the 94 plan, these works are defined as a "material public benefit" and must be the subject of a formal Planning Agreement.
- 101. Prior to the formal Planning Agreement being drafted, pursuant to part 2.5 of the plan, Council considered and acknowledged that the diversion of contributions from adopted works to non-identified works may threaten the achievement of the adopted works programme and any such work would have to be of a truly exceptional relevance, quality and scale to be considered eligible for acceptance as a material public benefit. The proposed material public benefit is considered to meet this test for the following reasons:
 - (a) the works are of truly exceptional relevance as the construction and dedication of future Dunkerley Place, Hatter Lane and O'Dea Avenue setback is an identified material public benefit in the Lachlan DCP;
 - (b) the roads and setback will be delivered to a quality in accordance with Council's standards; and
 - (c) the scale of the works is consistent with the scope and detail identified in the Lachlan DCP.
- 102. A draft Planning Agreement has been prepared and is currently on public exhibition.
- 103. Any Stage 2 assessment will need to consider the terms of the Planning Agreement and any agreed developer contributions will need to be reflected within any consent issued.

Matters to be addressed in Masterplan/Stage 1 Development Application

104. The land is located in Green Square and the preparation of a masterplan (site specific DCP) is required pursuant to Clause 27C of SSLEP 1998. The Stage 1 DA has been submitted to satisfy the obligation for a masterplan to be prepared for the site.

105. The relevant matters to be considered pursuant to Clause 27D of SSLEP 1998 are addressed below:

(a) How the proposal addresses the vision for Green Square set out in clause 27A, the planning principles set out in Schedule 4, and any development control plan adopted for Green Square by the Council

The proposal is generally consistent with the precinct specific Lachlan DCP that applies to the land and consistent with concepts and principles set out in clause 27A and Schedule 4 of SSLEP 1998.

(b) Design principles drawn from analysis of the site and its context

The site analysis undertaken through the competitive design process resulted in an alternative response to the site planning for building envelopes than those prescribed in the Lachlan DCP. This assessment finds that alternative response is a desirable outcome as it reduces the number of buildings on the site, improves the quantity and quality of communal open space for future occupants and the redistributed floorspace on top of the remaining buildings does not result in unreasonable amenity impacts internal and external to the site.

(c) **Phasing of the development**

The proposed concept for construction staging ensures that the relevant public domain infrastructure is delivered at each stage to service the relevant completed building.

(d) Distribution of land uses, including open space

The indicative land uses including private open space and their distribution across the site is consistent with the uses identified in Lachlan DCP.

(e) **Pedestrian, cycle and vehicle access and circulation networks**

The pedestrian, cycle and vehicular networks will be improved as a result of the development, providing crucial connections to local street networks and public open recreation space.

(f) **Parking provision**

Any future Stage 2 application is capable of complying with the maximum parking rates identified in the relevant plan or policy.

(g) Infrastructure provision

The Stage 1 addresses the need for provision of public infrastructure by proposing the conceptual design for the construction and dedication of part of Dunkerley Place, all of Hatter Lane, the triangular landscape setback along O'Dea Ave and the southern portion of the Rope Walk park.

(h) Building envelope and built form controls

This assessment finds that subject to no built form other than plant and green roofs being located above the 20th storey on Building C, the proposed building envelopes are capable of accommodating built form that is appropriate for the site and achieves satisfactory levels of internal amenity and reasonable impacts on surrounding land.

(i) Site remediation

The site will be required to be remediated with the relevant information submitted with the Stage 2 application.

(j) Open space provision, its function and landscaping

The concept provides 1650sqm or 25.9% of the new site area private communal open space. The communal open space comprises of deep soil, landscaped areas, roof top pool, break out recreation spaces, communal gardens and landscaped green roofs.

(k) Opportunities for the provision of public art

The indicative detailed drawings show a concept for Public Art located on the southern façade of Building B addressing O'Dea Ave is proposed. It is recommended that a public art strategy is submitted with the Stage 2 application.

106. The Stage 1 application is considered to adequately address the matters to be considered for a masterplan under SSLEP 1998.

Strategy for a Sustainable City of South Sydney

- 107. One of the principal objectives of the SSLEP 1998 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.
- 108. 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.

Other Impacts of the Development

109. It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

Suitability of the site for the Development

110. The proposal is of a nature in keeping with the overall function of the site. The development is in a locality transitioning to a mix of uses in which the proposal is consistent with.

INTERNAL REFERRALS

- 111. The application was referred to Council's Urban Designer, Building Services Unit, Environmental Health Unit, Public Domain Unit, Heritage Specialist, Transport and Access Unit, Tree Management Unit, Waste Management Unit and Green Roofs and Walls Landscaping Unit.
- 112. The conditions recommended by other sections of Council are considered reasonable and have been included in the proposed conditions.

EXTERNAL REFERRALS

NSW Office of Water

113. The application was referred to the NSW Office of Water for assessment of the bulk excavation and requirement for an aquifer interference approval. General Terms of Approval (GTAs) were issued on 21 January 2014, however given that o works are approved as part of the Stage 1 consent, it is recommended that the GTAs are incorporated into Schedule 3 as advisory conditions.

Airports

114. The application was referred to Sydney Airport Ltd (SACL) as the proposed Building C (tower) envelope seeks to penetrate intrude into prescribed airspace for Sydney Airport by 37.1 metres (including crane height). Council received correspondence from the Department of Infrastructure and Regional Development (Commonwealth Government) dated 26 June 2014 approving the controlled activity subject to conditions. It is recommended that a condition is imposed ensuring that any stage 2 application complies with Department of Infrastructure and Regional Development decision dated 26 June 2014.

Ausgrid

115. The application was referred to Ausgrid who advised that multiple electricity substations will be required to be accommodated within the development. It is recommended that details of a suitable area that meet the locational requirements for the substations are provided with the Stage 2 application.

Sydney Water

- 116. The application was referred to Sydney Water as a Sydney Water main (2.1 metre diameter concrete pipe) asset traverses the site in the south eastern corner of the site. At the time of preparing this report no response had been received.
- 117. The future basement excavation may intercept the Sydney Water asset and it is recommended that the applicant discuss the proposal with Sydney Water to identify any Notice of Requirements that may substantially affect the Stage 2 design.

Roads and Maritime Services (RMS)

118. The application was referred to the RMS as Traffic Generating Development and no objections were raised subject to standard considerations being undertaken by Council.

Notification and Advertising

- 119. The application constitutes integrated development and as such, the application was notified and advertised for 30 days between 7 February 2014 and 18 March 2014 in accordance with the provisions of the EP&A Regulation. As a result of this advertising period, twenty (20) submissions were received, one of which was a petition with 26 signatures.
- 120. Amended drawings and additional information were renotified for an additional 30 days between 18 August 2014 and 18 September 2014. As a result of this advertising period, three (3) submissions were received.

(a) What is the purpose of the Sydney Development plan 2012 that shows this area is designated to have 6 - 12 storey high buildings built and the proposed building is 20 storeys high?

Response – The applicable building height controls for the site under South Sydney DCP 1997: Urban Design - Green Square Part G: Special precinct No. 9 Green Square (Lachlan Precinct) are 4, 6 and 20 storeys. The draft height controls in Sydney LEP 2012 for the site permit a 20 storey tower.

(b) There are a number of new residents that have not moved into their new apartments and will not have a chance to view the development application and make any appropriate objections

Response – The application was notified by letter and advertised in the Sydney Morning Herald in accordance with the Environmental Planning and Assessment Act 1979 Regulations.

(c) The proposal increases the population and there is an overall lack of planning of infrastructure and services in the area to cope with the population.

Response – The application includes the concept for provision of roads, stormwater infrastructure and a public park on the site. These works are to be secured through a Planning Agreement and to be delivered with any redevelopment of the site.

(d) The proposal will cause traffic congestion, further pressure on public transport in the area and noise pollution.

Response – The redevelopment concept is consistent with the road network and connections planned for the area. Any future Stage 2 DA will need to be accompanied by a report that addresses the traffic and parking impacts associated with the development. Residential units in the area are required to be constructed in a manner to meet certain acoustic requirements to minimise impacts from external factor including traffic. (e) The proposal will overshadow surrounding residential apartments which will affecting quality of life, amenity, cause reliance on artificial lighting, increase energy costs and affect ability to grow food on balconies.

Response – This assessment finds that the proposed building envelopes maintain a complying amount of direct sunlight to adjoining residential developments.

(f) The height and scale of the development will have a negative impact on the area and the buildings are in close proximity of each other.

Response – This assessment finds that the proposed tower envelope is consistent with the controls for the site. The lower buildings depart from the height in storeys control by one and two storeys, however, the additional height is assessed as acceptable as it does not give rise to unreasonable impacts within the site and when viewed from surrounding development and the public domain.

(g) The buildings will create wind tunnels and affect air flow to surrounding buildings.

Response – When compared to the relevant control, the proposed building envelopes remove a building from the site and the remaining buildings are generally consistent with the arrangement depicted in the DCP. The separation and arrangement are not considered to give rise to unreasonable wind affects to buildings the locality.

(h) The 20 storey building will significantly affect views to the city skyline from surrounding residential apartments.

Response – This assessment finds that the proposed building envelopes will impact on outlooks and views from surrounding developments, however, is assessed as a reasonable view impact given the controls that apply to the land and planned urban renewal of the area.

(i) The height of the Tower C is excessive, twice as high as surrounding buildings and appears to be at least an additional 2-3 storeys height of "rooftop structures", making 22-23 storeys in all.

Response – Building C is proposed as 21 storeys plus envelope for plant and green roofs. It is recommended that the 21st storey is deleted from the envelope and only plant and green roofs are permitted beyond the 20th storey consistent with the height control under South Sydney DCP 1997: Urban Design - Green Square *Part G: Special precinct No. 9 Green Square* (Lachlan Precinct).

(j) The proposal will have a negative heritage impact on the immediately adjacent heritage listed Kennard's Building and Fig tree on O'Dea Avenue.

Response – Council's Heritage Specialist has assessed the application and advised that the likely impact on the surrounding heritage items is acceptable.

(k) The potential 10% planning bonus should be withheld at this stage pending consideration of final design options.

Response – The 10% Design Excellence bonus is not approved as part of the Stage 1 consent.

(I) There are beautiful old trees that line O'Dea Ave and Joynton Ave and should not be destroyed or impacted in any way by construction. Birds, including kookaburras, cockatoos and mynas live in these trees along with possums and bats.

Response – The application involves the concept for removal of 14 trees along the O'Dea Ave boundary. The tree removal is assessed as acceptable in this instance given that replacement street trees and an improved landscaping outcome within the Rope Walk park is required to be delivered with any future development. The proposal retains the Port Jackson Fig on O'Dea Ave and the 2 paperbark trees on the eastern boundary.

(m) **Design of the proposed development does not afford adequate privacy** for the occupants of the building or of adjacent residential properties.

Response – The proposed building envelopes are in an arrangement that is capable of accommodating buildings that achieve mostly complying separation and privacy to future occupants. The future buildings will be an adequate distance from surrounding developments to comply with the minimum separation prescribed in the RFDC.

(n) Noise and waste during construction

Response – No development or work are approved as part of a Stage 1 application, this is a matter to be addressed in the Stage 2 application.

(0) The development may result in security and safety issues, particularly at night given the lack of public transport options.

Response – A Crime Prevention through Environmental Design assessment will be required with the Stage 2 application.

(p) The use does not contain adequate parking and passenger loading facilities, currently there is not enough street parking.

Response – Details such as provision of parking and loading facilities will be required with the Stage 2 application.

(q) O'Dea Ave should be no standing (from Joynton Ave to Bourke Rd) to allow traffic to flow.

Response – The application does not seek to change the restrictions' on the public road. Any proposals for alterations to parking arrangements must be referred to and agreed to by the Local Pedestrian, Cycling and Traffic Calming Committee.

FINANCIAL IMPLICATIONS/S94 CONTRIBUTION

Affordable Housing Contributions

121. The site is located in Green Square Urban Renewal Area and the future detailed Stage 2 application/s will be subject to an affordable housing contribution.

Section 94 Development Contributions

122. Any future Stage 2 application will be subject to developer contributions under the 94 plan, based on actual apartment mix and area of non-residential floor space and would need to consider the terms of the Planning Agreement.

RELEVANT LEGISLATION

- 123. Environmental Planning and Assessment Act 1979
- 124. Water Management Act 2000
- 125. Airports Act 1996

CONCLUSION

- 126. The proposed Stage 1 development is generally consistent with the zone objectives contained in SSLEP 1998.
- 127. The site has been the subject of a competitive design process that resulted in an alternative response to the site planning for building envelopes than those prescribed in the Lachlan DCP. The proposed departure from the DCP envelopes are assessed as acceptable in this instance as the concept reduces the number of buildings on the site, improves the quantity and quality of communal open space for future occupants and the redistributed floorspace on top of the remaining buildings does not result in unreasonable impacts internal and external to the site.
- 128. The application satisfies the requirement for a masterplan to be prepared and it has been demonstrated that the building envelopes have the capability of accommodating buildings and land uses that perform against the relevant built form and amenity controls in the Lachlan DCP, SEPP 65, the RFDC and draft SLEP 2012.
- 129. The application involves a concept plan for the delivery of future roads, infrastructure and public open space on the site. The public benefit package has been materialised in a draft Planning Agreement and any future Stage 2 development consent will be dependent on the execution of that agreement.
- 130. Overall, the Stage 1 application establishes suitable parameters for the site for future development to achieve the infrastructure and urban design objectives for the precinct.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

(Amy Allen, Senior Planner)