

ITEM 5. DEVELOPMENT APPLICATION: 65 CRAIGEND STREET
DARLINGHURST

FILE NO: D/2015/565

DEVELOPMENT APPLICATION NO: D/2015/565

SUMMARY

Date of Submission: 1 May 2015

Revised drawings submitted 9 September 2015

Applicant: BMW Australia Ltd

Architect: Bates Smart

Developer: BMW Australia Ltd

Owner: BMW Australia Ltd

Cost of Works: \$51,126,768

Proposal Summary: Stage 1 DA for redevelopment of the site for use as a vehicular sales showroom and hire premises, service and repair centre, and office. The proposal includes demolition of all existing buildings, concept approval for 5-storey (18m) building envelopes and above ground car parking.

During assessment the scheme was amended to address RMS and Council officers concerns about the proposed vehicular access and egress from Craigend Street and overland flow paths proposed to traverse through the site. Modifications included, but are not limited to:

- Deletion of vehicular access and egress on Craigend Street;
- Provision of new vehicular access point on Barcom Avenue;
- Changes to the site planning and building layouts to accommodate the above; and
- Changes to the finished floor levels on Barcom Avenue to direct flow paths along Barcom Avenue towards Craigend Street.

Subject to conditions, the proposal is now considered acceptable to RMS and Council officers.

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

Development Controls:

- (i) State Environmental Planning Policy 55
Remediation of Land
- (ii) State Environmental Planning Policy
(Infrastructure) 2007
- (iii) Sydney Regional Environmental Plan (Sydney
Harbour Catchment) 2005 (Deemed SEPP)
- (iv) Sydney Local Environmental Plan 2012
(Gazetted December 2012, as amended)
- (v) Sydney Development Control Plan 2012 (in
force since December 2012, as amended)

Attachments:

- A - Selected Drawings
- B - Design Excellence Strategy

RECOMMENDATION

It is resolved that:

- (A) the Design Excellence Strategy, prepared by Urbis, dated November 2015, as shown as Attachment B to the subject report, be endorsed pursuant to Section 3.3.1 of Sydney Development Control Plan 2012; and
- (B) pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979, consent be granted to Development Application No. D/2015/565, subject to the following conditions:

SCHEDULE**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) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2015/565 dated 1 May 2015 and the following drawings:

Drawing Number	Architect	Date
DA03.00 [B]	Bates Smart Architects	04.09.15
DA03.01 [B]	Bates Smart Architects	04.09.15
DA07.00 [B]	Bates Smart Architects	04.09.15
DA07.01 [B]	Bates Smart Architects	04.09.15

and as amended by the conditions of this consent.

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

(2) 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 for building envelopes and concept uses only.

A subsequent development application (Stage 2) or applications are required for any built form of the development (excluding building work directly related to remediation work on the site).

(3) MATTERS NOT APPROVED

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

- (a) Any demolition, construction, or excavation;
- (b) The precise quantum of floor space;
- (c) The location of driveways on McLachlan Avenue frontage;
- (d) The indicative layout, including car parking layout; and
- (e) The removal of street trees.

(4) DESIGN EXCELLENCE AND COMPETITIVE DESIGN PROCESS

A competitive design process in accordance with the provisions of Sydney Local Environmental Plan 2012 shall be:

- (a) Conducted in accordance with 'Design Excellence Strategy for 65 Craighend Street, Darlinghurst November 2015' prepared by Urbis on behalf of BMW Australia Ltd.
- (b) Conducted prior to lodgement of a Stage 2 Development Application.

The detailed design of the development must exhibit design excellence, as per Clause 6.21 of Sydney Local Environmental Plan 2012.

(5) DESIGN MODIFICATIONS

The competitive design process brief and Stage 2 Development Application must incorporate the following design requirements and modifications:

- (a) An upper level setback of 3m must be provided 11.4m above existing ground level on the Barcom Avenue frontage. This applies only to the building located south of the vehicular access point.
- (b) The location of driveways on McLachlan Avenue frontage are not approved. The Stage 2 design must investigate alternative locations that preserve the existing street trees on McLachlan Avenue.
- (c) In accordance with Condition (3) (e) above, the removal of any street trees is not approved.

(6) STAGE 2 TO BE CONTAINED WITHIN APPROVED ENVELOPE

The detailed design, including services, developed under any future Stage 2 Development Application shall be contained within the building footprint and envelope approved as part of this consent. Any modification of the envelope must be fully justified through the competitive design process and Stage 2 DA process and be compliant with all relevant planning controls.

(7) ALLOCATION OF PARKING

- (a) Details of the proposed parking provisions specifying spaces per servicing bays, showroom customer parking and employee parking is to be provided with the Stage 2 development application. The Stage 2 development application is not to exceed parking provisions as outlined in the following table.

Car Parking Type	Number
Vehicle servicing	331
Office parking	22
Showroom parking	34
Total	387

- (b) 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 and AS/NZS 2890.2 Parking facilities Part 2: Off-commercial vehicle facilities.

(8) SUBDIVISION

This approval does not include any subdivision. Any proposal to subdivide the site at a later date will need to be the subject of a separate future application that will be considered on its own merits.

(9) REFLECTIVITY

The Stage 2 Design must ensure that the visible light reflectivity from building materials used on the facade of the building does not exceed 20%. The Stage 2 DA shall be the subject of a reflectivity report that demonstrates compliance with the above.

(10) HERITAGE

The Stage 2 design must relate sympathetically to the fine grain nature of the adjoining conservation area and the heritage item Corinthians (I501), particularly with the facade treatment to Barcom Avenue. Options that incorporate land uses other than car parking adjacent to the Barcom Avenue façade, such as office uses, should be explored. The Stage 2 DA shall be the subject of a heritage report that demonstrates that the above matters have been adequately considered and addressed.

(11) PUBLIC ART

A public art strategy that nominates artists and potential locations must be included as part of the competitive design process and must be lodged as part of the Stage 2 DA.

(12) FLOOR SPACE RATIO - CENTRAL SYDNEY

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio of the proposal must not exceed the maximum permissible and shall be calculated in accordance with Clauses 4.4, 4.5, and 6.21 of the Sydney Local Environmental Plan 2012.

(13) BUILDING HEIGHT

The height of the proposed buildings must not exceed the maximum permissible and shall be calculated in accordance with Clauses 4.3 and 6.21 of the Sydney Local *Environmental Plan 2012*.

(14) ECOLOGICALLY SUSTAINABLE DEVELOPMENT

The detailed Stage 2 design for the whole development shall incorporate ESD initiatives. The Stage 2 development should strive to achieve the highest possible ESD targets consistent with current world best practice. The Stage 2 DA shall be the subject of a sustainability report that demonstrates compliance with the above.

(15) SIGNAGE STRATEGY

A detailed signage strategy for the whole development shall be submitted with the Stage 2 DA and must be included in the brief for the competitive design process. The signage strategy must include information and scale drawings of the location, type, construction, materials and total number of signs proposed for the development.

(16) SUBSTATIONS

- (a) The location and placement of future sub stations required by Ausgrid are to be identified within any Stage 2 Development Application. Any substations are to be designed and located such that their placement does not deactivate and intrude upon the streetscape and must also be included as part of the brief for the competitive design process.
- (b) The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.
- (c) In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres. Exterior parts of buildings within 3 metres in any direction from substation ventilation openings, including duct openings and louvered panels, must have a fire rating level (FRL) of not less than 180/180/180 where the substation contains oil-filled equipment. For further details on fire segregation requirements refer to Ausgrid's Network Standard 113.

(17) RIGHT OF CARRIAGEWAY

The proposed development is to be designed so that no part of the proposed buildings encroach within the Right of Carriageway (limited in stratum) that is located on the southern boundary of the site, benefitting the land adjoining to the south of the site. The construction of the proposed building must also not interfere with the rights of those parties in possession of rights to use the Right of Carriageway.

(18) BICYCLE PARKING AND END OF TRIP FACILITIES

Class 3 bicycle parking facilities and end-of-trip facilities are to be provided for employees. Details of the location and quantity of bicycle parking must be included in the Stage 2 Development Application.

The layout, design and security of bicycle facilities must comply with the requirements of *Australian Standard AS 2890.3 (2015) Parking Facilities Part 3: Bicycle Parking Facilities*. The details must be submitted to and approved by the Principle Certifying Authority confirming prior to the Construction Certificate being issued.

(19) VEHICLES ACCESS

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

(20) BARCOM AVENUE ACCESS POINT

The vehicle access point in Barcom Avenue must be designed to ensure vehicles can only enter the site via this point. Provisions must ensure vehicles cannot exit the site to Barcom Avenue.

Physical restrictions are to be installed on-site and/or on the Barcom Avenue roadway to prevent vehicles making a left turn from the site to Barcom Avenue. Details are to be submitted with the Stage 2 Development Application.

Any proposals for alterations to the public road must be referred to and agreed to by the Local Pedestrian, Cycling and Traffic Calming Committee prior to any work commencing on site.

All works are to be completed in accordance with the approved plans prior to the issue of any Occupation Certificate.

All associated costs shall be borne by the developer.

(21) SERVICE VEHICLE SIZE LIMIT

The size of vehicles servicing the property must not exceed 19 metres.

The Stage 2 Development Application must include swept paths for the largest vehicles to access the site.

(22) ON SITE LOADING AREAS AND OPERATION

The Stage 2 Development Application must ensure all loading and unloading associated with the site can be carried out within the confines of the site at all times and not obstruct other properties or the public road or footpath.

(23) STREET TREE RETENTION

- (a) All existing street trees shall be considered during designing of the new buildings, driveways, footpaths etc for the Stage 2 Development Application.
- (b) The location of any new driveway shall ensure it does not require the removal of any existing street tree. The driveways shall be appropriately setback so as not to adversely impact on any existing street trees both below and above ground.

(24) ARBORICULTURAL IMPACT ASSESSMENT

- (a) An Arboricultural Impact Assessment (AIA) prepared by a qualified Arborist with a minimum Australian Qualification Framework (AQF) of Level 5 must be submitted with the Stage 2 Development Application.
- (b) The report must reflect current industry practices, with particular reference to the Australian Standard 'Protection of trees on development site' (AS4970-2009) and must include;
 - (i) Identify and include correct botanical and common names of all trees within the proposed development site and must also include trees growing within neighbouring properties (within a 5 metres radius) that are likely be to be affected by the development
 - (ii) An assessment of all trees health, vigour and structural condition.
 - (iii) Provide an assessment detailed in a tree schedule / table for each tree surveyed. The tree assessment should be conducted and recorded in accordance with industry best practice;
 - (iv) Include a suitably scaled plan of the site showing the location of all trees assessed in the report;
 - (v) Identify all trees to be retained and removed during construction and development;
 - (vi) A discussion of all options available, including reasons as to why trees are, or are not being recommended for removal or retention;
 - (vii) Recommendations of any design modifications, construction techniques and/or other protection methods required to minimise adverse impact on trees that should be retained during the demolition & construction works, and into the long term.
 - (viii) Details of the tree protection measures in accordance with AS4970-2009 Protection of trees on development site,

- (ix) Details on the trunk protection (method / materials/ duration); and
- (x) Details of any pruning required for construction and development. This must include number of branches and orientation, branch diameter, percentage of live canopy to be removed. This information must also be detailed on either a diagram or photograph of the tree.
- (xi) Information on the Arborist's involvement during the works is also required.
- (xii) Any other works that must be prohibited throughout construction and development on site.

The details must be submitted to and approved by the Principle Certifying Authority confirming prior to the Construction Certificate being issued. The details must be submitted to and approved by the Principle Certifying Authority confirming prior to the Construction Certificate being issued.

(25) LANDSCAPING

Prior to the preparation of the brief for the competitive design process, a landscape concept statement must be submitted to Council's Director City Planning, Development and Transport for approval. The statement should identify any landscape constraints, and set the aspirations and requirements for the landscape spaces in order to achieve design excellence. It should establish a clear commitment to designing landscape sustainably and in an integrated manner, and demonstrate that the function and aesthetic of both the landscape and buildings have been considered concurrently, in relation to each other, and in relation to the public domain.

(26) DETAILED ENVIRONMENTAL SITE INVESTIGATION REQUIRED

After the completion of demolition of the existing buildings and prior to the works associated with construction of the new building forms as part of a subsequent stage 2 Development Application for this proposal, a Detailed Environmental Site Investigation (DESI) is to be carried out by a suitably qualified and competent environmental consultant and submitted to the City Area Planning Manager for further review in accordance with the NSW Government Office of Environment and Heritage, Guidelines for Consultants Reporting on Contaminated Sites, Contaminated Land Management Act 1997 and SEPP 55 Remediation of Land" confirming that the site is suitable (or will be suitable, after remediation) for the proposed use.

Where the DESI states that the site requires remediation, a Remediation Action Plan (RAP) is to be prepared by a suitably qualified and competent environmental consultant in accordance with the NSW Government Office of Environment and Heritage, Guidelines for Consultants Reporting on Contaminated Sites and the Contaminated Land Management Act 1997 and submitted to the City Area Planning Manager for approval.

Note: Where the DESI concludes that the site is suitable for the proposed use it is to be peer reviewed by a NSW EPA Accredited Site Auditor and a Section A Site Audit Statement submitted to the City Area Planning Manager certifying that the site is suitable for the proposed use.

The DESI and RAP must be peer reviewed by a NSW EPA Accredited Site Auditor and include a Section B Site Audit Statement or a letter of Interim advice from the Site Auditor certifying that the RAP is practical and the site will be suitable after remediation for the proposed use.

(27) SITE AUDIT STATEMENT

Prior to the execution of works associated with the built form of the development (excluding building work directly related to remediation) a Section A Site Audit Statement (SAS) is to be obtained from a NSW EPA Accredited Site Auditor is to be submitted to the Area Planning Manager. The SAS must confirm that the site has been remediated and clearly state that site is suitable for the proposed use. Conditions on the Site Audit Statement shall form part of the consent.

- (a) (a) Where the SAS is subject to conditions that require ongoing review by the Auditor or Council these should be reviewed and approved by Council before the SAS is issued. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, a S96 application pursuant to the *Environmental Planning & Assessment Act 1979* shall be submitted to ensure that they form part of the consent conditions.
- (b) (b) An Occupation Certificate must not be issued by the PCA unless a Site Audit Statement has been submitted to the City and approved in accordance with this condition.

(28) UNDERGROUND STORAGE TANK REMOVAL

If the removal of underground storage tanks is to be carried out, the work shall be undertaken in accordance with NSW WorkCover requirements which includes writing to the Chief Inspector of Dangerous Goods and complying with any conditions imposed. The tank removal shall be conducted in accordance with the *Australian Institute of Petroleum's Code of Practice, The Removal and Disposal of Underground Petroleum Storage Tanks (AIP CP22-1994)* and *AS4976-2008 The removal and disposal of underground petroleum storage tanks*. In the event of conflict between the Code of Practice and NSW WorkCover requirements, the latter shall prevail.

(29) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

- (a) Concept details of the proposed stormwater disposal and drainage from the development including a system of on-site stormwater detention in accordance with Council's standard requirements and details of the provision and maintenance of overland flow paths must be submitted to Council with the Stage 2 Development Application.
- (b) The requirements of Sydney Water with regard to the on-site detention of stormwater must be ascertained and complied with. Evidence of Sydney Water requirements to the on-site detention must be submitted to Council with the Stage 2 Development Application.
- (c) A concept stormwater quality assessment must be undertaken and submitted to Council with the Stage 2 Development Application.

- (d) 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%.

SYDNEY TRAINS CONDITIONS

(30) SERVICES SEARCH

Prior to the issue of a Construction Certificate, the Applicant shall undertake a services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject development site, the Applicant must discuss with the Rai/Corp as to whether these services are to be relocated or incorporated within the development site.

(31) ELECTROLYSIS RISK

Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

(32) CRANES AND AERIAL OPERATIONS

Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

RMS CONDITIONS**(33) DESIGN DRAWINGS AND DOCUMENTS TO BE SUBMITTED TO RMS**

The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.

The report and any enquiries should be forwarded to:

Project Engineer, External Works
Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.
Telephone 8849 2114
Fax 8849 2766

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days' notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

(34) DEMOLITION AND CONSTRUCTION VEHICLES

All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Craigend Street.

(35) ROAD OCCUPANCY LICENSE

A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Craigend Street during construction activities.

(36) STORMWATER DRAINAGE

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

Details should be forwarded to:

Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.

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

(37) CAR PARKING LAYOUT

The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004, AS2890.6-2009 and AS 2890.2 - 2002 for heavy vehicle usage.

SCHEDULE 2

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

Clause 98 Compliance with *Building Code of Australia* and insurance requirements under the *Home Building Act 1989*

Clause 98A Erection of signs

Clause 98E Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 8A of the *Environmental Planning and Assessment Regulation 2000*. This can be accessed at: <http://www.legislation.nsw.gov.au>

SCHEDULE 3

TERMS OF APPROVAL

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

General

1. An authorisation must be obtained for the take of groundwater from the site unless subsequently identified otherwise by DPI Water.
2. A copy of a valid development consent for the project must be provided to DPI Water on application for the authorisation.
3. A copy of the written permission from the relevant controlling authority for the proposed method of disposal of pumped water must be provided to DPI Water on application for the authorisation.
4. Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be present beneath the site, and shall not themselves cause pollution of groundwater.

5. The take of groundwater must be carried out so as not to compromise any aspects of groundwater-related management plans applicable to the site (e.g. acid sulfate soils management plan, remediation action plan).

During UST removal

6. Regular monitoring of discharge volumes using a method compliant with the *NSW Water Extraction Monitoring Policy* must be undertaken for the period over which the
7. Multiple measurements of discharge volumes must be made whilst groundwater take is occurring at a monitoring schedule appropriate to the likely duration of the activity.
8. Regular monitoring of pumped or discharged water quality must be undertaken for the period over which the groundwater take is occurring.
9. Repeated sampling and analysis of pumped or discharged water quality must be undertaken whilst groundwater take is occurring at a monitoring schedule appropriate to the likely duration of the activity.

Reinstatement of the UST excavation

10. Any clean backfill imported to the site (e.g. virgin excavated natural material or excavated natural material) must be of similar particle size and hydraulic properties to the material excavated for the removal of the UST to restore groundwater flows to a similar condition to that existing before the activity commenced.

Reporting following UST removal

11. Records of the volumes and quality of all water pumped or discharged must be kept and provided to DPI Water after the groundwater take from the site has ceased.
12. A completion report must be provided to DPI Water that includes the total volume of groundwater take, the duration over which it occurred, and the residual quality of groundwater beneath the site to be submitted in an electronic format consistent with common word processing and spreadsheet software and without editing restrictions.

During building construction

13. The design and construction of the building must prevent any take of groundwater after construction by making any below-ground levels that may be impacted by any watertable watertight for the anticipated life of the building and sufficiently extensive to incorporate adequate provision for unforeseen high watertable elevations to prevent potential future inundation.
14. Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and:
 - (a) any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the watertable might naturally rise in the location immediately prior to the construction of the structure;
 - (b) any elevated watertable is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and

- (c) where the habitable structure is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.

Following building construction

15. Measurement and recording of discharge volumes arising from any unexpected or exempt ongoing take of groundwater at the site must be undertaken on a monthly basis for the life of the completed building using a method compliant with the *NSW Water Extraction Monitoring Policy*.
16. Such records must be maintained by the occupier for the life of the building, and provided to DPI Water on request, to demonstrate the take of groundwater remains negligible and any relevant exemption continues to apply.
17. If any groundwater take from the site exceeds an annual volume that has been determined by DPI Water to be significant for that location the occupier must apply for and obtain an authorisation for that amount in accordance with the requirements of the *NSW Aquifer Interference Policy*.

BACKGROUND

The Site and Surrounding Development

1. Site visits were carried out on 17 June and 28 October 2015.
2. The site is irregular in shape, with area of 6929.7m². It has a primary street frontage to McLachlan Avenue and secondary street frontages to Craigend Street and Barcom Avenue. A large, three-storey car showroom is contained within the site which is in use by BMW Australia Ltd.
3. Surrounding land uses are residential and commercial.
4. Terrace houses are located directly to the west on Womerah and Barcom Avenue. A residential flat building is located at 2-6 Womerah Avenue.
5. The Eastern Suburbs Railway Line viaduct is located directly to the north on the opposite side of Craigend Street.
6. Adjoining sites to the south comprise a storage facility at 30-62 Barcom Avenue, and a Mercedes car showroom at 49-59 McLachlan Avenue.
7. Residential flat buildings that form part of the 'Advanx' development are located to the east and south-east on the opposite side of McLachlan Avenue, including 4 Neild Avenue and 50 McLachlan Avenue.
8. The site is not a heritage item, nor is it located within a heritage conservation area. Notwithstanding this, the site immediately adjoins the Barcom Avenue Heritage Conservation Area to the west (C11). The site is also directly opposite a heritage item of local significance, being the flat building located at 2-6 Womerah Avenue, which has a secondary frontage to Barcom Avenue (I501).
9. Photos of the site and surrounds are provided below:



Figure 1: Aerial image of subject site and surrounding area



Figure 2: Existing McLachlan Street forecourt, viewed from the south



Figure 3: McLachlan Street frontage, viewed from the north-east



Figure 4: Craigend Street frontage, viewed from the north



Figure 5: Barcom Street frontage close to the intersection with Craigend Street



Figure 6: Existing vehicular access points on Barcom Avenue. The vehicular access ramp right of frame is subject to a right of way easement benefitting the adjoining sites.



Figure 7: Adjoining storage facility at 30-62 Barcom Avenue, directly to the south west



Figure 8: Rear of Womerah Avenue terraces fronting Barcom Avenue, located to the west of the site on the opposite side of Barcom Avenue



Figure 9: Rear of Womerah Avenue apartment building at 2-6 Womerah Avenue, to the west of the site on the opposite side of Barcom Avenue



Figure 10: Northern portion of Advanx development, to the east of the site on the opposite side of McLachlan Avenue



Figure 11: Central portion of Advanx development, to the east of the site on the opposite side of McLachlan Avenue



Figure 12: Southern portion of Advanx development, to the south-east of the site on the opposite side of McLachlan Avenue



Figure 13: Adjoining Mercedes car showroom directly to the south at 49-59 McLachlan Avenue

PROPOSAL

10. The Stage 1 DA seeks consent for the following:
 - (a) demolition of the existing showroom, workshop and office building;
 - (b) maximum 5-storey building envelope to a maximum height of 18m above existing ground level and a Floor Space Ratio (FSR) of 1.84:1;
 - (c) use of the site as a vehicular sales and hire premises, service and repair centre, and office with 387 above ground car parking spaces;
 - (d) removal of the existing vehicular access and egress on Craigend Street, new vehicular access from Barcom Avenue and the relocation of vehicular access and egress from McLachlan Avenue;
 - (e) new pedestrian through site link; and
 - (f) concept landscape design.
11. Selected architectural drawings are provided below.

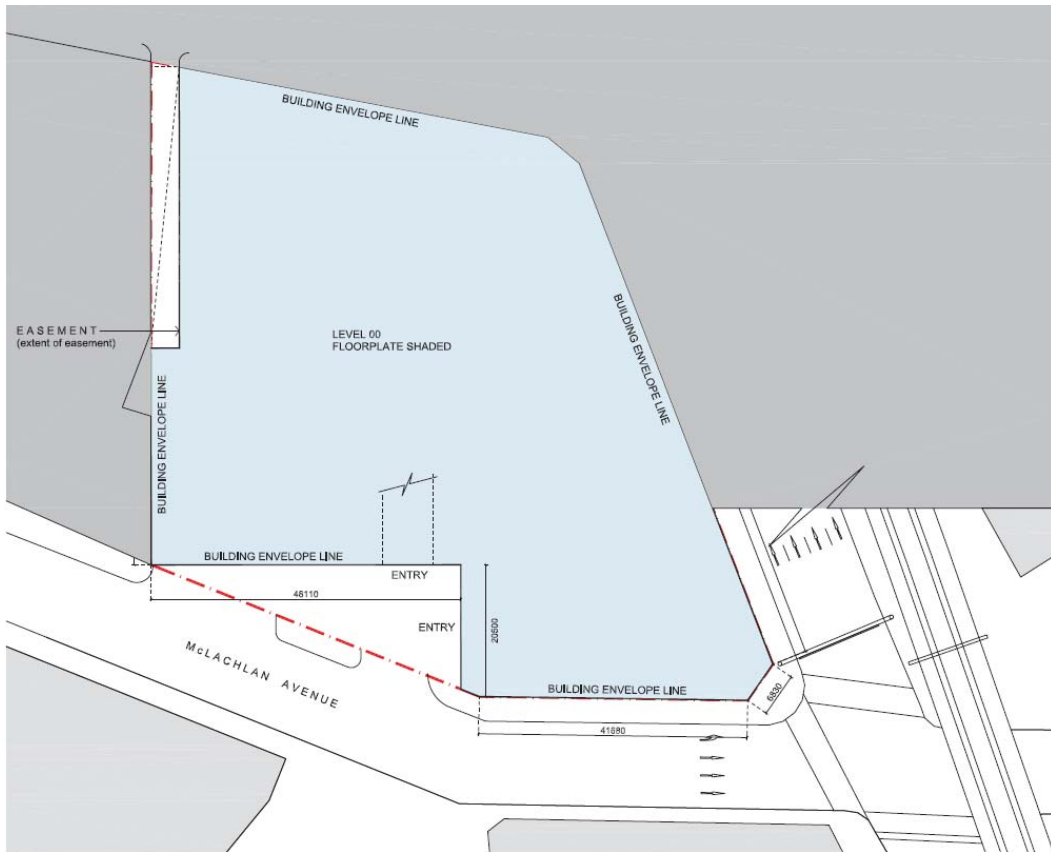


Figure 14: Proposed Ground Floor floorplate

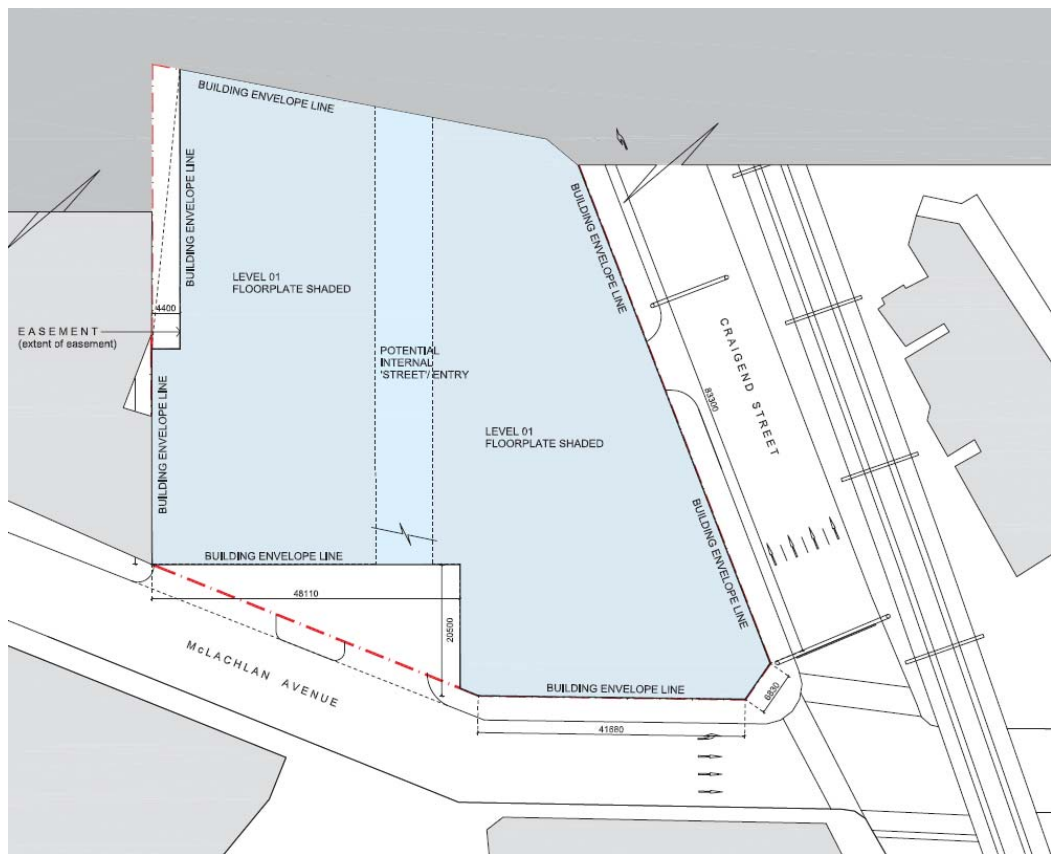


Figure 15: Proposed First Floor floorplate

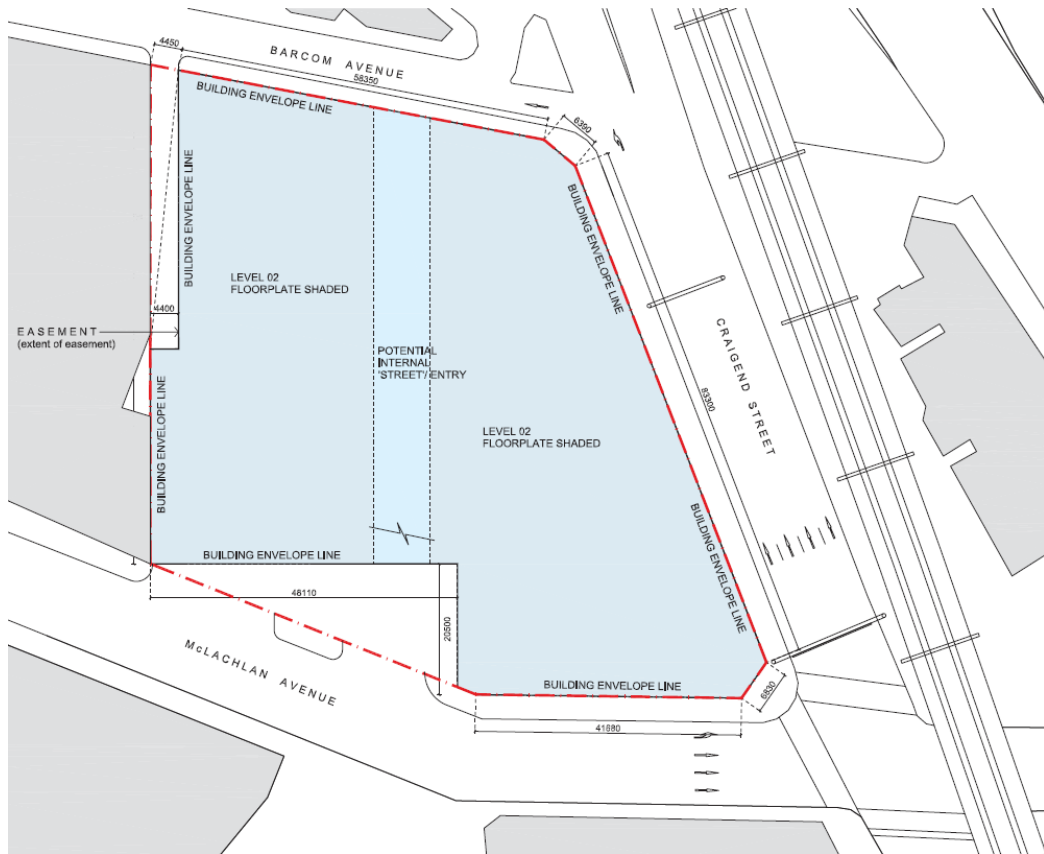


Figure 16: Proposed Second Floor floorplate

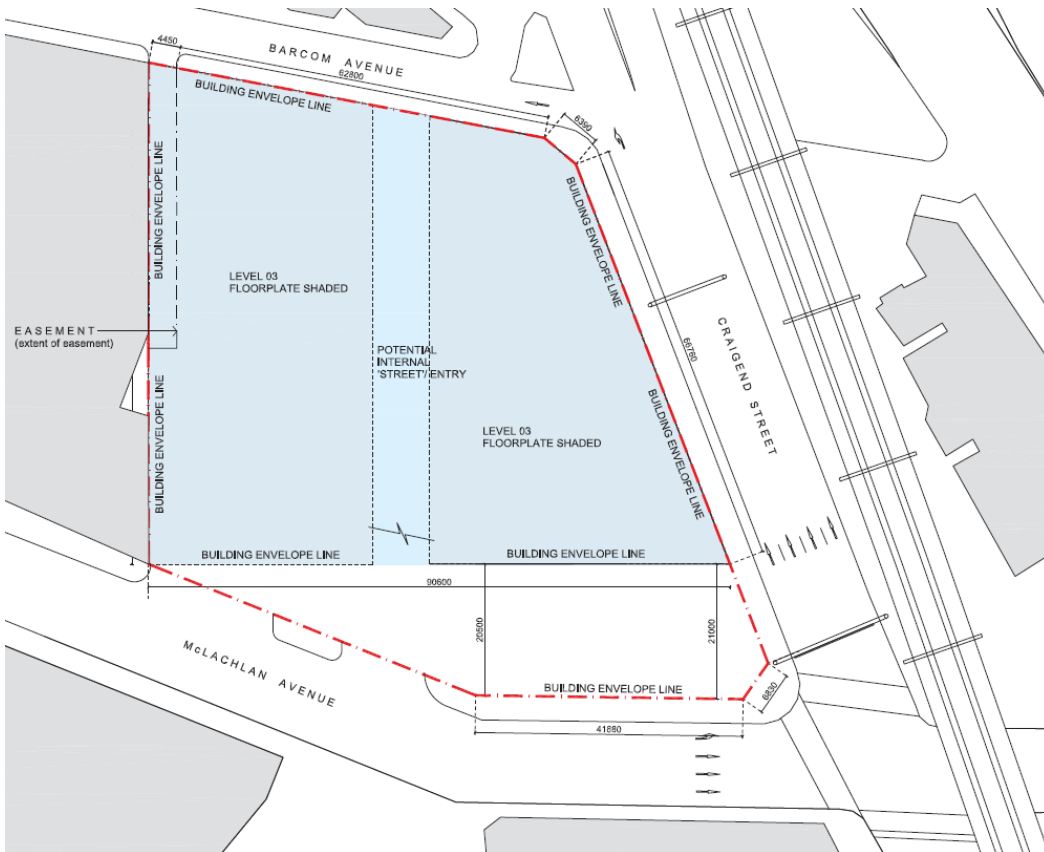


Figure 17: Proposed Third Floor floorplate

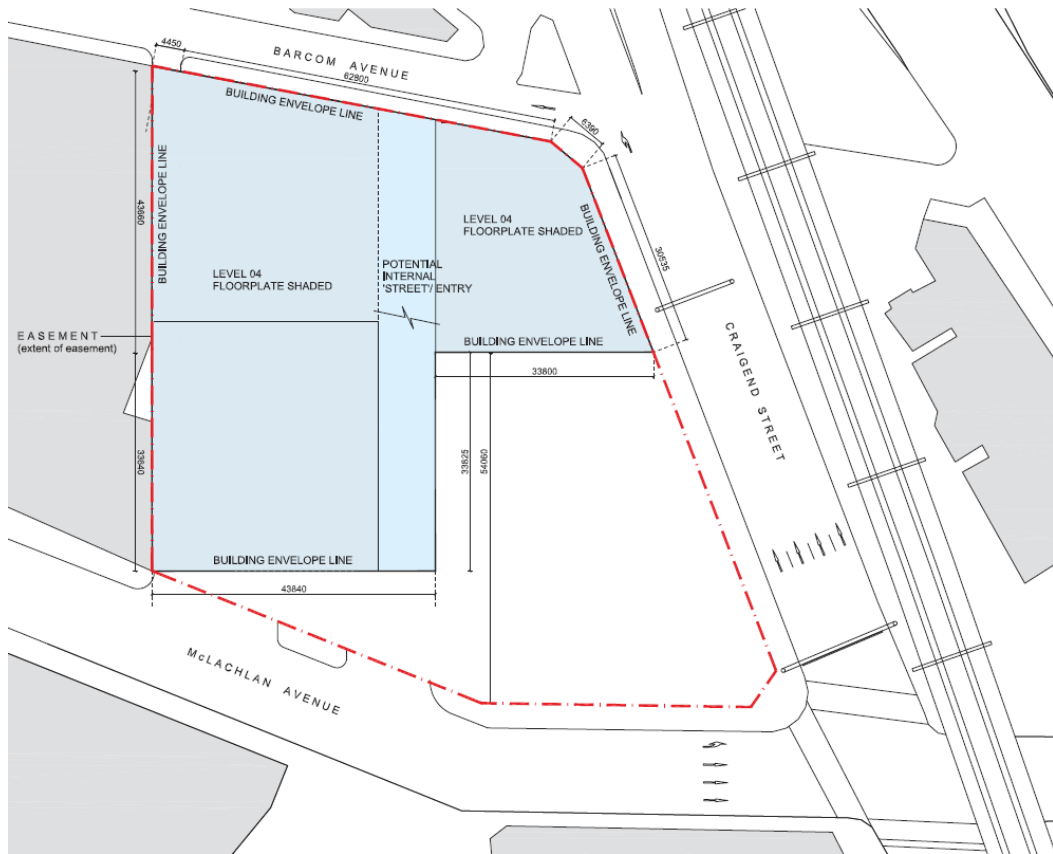


Figure 18: Proposed Fourth Floor floorplate

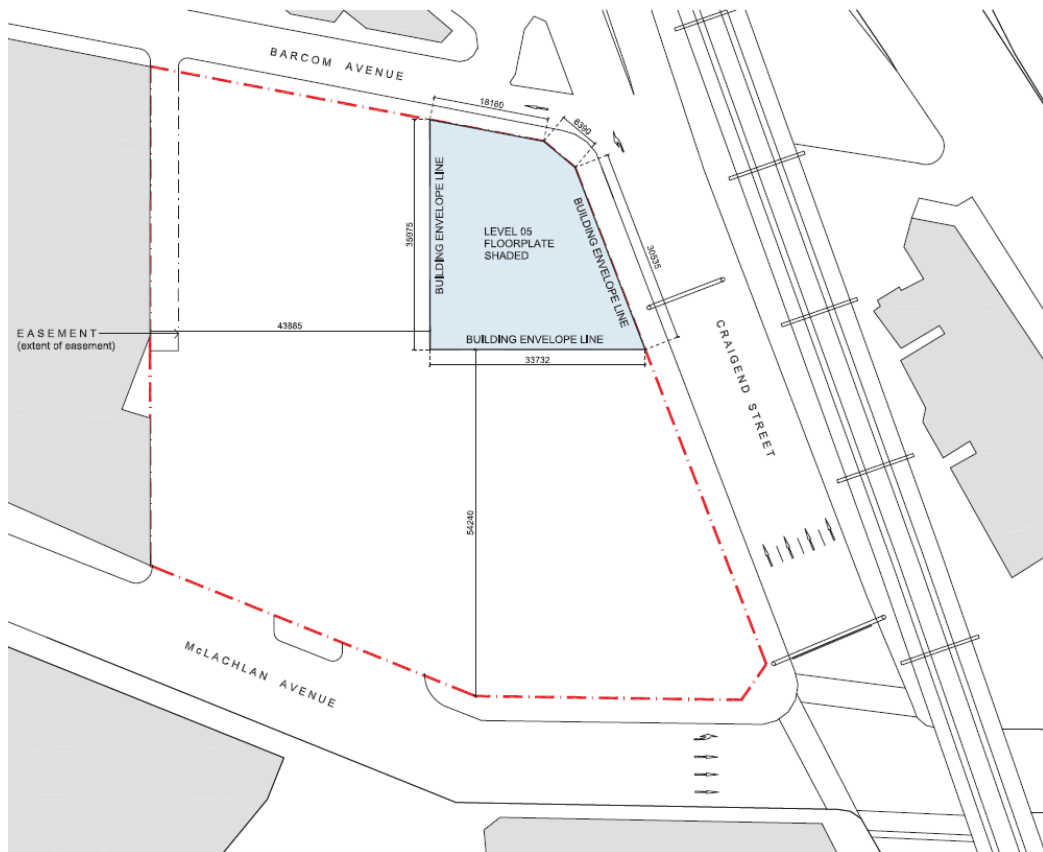


Figure 19: Proposed Fifth Floor floorplate

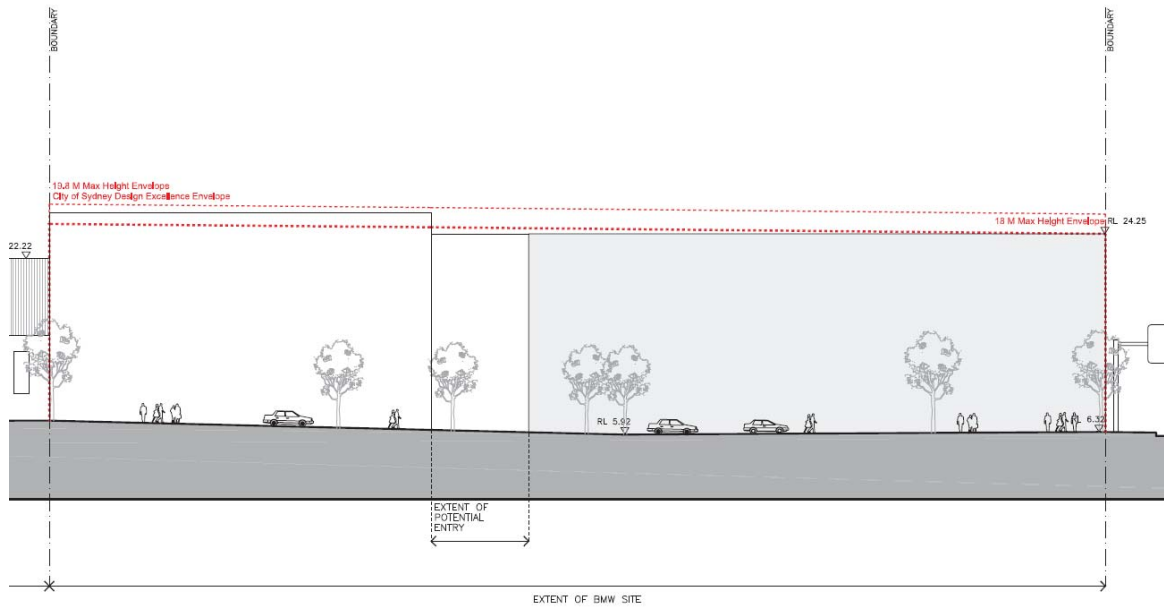


Figure 20: Proposed eastern elevation (McLachlan Avenue)

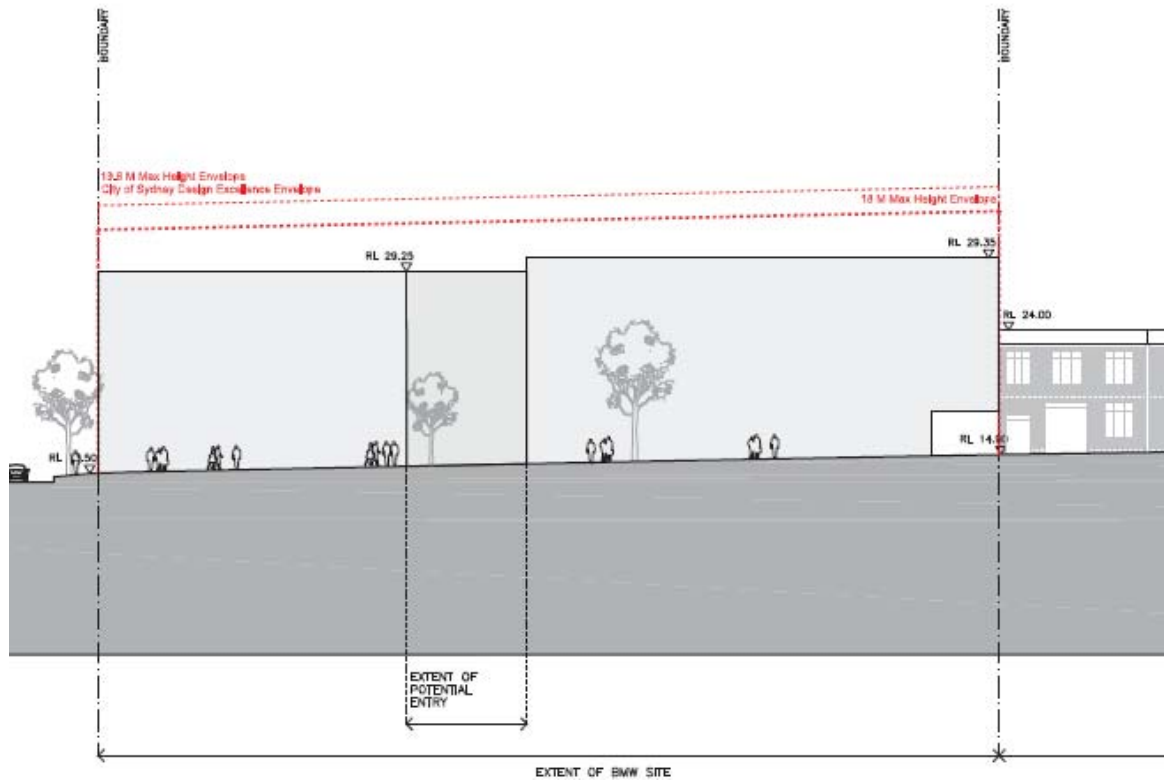


Figure 21: Proposed western elevation (Barcom Avenue)

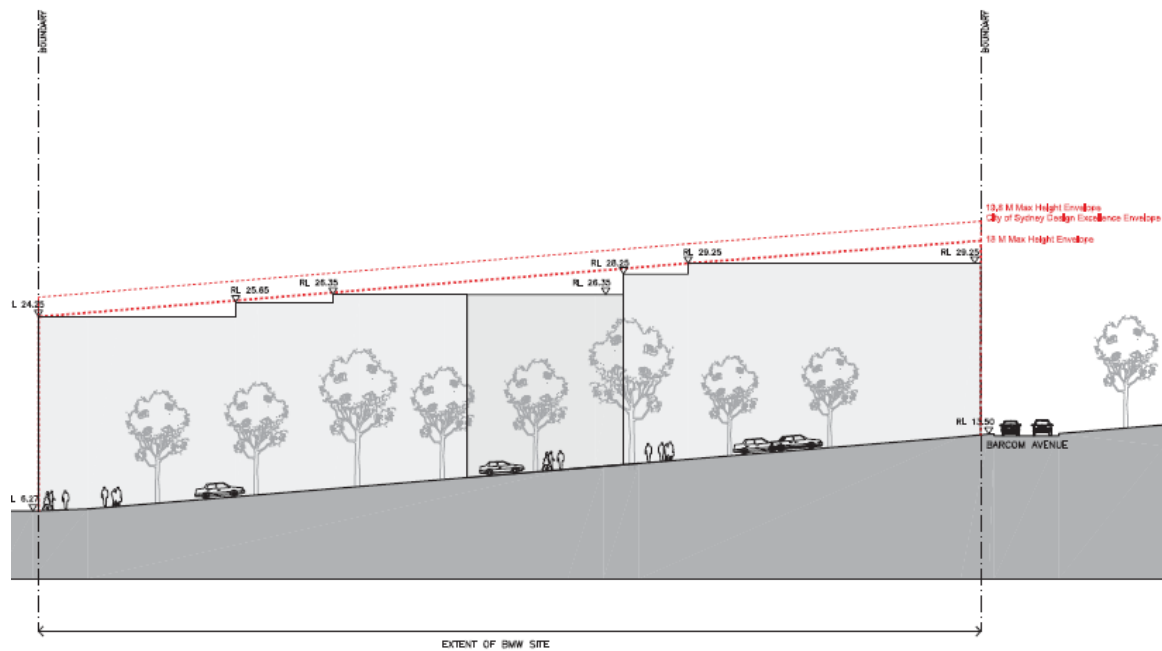


Figure 22: Proposed northern elevation (Craigend Street)

HISTORY RELEVANT TO THE DEVELOPMENT APPLICATION

12. During the assessment the scheme was amended. Of most relevance, the original scheme proposed:
 - (a) to retain vehicular access and egress point on Craigend Street and relocate it further to the east;
 - (b) the removal of underground storage tanks; and
 - (c) overland stormwater flows through the site.
13. Craigend Street is classified as a State Road, and as such the relocated entry and egress point on that road requires the concurrence of RMS in accordance with Section 138 of the Roads Act, 1993. RMS advised that they did not support the retention of access and egress from Craigend Street. In addition, Council's Tree Management Unit was not supportive of the proposed location as it required removal of a healthy street tree that is in good condition and is considered to provide amenity benefits to the locality.
14. Council officers met with RMS following lodgement of the original proposal. At the meeting RMS advised that they would be supportive of left in access from Barcom Avenue and left in access and left out egress on McLachlan Avenue. The applicant was advised of this and elected to amend the application accordingly.
15. The original application stated that Underground Storage Tanks (USTs) were to be decommissioned and removed, but also stated that no excavation would be required. Council officers noted a discrepancy, as some excavation to remove the UST's, and referred the application to the NSW Office of Water for comment. The NSW Office of Water advised that the proposal would be deemed an aquifer interference activity in accordance with the definition in the *Water Management Act, 2000*.

16. In response to the NSW Office of Water's advice, the applicant amended the proposal to decommission and back fill the tanks to avoid unnecessary disturbance of the local hydrology. Despite this advice, the NSW Office of Water advised prior to lodgement of the revised application that the proposal should be referred to them as Integrated Development in accordance with the *Water Management Act, 2000*. They have assessed the proposal, including an option to remove the USTs as originally proposed, and have provided General Terms of Approval.
17. The City's Public Domain Unit also raised concern with the original proposal as it directed overland flow of stormwater through the site. In response the finished levels on Barcom Avenue have been amended to direct flows down Barcom Avenue to Craigend Street. The applicant has also elected to decommission and relocate the existing substation in order to avoid any interaction with potential overland flow paths. The final location of the substation will be determined in the future Stage 2 DA for the detailed design.
18. The above mentioned modifications necessitate amendments to the building envelopes. The original layout is shown in Figure 23 and the revised layout in Figure 24.

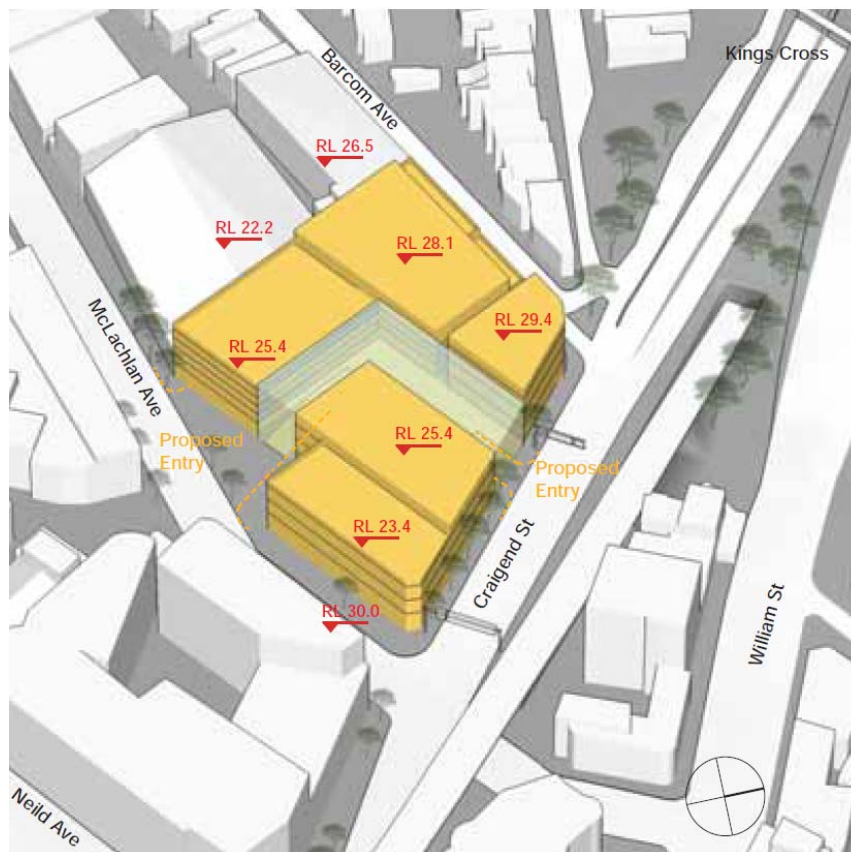


Figure 23: Building envelopes proposed under original scheme

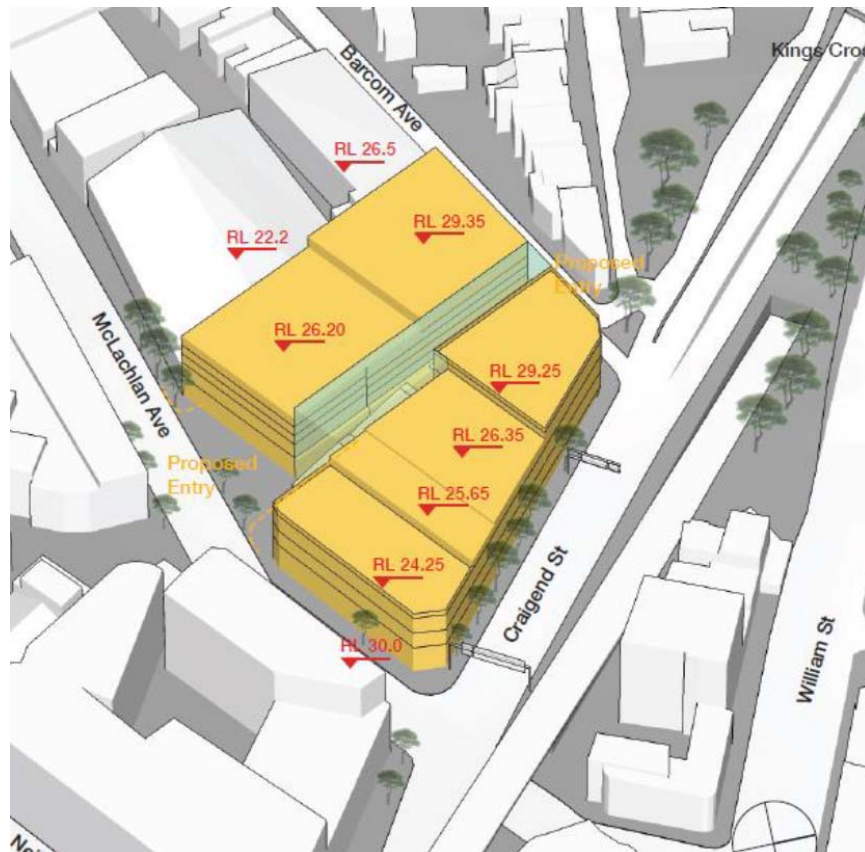


Figure 24: Building envelopes proposed under the revised scheme

ECONOMIC/SOCIAL/ENVIRONMENTAL IMPACTS

19. The application has been assessed under Section 79C of the Environmental Planning and Assessment Act 1979, including consideration of the following matters:
 - (a) Environmental Planning Instruments and DCPs.

State Environmental Planning Policy No 55—Remediation of Land

20. The aim of SEPP 55 is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.
21. The applicant provided a letter of interim advice from the Site Auditor, which stated that a Detailed Environmental Site Investigation (DESI) cannot practically be carried out before demolition of the existing buildings on the site.
22. The Site auditor confirmed that the site can be made suitable for the proposed use and that a DESI and Remediation Action Plan (RAP) can be submitted with the Stage 2 Development Application that will, amongst other things, specifically address the removal and validation of decommissioned USTs. The DESI and RAP will be reviewed by a Site Auditor.
23. The City's Health Unit has recommended a condition be imposed requiring a DESI (and if necessary a RAP) to be submitted after the existing structures have been demolished.

State Environmental Planning Policy (Infrastructure) 2007

24. The provisions of SEPP (Infrastructure) 2007 (ISEPP) have been considered in the assessment of the development application.

Clause 45

25. The application is subject to Clause 45 of the ISEPP (Division 5 Electricity transmission or distribution networks, Subdivision 2 Development likely to affect an electricity transmission or distribution network) as an underground electricity cable runs through the southern part of the site, which is protected by an easement for electricity purposes. The proposal also requires the relocation of an electricity substation.
26. In accordance with the Clause, the application was referred to Ausgrid for a period of 21 days. Ausgrid advised that the developer is required to make a formal submission to Ausgrid by means of a duly completed Preliminary Enquiry and/or Connection Application form, to allow Ausgrid to assess any impacts on its infrastructure and to determine the electrical supply requirements for the development. The applicant was advised of this requirement via email on 9 October 2015. Ausgrid also provided design requirements for substations to be incorporated in the Stage 2 detailed design, which are recommended as conditions of consent.

Clause 85

27. The application is subject to Clause 85 of the ISEPP (Division 15 Railways, Subdivision 2 Development in rail corridors) as the site is immediately to the south of the Eastern Suburbs Line. Sydney Trains was given written notice of the application and provided with copies of all submissions. Sydney Trains recommended conditions of consent requiring the following to be undertaken prior to the issue of a Construction Certificate:
- (a) a services search to be carried out;
 - (b) an Electrolysis Risk Report to be prepared; and
 - (c) the submission of a plan showing all cranes and other aerial operations to be submitted to Sydney Trains for approval.
28. Conditions of Consent have been recommended accordingly.

Clause 101

29. The application is subject to Clause 101 of the SEPP as the site has frontage to Craigend Street and McLachlan Avenue, which are classified roads. Craigend Street is a State Road and McLachlan Avenue is a Regional Road. The application is considered to satisfy Clause 101 of the Infrastructure SEPP subject to conditions of consent, as it removes access to the site from Craigend Street and maintains similar access arrangements to those already existing on McLachlan Avenue. RMS has raised no objection to the amended proposal.

Clause 104

30. The application is subject to Clause 104 of the SEPP as the proposal involves the use of the site as a motor showroom with capacity for 200 or more vehicles. It is considered that the proposal will improve the efficiency of movement of people and vehicles to and from the site and is therefore acceptable, subject to the recommended conditions of consent.
31. The RMS was given written notice of the original application and provided with copies of all submissions. Following agreement that the design would be amended, the RMS provided conditions of consent.
32. The RMS was given written notice of the revised application and provided with copies of all submissions. No submission was made within 21 days of the submissions being provided to RMS, therefore it is assumed that no objection is made to the revised proposal.
33. RMS recommended conditions of consent require the following:
 - (a) design drawings and documentation to be submitted to RMS for assessment;
 - (b) all demolition and construction vehicles to be contained wholly within the site;
 - (c) a Road Occupancy Licence to be obtained for any works that may impact traffic flows on Craigend Street during construction;
 - (d) detailed design plans and hydraulic calculations of any changes to the stormwater drainage system to be submitted to RMS for approval; and
 - (e) car parking areas to be in accordance with relevant Australian Standards.
34. Conditions of Consent have been recommended accordingly.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP)

35. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the deemed SEPP.
36. The Sydney Harbour Catchment Planning Principles must be considered in the carrying out of development within the catchment. The key relevant principles include:
 - (a) protect and improve hydrological, ecological and geomorphologic processes;
 - (b) consider cumulative impacts of development within the catchment;
 - (c) improve water quality of urban runoff and reduce quantity and frequency of urban run-off;
 - (d) protect and rehabilitate riparian corridors and remnant vegetation.

37. The site is within the Sydney Harbour Catchment and eventually drains into the Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development. The development is consistent with the controls contained with the deemed SEPP.

Sydney LEP 2012

38. The site is located within the B4 'Mixed Use' zone. The proposed uses are defined as *vehicle sales or hire premises, vehicle body repair workshop, vehicle repair station, and office premises*. All proposed uses are permissible with development consent, as innominate uses. The proposed development generally satisfies the objectives of the zone.
39. The relevant matters to be considered under Sydney Local Environmental Plan 2012 for the proposed development are outlined below.

Compliance Table		
Development Control	Compliance	Comment
4.3 Height of Buildings	Yes	A maximum height of 18m is permitted. A maximum building envelope height of 18m is proposed.
4.4 Floor Space Ratio	Yes	A maximum FSR of 2:1 is permitted. A maximum building envelope FSR of 1.84:1 is proposed. A condition of consent is recommended requiring the Stage 2 design to comply with the FSR control.
5.9 Preservation of trees or vegetation	No	The proposed driveways on McLachlan Avenue require the removal of two (2) street trees. Tree Management unit advised that both trees are in good and healthy condition and provide a positive contribution to the amenity of the area. The removal of the trees is not supported. A condition of consent is recommended requiring the driveways to be relocated in order to preserve the street trees.

Compliance Table		
Development Control	Compliance	Comment
		Refer to discussion under the heading Issues.
5.10 Heritage conservation	Yes	<p>The subject site is not a heritage item, nor is it located in a heritage conservation area. However, it is located immediately adjacent to the Barcom Avenue Heritage Conservation Area (C11). It is also located directly opposite a heritage item of local significance at 2-6 Womerah Avenue (1501).</p> <p>A Heritage Impact Statement has been prepared, satisfying the requirements of the Clause.</p> <p>The proposed building envelopes will not have any unacceptable heritage impacts, subject to the inclusion of a 3m above three storeys on the southern portion of the Barcom Avenue frontage.</p> <p>The detailed design must be sympathetic and responsive to the character of the adjoining conservation area and heritage item. This will be a matter for consideration when assessing the Stage 2 application.</p> <p>Refer to discussion under the heading Issues.</p>
Part 6 Local provisions - height and floor space		
6.21 Design excellence	Yes	<p>The development is subject to Clause 7.20 of the LEP, and therefore must be subject to a competitive design process.</p> <p>In accordance with Section 83C of the EP&A Act, this Stage 1 DA has been lodged in lieu of a Development Control Plan.</p> <p>A Design Excellence Strategy has been submitted with the application and is endorsed by Council officers.</p>

Compliance Table		
Development Control	Compliance	Comment
		<p>If the Stage 2 DA for the detailed design of the buildings is considered to exhibit Design Excellence, the applicant may be eligible for additional height or floor space of an amount determined by the consent authority under clause 6.21 (7) (b). The applicant has indicated that bonus height will be sought.</p> <p>It is considered that the proposed Concept Plan is able to facilitate a detailed design that is capable of achieving design excellence.</p>
Part 7 Local provisions—general		
Division 1 Car parking ancillary to other development	Yes	<p>The proposed development comprises retail and office uses.</p> <p>The retail component exceeds 2,000m². Therefore, in accordance with Clause 7.7 (1) the car parking provisions for retail premises do not apply.</p> <p>In accordance with Clause 3.11.4 of the Sydney DCP 2012, land uses not captured by the parking provisions of the LEP must be justified via a Parking and Access Report.</p> <p>A Parking and Access Report has been submitted which proposes a maximum provision of 387 car parking spaces. The proposal has been reviewed by Council's Transport Planner and is considered acceptable.</p> <p>See discussion under the heading Issues.</p>

Compliance Table		
Development Control	Compliance	Comment
7.14 Acid Sulphate Soils	Yes	<p>The site is identified as containing class 5 Acid Sulphate Soil (ASS) and is within 500m of adjacent Class 2 and 3 Acid Sulphate Soil.</p> <p>A Preliminary Acid Sulphate Soils assessment has been submitted which confirmed that ASS is not expected to occur on the site.</p> <p>As the works below 5m AHD are situated above the existing floor level and do not require any additional excavation, the works are not likely to impact the water table.</p> <p>The requirements of the Clause are satisfied with respect to this Stage 1 application.</p> <p>Notwithstanding this, if the Stage 2 design requires excavation this will require additional assessment. The Stage 2 DA must be accompanied by a preliminary Acid Sulphate Soils Assessment, and if necessary a Remediation Action Plan.</p>
7.15 Flood planning	Yes	<p>The site is identified as being on flood prone land, and currently experiences surface flooding within the at-grade forecourt on McLachlan Avenue.</p> <p>The Stage 1 concept design has been assessed and is acceptable from a flooding perspective.</p> <p>Notwithstanding this, additional information is required to support the Stage 2 DA.</p> <p>See discussion under the heading Issues.</p>

Compliance Table		
Development Control	Compliance	Comment
7.19 Demolition must not result in long term adverse visual impact	No	<p>The proposal seeks approval for the demolition of the existing structures.</p> <p>Clause 7.19 prohibits the demolition of a building unless a development consent is in place to comprehensively redevelop the site under an existing development consent.</p> <p>As there is no development consent in place to construct a new building, approval for demolition of the structures cannot be approved.</p> <p>A condition of consent is recommend to prohibit demolition of the existing structures.</p>
7.20 Development requiring preparation of a development control plan	Yes	<p>The proposal involves the development of land with a site area in excess of 5,000m². Accordingly the development requires the preparation of a Development Control Plan.</p> <p>In accordance with Section 83C of the EP&A Act, this Stage 1 DA has been lodged in lieu of a Development Control Plan to satisfy that obligation.</p>

Sydney DCP 2012

40. The relevant matters to be considered under Sydney Development Control Plan 2012 for the proposed development are outlined below.

2. Locality Statements – Darlinghurst East

The subject site is located in the Darlinghurst East locality. The proposed building envelopes and use of the site as a vehicle sales or hire premises are considered to be in keeping with the unique character of the area and design principles. More specifically:

- subject to design amendments to increase the upper level setback along Barcom Avenue, the proposal will appropriately respond to the Barcom Avenue Heritage Conservation Area and nearby heritage items;
- it proposes a showroom on the northern end of McLachlan Avenue; and
- it proposes a main entrance on McLachlan Avenue to assist in activating the streetscape.

3. General Provisions

Development Control	Compliance	Comment
3.1 Public Domain Elements	Yes	<p>Although the site exceeds 5,000m², a formal through site link is not required as the site width does not exceed 100m. Notwithstanding this a potential through site link (internal street) has been identified. However, there will be no requirement for an easement for access to be placed on the title with respect to the through site link.</p> <p>A Public Art Strategy has been submitted with the Stage 1 Application, satisfying the DCP requirements. A condition of consent is recommended requiring a more detailed strategy to be submitted with the Stage 2 application. The Stage 2 strategy must nominate potential artists and locations, and will form part of the brief for the competitive design process.</p>

3. General Provisions		
Development Control	Compliance	Comment
3.2 Defining the Public Domain	Partial	<p>The proposed development will not have any impact on significant view corridors from public places.</p> <p>The shadow analysis submitted with the application demonstrates that new shadows have a minimal impact to the area of open space provided within the Advanx development at 50 McLachlan Avenue.</p> <p>The proposed building envelopes will not constrain the Stage 2 design in terms of being able to comply with requirements to positively address the street and public domain and to provide an active frontage on McLachlan Ave.</p> <p>The proposal seeks a dispensation from the requirement to provide an awning along McLachlan Avenue. This is acceptable given an awning would be incompatible with the design requirements for car showrooms outlined in Section 4.4.3 of the DCP, in particular the requirement to provide high ceilings at ground and first floor levels and large display windows.</p> <p>Potential reflectivity can only be assessed in detail at Stage 2. A condition of consent is recommended requiring spectral reflectivity from building materials to not exceed 20% and for the Stage 2 DA to be accompanied by a Reflectivity Report.</p>
3.3 Design Excellence and Competitive Design Processes	Yes	<p>The Stage 1 submission requirements outlined in Section 3.3.8 are generally satisfied with the exception of the Landscape Concept Plan, which is not supported in its current form. A condition of consent is recommended requiring this to be resolved prior to the finalisation of the brief for the competitive design process.</p>

3. General Provisions		
Development Control	Compliance	Comment
		The Stage 2 application will be subject to a competitive design process, and a condition of consent is recommended accordingly.
3.5 Urban Ecology	No	<p>The proposed driveways on McLachlan Avenue require the removal of two (2) street trees. Council's Tree Management Unit advise that both trees are in a good and healthy condition and provide a positive contribution to the amenity of the area.</p> <p>The removal of the trees is contrary to the DCP and is not supported. A condition of consent is recommended, which states that the driveways on McLachlan Avenue are not approved. A further condition is recommended, requiring the driveways to be relocated as part of the Stage 2 design in order to preserve the street trees.</p> <p>Refer to discussion under the heading Issues.</p>
3.6 Ecologically Sustainable Development	Yes	ESD is a key consideration for the Stage 2 design and will form part of the Competitive Design Alternatives Brief. A condition of consent is recommended to this effect.
3.7 Water and Flood Management	Yes	<p>The site is identified as being on flood prone land, and currently experiences surface flooding within the at-grade forecourt on McLachlan Avenue.</p> <p>The Stage 1 concept design has been assessed and is acceptable from a flooding perspective, subject to further assessment at Stage 2.</p> <p>Refer to discussion under the heading Issues.</p>

3. General Provisions		
Development Control	Compliance	Comment
3.9 Heritage	Yes	<p>The subject site is not a heritage item, nor is it located in a heritage conservation area. However, it is located immediately adjacent to the Barcom Avenue Heritage Conservation Area (C11). It is also located directly opposite a heritage item of local significance at 2-6 Womerah Avenue (1501), which has a secondary frontage to Barcom Avenue.</p> <p>The proposed building envelopes will not have any unacceptable heritage impacts, subject to the inclusion of a 3m setback above three storeys on the southern portion of the Barcom Avenue frontage.</p> <p>The detailed design must be sympathetic and responsive to the character of the adjoining conservation area and heritage item. This will be a matter for consideration when assessing the Stage 2 application.</p> <p>Refer to discussion under the heading Issues.</p>
3.11 Transport and Parking	Yes	<p>The Stage 2 design must incorporate bike parking and associated facilities in accordance with the DCP, and have regard to the detailed design provisions for parking and vehicular access contained therein.</p> <p>In accordance with Clause 3.11.4 of the Sydney DCP 2012, land uses not captured by the parking provisions of the LEP must be justified via a Parking and Access Report.</p> <p>A Parking and Access Report has been submitted which proposes a maximum provision of 387 car parking spaces. The proposal has been reviewed by Council's Transport Planner and is considered acceptable.</p>

3. General Provisions		
Development Control	Compliance	Comment
		See discussion under the heading Issues.
3.12 Accessible Design	Yes	Access and facilities for persons with disabilities in accordance with the DCP and the BCA must be incorporated in the Stage 2 application.
3.13 Social and Environmental Responsibilities	Yes	The Stage 2 development should satisfy the applicable provisions in respect of passive surveillance and CPTED principles.
3.14 Waste	Yes	The Stage 2 development will need to comply with the relevant provisions of the City of Sydney Code for Waste Minimisation in New Developments 2005.

4. Development Types		
4.2 Residential Flat, Commercial and Mixed Use Developments		
Development Control	Compliance	Comment
4.2.1 Building height	Partial	<p>A maximum of five (5) storeys is permitted.</p> <p>A maximum of six storeys is proposed, however due to the site topography being sloping the building does not present as more than five storeys above ground at any point, and is therefore considered to comply with the height in storeys control.</p> <p>The proposal does not comply with the street frontage height in storeys control, which specifies a four storey height control on Craigend Street and McLachlan Avenue and a three storey height control on Barcom Avenue.</p>

4. Development Types		
4.2 Residential Flat, Commercial and Mixed Use Developments		
Development Control	Compliance	Comment
		<p>Non-compliance with the controls at discrete locations is considered acceptable in the context of the site and the type of development proposed.</p> <p>Notwithstanding the above, the southern part of the Barcom Avenue frontage is considered to be located within a sensitive streetscape and an upper level setback is required in that location in order to achieve a built form that is sympathetic to the heritage conservation area.</p> <p>A condition of consent is recommended to ensure the Stage 2 design complies with the three storey street frontage height requirement in this location.</p> <p>Refer to discussion under the heading issues below.</p>
4.2.2 Building setbacks	Yes	<p>The site is not identified on the Building Setback and Alignment Map.</p> <p>Surrounding development generally incorporates a nil-setback. The proposed development incorporates a nil setback to Barcom Avenue and Craighend Street, and a partial setback on McLachlan Avenue to accommodate the forecourt.</p> <p>The proposed setbacks are generally consistent with surrounding development and are therefore acceptable.</p>

4. Development Types		
4.2 Residential Flat, Commercial and Mixed Use Developments		
Development Control	Compliance	Comment
4.2.3 Amenity	Yes	<p>Shadow analysis submitted with the application does not indicate any overshadowing to any residential sites on Barcom Avenue. There is some additional overshadowing to the facade of the Advanx building located to the south-east, but the analysis indicates that two hours daylight access will be maintained to the affected facade. More detailed analysis will be required at Stage 2.</p> <p>An Acoustic Report has been submitted with the application that demonstrates the proposal can facilitate a Stage 2 design capable of complying with applicable noise criteria. A new acoustic assessment must be submitted to demonstrate that the detailed Stage 2 design will comply with relevant acoustic criteria.</p>
4.2.4 Fine grain, architectural diversity and articulation	Yes	The proposed building envelopes facilitate a future Stage 2 DA that is able to comply with the relevant provisions.
4.2.6 Waste minimisation	Yes	The Stage 2 development will need to comply with the relevant provisions of the City of Sydney Code for Waste Minimisation in New Developments 2005.

4. Development Types		
4.2 Residential Flat, Commercial and Mixed Use Developments		
Development Control	Compliance	Comment
4.2.7 Non-residential development in the B4 Mixed Uses zone	Yes	<p>The Stage 2 development must demonstrate that proposal will not have a negative impact on existing residential development in the vicinity.</p> <p>The following matters will be considered when assessing the Stage 2 design:</p> <ul style="list-style-type: none"> • noise impacts; • operating hours; • privacy; • vehicular and pedestrian traffic; • vibration; • reflectivity; • overlooking; and • overshadowing.

4. Development Types		
4.4 Other Development Types and Uses		
Development Control	Compliance	Comment
4.4.3 Car showrooms	Yes	<p>The indicative scheme demonstrates that general compliance with the provisions is achievable within the proposed building envelopes.</p> <p>The Stage 2 design must demonstrate full compliance with the car showroom provisions of the DCP, which include providing high floor to ceiling heights at ground and first floor levels, increased site coverage to prevent expanses of parked cars, designing the building to relate to the surrounding built form, and controls relating to landscaping, vehicle storage, and signage.</p>

ISSUES

Height, Scale and Bulk

41. The proposed building envelopes comply with the maximum height control of 18m and FSR of 2:1 and is therefore acceptable in terms of compliance with key development standards.
42. As discussed earlier, the proposed building envelopes do not comply with DCP requirements relating to street frontage heights. The areas of non-compliance are on Barcom Avenue, Craigend Street, and the northern portion of the McLachlan Avenue frontage. The controls require a three storey street frontage height on the Barcom Avenue frontage and a four storey street frontage height on Craigend Street and McLachlan Avenue. Figures 25 to 27 below illustrate the building envelope permitted by the DCP. Figures 28 to 30 illustrate the building envelopes proposed in this application.

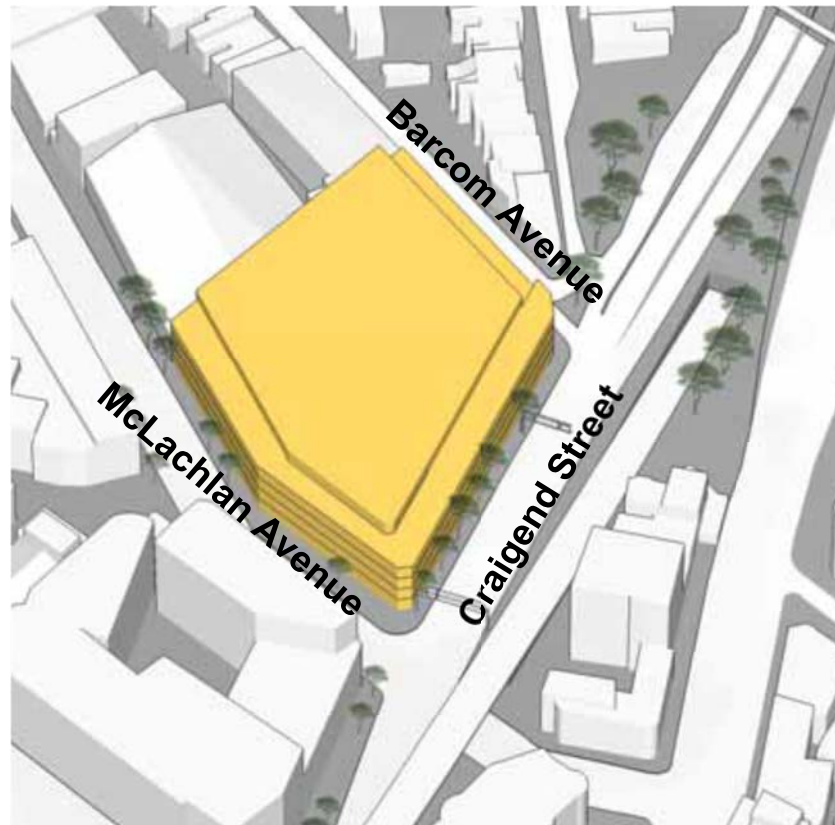


Figure 25: Building envelope permissible in accordance with DCP controls, viewed from above



Figure 26: Building envelope permissible in accordance with DCP controls, viewed from the east on Craigend Street



Figure 27: Building envelope permissible in accordance with DCP controls, viewed from the north on Craigend Street

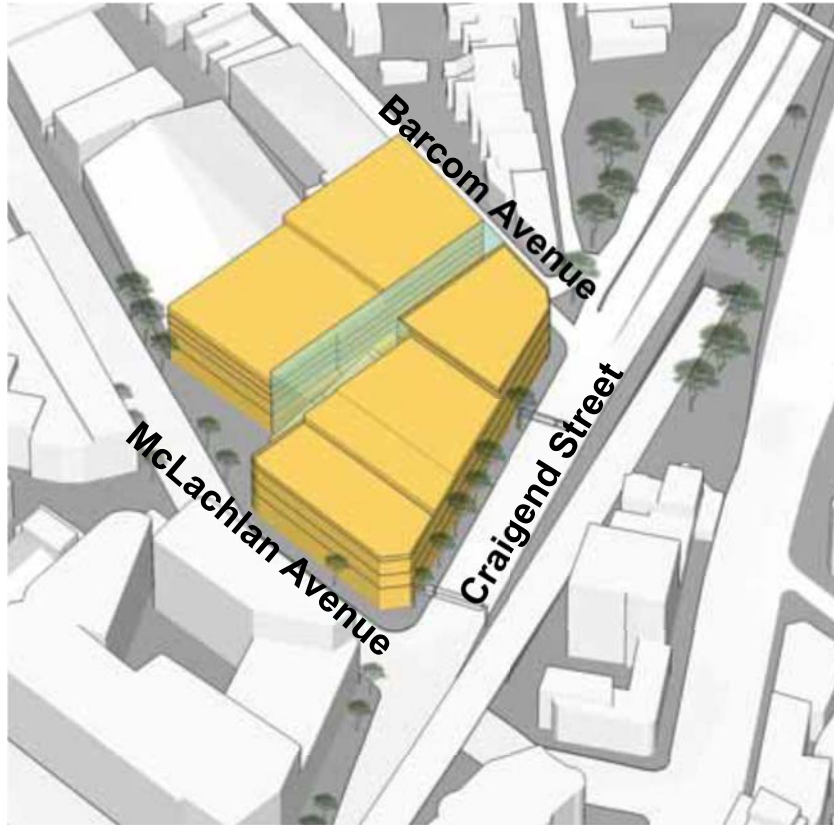


Figure 28: Proposed building envelope, viewed from above



Figure 29: Proposed building envelope, viewed from the east on Craigend Street



Figure 30: Proposed building envelope, viewed from the north on Craigend Street.

43. The proposed non-compliance on the corner of McLachlan Avenue and Craigend Street is considered to be acceptable given this is a landmark corner. The DCP controls for car showrooms encourage high floor to ceiling heights for car show room on ground and first floor level, however strict compliance with the control would require a 3m setback above a height of 15.1m. From an urban design perspective, a superior outcome may be achieved for a development of this nature if the setback is not strictly enforced. It is noted that a more substantial setback is provided elsewhere along the McLachlan Street frontage.
44. The Craigend Street frontage does not have any interface with other development, fronting only onto a busy road and train line, therefore non-compliance is also acceptable in that location.
45. Non-compliance with the setback on the corner of Barcom and Craigend is also acceptable. The proposed building envelope in this location has a maximum height of 15.75m, well below the 18m maximum permitted by the LEP, and the building predominantly faces on to the Womerah Avenue road reserve. This highly visible location is also suitable for a car showroom and flexibility will allow for higher floor to ceiling heights that the DCP encourages for that use.
46. Notwithstanding the above, the proposed non-compliant upper level setback on the southern portion of the Barcom Avenue frontage is not acceptable. It is considered that the proposed built form should respond sensitively to the adjoining heritage conservation area and enforcing the setback would assist in achieving this. In addition, it is expected that any new proposal for development at the neighbouring site, 30-62 Barcom Avenue, would also be required to adopt the upper level setback.
47. In light of the above, a condition of consent is recommended requiring the Stage 2 design to incorporate an upper level setback of 3m above a street frontage height of 11.4m. This allows for floor to ceiling height of 3.6m on the ground floor and 3.3m on the floors above (including 0.4m slab) in accordance with DCP requirements.

Parking

48. The proposed development comprises retail and office uses.

49. The indicative layout envisages office space of 2,052m², which equates to a maximum office parking provision of 22 spaces.
50. The retail component exceeds 2,000m². Therefore, in accordance with Clause 7.7 (1) the car parking provisions for retail premises do not apply. In accordance with Clause 3.11.4 of the Sydney DCP 2012, land uses not captured by the parking provisions of the LEP must be justified via a Parking and Access Report.
51. A Parking and Access Report has been submitted which calculates a maximum parking provision of 392 car parking spaces applies to the proposal. A breakdown is provided in Table 1 below.

Table 1: Car parking provision calculation

Use	Rate	Permissible	Proposed
Office	$M = (G \times A) \div (50 \times T)^*$	22	22
Vehicle sales or hire premises	0.75 per 100m ² site area	33	34
vehicle body repair workshop	6 per work bay (56 bays)	336	331
Total:		391	387

M is the maximum number of parking spaces, and

G is the gross floor area of all office premises and business premises in the building in square metres, and

A is the site area in square metres, and

T is the total gross floor area of all buildings on the site in square metres.

52. The proposal has been reviewed by Council's Transport Planner and is considered acceptable given the proposed rates are generally in accordance with the *RMS Guide for Traffic Generating Development*.
53. A condition of consent is recommended in order to limit the maximum number of car parking spaces permissible for the Stage 2 DA at 387 spaces.

Traffic and Vehicular Access

54. It is understood that the McLachlan/Craigend Street intersection is already very congested at peak hour and on weekends. The removal of access and egress from Craigend Street is likely to result in additional traffic movements at this intersection.
55. It is the understanding of Council officers that during peak periods, most vehicles on McLachlan Street turn left towards the city centre. The green phase for drivers in McLachlan Street is shorter because time-priority is given to motorists on Craigend Street/New South Head Road. Moreover, activation of the pedestrian crossing on the western side of the intersection means only a few cars are able to turn left during the green phase. Many drivers illegally turn left from the centre-left lane.

56. Council officers are of the view it would be preferable to provide vehicular access and egress on Craigend Street in order to minimise impacts to the performance of the intersection, as this would provide an additional point of egress that avoids the intersection. However, RMS has advised that they are unsupportive and would not grant concurrence for such a proposal.
57. In the absence of other significant detrimental impacts, a minor increase in traffic movements at the intersection is not such a determinative factor that it would warrant refusal of the application, and therefore the proposed access and egress arrangements are supported from a traffic perspective.
58. Notwithstanding the above, the driveways proposed on McLachlan Avenue require the removal of two healthy street trees and are therefore the precise locations as currently proposed are not supported. It is recommended that the location of the driveways should not be approved at this stage, and that the Stage 2 design should incorporate alternative locations that allow for the retention of the street trees.
59. A number of submissions have requested Council to amend the traffic conditions of the intersection to permit a left hand turn into Craigend Street from the centre left lane. Both Craigend Street and McLachlan Avenue are classified roads and therefore any amendments to the existing traffic arrangements would be a matter for RMS. Council's Traffic and Access Unit are supportive of action to improve the performance of the intersection, subject to pedestrian access being maintained. Council officers have consulted with RMS regarding traffic issues at this intersection prior to and during the assessment of this application and will do so again at Stage 2.

Flooding

60. The site is identified as being on flood prone land, and currently experiences surface flooding within the at-grade forecourt on McLachlan Avenue. Overland flows also occur through the site, with flows entering the site from the existing ramp on Barcom Avenue, flowing in a south easterly direction down the ramp to McLachlan Avenue. Flood levels during the 1 in 100 year flooding event are illustrated in Figure 31 below.

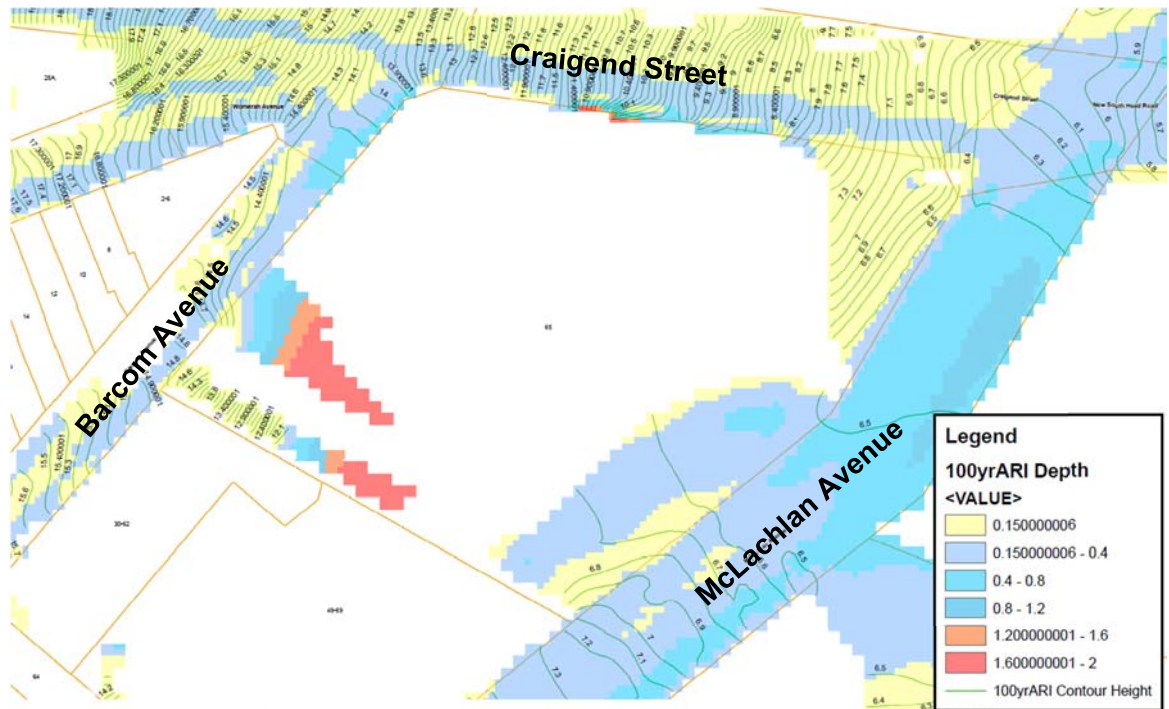


Figure 31: Flood levels during the 1 in 100 year flooding event.

61. The DCP does not specify a setback on McLachlan Avenue and requires an active frontage and awning, thereby encouraging development within the flood affected area.
62. Concerns were raised with the original proposal, as it included an overland flow path through the site from the ramp on Barcom Avenue through to McLachlan Avenue. The application was amended to change the floor levels along Barcom Avenue, in order to direct flows along Barcom Avenue and down Craigend Street. The revised proposal is considered acceptable in terms of overland flow.
63. The proposed building envelopes align with the adjoining property fronting McLachlan Avenue at the boundary, and incorporate a partial setback within the central portion of the frontage. This results in building envelopes within the flood affected area. Given the nature of the proposal, this is acceptable in principle subject to additional testing and modelling informing the architectural response to these constraints and appropriate measures being incorporated into the Stage 2 design.
64. In light of the above, additional information is required to support the Stage 2 DA, including a Flood Assessment and a Stormwater Drainage and Disposal Concept Plan. It is also a requirement that the Stage 2 Design complies with Sydney Water's requirements for on-site detention. A condition of consent is recommended accordingly.

Heritage

65. The subject site is not a heritage item, nor is it located in a heritage conservation area. However, it is located immediately adjacent to the Barcom Avenue Heritage Conservation Area (C11). It is also located directly opposite a heritage item of local significance at 2-6 Womerah Avenue (I501). Accordingly the heritage provisions of the Sydney DCP 2012 apply. The proposal generally complies with the relevant aims, objectives and controls.

66. Given the site's sensitive location, the Stage 2 design should relate sympathetically to the fine grain nature of the adjoining conservation area and the heritage item at 2-6 Womerah Avenue. In particular, the treatment of the facade to the upper levels of car parking facing Barcom Avenue has the potential to detract from the Conservation Area and the heritage item. Careful consideration must be given to the design, materials and finishes of this facade and the option of using the part of the building adjoining Barcom Avenue facade for uses other than car parking, such as commercial, should be explored. A condition of consent is recommended accordingly.
67. A Heritage Impact Statement addressing the impact of the design of the new building on the adjoining conservation area and nearby heritage items will be required as to be submitted with the Stage 2 DA.

Equitable Access

68. It is recommended that disabled access be provided in accordance with the provisions of the DCP. An appropriate condition is recommended.

Other Impacts of the Development

69. The proposed development is capable of complying with the BCA. The following classifications may apply, subject to the final mix of land uses applied for in the Stage 2 DA:
 - (a) Office – Class 5;
 - (b) Vehicle sales or hire premises – Class 6;
 - (c) Vehicle body repair workshop – Class 8; and
 - (d) Vehicle storage – Classes 7A and 7B.
70. 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

71. The proposal is of a nature in keeping with the overall function of the site. The premises are in a mixed commercial and residential surrounding and is amongst similar uses to that proposed.

INTERNAL REFERRALS

72. The application was discussed with the Heritage and Urban Design Specialists; Building Services Unit; Environmental Health; Public Domain; Landscaping; Surveyors; Transport and Access; Tree Management; and Public Art. The conditions recommended by other sections of Council have been included in the proposed conditions. Where conditions were recommended that relate to physical work, such as construction management conditions, these have not been included and will only be matters for consideration at Stage 2.

73. Building Services Unit, City Surveyor, Heritage Specialist, Transport Planner, and Public Domain Unit advised that the Stage 1 Concept Proposal, as amended, is acceptable subject to the recommended conditions.
74. Council's Landscape Assessment Officer did not endorse the submitted Landscape Concept Plan. A condition of consent is recommended, requiring a landscape concept statement to be submitted for approval prior to the finalisation of the brief for the competitive design process.
75. Tree Management Unit advised that the new access/egress points proposed on the McLachlan Avenue frontage would require the removal of two (2) street trees, both of which are in good and healthy condition and provide a positive contribution to the amenity of the area. It is recommended that the proposed driveway locations on McLachlan Avenue should not be approved at this stage, and a condition imposed that requires the Stage 2 design to consider alternative driveway locations that allow for the retention of the street trees.
76. Environmental Health advised that the site has historical industrial use, and there is the potential for soil and groundwater contamination. There is also the potential for Acid Sulphate Soils, however a preliminary Acid Sulphate Soils confirms this is unlikely. In light of this, a Detailed Environmental Site Investigation is required, however it is acceptable for this to be submitted post demolition. Conditions of consent are recommended accordingly.

EXTERNAL REFERRALS

External Agencies

77. The proposal was referred to NSW Office of Water as Integrated Development in accordance with the *Water Management Act 2000*. General Terms of Approval have been provided and are recommended as conditions of consent.
78. The proposal was referred to RMS for concurrence in accordance with Clause 104 of the ISEPP. As discussed earlier in this report, RMS objected to vehicular access/egress being provided from Craighend Street, which is classified as a State Road. They advised that concurrence would not be granted for that proposal and requested the design to be amended with alternative access. The applicant advised RMS, through Council, that the design would be amended in accordance with RMS requirements and access relocated to Barcom Avenue. Concurrence was granted at that time, subject to their recommended conditions and the design being amended.
79. The revised design was renotified and referred to RMS for concurrence in accordance with Clause 104 of the ISEPP. No response was received within 21 days of submissions being forwarded. Concurrence is therefore assumed and the conditions of RMS provided earlier are included in the recommended conditions of consent.
80. The proposal was referred to Sydney Trains for concurrence in accordance with Clause 85 of the ISEPP. Sydney Trains raised no objection subject to their recommended conditions which are included in the recommended conditions of consent.
81. The proposal was referred to Ausgrid for comment in accordance with clauses 42 and 45 of the ISEPP. Ausgrid provided requirements for the relocated substation, which have been incorporated as a condition of consent.

82. The proposal was referred to Sydney Water, who objected to the proposal on the basis that it did not comply with their building over and adjacent assets policy. A requirement for the Stage 2 design to be in accordance with the policy is included in the recommended conditions of consent.

Notification, Advertising and Delegation (Submissions Received)

83. In accordance with Schedule 1 the Sydney DCP 2012, the proposed development is required to be notified and advertised. As such the application was notified and advertised for a period of 30 days between 12 May and 12 June 2015. As a result of this notification there were 30 submissions received.
84. The amendments submitted to Council on 9 September 2015 required the proposal to be re-notified and re-advertised for a period of 30 days between 23 September and 24 October 2015. As a result of this an additional 12 submissions were received. Six (6) of the submitters had previously made a submission.
85. The key issues raised are summarised below.

Compliance with Planning Controls

- (a) The proposal is not in accordance with the South Sydney LEP 1998 and the South Sydney DCP 1997.

Response – The abovementioned planning instruments were superseded following gazettal of the Sydney LEP 2012 and adoption of the Sydney DCP 2012 in December 2012. The proposal has been assessed against the applicable planning controls and is generally compliant.

- (b) The area is turning into a residential area and therefore increased commercial usage should not be approved.

Response – The site is located in the B4 mixed use zone. The proposed land uses are permissible within the zone and are consistent with the zone objectives.

- (c) The proposed FSR exceeds the maximum permitted in the Sydney LEP 2012.

Response – The maximum FSR on the site is 2:1. The indicative scheme submitted with the application indicates an FSR of 1.83:1, which is well below the maximum. A condition of consent is recommended that will prohibit the Stage 2 design from exceeding the FSR maximum of 2:1. It should be noted that much of the proposed floor area is intended for use as car parking, which is not regarded as Gross Floor Area and therefore does not contribute to FSR. This may result in the FSR proposed seeming artificially low when compared to the overall floor space area proposed.

Built form

- (d) The ground floor of the building should not exceed the height of the existing adjoining building on the McLachlan Street, and the Advanx development on the opposite side of the street.

Response – The floor to ceiling height of the ground floor level will be established at Stage 2.

- (e) The proposal may result in City/Kings Cross views from Advanx being impeded. The building should step up in height to preserve views. Additional height awarded for design excellence will further reduce views.

Response – The proposal complies with both the height and FSR controls. The outlook from Advanx to Kings Cross provides partial views of some tall buildings of no cultural or aesthetic significance. No iconic features such as the ‘Coca Cola’ sign are visible. In light of this, views to Kings Cross from Advanx are not considered significant and form part of the outlook, rather than a view. The proposed building envelopes comply with the maximum height permissible, and amendments to the envelopes to preserve those views would therefore be unreasonable.

If design excellence can be demonstrated the applicant will be entitled to a 10% height bonus in accordance with the provisions of the Sydney LEP 2012.

- (f) The proposed building envelopes will overwhelm neighbouring development in Barcom Avenue, which is a heritage conservation area, resulting in overshadowing. They will also result in a ‘canyon effect’ on McLachlan Avenue. Approval would also set a precedent for increased height within the locality, particularly at 30-62 Barcom Avenue and 49-59 McLachlan Avenue. The building should be setback from the McLachlan Avenue and Barcom Avenue frontages to reduce the impact of the proposed built form.

Response – The Stage 1 proposal proposes building envelopes that are fully compliant with the maximum 18m height limit applicable to the site. Shadow analysis submitted with the application does not indicate any overshadowing to any residential sites on Barcom Avenue. There is some additional overshadowing to the facade of the Advanx building located to the south-east, but the analysis indicates that two hours daylight access will be maintained to the affected facade. Shadow analysis, including analysis of shadows cast on the facades of affected residential buildings during the winter solstice must be submitted with the Stage 2 application.

The proposal incorporates a setback within the McLachlan Avenue frontage and will not result in a ‘Canyon effect’. An upper level setback for the southern portion of the site fronting development on Barcom Avenue is required and a condition of consent is recommended accordingly.

Although the proposal does not comply with the requirement to provide an upper level setback on the corner of McLachlan Avenue and Craigend Street, this is considered acceptable for the reasons outlined elsewhere in this report.

Vehicular Access

- (g) The existing access and egress on Craigend Street should be removed to improve traffic flow.

Response - The design has been amended to remove vehicular access and egress from Craigend Street.

- (h) The proposed access on Barcom Avenue will result in additional noise, loss of amenity, and increased traffic in Barcom Avenue which is very narrow. Barcom Avenue is not suitable for heavy rigid or articulated vehicles. A two-tonne restriction applies. Vehicular access should be limited to Craigend Street and McLachlan Avenue.

Response – RMS has advised that access from Barcom Avenue is the only feasible option for this site. The proposed access point is left in only and is situated approximately 20m from the intersection with Craigend Street. It will therefore have very little impact on the overall function of Barcom Avenue. A two tonne vehicle limit applies to Barcom Avenue which will prevent heavy vehicles from using this access point. A condition prohibiting vehicles from existing the site from this location has also been recommended.

- (i) The proposed void between the buildings fronting Craigend Street could be turned into a vehicular access point which will impact traffic flows on Craigend Street.

Response – The proposal does not include vehicular access from Craigend Street, and as discussed above the RMS has advised that it would not grant concurrence to such a proposal.

Intersection of Craigend Street and McLachlan Avenue

- (j) The intersection of Craigend Street and McLachlan Avenue requires reconfiguration to improve traffic flow, specifically the left hand turn from McLachlan into Craigend is impeded by pedestrians using the crossing, limiting traffic flow. The pedestrian crossing should be removed and left turn on to McLachlan from the centre left lane should be permissible. Council and RMS have not done anything to respond to residents' concerns about the poor performance and safety concerns regarding the Craigend Street and McLachlan Avenue intersection. The City should work with RMS to address this.

Response – Both Craigend Street and McLachlan Avenue are classified roads and therefore any amendments to the existing traffic arrangements would be a matter for RMS. Council's Traffic and Access Unit are supportive of action to improve the performance of the intersection, subject to pedestrian access being maintained. Council officers have consulted with RMS regarding traffic issues at this intersection prior to and during the assessment of this application and will do so again at Stage 2.

Traffic and Parking

- (k) The proposal will result in increased traffic in an already heavily congested area. No additional car parking spaces should be approved. Barcom Avenue is classified as a local road, and increased traffic presents a danger to pedestrian safety, in particular to children. There are other developments in the locality that are nearing completion and occupation. The cumulative traffic impacts of all developments in the locality will result in increased congestion and increased competition for on-street parking.

Response – The proposal is expected to generate an additional 257 trips each day. Council's Transport Planner has reviewed the application and raised no objection in terms of traffic generation.

- (l) There have been a number of vehicular accidents in and around the area. The proposal will increase the likelihood of road accidents in the area.

Response – The proposed building envelopes are not considered likely to result in increased road traffic accidents.

- (m) The submitted traffic report is not adequate as it does not include a traffic survey.

Response – An addendum to the original traffic report was submitted with the amended proposal which includes a traffic survey.

Noise

- (n) The acoustic study is flawed as the attended measurements do not include spikes for loud burst of noise, train horns, exhaust brakes, etc. The background noise levels are lower than those claimed in the report. In addition, the proposed workshop is located in an area that is close to residents and will therefore result in noise disturbances.

Response – The data collected within the report results in two outputs - the ambient noise level and the rating background level. The ambient noise level is the continuous steady state sound level, which includes variations in the sound level experienced over the recording period, including those referred to above but also inclement weather that was experienced during monitoring. The rating background level essentially removes the noisiest incidents from the data to ensure that the background levels aren't made to seem noisier than they really are by such occurrences. Accordingly there is no issue raised with the methodology of the acoustic report.

The location of the workshops is not yet decided. The indicative layouts provided are for illustrative purposes only, to demonstrate how the various land uses may be accommodated within the proposed building envelopes. The final location of the workshop will not be determined until Stage 2 and must be supported by a further acoustic report.

Construction

- (o) The proposed hours of construction works are unclear. Construction noise, including night-time construction, will have a negative impact on residential amenity. The impact of construction workers parking in local streets during works should also be considered and residential access preserved.

Response – Construction does not form part of this application. Night time works are prohibited by Council's standard condition which only permits construction work to be carried out between the hours of 7.30am and 5.30pm Monday to Friday and 7.30am and 3.30pm on Saturdays. No work is permitted to be carried out on Sundays or public holidays. A Construction Traffic Management Plan will be required to be submitted prior to the issue of a Construction Certificate for the Stage 2 application, which will include measures to manage parking during construction.

- (p) The site is potentially contaminated. Construction activities may therefore have a negative impact on the health of nearby residents.

Response – If the site is found to be contaminated and the Stage 2 design is approved, conditions of consent will be recommended at that time to ensure that construction activities are carried out in a manner that does not pose a risk to public health.

Amenity

- (q) The close proximity of the taller buildings to adjoining residences will result in a loss of privacy to adjoining dwellings. The proposal should incorporate screening to ameliorate this. The proposal will restrict the amount of sunlight in McLachlan Avenue, and will reduce sunlight received to residences in the locality. The proposal will result in high wind speeds in the locality.

Response – The separation distance between the proposed building envelopes and adjoining residential development is 20m on McLachlan Avenue and 11m on Barcom Avenue. These separation distances are acceptable and in accordance with the minimum separation distances recommended in the Apartment Design Guide. Any requirement for screening would be a matter for consideration at Stage 2, and is dependent on the final location of the buildings and the land uses proposed within. Buildings under 45m are not considered likely to have a significant impact upon wind conditions.

Impacts to immediately adjoining buildings

- (r) The proposal builds over the existing right of carriageway that exists on the southern boundary and benefits the adjoining site. It may also compromise the integrity and serviceability of stormwater services within the easement.

Furthermore, there is insufficient detail to determine the potential impacts to the adjoining property at 49 McLachlan Avenue, specific concerns include:

- the proposal may prevent access to the roof of 49 McLachlan Avenue;
- the proposal will reduce solar access to windows that address the right of way;
- the proposal may result in groundwater seepage to the site to the south; and
- the impact of excavations to the site to the south are unclear and must be supported through the submission of a geotechnical investigation.

Response – The right of carriageway is limited in stratum. The City's surveyor has reviewed the application and has advised that the proposal raises no concerns with regards to the terms of any easement.

While the other matters raised would be more appropriately considered at Stage 2, it should be noted that:

- the easement is a right of carriageway only, it does not include rights to roof access from the subject property;

- it is generally considered unreasonable to preserve daylight access to windows that are positioned on a side wall, particularly when that wall forms the boundary with an adjacent property. It is unlikely that daylight access will be preserved if it is reliant upon the adjoining site not being developed in a manner that is otherwise consistent with the planning controls;
- the proposal has been amended to direct overland flows to the surrounding street network; and
- excavation is not proposed as part of the Stage 1 application, but if required will be assessed at Stage 2.

Miscellaneous

- (s) Insufficient detail has been provided in terms of architectural detail, including rooftop materials and plant, facade materiality and colours, acoustic treatments, landscaping, etc.

Response – The proposal is a Stage 1 concept plan for building envelopes, therefore the level of detailed requested is not required until Stage 2.

- (t) There are other showrooms vacant in the area. BMW should utilise those rather than expand the current facility.

Response – This is not a matter for consideration in assessing the application.

- (u) Formal exhibition should be delayed until residents of Advanx have moved in to give them an opportunity to comment on the proposal.

Response – The application has been correctly notified in accordance with DCP requirements.

- (v) BMW should not be permitted to conduct test drives on Barcom Avenue, McLachlan Avenue and Liverpool Street. This already occurs and is a nuisance to local residents.

Response – Test driving vehicles is permissible on any road provided they are carried out in accordance with applicable road rules.

- (w) The hours of operation should be restricted to between 7.00am and 6.00pm.

Response – Hours of operation do not form part of this application and will be assessed at Stage 2.

- (x) Illuminated signage and lighting of the showroom at night will disturb nearby residents. Signage on McLachlan Avenue should be limited to the ground floor and should not be neon.

Response – Signage does not form part of this application. A Signage Strategy will be required to be submitted with the Stage 2 application. Lighting will be assessed at Stage 2.

- (y) The existing landscaping on McLachlan Avenue should be maintained. Landscaping should be incorporated into the design and there should be increased green space. The loss of the palm trees on McLachlan Avenue will reduce the amenity of McLachlan Avenue.

Response – Council’s Tree Management Unit raises no objection to the removal of the Palm Trees. It is not considered necessary to retain existing landscaping in situ, however landscaping will be an integral part of the Stage 2 design and Landscape Concept Plan is required to be finalised prior to the finalisation of the brief for the competitive design process.

- (z) Deliveries should occur on the site. Currently deliveries occur within the carriageway on McLachlan Avenue in the only lane from which a left turn into Craigend Street is permissible. This impedes on traffic flows and also has a negative impact on local amenity.

Response – A condition of consent is recommended requiring the Stage 2 Design to be capable of accommodating all deliveries within the subject site.

PUBLIC INTEREST

86. It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

FINANCIAL IMPLICATIONS/S94 CONTRIBUTION

Section 94 Contributions

87. As a Stage 1 application, the development is not subject to a Section 94 contribution.

RELEVANT LEGISLATION

88. The Environmental Planning and Assessment Act 1979.
89. Water Management Act 2000.

CONCLUSION

90. The application seeks Stage 1 approval for the redevelopment of the site for use as a vehicular sales showroom and hire premises, service and repair centre, and office. The proposal includes demolition of all existing buildings, concept approval for 5-storey (18m) building envelopes and above ground car parking.
91. The proposed building envelopes, and the overall proposal more broadly, generally comply with the aims and objectives of the relevant strategies, policies and planning controls.

92. With the exception of demolition of the existing structures, the application is recommended for approval, subject to conditions of consent to ensure that development does not result in impacts to the surrounding development or the surrounding road network.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

(Christopher Ashworth, Specialist Planner)