

ITEM 5. STAGE 2 DEVELOPMENT APPLICATION: 65 CRAIGEND STREET DARLINGHURST**FILE NO: D/2016/838****DEVELOPMENT APPLICATION NO: D/2016/838****SUMMARY****Date of Submission:** 23 June 2016**Applicant:** BMW Australia Ltd**Architect:** SJB**Developer:** BMW Australia Ltd**Owner:** BMW Australia Ltd**Cost of Works:** \$66,381,861

Proposal Summary: Stage 2 development application for the redevelopment of the existing 'BMW' site for a 'BMW', 'MINI' showroom and ancillary car park for vehicles for the various uses within the building; and a consolidated part basement / ground level workshop facility; and signage.

A Stage 1 consent (D/2015/565) was approved for the site by the Central Sydney Planning Committee on 10 December 2015. The Stage 1 application approved the redevelopment of the site for use as a vehicular sales and hire premises with above ground car parking within a five storey (18m) building envelope.

The proposed building configuration and massing are generally consistent with the Competitive Design Alternatives Process winning scheme and Stage 1 consent, inclusive of the design recommendations suggested by the Selection Panel. There are some minor projections from the winning scheme and an increase in height by up to 10% to a maximum of 19.8 metres. The capacity to increase the height in accordance with the design excellence provisions of the LEP was contemplated in the Stage 1 consent. The variations to the building envelope are supported and are considered to be improvements.

The development has been designed to have regard to the opportunities and constraints of the site, while taking into account the proposed use requirements. This has resulted in an architectural form which generally complies with the relevant planning controls and surrounding building form.

**Proposal Summary:
(continued)**

The application was advertised for a period of 30 days between 5 July and 5 August 2016. Fifteen (15) submissions were received in response to the public exhibition period, including one in support. Other submissions raised the following issues:

- Over development of site;
- Height;
- Removal of street trees;
- Noise;
- Light pollution;
- Traffic impacts;
- Construction impacts; and
- Amenity.

It is considered that the issues have been addressed throughout the report or resolved through appropriate conditions being recommended.

Summary Recommendation:

The development application is recommended for deferred commencement approval as a requirement by Sydney Trains and Sydney Water.

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 - Conditions of Consent
- B - Selected Drawings
- C - Conditions of Consent of the approved Stage 1 (D/2015/565)

RECOMMENDATION

It is resolved that pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2016/838, subject to the conditions as detailed in **Attachment A** to the subject report.

BACKGROUND

The Site and Surrounding Development

1. Site visits were carried out on 2 August and 13 September 2016.
2. The site is irregular in shape, with an area of 6,929.7m². 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 and workshop 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 Avenues. 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 of the site across McLachlan Avenue, including 4 Neild Avenue and 50 McLachlan Avenue.
8. The site is not a heritage item, and it is not located within a heritage conservation area. Notwithstanding this, to the west of the site is the Barcom Avenue Heritage Conservation Area (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: View of the subject site from the Advanx building (taken as a panorama).



Figure 3: Subject site as viewed from the corner of McLachlan Avenue and Craigend Street.



Figure 4: Subject site looking south along Barcom Avenue.



Figure 5: Looking south along Barcom Avenue from Craigend Street, to the heritage listed 2-6 Womerah Avenue.



Figure 6: The southern Advanx building, located across from the subject site, with commercial located on the ground floor and residential above.



Figure 7: The adjoining Mercedes car showroom located directly to the south at 49-59 McLachlan Avenue.

PROPOSAL

10. The Stage 2 development application (DA) seeks consent for the following:
 - (a) construction of a three to five storey (max 19.8m) car showroom facility comprising ancillary workshop and office uses, the development will be seen as three separate building components ('BMW', 'MINI' and workshop carpark);
 - (b) vehicular access and egress from McLachlan Avenue and access only from Barcom Avenue and on site car parking for 387 vehicles and 316.4m² of car storage;
 - (c) removal of nine trees including one street tree on McLachlan Avenue, one tree replacement and new landscaping, including a green wall for the car park facade;
 - (d) a 'through site' link open to the public during operating hours;
 - (e) public art within the through site link and on the MINI building façade;
 - (f) proposed operating hours of 7am to 9pm Monday to Friday and 8am to 6pm Saturday and Sunday; and
 - (g) installation of five business identification signs, one building identification sign, three flag poles and six wayfinding signs.

11. A full set of plans and elevations are included in **Attachment B**. Selected architectural drawings are provided below.

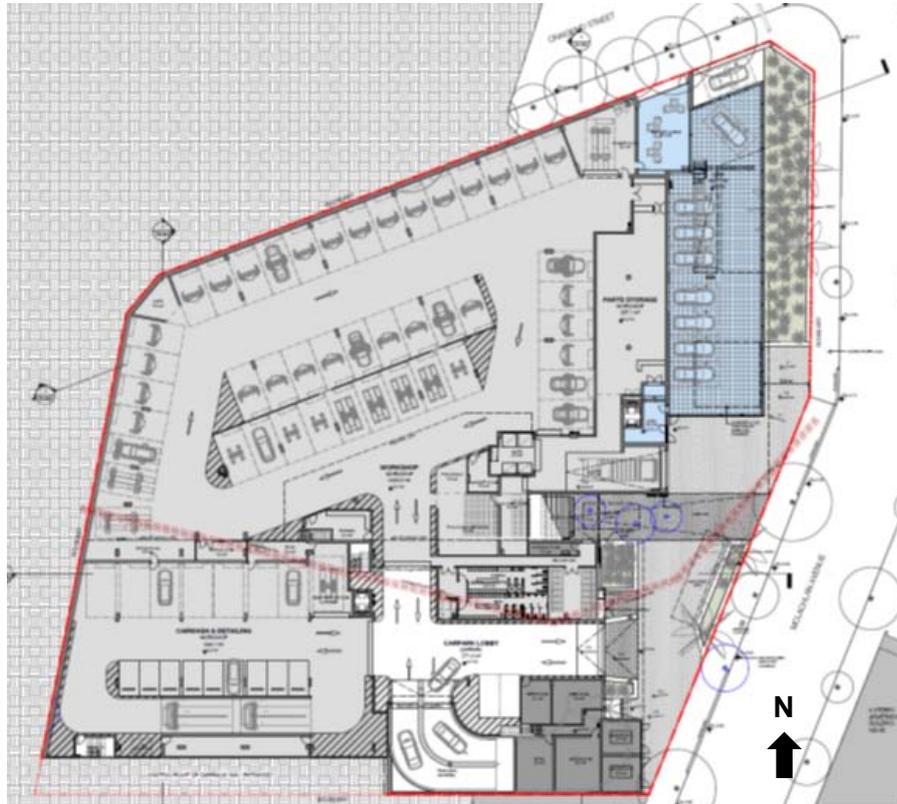


Figure 8: Proposed Level 01 Plan.

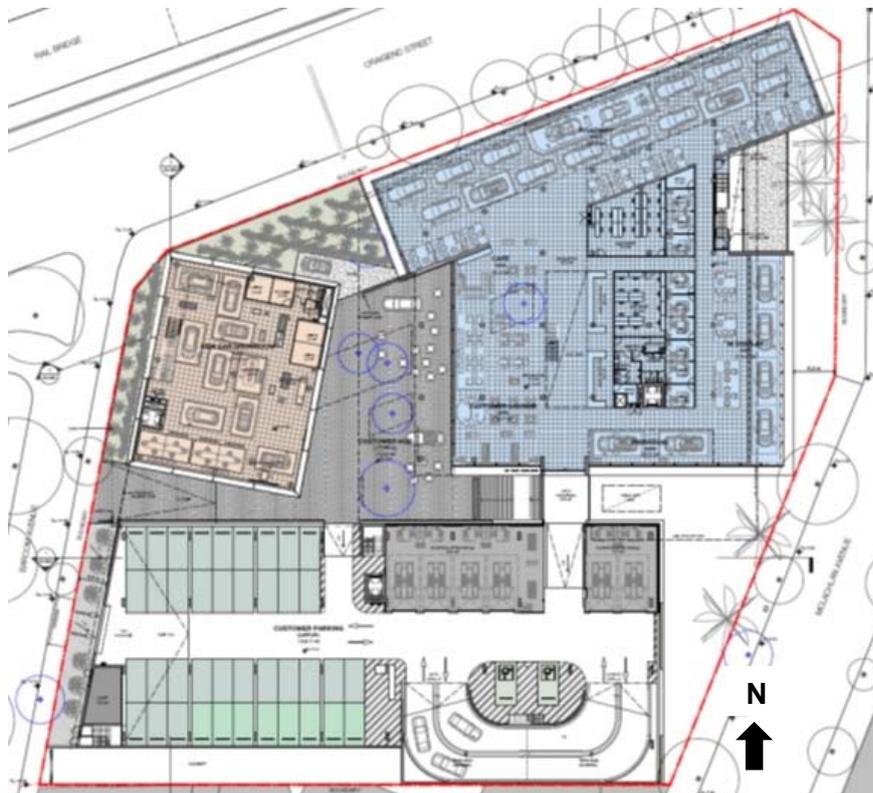


Figure 9: Proposed Level 03 Plan.



Figure 10: Proposed Barcom Avenue elevation.



Figure 11: Proposed Craigend Street elevation.

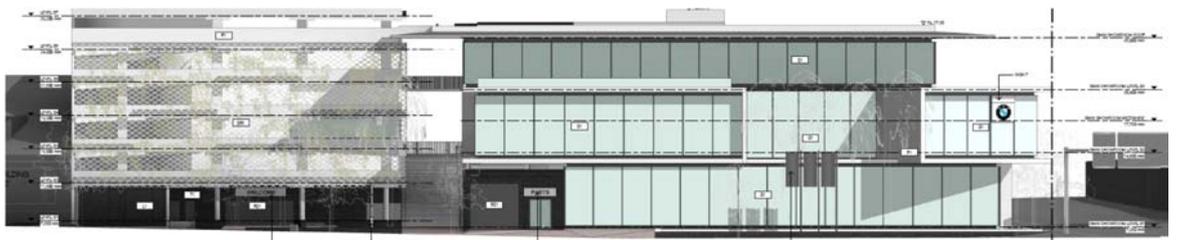


Figure 12: Proposed McLachlan Avenue elevation.



Figure 13: Photomontage of the 'BMW' showroom as seen from the corner of Craigend Street and McLachlan Avenue.



Figure 14: Photomontage of the 'BMW' showroom as seen from McLachlan Avenue.



Figure 15: Photomontage of the 'MINI' showroom looking south along Craigend Street. Public Art facade to be provided.



Figure 16: Photomontage of the carpark and 'BMW' showroom as seen looking north along McLachlan Avenue.



Figure 17: Photomontage of 'MINI' (left) and the carpark (right) as seen from Barcom Avenue.

HISTORY RELEVANT TO THE DEVELOPMENT APPLICATION

12. A Stage 1 DA (D/2015/565) was approved by the Central Sydney Planning Committee (CSPC) on 10 December 2015 for:
 - (a) in principle demolition of the existing 'BMW' showroom and building on the site;
 - (b) an indicative building envelope of up to five storeys or 18m;
 - (c) indicative land uses comprising a 'vehicular sales and hire premises', 'service and repair centre', 'office premises' and ancillary above ground car parking; and
 - (d) vehicular entry and exit along McLachlan Avenue and entry along Barcom Avenue.
13. The conditions of this consent are contained within **Attachment C**.
14. Following approval of the Stage 1 DA, a Competitive Design Alternatives Process was undertaken, with four architectural firms partaking in the five week process. The Selection Panel, including Kerry Clare and Richard Johnson AO, selected the proposal by SJB as the winning design, noting:
 - (a) a skilful architectural design that is visually interesting and creates a landmark building taking advantage of the three street frontages and presents a clear site orientation;
 - (b) the through site link provides a buffer, creating three distinctly built forms and provides a multifunctional space;
 - (c) the massing and grain of the scheme responds well to the site context;
 - (d) the internal spatial arrangement has been well considered; and

- (e) Landscape elements have been well integrated into the development.
15. The Selection Panel provided advice regarding the winning scheme, which was to be included within any Stage 2 DA. The Applicant has responded to this advice below:

Jury Advice	Response
<p>1. To look at budget efficiencies whilst maintaining design excellence. Additional internal areas in excess of the Brief have been identified throughout the proposed building. An opportunity to refine expensive building and facade elements may also be explored as part of this process.</p>	<p>In order to align with the project budget, a series of design changes have occurred, including:</p> <ul style="list-style-type: none"> – Reduced ‘BMW’ showroom area; – Removal of ‘MINI’ showroom level 3; – Removal of ‘green roof’ and replacement with an architectural roof form; – Integration of alternative facade materials primarily resulting in reduced glazing extent; and – Internal efficiency amendments, such as revised workshop floor plate and removal of car lifts.
<p>2. To be further refined to meet the ‘BMW’ and ‘MINI’ Corporate Identity (CI) Guidelines, in particular consideration should be given to the following areas:</p> <ul style="list-style-type: none"> - The corner element of McLachlan Avenue and Craigend Street, with the vertical arrangement of the facade to be ‘opened up’ and have consideration for the ‘BMW’ CI Guidelines and ‘slab architecture’ requirements. - To consolidate the metal roof to areas where it’s needed, appropriate and effective. 	<p>The McLachlan Avenue and Craigend Street corner facade element has been amended to further reinforce the ‘BMW’ CI ‘slab architecture’ guidelines.</p> <p>The metal roof has been retained; however, reduced in extent and projection in order to contribute to budget efficiencies and align with ‘BMW’ CI Guidelines. This is particularly evident along the corner of McLachlan Avenue and Craigend Street to enable the ‘BMW’ ‘slab architecture’ (identified by the ‘BMW’ CI Guidelines) to be more prominently featured.</p>

Jury Advice	Response
<ul style="list-style-type: none"> - The cantilevered 'box' elements particularly along McLachlan Avenue are to be refined to have consideration for the 'BMW' CI and also to better match with interior design/structure and layout (note: the stacking of boxes effect/intent does not reflect CI, and needs further refinement). - Align the 'BMW' roadway car display along Craigend St. to read horizontally and not with the topography of the site. - To further refine the 'MINI' facade to have more consideration for the 'MINI' CI Guidelines Grid Structure and Loft Character. This particularly relates to the glazed double height corner element on Craigend Street and Barcom Avenue which is considered inconsistent with the CI 'MINI' model. 	<p>The projecting cantilevered box elements along McLachlan Avenue have been retained but relocated further south along McLachlan Avenue to enable integration with the 'BMW' CI Guidelines 'slab architecture' component.</p> <p>The 'BMW' roadway has been amended in so far as it enables the merchandise to be displayed horizontal to the Craigend Street and the McLachlan Avenue road corridor.</p> <p>The facade of the 'MINI' Building has been further refined to reinforce the 'MINI' CI Guidelines. Additional changes also comprise the removal of 'MINI' level 3, reducing the overall height of the 'MINI' Building by one storey, and reconfiguration of the 'MINI' floor plate.</p>
<p>3 To further align and/or bring the building forward to McLachlan Avenue. This street frontage is identified as an 'active frontage' in the Sydney DCP 2012. Therefore, maximum exposure and positioning of active showroom uses close to the McLachlan Avenue site boundary is in line with the planning objectives.</p>	<p>The 'BMW' building has been moved toward the McLachlan Avenue street frontage by approximately 6 metres. This also results in a greater public domain 'Oasis' area in the centre of the site.</p>
<p>4 To reconsider the need for a car lift to access Level 6 of the 'MINI' building from a cost, efficiency and operational perspective. An alternate vehicular access arrangement would need to be explored in lieu of the car lift to access level 6 of the 'MINI' Building.</p>	<p>The third level of the 'MINI' Building (also referred to as Level 6 across the site) has been removed along with the car lift. Vehicular access to Level 4 of the 'MINI' Building (i.e. above ground level) remains accessible from combined vehicular and pedestrian air bridges.</p>

Jury Advice	Response
<p>5. To demonstrate that the public domain 'Oasis Area' achieves adequate solar access. The opportunity to integrate roof louvres or the like may present as an idea to enable sufficient natural daylight to this area</p>	<p>Adequate solar access provision to the public domain 'Oasis' area is achieved in the following three ways:</p> <ul style="list-style-type: none"> - Northern orientation. - Relocation of the 'BMW' Building further toward McLachlan Avenue; and - Reconfiguration of the 'MINI' Building floor plate including removal of the top most level, thus creating a larger/ deeper public domain space.
<p>6 To widen the Oasis Area to Craigend Street without reducing the amenity of the space. This space must have regard for the noise and pollution impacts associated with traffic travelling along Craigend Street.</p>	<p>The orientation/ angle of the 'MINI' building floor plate has been reconfigured to enable a greater extent of external opening to the public domain area along the Craigend Street frontage. This creates an opportunity to increase the amount of landscaping along Craigend Street.</p>
<p>7 To provide further details regarding how vehicular traffic is managed to/ from the site along McLachlan Avenue. Consideration should particularly be given to potential conflicts between the truck loading zone located within the McLachlan Avenue forecourt area and the adjacent customer vehicular cross over and entry to the car park.</p>	<p>The revised scheme has sought to refine the functional design of the vehicular entry/ exit along McLachlan Avenue. This is achieved by internalising the loading dock into the workshop floor plate so that it is located away from the vehicular entry/ exit. This also creates distinct entry and exit lanes.</p> <p>The Traffic and Parking Report submitted with the application and reviewed by Council's Traffic Management unit, confirms that the proposed vehicular access arrangement is acceptable.</p>
<p>8 To optimise the Workshop layout i.e. to relocate the 'Parts Storage' area at Level 1 to be more accessible to the truck loading zone to enable efficient movement of parts (note: internal arrangement should address functional areas to satisfy 'BMW's' functionality relationship requirements).</p>	<p>The 'Parts Storage' area at Level 1 has been relocated from the rear of the workshop to the McLachlan Avenue frontage, opposite the loading area.</p>

Jury Advice	Response
9. To ensure the proposal complies with the minimum Finished Floor Levels (FFL's) identified for building over an existing Sydney Water Stormwater Asset and to accommodate for the 1 in 100 year flood level.	All FFL's are in accordance with the minimum levels.
10 To include water detention and optimise ESD outcomes.	Environmentally sustainable initiatives have been incorporated into the proposal.

16. On 7 April 2016, the Selection Panel reconvened to review the Stage 2 proposal by SJB prior to lodgement of the DA. The Selection Panel commended the revised design and stated that it had been 'well considered and enhanced the developments potential for 'design excellence'.
17. As the site is located above a major Sydney Water asset, the Applicant met with Sydney Water. Sydney Water has stated that the proposal is acceptable, subject to a deferred commencement condition of consent.
18. Concurrently with this Stage 2 DA, the Applicant submitted two DAs to ensure an efficient assessment process and that there would be no delays due to the tight timeframe required to develop the site. These two DAs included:
- (a) D/2016/837, which was approved on 2 August 2016 for the removal of four existing Underground Petroleum Storage System (UPSS) and associated pumps, vents and fuel lines. This work has been undertaken and contaminated soil testing is currently being undertaken; and
 - (b) D/2016/852, which was approved as a deferred commencement consent on 8 September 2016 for the demolition of existing building and associated structures on the site and site preparation works. This consent can become active once a Stage 2 consent is approved for the site.

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.

Water Management Act 2000

20. The DA for the removal of the UPSS was referred to the NSW Office of Water pursuant to the provisions of the Water Management Act 2000. However, it was confirmed that approval was not required.

21. As the Stage 2 does not involve any excavation, NSW Office of Water advised that the proposal does not require a specific authorisation under water management. However, a number of conditions were recommended regarding daily monitoring of dewatering volumes is maintained throughout the construction period.
22. NSW Office of Water noted that whilst the proposed development is deemed to be an aquifer interference activity under legislation, comprehensive general terms of approval for temporary construction dewatering are not considered appropriate for the project given the scale of the disturbance and the physical setting of the property.

State Environmental Planning Policy No 55—Remediation of Land

23. 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.
24. Notwithstanding the proposal does not include a change of land use, the land is considered contaminated due to the presence of UPSS, a separate DA was approved to address this matter (D/2016/387). A Remediation Action Plan has been submitted and conditions to control contamination were attached to the consent. If residual contamination remains after the UPSS are removed, an Environmental Management Plan must be implemented and adhered to. The soil is currently undergoing testing.

State Environmental Planning Policy No 64—Advertising and Signage

25. The application proposes the installation of five individual business identification signs, three flag poles and one building identification sign. The proposed signs are to be located across the various elevations of the three buildings to identify the BMW and MINI brands, including:
 - (a) three x flagpoles containing 'BMW' and 'MINI' branding located along the McLachlan Avenue frontage – 8,100mm in height and 1,600mm in width;
 - (b) two x illuminated metal totem pole sign containing 'BMW' and 'MINI' branding located along the McLachlan Avenue and Barcom frontage – 4,384mm in height and 1,717mm in width;
 - (c) one x illuminated 'BMW' brand sign affixed to the 'BMW' showroom glazing on the corner of McLachlan Avenue and Craighend Street – 2,525mm in height and 2,400mm in width;
 - (d) two x illuminated 'MINI' brand signs affixed to the 'MINI' Building facade located along Barcom Avenue and Craighend Street – 4,540mm in height and 5,175mm in width; and
 - (e) one x illuminated building name sign affixed to the ground floor level building facade along Craighend Street – 1,250mm in height and 11,200mm in width.
26. The application also seeks consent for a number of wayfinding signs to provide directional guidance to various areas of the building. This way finding signage includes six signs for placement in the following locations:
 - (a) two x illuminated building 'Welcome' signs affixed to the ground floor level building facade above the vehicular entry along McLachlan Avenue and Barcom Avenue – 80m in height and 5,000mm in width;

- (b) one x illuminated sign identifying 'Parts' storage area entry affixed to the ground floor level building facade along McLachlan Avenue – 800mm in height and 3,200mm in width;
 - (c) one x illuminated sign identifying 'Service Centre' building entry affixed to the ground floor level building facade along Barcom Avenue – 650mm in height and 6,300mm in width; and
 - (d) two x metal totem signs containing store information and erected at ground floor level near the McLachlan Avenue pedestrian entry – 2,110mm in height and 1,140mm in width.
27. SEPP 64 was gazetted on 16 March 2001 and aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.
28. Clause 8 of SEPP64 states the following:
- A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:*
- (a) *that the signage is consistent with the objectives of this Policy as set out in clause 3(1)(a), and*
 - (b) *that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.*

Assessment Criteria

29. The following table outlines the manner in which the proposed signage addresses the assessment criteria of SEPP64.

Consideration	Comment
1. Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is generally compatible with the existing and desired future character of the area, which consists of residential and commercial tenancies.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signage is generally consistent with the outdoor advertising within the area, particularly as the site currently has existing signage for the 'BMW' brand.

Consideration	Comment
2. Special areas	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage is not considered to detract from the amenity of the area. The western façade, which faces the heritage conservation area is limited to one 'MINI' sign and minimal wayfinding signage. Suitable conditions are recommended to ensure that the signage does not create glare.
3. Views and vistas	
Does the proposal obscure or compromise important views?	No, the proposed signage does not compromise or obscure views.
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage has been designed to be integrated with the building and does not protrude above the building. The proposed flagpoles are not acceptable and are not supported.
Does the proposal respect the viewing rights of other advertisers?	The proposed signage is confined to the building and therefore does not infringe on other advertisers.
4. Streetscape, setting or landscape	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed signage is appropriate in regards to scale, proportion and form when considered against the streetscape, setting and landscape.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage has been designed to be integrated into the building and will contribute to the visual interest of the streetscape and the buildings setting.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signage has been designed to be integrated into the building and is limited to eight business identification signs and one building name sign. Through the design, it is not considered to create visual clutter.
Does the proposal screen unsightliness?	The proposed signage has been designed to be integrated into the building.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage is to be located on the facade of the building and will not protrude above the building line. The proposed flagpoles are not acceptable and are not supported.
Does the proposal require ongoing vegetation management?	No.

Consideration	Comment
5. Site and building	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The signage has been designed to be integrated with the new building.
Does the proposal respect important features of the site or building, or both?	The proposed signage has been designed to be located in appropriate locations.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage relates to the use of the site as 'BMW' and 'MINI' showrooms.
6. Associated devices & logos with advertisements & advertising structures	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The proposed signage is to be illuminated. Suitable conditions regarding glare are recommended.
7. Illumination	
Would illumination result in unacceptable glare?	Suitable conditions are recommended to ensure acceptable levels of illuminance.
Would illumination affect safety for pedestrians, vehicles or aircraft?	
Would illumination detract from the amenity of any residence or other form of accommodation?	
Can the intensity of the illumination be adjusted, if necessary?	
Is the illumination subject to a curfew?	
8. Safety	
Would the proposal reduce the safety for any public road?	The proposed signage will not impact on road safety.
Would the proposal reduce the safety for pedestrians or bicyclists?	
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	

30. The proposed signage, with the exception of the flagpoles, is consistent with the aims and objectives of Clause 3 of SEPP64 and, as such, is supported.

State Environmental Planning Policy (Infrastructure) 2007

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

Clause 45

32. The application is subject to Clause 45 (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.
33. 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.
34. Ausgrid also provided a number of conditions regarding building design, which are to be included as conditions of consent.

Clause 85

35. The application is subject to Clause 85 (Division 15 - Railways, Subdivision 2 - Development immediately adjacent to rail corridors) as the Eastern Suburbs Railway line is located immediately to the north of the site, across Craighend Street.
36. In accordance with the Clause, the application was referred to Sydney Trains for a period of 21 days. No comment was made by Sydney Trains in their response regarding this Clause.

Clause 86

37. The application is subject to Clause 86 (Division 15 Railways, Subdivision 2 Excavation in, above or adjacent to rail corridors) as the Eastern Suburbs Railway line is located immediately to the north of the site, across Craighend Street.
38. In accordance with the Clause, the application was referred to Sydney Trains for a period of 21 days. Sydney Trains advised that they grant concurrence, subject to a deferred commencement condition regarding geotechnical and construction methodology and other operation conditions to be imposed in any consent.

Clause 101

39. The application is subject to Clause 101 (Division 17 Roads and traffic, Subdivision 2 Development in or adjacent to road corridors and road reservations) as the site has frontages to Craighend Street and McLachlan Avenue, which are both classified roads. The application is considered to satisfy Clause 101 of the Infrastructure SEPP subject to conditions of consent.

Clause 104

40. The application is subject to Clause 104 (Division 17 Roads and traffic, Subdivision 2 Development in or adjacent to road corridors and road reservations) as the development is traffic-generating development.
41. In accordance with the Clause, the application was referred to RMS for a period of 21 days. RMS have advised that the proposed development is acceptable subject to a number of conditions being included in any consent.
42. The application is considered to satisfy Clause 104 of the Infrastructure SEPP subject to conditions of consent.

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

43. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SREP.
44. 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; and
 - (d) protect and rehabilitate riparian corridors and remnant vegetation.
45. 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

46. 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. The proposed development generally satisfies the objectives of the zone.
47. 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	No	<p>A maximum height of 18m is permitted.</p> <p>A maximum height of 19.8m is proposed.</p> <p>The proposal is considered to achieve design excellence and an additional 10% height is permitted with consent and was contemplated by the Stage 1 consent.</p> <p>Notwithstanding the above, the applicant submitted a Clause 4.6 variation; however, this is not considered necessary due to the approved Stage 1 consent conditions.</p>
4.4 Floor Space Ratio	Yes	<p>A maximum FSR of 2:1 is permitted.</p> <p>A FSR of 1.53:1 is proposed.</p>
4.6 Exceptions to development standards	Yes	<p>The proposal seeks to vary the development standard prescribed under Clause 4.3; however, as discussed above and within the Issues section, the additional height is contemplated within the Stage 1 consent.</p>
5.9 Preservation of trees or vegetation	No	<p>The proposed driveway on McLachlan Avenue require the removal of one street tree. Council's Tree Management unit have advised that the tree is in a good healthy condition and provides a positive contribution to the amenity of the area.</p> <p>This is discussed further below in the Issues section.</p>
5.10 Heritage conservation	Yes	<p>The subject site is not a heritage item and it is not 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 proposal is not considered to have any unacceptable heritage impacts.</p>

Compliance Table		
Development Control	Compliance	Comment
Part 6 Local provisions - height and floor space		
6.21 Division 4 Design excellence	Yes	<p>Following on from the Stage 1 consent, the Applicant undertook a competitive design process prior to lodging the Stage 2 development application.</p> <p>SJB was named the winning scheme in July 2015.</p> <p>Pursuant to the provisions of LEP clause 6.21(7), where a proposal has been the winning entry of a competitive design process and the consent authority is satisfied that the building exhibits design excellence, a further 10% of height or FSR may be awarded.</p> <p>As previously noted in this report, it is recommended that the proposal be awarded the design excellence additional height.</p>
Part 7 Local provisions—general		
Division 1 Car parking ancillary to other development	Yes	<p>The Stage 1 consent nominates parking allocations for vehicle servicing, office staff and showroom parking, resulting in 387 spaces in total.</p> <p>The proposal has been reviewed by Council's Transport Planner and is considered acceptable.</p>
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 Soil assessment was carried out, it concluded that no further acid sulphate soil management would be required.</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 proposed development complies with the minimum FFL required.</p>

Compliance Table		
Development Control	Compliance	Comment
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, the Stage 1 DA was lodged in lieu of a Development Control Plan to satisfy that obligation.</p>

Sydney DCP 2012

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

2. Locality Statements – Darlinghurst East
<p>The subject site is located in the Darlinghurst East locality. The proposed redevelopment of the site as vehicle sales is considered to be in keeping with the unique character of the area and design principles. More specifically:</p> <ul style="list-style-type: none"> • the proposal will appropriately respond to the Barcom Avenue Heritage Conservation Area and nearby heritage items; • a showroom on the northern end of McLachlan Avenue is proposed; • the continuation of 'BMW' as a specialty service; and • the main entrance on McLachlan Avenue is provided 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 frontage width does not exceed 100m. Notwithstanding this, a through site link is proposed to be open to the public during business opening hours. 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>

3. General Provisions		
Development Control	Compliance	Comment
		Public Art is proposed within the development, which includes a piece within the through site link and the facade of the 'MINI' building. The applicant met with Council's Art Manager to discuss the concept proposal, which was considered to be acceptable. A suitable condition is recommended requiring approval of the art, prior to its installation.
3.2 Defining the Public Domain	Yes	<p>The proposed development will not have any impact on significant view corridors from public places.</p> <p>The design engages the street, provides visual interest and variation through different facade treatments and sits well on the visually prominent site.</p> <p>The shadow analysis submitted with the application demonstrates that some new shadows in the afternoon will impact on the Advanx development to the east and south east of the site in the afternoon. This has been discussed further below.</p> <p>The proposed development is considered to appropriately address the street, with multiple access points, a through site link and active uses provided on all frontages, with the provision of showrooms on McLachlan Avenue, Craigend Street and Barcom Avenue.</p> <p>While car parking is proposed above ground, this is a result of flooding and the nature of the use of the site. Notwithstanding this, the carparking is located to the south and is to be screened by the showroom and office space. The car parking is setback 3m along Barcom Avenue and the design has incorporated the use of green walls as a screening mechanism.</p>

3. General Provisions		
Development Control	Compliance	Comment
		<p>While the DCP requires that an awning be provided along McLachlan Avenue, it is not considered practical for the use of the site. This was discussed and agreed within the Stage 1 consent.</p> <p>Various conditions are recommended regarding lighting and illumination levels, to ensure there is no adverse glare impact, including showroom and signage lighting to be turned off at 12 midnight.</p> <p>A condition of consent is recommended requiring spectral reflectivity from building materials to not exceed 20%.</p>
3.3 Design Excellence and Competitive Design Processes	Yes	The proposal was the subject of a competitive design alternatives process, with SJB being judged as the winning design, which was considered to demonstrate design excellence.
3.5 Urban Ecology	No	The proposed development involves the removal of nine trees, including one street tree. This has been discussed above and further in the Issues section.
3.6 Ecologically Sustainable Development	Yes	The proposal includes a number of energy efficiency initiatives including reuse of rainwater.
3.7 Water and Flood Management	Yes	The site is identified as being on flood prone land. The proposed development complies with the minimum FFL required.
3.9 Heritage	Yes	<p>The subject site is not a heritage item and it is not 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 proposal is not considered to have any unacceptable heritage impacts.</p>

3. General Provisions		
Development Control	Compliance	Comment
3.11 Transport and Parking	Yes	<p>The DCP does not account for car showrooms or servicing and therefore the RMS guidelines are considered in addition to extrapolations from the existing site.</p> <p>The proposal includes 15 bicycle parking spaces for staff and end of trip facilities, including 80 lockers and four shower cubicles.</p> <p>The 387 car parking spaces are in accordance with the number of spaces approved in the Stage 1 consent.</p> <p>Tandem parking is proposed throughout the above ground car park and is to be managed by staff.</p> <p>An internal loading area for delivery of parts and removal of waste is provided at ground floor level along McLachlan Avenue. The delivery of vehicles will be by car transporters, up to 19m long; these are to be loaded and unloaded on site and not on the street.</p> <p>Due to the impact of the proposal on the surrounding street network, a number of conditions are recommended to reduce impacts on Barcom Avenue which is generally a residential street.</p>
3.12 Accessible Design	Yes	<p>A condition has been recommended for the proposed development to provide appropriate access and facilities for persons with disabilities in accordance with the DCP and the BCA.</p>
3.13 Social and Environmental Responsibilities	Yes	<p>The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.</p>
3.14 Waste	Yes	<p>A condition has been recommended for the proposed development to comply with the relevant provisions of the City of Sydney Code for Waste Minimisation in New Developments 2005.</p>

3. General Provisions		
Development Control	Compliance	Comment
3.16 Signage and Advertising	Yes	The proposed development includes signage. See discussion in the heading Issues.

4. Development Types		
4.2 Residential flat, commercial and mixed use developments		
Development Control	Compliance	Comment
4.2.1 Building height	Partial / Acceptable	<p>A maximum of five storeys is permitted.</p> <p>Due to the existing slope of the site, the proposed building will read as four storeys on Barcom Avenue, five on McLachlan and three to four on Craigend Street. However; if viewed through section, there are six storeys with roof top parking.</p>
4.2.2 Building setbacks	Yes	<p>No setbacks are identified for the site. The site is built to the northern (Craigend Street) and southern boundaries; setback from the (McLachlan Avenue) boundary by the proposed forecourt and is consistent with the Stage 1 consent.</p> <p>The building has been setback 3.6m along Barcom Avenue as a response to the adjacent heritage conservation and item.</p>
4.2.3 Amenity	Yes	<p>The proposed redevelopment of the site will result in some overshadowing impacts on surrounding sites. Of particular note is the Advanx building to the east and south east of the site. There will be additional over shadowing from 1pm at the mid-winter solstice (21 June); however, the units will receive the required solar access in accordance with the Sydney DCP 2012 up until this time.</p> <p>The proposed development will not overshadow the neighbouring heritage conservation area or heritage items.</p>

4. Development Types		
4.2 Residential flat, commercial and mixed use developments		
Development Control	Compliance	Comment
		<p>A landscape plan was submitted with the application. Suitable conditions are recommended.</p> <p>An acoustic report was submitted with the application and reviewed by Council's Health unit. Suitable conditions are recommended to ensure the amenity of the area is protected.</p>
4.2.4 Fine grain, architectural diversity and articulation	Yes	The proposed development has been divided into three distinct buildings, with differing facade treatments with a varied architectural character, while still maintaining connectivity of the site.
4.2.6 Waste minimisation	Yes	A condition has been recommended for the proposed development to comply with the relevant provisions of the City of Sydney Code for Waste Minimisation in New Developments 2005.
4.2.9 Non-residential development in the B4 Mixed Uses zone	Yes	<p>Notwithstanding the existing use of the site is a car showroom with servicing, the proposed development has taken into impacts on surrounding properties, including noise, operating hours, privacy, vehicular and pedestrian movements, vibration, reflectivity, overlooking and overshadowing.</p> <p>Suitable conditions are recommended that the potential for these impacts are minimised.</p>

4. Development Types		
4.4 Other development types and uses		
Development Control	Compliance	Comment
4.4.3 Car showrooms	Yes	<p>The proposal is generally consistent with the provisions, including:</p> <ul style="list-style-type: none"> - Providing high ceilings; - 93% site coverage; - The design of the proposal is close to the street alignment where practical; - The main pedestrian entrance is located on McLachlan Street, which is the primary active street frontage; - Relates appropriately to the surrounding buildings, particularly on Barcom Avenue; - Incorporates an interesting façade, particularly MINI, which will include public art within the façade; - Provide pleasant pedestrian amenity, with the inclusion of landscaping; - The storage of cars is within the building; and - The signage has been designed to be integrated into the building design.

ISSUES

Compliance with approved Stage 1

49. The provisions of Section 83D of the Environmental Planning and Assessment Act 1979 state that where a Stage 1 development consent for a site remains in force, the determination of any further development application in respect to that site cannot be inconsistent with the Stage 1 consent.
50. The proposed building configuration and massing are generally consistent with the Competitive Design Alternatives Process winning scheme, inclusive of the design recommendations suggested by the Selection Panel.

51. Notwithstanding this, Conditions (6) and (13) of the Stage 1 Development Consent were worded to provide flexibility in the approved building envelope and height, provided any modification was justified through the competitive design process, Stage 2 DA process and demonstration of design excellence.
52. It is noted that there are small departures from the approved Stage 1 envelope, with an overhanging element on McLachlan Avenue; an extension of the roof form forward of the building envelope; and portions of the building above the 18 metre height limit. A fire stair, located in the centre of the building, also protrudes above the approved Stage 1 building envelope.
53. The proposed modifications are considered to be acceptable, with the overhang providing an interesting feature of the facade and provides a positive contribution to the design of the building. In addition, it is considered that the Stage 2 proposal has an overall net effect of a significantly reduced final building form and mass compared with the approved Stage 1 envelope plan and therefore, the protrusions are considered minor.
54. The other departures from the Stage 1 consent relate to the location of driveways, additional height and trees. These have been discussed further below.
55. Clause 4.3 of the Sydney LEP 2012 stipulates a height of 18m for the site. However, as stated above the applicant is applying for up to a maximum height of 19.8m, which is an additional 10%. This additional height is permitted by Clause 6.21(7)(a), if the proposal is the winner of a competitive design process and if the consent authority considers that the proposal exhibits design excellence. An award of additional height under Clause 6.21 was also contemplated within the Stage 1 consent.
56. As previously stated, the proposal was the result of a competitive design process. The Selection Panel confirmed *'that the winning design exhibits the potential to meet design excellence and that the design may progress to a development application where the applicant may seek the award of up to 10% additional building height under the Sydney Local Environmental Plan 2012.'*
57. Notwithstanding, the applicant, for clarity and certainty sought the additional height in accordance with the provisions of Clause 4.6 of the Sydney LEP to seek an exception to the height development standard by 1.8m or 10%. As the additional height was contemplated within the Stage 1 consent and is consistent with the provisions of the LEP, a Clause 4.6 variation is not required.

Trees

58. The proposal will result in the removal of nine trees, including one street tree on McLachlan Avenue. The removal of the eight trees, on the site, along McLachlan Avenue are supported by Council's Tree Management unit. It is noted that there is an opportunity to transplant the Cabbage Tree Palms into the new Landscape treatment along McLachlan Avenue frontage and an appropriate condition is recommended.
59. However, the removal of the street tree is not supported by the Tree Management unit. It is noted that the Competitive Design jury also required the retention of this tree and its retention is also provided for within the Stage 1 consent. The removal of this tree is as a result of the location of the driveway.

60. The Applicant was requested to amend the location in order to retain the tree. However, responded that the driveway design of the proposal underwent considerable design development prior to DA lodgement with specialist input from the project traffic engineer and arborist to ensure the driveway is located in a manner which is safe, complies with the relevant standards regarding distance from an intersection and retains existing street tree as far as practicable.
61. The proposed width of the driveway on McLachlan Avenue has been determined by the need to accommodate the entry and exit movements of a 19 metre long car transporter. At present, car deliveries occur on-street (although not approved to do so) and cause a number of issues on the surrounding road network. As a result, it was considered important that the delivery of vehicles occurs wholly within the site. The proposal nominates an area within the forecourt along McLachlan Avenue to accommodate this activity.
62. Parking and traffic consultants have prepared revised swept path diagrams for 19 metre and 12.5 metre vehicles. While the diagrams illustrate that the largest size truck (19 metre vehicle) is able to avoid the subject street tree on McLachlan Avenue, the truck will need to manoeuvre in a manner to avoid collision with the street tree and, as a result, swing extremely close (within half a metre) to the overhang of the building. In addition, the truck will result in some impact on the canopy of the existing tree.
63. Therefore, retention of the existing street tree on McLachlan Avenue is considered to result in major safety implications and is not a viable option for this development. For this reason, it is the applicant's intention to retain the proposed driveway design and the street to be removed. Council's Tree Management unity has provided appropriate conditions.

Design

64. The three buildings ('BMW', 'MINI' and the carpark) have each been designed with a different facade treatment. The 'BMW' showroom is characterised by clear glazing with exterior white wall paint, a ground level brick facade feature along Craigend Street and a floating metal roof structure that projects forward of the building line the McLachlan Avenue and Craigend Street elevations. This is demonstrated in **Figures 13 and 14** above.
65. The two storey 'MINI' building primarily features clear glazing with perforated public art (to be approved) screening the aluminium framing and is shown in **Figures 15 and 17** above.
66. The above ground car park which extends between McLachlan Avenue and Barcom Avenue is to be naturally ventilated through the provision of a perforated tensile wire material that will incorporate a green wall. A brick facade is also incorporated at the ground level entries along McLachlan Avenue and Barcom Avenue. The photomontage of the carpark is shown ion **Figures 16 and 17** above.

Working Hours

67. The existing hours of operation are 7am to 8pm Monday to Friday and 8am to 6pm Saturday and Sunday. The Applicant is requesting that the Monday to Friday hours are extended to 9pm. The additional hour is considered to be acceptable, with the applicant stating that in terms of the workshop and servicing, that after 5pm the roller shutters will be down and closed and works will be limited to quiet works (ie. diagnostics, programming, electrical works).
68. A suitable condition of consent is recommended detailing the various use operating hours.

Signage

69. The proposed development includes the installation of five individual business identification signs, one building identification sign and three flag poles. The proposed signs are to be located across the various elevations of the three buildings to identify the BMW and MINI brands. A number of way finding signs are also proposed.
70. The proposed signage is generally considered to be acceptable and has been well designed and integrated into the building, with placement carefully considered.
71. Notwithstanding the above, while it is noted that there are six existing flag poles on the site, there are three flag poles proposed for the new development, which are to be located near the McLachlan Avenue boundary (although not specified on the plans). Clause 3.16.13(2) of the Sydney DCP 2012 does not support the provision of flags for commercial use. The flags are therefore not supported.

Access

72. Access for disabled persons can be provided to the premises.

Other Impacts of the Development

73. The proposed development is capable of complying with the BCA. It is Class 5 (office), 6 (showroom and café), 7a (car parking) and 8 (service workshop).
74. 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

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

INTERNAL REFERRALS

76. The conditions of other sections of Council have been included in the proposal, including Building & Surveying, Health, Public Art, Public Domain (City Infrastructure), Safe City, Transport & Access, Tree Management, Urban Design; Quantity Surveying consultant; and Lighting have reviewed the application and raised no objections, subject to conditions.

EXTERNAL REFERRALS

77. The application has been referred to Ausgrid, Roads and Maritime Services, Sydney Water, NSW Office of Water and Sydney Trains. The relevant conditions recommended have been incorporated in this report.

PUBLIC SUBMISSIONS

78. The application was notified and advertised for 30 days between 5 July 2016 and 5 August 2016 in accordance with the provisions of Environmental Planning and Assessment Regulations 2000. As a result of this notification 15 submissions were received, including one in support.

- (a) All loading and unloading of vehicles (service and car carriers) should occur wholly within the site.

Response – The proposed forecourt on McLachlan Avenue caters for 19m car trucks and a condition is recommended requiring all loading and unloading to take place onsite.

- (b) Unacceptable noise impacts from car carrier trucks and the use of the site as a vehicle workshop. The submitted acoustic report does not sufficiently detail potential impacts.

Response – The car carrier trucks and use of the site is restricted to the operating hours of the premises. Council's Health unit have reviewed the proposal and recommended suitable noise conditions.

- (c) There will be an increase in staff numbers but no provision for additional parking.

Response: The staff are permitted to use surrounding streets, subject to relevant parking restrictions. Additional bicycle parking is to be provided within the development.

- (d) The 'no parking' spaces on McLachlan Avenue should remain as 'no parking'. There has also been objection stating that the no parking should be two hour parking.

Response: There is no proposal to amend the no parking spaces. This area currently serves two purposes - it holds cars queuing to make a left turn from McLachlan Avenue to Craighend Street and it functions as a stopping area for postal services. About 70,000 cars/day use this street and it's not likely to be changed to general parking.

- (e) Rubbish collection and metal recycling activities should be carried out on site in an acoustically protected area.

Response: Suitable noise conditions are recommended.

- (f) The vehicle movements are grossly underestimated and there is significant congestion at the McLachlan Avenue and Craigend Street intersection.

Response: The application has been reviewed by the RMS and Council's Traffic Management unit and considered to be acceptable, subject to conditions.

It is noted that the delay at this intersection occurs with the left turn from McLachlan Avenue to Craigend Street (city-bound). Addressing this delay would be best achieved by re-instating the slip lane from McLachlan Avenue; however, slip lanes are not supported as they are not pedestrian-friendly.

In 2012, the City requested a dual left-turn-lane in response to community feedback about long car delays for city bound drivers. The RMS does not support a double left-turn-lane because it would be less efficient than current intersection operations.

- (g) The area is now predominantly residential and the proposal will have a detrimental impact.

Response: The site is currently used for BMW, with the use remaining. Suitable conditions are recommended to ensure there will be minimal impacts on the surrounding area.

- (h) The proposed construction hours, particularly all night are unacceptable and will impact on the amenity of the area. The construction works, will also impact on the area, particularly dust and noise.

Response: Standard construction hours are recommended; work outside of these hours are not permitted. Suitable conditions are also recommended regarding construction management to minimise impacts on neighbouring properties.

- (i) The extended operating hours, other than for sales and office, are not supported and should remain as they are currently.

Response: The proposed hours are acceptable, this has been discussed above.

- (j) The proposed illuminated signage and lighting of the building will impact on the residential apartments located across from the site.

Response: Suitable conditions are recommended regarding illuminance and it is recommended that a condition require all signage lighting and showroom lighting to be turned off at 12 midnight.

- (k) The use of the roof for car parking, plant and storage is not acceptable and unsightly and the glare of the lights will impact on the amenity of the area. If approved, the roof should not be used for anything other than carparking (i.e. no servicing).

Response: The building is considered to be well designed and parking on the roof is acceptable. A condition is recommended to ensure that glare from lighting will not impact on residents.

- (l) The existing site has attractive soft landscaping; the proposed development has less.

Response: It is considered that sufficient landscaping is proposed, including green walls to cover the rear car parking building.

- (m) The height exceeds the maximum height limit and will result in additional overshadowing.

Response: This has been discussed and is considered to be acceptable.

- (n) Removal of the street trees and palm trees should not be approved as they provide screening of the site and amenity to the area.

Response: The removal of the street tree has been discussed above. The palm trees are on the applicant's site and are not protected. Council's Tree Management unit supports their removal.

- (o) The proposed development will adversely impact on the solar access received by units within the Advanx building, which is located across McLachlan Avenue.

Response: This has been discussed within the body of the report, the Advanx units will still maintain two hours on 21 June. .

- (p) The proposed mesh walls and green walls of the car park structure will prohibit light and be unsightly.

Response: The proposed design of the carpark is considered to be acceptable and with proper maintenance, the green wall will form an attractive feature on the site.

- (q) The proposal will result in over development of the site.

Response: The proposal is considered to be an appropriate response to the site and the proposed use. The proposal is below the FSR controls for the site and the height increase is supported by the controls.

- (r) The proposed vehicle access and egress locations are not appropriate (both Barcom Avenue and McLachlan Avenue residents have objections)

Response: The driveway locations are a result of traffic and engineering studies and are considered to be in the most appropriate locations. Suitable conditions are recommended. A boom-gate at Barcom Avenue is provided to ensure entry only.

- (s) The toilet windows located within the MINI building will directly overlook residential properties and are not appropriate.

Response: The proposed toilets over look Craigend Street and the railway line. There are no overlooking impacts on residents.

- (t) The proposed development has the potential to eliminate the access of commercial vehicles which currently use this right of carriageway to provide essential services for the running and maintenance of 49 McLachlan Avenue. The significantly reduced height is objected to.

Response: A condition of consent is recommended requiring that the proposed building should be designed so that it does not encroach within the space of the Right of Carriageway or impede any of those parties that have rights to use it

- (u) The proposal will improve the area with the provision of an interesting building, art work and a through site link.

Response: Noted.

- (v) Location of Substation is not appropriate.

Response: An existing electrical substation is located east of the vehicular easement along Barcom Avenue, and is proposed to be relocated. This is acceptable.

PUBLIC INTEREST

79. 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

80. The development is subject of a S94 contribution under the provisions of the City of Sydney Section 94 Contributions Development Contributions Plan 2006. A suitable condition of consent is recommended.

RELEVANT LEGISLATION

81. The Environmental Planning and Assessment Act 1979.

CONCLUSION

82. The proposal seeks consent for a Stage 2 DA for the redevelopment of the BMW site, featuring a four storey BMW showroom located on the corner of McLachlan Avenue and Craigend Street; a two storey MINI showroom located on the corner of Barcom Avenue and Craigend Street; a five storey above ground car park containing ancillary parking to the various building uses; and a consolidated part basement/ground level workshop facility; and signage.
83. The proposal has been designed to be generally consistent with site specific planning controls, objectives and guidelines of the relevant planning controls and Stage 1 approved building envelope. Where variations are proposed, such as the 10% increase in height, it has been demonstrated that the increase will not result in unacceptable amenity impacts.

84. The Stage 2 proposal is the outcome of a design excellence process, with the Stage 1 DA being the subject of a Competitive Design Alternatives Process, with SJB being selected as having the winning design. The proposal is considered to result in a building that presents as three connected styles with high architectural merit.
85. The proposed development is considered to be acceptable and is recommended for deferred commencement approval, subject to conditions required by Sydney Trains and Sydney Water.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

(Bridget McNamara, Senior Planner)