

Item 5.**Development Application: 44-48 O'Dea Avenue and 11 Gadigal Avenue, Waterloo (Building E)**

File No.: D/2018/222

Summary**Date of Submission:** 8 March 2018**Amended:** 8 August 2018**Applicant:** Crown W48 Pty Ltd**Architect:** Koichi Takada Architects**Developer:** Crown Group**Owner:** Crown 48 Pty Ltd and Strata Plan 44338**Cost of Works:** \$47,655,357

Proposal Summary: The subject development application seeks consent for the construction of an eight storey mixed use development containing six commercial (retail) tenancies, 95 residential units, two levels of basement parking and associated services.

The application is referred to the Local Planning Panel for determination as it is a development to which SEPP 65 applies.

Development Application D/2016/1450 approved a Concept DA for five building envelopes on the site. The subject DA is a detailed design for one of the five buildings, known as Building E.

The proposal is integrated development under the Environmental Planning and Assessment Act, 1979 as it requires separate approval under the Water Management Act 2000. Water NSW have granted their general terms of approval to the application.

The application was notified for a 30-day period between 10 May to 10 June 2018. No submissions were received.

**Proposal Summary
(continued)**

The application has been amended to address concerns raised by City staff and the City's Design Advisory Panel. The preliminary assessment identified issues related to building design and materiality, awning design, disconnect of the amenities for commercial tenancies, landscaping and solar access to the proposed apartments.

Amended plans and additional supporting information was submitted on 8 August 2018. These amendments included updated solar access diagrams, amended waste and servicing arrangements, revised building and awning design and materiality, flooding information, revised landscaping plans amongst other information.

The amended proposal is generally compliant with relevant planning controls. The main non compliances relate to solar access, street setback height and the awning height. Minor non compliances relate to bedroom and balcony sizes. Justification for the variations is detailed in the compliance tables and Issues section of the report.

The proposed building is within the approved Concept DA building envelope, results in a built form that is consistent with the desired future character of the area, is well articulated and has variations in size, height and architectural expression and integrates planting and landscaping into the design

The proposed built form is supported in urban design terms, as it successfully responds to the site context.

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

Development Controls:

- (i) Environmental Planning and Assessment Act 1979
- (ii) Water Management Act 2000
- (iii) State Environmental Planning Policy No.55 – Remediation of Land
- (iv) State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development
- (v) State Environmental Planning Policy (Infrastructure) 2007
- (vi) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

- (vii) State Environmental Planning Policy No 70 - Affordable Housing
- (viii) Sydney Local Environmental Plan 2012 (as amended)
- (ix) Sydney Development Control Plan 2012
- (x) City of Sydney Development Contributions Plan 2015
- (xi) Green Square affordable housing program

Attachments:

- A. Recommended Conditions of Consent
- B. Proposed Floor Plans
- C. Proposed Elevations, Sections and External Finishes
- D. Proposed Landscaping Plans

Recommendation

It is resolved that consent be granted to Development Application No. D/2018/222 subject to the conditions set out in Attachment A to this report.

It is resolved that:

- (A) the requirement under Clause 6.21 of the Sydney Local Environmental Plan 2012 requiring a competitive design process is unreasonable or unnecessary in the circumstances and is consistent with the approved design excellence strategy; and
- (B) consent be granted to Development Application No. D/2018/222 subject to the conditions set out in Attachment A to this report

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The development being the subject of this application is consistent with the objectives of the B4 - Mixed Use zone for the reasons set out in the report to the Local Planning Panel.
- (B) The built form, height and setbacks are consistent with the concept approval and are appropriate for the site and surrounding context.
- (C) The development is considered to exhibit design excellence, through its architecture, materiality and contribution to the public domain.
- (D) The development is consistent with the concept approval (as modified) pursuant to Section 4.24(2) of the Environmental Planning and Assessment Act 1979.
- (E) The development, subject to conditions, meets the objectives of the Apartment Design Guide (ADG) and is consistent with the design quality principles as per SEPP 65.
- (F) The development is consistent with the objectives of the Sydney Development Control Plan 2012.
- (G) The development is in the public interest.

Background

The Site and Surrounding Development

1. The site is located in the eastern part of Waterloo, an established suburb comprising a mix of commercial, industrial and residential uses, in an urban renewal precinct known locally as the 'Lachlan Precinct'.
2. In the wider Sydney context, the site is located in the northeast section of the Green Square Urban Renewal Area. The site is approximately 300 metres to the west of Moore Park and the Moore Park SupaCentre, and approximately 1 kilometre to the northeast of Green Square Railway Station. Dyurulya Park is located to the east of the site on the opposite side of Gadigal Avenue.
3. The wider site is identified as Lot 1 in DP 789878, Lots 1-7 SP 44338 and Lot 20 DP 1225160 and has a street address of 44 to 48 O'Dea Avenue and 11 Gadigal Avenue (formally known as 52D O'Dea Avenue), Waterloo. The site is irregular in shape, has a long north-south orientation, and has a total area of approximately 16,929sqm.
4. Figure 1, below, is an aerial view of the collective redevelopment site, with the site boundaries of the subject development application highlighted.

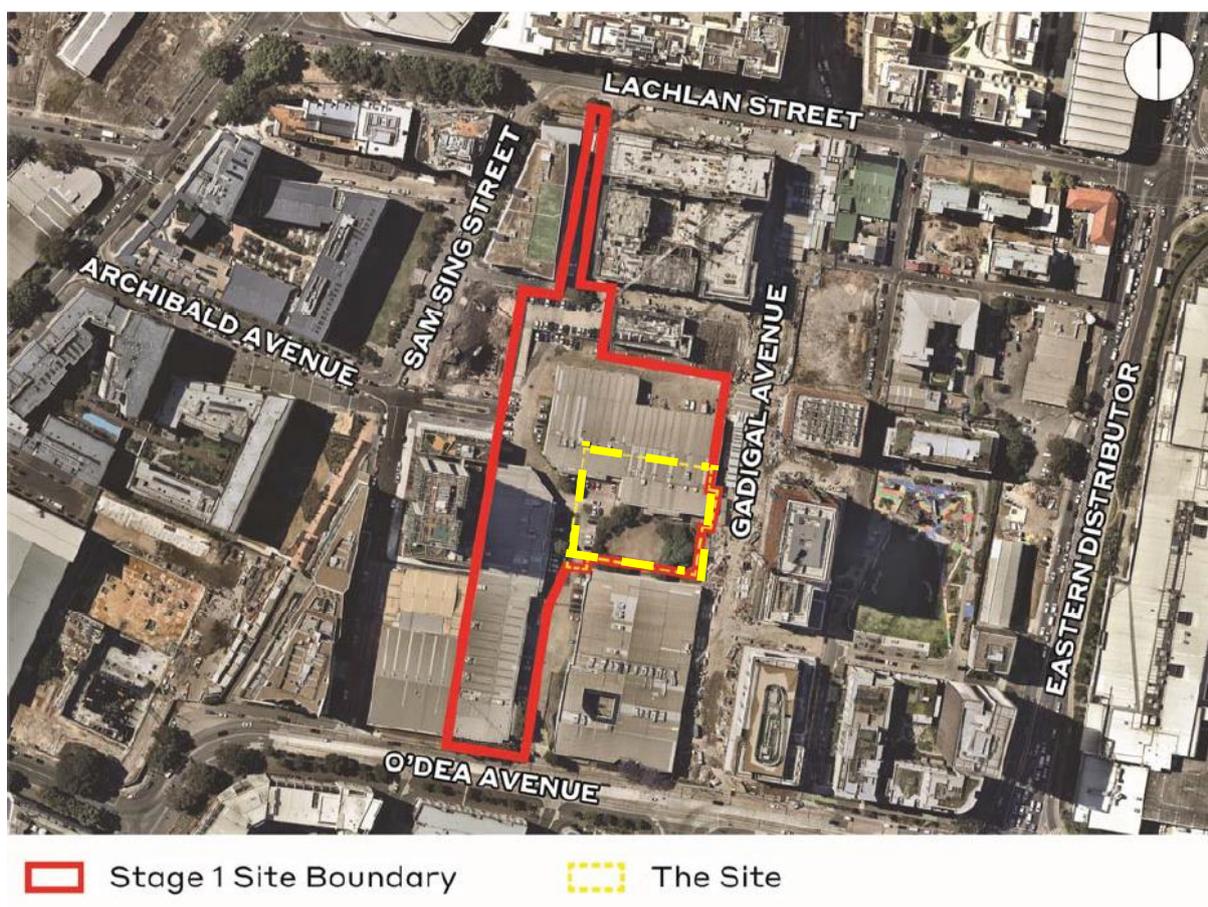


Figure 1: Aerial image of subject site showing Building E location and surrounding area

5. A Concept Development Application (previously known as a Stage 1 DA) (D/2016/1450) granted consent for site preparatory works including demolition, tree removal, remediation and excavation, road, public domain and civil works, and concept approval of building envelopes for five mixed use buildings for residential, retail and commercial land uses and subdivision of the site.
6. Existing on the site there are a number of commercial and industrial warehouse buildings, a multi-storey aboveground car park structure and a central landscaped garden. These have been approved to be demolished under the Concept DA.
7. Vehicular access to the site is currently available via O'Dea Avenue. Existing pedestrian access to the site is via O'Dea Avenue or the laneway from the north.
8. There are prominent mature paperbark trees located along the O'Dea Avenue frontage. The site is not a heritage item nor is it located within a heritage conservation area.
9. The subdivision approved as part of the Concept DA created five lots. The proposed development is situated within the eastern section of the site, within future lots known as Lots 16 and 17. Refer to Figure 3 below. The sites to which this DA relates (Lots 16 and 17) have a total site area of 2992sqm.
10. Adjoining the site to the north is the future Archibald Avenue (eastern extension). The future Reed Street will adjoin the site to the west. These roads were approved as part of the Concept DA.
11. The eastern boundary of the site is formed by Gadigal Avenue which is partially constructed. The adjoining site to the south at 50 O'Dea Avenue contains a two storey commercial building, which currently houses the 'NSW Nurses and Midwives' Association'.
12. The existing development in the immediate vicinity of the site to the west (from north to south) include:
 - 11A Lachlan Street, a seven storeys mixed use development with ground level commercial and upper level of residential uses, known as the Alpha G development;
 - 40A O'Dea Avenue, a mixed use development, known as The Tower Residences development, comprising 2 x four storey buildings and a 20 storey tower and containing 172 residential apartments and four commercial tenancies is under construction; and
 - 40 and 42 O'Dea Avenues, two storey warehouse buildings occupied by a self-storage business.
13. To the east of the site, there are the following developments (from north to south):
 - 13-17 Lachlan Street, a mixed use development comprising six buildings and containing 227 residential apartments, to be known as The Finery development,
 - on the opposite side of Gadigal Avenue at 10 - 18 Gadigal Avenue, a mixed use development, comprising 2 x eight storey buildings and a 21 storey tower containing 345 residential apartments and 25 commercial tenancies, to be known as the Emblem development.

14. A site inspection by Council's Planner was undertaken on 6 April, 4 June and 9 August 2018.
15. Figures 2 to 4 below, provide plans of the Concept DA for the collective site and a context image to illustrate the location of the site in the Lachlan Precinct. Photos of the site and surrounds are provided below at Figures 1 to 9.

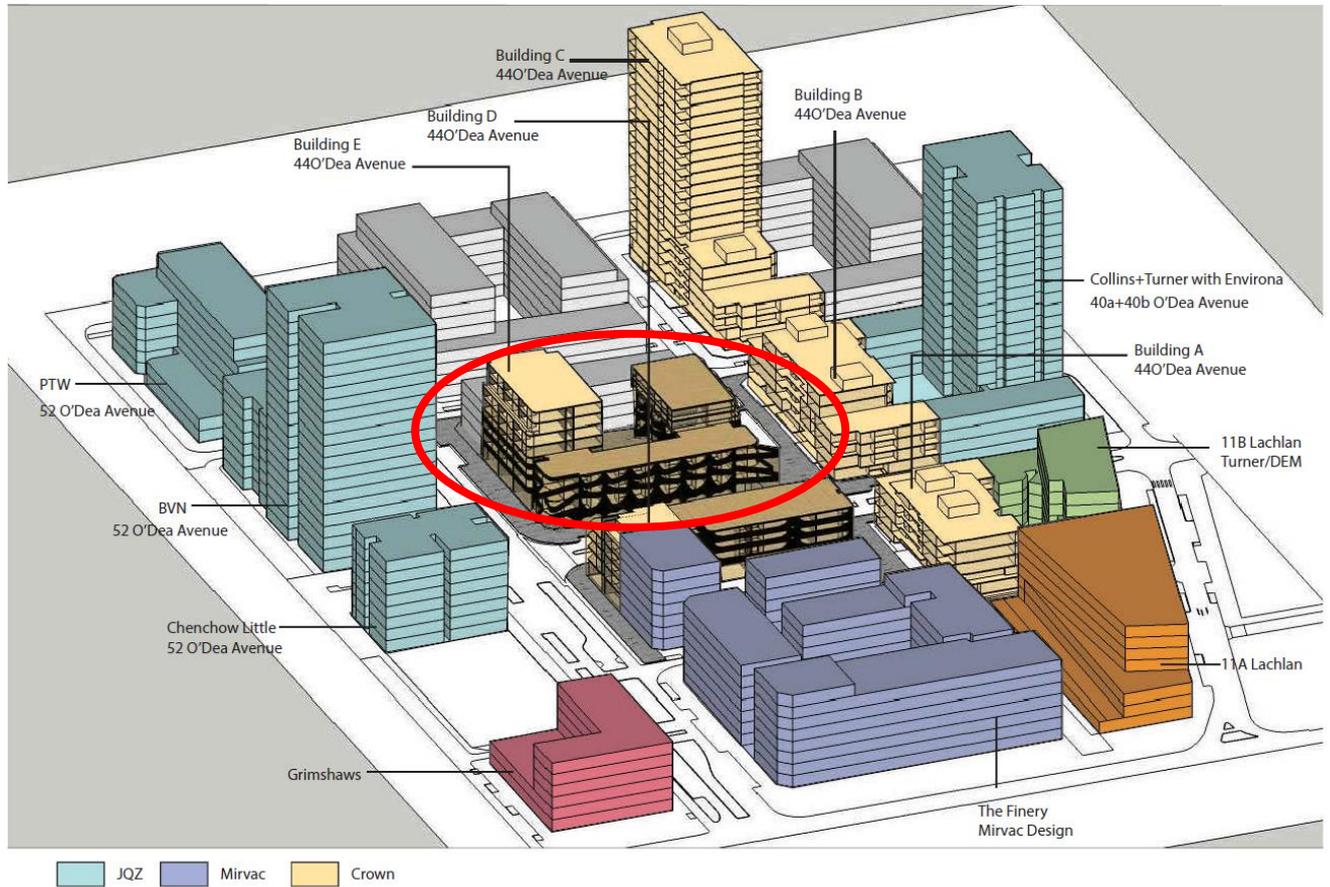


Figure 2: Subject site shown in the within the wider site context

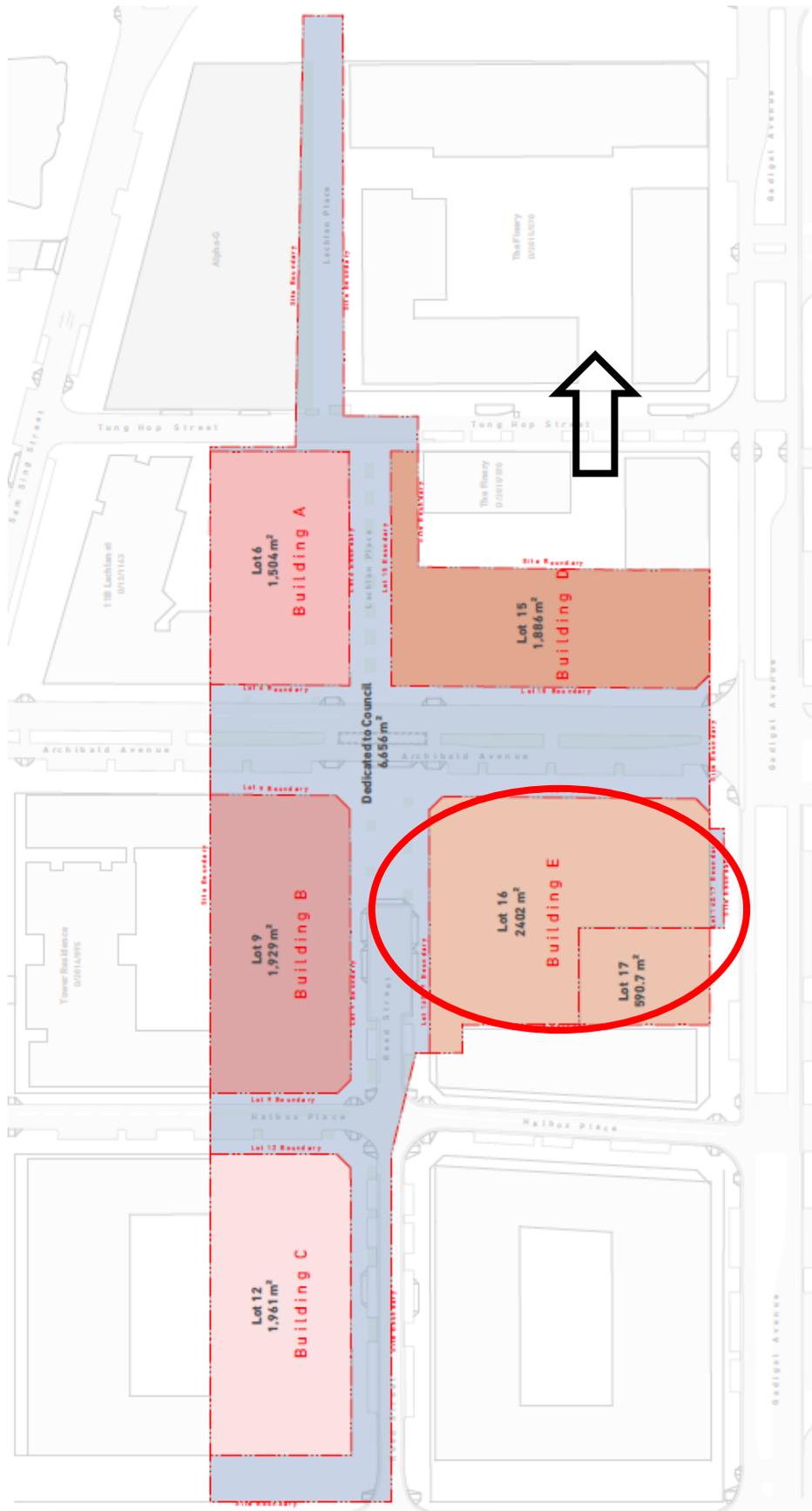


Figure 3: Concept DA approved subdivision layout and Building E location within the site



Figure 4: Looking at the adjoining site at 50 O'Dea Avenue to the south viewed from O'Dea Avenue



Figure 5: View of the adjoining building NSW Nurses building at 50 O'Dea Avenue facing south



Figure 6: Looking north from within the site (the existing access driveway). The buildings on the left hand side of the driveway are approved to be demolished.



Figure 7: Looking north east at 10 -18 Gadigal Avenue from Building E site across the future Gadigal Avenue



Figure 8: Looking south east at 10 - 18 Gadigal Avenue from Building E site across the future Gadigal Avenue



Figure 9: 21 storey development known as the Emblem (at 10 - 18 Gadigal Avenue directly across the road) from Building E

Relevant History of the Site

16. A concept development application for the site, known as D/2016/1450, was approved by the Central Sydney Planning Committee (CSPC) on 28 April 2017. The application was subject to a deferred commencement approval, which was satisfied on 17 October 2017.
17. This concept DA granted consent for the following:
 - (a) subdivision of the site into five lots;
 - (b) preparatory works including demolition of existing structures, tree removal, land remediation, excavation, and road, public domain and civil works; and
 - (c) five building envelopes for commercial, retail and residential land uses.
18. The concept DA was also subject to a voluntary planning agreement (VPA). The VPA was executed on 8 August 2017 and included the following:
 - (a) the transfer of 6,656sqm of land prior to the first occupation certificate issued for the development valued at \$1,331,200; and

- (b) developer works including all road and infrastructure works, asphalt top coat and kerb side tree planting valued at \$5,860,728.
19. The VPA also provides for an additional 0.5:1 floor space as per Clause 6.14 of Sydney LEP 2012.
20. The VPA also includes an offset of \$3,171,290.50 against Section 7.11 contributions (previously known as Section 94 under the Environmental Planning and Assessment Act 1979).
21. The concept application has been modified a further four times under the provisions of Section 4.55 of the Environmental Planning and Assessment Act 1979. Relevantly, modification application D/2016/1450/D approved a number of changes to the concept DA envelopes.

Proposal

22. The subject application seeks consent for the construction of an eight storey mixed use development, currently known as Building E at 44-48 O'Dea Avenue and 11 Gadigal Avenue Waterloo. The proposal comprises of six commercial/retail tenancies, 95 residential units, two levels of basement parking, landscaping and associated services and works.
23. The proposed building is designed as a perimeter block with a central courtyard and has three key built form components which are as follows:
- four storeys fronting Archibald Avenue;
 - six storeys fronting Reed Street; and
 - eight storeys fronting Gadigal Avenue, with a secondary setback for levels 6 and 7.

Specifically the development includes -

(a) Basement Levels 1 and 2

- (i) Parking spaces for 104 cars;
- (ii) Bicycle parking (95 spaces);
- (iii) Storage areas for residential apartments;
- (iv) Waste storage rooms; and
- (v) End of trip facilities for retail premises.

(b) Ground Floor

- (i) Six commercial tenancies and associated amenities with a gross floor area (GFA) measuring 780sqm, which front Archibald Avenue, Gadigal Avenue and Reed Street;
- (ii) 2 x three bedroom apartments;

- (iii) Entries to residential apartments off Archibald Avenue, Gadigal Avenue and Reed Street;
- (iv) Communal open space; and
- (v) Waste collection/storage areas and a loading dock

(c) Levels 1 - 7

- (i) 93 residential apartments (10 x studio, 29 x one bed, 45 x two bed and 9 x three bed)
 - (ii) Communal terrace/ rooftop garden on level 4 podium
24. The materials to be used in construction include concrete, timber look aluminium, timber and glazing.
 25. A continuous awning is proposed between the ground floor and first floor and wraps around the building along Archibald Avenue, Gadigal Avenue and Reed Street.
 26. A single vehicle entrance is proposed via Reed Street and serves as the basement entry for passenger vehicles and all services vehicles
 27. A copy of the proposed plans are attached in Attachment B.
 28. Photomontages and selected extracts of the architectural drawings of the revised concept plan are provided below



Figure 10: Perspective - Corner of Archibald Avenue and Reed Street



Figure 11: Perspective - Archibald Avenue

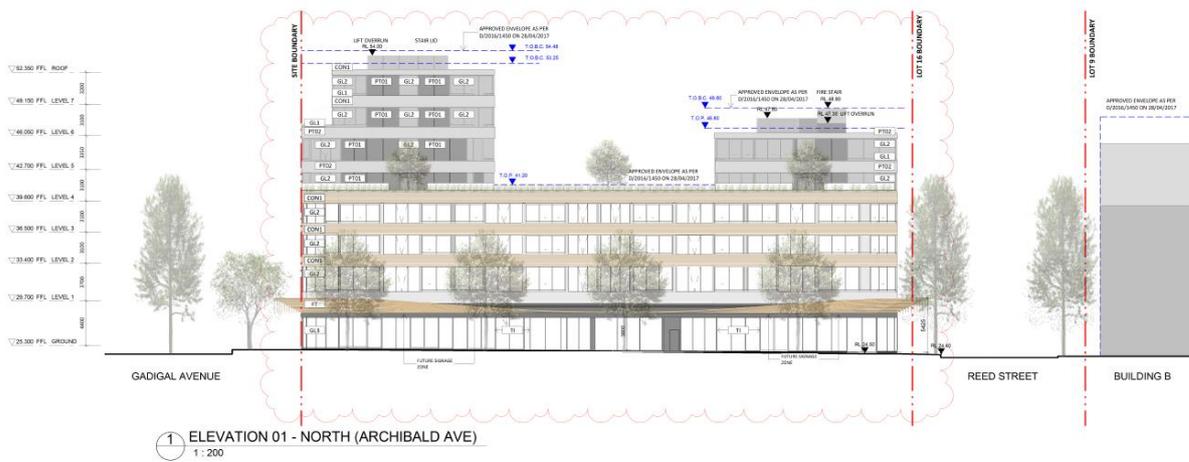


Figure 12: Elevation - North (Archibald Avenue)

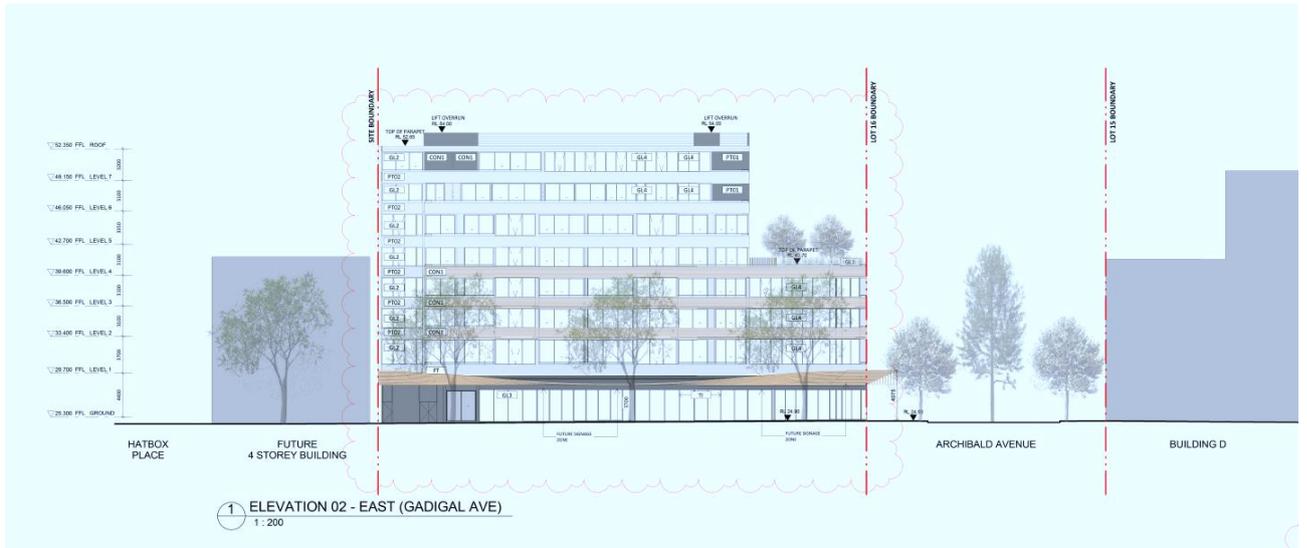


Figure 13: Elevation - East (Gadigal Avenue)

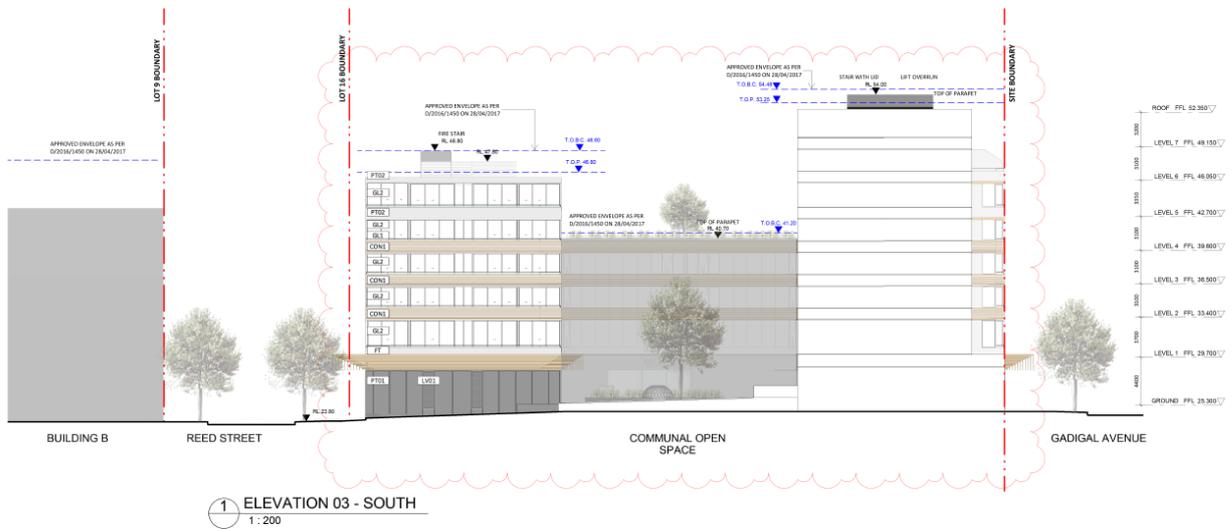


Figure 14: Elevation South

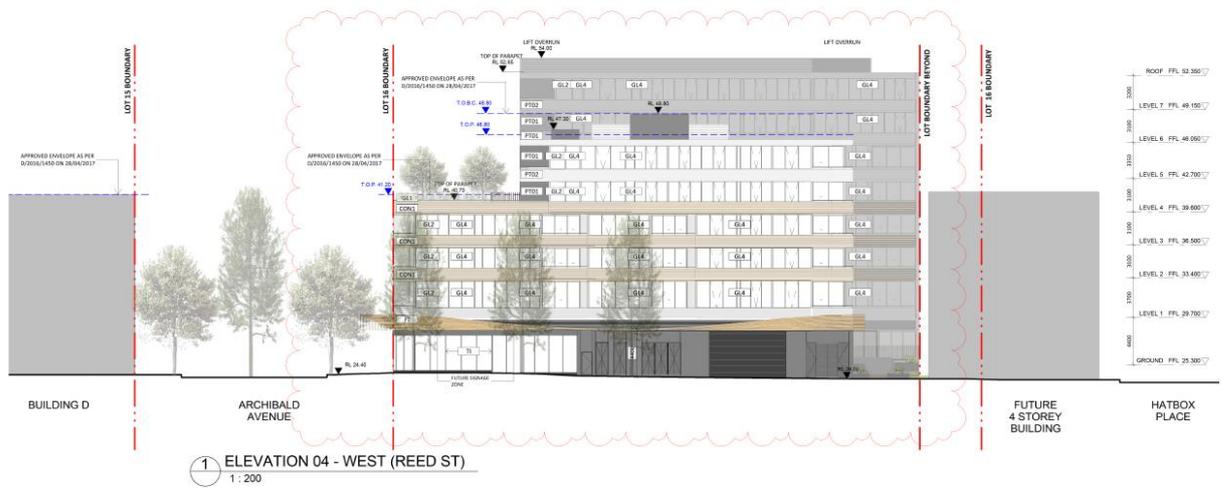


Figure 15: Elevation - West (Reed Street)

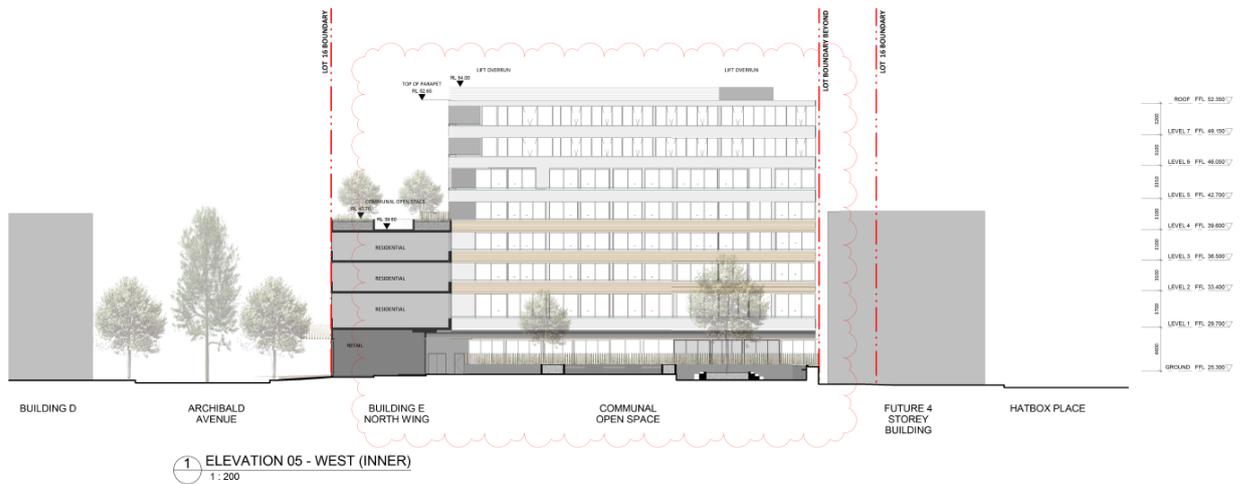


Figure 16: Elevation - West (Inner)



Figure 17: Elevation - East (Inner)

History Relevant to the Development Application

29. During the assessment the application has been amended and additional information provided to address concerns regarding, amongst other things:

- solar access to the proposed apartments;
- access, servicing and waste management ;
- building design, awning design and materiality;
- flooding;
- bicycle parking ;
- acoustics;
- amenities for commercial tenancies; and
- landscaping and deep soil.

30. The amended development addresses the majority of these issues and City staff are satisfied that the recommended conditions can adequately address some minor outstanding issues relating to revising landscape details and the waste management plan. This discussed in the compliance table and Issues section of the report.

31. Section 4.55 modification D/2016/1450/C is currently lodged with Council and proposes staging the approved public domain works. This modification application is still under assessment.

32. Section 4.55 modification D/2016/1450/D approved minor amendments to the height, floor levels, and depth of excavation which were approved for Building E under the concept proposal. The proposed building is consistent with the amended building envelope for Building E. This is discussed in detail in the Issues section of this report.

Economic/Social/Environmental Impacts

33. The application has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979, including consideration of the following matters:

- (a) Environmental Planning Instruments and DCPs.

Airports Act 1996

34. The application did not require referred to Sydney Airport Ltd as the proposed building does not penetrate the prescribed airspace for Sydney Airport.

Water Management Act 2000

35. The application constitutes integrated development. It requires separate approval under the Water Management Act 2000. The application was referred to the Water NSW who provided General Terms of Approval on 30 April 2018. The conditions required by the general terms of approval are included in schedule 3 of Attachment A.

Sydney Water Act 1994 No. 88

36. In accordance with clause 78 of the Sydney Water Act 1994 No 88, the application was referred to Sydney Water as the development may increase the demand for water supplied by the Corporation. A response was received on 23 April 2018 which recommended conditions to be included on any development consent. Relevant conditions relating to the development are recommended to be included in the consent.

State Environmental Planning Policy No 55—Remediation of Land

37. 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.

38. A remediation action plan were submitted and approved under the Concept DA.

39. Council's Health Unit is satisfied that subject to conditions, the site can be made suitable for the proposed use.

State Environmental Planning Policy No 65—Design Quality of Residential Flat Development

40. SEPP 65 provides that in determining an application for a residential flat development of three or more floors and containing four or more apartments, that the consent authority take into consideration a number of matters relating to design quality, including 9 design quality principles. A design verification statement has been submitted by a registered architect to support that the design of the development achieves the following quality principles set out in SEPP 65.

- (a) **Principle 1: Context and Neighbourhood Character**

The proposed development is suitable given the surrounding context and emerging character of the area. The provision of new housing and commercial tenancies within close proximity to both public infrastructure and a network of open spaces. The proposed mixed use development will contribute positively to the desired future character of Waterloo.

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

The bulk, scale and height of the proposal is consistent with the precincts' masterplan for the area as well as the wider context. The scale and form of the building have been designed to maximise solar access, limit unreasonable overshadowing impacts and other negative environmental impacts to the surrounding developments.

(c) **Principle 3: Density**

The proposal results in a density of development which is generally consistent with what is envisaged in the planning controls and what was approved under the concept proposal for the site. The density is considered appropriate for the Lachlan precinct and more broadly as part of Green Square.

(d) **Principle 4: Sustainability**

The development is appropriately designed and achieves a reasonable level of solar access and natural cross ventilation.

(e) **Principle 5: Landscape**

Landscaping within the development comprises of perimeter planters to the level 4 rooftop communal open space, deep soil and landscaping within the central courtyard area and planters on some private residential balconies. This will contribute to good residential amenity and will add a green fringe to the building which can be appreciated from the street.

(f) **Principle 6: Amenity**

A high level of amenity is achieved by the proposed development. The residential component is well designed as regards solar access, cross ventilation, access and acoustic privacy which will contribute to positive living environments and resident wellbeing.

(g) **Principle 7: Safety**

The development optimises passive surveillance of the public domain and communal areas. It provides active retail frontages at the ground floor of all three street frontages, clear residential entries and distinguishes the public and private areas.

(h) **Principle 8: Housing Diversity and Social Interaction**

There is a mix of unit types and adaptable units proposed. The communal open space area is centrally located providing for opportunities for social interaction amongst residents.

(i) **Principle 9: Aesthetic**

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

Apartment Design Guide

41. When considering the development against the ADG, the development is considered to be generally consistent with the outcomes. The relevant provisions within the ADG are as follows:

2E Building Depth	Compliance	Comment
12-18m (glass to glass)	Partial compliance	<p>The four storey and six storey elements of the building have building depths of 11.7m and 18m respectively.</p> <p>The first six storeys of the eight storey building has an 18.8m building depth, which exceeds the suggested 18m depth. This is considered acceptable as some apartments are dual aspect and have generous floor to ceiling heights so achieve adequate solar access.</p>

2F Building Separation	Compliance	Comment
<p>Up to four storeys (approximately 12 metres):</p> <ul style="list-style-type: none"> • 12m between habitable rooms / balconies • 9m between habitable and non-habitable rooms • 6m between non-habitable rooms 	Yes	The proposed four storey block fronting Archibald Avenue has a 12.3m separation from future Building D.
<p>Five to eight storeys (approximately 25 metres):</p> <ul style="list-style-type: none"> • 18m between habitable rooms / balconies • 12m between habitable and non-habitable rooms • 9m between non-habitable rooms 	Yes	<p>The six storeys block fronting Reed Street will have an 18.5m separation from the future Building B and separation distance of 21.8m from the eight storey block within the site.</p> <p>The balconies that are orientated south are setback 6m from the site boundary which will allow any future development of the site to the south to comply with the ADG separation distances.</p>

3D Communal and Public Open Space	Compliance	Comment
Communal open space has a minimum area equal to 25% of the site.	Yes	A total of 1426m ² (43% of the site area) communal open space is provided between the ground floor courtyard and the level 4 podium
Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of two (2) hours between 9am and 3pm on 21 June (midwinter).	Yes	The roof top communal open space will receive sun all day midwinter. Sun's eye view and shadow diagrams have been submitted which demonstrate that the southern part of the communal court yard will receive solar access between 10.30am and 12.30pm on 21 June (midwinter), which equates to 50% of the area of open space.

3E Deep Soil Zones	Compliance	Comment
Deep soil zones are to have a minimum area equivalent to 7% of the site and have a minimum dimension of 6m	Yes, subject to conditions	An area 295m ² (9% of the site area) of deep soil is proposed. Conditions will be imposed on the consent required amended landscaping plans to be submitted and the requirement for permeable pavers to be used in the area designated as deep soil.

Separation between windows and balconies is required to ensure visual privacy is achieved. Minimum separation distances from buildings to the side and rear boundaries are outlined below.

3F Visual Privacy	Compliance	Comment
Up to four storeys (12 metres): <ul style="list-style-type: none"> • 6m between habitable rooms / balconies • 3m between non-habitable rooms 	Yes	The eight storey building has balconies on levels 1 to 3 which have a separation distance of 21m from the habitable rooms of 6 storey building which are opposite each other on either side of the common open space.

3F Visual Privacy	Compliance	Comment
<p>Five to eight storeys (25 metres):</p> <ul style="list-style-type: none"> • 9m between habitable rooms / balconies • 4.5m between non-habitable rooms 	Yes	The eight storey building has balconies on level 5 which have a separation distance of 21m from the habitable rooms of six storey building opposite.
<p>Bedrooms, living spaces and other habitable rooms should be separated from gallery access and other open circulation space by the apartment's service areas.</p>	Yes	A 5.2m setback is provided between the bedrooms and living areas of the ground floor apartments and the courtyard/communal open space. A 2m wide landscape strip and 1.7m high fence will prevent any unreasonable visual impact on the units.

3G Pedestrian Access and Entries	Compliance	Comment
<p>Multiple entries should be provided to active the street edge</p>	Yes	Pedestrian access and entries are provided from all three street frontages and are easily identifiable.

3H Vehicle Access	Compliance	Comment
<p>Car park entries are to be:</p> <ul style="list-style-type: none"> • integrated into the building design • setback from the building line • located on the secondary street where possible • limited to in number • distinguished from pedestrian access 	Yes	There is one entry proposed to the basement carpark and loading dock which has been suitably located on the Reed Street frontage and integrated into the building design.

3J Bicycle and Car Parking	Compliance	Comment
Car parking and bicycle parking to be provided in accordance with Council's requirements	Yes	Car and bicycle spaces have been provided in accordance with Council's requirements.

4A Solar and Daylight Access	Compliance	Comment
70% of units to receive a minimum of 2 hours of direct sunlight in midwinter to living rooms and private open spaces.	No	53/95 (56%) apartments receive fully compliant solar access to both living areas and private open space areas between 9am and 3pm, mid winter, in accordance with the ADG. This is discussed in the Issues section of the report.
Maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at midwinter.	Yes	4/95 (4%) apartments receive no direct sunlight between 9am and 3pm at midwinter

4B Natural Ventilation	Compliance	Comment
All habitable rooms are naturally ventilated.	Yes	All apartments are capable of achieving natural ventilation.
Minimum 60% of apartments in the first nine (9) storeys of the building are naturally cross ventilated.	Yes	58/95 (61%) of apartments will be naturally cross ventilated.
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	Partial compliance	Out of the 23 cross-through apartments proposed, 10 apartments have a depth of 18.9m. In this instance this is deemed acceptable as the exceedance is minimal.

Measured from finished floor level to finished ceiling level, minimum ceiling heights are as follows in the table below.

4C Ceiling Heights	Compliance	Comment
Habitable rooms: 2.7m	Yes	Minimum floor to ceiling height proposed is 2.7m.

4C Ceiling Heights	Compliance	Comment
Non-habitable rooms: 2.4m	Yes	Minimum floor to ceiling height proposed is 2.7m.
If located in mixed use areas – 3.3m for ground and first floor to promote future flexibility of use.	Yes	Floor to ceiling heights of 4.4m and 3.7m are proposed for the ground and first floor of the building.

4D Apartment Size and Layout	Compliance	Comment
<p>Minimum unit sizes:</p> <ul style="list-style-type: none"> • Studio: 35m² • One bed: 50m² • Two bed: 70m² • Three bed: 90m² <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.</p>	Yes	<p>The proposal provides a mix of studio, one, two and three bed units.</p> <p>Each unit type is designed to comply with the minimum internal area requirements</p>
Every habitable room is to have a window in an external wall with a minimum glass area of 10% of the floor area of the room.	Yes	All habitable rooms are provided with a window opening for natural daylight and air.
Habitable room depths are to be no more than 2.5 x the ceiling height.	Yes	Room depths are generally up to 8 metres and comply with this requirement.
8m maximum depth for open plan layouts.	Yes	The majority of the open layout room depths are generally up to 8 metres.

4D Apartment Size and Layout	Compliance	Comment
<p>Minimum area for bedrooms (excluding wardrobes):</p> <ul style="list-style-type: none"> • master bedroom: 10m² • all other bedrooms: 9m² <p>Minimum dimension of any bedroom is 3m (excluding wardrobes).</p>	Partial compliance	<p>All units comply with minimum area for bedrooms.</p> <p>Units numbered 117, 217 and 317 have a minimum dimension of 2.9m and do not comply with the minimum dimension of 3m, however the rooms are adequately sized and useable so are considered acceptable.</p>
<p>Living and living/dining rooms minimum widths:</p> <ul style="list-style-type: none"> • Studio and one-bedroom: 3.6m • Two-bedroom or more: 4m 	Yes	All units generally comply with the minimum widths for living and living/dining rooms
4m minimum width for cross over and cross through apartments.	Yes	All cross through apartments are greater than 4m in width.

4E Private Open Space and Balconies	Compliance	Comment
<p>Studio apartments are to have a minimum balcony area of 4m² with a minimum depth of 1m.</p> <p>One bed apartments are to have a minimum balcony area of 8m² with a minimum depth of 2m.</p> <p>Two bed apartments are to have a minimum balcony area of 10m² with a minimum depth of 2m.</p> <p>Three bed apartments are to have a minimum balcony area of 12m² with a minimum depth of 2.4m.</p>	Partial compliance	<p>All balconies meet the minimum sizes requirements.</p> <p>The following units do not meet minimum 2m dimension:</p> <p>One bedroom units numbered 113, 119, 213, 219, 313, 319, 409, 507 and 509 have a minimum balcony dimension of 1m. This is considered acceptable for each of these units as all are provided with a balcony with an area of 9sqm, which exceed the minimum area stipulated in the ADG. Furthermore, each of these balconies is designed to be useable and functional.</p>

4E Private Open Space and Balconies	Compliance	Comment
Private open space for apartments on ground level, on a podium, or similar, must have a minimum area of 15m ² and a minimum depth of 3m.	Yes	Apartments at ground level are provided with individual private terraces and have a minimum area of approximately 53m ² and achieve a minimum of 3 metre depth.

4F Common Circulation and Spaces	Compliance	Comment
The maximum number of apartments off a circulation core on a single level is eight.	Partial compliance	<p>Both lift core 2 and 3 service a maximum of four and seven units respectively.</p> <p>Lift core 1 services a maximum of 10 units for levels 1 to 3. This variation is acceptable given that the number of units dependent on this lift core from level 4 and above is reduced to four units.</p>
Primary living room or bedroom windows should not open directly onto common circulation spaces, whether open or enclosed. Visual and acoustic privacy from common circulation spaces to any other rooms should be carefully controlled.	Yes	<p>No bedroom or primary living room windows are proposed to open directly onto common circulation spaces.</p> <p>A 5.2m setback is provided between the bedrooms and living areas of the ground floor apartments and the courtyard/communal open space. This includes the private open space for the units and an additional 2m wide landscape strip. The planting and a 1.7m high fence will prevent any unreasonable visual or acoustic impact on the units.</p>

4F Common Circulation and Spaces	Compliance	Comment
Daylight and natural ventilation are provided to all common circulation spaces that are above ground	Partial compliance	<p>Daylight and natural ventilation are provided to most corridors in the development, with windows provided to the common circulation space in the corridors servicing lift cores 1 and 2 on levels 4 -7.</p> <p>The south eastern portion of the building containing lift core 3 has a corridor without access to natural light and air. This is considered acceptable as this is a short corridor that serves four apartments on levels 1- 5 and 2 apartments on levels 6 and 7.</p>

4G Storage	Compliance	Comment
<p>Minimum storage provision facilities:</p> <ul style="list-style-type: none"> • Studio: 4m³ • One bed: 6m³ • Two bed: 8m³ • Three bed: 10m³ <p>(Minimum 50% storage area located within unit)</p>	Yes	<p>All units comply with the minimum storage requirements.</p> <p>Additional storage space for each unit is provided in the basement levels.</p>

4H Acoustic Privacy	Compliance	Comment
Internal apartment layout should separate noisy spaces from quiet spaces	Yes	<p>The layout of a number of units have been amended to ensure balconies do not adjoin bedrooms of other units.</p> <p>The design minimises the number of bedrooms that adjoin the level 4 communal open space. A 2m high privacy screen and a landscape buffer is provided to mitigate noise from the communal open space.</p>

State Environmental Planning Policy (Infrastructure) 2007

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

Clause 45

43. The application is subject to Clause 45 of the Infrastructure SEPP as the development is proposed to be carried out adjacent to an electricity substation, and there are existing overhead cables and underground cables located within the site boundary and adjacent to the site. One electricity substation is accommodated within the site and has been incorporated into the building design.
44. The application was referred to Ausgrid. A response dated 4 May 2018 advised that Ausgrid did not object to the proposal subject to conditions to ensure that existing Ausgrid infrastructure is not detrimentally impacted by the proposed development, which are set out in the recommended conditions of consent.

Clause 101

45. The application is subject to Clause 101 of the SEPP as the site has frontage to Lachlan Street, which is a classified road. The application is considered to satisfy Clause 101 of the Infrastructure SEPP subject to conditions of consent. The application was referred to the RMS who have raised no issue with the proposal subject to conditions.

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

46. A BASIX Certificate has been submitted with the development application. The BASIX targets proposed are in accordance with the condition of the Concept DA which required water and energy scores at least 5 points above the minimum compliance for all buildings on the site.
47. The BASIX certificate lists measures to satisfy BASIX requirements which have been incorporated in the proposal. A condition is recommended ensuring the measures detailed in the BASIX certificate are implemented.

State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes) (SEPP 70)

48. SEPP 70 relates to Section 7.11 of the EP&A Act and provides that where the consent authority is satisfied that the proposed development meets certain criteria and a Local Environmental Plan authorises an affordable housing condition to be imposed, such a condition should be imposed so that mixed and balanced communities are created.
49. Clause 7.13 (Contribution for purpose of affordable housing) of the Sydney LEP 2012 authorise that an affordable housing contribution may be levied for development in land in Green Square.
50. It is recommended that a condition be imposed requiring an affordable housing contribution be payable prior to a construction certificate to aid the delivery of affordable housing in accordance with the principles of Schedule 2 of SEPP 70.
51. The total contribution required is \$2,547,852.40 (this will be indexed according to the time of payment). The contribution is payable to the Department of Planning and Environment prior to issue of a Construction Certificate.

Sydney LEP 2012

52. The site is located within the B4 Mixed Use zone. The proposed uses are defined as commercial premises, specifically retail premises and a residential flat building. All are permissible land uses in the zone, with consent.
53. The relevant matters to be considered under Sydney Local Environmental Plan 2012 for the proposed development are outlined below.

Compliance Tables

Development Control	Compliance	Comment
4.3 Height of Buildings	Yes	<p>There are three different maximum building heights applicable to the site.</p> <p>41.83 RL;</p> <p>50.78 RL; and</p> <p>54.48 RL</p> <p>The proposed maximum height of the building is 29.1m.</p> <p>The proposed development complies with the three maximum LEP heights applicable.</p> <p>This is discussed and illustrated in the Issues section of this report.</p>

Development Control	Compliance	Comment
<p>4.4 Floor Space Ratio</p> <p>6.14 Community infrastructure</p>	Yes	<p>A maximum base FSR of 1.5:1 is permitted.</p> <p>The site is eligible for an additional FSR of 0.5:1 under the community infrastructure provisions of Clause 6.14 of this LEP. As detailed in the relevant history section of this report, the Concept DA included a VPA for community infrastructure, and as such, the collective site is eligible for the additional 0.5:1. This equates to a total of 2:1.</p> <p>Condition 8 of the Concept DA apportioned GFA across each of the development lots on the collective site. Building E (beings Lots 16 and 17) was apportioned 8,330sqm of GFA.</p> <p>The proposal has a total GFA of 8,330sqm , which is consistent with the Concept DA and the LEP provisions for the collective site.</p>
6.21 Design Excellence	Yes	<p>Subject to the imposition of conditions, the proposed development will exhibit design excellence specifically regarding the matters listed in Clause 6.21(4).</p> <p>The development will result in a high standard of architectural design.</p> <p>The bulk, massing and modulation of the building are appropriate given the surrounding development.</p> <p>The building design is appropriate to the surrounding context of the developing Lachlan precinct.</p> <p>The proposed development does not detrimentally impact on any view corridors.</p> <p>The building exceeds the minimum BASIX targets for water and energy.</p> <p>The proposal is also suitability sited and designed so as to reduce visual and acoustic privacy impacts.</p>

Development Control	Compliance	Comment
		<p>The building will not unreasonably overshadow neighbouring developments and results in an acceptable level of solar access for the subject development.</p> <p>Landscaping is integrated in the design of the building through planters on balconies and the roof top terrace and will contribute to the residential amenity of the development and the streetscape.</p> <p>The materiality of the facade is considered to demonstrate design excellence.</p> <p>The development will not result in unreasonable environmental impacts and is considered to demonstrate design excellence.</p> <p>The proposal is consistent with the design excellence strategy approved under the Concept DA.</p> <p>Clause 6.21(5) requires a competitive design process to be held for buildings that exceed a height of 25m and which a development control plan is required under Clause 7.20 of the LEP.</p> <p>Refer to the Clause 6.27 and Issues section for discussion on the competitive design process.</p>

Development Control	Compliance	Comment
6.27 Lachlan Precinct, Waterloo	Yes	<p>Clause 6.27(1) provides that clauses 6.21(5)(a)(ii) (design competition required for buildings greater than 25 metres outside Central Sydney) and 7.20(2)(b) (concept DA required for site over 5,000m² or greater than 25 metres) do not apply to buildings less than 30 metres.</p> <p>As such, given the subject development will not result in a building greater than 30metres, the height of this building does not trigger the requirements for a design competition.</p> <p>The provisions permit additional floor space where a development proposes a wholly commercial premises land use.</p> <p>As the subject application is for a mixed use development accommodating residential and retail land uses, it is not eligible for any further floor space under this clause.</p>

Part 7 Local Provisions - General	Compliance	Comment
Division 1 Car parking ancillary to other development 7.5 Residential flat buildings, dual occupancies and multi dwelling housing 7.7 Retail premises	Yes	<p>A maximum of 114 car parking spaces is permitted for the residential component of the development.</p> <p>A maximum of 15 car parking spaces is permitted for the retail component of the development.</p> <p>Subject to conditions, a total of 102 car parking spaces will be approved in total for the residential, retail, visitors and a car share space.</p> <p>Parking is discussed in further detail in the Issues section of this report.</p>

Part 7 Local Provisions - General	Compliance	Comment
7.13 Contribution for the purpose of affordable housing	Yes	<p>The site is located within Green Square and is thereby subject to affordable housing levy contributions.</p> <p>An affordable housing contribution of \$2,547,852.40 is payable.</p> <p>This figure is calculated on a total floor area (TFA) of 11,257sqm at a rate of \$221.01 per square metre for residential floor area plus a total floor area of 814sqm for non-residential development at a rate of \$73.64 per square metre.</p> <p>These figures are in accordance with the Green Square affordable housing program.</p>
7.14 Acid Sulphate Soils	Yes	<p>The site is identified as containing class 5 Acid Sulphate Soil.</p> <p>An acid sulfate management plan is not required for carrying out works to Class 5 land.</p> <p>The site is generally not within 500 metres of class 1, 2, 3, or 4 soils.</p>
7.15 Flood planning	Yes	<p>The site is identified by Council as being flood prone. The development is consistent with the Interim Flood Management Policy and the flood planning level requirements.</p> <p>A site specific flood study has been prepared in accordance with the Sydney DCP 2012 requirements.</p> <p>The floor level of the lobbies, retail tenancies and the level of entry to lifts and the basement are at a minimum of 300mm above the flood planning level.</p> <p>Council's Flood Engineer is satisfied that the development is acceptable from a flooding perspective.</p>

Part 7 Local Provisions - General	Compliance	Comment
7.16 Airspace operations	N/A	The proposed development will not penetrate the Obstacle Limitation Surface as shown on the Obstacle Limitation Surface Map for the Sydney Airport.
7.20 Development requiring or authorising preparation of a development control plan	Yes	The collective site has been the subject of a Concept DA. Pursuant to Section 4.23 of the Environmental Planning and Assessment Act, 1979, the approval of a Concept DA satisfies the obligation of the LEP to prepare a DCP under this clause.
7.23 Large retail development near Green Square Town Centre	Yes	No retail premises is proposed with an area that will exceed 1,000sqm in size. The proposed development complies with this control.

Sydney DCP 2012

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

2. Locality Statements – Lachlan

The site is located in the Lachlan precinct which is a locality in transition from industrial and warehouse uses to mixed use and predominantly residential development. The new street network approved under the Concept DA will provide a permeable and accessible pattern of streets which maximise legibility and orientation, encouraging walking and cycling.

The proposed mixed used development is considered to be in keeping with the emerging character of the area.

3. General Provisions	Compliance	Comment
3.1 Public Domain Elements	Yes	The proposed building design incorporates active frontages at ground level and is designed to positively address its three street frontages, particularly Archibald Avenue and Gadigal Avenue. It creates a building that will enhance the quality of the precinct and will make a positive contribution to the public domain.

3. General Provisions	Compliance	Comment
3.1.5 Public Art	Yes	A concept public art strategy has been submitted for the whole site. A condition is recommended requiring a detailed public art strategy for Building E to be submitted prior to the issue of the final construction certificate.
3.2 Defining the Public Domain	Yes	<p>There are clear, legible entries to the development off all three streets.</p> <p>The commercial/retail tenancies on the ground floor provide opportunities for passive surveillance of surrounding streets.</p>
3.2.4 Footpath Awnings	Partial compliance	<p>The proposed awning varies between 3.8m and 5.4m above the footpath which exceeds s from the maximum awning height permitted by the DCP which is 4.2m</p> <p>Refer to the Issues section for discussion.</p>
3.4 Hierarchy of Centres, City South	Yes	<p>The site is not located within the major centre, the local villages or small villages identified in the Hierarchy of Centres, City South map.</p> <p>The proposal identifies indicative retail tenancies, each with a gross floor area of less than 1,000sqm.</p> <p>The proposal is considered to generally comply with this provision.</p>
3.5 Urban Ecology	Yes	The proposed development does not involve the removal of trees of any additional trees to what was approved under the Concept DA.
3.6 Ecologically Sustainable Development	Yes	The proposal satisfies the BASIX requirements and the requirements of the ESD report which was submitted as part of the Concept DA.

3. General Provisions	Compliance	Comment
3.7 Water and Flood Management	Yes	<p>See discussion under Clause 7.15 of Sydney LEP 2012.</p> <p>The proposal adequately demonstrates stormwater and drainage will be managed and that water sensitive urban design has been addressed as is required by the DCP.</p>
3.8 Subdivision, Strata Subdivision and Consolidation	Able to comply	<p>Conditions are recommended to be imposed on the consent requiring separate approval for strata or stratum subdivision of the building.</p>
3.11 Transport and Parking	Yes	<p>Adequate car parking, accessible parking, bicycle parking and motor cycle parking, car share spaces and end of trip facilities have been provided.</p> <p>This is discussed in detail in the Issues section of this report.</p>
3.11.2 Car share scheme parking spaces	Yes	<p>One car share space is provided in accordance with the DCP requirements.</p>
3.11.13 Design and location of waste collection points and loading areas	Yes	<p>Waste collection will take place within the building via a dedicated loading dock.</p> <p>The proposed waste collection facilities are adequate and meet the provisions of the DCP. The loading dock and waste storage areas are sufficiently sized to accommodate Council's Waste collection truck and to cater for the waste generated within the development.</p> <p>A waste management plan has been submitted detailing waste generation rates and demonstrating how waste storage and collection can be appropriately managed on site.</p> <p>The loading dock management plan submitted identifies how waste from both the residential and retail tenancies will operate and be managed.</p>

3. General Provisions	Compliance	Comment
3.12 Accessible Design	Yes	<p>14 adaptable units have been proposed. This equates to approximately 15% of dwellings, which is consistent with requirements of the DCP. A condition is also recommended for the proposed development to provide appropriate access and facilities for persons with disabilities in accordance with the DCP and the BCA.</p> <p>Due to the requirement for the lift entry in core 1 to be above the flooding planning level, the entry to this lift includes steps at this pedestrian entry point on Reed Street. There is not sufficient space to provide a compliant access ramp between the lift and the street. This is considered acceptable in this case as there is a second entry point to the building off Reed Street through the communal courtyard and the main entry to building is on Archibald Avenue which is which accessible.</p>
3.13 Social and Environmental Responsibilities	Yes	The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.

3. General Provisions	Compliance	Comment
3.14 Waste	Yes	<p>Adequate waste chutes and storage including bulky goods storage areas are provided within the development.</p> <p>The building manager will operate a trolley system to transfer waste from the waste storage rooms in the basement level 1 to the collection room at ground level which is adjacent to the loading dock.</p> <p>A separate waste storage area for the retail premises is located at ground floor at the Gadigal Avenue frontage. The retail tenancies will also have access to the waste storage area adjacent to the loading dock.</p> <p>A condition is recommended that requires City to approve the waste and recycling management facilities provided in the development and ensure arrangements are in place for domestic waste collection.</p>
3.16 Signage and Advertising	Yes	<p>The proposal does not include signage, however indicative signage locations are shown for the retail tenancies.</p> <p>A condition is recommended to be imposed on the consent requiring a signage strategy to be submitted for the development prior to the issue of the final construction certificate for the building.</p>

4. Development Types	Compliance	Comment
4.2 Residential flat, commercial and mixed use developments		
4.2.1 Building height	Partial compliance	<p>The site has four different applicable height in storeys controls. The development generally complies with the controls.</p> <p>This is illustrated in the Issues section of this report.</p>

4. Development Types 4.2 Residential flat, commercial and mixed use developments	Compliance	Comment
4.2.1.2 Floor to ceiling heights	Yes	<p>The proposed development proposes a floor to floor height of 4.4m on the ground floor retail component and a floor to floor height of 3.1m for the residential floors above which generally complies.</p> <p>The minimum floor to ceiling height proposed is 2.7m which complies with the minimum requirement.</p>
4.2.2 Building setbacks	No	<p>At ground floor the building is setback 1.5m from Reed Street and built to the boundaries at Archibald and Gadigal Avenue in accordance with the DCP.</p> <p>The site includes splays at both corners and the building is built to the boundaries of the splays in both cases.</p> <p>The DCP specifically nominates a 4m upper floor setback is required on the Gadigal Avenue frontage. A 3m setback is provided in accordance with the approved Concept DA building envelope.</p> <p>This is discussed further in the Issues section.</p>
4.2.2.2 Setbacks above the street frontage height	No	This is discussed in detail in the Issues section.
4.2.3.1 Solar access	No	This is discussed in detail in the Issues section.
4.2.3.3 Internal common areas	Partial	Refer to discussion in the ADG compliance table.

4. Development Types 4.2 Residential flat, commercial and mixed use developments	Compliance	Comment
4.2.3.5 Landscaping	Yes	<p>The landscaping proposed in courtyard, roof top terrace and the planters on private balconies is acceptable in general.</p> <p>Conditions are recommended to ensure revised and more detailed landscaping plans are provided to demonstrate that the planting scheme and the deep soil provision is adequate and can work..</p>
4.2.3.6 Deep Soil	Able to comply, subject to conditions	<p>An adequately sized area of deep soil is provided which is 9% of the site area.</p> <p>Recommended conditions will require amended landscaping plans to be submitted to remove some of impermeable elements shown on ground level and replace with a permeable pavement system.</p>
4.2.3.7 Private open space and balconies	Yes	Refer to ADG compliance table.
4.2.3.8 Common open space	Yes	Refer to ADG assessment.
4.2.3.11 Acoustic privacy	Yes	The acoustic assessment submitted demonstrates that the internal noise criteria can be achieved with windows open for windows along any facade of the proposed development.
4.2.3.12 Flexible housing and dwelling mix	Yes	The development proposes 10 studios, 29 one bed units, 45 two bed units and 11 three bedroom units. There are a suitable mix of apartments to meet the future residential population and achieve social diversity.

4. Development Types 4.2 Residential flat, commercial and mixed use developments	Compliance	Comment
4.2.5.2 Courtyard buildings and perimeter street block buildings	Yes	<p>The building is designed as a perimeter block type building with a central courtyard which will serve as part of the building's communal open space area.</p> <p>The courtyard is private and will have a visual connection to the public domain through break in the building onto Reed Street.</p>
4.2.5.4 Residential uses on the ground and first floor	N/A	The controls relate residential uses that face the street. The residential units are within the site so are not applicable.
4.2.7 Heating and Cooling Infrastructure	Yes	The pump room and fan room are co-located in the level 1 basement close to the Gadigal Avenue frontage as suggested by the DCP.
4.2.8 Letterboxes	Yes	Condition of consent will require letterboxes to provided in a secure location adjacent to the residential lobby or entries.
4.2.9 Non residential development in the B4 Mixed Use zone	Yes	Due to the proximity of the retail to residential uses, noise, overlooking, privacy and traffic specifically have been considered and addressed.

Specific Areas - Green Square		
Development Control	Compliance	Comment
5.2.9 Building design	Yes	<p>The proposed building is aligned to the street to define and frame the street edge, activate and provide clear delineation between the public and provide domain.</p> <p>The proposed building is within the approved Concept DA building envelope and will not affect significant views to the City skyline from surrounding residences.</p> <p>The proposed development includes the provision of plantings and landscaping on the balconies and which will address the street to maximise pedestrian amenity.</p> <p>The building facade utilises a variety of finishes to provide variety and articulation.</p> <p>Multiple entries are provided along street frontages to maximise passive surveillance.</p>
5.2.10 Setbacks	Yes	<p>The proposed development is set back 1.5m from the Reed Street as required by the DCP. The other two street frontages are nominated active frontages and the building is aligned to the street accordingly.</p>
5.2.11 Carparks under the public domain	Yes	<p>The development does not propose a car park under the street.</p>

Specific Areas - Green Square Lachlan		
Development Control	Compliance	Comment
5.4.2 Local infrastructure and public domain	Yes	<p>The Concept DA approved the local infrastructure and public domain works associated with the development.</p> <p>The access point for the building off Reed Street is in accordance with preferred access point shown Figure 5.88 Access Circulation for the precinct</p>
5.4.3.2 Height of buildings	Yes	<p>This provision specifies that buildings on this site can vary between four storeys fronting Archibald Avenue, six storeys fronting Reed Street and six to eight storeys fronting Gadigal Avenue.</p> <p>The proposed building heights are in accordance with this development control.</p> <p>The proposed floor to ceiling heights exceed the DCP minimum requirements which include 3.6m ground floor commercial, 3.3m first floor residential and 2.7m residential floors above first floor.</p>

Specific Areas - Green Square Lachlan		
5.4.3.3 Building form and design	Yes	<p>The development within the street block is well articulated and has variations in size, height and architectural expression.</p> <p>The building articulates the corners with particular emphasis on the awning which helps enhance the public domain.</p> <p>The apartment facades maximise glazing and recessed balconies to enhance views and provide sufficient solar access.</p> <p>The timber look battens attached to the concrete building façade wrap around the building providing visual interest.</p> <p>The landscape planters at the rooftop edge and on the private balconies will create a visual greening and connection to the streetscape.</p> <p>The design provides for a building that will enhance the new streetscape and is supported from an urban design perspective.</p>
5.4.3.4 Building setbacks	Partial	<p>The development is setback in accordance with building setbacks for the Lachlan precinct with one exception. Figure 5.97 of the DCP requires a 4m secondary setback to the upper levels (adjoining Gadigal Avenue).</p> <p>This is discussed in detail in the Issues section.</p>

Specific Areas - Green Square Lachlan		
5.4.3.5 Building typologies and use	Yes	<p>The proposed development has ground level retail uses along Archibald Avenue and Gadigal Avenue and a portion of Reed Street which will activate the street in addition to floor to ceiling glazing adjacent to the public domain.</p> <p>All tenancies provide their own amenities and are a sufficient depth to accommodate general back of house activities.</p> <p>Continuous awnings are provided above retail uses as required by the DCP.</p>
5.4.3.8 Development levels	Yes	<p>Retail uses are provided at ground level along the Archibald Avenue activity strip.</p> <p>An on site detention tank is provided underground designed to capture the 1 in 100 year flood as per the DCP requirements.</p> <p>Finished floor levels of ground floor retail uses are set no higher than the 1 in 100 year flood as per the DCP requirement.</p>
5.4.3.9 Parking and access	Yes	<p>The driveway crossing and access is provided on Reed Street away from Gadigal Avenue and Archibald Avenue activity strip as required by the DCP.</p> <p>The proposed development incorporates one vehicular access point.</p> <p>Carparking and access is discussed in detail in the Issues section.</p>

Schedules		
	Compliance	Comment
Schedule 4 - Projections over or into the public roads	Yes	<p>The building elements including the timber look battens project beyond the footpath alignment no more than 450mm.</p> <p>The awning is a minimum of 3m above the footpath A condition of consent will require the awning is setback at least 800mm from the face of the kerb and will not impact on street trees or street poles.</p>

Issues

Consistency with Concept DA building envelopes (as amended) and Concept DA conditions

55. The building as proposed is generally consistent with the approved building envelope and requirements specified in the Concept DA consent.
56. A concurrent Section 4.55(1a) modification D/2016/1450/D was lodged on 3 August 2018 seeking consent for minor amendments to the height, floor levels, and depth of excavation which were approved for Building E under the concept proposal. This modification application to the Concept DA has been assessed concurrently with the subject detailed design DA for Building E. This modification has been determined under delegation of the CSPC, being approved on 16 October 2018
57. The table below summarises and compares the key conditions required by Concept DA approval for Building E with the proposed development.

Condition Number	Compliance	Comment
Condition 8 - Allocation of floor space	Yes	Building E is proposing a GFA of 8330m ² which is consistent with the condition.

Condition Number	Compliance	Comment
Condition 9 - Building height	Yes	<p>The approved building height is split into two heights; the top of the parapet height and top of building component (LEP height limit) for each of the three building components.</p> <p>The proposal is consistent with both the top of the parapet height and top of building component for each part of the building.</p>
Condition 10 - Detailed design of Buildings	Yes	Building E has three distinct building components and contains 3 lift cores in accordance with the requirements.
Condition 11 - Ecologically sustainable development	Yes	The submitted BASIX certificate shows that the development exceeds the minimum compliance targets by 5 points for both water and energy.
Condition 35 - Communal open space	Subject to condition	The size and location of the proposed communal open space area is consistent with the requirements.
Condition 48 - Parking design	Subject to condition	The proposed parking arrangements, subject to conditions, are considered acceptable.
Condition 52 - Service vehicle size limit	Yes	Swept paths have been submitted for the vehicular entry.
Condition 53 - Car share spaces	Yes	A car share space is proposed as part of the detailed development application.
Condition 54 - Green travel plan	Subject to condition	A Green Travel Plan has been submitted as part of this application, however requires further refinement. A condition is included in this respect.
Condition 56 - Bicycle parking and end of trip facilities	Subject to condition	Bike parking and end of trip facilities have been included as part of this application. Further conditions are recommended in this respect.
Condition 58 - Temporary access arrangements	Subject to condition	A condition is recommended in respect to temporary access arrangements.

Condition Number	Compliance	Comment
Condition 60 - Reflectivity	Yes	A reflectivity report was submitted with this application.
Condition 61 - Public Art	Subject to condition	A condition is recommended in relation to public art for this application.
Condition 63 - Signage strategy	Subject to condition	Indicative signage locations have been included on the elevations. A condition is also recommended requiring submissions of a signage strategy.

58. The proposed development and recommended conditions are consistent with the modified Concept DA consent.

Building Height

59. The site is subject to four separate maximum heights:
- (a) 41.83 RL applies to the centre of the site and to the primary Archibald Avenue frontage.
 - (b) 50.78 RL applies to the built form fronting Reed Street.
 - (c) 54.48 RL applies to the built form fronting Gadigal Avenue.
 - (d) A small portion of the site falls within the future planned Gadigal Avenue streetscape with an RL 27.5. No part of the building is proposed within this area.
60. Figure 18 illustrates the maximum building heights (RLs) for the subject site and the adjoining sites under Sydney LEP 2012.

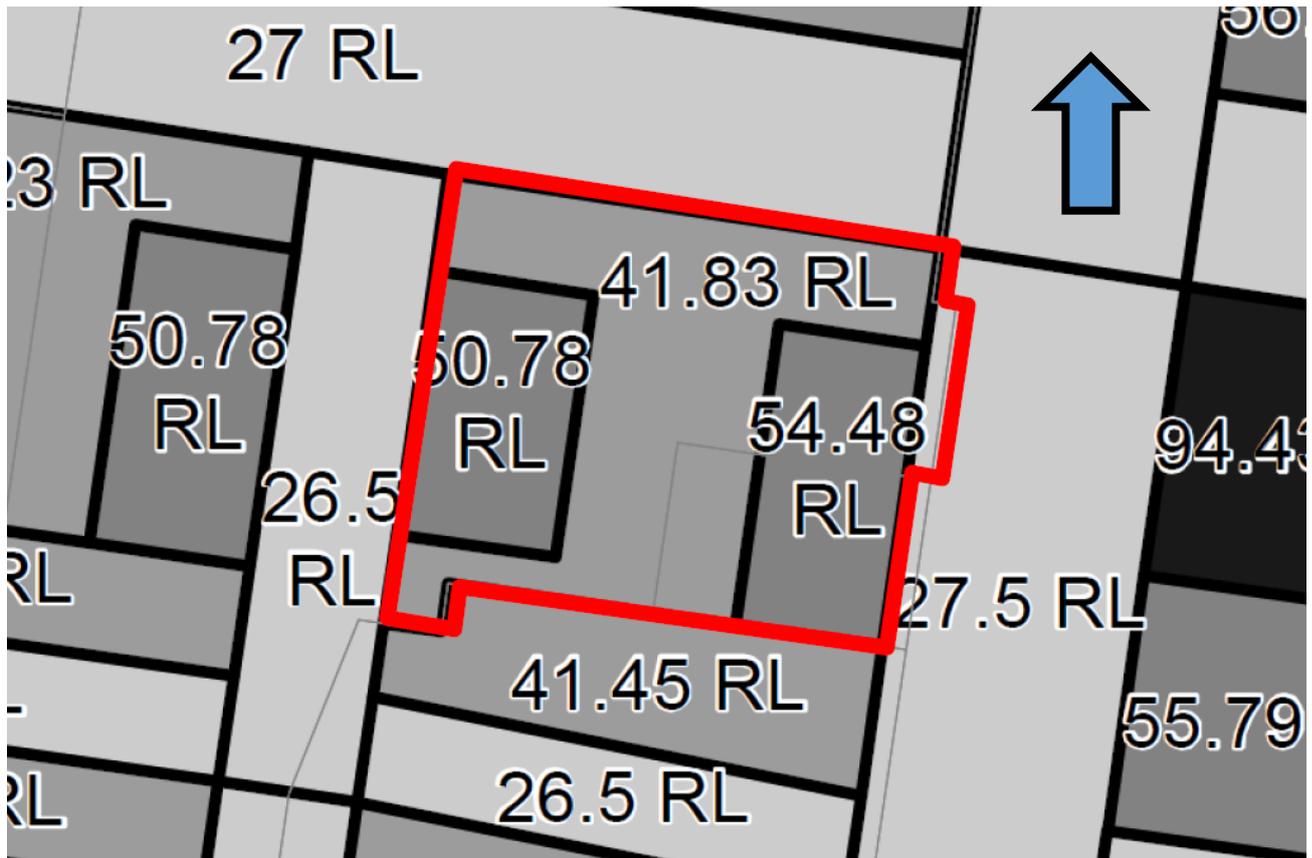


Figure 18: LEP Height of buildings map for Building E

61. The proposed building has a maximum building height of 24.4m fronting Reed Street, maximum height of 16.7m fronting Archibald Avenue and a maximum height of 29.1m fronting Gadigal Avenue.
62. The proposed building complies with all three maximum LEP building heights for the site and is consistent with specific the top of building and top of parapet heights for the three building components approved by the Concept DA..

Building Height in Storeys and Secondary Setback

63. The development as proposed does not strictly comply with the building height in storeys and the secondary setback required by the DCP on Gadigal Avenue.
64. The site is subject to four separate height in storey envelopes that relate to the building height in metres control. This provision specifies that buildings on this site can vary between:
 - (a) four storeys fronting Archibald Avenue;
 - (b) six storeys fronting Reed Street; and
 - (c) six to eight storeys fronting Gadigal Avenue.
65. Figure 19 below illustrates the height in storeys for the subject site required by the Sydney DCP 2012.

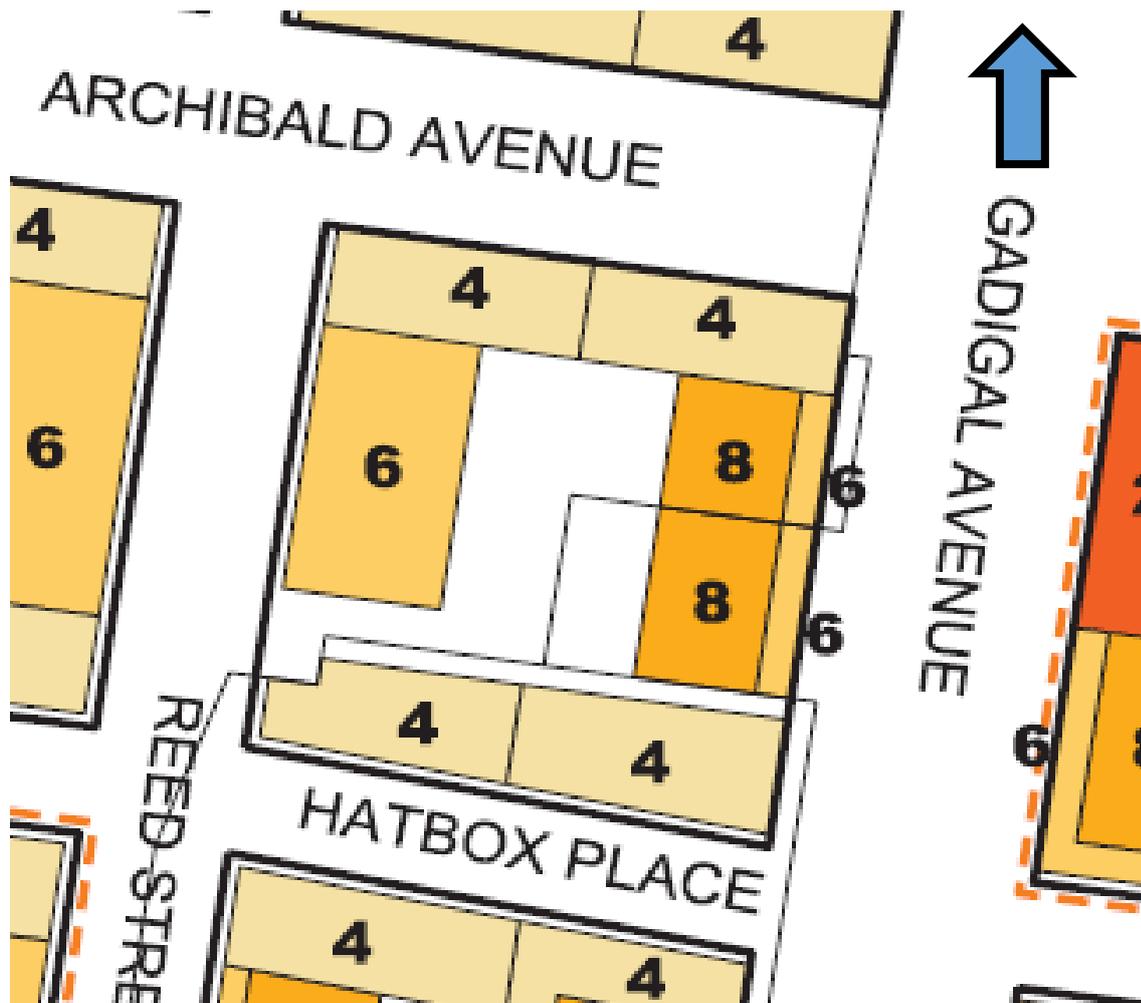


Figure 19: DCP Height in storeys control

66. The DCP requires the eight storey high building to be setback 4m from the Gadigal Avenue frontage. This is consistent with the DCP control for a 4m secondary setback to the upper levels (adjoining Gadigal Avenue as shown in Figure 20 below).

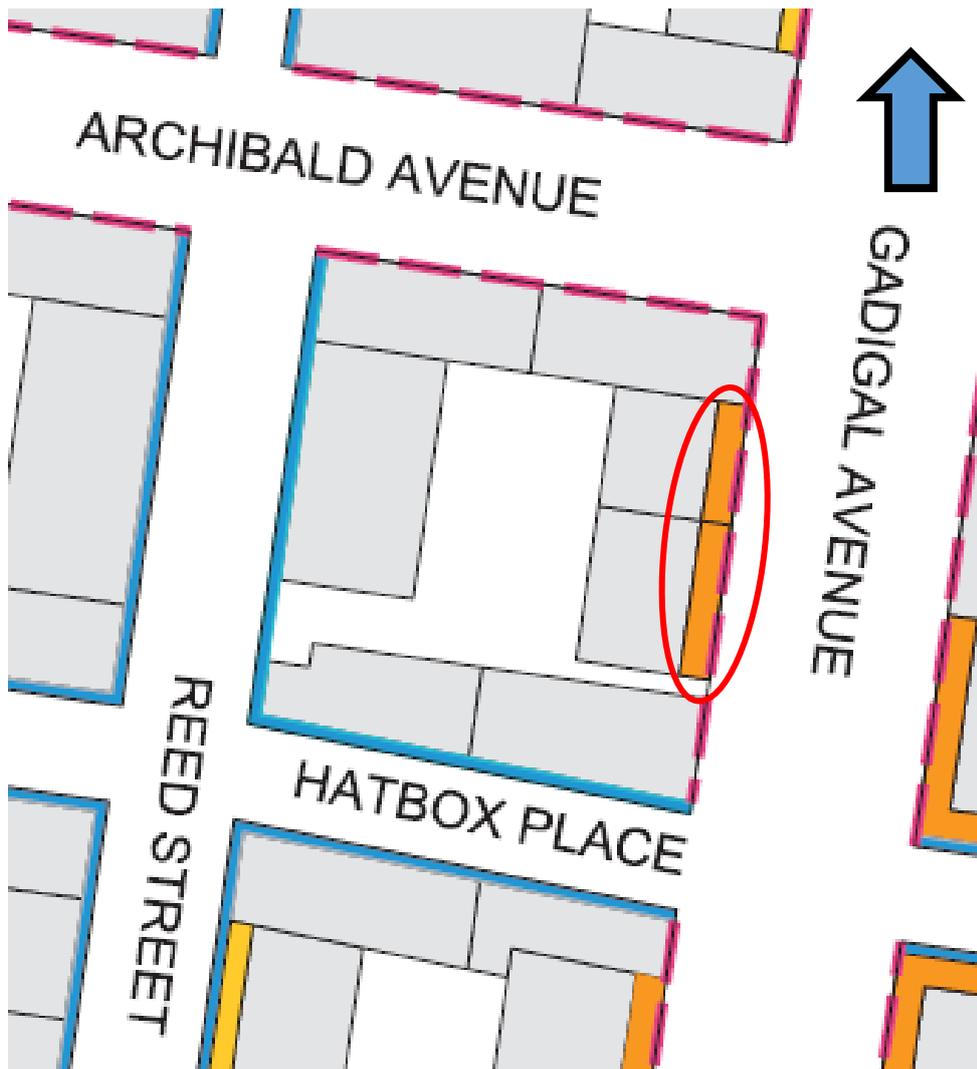


Figure 20: 4m secondary street setback as required by DCP circled in red

67. The Concept DA approved the building envelope to an RL of 54.48 to within 3m of the Gadigal Avenue frontage. The development as proposed is consistent with the approved envelope under the Concept DA.
68. It is considered that the 1m encroachment of the upper two levels of the eight storey building has no adverse impact on the street and does not cause any unacceptable overshadowing to adjoining sites. There is adequate separation distances between the proposed building and the buildings across Gadigal Avenue.
69. The objectives of the height in storey and the secondary setback control include:
- to ensure that building form and scale are varied; and
 - to minimise and modulate perceived bulk from the street.
70. A 3m setback of the top two levels fronting Gadigal Avenue is considered acceptable as the objectives of the height in storey controls and the secondary setback control are achieved.

Solar access

71. The ADG requires that 70% of units in a development must provide two hours of solar access to 1sqm of the living areas and private open space between 9.00am and 3.00pm, mid-winter.
72. The applicant submits that 72 out of 95 apartments (76%) receive compliant solar access to both living areas and private open space areas between 9.00am and 3.00pm, mid-winter.
73. The City's assessment of the sun's eye diagrams submitted indicate that 53 of the 95 apartments (56%) achieves solar access to both the living areas and private open space between 9.00am and 3.00pm when assessed strictly against the ADG and DCP requirements.
74. The existing street network and the approved building envelopes as approved under the Concept DA are consistent with the Lachlan Precinct DCP provisions. The existing block layout for Building E results in the east and west facing apartments within the building having an oblique angle to the sun during the middle of the day midwinter which makes it difficult to achieve two hours solar access between 9.00am and 3.00pm. Both the eight storey and six storey wings of the building which contains 71 out of the 95 apartments are restricted to an east west orientation, while the lower four storey building containing 24 units enjoys the north facing orientation.
75. Consideration was given to changing the internal planning of the building so that the living areas of some east facing apartments are orientated west and face into the courtyard. Reconfiguring the internal layout would remove this positive element, result in the loss of bedrooms in some units and create visual and acoustic privacy implications with living areas and balconies facing each other.
76. In total only four of the 95 (4%) apartments receive no direct sunlight between 9.00am and 3.00pm at midwinter which well below the maximum 15% permitted by the ADG
77. Further information was requested in relation to how much the east facing apartments on both wings achieved solar access between 10.30am and 11.00am on 21 June. The information submitted has demonstrated that an additional 21 east facing units will receive solar access to the living areas and balconies for 1 hour 55 minutes between 9.00am -11.00am midwinter. These units fall short of the 1sqm required after 10.55am. Acknowledging this falls short of the 2 hours specified by the ADG and DCP, these units account for 21 of the 95 (22%) of the total apartments in the development. The extent of the non compliance is considered minimal.
78. Overall, the level of solar access the development receives is acceptable and the variation to the ADG is supported in this instance taking all of the above into consideration.

Awning

79. An awning is proposed over the public footpath between the ground and first floors above all three street frontages.
80. The proposed awning varies between 3.8m and 5.4m above the footpath which exceeds the maximum awning height permitted by the DCP which is 4.2m.

81. In this instance the variation to the maximum height of the awning is considered to be acceptable for the following reasons:
- The awning is proposed as one of the main design features of the building and the reducing height would impact how the feature presents in the streetscape;
 - The maximum height of 5.4m above the footpath only occurs where the awning wraps around the corners of the building at Archibald and Reed Street. The majority of the awning around the building is 4m in height;
 - The increased awning height will not impact any of the adjoining developments;
 - The awning complies with the minimum width of 3m required by the DCP and has been designed to maximise weather protection;
 - The awning will be constructed of high quality materials (timber look aluminium and glass) and will enhance the public domain; and
 - Conditions are recommended to ensure the awning does not interfere with street trees, street and light poles and the glass element of the awning is opaque to ensure any debris will not be visible from underneath.

Design Advisory Panel Advice

82. The application was presented to the City's Design Advisory Panel at its meeting on 7 June 2018.
83. Comments and recommendations from DAP in relation to Building E are summarised as follows:
- (a) Detailing of the awnings and associated cladding structure should be designed to meet environmental conditions, providing shade and screening to apartments as appropriate according to the aspect,
 - (b) Awnings should also be designed to provide some shade and/or shelter to the street;
 - (c) Amenities for retail areas are too removed and should be relocated more centrally or redistributed for better amenity for the commercial areas;
 - (d) The design should be amended to enable natural light into Core no. 3.
 - (e) On the upper levels, all bedrooms are west-facing only. This should be addressed to reduce the number of bedrooms with single aspect in that direction;
 - (f) The proposed communal open space design is considered poor and requires improvement;
 - (g) The proposed commercial ground floor uses fronting the communal courtyard are not supported. This will dominate use of the space, and creates a conflict with residential amenity;
 - (h) The deep soil zone is located in the through site link area, rather than in the communal courtyard where the large trees are proposed. Large trees are supported and the deep soil zone should be relocated accordingly.

84. Further detail and amended plans have been submitted on 8 August 2018 which respond to the comments received from DAP including:
- A physical material sample has been submitted of the timber look aluminium proposed for the awning and cladding and is considered acceptable.
 - The awning has been refined to provide weather protection to the building and the street below;
 - The development satisfies the thermal comfort requirements of BASIX. It is therefore considered that additional shading structures for the apartments are not warranted;
 - Amenities have been incorporated into every retail tenancy;
 - The building is proposed within the approved building envelope and as regards building form and height is in accordance with what is envisaged by the Sydney LEP 2012 controls for the site and the precinct.
 - The development is deemed acceptable as regards solar access, as discussed separately;
 - The design of communal open space has been improved through the inclusion additional landscaping and planters. The commercial uses have been amended and no longer face the communal open space; and
 - Conditions are recommended to improve the quality of the deep soil and landscaping within the site which will improve the amenity of the communal open space and the courtyard.

Transport and parking

85. Cumulative traffic generation impacts for the wider development site were assessed as part of the concept approval.
86. A Traffic and Parking Report is provided with this application and demonstrates that the access, parking arrangement as proposed comply with Council's requirements and are consistent with the concept approval.
87. The total number of car parking spaces to be approved is 102 (88 residential, 12 retail and one car share) which is consistent with the maximum number of car parking spaces permitted under the Sydney LEP 2012.
88. Single vehicular access is provided from Reed Street and is consistent with recommended vehicular access entry under the Sydney DCP 2012. The proposed access driveway will provide appropriate sight lines for entering and exiting traffic.
89. The plans submitted illustrate that on the site parking, including ramp gradients, parking space dimensions, column locations, aisle widths and height clearances are provided in accordance with relevant Australian Standards.
90. Resident bicycle parking spaces will be provided within the basement car park within bicycle parking facilities on basement levels B1 and B2. Visitor and retail bicycle parking will be provided at street level adjacent to the building.

91. Council's Transport Unit are satisfied that the proposed development provides adequate parking facilities and end of trip facilities for both the residential and retail component of the development, subject to the recommended conditions.

Design Competition Requirement

92. The subject site (as the subdivision has not been registered), is over 5,000sqm, and therefore the development technically triggers the requirement for a design competition pursuant to Clause 6.21(5) of Sydney LEP 2012. However, as anticipated in the concept DA, given once the site is subdivided, Building E will have a site area of 2992sqm, it is not considered reasonable or necessary to require a design competition for this building.
93. Further to this, pursuant to Clause 6.27, the height trigger for a design competition in the Lachlan Precinct is 30 metres. As such, the height of the proposed development (that being a maximum of 29.1 metres) means that the development would not need to undertake a design competition because of the height of the building.

Staging of consent

94. The proposed development seeks to add the following staging to the notice of determination.

Stage	Works
1	Basement retention wall
2	Bulk earthworks/detailed earthworks
3	Civil works
4	All below ground works
5	Ground floor level up to level 4
6	Level 5 to 8

95. No further detail was provided in relation to the proposed works covered in each stage. This is particularly relevant for proposed stage 1 to 4. Given that there is scope to modify the consent to stage the construction certificate and in particular, identify which conditions need to be satisfied for each construction certificate, the staging is not recommended for approval under this detailed development application.

Other Impacts of the Development

96. The proposed development is capable of complying with the BCA.
97. 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

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

Internal Referrals

99. The application was discussed with the Urban Design Specialists; Building Services Unit; Environmental Health; Public Domain; Flood Engineer; Safe City; Surveyors; Transport and Access; Waste Management and Landscape Officer; who advised that the proposal is acceptable subject to the recommended conditions.
100. Relevant conditions have been included in the recommended conditions of consent.

External Referrals

101. The application was referred to Water NSW, Sydney Water, Ausgrid, Roads and Maritime Service, Transport for NSW and Redfern Local Area Command. No objections have been received. As discussed previously in the report the relevant conditions and general terms of approval have been included in the recommended conditions of consent where requested.

Notification and Advertising

102. The application is classified as integrated development and as such the application was notified and advertised for 30 days between 10 May 2018 and 10 June 2018 in accordance with the provisions of Environmental Planning and Assessment Regulations 2000. As a result of this notification no submissions were received.

Public Interest

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

S7.11 Contribution

104. The development is subject of a S7.11 contribution under the provisions of the City of Sydney Development Contributions Plan 2015. This contribution is calculated based on the proposed number of residential apartments plus the GFA of the retail/commercial tenancies.
105. A credit has been given against the existing warehouses uses on the site which are categorised as general industrial uses as per the contributions plan. The contributions credit for Building E has been calculated as a percentage of the existing GFA for all existing buildings across the entire site (44-48 O'Dea Avenue and 11 Gadigal Avenue) and has been apportioned based on the site area for Building E.
106. The existing site as a whole has a current total GFA of 10,716sqm (general industrial use) and Building E is afforded a credit of 3121sqm GFA.

107. Based on the above the following monetary contribution is required towards the cost of public amenities:

(a) Open Space	\$1,066,044.73
(b) Community Facilities	\$214,852.86
(c) Traffic and Transport	\$209,847.03
(d) Stormwater Drainage	\$82,998.90
Total	\$1,573,743.53

108. The executed VPA as part of the approved Concept DA includes an offset of \$3,171,290.50 against Section 7.11 contributions (previously known as Section 94 under the Environmental Planning and Assessment Act 1979).

109. The recommended Section 7.11 contribution condition will allow the contribution to be paid or alternatively the contribution to be offset against the VPA.

Affordable Housing Contribution

110. The development is subject of an affordable housing contribution of \$2,547,852.40 under the provisions of the Sydney LEP 2012 and Green Square affordable housing program. This is discussed in the Sydney LEP 2012 compliance table above.

Relevant Legislation

111. The Environmental Planning and Assessment Act 1979, Water Management Act 2000

Conclusion

112. The application seeks consent for the construction of an eight storey mixed use development containing six commercial (retail) tenancies, 95 residential units, two levels of basement parking and associated services. The proposal is integrated development as it requires separate approval under the Water Management Act 2000.

113. The proposal has been amended during the course of the assessment to address solar access, privacy, waste management, retail amenities and the building design.

114. Subject to the implementation of conditions, it is considered that the proposed development is generally compliant with the relevant planning controls for the site. In the instance where the numeric compliance with the controls is not achieved for height in storeys, the upper floor secondary setback and solar access, there is considered to be reasonable justification to support the variations.

115. Determination of development application D/2018/222 is recommended to for approval.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

Aisling McGrath, Area Coordinator