

Attachment F

**Applicant's Justification to Support a
Waiver to the Site Specific DCP and
Competitive Design Process**

A response to the issues raised in Council’s letter is provided in the table below:

Issue	Response
1. Competitive Design Process and Stage 1 waiver request	
<p>There are a number of issues with the proposal and subsequently the proposal is not considered to meet the provisions contained in Clause 6.21 (Design excellence) of the Sydney Local Environmental Plan 2012 (SLEP 2012). On this basis, Council officers and the Design Advisory Panel do not support a request to waive the requirement for carrying out a competitive design process and Stage 1 DA / Site specific DA, as required by Clause 6.21 and 7.20 of SLEP 2012, respectively.</p> <p>However, subject to the issues discussed in this letter being sufficiently resolved, Council officers may recommend that the waiver is supported. It is important to note that while Council staff may recommended a waiver is supported, the DA is required to be reported and determined by the Local Planning Panel (LPP) and the decision to support a waiver will be made by the LPP.</p>	<p>A range of amendments have been incorporated into the proposal in order to address the various issues of concern that have been raised, such that Council can be satisfied that the application demonstrates design excellence and the proposed waiver is capable of support.</p> <p>In particular, it is noted that the circumstances when Council can waive the requirements for a DCP are provided under Clause 7.20 (3) which provides that a development control plan is not required to be prepared if the consent authority is satisfied that such a plan would be unreasonable or unnecessary in the circumstances. In this particular instance, the requirement for a development control plan is considered unreasonable for the following reasons:</p> <ul style="list-style-type: none"> • The site area by DP is only marginally above the 5,000 square metres threshold by 33 square metres which is the equivalent of 0.7% (less than one percent over the minimum site area). This is a particularly minor exceedance of the threshold such that there is no perceptible difference between a site which does not trigger the threshold and the subject site. To require the extensive ‘Stage 1’ DA process and the design competition process, which comes at considerable expense both financially and in terms of time for a 33 square metres exceedance is unreasonable. • Notwithstanding the above, the actual developable site area is less than 5,000 square metres as the proposal involves dedication of a 2.4 metre strip along the street frontage of the site for footpath widening. The FSR calculation has deliberately been based on the smaller site area and as such the proposal does not achieve any advantage as a result of the larger site area. • The proposed development of the site does not seek an additional 10% of FSR or height. • The site is sufficiently served by the current DCP controls and the proposal is generally compliant with all relevant controls. <p>The need for a site specific DCP and also a competitive design process is considered to be unnecessary as the amended application achieves design excellence criteria in Clause 6.21(4) as discussed below:</p>

Issue	Response
	<p>(a) <i>whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</i></p> <p>The amended proposal represents a high standard of architectural design with a unique building configuration which achieves active and engaged frontages to three sides of the development and an architectural language which is appropriate to the proposed use and includes a variety of materials and architectural devices to achieve a high level of visual interest. The amended design has introduced additional glazing and screening elements to achieve a more cohesive architectural outcome.</p> <p>(b) <i>whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,</i></p> <p>The amended design of the development will significantly improve the quality and amenity of the public domain as the proposal includes a 2.4m footpath widening, an active frontage to Bourke Road, and also an active frontage to both the future western and southern future through-site links. In particular, the southern side of the development co-locates the proposed open space with the future adjacent green corridor which will achieve a particularly generous open space landscape outcome in the future.</p> <p>(c) <i>whether the proposed development detrimentally impacts on view corridors,</i></p> <p>Due to the topography and location of the site, the proposal will have no impact on view corridors.</p> <p>(d) <i>how the proposed development addresses the following matters:</i></p> <p>(i) <i>the suitability of the land for development,</i></p> <p>The proposed development is permissible in the zone and the land is suitable for the proposed use which will contribute positively to employment floor space in this location.</p> <p>(ii) <i>the existing and proposed uses and use mix,</i></p> <p>The proposal represents a transition from more traditional light industrial land uses to office based employment space and represents a positive outcome as it substantially increases worker density and employment opportunities associated with the site.</p> <p>(iii) <i>any heritage issues and streetscape constraints,</i></p> <p>The site does not contain a heritage item and is not located in a heritage conservation area. There are no specific streetscape constraints that inform the proposal.</p>

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	<p><i>(iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,</i></p> <p>There is no tower proposed.</p> <p><i>(v) the bulk, massing and modulation of buildings,</i></p> <p>The bulk, massing and modulation of the proposed development complies with the height of buildings and floor space ratio development standards. The design of the amended development provides visual interest, having regard to its commercial character, with several differing built form elements which provide visual relief to the development.</p> <p><i>(vi) street frontage heights,</i></p> <p>A four storey height applies to the site in accordance with the DCP Building Height in Storeys Map. The objective of the control is to establish height in storeys and street frontage height in storeys to ensure that development reinforces the neighbourhood character. The proposed development complies with the height in storeys control with 4 storeys proposed.</p> <p>The Building street frontage height in storeys map is not applicable to the subject site. The DCP requires that where the street frontage height in storeys is not specified, the street frontage height must be consistent with the street frontage height in storeys of adjacent buildings, or the predominant street frontage height in storeys in the vicinity of the proposed building.</p> <p>The proposal appropriately responds to the emerging built form character of surrounding development and will sit comfortably within the Bourke Road streetscape by establishing the 4 storey character as envisaged by the DCP</p> <p><i>(vii) environmental impacts, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,</i></p> <p><i>(viii) the achievement of the principles of ecologically sustainable development,</i></p> <p>The proposed development will achieve a high level of environmental performance with majority of facades being glazed allowing for natural light which will ensure a high level of amenity for the occupants, whilst the use of shading devices for the facades will reduce the heat load on the building. The proposal also provides for photovoltaic panels to be located on the roof. The proposed development will incorporate fittings and</p>

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	<p>fixtures to minimise energy use and an ESD report prepared by JHA Consulting accompanies this application and provides additional detail in relation to the ESD measures proposed for the development. The proposal does not result in any unreasonable shadow or privacy issues to adjacent properties having regard to the non-residential context of the site nor does it result in any wind impacts having regard to the low height of the development. The glazing for the facades will have a visible light reflectivity coefficient which does not exceed 20%.</p> <p><i>(ix) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of any pedestrian network,</i></p> <p>The amended development has single vehicular entry and exit points and promotes pedestrian access and permeability throughout the site. The amended proposal also responds to the future activation of the southern and western boundaries with active frontages which also allow pedestrian movement around three sides of the development.</p> <p><i>(x) the impact on, and any proposed improvements to, the public domain,</i></p> <p>The amended design of the development will significantly improve the quality and amenity of the public domain as the proposal includes a 2.4m footpath widening, an active frontage to Bourke Road, and also an active frontage to both the future western and southern future through-site links. In particular, the southern side of the development co-locates the proposed open space with the future adjacent green corridor which will achieve a particularly generous open space landscape outcome in the future.</p> <p><i>(xi) the impact on any special character area,</i></p> <p>The site is not located in a special character area.</p> <p><i>(xii) achieving appropriate interfaces at ground level between the building and the public domain,</i></p> <p>The amended proposal achieves appropriate interfaces at ground level between the building and both current and future public domain areas. In particular, the ground floor component facing Bourke Road is designed to accommodate a café or similar use which will activate the Bourke Road frontage, as well as the southern elevation of the development. The proposal has an active ground floor plane with a generous open space area along the remainder of the southern side of the site which will eventually form a contiguous open space area with the future green corridor, and the western ground floor elevation has also been designed</p>

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	<p>with substantial glazing to achieve an activate relationship with a future through-site link adjacent to this boundary.</p> <p><i>(xiii) excellence and integration of landscape design</i></p> <p>The proposed building has been specifically designed to embrace the ground floor landscape spaces which are an integral and critical component of the development. The redevelopment of the site will include a coordinated landscaping regime which will achieve a high quality landscaped treatment within these space, comprising hard and soft landscape elements and features such as elevated decking and seating areas to provide a range of options for how these spaces will be used in the future by occupants of the development. The development also introduces a generous 6 metre landscape front setback area.</p>
2. Building siting and materiality	
<p>There are concerns with the siting of the development and the interfaces with the future public domain, being the through site link (TSL) to the west of the site and the Liveable Green Network (LGN) to the south.</p> <p>Section 5.8.2.2, provision 9 of the Sydney Development Control Plan 2012 (SDCP 2012) requires setbacks that create active and high quality frontages with streets, the LGN and TSL and open spaces.</p> <p><u>West elevation</u></p> <p>The west elevation provides a combination of solid wall, limited glazing and solid fire stair enclosure. This elevation is considered to provide limited activation and perceived passive surveillance of the TSL, contrary to CPTED principles and Section 5.8.2.2 of SDCP 2012. To resolve these issues, it is required that a 3m wide landscaped setback is provided from the western side boundary and additional glazing is provided to allow surveillance and views in and out to the TSL.</p> <p><u>South elevation</u></p> <p>The south-east corner of the building is a prominent corner and will be highly visible from the streetscape. This corner is not considered to appropriately respond to the LGN or reinforce the corner as the form appears to be truncated by the alignment of the southern side boundary. The south elevation on this corner at ground level is substantially blank and lacking visual interest. Reconsideration of the design of south-east corner of the building is required.</p> <p><u>Decorative louvres – east elevation</u></p> <p>It is considered that the proposed decorative louvres on the Bourke Road (east) elevation communicate a</p>	<p>The proposed development has been substantially amended to address the general concerns in relation to activation of the interfaces with the future public domain.</p> <p><u>West elevation</u></p> <p>The west elevation has been amended to replace the solid walls with extensive glazing as well as an amendment to the footprint to create an increased side boundary setback at the northern end of the western façade so that a 3m setback is provided along this frontage.</p> <p><u>South elevation</u></p> <p>The south-east corner of the building has been substantially amended with the introduction of a substantial setback and a glass façade on the ground floor so that outdoor seating can be provided along the side of the building. The upper levels have also been amended to increase the setback of the façade and to introduce a glazed façade as well as balconies along the entire side of the building. These amendments ensure that this prominent corner properly addresses Bourke Road as well as the future LGN.</p> <p><u>Decorative louvres – east elevation</u></p> <p>The proposed decorative louvres on the Bourke Road (east) elevation have been amended to that they are proud of the vertical columns and their continuity is no longer interrupted. These louvres have also been extended so that they wrap around the south elevation of this building. A 1:20 facade sections has been included in the amended architectural package.</p> <p><u>Tinted glazing</u></p>