

Item 3.**Development Application: 42-50 Parramatta Road, Forest Lodge - D/2020/1088**

File No.: D/2020/1088

Summary

Date of Submission:	27 October 2020
	Amended plans and documentation received on 22 January 2021
	Contamination information received on 4 May 2021
Applicant:	Health Infrastructure NSW
Architect/Designer:	Architectus
Owner:	Health Infrastructure NSW
Planning Consultant:	_planning Pty Ltd
Cost of Works:	\$15,247,348.00
Zoning:	B7 Business Park, the proposal includes an 'emergency services facility' and an envelope for the indicative land use as a 'commercial premises'. These uses are permissible with consent in the zone.
Proposal Summary:	<p>The application seeks consent for the concept approval of the staged construction of a two (2) storey emergency services facility (on the northern portion of the site, fronting Arundel Street) and a three (3) storey commercial building envelope (on the southern portion of the site, fronting Parramatta Road).</p> <p>The proposal also seeks consent for the detailed design of the Stage 1 works on the northern part of the site, which include the construction and use of the two storey building as an ambulance station (Central Sydney Ambulance Station) comprising accommodation for 30 ambulance vehicles, three (3) ambulance motorcycles, offices, storage and general servicing and a basement staff car park for 24 cars, two (2) motorcycles and bicycles. The ambulance station is to be operated 24 hours per day, seven (7) days per week.</p>

The proposal seeks Torrens title subdivision to provide two lots: Lot 1 (the northern lot fronting Arundel Street) will comprise the new Central Sydney Ambulance Station to be developed under this consent (as the Stage 1 works) and Lot 2 (the southern lot fronting Parramatta Road) will comprise the residual lot for the future Stage 2 works for a commercial development.

During the course of the assessment the proposal was amended and additional information provided to address Council officers' concerns regarding contamination, public domain, tree planting, vehicular ingress and egress and amendments to the design of the Stage 1 works (the Ambulance Station) and concept envelope drawings.

The development application was notified for a period of 21 days between 3 November 2020 and 25 November 2020 and 77 submissions were received.

As the application has received more than 25 submissions, the application is referred to the Local Planning Panel for determination.

The application is accompanied by a Clause 4.6 relating to the exceedance of the floor space ratio (FSR) standard contained in the Sydney Local Environmental Plan 2012 (SLEP 2012). The variation relates to an exceedance to the 1.5:1 FSR development standard, with the subject application proposing an FSR standard of 1.7:1. A request for variation to the FSR standard has been submitted under Clause 4.6 of SLEP 2012. The proposal is consistent with the objectives of the zone and FSR standard. The proposed variation to the development standard has merit and is supported in this instance.

The proposal is largely compliant with the relevant provision contained in the SLEP 2012 and Sydney Development Control Plan 2012 (SDCP 2012).

This application has been made by or on behalf of Health Infrastructure NSW, a public authority, and is therefore to be assessed as a Crown development application.

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

Development Controls:

- (i) Environmental Planning and Assessment Act 1979
- (ii) State Environmental Planning Policy (Infrastructure) 2007
- (iii) State Environmental Planning Policy No 55 - Remediation of Land
- (iv) State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- (v) Sydney Local Environmental Plan 2012
- (vi) Sydney Development Control Plan 2012

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Clause 4.6 Variation Request - Floor Space Ratio

Recommendation

It is resolved that:

- (A) the Local Planning Panel support the variation sought to the Floor Space Ratio development standard under Clause 4.4 of the Sydney Local Environmental Plan 2012, in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 in the circumstances of this application; and
- (B) consent be granted to Development Application No. D/2020/1088 subject to the conditions set out in Attachment A to the subject report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The proposed development is permissible with consent in the B7 Business Park zone.
- (B) The proposed development complies with the 15m building height control under Clause 4.3 of the Sydney Local Environmental Plan 2012.
- (C) The applicant's written request to vary the floor space ratio standard adequately addresses the matters required to be demonstrated by Clause 4.6(3) of the Local Environmental Plan. The applicant's request demonstrates that compliance with the floor space ratio development standard is unreasonable and unnecessary, and that there are sufficient planning grounds to justify contravening Clause 4.4 of the Local Environmental Plan. The proposal is also in the public interest because it is consistent with the objectives of the B7 Business Park zone and the floor space ratio development standard.
- (D) The proposed development provides an appropriate architectural outcome that is suitable in terms of its scale, built form and response to the site's context. It is consistent with the desired future character of the area, as expressed in the applicable planning policies. As such, it is considered to satisfy the design excellence provisions under Clause 6.21 of the Sydney Local Environmental Plan 2012.
- (E) The proposed development satisfies the relevant objectives and provisions of the Sydney Development Control Plan 2012.
- (F) The proposed development will not unreasonably impact the amenity of surrounding residential properties.

Background

The Site and Surrounding Development

1. A site visit was carried out by the City's Planner on 18 January 2021.
2. The site has a legal description of Lot 1 DP 73917, Lot 1 DP 66015, Lot 2 DP 63825, and Lot 1 DP 63825, known as 42-50 Parramatta Road, Forest Lodge. It is irregular in shape with area of approximately 3,459sqm.
3. The site has a primary street frontage of 57.01 metres to Parramatta Road and a secondary street frontage of 44.64 metres to Arundel Street. The site is located close to the intersections of Ross Street and Arundel Street and Ross Street and Parramatta Road.
4. Levels on the site fall by 3.19m on the Arundel Street frontage from east to west and by 1.48m on the Parramatta Road frontage from east to west. The site has a cross fall of over 3m from Arundel Street to Parramatta Road.
5. The site formerly contained the NSW State Coroners Court, a two-storey rendered building which covered the full extent of the site. The building's main entrance was provided on Parramatta Road, with a secondary entrance and vehicular access located on Arundel Street. At the time of writing the NSW State Coroners Court is being demolished down to slab level.
6. Development and uses around the site comprise a mixture of terrace houses, commercial buildings, education establishments and retail premises as outlined below:
 - (a) **North:** Directly north of the site is Arundel Street and single and two storey residential terraces. Beyond Arundel Street to the north is further residential development which forms part of the Forest Lodge locality. Development to the north sits within the Hereford and Forest Lodge Heritage Conservation Area (HCA) (C33).
 - (b) **East:** Directly adjoining to the east is 36-40 Parramatta Road, a part 2, part 3 storey rendered building comprising "Sydney City Toyota"; a car sales showroom and car service centre. Beyond Sydney City Toyota is Ross Street, a classified main road which connects Parramatta Road to the City West Link. Two to four storey commercial development is located to the east of Ross Street including a warehouse building at 1-3 Ross Street which is identified as a local heritage item (I644).
 - (c) **South:** Directly to the south is Parramatta Road and the University of Sydney Campus. Directly opposite the site, set back behind perimeter fencing and landscaping is the McMaster Building, a 1930s two storey red brick building and the JD Stewart Building, a two storey Federation Arts and Crafts style building which is identified as a local heritage item (I73). The University of Sydney Campus is identified as an HCA (C5).
 - (d) **West:** Directly to the west is 52 Parramatta Road, a three-storey brick building with vehicular access provided from Arundel Street. Further to the west is commercial development fronting Parramatta Road.

7. The site is not a heritage item and is not located within an HCA but is in the vicinity of the heritage items described above.
8. Photos of the site and surrounds are provided at **Figure 1** to **Figure 11**.



Figure 1: Aerial image of subject site and surrounding area



Figure 2: Locality Plan



Figure 3: The site viewed from Arundel Street



Figure 4: The site viewed from Parramatta Road



Figure 5: Commercial development to the west of the site along Arundel Street



Figure 6: Residential development to the north of the site along Arundel Street



Figure 7: Toyota Garage located to the east of the site, viewed at the intersection of Ross Street and Arundel Street



Figure 8: Toyota Garage located to the east of the site, viewed at the intersection of Ross Street and Parramatta Road.



Figure 9: Toyota Garage located to the east of the site along Parramatta Road



Figure 10: Sydney University Campus located to the south of the site, separated by Parramatta Road and located behind the heritage listed perimeter fencing and landscaping



Figure 11: Commercial development located to the west of the site fronting Parramatta Road

Proposed Development

9. The application is a concept development application under Section 4.22 of the Environmental Planning and Assessment Act 1979 for the staged construction of a two-storey building fronting Arundel Street and a three-storey building fronting Parramatta Road.
10. The application seeks consent for the detailed design of the first stage of works (known as Stage 1 works) on the northern part of the site fronting Arundel Street. The Stage 1 detailed design works include the construction of a two-storey ambulance station fronting Arundel Street which is to be known as the Central Sydney Ambulance Station. In detail, the Stage 1 works comprise of the following:
 - (a) Basement**
 - (i) car parking for 24 staff vehicles (including one accessible space) and two motorcycle spaces; and
 - (ii) bicycle storage cage.
 - (b) Ground Level**
 - (i) vehicle ingress/egress along the western extent of the site's frontage to Arundel Street to the basement level;
 - (ii) parking for 16 ambulance vehicles within a "response ready zone" with a separate ambulance vehicle ingress/egress along the eastern extent of the site's frontage to Arundel Street;

- (iii) office accommodation, unisex lockers, female and male amenities, storeroom and medication room; and
- (iv) building identification signage.

(c) Level 1

- (i) parking for 14 ambulance vehicles within a "make ready zone", multi-purpose bay and wash bay;
- (ii) kitchen and common area, balcony, rest area, training and meeting rooms and logistics areas; and
- (iii) waste room and services and plant rooms.

(d) Roof

- (i) mechanical roof plant enclosed by a 2m high aluminium screen; and
- (ii) photovoltaic panels.

11. The concept plan component of the application includes a proposed building envelope for what is known as 'Stage 2 works' to the southern part of the site. This comprises a building envelope 15m in height which adjoins the Stage 1 building (ambulance station) to the south and fronts Parramatta Road. A future detailed design DA is required for the construction of the Stage 2 works.
12. Consent is sought for vehicular access to the Stage 2 works utilising the western driveway of the ambulance station on Arundel Street. This driveway will act as a shared driveway and provide access to the basement staff car park of the ambulance station and the basement of the future Stage 2 works.
13. The application is accompanied by an indicative reference design scheme ('reference scheme') illustrating a potential scheme which can be accommodated within the Stage 2 building envelope. The reference design scheme details a three-storey commercial building with one level of basement car parking.
14. The application also seeks Torrens title subdivision to create two separate lots; Lot 1 is to comprise the Stage 1 building (the new Central Sydney Ambulance Station, approximately 2,091sqm in size) and Lot 2 is to comprise a residual land parcel for the Stage 2 building (approximately 1,368sqm in size). Easements for services, water drainage and right of carriageway are proposed on Lot 1 and will benefit Lot 2. An easement to prevent development above the ambulance station's rooftop and within 3m of Lot 2's envelope/facade is also proposed.
15. It is noted that demolition does not form part of this application. Pursuant to Clause 77(1)(c) of State Environmental Planning Policy (Infrastructure) 2007, demolition of a public administration building (being the former NSW Coroners Court) can be undertaken as development permitted without consent. Demolition to the lowest existing basement slab level has been approved under Part 5 of the Environmental Planning and Assessment Act 1979.

16. Plans and elevations of the proposed development are provided below.

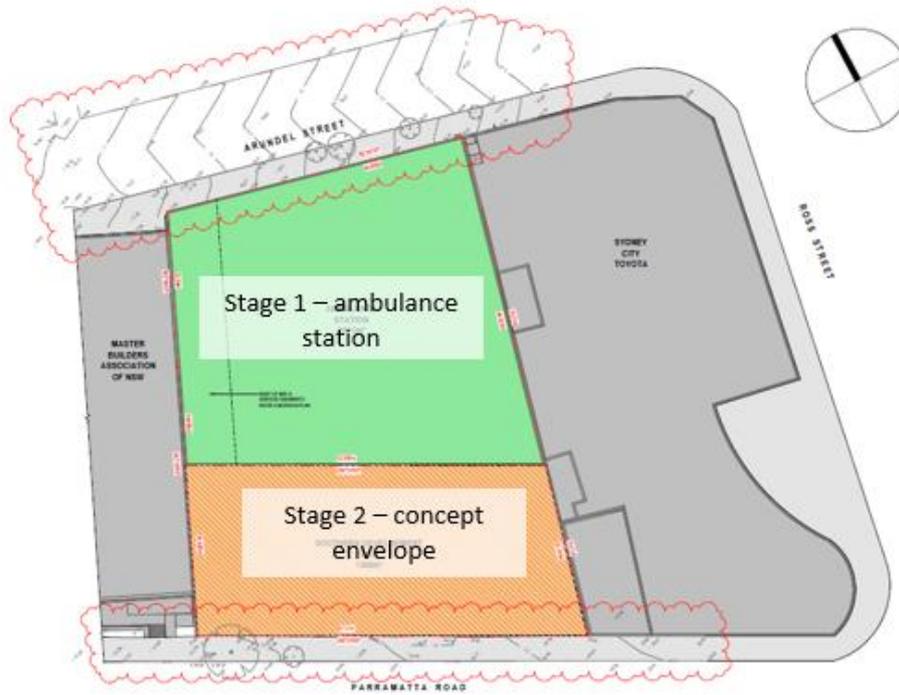


Figure 12: Envelope Plan - Site Plan

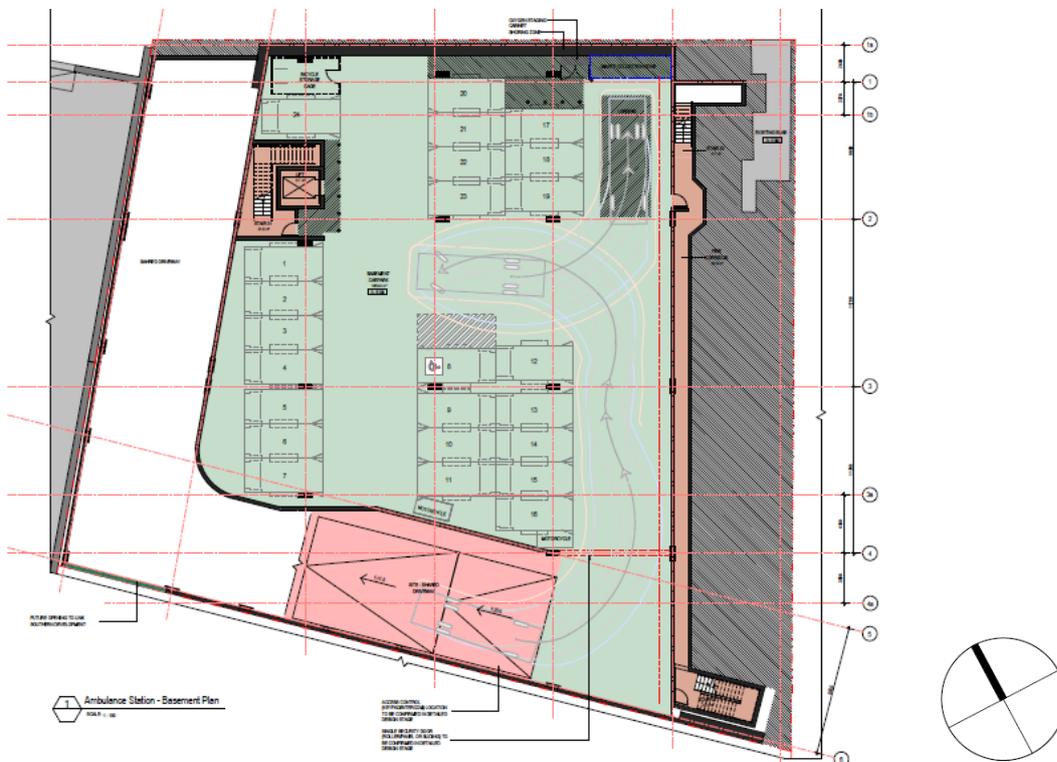


Figure 13: Proposed Basement - Ambulance Station



Figure 14: Proposed Ground Floor - Ambulance Station

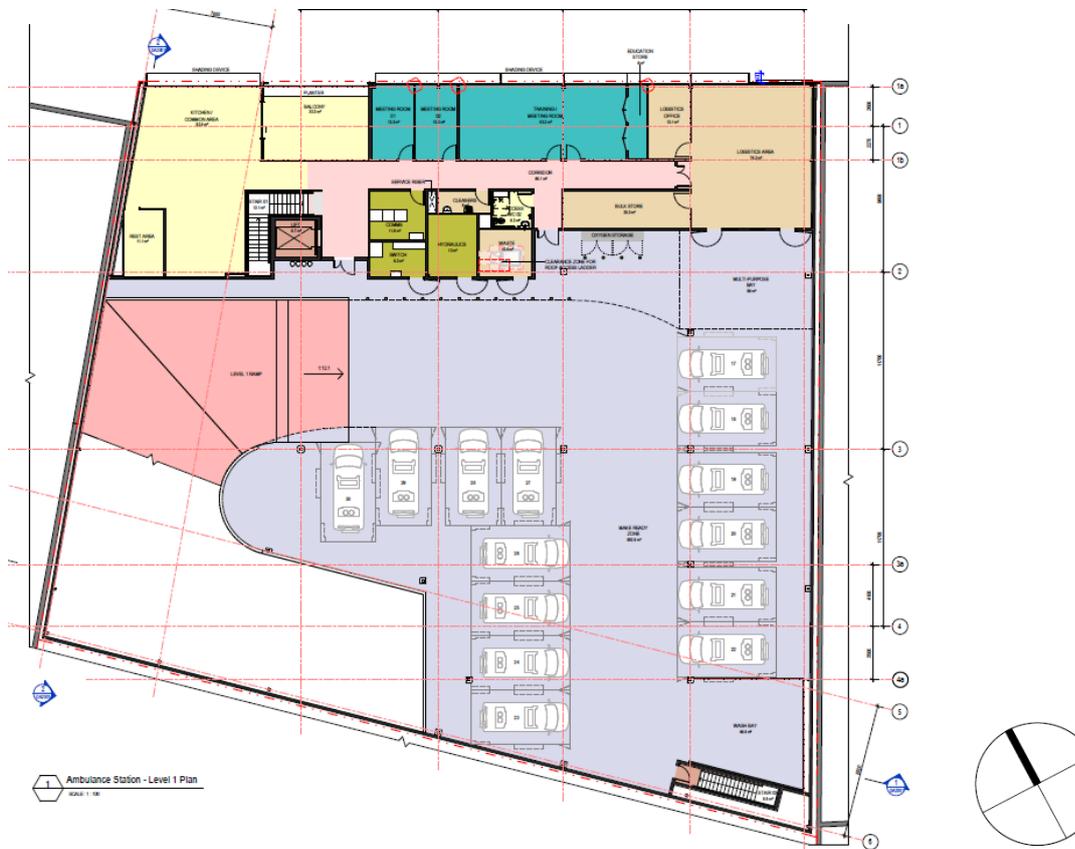


Figure 15: Proposed First Floor - Ambulance Station

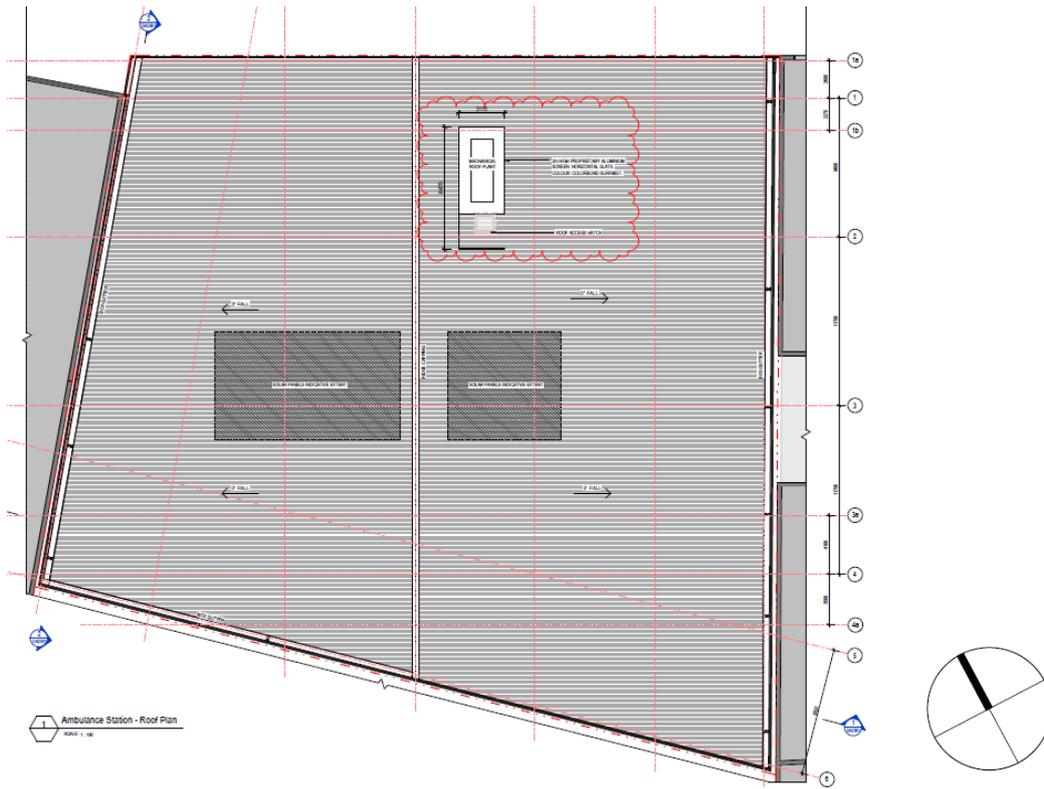


Figure 16: Proposed Roof Plan - Ambulance Station



Figure 17: Proposed Arundel Street elevation - Ambulance Station



Figure 18: Proposed photomontage of Ambulance Station from Arundel Street looking northeast

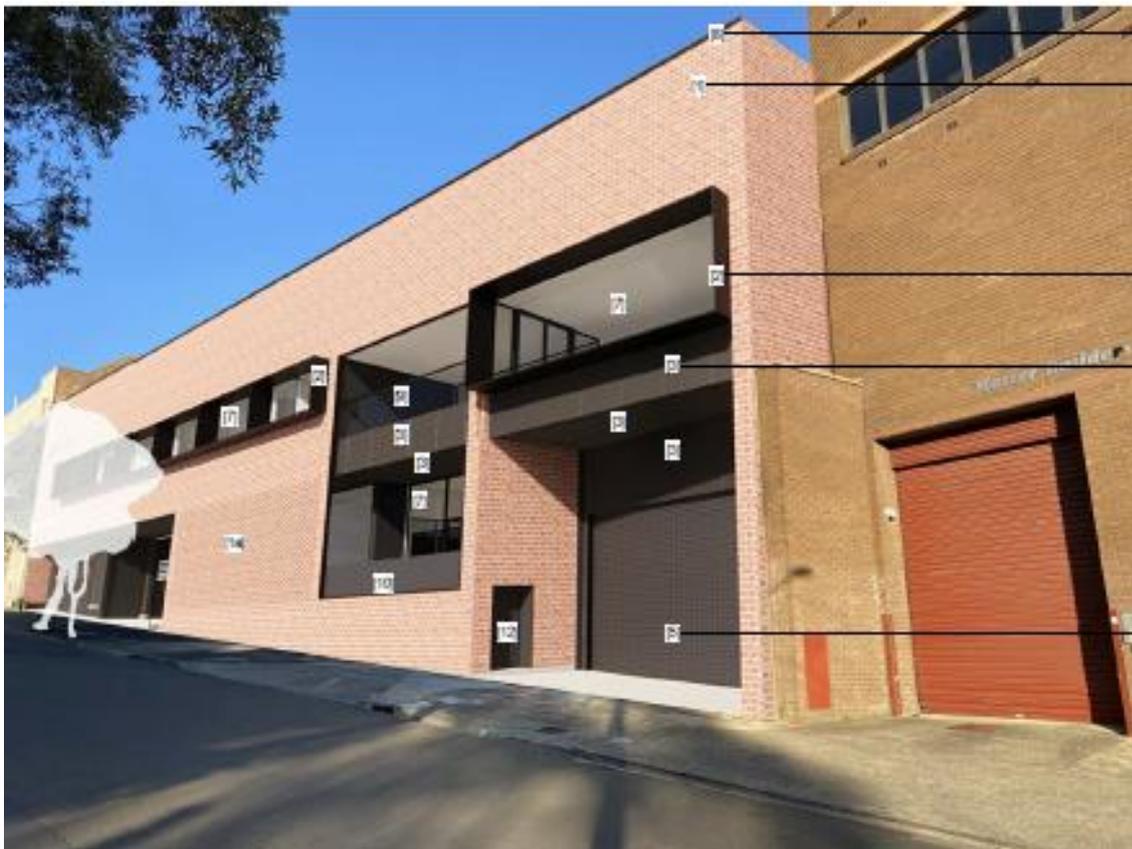


Figure 19: Proposed photomontage of Ambulance Station from Arundel Street looking northwest

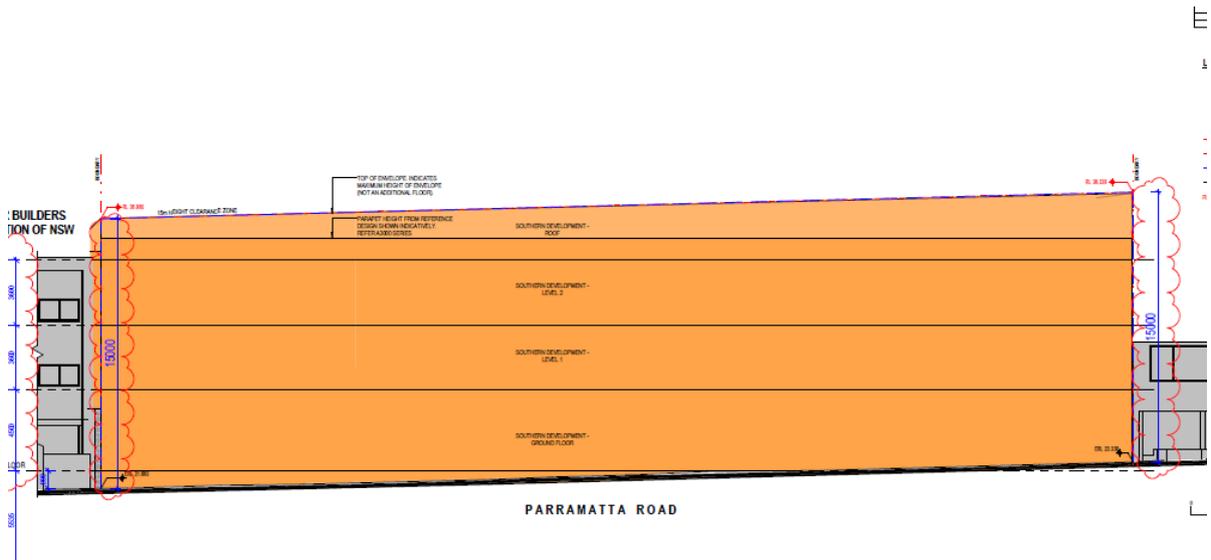


Figure 20: Concept envelope fronting Parramatta Road

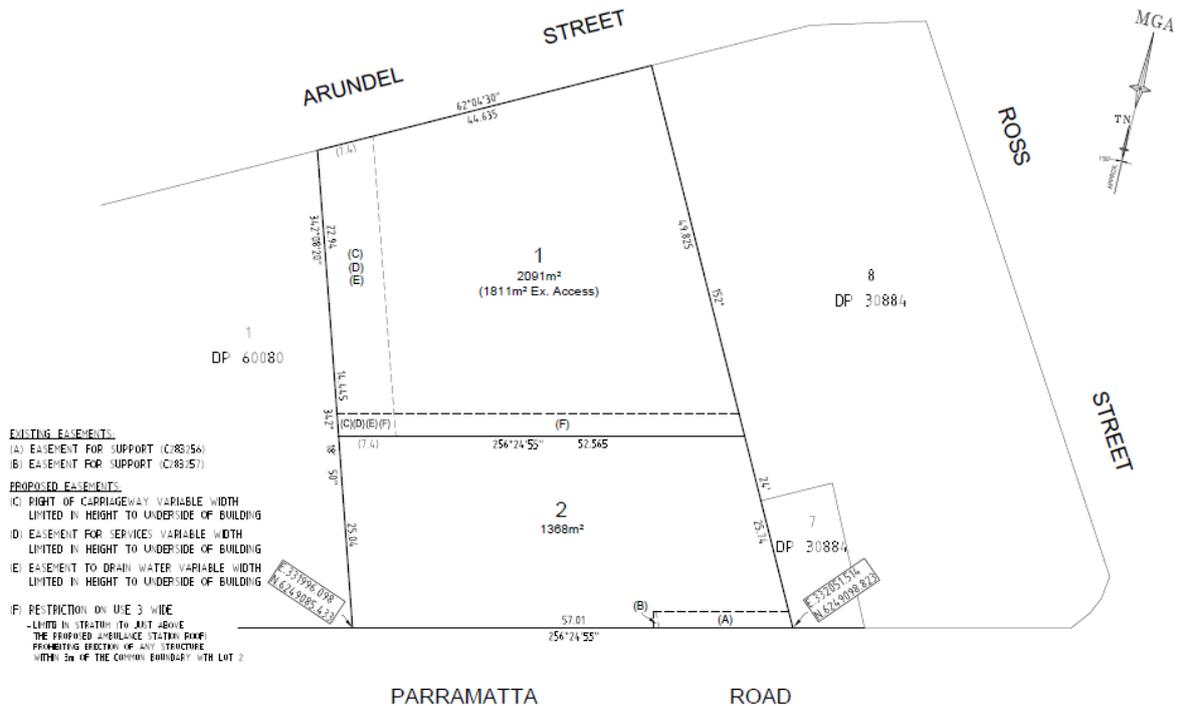


Figure 21: Proposed Plan of Subdivision

History Relevant to the Development Application.

17. A chronology of key events relevant to the Concept and Stage 1 development application follows:

- (a) **12 February 2019:** The applicant attended a pre-DA meeting with Council officers. The option of preparing a planning proposal was discussed to alleviate the need to require a Clause 4.6 variation request for a potential breach to the Floor Space Ratio (FSR) development standard.

- (b) **18 June 2019:** The applicant attended a second pre-DA meeting with Council officers and presented a concept design with commercial uses located above the ambulance station. Following the meeting, Council provided written e-mail advice noting the following:
- (i) Areas associated with the ambulance station and nominated as driveway, circulation areas and "make ready" bay would be calculated as gross floor area (GFA) and would contribute to the maximum FSR permitted.
 - (ii) A Clause 4.6 variation request could be provided as part of a future development application to seek a variation to the FSR development standard. However, there is no certainty that the Clause 4.6 will be supported.
 - (iii) The preparation of a planning proposal to vary the FSR development standard to accommodate the ambulance station parking would allow for the variation of the development standard based upon the unique circumstances of the proposal.
 - (iv) A staged development application is not recommended as the site area is not of a scale that would require confirmation of the intended mixed use configuration which would in effect 'lock in' the development potential as part of a Stage 2 application.
- (c) **23 June 2020:** The applicant attended a pre-DA meeting with Council officers and presented the option of a Concept development application for the residual lot in association with the detailed design for the ambulance superstation.
- (d) **21 July 2020:** A pre-DA letter of advice was sent to the applicant noting the following key issues of concern:
- (i) **Concept Building Envelope:** The Concept development application for the residual lot would need to establish the building envelope on that lot and demonstrate that the floor space could be accommodated within that envelope and that this envelope would achieve compliance with the other site planning controls. It is noted that it is not the usual practice to include floor space in a Concept development application consent, however, the unique nature of the application type is noted. Where any application was supported that redistributed floor space the City would require a covenant/restriction to be registered on the title of the northern lot to cap the FSR.
 - (ii) **Floor Space:** Any development exceeding the 1.5 FSR development standard would be reliant on a Clause 4.6 Exception to Development Standard request. No guarantee or certainty can be provided that a Clause 4.6 request would be supported by City staff or by the consent authority.
 - (iii) **Vehicular egress off Arundel Street:** City encourages further consultation be undertaken regarding vehicular access to the ambulance station from the site's Parramatta Road frontage.
- (e) **27 October 2020:** The Concept and Stage 1 development application (for the detailed design works on the northern part of the site) was lodged.

- (f) **3 November to 25 November 2020:** The Concept and Stage 1 development application was notified/ exhibited.
- (g) **30 November 2020:** A first request for additional information was sent to the applicant requesting additional information regarding contamination. A Detailed Site Investigation (DESI) was requested confirming that the site is suitable (or will be suitable, after remediation) for the proposed use. If required, a Remediation Action Plan (RAP) was to be provided.
- (h) **9 December 2020:** The applicant requested that the further contamination testing be deferred and could be imposed via a condition of consent.
- (i) **17 December 2020:** A second request for additional information and amendments was sent to the applicant. The request identified the following additional information and amendments:
- (i) **Physical Model:** To be submitted.
 - (ii) **Contamination:** The applicant's response to the first request for additional information was not acceptable. It was advised that Council must be satisfied that the site can be made suitable for the intended use before determining the application as required by State Environment Planning Policy 55.
 - (iii) **Public Domain:** A certificate and/or report from MUSIC-link and the electronic copy of the MUSIC Model to be submitted and levels and gradients of all surrounding footpaths to be included on the architectural plans.
 - (iv) **Trees:** Proposal to demonstrate how at least 15% canopy coverage of the site can be achieved.
 - (v) **Traffic:** Council reiterated its preference that the proposed vehicular egress be via Parramatta Road rather than Arundel Street. A meeting was requested between Council, NSW Roads and Maritime Services (RMS) and Health Infrastructure to explore alternative vehicular egress opportunities, including vehicular egress via Parramatta Road.
 - (vi) **Urban Design:** Minor amendments to the envelope drawings, amendments to the Southern Development Reference Scheme and amendments to the Detailed DA Drawings (for the ambulance station on the northern part of the site) including the window mullion and wall alignment and updated information regarding the materials and finishes.
- (j) **12 January 2021:** The applicant's physical model was received.
- (k) **5 February 2021:** A third request for additional information was sent to the applicant. The request confirmed that Council staff are unable to progress the assessment of the application until the requested additional information relating to contamination has been provided. The imposition of a condition of consent deferring the preparation of a DESI and RAP was not supported and does not satisfy the requirements of SEPP 55.

- (l) **10 February 2021:** A meeting took place between the applicant, the applicant's consultant team, Transport for NSW, NSW Roads and Maritime Services (RMS) and Council officers to discuss the proposed vehicle access arrangements from Arundel Street and whether any further consideration could be provided for access via Parramatta Road. It was concluded that vehicular egress/ ingress from Arundel Street was the most appropriate location. This is discussed further in the Issues section of this report.
- (m) **17 February 2021:** A meeting took place between the applicant's town planner and project management team to discuss the requested contamination information. At the meeting it was reiterated that the application could not be progressed until the requested information relating to contamination was provided by the applicant.
- (n) **2 March 2021:** The applicant advised Council that they would undertake the additional testing and that the contamination information would be provided in late April 2021.
- (o) **4 May 2021:** The applicant provided the requested contamination information comprising a DESI, RAP, site audit statement and site audit report.

Assessment

- 18. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

Crown Development Applications

- 19. This application has been made by or on behalf of Health Infrastructure NSW, a public authority (not being a Council) and is therefore to be assessed as a Crown development application.
- 20. Pursuant to section 4.33(1) of the EP&A Act, a consent authority (other than the Minister) must not:
 - (a) refuse its consent to a Crown development application, except with the approval of the NSW Minister for Planning and Public Spaces; or
 - (a) impose a condition on its consent to a Crown development application, except with the approval of the applicant, or the NSW Minister for Planning and Public Spaces.
- 21. Draft conditions of consent were provided to the applicant on 17 May 2021.
- 22. Health Infrastructure NSW provided their initial response on 21 May 2021 and requested the following amendments:
 - Amendment to conditions relating to servicing to reduce the clearance maintained to the basement loading and servicing areas, vehicle ramp and circulation areas from 4.5m to 4m (Conditions 10 and 34).

- Removal of a condition restricting the FSR of the Stage 1 works (ambulance station) to 1.064:1 and requiring the GFA to be certified by a Registered Surveyor.
 - Rewording of the condition relating to changes to kerb side car parking restrictions (Condition 29).
 - Removal of the requirement for payment of a public domain damage bond along the site's Parramatta Road frontage (Condition 82).
 - Removal of the requirement to protect the existing street trees along the site's Parramatta Road frontage (Condition 85).
 - Minor rewording and redrafting of a small number of conditions.
 - Relocation of a small number of conditions to different schedules.
23. Council agreed to the proposed amendments with the exception of deleting the conditions relating to the FSR restriction, the public domain damage bond, the protection of existing street trees and the proposed amendments to the kerb side car parking restrictions.
24. Health Infrastructure NSW provided a further response on 25 May 2021 and requested the following additional amendments:
- Deletion of a condition requiring a documentary Restriction on Use of Land to be placed on the Title of Lot 1 restricting the FSR to 1.064:1 (Condition 12) and the removal of a separate condition restricting the FSR of the Stage 1 works (ambulance station) to 1.064:1 and requiring the GFA to be certified by a Registered Surveyor.
 - Removal of the requirement for payment of a public domain damage bond along the site's Parramatta Road frontage (Condition 82).
 - Removal of the requirement to protect the existing street trees along the site's Parramatta Road frontage (Condition 85).
 - Minor rewording of conditions relating to the subdivision plan and changes to kerb side car parking restrictions (Conditions 16 and 29, respectively).
25. Council did not agree to the deletion of the conditions relating to the documentary Restriction on Use of Land of Lot 1, the public domain damage bond and the protection of existing street trees. Council agreed to the deletion of the separate condition relating to FSR for the Stage 1 works on the basis that the requirement for the GFA certification was included in Condition 12.
26. Council agreed to the minor rewording of the conditions relating to the subdivision plan and changes to kerb side car parking restrictions.
27. Health Infrastructure NSW provided a response on 26 May 2021 and confirmed acceptance of the draft conditions. The agreed conditions are included as Attachment A.

State Environmental Planning Policies

State Environmental Planning Policy No 55 - Remediation of Land

28. The aim of State Environmental Planning Policy (SEPP) No 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.
29. Site investigations identified potential contamination sources in fill materials and ground water. In one location elevated levels of petroleum hydrocarbon were detected.
30. A RAP relating to the site has been submitted with the development application. The preferred remediation approach includes excavation and off-site disposal of the impacted materials. The RAP had been reviewed by a Site Auditor. The Site Auditor has prepared Section B of Site Audit Statement and confirmed that the site can be made suitable in accordance with the RAP.
31. The Council's Health Unit has reviewed the information and has recommended conditions of consent to ensure compliance with the remediation measures outlined, and for Council to be notified should there be any changes to the strategy for remediation.
32. The Council's Health Unit is satisfied that, subject to conditions, the site can be made suitable for the proposed use.

State Environmental Planning Policy (Infrastructure) 2007

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

Division 5, Subdivision 2: Development likely to affect an electricity transmission or distribution network

Clause 45 - Determination of development applications – other development.

34. The application is subject to Clause 45 of the SEPP as the development will be carried out immediately adjacent to an electricity substation.
35. As such, the application was referred to Ausgrid for a period of 21 days and no objection was raised.

Division 17, Subdivision 2: Development in or adjacent to road corridors and road reservation

Clause 101 – Development with frontage to classified road

36. The application is subject to Clause 101 of the SEPP as the site has frontage to Parramatta Road which is a classified road.
37. The proposed development satisfies the provisions of Clause 101 subject to conditions of consent, as access to the site is not provided from the classified road and the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development, subject to the recommended conditions of consent.

Schedule 1: Exempt Development - general

38. The proposed development includes a building identification sign on the site's Arundel Street elevation. The sign shows the text and logo of 'NSW Ambulance'. The sign measures 0.581m in height and 3.6m in width and is set onto the facade of the proposed building.
39. Schedule 1 of the SEPP enables identification, directional, community information or safety signs to be erected as exempt development where they can satisfy the following:
- Surface area must not exceed 3.5sqm.
 - Must be located wholly within property boundary or be attached to existing boundary fence and not projecting more than 100mm from fence.
 - Obtrusive effects of outdoor lighting must be controlled in accordance with AS 4282–1997, Control of the obtrusive effects of outdoor lighting.
40. The sign is less than 3.5sqm, is affixed to the façade of the proposed ambulance station and is generally flush in appearance and is not illuminated or backlit. As such, development consent is not sought for the proposed signage.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

41. The Vegetation SEPP regulates the clearing of vegetation that is below the Biodiversity Offset Scheme threshold referred to in the Biodiversity Conservation Act 2016. The proposal does not necessitate the removal of any trees or vegetation. The Policy does not apply.

Local Environmental Plans**Sydney Local Environmental Plan 2012**

42. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided in the following sections.

Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	<p>The site is located in the B7 Business Park zone.</p> <p>The Stage 1 works are defined as an emergency services facility which is permissible with consent in the zone.</p> <p>The Stage 2 works nominate a commercial premise use which is permissible with consent in the zone.</p> <p>The proposal generally meets the objectives of the zone.</p>

Provision	Compliance	Comment
2.6 Subdivision - consent requirements	Yes	Consent is sought for Torrens title subdivision of the site to create two separate lots; Lot 1 is to comprise the Stage 1 building (2,091sqm in size) and Lot 2 is to comprise a residual land parcel for the future Stage 2 building (1,368sqm in size).

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	Yes	<p>A maximum building height of 15m is permitted.</p> <p>The Stage 1 works (being the ambulance station) have a maximum height of 14.44m and comply with the maximum height of buildings development standard.</p> <p>The Stage 2 works (being the concept envelope) nominate a maximum building height of 15m and comply with the maximum height of buildings development standard.</p>
<p>4.4 Floor space ratio</p> <p>6.12 Additional floor space outside of Central Sydney</p> <p>6.13 End of journey facilities</p>	No	<p>A maximum FSR of 1.5:1 is permitted on the site.</p> <p>In accordance with Clause 6.13, the Stage 2 lot may be eligible for up 0.3:1 additional floor space if end of journey floor space is provided for a commercial premise. However, this is to be determined at a future detailed design DA in relation to the Stage 2 works.</p> <p>A floor space ratio of 1.7:1 or 5,876sqm is proposed across the combined sites.</p> <p>The proposed development does not comply with the maximum FSR development standard.</p> <p>A request to vary the FSR development standard in accordance with Clause 4.6 has been submitted.</p> <p>See further details in the 'Discussion' section below.</p>

Provision	Compliance	Comment
4.6 Exceptions to development standards	Yes	<p>The proposed development seeks to vary the development standard prescribed under Clause 4.4. A Clause 4.6 variation request has been submitted with the application.</p> <p>See further details in the 'Discussion' section below.</p>

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	<p>The site does not contain a heritage item and is not within a Heritage Conservation Area. However, it is in the vicinity of the Hereford and Forest Lodge and Sydney University Heritage Conservation Areas (HCAs).</p> <p>The Stage 1 works will have a negligible setting on the Hereford and Forest Lodge HCA, being of a similar height, scale and form to the Coroners Court building it is to replace.</p> <p>The Stage 2 works comprising a future three-storey building on the southern part of the site will result in negligible visual impacts on the University of Sydney Campus, which is separated physically and visually by Parramatta Road.</p> <p>The heritage impacts are assessed as acceptable, subject to the imposition of a condition related to archaeological discovery during excavation works.</p>

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 4 Design excellence		
6.21 Design excellence	Yes	<p>The proposal was amended during the course of the assessment in response to issues raised by Council staff.</p> <p>The proposal achieves an acceptable built form in the context of the mixed-use nature of surrounding development. The proposed Stage 1 works contains a high standard of materials and finishes.</p> <p>Overall the proposed development is considered to achieve a high standard of architectural design and satisfies the design excellence provisions.</p> <p>As the proposed detailed design of the building (Stage 1) and the concept plan envelope for Stage 2 do not have a height greater than 25 metres, the proposal does not require the undertaking of a competitive design process.</p>

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development	Able to comply	<p>Division 1 does not specify maximum car parking spaces for emergency services facilities in relation to the Stage 1 works.</p> <p>The applicant has provided a Traffic Impact Assessment to justify the parking numbers for staff. A 30-vehicle paramedic response centre typically employs around 166 full time equivalent staff with a maximum of around 51 staff on site at any one time.</p> <p>The applicant has advised that the number of recommended on-site car parking spaces is generally dictated by the number of staff rostered during the evening and night shifts, the availability of surrounding on-street parking and access to public transport services.</p>

Provision	Compliance	Comment
		<p>The proposal includes 24 car parking spaces (including one accessible space) plus two motorcycle spaces for use by staff.</p> <p>The reference scheme proposes one basement level. Car parking numbers for the Stage 2 can only be assessed as part of a future detailed design DA.</p> <p>A condition is recommended stating that no consent is granted for car parking numbers or the number of basement levels relating to the Stage 2 works.</p>
Division 4 Miscellaneous		
7.14 Acid Sulfate Soils	Yes	<p>The site is located on land with class 5 Acid Sulfate Soils.</p> <p>An Acid Sulfate Soils Management Plan is not required.</p>
7.15 Flood planning	Yes	<p>The northern extent of the site fronting Arundel Street is identified as being subject to flooding.</p> <p>The application is accompanied by Flood Planning Level Advice and a Flooding and Stormwater Due Diligence Report. Two of the entry points along Arundel Street do not comply with the required flood planning level.</p> <p>Council's Water Assets team has advised that as the existing 1% Annual Exceedance Probability (AEP) and Probable Maximum Flood (PMF) levels in Arundel Street are less than 0.25m, the proposed development floor levels are acceptable.</p> <p>A condition is recommended requiring adherence to specified flood planning levels.</p>
7.16 Airspace operations	Yes	<p>The height of the proposed development, including the concept envelope for the Stage 2 works, does not penetrate the prescribed airspace.</p>

Provision	Compliance	Comment
7.19 Demolition must not result in long term adverse visual impact	Yes	Demolition works down to the existing basement slab level have been approved under Part 5 of the EP&A Act. The proposed development will result in the comprehensive redevelopment of this currently vacant site.
7.20 Development requiring or authorising the preparation of a development control plan	Yes	<p>As the site is zoned B7 Business Park zone, the preparation of a site specific DCP or concept plan application is not required pursuant to subclause (2)(b) of SLEP 2012.</p> <p>The applicant has voluntarily elected to lodge a concept development application to demonstrate that floor space can be accommodated within this envelope.</p> <p>The applicant is not seeking any design excellence uplift under Clause 6.21 and therefore this staged DA approach does not necessitate a design excellence process prior to the lodgement of a future detailed design DA for the Stage 2 site.</p>

Development Control Plans

Sydney Development Control Plan 2012

43. An assessment of the proposed development against the relevant provisions within the Sydney Development Control Plan 2012 (SDCP 2012) is provided in the following sections.

Section 2 – Locality Statements

44. The site is located within the Ross Street locality. The proposed development is in keeping with the unique character and the design principles of the Ross Street locality.

2. Locality Statements	Compliance	Comment
2.6.2 Ross Street	Yes	<p>Consistent with the character statement, the Stage 1 works (being the ambulance station) provide a building which aligns to the street and includes entrances at ground floor level which help activate the street front. The Stage 1 works comprise a high-quality building which will improve the site from the street and will enhance the Ross Street locality.</p> <p>The Stage 2 concept envelope has an equivalent height of three storeys and ensures a satisfactory relationship can be achieved with development along Parramatta Road. The reference scheme illustrates a scheme which is aligned to the street and provides commercial tenancies at ground and first floor levels which interact with the street.</p>

Section 3 – General Provisions

Provision	Compliance	Comment
3.1 Public Domain Elements	Yes	<p>The Stage 1 works (ambulance station) will make a positive contribution to the public domain. The ambulance station includes multiple openings and windows at first floor level which will help activate the street.</p> <p>The reference scheme submitted for the Stage 2 concept envelope demonstrates that the entrance is not level with the footpath. This would result in a poor public domain outcome.</p> <p>A future detailed design DA for Stage 2 works may need to step once or twice with the fall of the land and provide level entries off the street.</p> <p>The Stage 2 building's relationship with the public domain can be resolved with a future detailed design DA. The Concept envelope provides sufficient flexibility to enable a future building to step with the fall of the land to provide level entries.</p>

Provision	Compliance	Comment
		A condition is recommended requiring that the future design of the Stage 2 building provides level entries off Parramatta Road into the building.
3.2. Defining the Public Domain 3.2.4 Footpath awnings	Yes	The proposed treatment to the ambulance station's primary facade on Arundel Street incorporates materials and finishes of a high standard which provide visual interest and have an appropriate interface with the public domain. This frontage incorporates legible and accessible entries and windows to help define and address the street.
3.5 Urban Ecology	Partial Compliance	<p>The Stage 1 works (ambulance station) do not involve the removal of any trees and will not have an adverse impact on the local urban ecology.</p> <p>It is not anticipated that the Stage 2 works would require street tree removal. This will be determined at a future detailed design DA for the Stage 2 works.</p> <p>The Stage 1 ambulance station detailed design is for a boundary to boundary building with no private open space or green canopy coverage. The proposal does not demonstrate compliance with Section 3.5.2 of the SDCP 2012 which requires that at least 15% of canopy coverage is provided within 10 years from the completion of development.</p> <p>Refer to Issues section below.</p>
3.6 Ecologically Sustainable Development	Yes	<p>An ESD Report has been submitted which identifies the project will consider best sustainable practice in design. The Stage 1 works (ambulance station) include the following commitments and design features:</p> <ul style="list-style-type: none"> • photovoltaic cells at roof level • secure bicycle parking facilities and end of trip facilities • building envelope thermal insulation and glazing to achieve a 10% improvement of minimum NCC section J requirements

Provision	Compliance	Comment
		<ul style="list-style-type: none"> • energy efficient services equipment to achieve a 10% improvement of minimum National Construction Code Section J requirements • water efficient fixtures and appliances. <p>The proposal satisfies environmental requirements.</p>
3.7 Water and Flood Management	Yes	The site is identified as being on flood prone land. See discussion under section 7.15 above.
3.8 Subdivision, Strata Subdivision and Consolidation	Yes	<p>The proposed development involves subdivision of the site into two lots, with the Central Sydney Ambulance Station lot measuring 2,091sqm in size and the residual Stage 2 lot measuring 1,368sqm in size.</p> <p>The allotments are regular in shape and include easements for shared access and services. The layout of the allotments enables future buildings to face the street and would support a future commercial/mixed use building.</p> <p>The site is burdened by two redundant easements that the applicant's surveyor advises benefits the City. It is recommended that these easements are released. A condition is recommended to this effect.</p>
3.9 Heritage	Yes	See discussion under 5.10 above.
3.11 Transport and Parking 3.11.4 Vehicle parking 3.11.9 Accessible parking 3.11.11 Vehicle access and footpaths	Yes	<p>Transport and parking issues are discussed in detail in the Issues section below.</p> <p>Overall the proposal complies with the transport and parking provisions contained in Section 3.11 of SDCP 2012.</p> <p>No objections were raised by the City's Transport and Access Unit, subject to conditions.</p>

Provision	Compliance	Comment
3.11.3 Bike parking and associated facilities	Yes	<p>The basement plan does not specify the number of bicycle spaces proposed. The applicant has advised that there would be approximately 51 staff at any one time at the ambulance station. On this basis, a condition of consent is recommended requiring a minimum of 5 bicycle parking spaces to be provided.</p> <p>The reference scheme provides an area for end of trip facilities in the basement.</p>
3.11.6 Service vehicle parking		<p>The Traffic Impact Assessment submitted with the application identifies the following service vehicle movements:</p> <ul style="list-style-type: none"> • waste collection - 1-2 per week • gas supply - 1 per week • other general supplies - daily or once every two days <p>A loading bay is proposed within the basement car park to accommodate vehicles up to and including 8.8m medium rigid vehicles (MRVs). The loading bay is expected to primarily accommodate waste collection and gas supply services.</p> <p>A multi-purpose bay is also proposed on level 1 to accommodate loading activity by cars, vans and utes. The multipurpose bay is expected to accommodate deliveries to the level 1 logistics area, mostly medical supplies for ambulance re-stocking.</p> <p>Overall, service vehicle activity will be minor and limited to mostly one per day with some days having a maximum of two deliveries.</p> <p>The proposed design and location of the waste collection point and loading areas are acceptable for the proposed number of service vehicle movements and comply with the SDCP 2012.</p>
3.12 Accessible Design	Yes	<p>A condition is recommended to provide appropriate access and facilities for persons with disabilities in accordance with the SDCP 2012 and the BCA.</p>

Provision	Compliance	Comment
3.13 Social and Environmental Responsibilities	Yes	The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles. Further assessment will be carried out on the Parramatta Road frontage in regard to CPTED principles under the detailed design DA for the Stage 2 works.
3.14 Waste	Yes	Satisfactory waste storage and collection facilities have been provided for the Stage 1 works. A condition is recommended for the proposed development to comply with the relevant provisions of the City of Sydney Guidelines for Waste Management In New Development 2018.
3.16 Signage and Advertising	Yes	No signage is proposed under this application (see previous discussion on signage being exempt). A condition is recommended requiring that any further signage be subject to a separate application, where it is not classified as exempt development.
3.17 Contamination	Yes	The application is accompanied by information sufficient to allow Council to meet its obligation to determine whether development should be restricted due to the presence of contamination.

Section 4 – Development Types

4.2 Residential Flat, Commercial and Mixed-Use Developments

Provision	Compliance	Comment
4.2.1 Building height		
4.2.1.1 Height in storeys	Yes	The site is permitted a maximum building height of 4 storeys. The Stage 1 works have a two-storey building height and the Stage 2 works have an equivalent height of three storeys. The height is compliant with the height in storeys control.

Provision	Compliance	Comment
4.2.1.2 Floor to ceiling heights and floor to floor heights	Yes	<p>The proposed Stage 1 works have a floor to floor height of 4.6m at basement level, 5m at ground floor level and 6.72m at first floor level. It is noted that the floor to floor heights are greater than the minimums provided in the SDCP 2012 and will help promote daylight access into the building.</p> <p>The reference scheme for the Stage 2 works demonstrates compliance with the floor to floor heights stipulated in the SDCP 2012 for commercial development.</p>
4.2.2 Building setbacks	Yes	<p>There is no setback control for the site. In accordance with the SDCP 2012, the building setbacks and alignment are to be consistent with adjoining buildings. Consistent with the existing building on the site, the adjoining buildings on Parramatta Road and Arundel Street are generally built boundary to boundary, with no setbacks provided.</p> <p>The Stage 1 works (ambulance station) are built boundary to boundary and the reference scheme submitted with the Concept DA is similarly is built boundary to boundary.</p> <p>The development is consistent with the existing patterns of setbacks on the street and is acceptable.</p>
4.2.3 Amenity		
4.2.3.1 Solar access	Yes	Shadow diagrams have been provided demonstrating the cumulative shadow impacts of the Stage 1 works and the indicative reference scheme on 21 June.

Provision	Compliance	Comment
		<p>The shadow impacts on 21 June are described below:</p> <ul style="list-style-type: none"> • At 9am shadows are cast to the adjoining commercial properties to the west along Parramatta Road (Nos. 52, 54 and 56 Parramatta Road) and the road reserve to the south. • At 12pm the shadows fall on the road reserve and the northern extent of the Sydney University grounds including the McMaster Building, a Sydney University faculty building. • At 3pm the shadows fall on the road reserve and the northern extent of the Sydney University grounds including the McMaster Building. <p>The proposed development does not result in any overshadowing to any residential dwellings.</p> <p>It is noted that the zoning of the subject site and the adjacent sites to the east and west which are impacted by the shadows of the proposal are zoned B7 (Business Park). Residential accommodation is not permitted in the zone.</p> <p>The solar access impacts of the proposed development are acceptable and compliant with the SDCP 2012.</p>
4.2.3.3 Internal common areas	Yes	The Stage 1 works incorporate internal common areas and corridors with access to daylight and outlook.
4.2.3.4 Design features to manage solar access	Yes	The Stage 1 works (ambulance station) incorporate 600mm deep shading device to the perimeter of window openings at first floor level on the Arundel Street frontage to manage solar access.

Provision	Compliance	Comment
		The 600mm shading device exceeds the 450mm maximum prescribed in Schedule 4 of the Sydney DCP 2012. A condition is recommended limiting these to 450mm in width.
4.2.3.6 Deep Soil	No	<p>The SDCP 2012 requires a minimum of 10% deep soil to be provided.</p> <p>The Stage 1 works provide no deep soil area and similarly the reference scheme for the Stage 2 works provides no deep soil area.</p> <p>It is noted that the existing building is built boundary to boundary and does not provide any areas of deep soil. The adjoining buildings along Parramatta Road are similarly built boundary to boundary with no areas of deep soil provided. Given the lack of existing deep soil and the site's urban location, strict compliance with the 10% deep soil control of the SDCP 2012 is not supportable in the circumstances.</p>
4.2.3.11 Acoustic privacy	No	<p>The proposed Stage 1 works relate to the construction and operation of an ambulance station. Noise generating activities associated with the operation of the Stage 1 works include</p> <ul style="list-style-type: none"> • external mechanical plant; • loading dock and wash bay use; • additional or new traffic noise from staff and ambulance vehicle movements, including roller doors; and • ambulance sirens.

Provision	Compliance	Comment
		<p>The Acoustic Report submitted with the application identifies that the proposal has the potential to impact on existing noise sensitive receivers, such as neighbouring residents.</p> <p>Refer to Issues section below.</p>
4.2.4 Fine grain, architectural diversity and articulation	Yes	<p>The application proposes subdivision of the site into two lots. The proposal will result in a finer grain built form outcome, with separate buildings addressing the Arundel Street frontage and a future building addressing the Parramatta Road frontage.</p> <p>The Stage 1 works provide a two-storey building fronting Arundel Street which provides an appropriate scale and facade to its context and an appropriate interface to the residential development to the north of the site. The building incorporates multiple openings and windows along the Arundel Street frontage and is generally well articulated.</p>
4.2.5.3 Development on busy roads and active frontages	Yes	<p>The Parramatta Road frontage is identified as an active frontage and the reference scheme proposes non-residential uses along this frontage.</p>
4.2.6 Waste and recycling Management	Yes	<p>A condition is recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.</p>

Discussion

Interface between Stage 1 building and Stage 2 envelope

45. The submitted architectural plans identify that the Stage 1 works (ambulance station) are proposed to be built to the southern common property boundary shared with the proposed allotment for Stage 2 works. This is shown in the section plan provided at Figure 22.

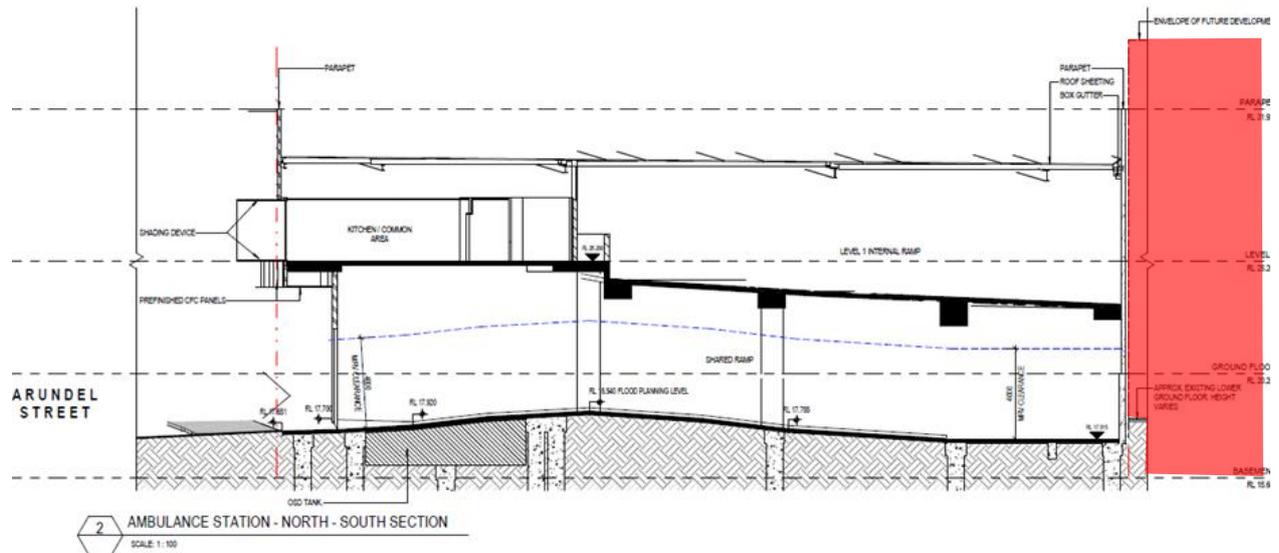


Figure 22: Ambulance Station - North-South Section, extent of envelope for Stage 2 works shown coloured red

46. The ambulance station does not include any openings or windows along this boundary and provides a blank facade to the Stage 2 southern allotment.
47. The detailed design of the ambulance station does not constrain the future development of the Stage 2 works. The Stage 2 works will comprise a commercial premises use and could be built boundary to boundary or could be set back off the shared boundary to include openings. The treatment of the northern facade of the future Stage 2 building would need to be considered as part of a future detailed design DA.

Calculation of Gross Floor Area (GFA)

48. In accordance with the definition of GFA provided in the SLEP 2012, the applicant has included the following areas as GFA in relation to the Stage 1 works:
 - all functional areas of the ambulance station building including offices, storage rooms, lockers, amenities, kitchen, balcony, meeting rooms, areas for servicing and corridors;
 - the response ready zone at ground level which comprises parking for 16 ambulance vehicles; and
 - the make ready zone at first floor level which comprises parking for 14 ambulance vehicles.
49. The applicant has excluded the following areas as GFA in relation to the Stage 1 DA:
 - the basement level including the driveway access to the basement;
 - all areas comprising common vertical circulation including lifts and stairs within the ambulance station building; and

- the multi-purpose bay at first floor level and access to that bay which is provided from the ground floor entry at Arundel Street via a ramp to first floor level. The applicant has also excluded an area to allow vehicles to safely manoeuvre in and out of this bay.
50. The applicant has stated that the multi-purpose bay functions as a loading bay. In accordance with the definition of GFA in the SLEP 2012, any space used for the loading or unloading of goods (including access to it) can be excluded from the calculation of GFA.
51. The applicant's GFA diagrams are provided at Figure 23. Areas calculated as GFA are coloured beige, turquoise and light blue.
52. Council officers agree with the applicant's calculation of GFA for the Stage 1 works.

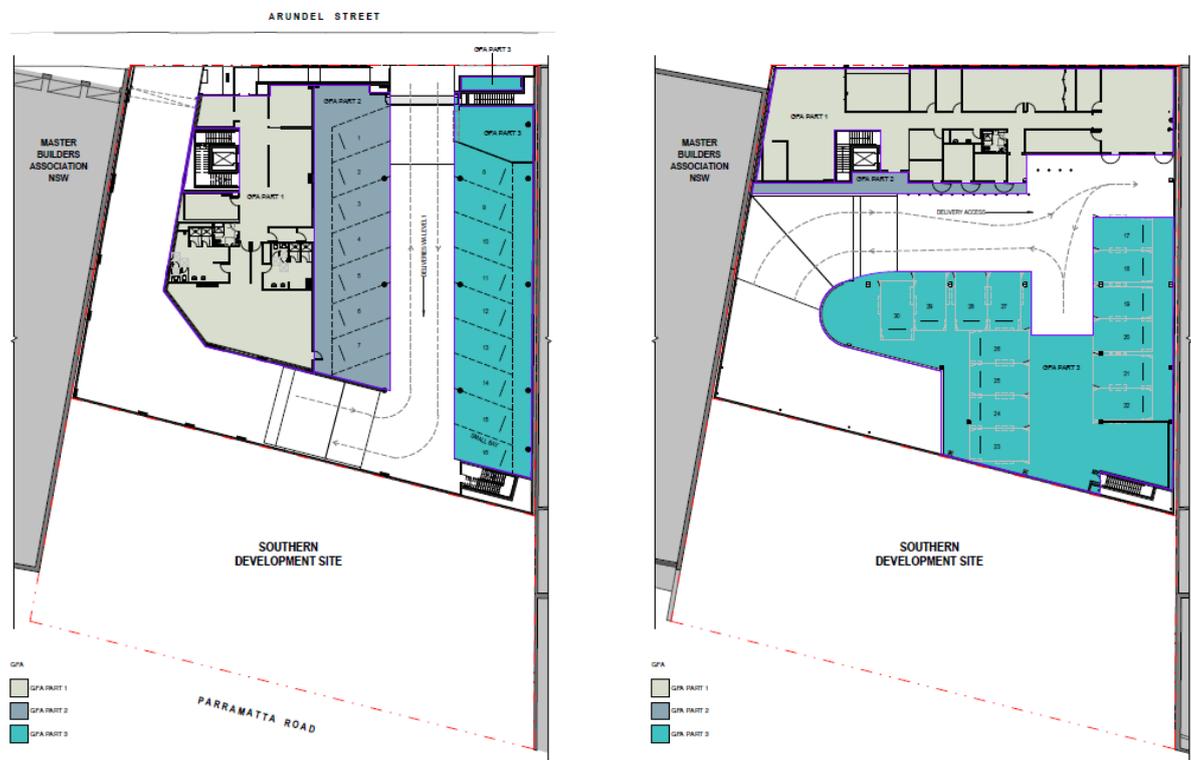


Figure 23: GFA plans showing the areas coloured beige, turquoise and light blue as constituting GFA

53. The applicant has included an indicative reference scheme in relation to the Stage 2 concept DA. The indicative reference scheme has a GFA of 3,652sqm which has been correctly calculated in accordance with the definition of the GFA as per the SLEP 2012.

Clause 4.6 Request to Vary a Development Standard

54. The site is subject to a maximum floor space ratio control of 1.5:1, equating to an allowable GFA of 5,188.5sqm.

55. The Stage 1 detailed DA has an FSR of 1.06:1 and the Stage 2 envelope has an FSR of 2.67:1 (based on the subdivision of the site proposed). The proposed development has an aggregate FSR of 1.7:1. The FSR is exceeded by some 13.33% (687.5sqm) across the whole site.
56. The indicative reference scheme submitted with the Concept DA provides a commercial/mixed use scheme which is three storeys in height, with one level of basement. The indicative reference scheme has a GFA of 3,652sqm.
57. Pursuant to Clause 6.13 of the SLEP 2012, up to 0.3:1 additional FSR may be permitted should a commercial premises provide end of journey floor space together in one area of the building. The eligibility of the amount of additional floor space is to be determined at the Stage 2 detailed design DA stage, commensurate with the quantum of end of journey floor space provided.
58. It is noted that the applicant's Clause 4.6 request erroneously calculates the allowable FSR for the site as 1.52:1 inclusive of additional floor space permitted under Clause 6.13 of SLEP 2012. As mentioned above, the allowance for additional FSR permitted under Clause 6.13 is to be determined at the Stage 2 detailed design DA. Notwithstanding, the applicant has correctly identified the proposed development has a maximum FSR of 1.7:1.
59. A summary table is provided below articulating the relevant GFA and FSR across the proposed lots.

Element	Site Area	Proposed GFA	Resultant FSR
Ambulance Station	2,091sqm	2,224sqm	1.06:1
Future Development Envelope	1,368sqm	3,652sqm	2.67:1
TOTAL/OVERALL	3,459sqm	5,876sqm	1.7:1
Base FSR 1.5:1	5,188.5sqm allowable base GFA		

60. A written request has been submitted to Council in accordance with Clause 4.6(3)(a) and (b) of the Sydney LEP 2012 seeking to justify the contravention of the development standard by demonstrating:
- That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case;
 - That there are sufficient environmental planning grounds to justify contravening the standard;
 - The proposed development will be consistent with the objectives of the zone; and

- d. The proposed development will be consistent with the objectives of the standard.

Applicant's Written Request - Clause 4.6(3)(a) and (b)

61. The applicant seeks to justify the contravention of the FSR development standard on the following basis:

- a. That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - i. The applicant's statement refers to the first of the five tests established in *Wehbe V Pittwater Council* [2007] NSW LEC 827 to demonstrate that compliance with the numerical standard is unreasonable or unnecessary. The test seeks to demonstrate that the objectives of the standard are achieved notwithstanding non-compliance with the numerical standard.
 - ii. The applicant states that the development satisfies the objectives of Clause 4.4 FSR development standard. The objectives of Clause 4.4 and the applicant's justification are provided below:

Objectives of Clause 4.4 FSR

- to provide sufficient floor space to meet anticipated development needs for the foreseeable future,
 - to regulate the density of development, built form and land use intensity and to control the generation of vehicle and pedestrian traffic,
 - to provide for an intensity of development that is commensurate with the capacity of existing and planned infrastructure,
 - to ensure that new development reflects the desired character of the locality in which it is located and minimises adverse impacts on the amenity of that locality.
- iii. The additional GFA is to be located on the Stage 2 southern portion of the site, addressing Parramatta Road. The additional GFA will provide a new development with appropriate address, scale and form and will maximise the development opportunity within the existing built context. The resultant envelope complies with the maximum height of buildings control and is consistent with the built form and context of adjacent development.

- iv. The development envelope is compliant with the 15m maximum height of buildings control. The applicant asserts that the FSR and building height controls are not completely harmonious and a fully compliant building height would result in a minor FSR exceedance. The applicant states that strict adherence to the FSR control would result in a built form that is more in keeping with the existing scale of development of the former NSW Coroners Court and would be less consistent with the character of other nearby development.
 - v. The amenity of adjoining land uses is unlikely to be affected by overlooking or overshadowing as a result of the proposed envelope. Visual impacts of the envelope are mitigated by distance and the lack of any significant views and vistas of note. The envelope does not result in any significant or adverse overshadowing impacts to adjacent sensitive uses.
 - vi. The applicant states that strict adherence with the FSR control would unreasonably and unnecessarily limit the development of the site preventing a coherent and functional built form, and which would not significantly enhance or otherwise improve compliance with the objectives of the FSR standard.
- b. That there are sufficient environmental planning grounds to justify contravening the standard:
- i. The applicant refers to the judgement in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSW LEC 2018 to demonstrate sufficient environmental planning grounds to justify contravening the standard as the development achieves a better outcome by allowing flexibility in particular circumstances.
 - ii. The applicant has provided the following environmental planning grounds to support the FSR variation:
 - a. To reduce the GFA to gain full compliance would result in upper level setbacks that are not warranted for a 3-storey development envelope, particularly where no adjacent built form exists to replicate upper level setbacks off the Parramatta Road frontage at such a low height. Where any upper level setbacks do occur, these are at or above 5 storeys in height.

- b. The additional FSR promotes the achievement of better and enhanced opportunity to secure an appropriate and consistent built form along the Parramatta Road frontage of the site. Concurrently, it generates the capacity and certainty for the State in an enhanced value for redevelopment of this surplus land. Similarly, it also provides Council with enhanced certainty to the future development outcomes for this presently vacant and underutilised land via the subsequent development application.
 - c. The impacts arising from the non-compliance does not affect any public or private views of any significance in the context.
 - d. The impacts upon nearby heritage items or conservation areas are negligible and would be indiscernible in the context of this built edge of Parramatta Road.
 - e. The amenity impacts (where they arise or are discernible) in terms of overshadowing of neighbouring public or private open space and habitable windows is not relevant as the proposed FSR does not generate additional development height and the building height control of the LEP remains satisfied.
 - f. A superior development and design outcome is able to be realised without the implied impacts arising from a non-compliance. The proposed envelope is not what would be considered to be offensive, jarring or unsympathetic to its existing built context.
- c. The proposed development will be consistent with the objectives of the zone;
- i. The applicant states that the development satisfies the objectives of the B7 Business Park zone. The objectives of the zone and the applicant's justification are provided below:

Objective of B7 Business Park zone

- To provide a range of office and light industrial uses.
- To encourage employment opportunities.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To ensure uses support the viability of nearby centres.

- ii. The proposed concept design and development envelope realises the opportunity to provide for new commercial accommodation. It does so with a coherent and achievable reference design that meets all development controls but for an excess of GFA. The minor non-compliance enhances the opportunity for the future development envelope to secure a wider range of interested parties due to the consistent and standard sized commercial floor plates.
- iii. In providing new commercial development it will encourage employment opportunities on what is presently a vacant and underutilised site.
- iv. It has the capacity to provide for the day to day needs to the local community and workers in the area via ground floor level mixed use land uses.
- v. The future development envelope provides a significant opportunity to accommodate land uses tied to either of both the adjacent University of Sydney and the Royal Prince Alfred Hospital Health and Education Precinct and the broader Eastern City Innovation Corridor under the Greater Sydney Commission's Eastern City District Plan.

Consideration of Applicant's Written Request - Clause 4.6(4) (a) (i) and (ii)

62. Development consent must not be granted unless the consent authority is satisfied that:
- a. The applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 of Clause 4.6 being that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard; and
 - b. The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Does the written request adequately address those issues at Clause 4.6(3)(a)?

63. The applicant has correctly referred to the test established by Preston CJ in *Wehbe v Pittwater* to demonstrate that compliance with the standard is unreasonable or unnecessary in the circumstances of the case. Specifically, the applicant has addressed the first part of the test by demonstrating that the development meets the objectives of Clause 4.4, notwithstanding non-compliance with the numerical standard.

64. The applicant references that the additional GFA located on the Stage 2 southern portion of the site will provide a new development with appropriate address, scale and form. It is noted that the resultant built form is consistent with the existing scale of development along Parramatta Road and the built form is compliant with the 15m maximum height of buildings control under Clause 4.3 of the SLEP 2012.

Does the written request adequately address those issues at clause 4.6(3)(b)?

65. The statement provides environmental planning grounds specific to the circumstances to justify the extent of non-compliance with the floor space ratio development standard. Specific reference is made to the Initial Action Pty Ltd v Woollahra Municipal Council case to justify contravening the standard as the development achieves a better outcome by allowing flexibility in particular circumstances.
66. The proposal will not create unacceptable impacts on the amenity of surrounding properties with regard to views, solar access and visual privacy. Similarly, the impacts upon nearby heritage items or conservation areas are negligible and would be indiscernible in the context of this built edge of Parramatta Road.
67. The applicant has therefore demonstrated that there are sufficient environmental planning grounds to support the extent of variation proposed.

Is the development in the public interest?

68. The subject application is unique, in that it includes ambulance parking areas, which are not explicitly excluded from the calculation of GFA as per definition in the dictionary of the SLEP 2012. These areas provide a notable contribution towards the FSR of the proposed ambulance station. This additional GFA created provides for a 30-vehicle ambulance station which is considered to be in the public interest given it will provide public access to emergency medical services and will ensure public health and safety.
69. A covenant is proposed to restrict current and future owners from constructing buildings that exceed an FSR of 1.7:1 across the collective site. The development is considered to be in the public interest and the variation is supported partly on these grounds.
70. With regard to varying development standards, the public interest is deemed as being protected where a development meets the objectives of the zone and the development standard sought to be varied. The development is consistent with the objectives of the B7 Business Park zone. Notwithstanding the non-compliance with the development standard, the proposal will provide a compatible future commercial use on the southern site. The proposal will encourage employment opportunities on what is presently a vacant site and has the capacity to provide for the day to day needs to the local community and workers in the area via ground floor level mixed use land uses.

71. The development is consistent with the objectives of the floor space ratio development standard. The proposal provides an appropriate level of density for this site and provides sufficient floor space to meet anticipated development needs for the foreseeable future. The intensity of development is in keeping with the capacity of existing and planned infrastructure along Parramatta Road and is well located in terms of public transport and community infrastructure. The development reflects the desired character of the locality and the proposal has been designed to minimise adverse impacts on surrounding amenity.
72. The proposal is in the public interest because it is consistent with both the objectives of the FSR development standard and the objectives of the B7 Business Park zone.

Conclusion

73. The applicant's justification for the FSR variation relating to generating capacity and certainty for the State in an enhanced value for the redevelopment of the surplus land is not concurred with and is not deemed to be a valid environmental planning reason.
74. Notwithstanding, for the reasons provided above, the requested variation to the FSR development standard is supported as the applicant's written request has adequately addressed the matters required to be addressed by Clause 4.6 of the SLEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of the FSR development standard and the B7 Business Park zone.
75. The applicant has based their justification for the FSR variation on the basis that the Stage 2 works will provide for a commercial premises. On this basis, a condition of consent is recommended requiring that the Stage 2 building must be used as a commercial premises.

FSR Restriction

76. The applicant has requested that the FSR for both the Stage 1 (ambulance station) and Stage 2 (concept envelope) be included as a condition of consent for this Concept and Stage 1 DA (the detailed design of the ambulance station). This is to provide the applicant with certainty over the sale of the land associated with the future Stage 2 works. Whilst it is not the City's usual practice to include floor space in a Concept DA consent, the unique nature of this Crown DA is noted.
77. The application has been tested by way of a conceptual envelope and reference scheme which identifies the Stage 2 allotment is capable of accommodating the remaining floor space from the collective development. The concept envelope, along with the indicative reference scheme, demonstrates a future commercial building can be provided which generally complies with the development controls in the SLEP 2012 and SDCP 2012 and has a scale, bulk and mass commensurate with the existing built form along Parramatta Road. For the reasons outlined in the above section, the requested variation to the FSR development standard is supported.

78. A condition of consent relating to an FSR restriction is recommended. The condition requires that a documentary Restriction on Use of Land is placed on the Titles of both the lots in the subdivision (being Lots 1 and 2).
79. The documentary restriction is to limit the construction of any buildings on the land for future Lot 1 (ambulance station allotment) to an FSR not exceeding 1.064:1. The FSR is to be calculated using the site area of proposed Lot 1 (2,091sqm), in accordance with the definition of FSR in SLEP 2012.
80. A documentary restriction is to limit the construction of any buildings on the land for future Lots 1 and 2 to a total aggregated FSR not exceeding 1.7:1. The FSR is to be calculated using the site area of both the proposed Lots 1 and 2 (3,459sqm), in accordance with the definition of FSR in SLEP 2012. The limitation does not restrict future Lot 2 from additional FSR available under Clause 6.13 (End of journey floor space) in SLEP 2012.
81. It is noted that notwithstanding the above, the FSR development standard remains as 1.5:1 and that any future Stage 2 detailed design development application will be required to be accompanied by a written request under Clause 4.6 variation of SLEP 2012 seeking to vary Clause 4.4 relating to FSR. This is due to the subdivision proposed as part of this application which will alter the site area of proposed Lot 2. In accordance with Clause 4.6(3) of SLEP 2012, a future applicant will need to justify the contravention of the development standard by demonstrating that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard. This is a matter for the consent authority to determine at the Stage 2 detailed design development application stage.

Concept Development Application

82. The concept development application has been lodged in accordance with the provisions contained in Division 4.4 (Concept development applications) of the EP&A Act.
83. Consent is sought under Section 4.22 of the EP&A Act, which states:
 - (i) For the purposes of this Act, a concept development application is a development application that sets out concept proposals for the development of a site, and for which detailed proposals for the site or for separate parts of the site are to be the subject of a subsequent development application or applications.
 - (ii) In the case of a staged development, the application may set out detailed proposals for the first stage of development.
 - (iii) development application is not to be treated as a concept development application unless the applicant requests it to be treated as a concept development application.

- (iv) If consent is granted on the determination of a concept development application, the consent does not authorise the carrying out of development on any part of the site concerned unless—
 - (v) consent is subsequently granted to carry out development on that part of the site following a further development application in respect of that part of the site, or
 - (vi) the concept development application also provided the requisite details of the development on that part of the site and consent is granted for that first stage of development without the need for further consent.
84. The subject application is a concept proposal that includes both a building envelope for the site, but also seeks consent for the detailed design of Stage 1 works relating to the ambulance station on the northern part of the site.
85. As detailed elsewhere in this report, the application seeks consent for a building envelope on the southern part of the site ranging in height from RL 36.860 to RL 38.338. The reference scheme submitted with this application illustrates a three storey commercial development on this part of the site.
86. The southern building envelope would be the subject of a separate detailed DA in accordance with Section 4.22(4)(a) of the Act. A condition of consent is recommended stipulating that a DA is required to be lodged for these works.
87. In accordance with the requirements of Section 4.24 of the Act, the future DA for Stage 2 will be required to be consistent with the concept proposal for the site approved under this DA.

Traffic, Access and Parking

Ambulance Station Access

88. Access to the ambulance station is proposed from Arundel Street.
89. Access to the ambulance station's basement car parking is provided on the site's western extent, generally in the same location as the existing basement parking access within the former NSW Coroners Court building.
90. A separate access is provided for ambulance vehicles entering and exiting the site located on the site's eastern extent. Access will be provided via a new two-way driveway. The operational requirements of the proposed ambulance station necessitate a two-way driveway to be provided to enable ambulance vehicles to safely and quickly exit the site.
91. The site access arrangements are illustrated at Figure 24.

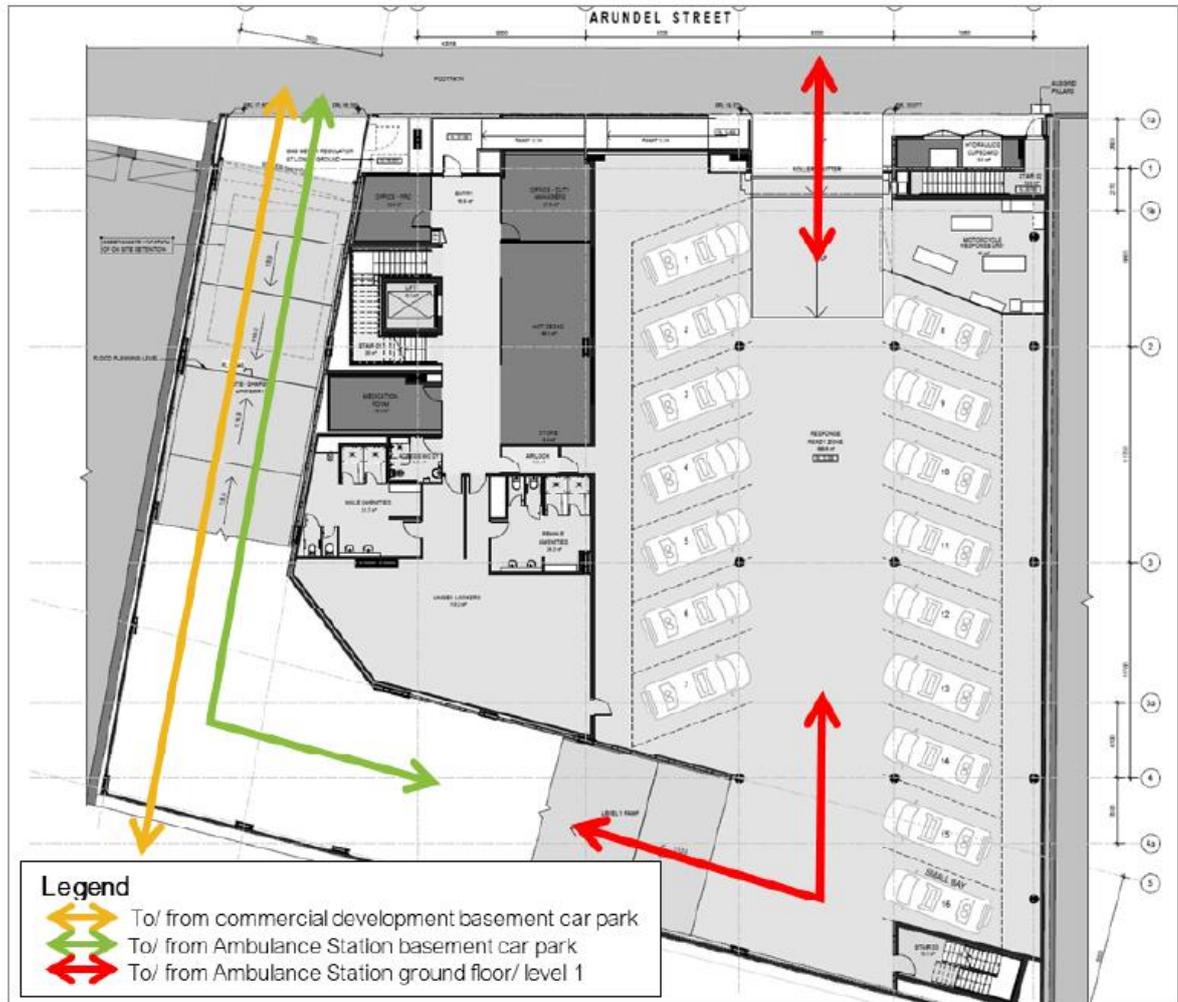


Figure 24: Ambulance station ground floor illustrating proposed access arrangements

Access to Stage 2 (commercial envelope)

92. Vehicle access to the Stage 2 building will be provided on Arundel Street and shared with the ambulance station's access to the staff basement car park. The indicative reference scheme demonstrates that a Medium Rigid Vehicle (MRV) can access and exit the site in a forward direction from the Arundel Street shared driveway ramp.
93. A condition is recommended requiring that the shared driveway provides access to the subdivided site via a breakthrough panel of the Stage 1 (ambulance station) basement car park.
94. Conditions relating to vehicle access, servicing, service vehicle size limit and servicing of the future Stage 2 works have been included as recommended conditions of consent.

Parking and Servicing

95. Parking for 24 staff vehicles (including one disabled space), two motorcycles and bicycles is provided at basement level.

96. The applicant has provided a Traffic Impact Assessment to justify the parking numbers for staff. A 30-vehicle paramedic response centre typically employs around 166 full time equivalent staff with a maximum of around 51 staff on site at any one time.
97. The applicant has advised that the number of recommended on-site car parking spaces is generally dictated by the number of staff rostered during the evening and night shifts, the availability of surrounding on-street parking and access to public transport services.
98. The proposal includes 24 car parking spaces (including one accessible space) plus two motorcycle spaces for use by staff.
99. The basement plan does not specify the number of bicycle spaces proposed. The applicant has advised that there would be approximately 51 staff at any one time at the ambulance station. The SDCP 2012 requires that for community facilities, one bicycle parking space is provided for every 10 staff. It is considered that a similar approach can be taken for the proposed ambulance station use. On this basis, a condition of consent is recommended requiring a minimum of 5 bicycle parking spaces to be provided.
100. Parking for 16 ambulance vehicles is provided at ground floor level and parking for 14 ambulance vehicles is provided at first floor level. Ambulance vehicles will park on the ground and first floor levels, with those vehicles at ground floor level located within the response ready zone.
101. Ambulances will be set in a herringbone configuration at ground level to allow rapid egress in a forward direction in the event of an emergency. Access into the ambulance station is in a forward direction and manoeuvring will occur within the building to set the ambulances ready for egress. All traffic movements for the vehicles set out above will be a forward in and forward out scenario.
102. The submitted swept path shows that two-vehicle movements on some sections of the ramp (from ground floor to first floor) and the circulation aisle cannot be possible simultaneously. In the case of two vehicles passing one another, Australian standard requires 300 mm on both sides of both vehicles plus a further 300 mm for SRV and above size vehicles. This has not been obtained all through the ramp design.
103. Only one MRV size vehicle can travel into the ramp (no other vehicle can share the ramp with MRV to pass one another). To overcome this, either the ramp design (from ground floor to first floor) needs to be revised to pass two large vehicles at all times and/or a traffic signal system installed to manage and control large vehicle movement in the ramp and circulation areas. A condition of consent is recommended requiring the applicant to provide a loading and service management plan to address this issue.
104. A delivery bay is proposed at first floor level, with servicing taking place from first floor level. Waste collection will be undertaken from basement level, with a further waste collection bay located at basement level.

105. Ambulance station service vehicle activity will be by appointed contractors and mostly associated with the delivery of medical supplies / office equipment, oxygen gas bottles and for waste removal. The estimated service vehicle movements for the facility is:
- waste collection: 1-2 per week
 - oxygen gas bottles: 1 per week
 - other general supplies: daily or once every two days.
106. Swept path analysis has been provided demonstrating that an 8.8m long medium rigid vehicle can enter and exit the site in a forward direction. It is noted that service vehicle parking will block access to three car parking spaces at basement level. A condition is recommended requiring that the applicant provides a loading and service management plan to ensure that the service parking does not block access to any staff car parking.

Traffic Generation

Staff vehicles

107. The applicant has advised that the 30-vehicle ambulance station is likely to employ around 166 full time equivalent staff with a maximum of around 51 staff on site at any one time. Most staff will work in shift patterns with staggered start and finish times. Overall, the ambulance station is expected to generate 26 vehicle trips in any peak hour in relation to staff movements.
108. The traffic impact of the additional traffic for staff-related peak hours movements is minimal in the context of existing traffic volumes near the site. The likely 26 trips in any peak hour would not be expected to compromise the safety or function of the surrounding road network.

Ambulance vehicles

109. The proposed ambulance station will service the Sydney Central Region which is currently serviced by two Paramedic Response Points (PRPs) located in Paddington and Redfern. The two existing PRPs will continue to serve the Sydney Central Region, with the subject development adding a third response point.
110. To understand the traffic impact of the ambulance station, data from the Redfern PRP has been provided by the applicant. Utilising this data, it is envisaged that the average number of ambulance call outs per day is expected to be below 30, equating to an average call out of just over one per hour. The data identifies that the peak times for call outs are late at night or in the early morning periods. It is expected that there will be less than two call outs per hour during the peak AM or PM periods. The data from the Redfern PRP is reproduced at Figure 25 and Figure 26.

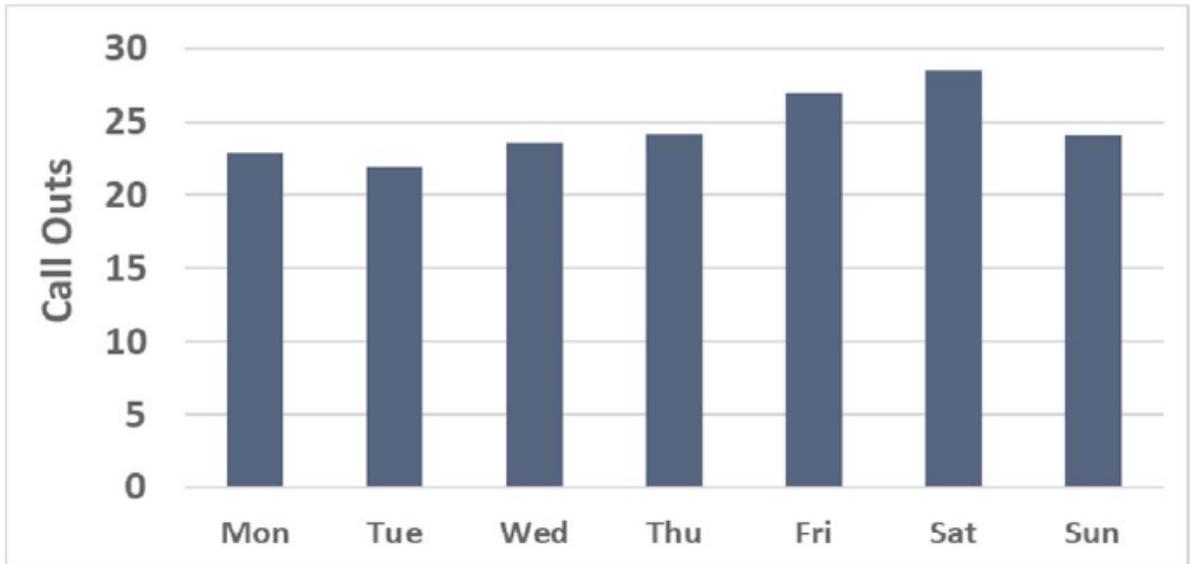


Figure 25: Average daily call outs for Redfern PRP

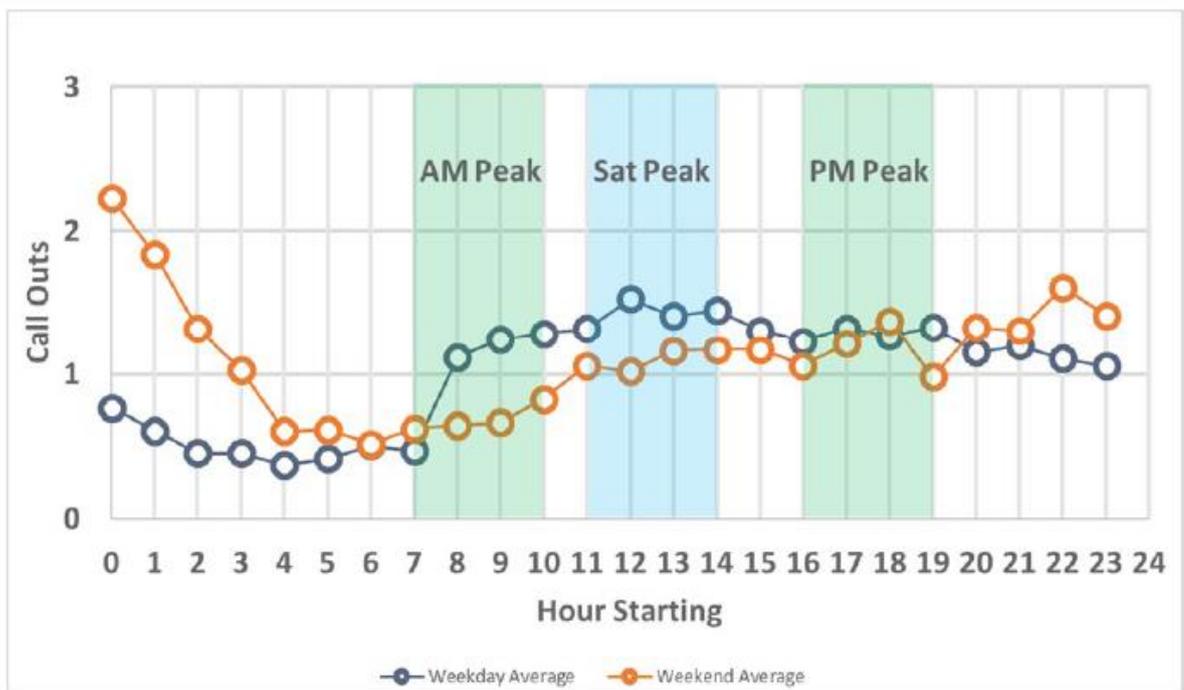


Figure 26: Average hourly call outs for Redfern PRP

111. The low volumes of call outs, especially during the peak periods is expected to result in marginal impacts on the operation and capacity of the surrounding road network.

Ambulance Vehicle Emergency Scenario

112. In an emergency scenario, a push button will be triggered. The push button will trigger the Emergency phase ("E Phase") at the Parramatta Road/Ross Street signalised intersection after allowing for a defined travel time delay to ensure efficient operation and allow the ambulance to access the Parramatta Road intersection. A painted central median on Arundel Street and Ross Street is proposed to ensure ambulances can bypass any vehicles in the area. The push button would only be triggered at times when ambulances need to use Parramatta Road to exit the area. This scenario is shown at Figure 27.



Figure 27: Ambulance vehicle egress under emergency scenario

113. During both the pre-lodgement and assessment processes Council staff requested the applicant review the proposed access arrangements due to the proximity of the residential dwellings opposite the site on Arundel Street and the potential for noise disturbances. Council staff requested the applicant consider an alternate vehicular access from the site's Parramatta Road frontage.
114. During assessment Council staff met with the applicant, Transport for NSW and the NSW Roads and Maritime Services (RMS) to discuss whether alternative vehicular access could be provided from Parramatta Road. The applicant was made aware of the large number of submissions made by local residents who had cited this issue as a principal concern.

115. At that meeting it was explained that direct access from the site onto Parramatta Road could not be provided due to the following reasons:
- (i) Direct access off Parramatta Road could only be provided as a left-out. To turn right onto Parramatta Road would require the central kerb to be mounted and would be a dangerous manoeuvre for ambulance vehicles to perform.
 - (ii) There is no ability to install a second set of traffic lights outside a proposed ambulance station egress on Parramatta Road as the traffic lights would be too close to the traffic lights currently provided at the Parramatta Road and Ross Street intersection (within 45m). This would raise the inherent risks of the 'see-through effect' with other vehicle drivers seeing only the latter traffic lights in either direction along Parramatta Road with the propensity for collision to occur.
 - (iii) The Parramatta Road frontage has an active bus lane during transport peak period and kerbside parking off peak, with any additional access potentially causing a safety conflict and/or efficiency impacts.
 - (iv) The priority control, as proposed, is the safest way for vehicles to safely and quickly egress the site in an emergency scenario.
 - (v) The proposal has an extremely low traffic generation with expected ambulance call outs per day to be below 30, equating to an average call out of just over one per hour.
 - (vi) The use of lights and sirens from emergency vehicles is not necessary as there is a safe egress onto Arundel Street and Ross Street. It is anticipated that lights and sirens may be used once the ambulance has arrived at the Ross Street/ Parramatta Road intersection.
116. On this basis, the proposed vehicular egress from Arundel Street can be supported. No objections were raised by the City's Transport and Access Unit, subject to conditions.
117. It is noted that Arundel Street is a Council Local Street. A condition of consent is recommended that any alterations to the public road are to be designed in accordance with TfNSW Traffic and Transport Technical Directions, and must be referred to and agreed to by the Local Pedestrian, Cycling and Traffic Calming Committee prior to any demolition work commencing below the existing basement slab level.

On-street Parking Impacts

118. The Stage 1 works will result in the addition of four on-street spaces along the site's Arundel Street frontage. Currently on-street parking outside the existing Coroners Court is restricted to authorised vehicles only.
119. As indicated at Figure 27, a painted median is proposed on Arundel Street to enable the safe passage of ambulance vehicles to bypass any stationary vehicle. This will result in the loss of up to seven on-street parking spaces within Arundel Street's northern edge and the existing angled parking on the northern side of Arundel Street will be converted to parallel parking or removed.

120. Overall, the development will result in the net loss of three on-street parking spaces on Arundel Street. This will result in a minor impact to on-street parking in the area generally.
121. Any changes to on-street parking along Arundel Street will need to be referred to and agreed to by the Local Pedestrian, Cycling and Traffic Calming Committee.

Noise Impacts

122. An Acoustic Report has been submitted with the application which addresses the noise emissions and vibration from the Stage 1 works and the future Stage 2 works.
123. The site is located within a mixed use locality with commercial, educational and residential receivers located within close proximity to the site. The nearest residential receivers are located to the immediate north of the site, beyond Arundel Street.
124. Noise generating activities associated with the operation of the Stage 1 works include:
- external mechanical plant;
 - loading dock and wash bay use;
 - additional or new traffic noise from staff and ambulance vehicle movements, including roller doors; and
 - ambulance sirens.
125. The Acoustic Report submitted with the application identifies that the proposed emergency services facility use has the potential to impact on existing noise sensitive receivers. This is summarised below.

External mechanical plant

126. Mechanical plant selections have not been nominated. A condition is recommended requiring that noise from commercial plant and the development does not exceed the relevant requirements of the NSW EPA Noise Policy for Industry 2017.

Loading dock and wash bay use

127. Wash bay and loading dock operations are expected to comply with the relevant noise criteria. The wash bay and loading dock are located within the basement of the ambulance station and activities are not expected to impact the nearest noise sensitive receivers.

Vehicle noise emissions

128. The noise level of departing ambulances during the night time period does not comply with the target of 48dBA with respect to sleep arousal. This is specifically related to the additional traffic noise from staff and ambulance vehicle movements, including the use of the roller doors and ambulance sirens.

129. It is noted that the use of ambulance sirens when ambulances depart to attend incidents is not specifically addressed in any relevant noise regulations.
130. To minimise roller door noise impact to the nearest noise sensitive receivers, a condition of consent is recommended requiring a quiet roller door system to be selected and insulators to be installed on the door fittings to avoid a rigid connection between roller door structure and building elements, reducing structure borne noise emissions. The roller door closing speed is to be controlled such that significant impact noise is not emitted when the roller door leaf comes in contact with the floor.
131. In relation to vehicle noise from ambulance vehicles departing the site and the use of sirens, the applicant has advised that events identified as Priority One events (Life Threatening Emergencies), require that warning devices must be used, including warning lights and sirens. The NSW Ambulance Emergency Driving and Use of Warning Police Directive 2016-033 states that:
- NSW Ambulance personnel who drive a vehicle under emergency response conditions shall use safety equipment provided by NSW Ambulance for that purpose which includes warning devices: lights and sirens. Lights can be used in isolation without the use of a siren if the driver of the vehicle deems the circumstances are safe to do so and can justify reasonable cause to do so.***
132. Ambulance drivers will make a judgement call on whether to use the ambulance sirens on a case-by-case basis, including the time of day or night and the general circumstances. The applicant has advised that it is the practice of ambulance drivers to minimise the use of sirens when it will cause a noise disturbance and the sirens are deemed unnecessary.
133. Based on data from the Redfern PRP, the average number of call outs per day is expected to be below 30, which equates to an average of just more than one call out per hour. The data identifies that the busiest weekday times are late morning to early afternoon at approximately 1.5 calls per hour. The busiest weekend times are around midnight with on average about 2 call outs per hour. However, it is expected that the road conditions will be generally quiet at night time and ambulance drivers would not leave the site with sirens engaged unless there is a hazard on the road.
134. A condition is recommended requiring the preparation of a Noise/Service Management Plan which is to be developed in consultation with Council and approved prior to the occupation of the Stage 1 building. The Plan is to include, inter alia, lights/siren management on ambulance use and training to the staff and drivers.
135. The Plan is to include details of how complaints relating to noise will be addressed and any noise control strategies that will be implemented to minimise the potential for complaints. The Plan is to be made available to Council, external users and local residents.

Tree Management

136. There are three street trees on the Arundel Street frontage including a semi-mature Trident Maple and two semi-mature Watergums. Council's Tree Management Unit has advised that these trees are not likely to require pruning and will remain viable after the development if the recommendations within the provided arborist report are undertaken.
137. The proposed basement is unlikely to affect the existing street trees given the existing building structure will limit root growth and the proposed building and basement is outside the Structural Root Zone of these street trees and is therefore likely that they will remain viable after the development.
138. The Stage 2 concept envelope proposes an increase in building height of the southern building. This is likely to affect the Chinese Tallow Tree located on the Parramatta Road frontage. The design of the future building is to take into account existing street canopies in a subsequent detailed design DA.
139. The proposed development is compliant with Section 3.5.3 of the SDCP 2012 which requires trees within and adjacent to development sites to be protected. Recommended conditions of consent have been included to ensure all street trees are protected.
140. The SDCP 2012 requires that development is to provide at least 15% canopy coverage of a site within 10 years from the completion of development.
141. The existing site is built boundary to boundary and does not contain any vegetation on site. The Stage 1 works do not include green canopy coverage. During the assessment of the application the applicant was requested to amend the design to incorporate canopy coverage. The applicant has stated that it is impractical to introduce a green roof or planted roof atop the ambulance station.
142. Given the lack of canopy coverage within adjoining site's and the operational requirements of the ambulance station, it is considered that adherence with the 15% canopy coverage requirement for the Stage 1 works is unnecessary in this instance.
143. However, there is an opportunity for the Stage 2 works to incorporate canopy coverage which could be provided via the incorporation of a green roof. This can be assessed with a future detailed design application for the Stage 2 works.

Consultation

Internal Referrals

144. The application was referred to, or discussed with the following referral officers and bodies for review:
 - (a) Urban Design Specialists;
 - (b) Heritage Specialists;
 - (c) Building Services Unit;

- (d) Environmental Health;
- (e) Public Domain;
- (f) Landscape Assessment Officer;
- (g) Specialist Surveyor;
- (h) Transport and Access;
- (i) Tree Management; and
- (j) Waste Management

145. The revised submission addresses the issues raised initially and is acceptable, subject to the recommended conditions of consent included in Attachment A.

External Referrals

Ausgrid

146. Pursuant to Section 45 of the SEPP (Infrastructure) 2007, the application was referred to Ausgrid for comment.

147. A response was received raising no objections to the proposed development.

Transport for NSW

148. Pursuant to Section 104 of the SEPP (Infrastructure) 2007, the application was referred to Transport for NSW (TfNSW) for comment.

149. Comments were received on 18 November 2020. Conditions of consent were recommended which are included in the Notice of Determination.

Advertising and Notification

150. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified for a period of 21 days between 3 November 2020 and 25 November 2020. A total of 153 properties were notified and 77 submissions were received.

151. The submissions raised the following issues:

- **Issue:** Severe noise impacts from ambulance vehicles exiting and entering the site from Arundel Street with potential impacts of lights and sirens, especially at night. Acoustic report excludes noise impacts from sirens.

- **Response:** The use of ambulance sirens when ambulances depart to attend incidents is not specifically addressed in any relevant noise regulations.

Ambulance drivers will make a judgement call on whether to use the ambulance sirens on a case-by-case basis, including the time of day or night and the general circumstances. The applicant has advised that it is the practice of ambulance drivers to minimise the use of sirens when it will cause a noise disturbance and the sirens are deemed unnecessary.

It is expected that the road conditions will be generally quiet at night time and ambulance drivers would not leave the site with sirens engaged unless there is a hazard on the road.

A condition is recommended requiring the preparation of a Noise/Service Management Plan which is to be developed in consultation with Council and approved prior to the occupation of the Stage 1 building. The Plan is to include lights/siren management on ambulance use and training to the staff and drivers.

The Plan is to include details of how complaints relating to noise will be addressed and any noise control strategies that will be implemented to minimise the potential for complaints. The Plan is to be made available to Council, external users and local residents.

- **Issue:** Preferred ambulance vehicle egress / ingress from Parramatta Road and not Arundel Street.
- **Response:** As discussed above, the issue of ambulance vehicle egress and ingress was raised during the assessment of this application. During the assessment period Council staff met with the applicant, Transport for NSW and the RMS to discuss whether an alternative vehicular access could be provided. At that meeting it was explained that direct access from the site onto Parramatta Road was not supported due to the following reasons:
 - (i) Direct access off Parramatta Road could only be provided as a left-out. To turn right onto Parramatta Road would require the central kerb to be mounted and would result in a dangerous manoeuvre.
 - (ii) There is no ability to install a second set of traffic lights outside a proposed ambulance station egress on Parramatta Road as the traffic lights would be too close to the traffic lights currently provided at the Parramatta Road and Ross Street intersection (within 45m). This would raise the inherent risks of the 'see-through effect' of seeing only the latter traffic lights in either direction along Parramatta Road, and with it the propensity for collision to occur.
 - (iii) The Parramatta Road frontage has an active bus lane during transport peak period and kerbside parking off peak, with any additional access potentially causing a safety conflict and/or efficiency impacts.
 - (iv) The priority control, as proposed, is the safest way for vehicles to safely and quickly egress the site in an emergency scenario.

- (v) The proposal has an extremely low traffic generation with expected ambulance call outs per day to be below 30, equating to an average call out of just over one per hour.
- (vi) The use of lights and sirens from emergency vehicles is not anticipated as there is a safe egress onto Arundel Street and Ross Street. It is anticipated that lights and sirens may be used at the Ross Street/ Parramatta Road intersection.

On this basis, the proposed vehicular egress from Arundel Street can be supported. No objections were raised by the City's Transport and Access Unit, subject to conditions.

- **Issue:** Safety risks for pedestrians and cyclists with ambulances frequently exiting onto a quieter residential street at speed, location of ambulance station within proximity to a school zone and location close to a primary entry point to the University of Sydney.
- **Response:** As discussed above, the proposal has an extremely low traffic generation with expected ambulance call outs per day to be below 30, equating to an average call out of just over one per hour. Peak call out times during the week are generally late morning to early afternoon at approximately 1.5 calls per hour. During the weekend, the busiest times are around midnight with on average about 2 call-outs per hour. The proposed priority control enables ambulance vehicles to safely egress the site.
- **Issue:** Additional congestion within the area.
- **Response:** The traffic impact of the additional traffic for staff-related peak hours movements is minimal in the context of existing traffic volumes near the site. The likely 26 trips in any peak hour would not be expected to compromise the safety or function of the surrounding road network. When considering the historical use of the building as the NSW Coroners Court, the net change in traffic volumes is expected to be minor.

The expected ambulance vehicle call outs per day is expected to be below 30 per day, equating to an average call out of just over one per hour. This is considered minor.

- **Issue:** Loss of on-street parking on Arundel Street.
- **Response:** The development would result in the addition of four on-street spaces along the Arundel Street frontage. Currently on-street parking outside the existing Coroners Court is restricted to authorised vehicles only.

The proposed road works to Arundel Street would result in the loss of seven on-street parking spaces on the northern extent of Arundel Street.

Overall, the development will result in the net loss of three on-street parking spaces on Arundel Street. This will result in a minor impact to on-street parking in the area generally.

- **Issue:** Potential removal for street trees
- **Response:** There are three street trees on the Arundel Street frontage including a semi-mature Trident Maple and two semi-mature Watergums. Council's Tree Management Unit has advised that these trees are not likely to require pruning and will remain viable after the development if the recommendations within the provided arborist report are undertaken.

The proposed basement is unlikely to affect the existing street trees given the existing building structure will limit root growth and the proposed building and basement is outside the Structural Root Zone of these street trees and is therefore likely that they will remain viable after the development.

Recommended conditions of consent have been included to ensure all street trees are protected.

- **Issue:** Impact to public domain will negatively impact the character of Arundel Street.
- **Response:** The Stage 1 works comprise a two storey building which is built boundary to boundary. The building is aligned to the street and includes entrances at ground floor level which help activate the street front. The building includes multiple openings and windows along this frontage which will help articulate the site's frontage and activate the street. It is noted that the former NSW Coroners Court building provided little activation to Arundel Street, with its address to Arundel Street acting as a secondary frontage and primarily as a vehicular entry/egress. The proposed building is considered to improve the site from the street and enhance the Ross Street locality.
- **Issue:** Proposed subdivision of the site results in amenity impacts for future Stage 2 envelope. Impacts include opportunity for solar access as site is south facing, noise impacts from Parramatta Road and ventilation impacts from Parramatta Road.
- **Response:** The Stage 2 works relate to a commercial envelope and a condition of consent is recommended restricting this land use. Typically issues of solar access, noise and ventilation are related to residential uses and not commercial uses. Further it is noted that a detailed design application will be lodged for the Stage 2 works. Issues of amenity for future occupants will be assessed at this stage.

Financial Contributions

Contribution under Section 7.11 of the EP&A Act 1979

152. Contributions to the ambulance station do not apply as the development is categorised as an emergency services facility. An emergency services facility is listed in Table 2 of the City of Sydney Development Contributions Plan 2015 and is excluded from the need to pay a contribution.
153. Contributions relating to the Stage 2 southern envelope will determined under a future detailed design DA.

Relevant Legislation

154. Environmental Planning and Assessment Act 1979.

Conclusion

155. Approval is sought for concept approval of the staged construction of a two (2) storey emergency services facility and a three (3) storey commercial building. The proposal seeks consent for the detailed design of the Stage 1 works which include the construction and use of the two storey building as an ambulance station (Central Sydney Ambulance Station). The proposal also seeks Torrens title subdivision of the site to provide two lots comprising the new Central Sydney Ambulance Station and a residual lot for the future Stage 2 building.
156. A written request to vary Clause 4.6 FSR development standard has been submitted and is well founded. The statement demonstrates that compliance with the floor space ratio development standard is unreasonable and unnecessary in circumstances of the cause and that there are sufficient environmental planning grounds to justify the variation. The variation to the development is consistent with the objectives of Clause 4.6 and the B7 Business Park zone, and therefore is in the public interest.
157. The proposal complies with the height in metres and height in storeys controls and presents a building envelope that is appropriate for the site.
158. The Stage 1 works achieve a high standard of architectural design, materials and detailing. The proposal provides a sympathetic contemporary infill building that incorporates materials that are appropriate for its context. The proposal is consistent with the desired future character of the area. Overall, the proposal satisfies the design excellence requirements of Clause 6.21 of the SLEP 2012.
159. A total of 77 submissions were received. Issues raised include vehicular access, use of ambulance sirens, congestion, loss of on-street parking, tree removal, urban design and subdivision. These concerns have been addressed within the report.
160. As the subject application is Crown DA, a copy of the draft conditions was provided to the applicant on 17 May 2021. In correspondence dated 26 May 2021, the applicant has agreed to the draft conditions included at Attachment A.
161. Subject to the implementation of conditions, as detailed in the report and Attachment A, the proposal generally complies with relevant planning controls and can be supported.

ANDREW THOMAS

Executive Manager Planning and Development

Lotti Wilkinson, Senior Planner