

Attachment B

**Draft Sydney Development Control Plan 2012 -
118-130 Epsom Road and 905 South Dowling
Street, Zetland**

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The purpose of the Development Control Plan

The purpose of this Development Control Plan (DCP) is to amend the Sydney Development Control Plan 2012, which was adopted by Council on 14 May 2012 and came into effect on 14 December 2012.

The provisions guide future development of all land to which this development control plan applies.

Citation

This amendment may be referred to as Draft Sydney Development Control Plan 2012 – 118-130 Epsom Road and 905 South Dowling Street, Zetland.

Land covered by this plan

This plan applies to 118-130 Epsom Road and 905 South Dowling Street, Zetland.

Relationship of this plan to Sydney Development Control Plan 2012

This plan amends Sydney Development Control Plan 2012 in the manner set out below.

Amendment to Sydney Development Control Plan 2012

- (1) Amend Section 5.3 Green Square - Epsom Park in accordance with Appendix 1.

APPENDIX 1

Insert the following into ‘Section 5.3.3 Local infrastructure and public domain’ at the end of the list of existing objectives:

- (f) Secure good levels of solar amenity in the public domain.
- (g) Minimise wide driveways across the Link Road landscaped deep soil zone.

Insert the following into ‘Section 5.4.3 Building form and design’ at the end of the list of existing objectives:

- (g) Ensure the height and siting of built form, in particular the tower forms, results in good solar access to apartments and the public domain.
- (h) Ensure towers are well articulated and limited in floor plate to provide a human scale and amenity at the ground plane.
- (i) Provide active frontages along nominated streets and public places to encourage a vibrant urban environment that supports a mix of land uses, community activity and natural surveillance.
- (j) Minimise noise intrusion from Link Road through the siting and design of buildings along this road frontage.
- (k) Ensure new development appropriately addresses noise and ventilation.
- (l) Ensure the suitability of land for redevelopment through the identification of contamination risk and appropriate remediation measures.
- (m) Ensure the efficient use of resources in building design, construction and operation and maximise resilience of development against the effects of climate change.

Insert the following at the end of Section 5.3 Green Square - Epsom Park:

5.3.6 118-130 Epsom Road and 905 South Dowling Street, Zetland

This section applies to land at 118-130 Epsom Road and 905 South Dowling Street, Zetland.

It applies only where development on the land seeks to utilise alternative building heights under Clause X.X of Sydney LEP 2012.

Where the development on the land does not seek to utilise alternative building heights, this section does not apply.

The building heights controls on the LEP Height of Buildings Map, and the heights controls on the LEP Alternative Height of Buildings Map, have distinctly different strategic approaches to height and FSR distribution across the site. The LEP requires that once a approach is settled on for the site, that is, where there is a development application approval for one or more buildings on the site, that future approvals must remain consistent with that approach.

This section, where it applies, should be read in conjunction with:

- the requirements of Section 5.3 Epsom Park of this DCP; and
- the requirements of Section 5.2 Green Square of this DCP.

Where there is an inconsistency between requirements, Section 5.3.6 applies to the extent of the inconsistency. If no detailed provisions are included in this Section, requirements in Section 5.3 apply.

[Public exhibition note: relevant Sydney LEP 2012 Clause will be inserted once the LEP amendment process is finalised.]

5.3.6.1 Relationship with the LEP

- (1) A concept development application is required where development utilises alternative building heights available under Clause X.X of Sydney LEP 2012.
- (2) In addition to the requirements for concept development applications detailed in Sydney LEP 2012, the proponent is to resolve:
 - (a) the distribution of non-residential uses across the site, in accordance with Clause X.X of Sydney LEP 2012, having regard to the Green Square and Southern Areas Retail Review and the need for activation in the Epsom Park neighbourhood;
 - (b) a site planning strategy which accommodates car parking in basements that do not extend beneath the public domain and utilises a car parking rate lower than the maximum rates set out in Sydney LEP 2012;
 - (c) any flooding or contamination issues on the site, identifying any necessary flood and stormwater management works and remediation works and / or required contamination works to ensure flood and contamination risks are appropriately managed for new development, adjacent sites and adjoining localities;
 - (d) the level of noise pollution affecting any residential development within the site, via an appropriate noise study, and strategies to minimise the impacts of external noise and pollution in accordance with Section 5.3.6.5 of this DCP;
 - (e) a staging plan and delivery sequence for development and the provision of public space, local infrastructure, flood and stormwater management works and remediation works;
 - (f) a Design Excellence Strategy in accordance with the City's Competitive Design Policy; and
 - (g) a public art strategy in accordance with the City's Public Art Policy, City art Strategy and Interim Guidelines for Public Art in Private Developments as they apply from time to time.

5.3.6.2 Local infrastructure and public domain

- (1) Where required by Council, public open space and streets are to be provided and dedicated to Council:
 - (a) in the locations identified Figure XX Alternative Public Domain - 118-130 Epsom Road and 905 South Dowling Street, Zetland; and
 - (b) generally in accordance with the standards set out in Sections 5.3.3.1 Public open space and 5.3.3.2 Street network of this DCP.
- (1) All 9 metre wide streets shown in Figure XX Alternative Public Domain - 118-130 Epsom Road and 905 South Dowling Street, Zetland are to be provided as shared zones.

- (2) Ensure a holistic approach to the design and experience of Mulgu Park, the adjoining shared zone and the open space marked A in Figure XX Alternative Public Domain - 118-130 Epsom Road and 905 South Dowling Street, Zetland, inviting public use of the spaces.
- (3) The pedestrian / cycle through site link marked B in Figure XX Alternative Public Domain - 118-130 Epsom Road and 905 South Dowling Street, Zetland is to be provided as an easement on title for public access, with a clear and unobstructed path of travel, 2 storeys high by 9 metres wide.

[Public exhibition note: the alignments of Peters Street and Rose Valley Way have been varied slightly by approved developments on adjoining sites – these will be amended in the relevant Figures post-exhibition to ensure proper alignment with adjoining public domain as approved/constructed.]



Key

- Purple – footpath widening dedication
- Grey – street dedications
- Orange – 2 storey through site link easement
- Green – open space dedications
- Red text – minimum perpendicular dimensions and areas
- Dashed black lines – alignments

White – developable street blocks

Figure XX Alternative Public Domain - 118-130 Epsom Road and 905 South Dowling Street, Zetland

5.3.6.3 Movement and connectivity

- (1) Driveway and vehicle access points are to be consistent with Figure 5.80 Epsom Park Circulation and Access, except that the block bound by Link Road, Zetland Avenue, Chimes Street and Peters Street is to be entered and exited from a single vehicular access on Zetland Avenue.
- (2) Above ground car parking is not permitted.

5.3.6.4 Building layout, form and design

- (1) Development is not to exceed the maximum number of storeys or street frontage height as shown in Figure XX Alternative Built Form - 118-130 Epsom Road and 905 South Dowling Street, Zetland.
- (2) For the avoidance of doubt, where development does not utilise building heights available under Clause X.X of Sydney LEP 2012, maximum height in storeys is to be in accordance with Figure 5.83 Epsom Park Building Height in Storeys and street frontages are to be in accordance with Figure 5.84 Epsom Park Street Frontage Height.
- (3) Towers A, B and C may be located anywhere within their respective hatched zones in Figure XX Alternative Built Form - 118-130 Epsom Road and 905 South Dowling Street, Zetland providing that the resulting tower form:
 - (a) has a maximum floor plate at any level as follows:
 - i. Tower A – 850sqm;
 - ii. Tower B – 750sqm;
 - iii. Tower C – 550sqm;
 - (b) allows for a consolidated area equal to at least 75% of the area of Mulgu Park to achieve 4 hours of solar access between 9am and 3pm on 21 June, as demonstrated by a solar insolation analysis; and
 - (c) allows neighbouring dwellings to achieve required levels of solar access, as defined in Section 4.2.3.1 of this DCP and the NSW Government's Apartment Design Guide.
- (4) A complete physical break and visual separation is to be achieved above ground floor between Tower C and the 8/9 storey building to its immediate south.
- (5) The street block incorporating Tower C is to be delivered as a perimeter-block development around a courtyard. This may be varied to accommodate retail uses, when one floor of retail may be permitted at ground level across the street block but no above ground car parking.
- (6) The area marked 'Solar Zone' in the street block bound by Peters Street, Defries Avenue and Rose Valley Way in Figure XX Alternative Built Form - 118-130 Epsom Road and 905 South Dowling Street, Zetland may only be occupied by built form subject to achieving the required levels of solar access outlined in the NSW Government's Apartment Design Guide Design Criteria.



Key

Number – maximum number of above ground storeys (including attics and mezzanines)

1R(0) – maximum number of storeys that may be used for the purposes of retail uses otherwise no storeys permitted (0)

Hatched tower zones A, B and C – tower may be located anywhere within this zone up to the maximum floor plate in 5.3.6.4(3)

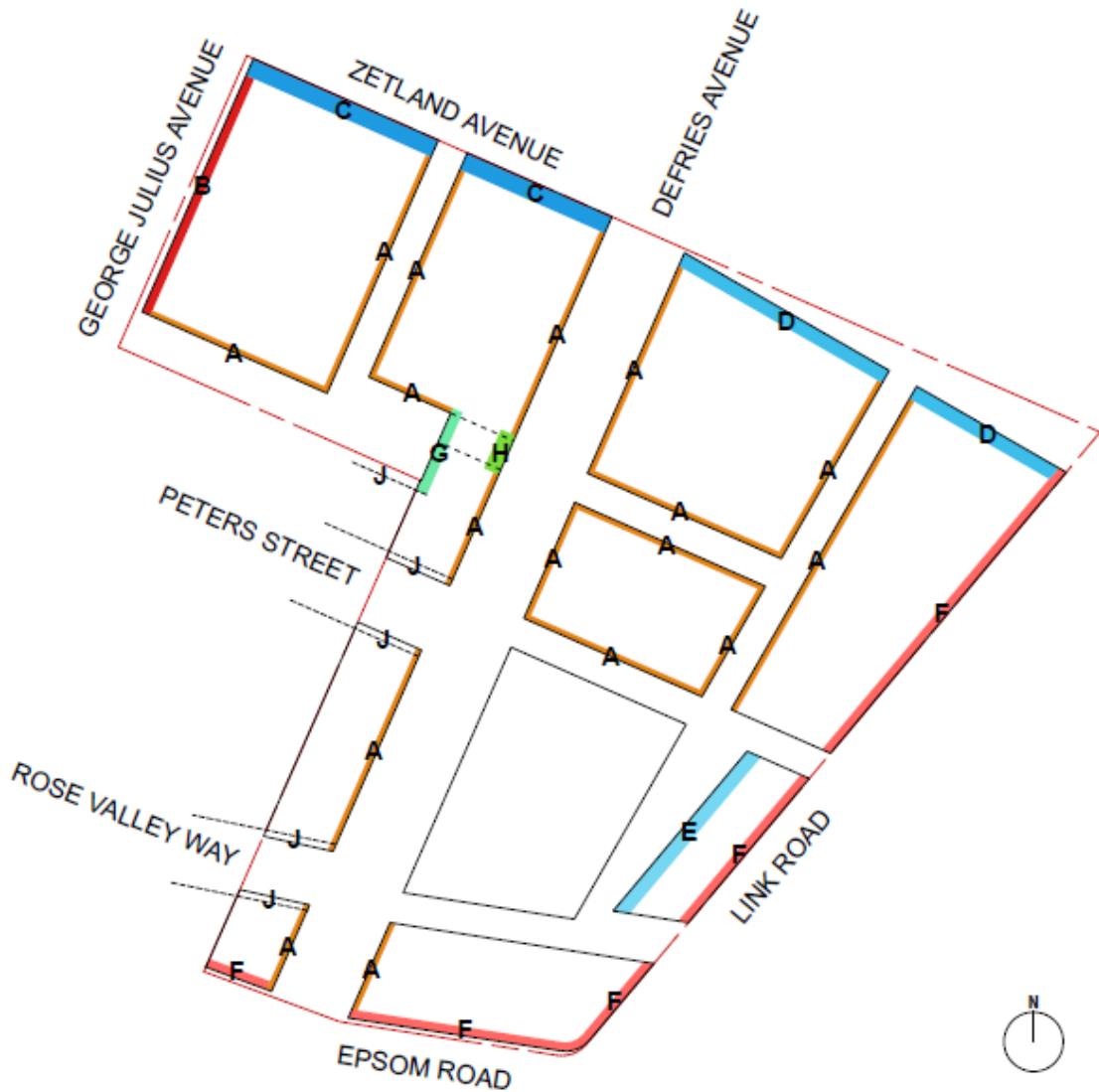
Solar Zone – area that may be occupied only subject to achieving ADG solar access requirements

Setback number in an arrow – minimum setback of higher levels

Figure XX Alternative Built Form - 118-130 Epsom Road and 905 South Dowling Street, Zetland

- (7) Primary and upper level setbacks are to be provided in accordance with Figure XX Alternative Building Setbacks - 118-130 Epsom Road and 905 South Dowling Street, Zetland.

- (8) The 3m primary setback to Zetland Avenue marked 'C' in Figure XX Alternative Building Setbacks - 118-130 Epsom Road and 905 South Dowling Street, Zetland may not be required if the adjoining site to the north redevelops ahead of this land. This portion of the site may then be used to assist with the achievement of design excellence and / or with reduction in height elsewhere on the site.
- (9) General building setback provisions in Section 5.3.4.1 of this DCP still apply.
- (10) The land nominated as having a 3 storey height control in Figure XX Alternative Built Form between Defries Avenue and Chimes Street is to be developed as townhouses each with an entrance directly from the adjacent street.



Key

Setback at ground level / Setback at all levels above ground level

(both measured from boundary of developable street block)

A – 1.5m / 1.5m

B – 2.5m / 1.0m

C – 4.5m / 3.0m

D – 4.0m / 2.0m

E – 4.0m / no requirement

F – 2.5m / no requirement

G – 3.0m / 3.0m

H – 1.5m / 4.5m

J – align with neighbouring building at all levels

Figure XX Alternative Building Setbacks - 118-130 Epsom Road and 905 South Dowling Street, Zetland

5.3.6.5 Land use

- (1) Ground floor uses are to be in accordance with Figure XX Alternative Land Uses - 118-130 Epsom Road and 905 South Dowling Street, Zetland.
- (2) Provide a 1,000sqm local supermarket within the site, preferably in the block bound by Link Road, Zetland Road, Chimes Street and Peters Street, along the Link Road frontage.
- (3) Active frontages are to be provided in accordance with Figure XX Alternative Land Uses - 118-130 Epsom Road and 905 South Dowling Street, Zetland.



Key

Blue – non-residential uses (foyers permitted)

Blue hatch – non-residential uses (except car parking or vehicular servicing) or communal open space

Orange – any use

Figure XX Alternative Land Uses - 118-130 Epsom Road and 905 South Dowling Street, Zetland

5.3.6.5 Noise and ventilation

- (1) Residential apartment buildings are to respond to both noise criteria in this DCP and natural ventilation criteria in the NSW Apartment Design Guide. Maximum noise levels, in a naturally ventilated state, must not exceed the following levels:
 - (a) LAeq 1 hour 35dB for bedrooms between 10pm and 7am;
 - (b) LAeq 40dB at any time for all other habitable space and;
 - (c) LAeq 1 hour 45dB at any time for all other habitable space in development in all other locations.

- (2) In the first instance, the impacts of external noise and pollution are to be minimised, while achieving natural ventilation, through careful siting and layout of buildings. Where siting and layout of apartments is the chosen method to address these issues, alternative approaches to the following design criteria of the NSW Apartment Design Guide are permitted for noise-affected apartments:
 - (a) solar and daylight access;
 - (b) private open space and balconies;
 - (c) natural cross ventilation.
- (3) Acoustic attenuated natural ventilation devices may be used where siting and layout cannot mitigate noise.

5.3.6.6 Contamination

- (1) A contamination study and remediation strategy demonstrating that contaminants can be reduced to a level appropriate for the proposed land use(s) is to be submitted with any Stage 1 development application.
- (2) The use of long term Environmental Management Plans to secure an appropriate remediation outcome is generally unacceptable to Council. Remediation of the site to a suitable condition for the proposed use is to be achieved without reliance on a long term Environmental Management Plan.

5.3.6.6 Ecologically sustainable development and green infrastructure

- (1) Development is to be designed and constructed to reduce the need for active heating and cooling by incorporating passive design measures including design, location and thermal properties of glazing, natural ventilation, appropriate use of thermal mass and external shading, including vegetation.
- (2) Design, performance and features are to be referenced in City of Sydney Design for Environmental Performance Template submitted with the detailed development application.
- (3) Parking spaces are to be equipped with electric vehicle charging infrastructure as follows:
 - (a) power supply and distribution boards for electric vehicle charging in accordance with Section J9D4 'Facilities for electric vehicle charging equipment' in NCC 2022 Volume One – Building Code of Australia.
 - (b) all car spaces are to be located within 10 metres of a cable tray sized to accommodate cabling for 100% of spaces it serves and terminates at the closest electric vehicle distribution board;
 - (c) 10% of worker car spaces are to be fitted with a Level 2 charger or higher; and
 - (d) 25% of retail customer car spaces are to be fitted a three phase Level 2 electric vehicle charger at 22 kilowatts or higher.
- (4) Electric vehicle chargers required in accordance with (6) (c)-(d) are to be retained in common property ownership, be individually metered, equipped with an Open Charge Point Protocol compatible payment system and supplied by renewable energy through a GreenPower power plan, renewable power purchase agreement or similar for a period of at least 5 years.
- (5) All buildings are to be constructed to provide a dual reticulation water system for water services and be capable of fully connecting to a non-potable recycled water network and configured to supply all toilets, washing machine taps, car wash bays, cooling towers and irrigation usage.

