

Item 4.**Development Application: 903-921 Bourke Street, Waterloo - D/2021/1415**

File No.: D/2021/1415

Summary

Date of Submission:	The application was lodged on 3 December 2021 Amended drawings were submitted up to 1 February 2023.
Applicant:	Dahua Group Waterloo Project Pty Ltd
Architects:	Bates Smart (Tower and Plaza Buildings) Richards and Spence (Young Street North Building and Young Street South Building) MHNDUNION and Fieldwork (Bourke Street North Building and Bourke Street South Building)
Developer:	Dahua Group Waterloo Project Pty Ltd
Owners:	Dahua Group Waterloo Project Pty Ltd Sydney Water (working infrastructure, including Pump House and Valve House buildings)
Planning Consultant:	Mecone
Heritage Consultant:	Weir Phillips Heritage and Planning
DAP:	16 June 2022
Cost of Works:	\$218,270,180
Zoning:	The site is in the B4 Mixed Use. The proposed uses comprise residential accommodation, retail and commercial premises; which are all permissible land uses within the zone.

The southern portion of the site at McEvoy Street, contains an area zoned SP2 Infrastructure (Classified). Temporary landscaping works are proposed within the SP2 Infrastructure (Classified) zone, which are permissible given they are ancillary to or incidental to a future road reserve.

Site:

The site is known as the 'former Sydney Water site' and contains three buildings including operational Sydney Water assets known as the Pump House and the Valve House and an Ausgrid substation adjacent to the Young Street frontage.

The site comprises the south-eastern corner of the Danks Street South Precinct. Adjacent to the north of the site is the property known as the Lawrence Dry Cleaners (LDC) site which is subject to a Management Order imposed by the NSW Land and Environment Court. The Management Order requires the remediation of contamination associated with historical operations of the LDC facility and which pertains to the LDC site and land within the subject site.

A number of underground Sydney Water assets traverse the site, including high pressure water pipes, a stormwater culvert and high voltage electricity cabling. There are various easements for articulated Sydney Water trucks to access the site for maintenance of the operational Sydney Water assets, water supply and stormwater networks.

A portion of the site, with an area of approximately 2,200 sqm, located at the intersection of Bourke and McEvoy Streets is zoned SP2 Infrastructure in the Sydney Local Environmental Plan 2012 (SLEP 2012), for road reservation. Transport for NSW (TfNSW) has not provided a timeline for the commencement of road construction works that are referred to as the Alexandria to Moore Park Connectivity Upgrade (the 'A2P'). The A2P works include the widening and straightening of McEvoy Street to connect McEvoy Street to Lachlan Street.

Proposal Summary:

The subject application seeks consent for:

- the demolition of some remaining 'minor' structures (excluding the three working infrastructure buildings);
- tree removal, excavation and remediation;
- construction of six mixed use buildings containing residential apartments (373 units) above ground level commercial tenancies and a combined basement (339 car parking spaces); and

- subdivision works, public domain improvements and landscaping.

The application is for Integrated Development, requiring approval from Water NSW under the Water Management Act 2000. General terms of approval have been issued by Water NSW.

The site contains a State Heritage Item (the Valve House and associated infrastructure). This application is for Integrated Development, requiring the approval of the NSW Heritage Office under the Heritage Act 1977. General terms of approval have been issued by the NSW Heritage Office and form part of the recommended conditions of consent.

Voluntary Planning Agreement

A Voluntary Planning Agreement was entered into between the Proponent and the City as part of the Planning Proposal. The VPA secured various public benefits to be delivered as part of the development including publicly accessible open space, footpath widening, a shared zone and a publicly accessible through-site link.

Notification

The original proposal was notified for a period of 30 days between 28 January 2022 and 26 February 2022. As a result of the notification, nine individual submissions were received, objecting to the proposal. Submitters raised concerns in relation to:

- the height, bulk and scale of proposed buildings and in relation to building materiality;
- the quality of the public domain and public benefits of the proposal;
- transport related issues including public transport servicing the site, increased traffic density, noise and air pollution; and
- environmental impacts for neighbouring residential development in relation to noise, proximity of waste servicing areas of the site and visual privacy.

Assessment

The Tower Building exceeds the LEP's 71.5m height control by 1.46m and which is a 2% variation of the control. The Young Street North Building exceeds the LEP's 26.4m height control by 2.08m and which is an 8% variation of the control. The Bourke Street North Building exceeds the LEP's 26.4m height control by 0.8m and which is a 3% variation of the control.

Three separate written requests to vary the Height of Buildings development standard have been submitted by the Applicant (Attachment L) to address each of these height non-compliances, pursuant to the provisions of clause 4.6 of SLEP 2012.

These building height non-compliances are the result of raising buildings to achieve flood planning levels, providing roof top plant and equipment and the provision of parapets to conceal roof top structures.

These three written requests to support the proposed variations to the Height of Buildings development standard demonstrate that compliance with the standard is unreasonable and unnecessary, and that there are sufficient environmental planning grounds to justify contraventions of the standard in this case.

The proposed development is consistent with the objectives of the Zone B4 Mixed Use and the height of buildings development standard and is in the public interest. For these reasons the proposed variations of the building height development standard is supported.

The proposed development has a floor space ratio (FSR) of 2:1 and complies with the LEP's FSR standard of 2:1 or 37,268sqm GFA.

The proposed development is consistent with the design quality principles contained within SEPP 65, the objectives of the Apartment Design Guide (the ADG) and the detailed provisions contained within the Sydney DCP 2012 (SDCP 2012).

The proposed development exhibits design excellence and provides an appropriate contribution that is suitable in terms of its context, scale and built form and which is consistent with the desired future character of the area, as expressed in the applicable planning policies.

Additional information and design amendments have been submitted over the course of the assessment in response to issues raised by the City's Design Advisory Panel (DAP), Sydney Water, TfNSW and by Council's officers, including:

- design amendments to provide a loading dock beneath the Tower Building;
- submission of a comprehensive Loading Dock Management Plan(LDMP) which outlines servicing including above and below ground waste management operations, servicing and deliveries to and from commercial tenancies and which provides guidance for residents moving furniture into and out of the site;
- design amendments to improve the presentation of the Young Street North Building by a reduction in bulk and scale at the upper level and by the provision of a 2m landscaped setback at the ground level facing Young Street;
- additional information has been provided in relation to flood planning levels, contamination and remediation;
- design amendments have been made to respond to flood planning levels and for the tanking of proposed basement levels;
- amended Public Domain, Landscape and Civil drawings have been submitted to provide emergency access for articulated Sydney Water maintenance vehicles and which will enter the site via a driveway on Young Street and travel across the Heritage Plaza to access the Pump House and Valve House;
- amendments to the staging plan to establish a first stage of works comprising demolition, excavation, remediation, construction of all new buildings, landscaping and subdivision works except for the installation of a roller door to the northern wall of the Pump House. The second stage comprises the construction of a new roller door to the northern wall of the Pump House, to provide emergency maintenance access for Sydney Water crews and which would be undertaken following the widening of McEvoy Street as part of the Alexandria to Moore Park Connectivity Upgrade; and

- information has been provided to demonstrate that a Long Term Environmental Management Plan will not be required for those areas of the site that are to be dedicated to Council.

Consent Authority

The proposed development has an estimated cost of works more than \$50 million and is therefore required to be determined by the Central Sydney Planning Committee (CSPC).

Subject to the recommended conditions of consent, the proposed development is considered to achieve an acceptable degree of compliance with the relevant planning controls, and will provide an adequate level of residential amenity.

Deferred Commencement Consent

As detailed in this report there are unresolved issues in relation to civil design and connecting to Sydney Water's stormwater system and to stormwater quality.

A deferred commencement condition is recommended, requiring information to address these unresolved issues, to be submitted to and approved by Council officers prior to the consent becoming operative.

Summary Recommendation: The development application is recommended for deferred commencement approval.

Development Controls:

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development
- Apartment Design Guide 2015
- Sydney Local Environmental Plan 2012
- Sydney Development Control Plan 2012
- City of Sydney Development Contributions Plan 2015

Attachments:

- A - Recommended Conditions of Consent
- B - Architectural Drawings (Tower and Plaza Building)
- C - Architectural Drawings (Young Street North and Young Street South Buildings)
- D - Architectural Drawings (Bourke Street North and Bourke Street South Buildings)
- E - Architectural Drawings (Heritage Works Drawings and Draft Plan of Subdivision)
- F - Clause 4.6 Variation Requests - Height of Buildings
- G- Apartment Design Guide Compliance Reports
- H - Photomontages
- I - Preliminary Public Art Report
- J - ESD report
- K - Voluntary Planning Agreement
- L - Competitive Design Alternatives Reports

Recommendation

It is resolved that:

- (A) in relation to the Tower Building, the Young Street North Building and the Bourke Street Buildings, that the variations requested to the Height of Buildings development standard, in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld;
- (B) in the circumstances it is unreasonable and unnecessary to require a site-specific Development Control Plan to be prepared for the site, with consideration that the built form controls contained in Sydney Local Environmental Plan 2012 as well as the specific area provisions for the Danks Street South Precinct in section 5.9 of Sydney Development Control Plan 2012 provide sufficient detail to guide the redevelopment of the site; and
- (C) pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2021/1415 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 site is located in the Zone B4 Mixed Use. The proposed development comprises residential, retail and commercial uses and which are permitted with consent in the zone.
- (B) The consent authority is satisfied that:
 - (i) the applicant's written requests have adequately addressed the matters required to be demonstrated by clause 4.6(3) of Sydney Local Environmental Plan 2012, that compliance with the Height of Buildings development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 4.3 of the Sydney Local Environmental Plan 2012; and
 - (ii) the proposal is in the public interest because it is consistent with the objectives of the Zone B4 Mixed Use and the Height of Buildings development standard.
- (C) The proposed development complies with the maximum floor space ratio development standard contained in clause 4.4 of the Sydney Local Environmental Plan 2012.
- (D) The proposed development is consistent with the Voluntary Planning Agreement between The Council of the City of Sydney and Dahua Group Waterloo Project Pty Ltd.

- (E) The proposed development provides a positive contribution that is suitable in terms of its context, scale and built form and which is consistent with the desired future character of the area. As such the proposed detailed building designs exhibit design excellence in accordance with the requirements of clause 6.21C of the Sydney Local Environmental Plan 2012.
- (F) The proposed development is consistent with the aims and objectives of the relevant planning controls including SEPP 65, the SLEP 2012 and the SDCP 2012. Where non-compliances exist, they are demonstrated to be acceptable in the circumstances or are addressed by the recommended conditions of consent.

Background

The Site and Surrounding Development

1. The site has a legal description of Lot 102 DP 1203640 and is commonly known as 903- 921 Bourke Street, Waterloo. The site is irregular in shape with an area of approximately 19,470 sqm. It has a 160m street frontage to Bourke Street to the east, 85m frontage to McEvoy Street to the south and 190m frontage to Young Street to the west. The site falls by approximately 2m towards the southern boundary at McEvoy Street.
2. Centrally located within the site are two parcels of land with a legal description of Lot 101 in DP 1203640, that contain working Sydney Water infrastructure in two buildings: a larger, rectangular building known as the Waterloo Pumping Station (the Pump House) and a smaller, square-shaped building known as the Valve House.
3. The site has been an integral part of Sydney's water supply since being acquired by the Metropolitan Board of Water Supply and Sewerage in 1910. The construction of the existing Pump House was completed in 1923 and the Valve House was completed in 1935. A workshop and machine shop were constructed on the site in 1936 and remained in operation until 1988. All site buildings were demolished between 1995 and 1996 with the exception of the Pump House and Valve House. The site was subdivided in 2015, at which time the current owner (Dahua) purchased the site.
4. The site contains a number of subterranean tunnels that are working Sydney Water assets, associated with the Potts Hill Water Delivery System. Beneath the central part of the site is the 'Pressure Tunnel' which supplies water to the site and beyond to the eastern suburbs. An underground Sydney Water stormwater culvert traverses the western half of the site from north to south. The culvert has a depth of approximately 5m below existing ground level.
5. Adjacent to the northern boundary is a development site commonly known as the 'Jeffman/Redbreast Site', which encompasses sites spanning between Bourke Street and Young Street, including 207-229 Young Street, 881-885 and 887-893 Bourke Street. A concept development consent has been granted for the Jeffman/Redbreast site, for a mixed-use development comprising several buildings up to a height of approximately 7 storeys (see assessment history below).
6. Adjacent to the north-eastern boundary, at 895-899 and 901 Bourke Street is a development site commonly known as the 'Citywest' site. The Citywest site contains two vacant warehouse buildings. Works are soon to commence on the Citywest site to construct an approved 5-storey mixed use building comprising 72 affordable housing apartments, for dedication of land for footpath widening on Bourke Street and for the construction of a future road (see assessment history below).
7. On the opposite eastern side of Bourke Street, are several large mixed-use developments containing residential apartments over commercial tenancies.
8. On the opposite southern side of McEvoy Street (at 923 Bourke Street), is a development site that is the subject of a Planning Proposal. The Planning Proposal seeks site-specific amendments to increase the building height control to 22m fronting Bourke Street and 27m fronting Young Street and to increase the FSR control to a maximum of 2.9:1. The proposal also seeks to remove the 1,000sqm retail cap applying to site for land outside of the 'Green Square Town Centre' area, to facilitate a mixed-use development and a large format retail supermarket.

9. On the opposite western side of Young Street, are various low-scale warehouse buildings, including the Hillsong church campus.
10. The site is not located within a heritage conservation area, but it does contain several heritage items. The Pump House and the Valve House are identified as a single heritage item of local significance (I2073). Schedule 5 of SLEP 2012 specifies the heritage item as including the Former Sydney Water Pumping Station and Valve House, including interiors and associated underground pipework.
11. The Sydney Water Pressure Tunnel and Shafts are identified as a heritage item of State significance (SHR 01630). These tunnels are working Sydney Water infrastructure that connect the Valve House to underground potable water supply.
12. Mid-way along the site's Young Street frontage is an electrical substation, which is identified as a heritage item of local significance (I2104). The substation has a site address of 241 Young Street. Schedule 5 of SLEP 2012 describes the item as an electrical substation including its interior.
13. On the opposite western side of Young Street, is a commercial building identified as a heritage item of local significance (I2103). Schedule 5 of SLEP2012 describes the item as a commercial building part of the "Federation Business Centre" (222 Young Street) including interior.
14. Most of the site is in the Zone B4 Mixed Use. A portion of the site in the vicinity of its southern boundary, with an area of approximately 2,200sqm is in the Zone SP2 Infrastructure (Classified). This area is identified for acquisition by the relevant roads authority (TfNSW) for the future widening of McEvoy Street.
15. The site is located in the Danks Street South precinct which forms part of the Green Square Renewal Area.
16. A site visit was carried out on 29 November 2022. Photos of the site and surrounds are provided below.



Figure 1: Aerial view of site (red outline)



Figure 2: Aerial view of site and surrounds

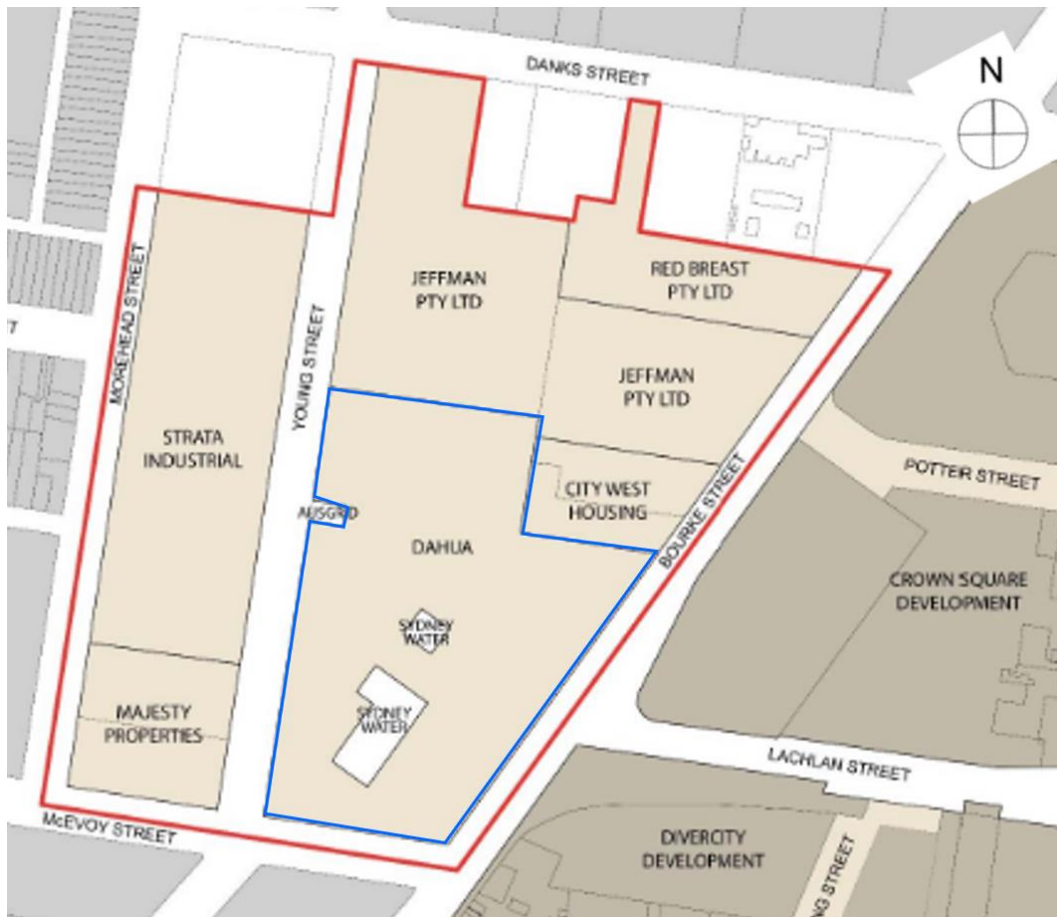


Figure 3: site owners within the Danks Street South precinct (red outline), including the subject site (blue outline). Source: CSPC Report, 8 December, 2016 Planning Proposal and Draft Amendment to SDCP2012.



Figure 4: Site viewed from the corner of McEvoy Street and Bourke Street, generally looking west



Figure 5: Site viewed from McEvoy Street generally looking north



Figure 6: Substation within the curtilage of the site, viewed from Young Street, generally looking east



Figure 7: Site buildings, including the Valve House (left) and Pump House (right), viewed from Young Street, looking east



Figure 8: Valve House (northern facade)



Figure 9: Site located to the north of the site (Jeffman Site)



Figure 10: Site located to the north-eastern site of the site (City West Affordable Housing Site)



Figure 11: Internal view: Pump House



Figure 12: Internal view: Valve House

History Relevant to the Development Application

Site History - Land Use

17. In 1910, the site was acquired by the Metropolitan Board of Water Supply and Sewerage (MBWSS). In 1912, the now heritage listed Electricity Substation (I2104) at 241 Young Street was constructed by the Municipal Council of Sydney.
18. Between 1922 and 1923, the Waterloo Pumping Station (the Pump House) was constructed. In 1927, the Pump House building was extended. In 1935, the Valve House was constructed. Between 1935 and 1936, the Waterloo Central Workshop and Depot, including the Main Machine Shop, were constructed. The buildings were used to repair and maintain vehicles, plant and equipment.
19. In 1988, the Waterloo Central Workshop and Depot was closed, and equipment removed. Between 1995 and 1996, the Central Workshop buildings were demolished. Only the Pump House, the Valve House and the Electricity Substation facing Young Street were left to remain.
20. In 2015, Sydney Water subdivided the Valve House and Pumping Station from the wider site, creating easements for access and services. The Pump House, Valve House and subterranean services continue to be owned and operated by Sydney Water to regulate water pressure to the eastern suburbs.
21. In 2015, the remainder of the site was sold to the current landowner (Dahua).



Figure 13: Historic aerial photo (c.1989) of site showing maintenance buildings on site (now demolished), heritage listed buildings, including the Pump House, Valve House (circled in yellow), substation and commercial building at Young Street. Source: heritage impact statement.

Planning Proposal

22. In 2008, the City's Sustainable Sydney 2030 Vision proposed investigating the mixed use renewal of the Danks Street South precinct, incorporating the Sydney Water site, to support the provision of two new public parks, new local streets, including shared zones and pedestrian/cycle only through site links, a publicly accessible plaza area of around 1,500 square metres, new homes, close to public transport and cycleways, and access to community infrastructure, local goods and services and high quality buildings and public domain.
23. In December 2016, Council and the Central Sydney Planning Committee resolved to publicly exhibit draft planning controls for the Danks Street South precinct. Following Gateway approval from the Department, the Planning Proposal and a draft DCP were publicly exhibited for 46 days from 2 May to 16 June 2017.
24. Documents attached to the planning proposal noted that approximately 60% of the former Sydney Water site could not be developed, due to the site constraints that include easements, reservations and heritage listings that reduce the land footprint where development can be located.
25. Consequently, the Planning Proposal sought to test the built form options for the site, taking into consideration the bulk and scale of buildings, overshadowing impacts, noise, natural ventilation and the optimum location for new streets and lanes. Ultimately, the Planning Proposal sought to amend the permissible building heights ranging from 15 to 22 metres (three to six storeys) to a predominant height of 24 metres (six storeys), one maximum building height of 65 metres (20 storeys) for the tallest building in the precinct (the Tower Building). No changes to the permissible floor space ratios were recommended.
26. On 13 September 2019 the Planning Proposal was gazetted and the amended SLEP 2012 and SDCP 2012 controls came into force.
27. A detailed assessment of compliance against the site-specific controls is provided within this report.

Voluntary Planning Agreement

28. A Voluntary Planning Agreement (VPA/2016/16 - see Attachment K to this report) was prepared in association with the Planning Proposal. The VPA was approved on 6 December 2018 by the CSPC. The VPA was publicly exhibited from 1 to 29 November 2018. The VPA has been executed and registered on title.
29. The VPA involves the delivery of public domain and infrastructure within the Danks Street South precinct (Figure 14 below). The VPA details the following Transfer of Land and associated Developer's Works:
 - (a) provision of public streets and through-site links, and footway widening of both McEvoy Street and Bourke Street frontages;
 - (b) provision of two new public plazas (the 'Northern Plaza' and the 'Heritage Plaza') and the construction of a publicly accessible open space that will form the southern section of a future park (with the northern section to be constructed as works associated with the Jeffman site); and
 - (c) payment of a monetary contribution.

30. The dedication of land and works to establish public domain as secured in the VPA are required to be delivered prior to the issue of any Occupation Certificate for any new buildings constructed on the site.

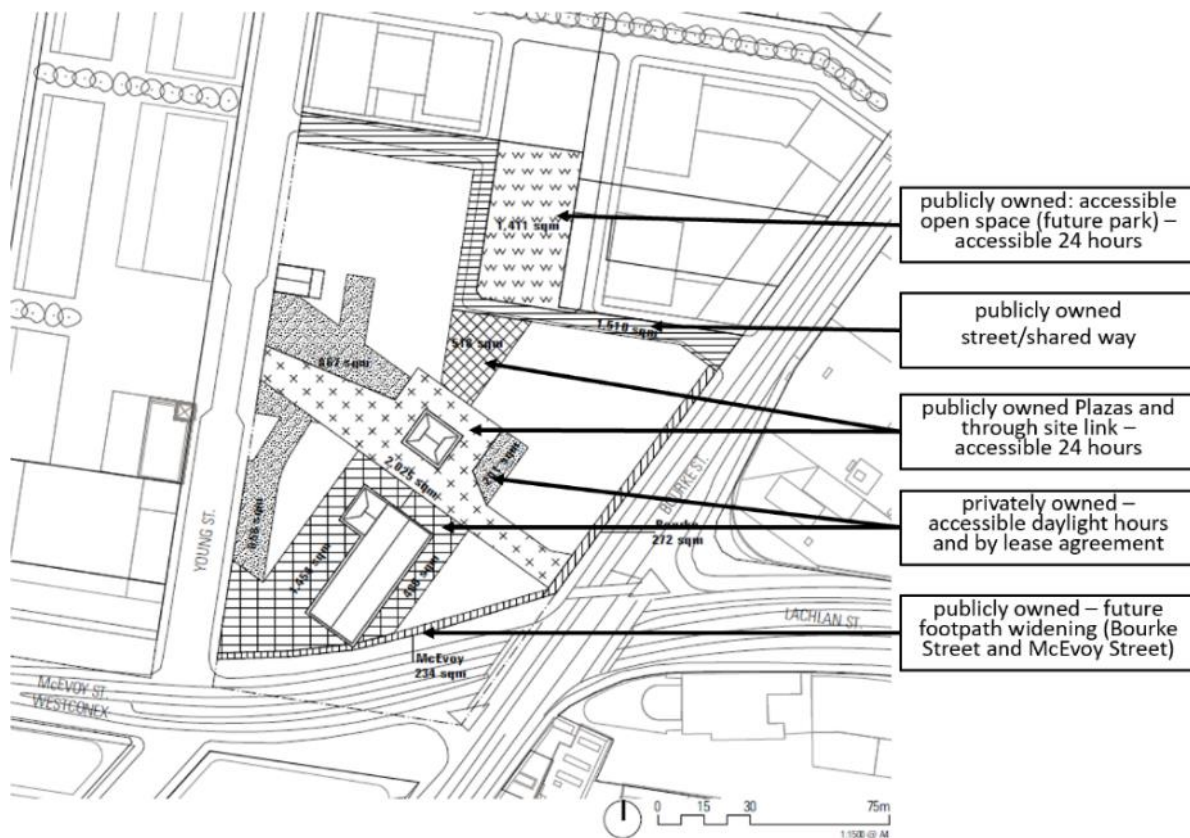


Figure 14: Public Domain Setout details, extracted from VPA

History of Competitive Design Processes

31. Provision 5.9.4.4 (9) of SDCP 2012 specifies that two separate, invited competitive design alternatives processes are to be undertaken for the development site, with reference to parts 'D1' and 'D2', as established by Figure 5.248 Danks Street South Competitive Design Process Sites (Figure 15 below).
32. Subsequent to the approval of the relevant Design Excellence Strategy, two competitive design alternatives processes have been carried out for the subject site:
- (a) CMP/2016/20 – Competitive Design Alternatives Process 'Site 1' comprising blocks D1(a) and D1(b) on the western side of the Dahua site fronting Young Street (Young Street North, Young Street South and Tower/Plaza Buildings):
 - (i) Competitive design alternatives process 1 was an invited process where the proponent sought three competitors to respond to a Competitive Design Alternatives Process Brief. The process ran from 28 October to 2 April 2020 and a winning design (prepared by Bates Smart and Richards and Spence was selected); and
 - (b) CMP/2019/3 - Competitive Design Alternatives Process 'Site 2' comprising blocks D2(a) and D2(b) on the eastern side of the Dahua site fronting Bourke Street (the Bourke Street North and Bourke Street South buildings):

- (i) Competitive design alternatives process 2 was an invited process where the proponent sought three competitors to respond to a Competitive Design Alternatives Process Brief. The process ran from 28 October 2019 to 5 February 2020 and a winning design (prepared by MHNDU and Fieldwork) was selected.

33. In accordance with the City's Competitive Design Guidelines, the designers of the winning schemes (as chosen via the 'competitive design process') have been appointed as the Design Architects, and have prepared the relevant development application documentation.

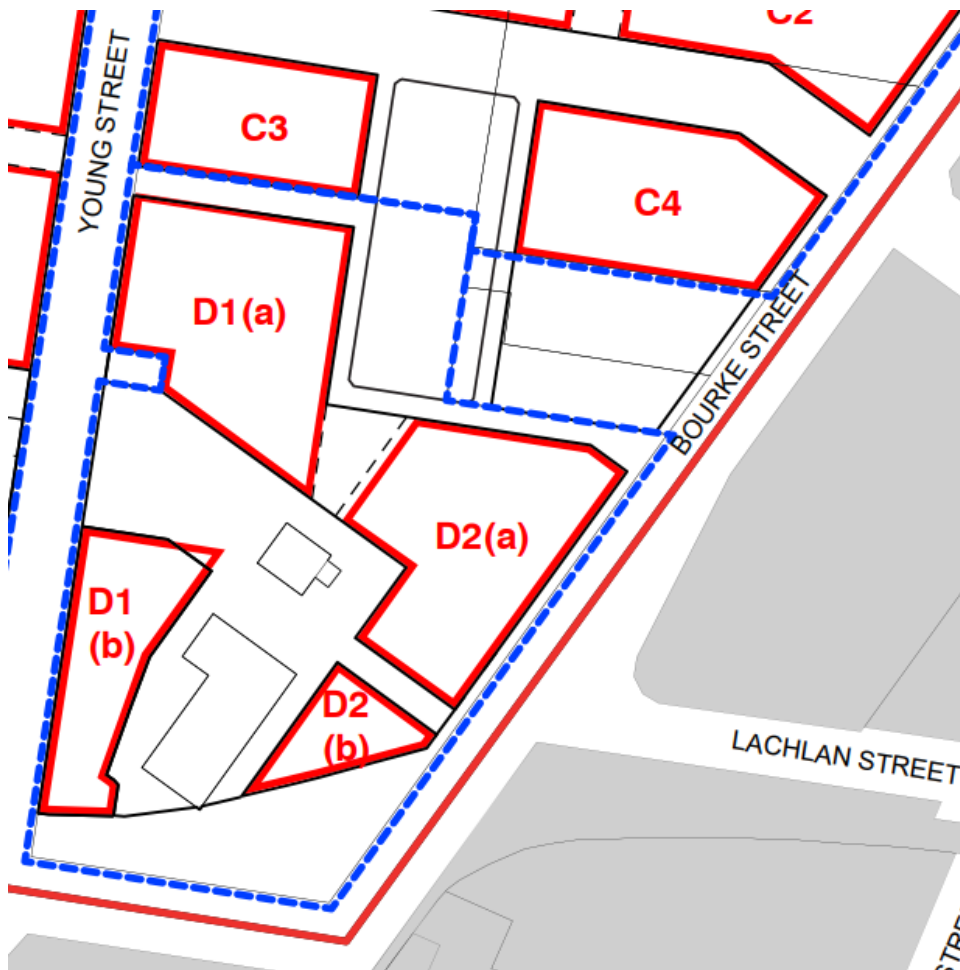


Figure 15: Extract from Figure 5.248 of SDCP2012, showing Danks Street South Competitive Design Process Sites (D1(a), D1(b), D2(a) and D2(b))

Response to Competitive Design Alternatives Report recommendations - D1(a) and D1(b) - Young Street Buildings, Tower and Plaza Buildings

34. The detailed design schemes proposed under the subject development application address the recommendations made by the Selection Panels and which are detailed in the Competitive Design Process Reports at Attachment I.
35. The detailed design of the Young Street buildings make some minor departures from the winning design scheme submitted during the competitive design process. These design changes are supported and are detailed in the Discussion section of this report.

36. Minor departures include:
- (a) the deletion of most of the masonry arbor adjacent to the Young Street frontage. The masonry arbor has been replaced by an open, turfed area containing canopy trees, to be known as the 'Western Green' (Figure 16 below); and
 - (b) in accordance with the Selection Panel's recommendations the external masonry shade structures for the Young Street Buildings have also been replaced with less dominating shade devices.



Figure 16: Photomontage from the Competitive Design Alternatives Report for D1(a) and D1(b). The masonry arbor shown in the image above has been removed and external masonry shade devices have been redesigned for the western elevation of the Young Street Buildings.

Response to Competitive Design Alternatives Report recommendations - D2(a) and D2(b) - Bourke Street North and South Buildings

37. The detailed design schemes for the Bourke Street buildings proposed under the subject development application responds do not make any substantial departures from the design of the winning scheme.

Previous Development Applications - subject site

38. The following application is relevant to the current proposal:
- (a) D/2019/428 – Development consent was granted on 2 November 2020 for early works including the demolition of minor structures, excavation and preliminary remediation of the land:
 - (i) The consent has since been modified by way of Modifications A and B, which provided for the deletion of conditions of consent, and for amending the timing of the release of public domain damage bonds.

- (ii) The early works consent did not entail works that would make the site suitable for its re-development for residential and commercial uses and did not purport to make the site suitable for dedication of land to the City of Sydney Council. The early works consent specified that further investigations and assessment of soils and fill materials would inform a future Remedial Action Plan (RAP) that would form part of the future 'Stage 2' DA(s) for the detailed design of buildings and public domain areas.

Previous Development Applications - neighbouring sites (north)

- 39. The following applications are relevant to various sites adjoining the northern boundary of the site:
 - (a) D/2020/45 (the Jeffman Site, incorporating the Lawrence Dry Cleaners site - 881-893 Bourke Street, Waterloo and 207-229 Young Street, Waterloo):
 - (i) On 23 August 2021, deferred commencement consent was granted by the Central Sydney Planning Committee for concept building envelopes for 3 x mixed use (commercial and residential) buildings and one residential apartment building with a maximum height of 8 storeys with an attic.
 - (ii) This consent approved a first stage of works comprising demolition, remediation and subdivision to create four new development parcels and transfer lands and embellishment works.
 - (iii) On 29 August 2022, approval was granted to modification application D/2020/45/A to amend numerous conditions of consent, to facilitate the commencement of preliminary demolition works.
 - (iv) On 1 December 2022, approval was granted to modification application D/2020/45/B to amend various conditions of consent pertaining to tree management on the site.
 - (b) D/2015/941 (the City West Site - 895-899 Bourke Street, Waterloo and 901 Bourke Street, Waterloo):
 - (i) On 11 April 2016, deferred commencement consent was granted by Council for the demolition of structures and the construction of a 5 storey mixed use building containing 72 x affordable housing dwellings, 26 'at grade' car parking spaces and a commercial tenancy facing Bourke Street.

Development Applications - neighbouring sites (south)

- 40. In November 2022, Council endorsed a pre-gateway planning proposal of a mixed use development of 5-7 storeys, consisting of approximately 121 apartments above commercial premises including at basement level.
- 41. The Planning Proposal seeks to increase the permissible height of building and FSR controls and to remove restrictions on retail premises to allow for the operation of a large format supermarket.



Figure 17: Indicative image of development at 923 Bourke Street, Waterloo shown in excerpt from Planning Proposal report (view looking south-east from McEvoy Street)



Figure 18: Indicative image of development at 923 Bourke Street, Waterloo shown in excerpt from Planning Proposal report (view looking south from the corner of Young and McEvoy Streets)

Compliance Action

42. The site is not subject to any ongoing compliance actions.

Amendments to the Subject Development Application

43. During the assessment, Council officers requested design amendments and further information to address concerns raised by the Design Advisory Panel, Council Specialists and external referral agencies including Transport for NSW and Heritage NSW.
44. Amended drawings and supporting documents were provided on 17 October 2022, 23 December 2022 and in various submissions up until 1 February 2023.
45. Design amendments and additional information include:
- (a) amended design drawings and swept path drawings have been provided to demonstrate adequate clearances for Sydney Water vehicles to access the site for emergency and scheduled maintenance to the Pump and Valve Houses from Young Street only, requiring a new roller door to be installed on the northern wall of the Pump House as shown in Figures 19 and 20 below;

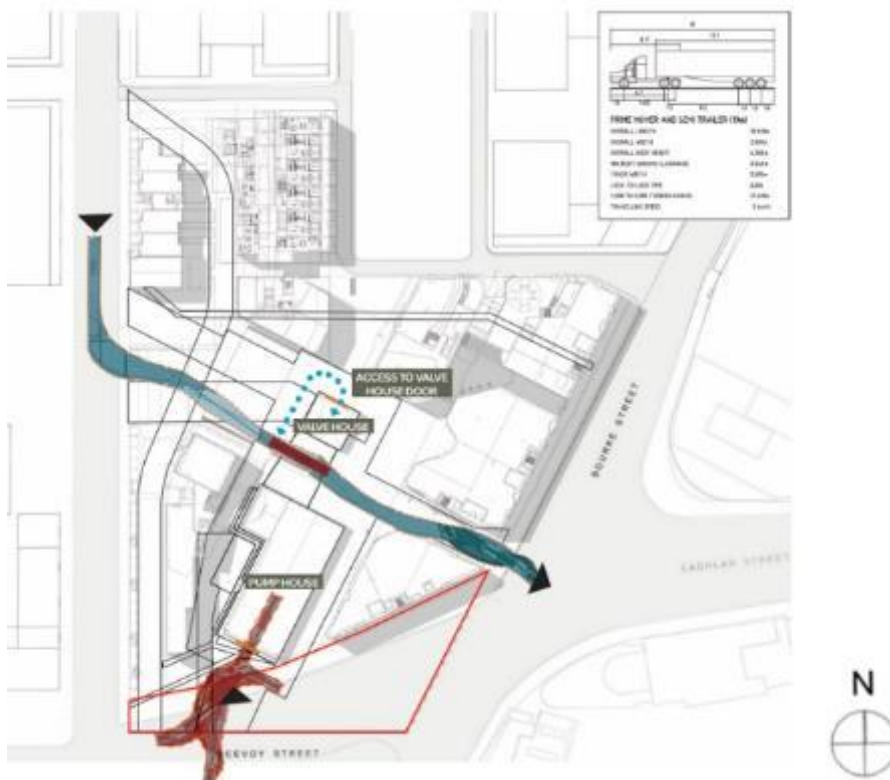


Figure 19: Swept paths for Sydney Water vehicles. Originally, Sydney Water articulated vehicles were proposed to service the site Valve House from Young Street, exiting onto Bourke Street (blue shading) and service the Pump House from McEvoy Street (red shading).



Figure 20: Swept paths for Sydney Water vehicles. Amended swept paths, showing Sydney Water articulated vehicles servicing the Pump House and Valve House from Young Street only. A new roller door will be installed on the northern wall of the Pump House, in the event McEvoy Street is resumed for road works.

- (b) amended design drawings and supporting information have been submitted to provide a loading dock beneath the Tower Building near the northern site boundary. This is the second loading dock contained within the site, the other being located within the Bourke Street North building. This additional loading dock will provide for improved servicing capacity, including for waste vehicles, commercial deliveries and furniture/house moving, and will improve the practical operations for future occupants.



Figure 21: Second loading dock now provided beneath the Tower Building, relieving pressure from the original loading dock in the Bourke Street North Building, close to the City West development

- (c) a consolidated site Loading Dock Management Plan has been provided, outlining servicing operations, the carting of waste throughout the site (above and below ground), commercial deliveries and residential furniture removals;
- (d) an updated acoustic report has been provided that takes a 'precautionary approach' to potential traffic noise at the Bourke, McEvoy and Young Street frontages. The acoustic report has been modelled with a presumption that the Alexandria to Moore Park Connectivity Upgrade (the 'A2P') will carry significant traffic volumes (similar to Parramatta Road for example). Plenums are to be

provided within dwellings that are potentially affected by the A2P Connectivity Upgrade, to provide natural ventilation to noise affected apartments;

- (e) updated flood reports, public domain drawings and civil drawings have been provided and floor levels on architectural drawings have been adjusted accordingly to achieve recommended flood planning levels;
- (f) amended drawings have been provided that demonstrate deep soil and canopy tree cover have been maximised, with consideration of site constraints and wind effects; and
- (g) staging plans have been amended to comprise two construction stages as follows:
 - Stage 1 - 'all works', including the construction of buildings above basements, public domain, landscaping, public domain and public art works; and
 - Stage 2 - the creation of a new roller door opening on the northern wall of the Pump House, as a contingency measure providing emergency access to the Pump House, in the event that the SP2 (Classified) zone at the southern boundary is resumed for future road widening and pumps or infrastructure require replacing via Young Street.

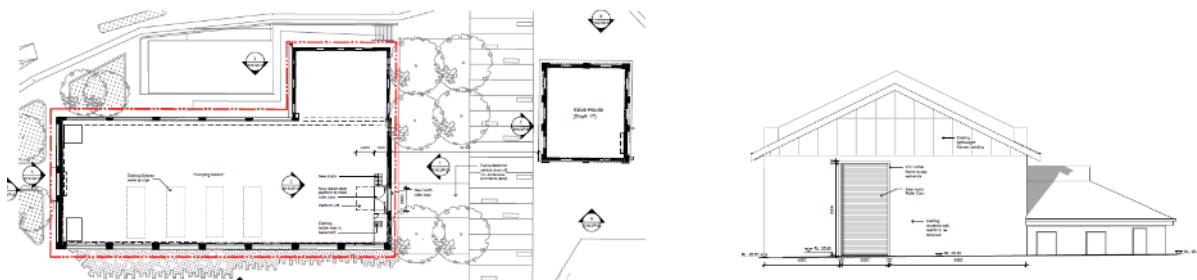


Figure 22: Stage 2 works include installing a new roller door to the northern wall of the Pump House, to provide emergency access for Sydney Water vehicles if McEvoy Street access is prevented by road widening

- 46. Amendments have been provided, demonstrating improved performance when assessed against the provisions of the Apartment Design Guide (ADG), relating to solar access and deep soil provision;
- 47. The Young Street north building design has been amended to address non-compliances with the SDCP 2012 in relation to deep soil/landscape setbacks and to reduce bulk and scale by setting back the upper most level of the building; and
- 48. drawings for the Bourke Street north and south buildings have been amended to address ADG non-compliances in relation to privacy, waste chutes and to refine the materials and finishes applied to these buildings.
- 49. The Preliminary Public Art Strategy has been amended to address requirements for public consultation and the provision of public art within landscape and public domain areas.

Proposed Development

50. The subject application seeks consent for:
- (a) tree removal, demolition of minor (remnant) structures within the site excluding the Pump House, Valve House and substation;
 - (b) excavation and remediation; and
 - (c) construction of 6 x mixed use buildings containing residential apartments (373 units) above commercial uses (2,579sqm) and a common basement.
51. Works are proposed within 4 x site precincts, as follows:
- (a) Precinct D1(a): at the northern and north-western portions of the site:
 - (i) Tower Building - 20 storeys, 147 apartments:
 - (i) 22 x 3 bedroom apartments (including maisonette at ground level);
 - (ii) 94 x 2 bedroom apartments;
 - (iii) 30 x 1 bedroom apartments;
 - (iv) 1 x studio apartment;
 - (v) Roof: communal open space (304sqm), PV panels, plant;
 - (vi) Basement levels x 3 and mezzanine.
 - (ii) Plaza Building - 7 storeys, 23 apartments:
 - (i) Ground Level: 4 x commercial tenancies (238sqm), residential lobby;
 - (ii) 12 x 2 bedroom apartments;
 - (iii) 11 x 1 bedroom apartments;
 - (iv) Roof: communal open space (169sqm);
 - (v) Basement levels x 3:
 - (iii) Young Street North Building - 7 storeys, 21 apartments:
 - (i) 6 x 3 bedroom maisonette apartments;
 - (ii) 12 x 2 bedroom apartments;
 - (iii) 3 x 1 bedroom apartments;
 - (iv) Levels 6 and 7: communal private open space (67 sqm and 66sqm), green roof, non-trafficable roof and plant enclosures.
 - (b) Precinct D1(b): at the western portion of the site:
 - (i) Young Street South Building - 7 storeys, 32 apartments:
 - (i) Ground Level: 3 x commercial tenancies (393sqm), residential lobby, waste and plant rooms;
 - (ii) 12 x 3 bedroom maisonette apartments;
 - (iii) 5 x 2 bedroom apartments;
 - (iv) 15 x 1 bedroom apartments;
 - (v) Level 6: communal private open space (407sqm);
 - (vi) Roof: non-trafficable roof, PV panels and plant enclosures.

- (c) Precinct D2(a): at the north-eastern portion of the site:
 - (i) Bourke Street North Building - 12 storeys, 121 apartments:
 - (i) Ground Level: 4 x commercial tenancies (1,560sqm), residential lobby, music room, waste and plant rooms;
 - (ii) Level 1: landscaped podium, communal private open space (820sqm);
 - (iii) 20 x 3 bedroom apartments (including maisonette at ground level);
 - (iv) 5 x 2 bedroom apartments;
 - (v) 15 x 1 bedroom apartments;
 - (vi) Roof: PV panels, plant.
- (d) Precinct D2(b): at the south-eastern portion of the site:
 - (i) Bourke Street South Building - 7 storeys, 28 apartments:
 - (i) Ground Level: 4 x commercial tenancies (388sqm), residential lobby;
 - (ii) 8 x 2 bedroom apartments;
 - (iii) 20 x 1 bedroom apartment;
 - (iv) Roof: non-trafficable, plant.

52. The subject application also seeks consent for:

- (a) development works to an existing heritage listed building within the site, known as the Pump House, including internal sound mitigation measures and a new opening on the northern elevation. No works are proposed to the Valve House building;
- (b) VPA works including land to be dedicated to the City, including a new street, shared zone, 2 new plazas to be known as the (central) Heritage Plaza and the Northern Plaza public domain works, public art and site landscaping works, and a publicly accessible open space (the southern section of a future park);
- (c) widening of footpaths at Bourke Street and McEvoy Street; and
- (d) subdivision.

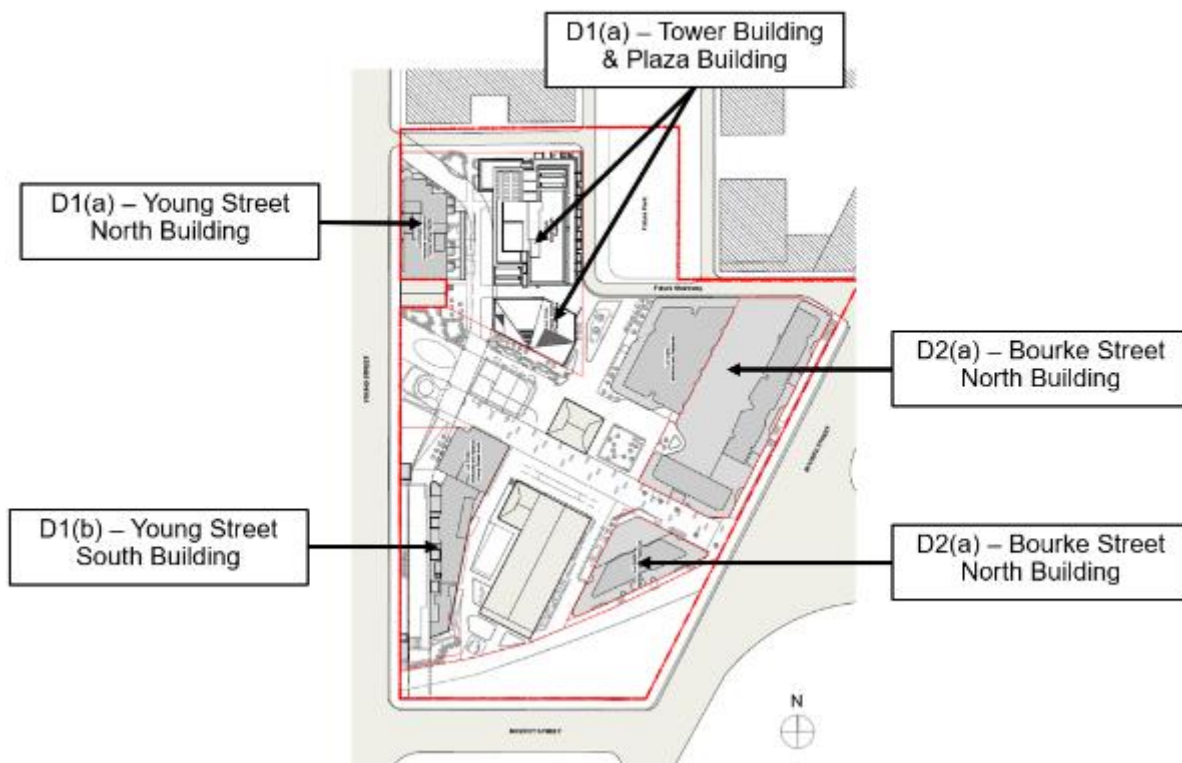


Figure 23: Precincts within the development, including D1 (northern and western portions) and D2 (eastern portion)

53. Development is proposed to be carried out in two construction stages:
- (a) Stage 1 - 'all works', including the construction of buildings above basements, public domain, landscaping, public domain and public art works; and
 - (b) Stage 2 - the creation of a new roller door opening on the northern wall of the Pump House, as a contingency measure providing emergency access to the Pump House, in the event that the SP2 (Classified) zone at the southern boundary is resumed for future road widening and pumps or infrastructure require replacing via Young Street.
54. The application is for Integrated Development with consideration that:
- (a) dewatering is required for the construction of a basement within a water table, with approval required, pursuant to the Water Management Act 2000; and
 - (b) works are proposed within close proximity to the Stage Heritage listed 'Pressure Tunnel and Shafts' (beneath the Valve House), with approval required, pursuant to the Heritage Act 1977.
55. As part of the Voluntary Planning Agreement (VPA) between the City and the Developer, the following areas are to be transferred to Council, and have been included in the subject development application:

- (a) provision of a publicly accessible open space that will form the southern section of a future park (1,411sqm - with the northern section to be constructed as works associated with the Jeffman site);
- (b) provision of a road with access from Young Street, terminating in a shared zone (no vehicle access, pedestrian and bicycle only) at the Bourke Street frontage (1,510sqm). The road is referred to as the 'Z-road' given its configuration;
- (c) provision of 2 new public plazas to be known as the Northern Plaza (518sqm) and the Heritage Plaza (2,025sqm); and
- (d) footway widening of both McEvoy Street and Bourke Street frontages and provision of public streets and through site links.

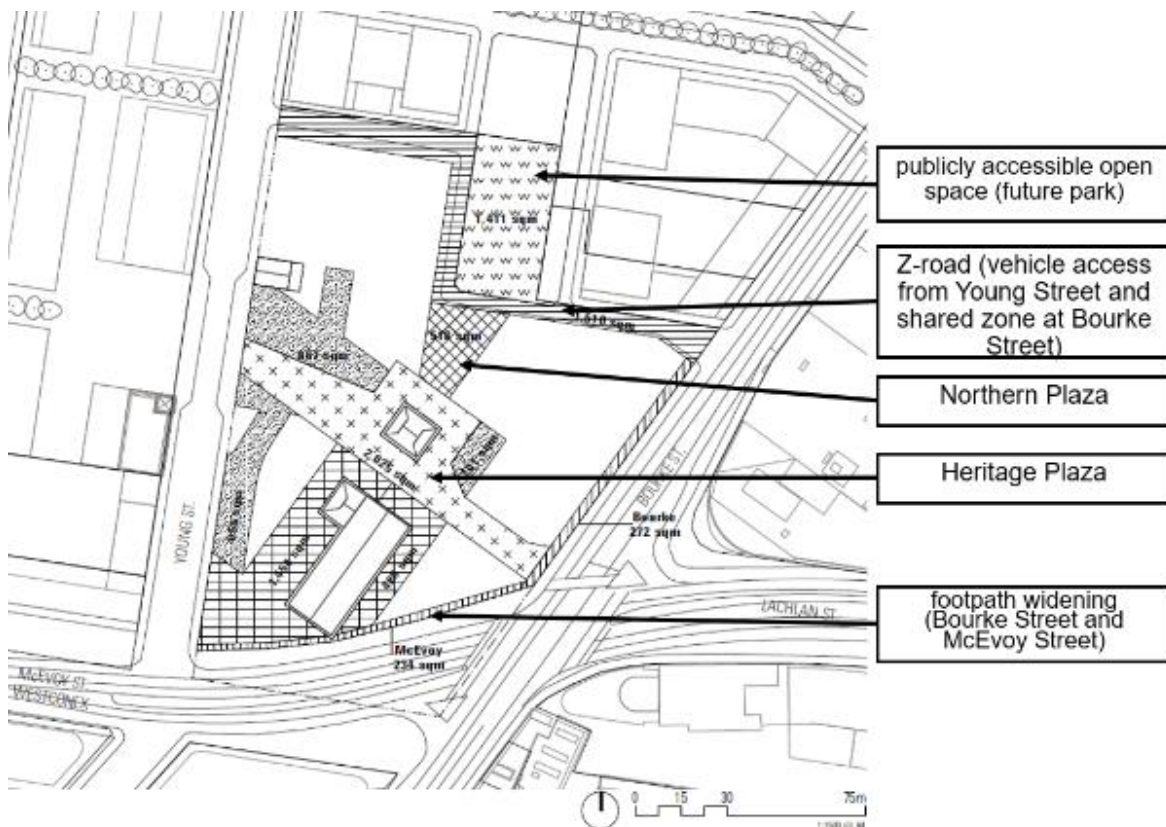


Figure 24: Extract from VPA showing areas to be dedicated to Council at the completion of works

Landscape Master Plan

Legend

- 1 **Central Water Plaza:**
A sunken plaza with in-ground water spouts, edged by vibrant retail and large canopy trees. A perfect event space.
- 2 **Entry Plaza:**
A welcoming frontage to Young St, gently guiding people into the site. Stopped edges but an open centre create a focal point and allow for gathering and events.
- 3 **Urban Bosque:**
A more sheltered space to the back of the Valve House, the bosque provides a vibrant retail and outdoor dining space under umbrellas.
- 4 **Pumping Station Garden:**
Centering and celebrating the Pumping Station through interesting broken up ground treatment and dynamic planting.
- 5 **Pumping Station Forecourt:**
A water feature and planting express the story of water through the site and create an arrival sequence into the site from McEvoy St.
- 6 **Western Lawn:**
A linear lawn space with new trees to Young St that provides a more tranquil and intimate piece of public domain.
- 7 **Sensory Linear Park:**
A linear space between ground level residential apartments with abundant planting and a pocket park lawn at the northern end.
- 8 **Northern Plaza:**
The link between the Central Water Plaza and the future park to the north, edged by cafe space and phytoremediation and play in the heart.
- 9 **Retail Laneway:**
The other end of the pedestrian link between Young and Bourke St, edged by retail and welcoming people into the site.

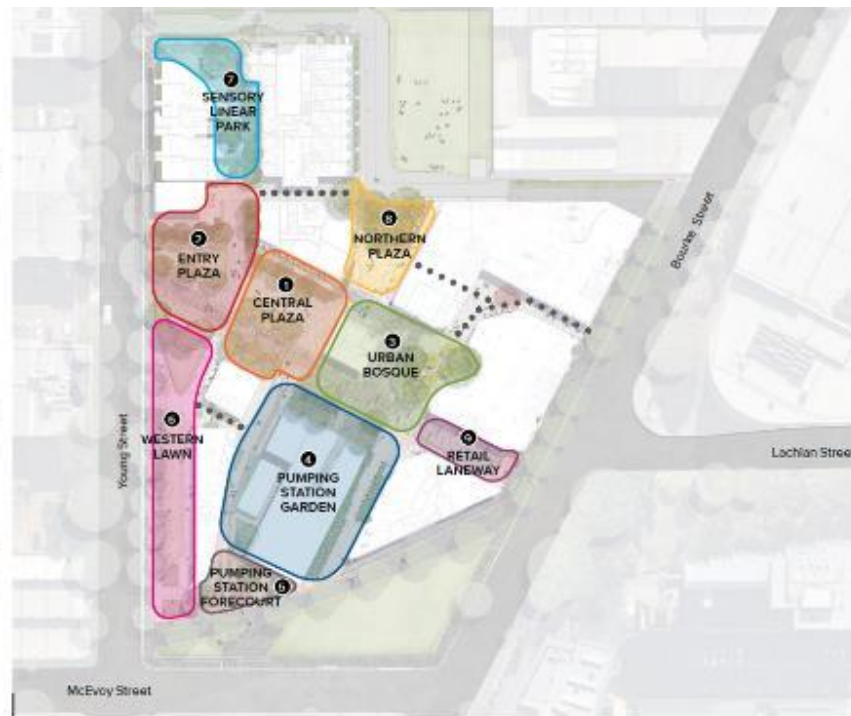


Figure 25: Sub-precincts within the site, extracted from Landscape DA Package

56. The application seeks consent for a combined three level basement beneath the Tower, Plaza and Bourke Street North Buildings. Vehicular entry to the basement for all vehicles is provided by a driveway under the Tower Building at the Z-Road.
57. Proposed basements comprise:
 - (a) 3 x basement levels:
 - (i) 339 x car parking spaces and 6 x car share spaces;
 - (ii) medium rigid vehicle spaces including for Council's waste fleet;
 - (iii) waste bin holding areas; and
 - (iv) residential and bike storage.

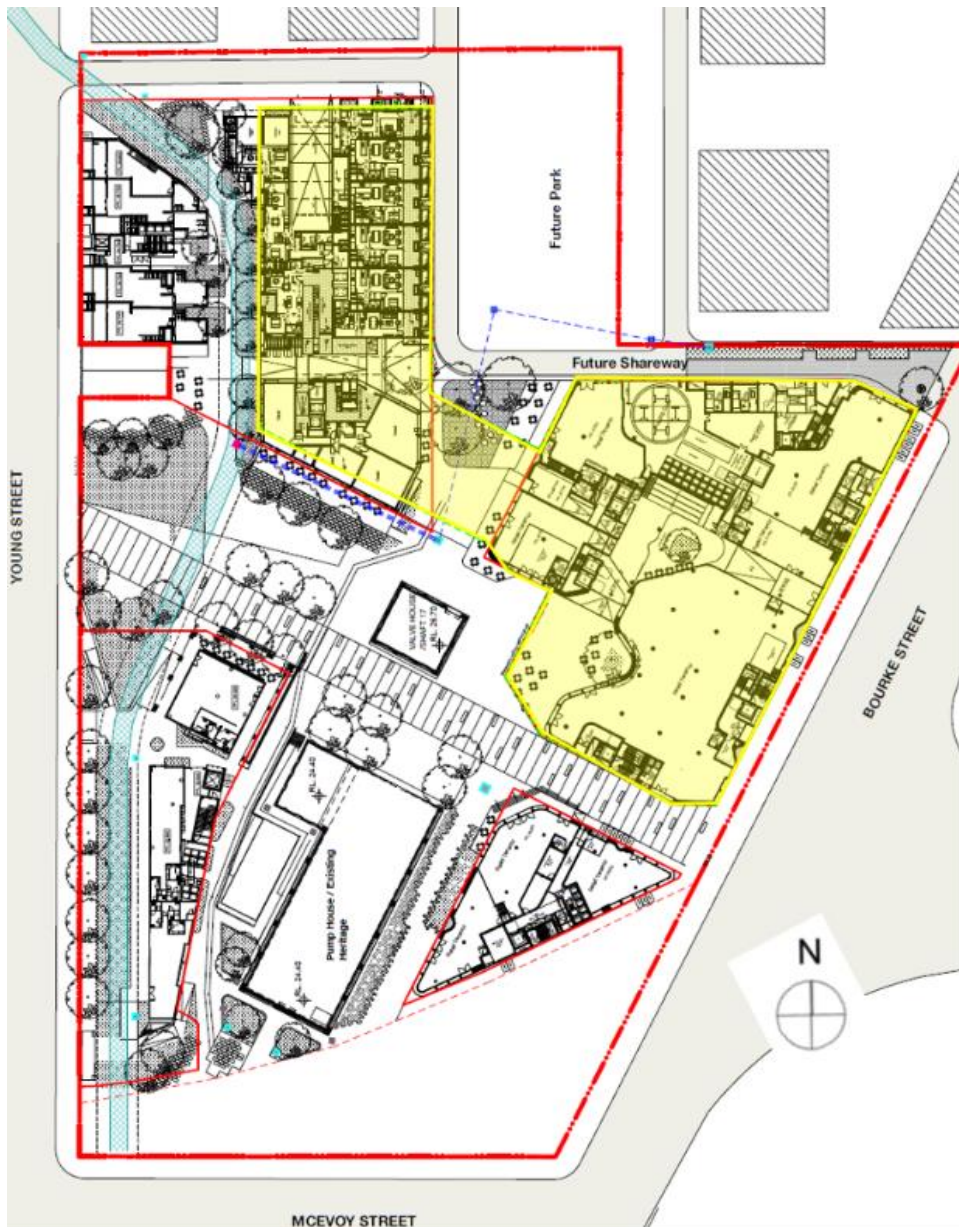


Figure 26: A combined basement is proposed beneath the Tower Building, Bourke Street North Building

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



Figure 27: Photomontage: development viewed from Young Street. Left: Young Street North Building and Tower Building. Centre: Plaza Building. Right: Valve House and Young Street South Building.



Figure 28: Photomontage: Tower Building, viewed from the publicly accessible open space at the northern boundary. Left: Valve House. Centre: Plaza Building. Right: Tower Building.



Figure 31: East and south elevations: Tower Building and Plaza Building



Figure 32: North-east and south-east elevations: Plaza Building



Figure 33: South and north elevations: Plaza Building

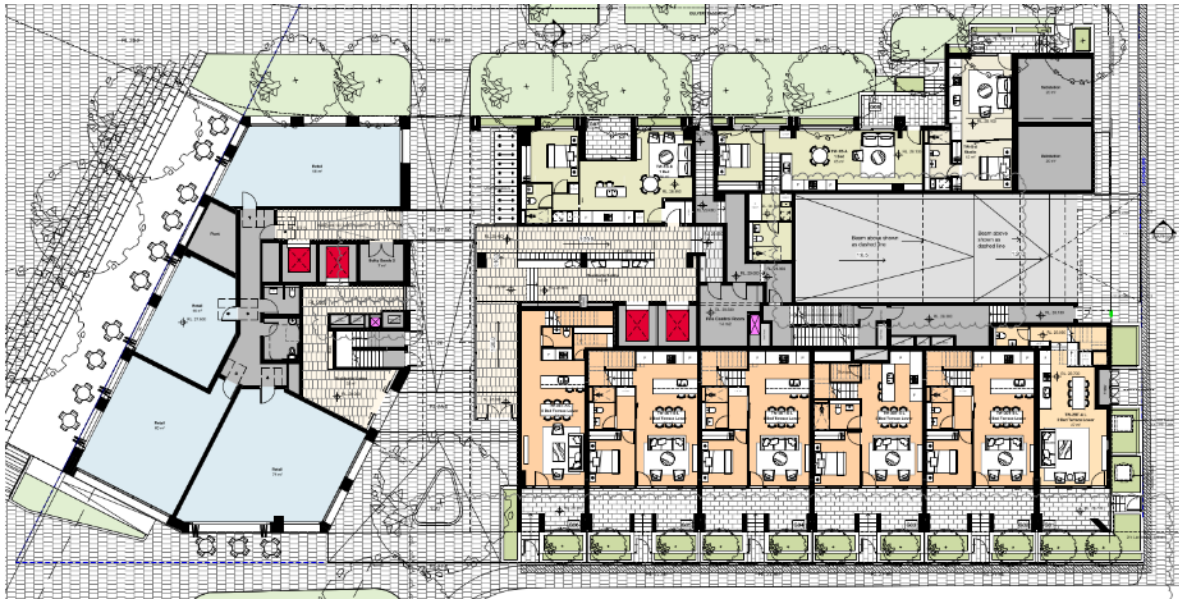


Figure 34: Ground level: Plaza and Tower Buildings

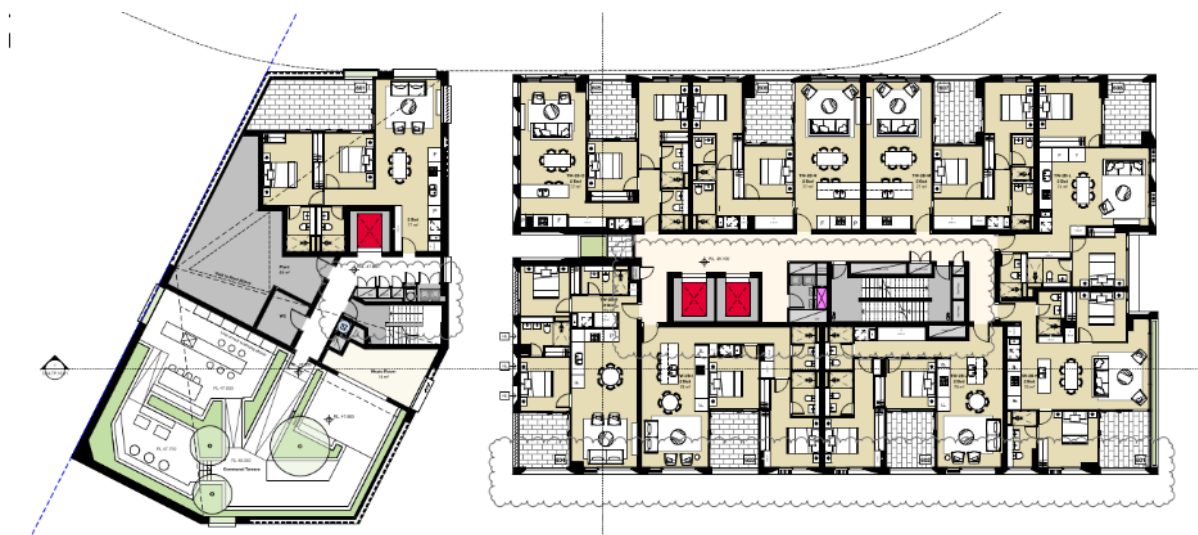


Figure 35: Level 6: Plaza and Tower Buildings, including communal private open space (Plaza Building)

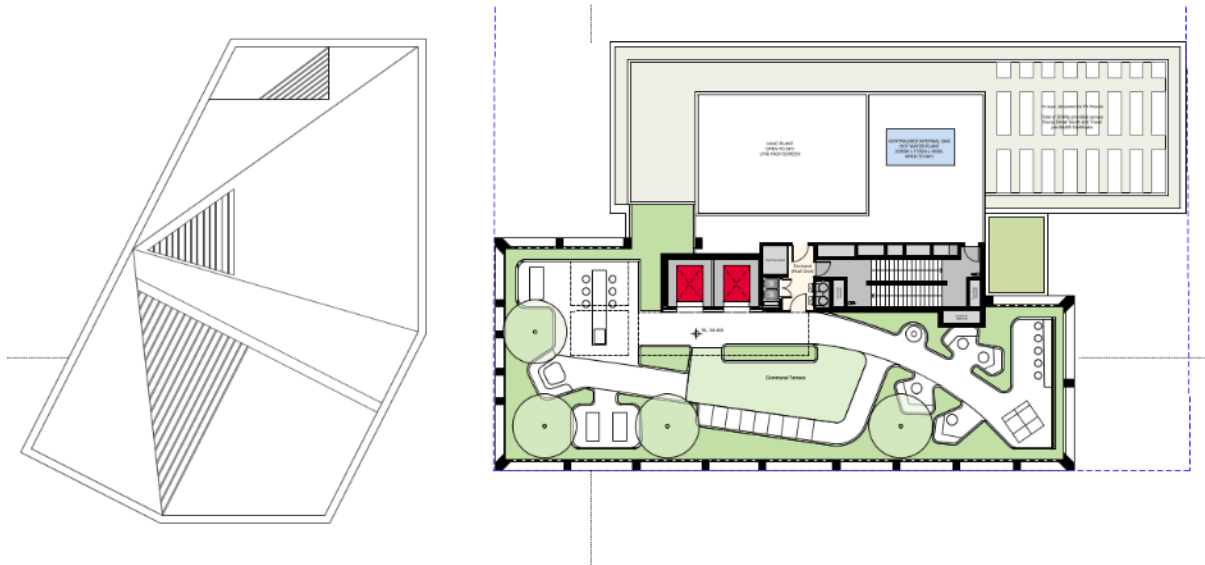


Figure 36: Roof level: Tower Building, including communal private open space

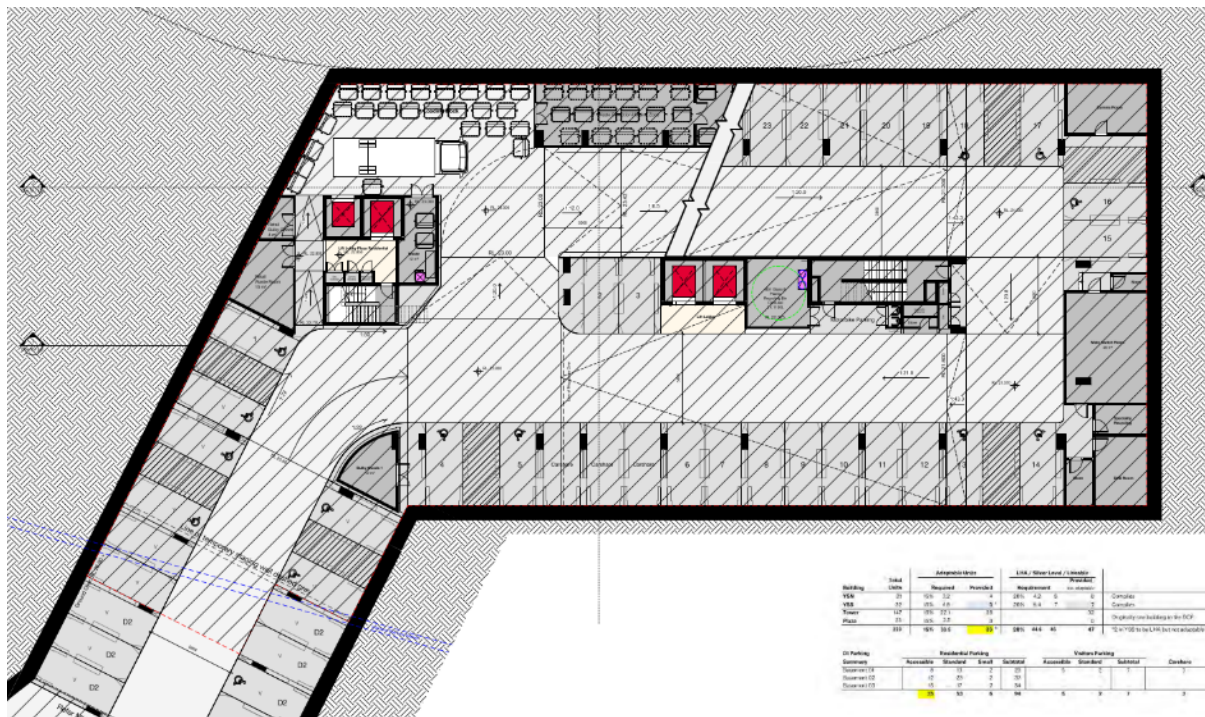


Figure 37: Basement level 1: Plaza and Tower Buildings



Figure 38: Section plan - Plaza and Tower Buildings



Figure 39: Photomontage: development viewed from Young Street. Left: Young Street North Building. Right: Young Street South Building.

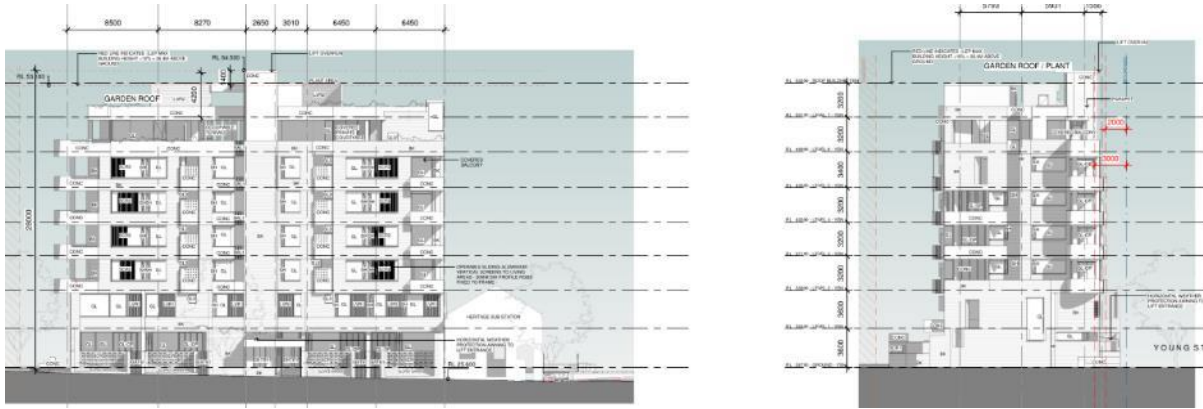


Figure 40: West and north elevations: Young Street North Building

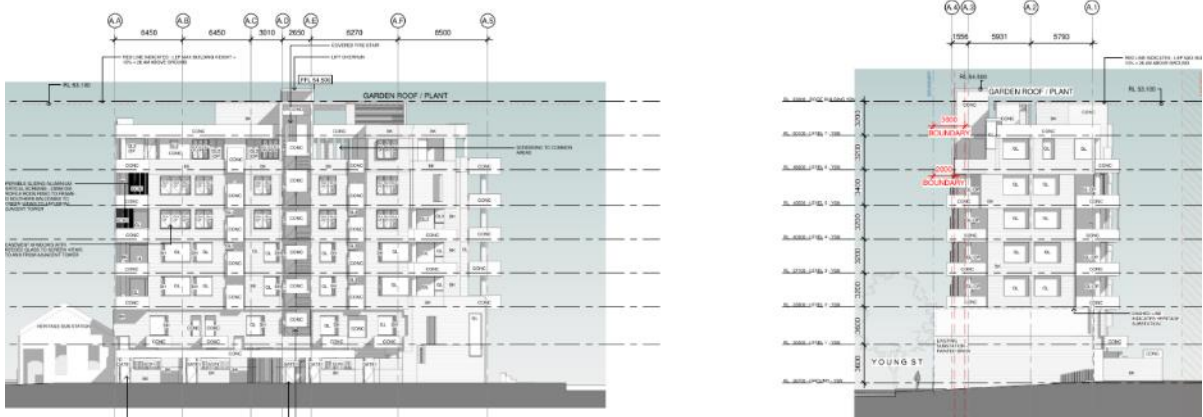


Figure 41: East and south elevations: Young Street North Building

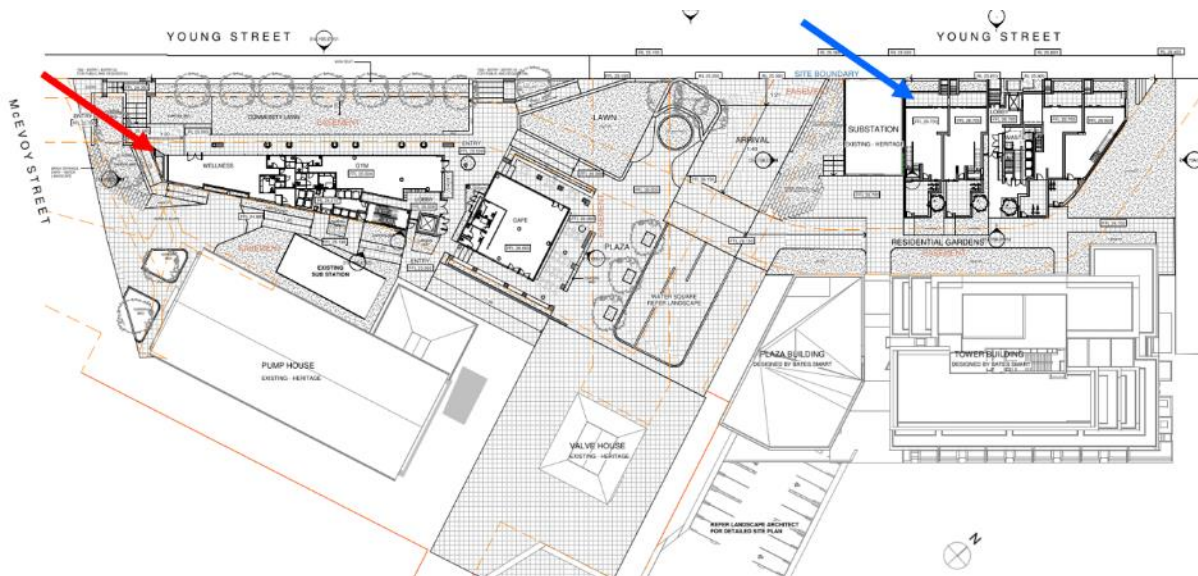


Figure 42: Ground level plan: Young Street North (blue arrow) and Young Street South (red arrow)

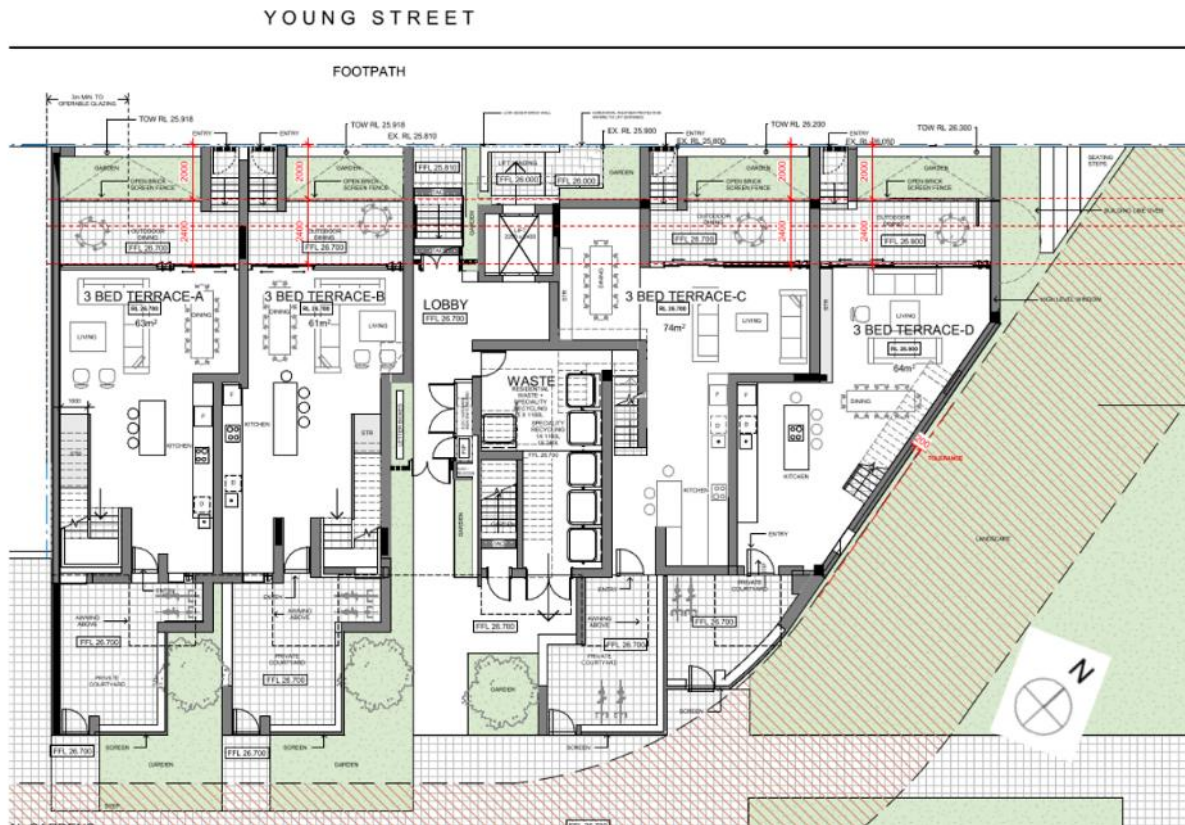


Figure 43: Ground level plan: Young Street North Building

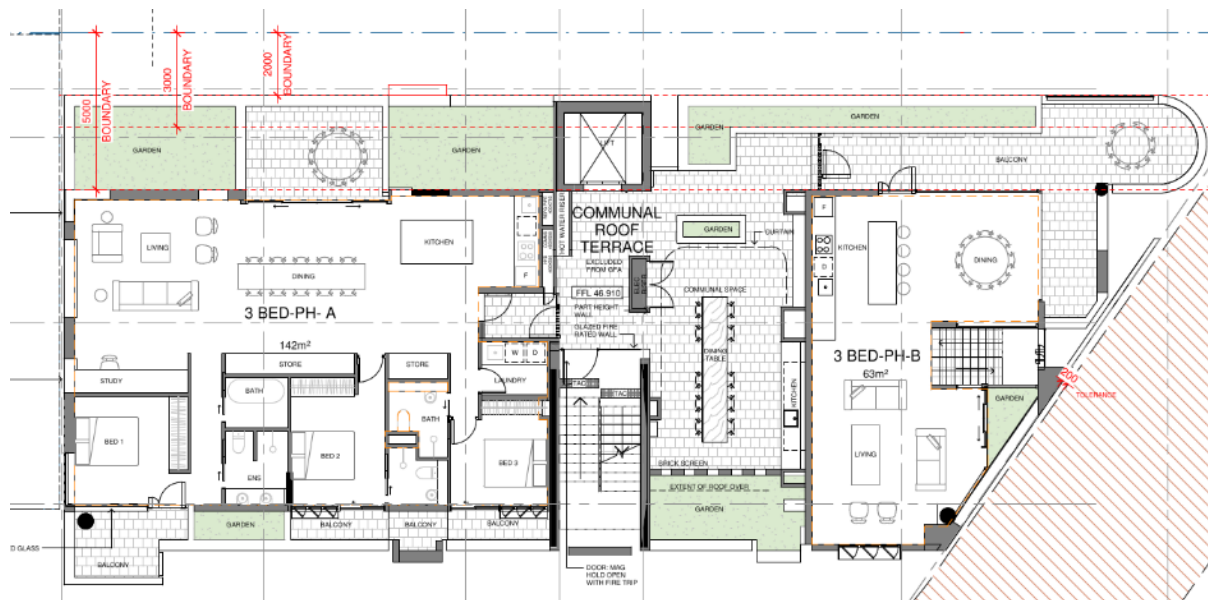


Figure 44: Level 6 plan: Young Street North Building, including communal private open space

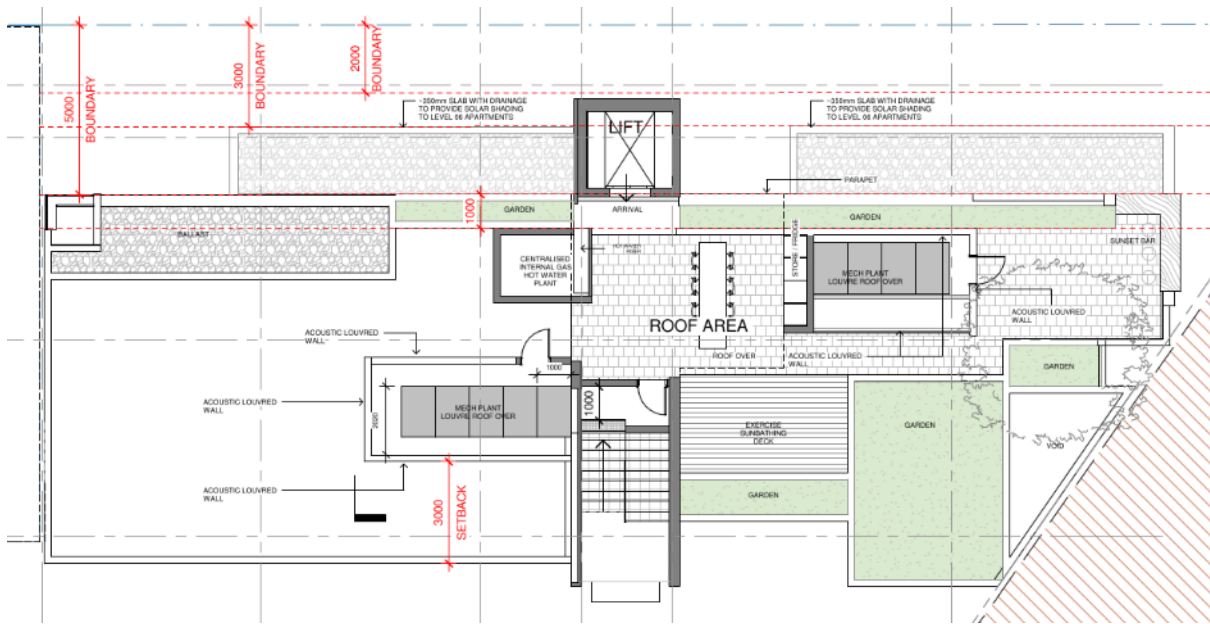


Figure 45: Level 7 plan: Young Street North Building, additional communal private open space

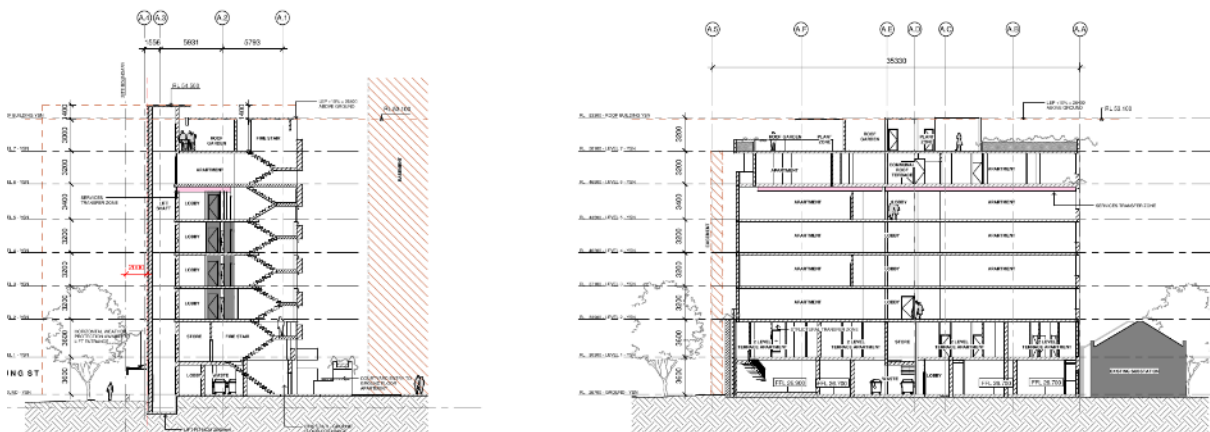


Figure 46: Long and short section plans: Young Street North Building, including communal private open space



Figure 47: Photomontage: Young Street South Building

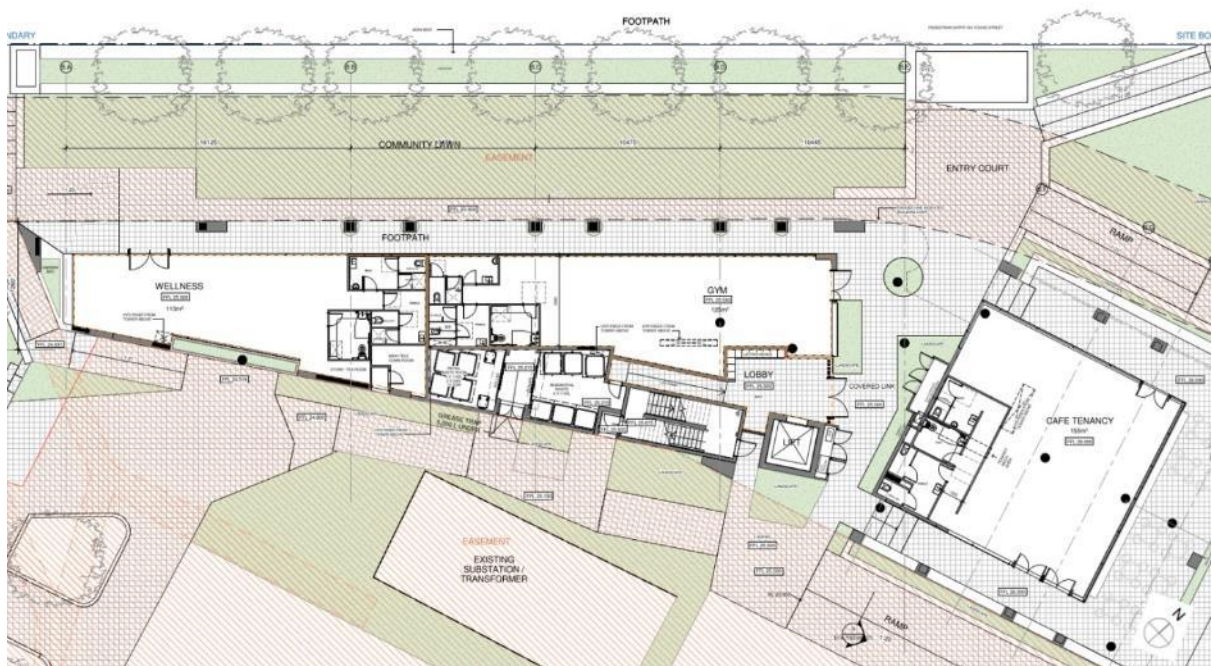


Figure 48: Ground level: Young Street South Building

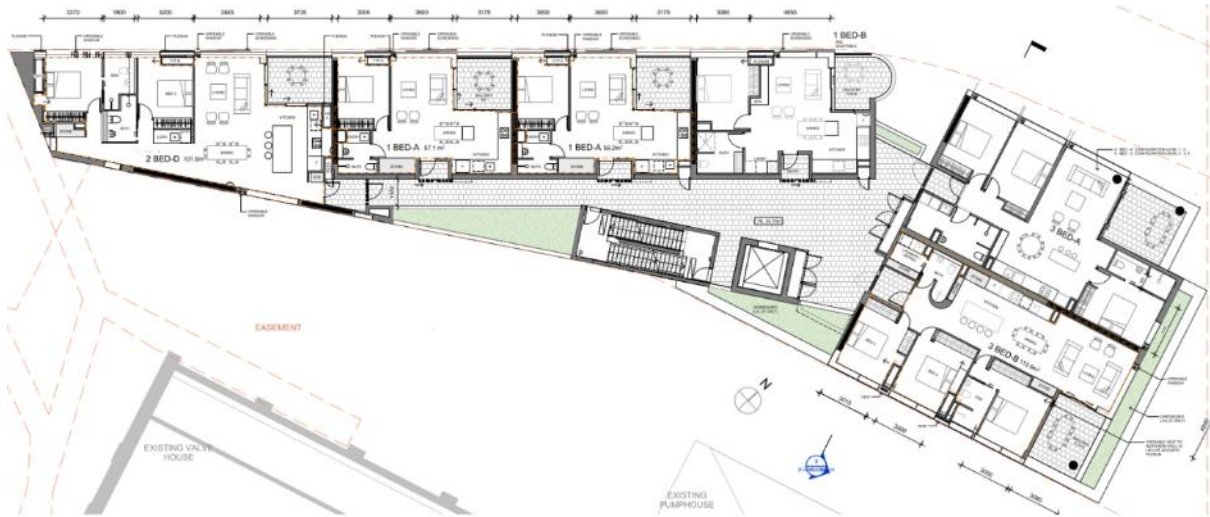


Figure 49: Typical level 1-5: Young Street South Building

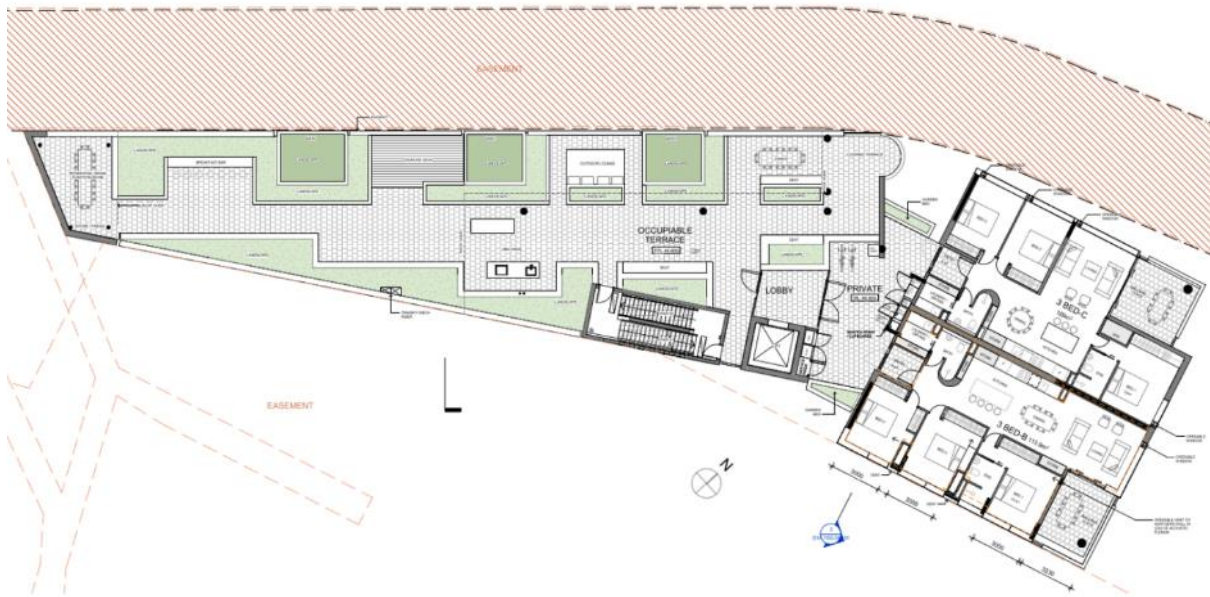


Figure 50: Roof level: Young Street South Building, including communal private open space

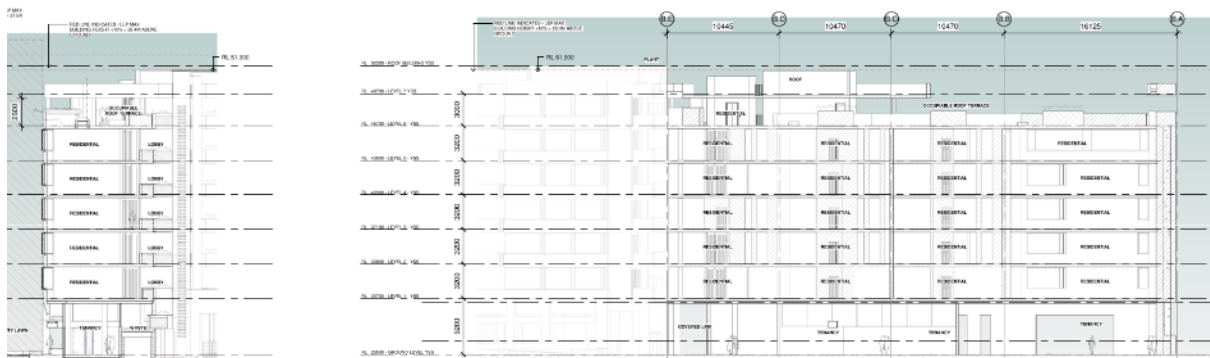


Figure 51: Long and short section plans: Young Street South Building, including communal private open space



Figure 52: Photomontage: Bourke Street North Building, viewed from Bourke Street, looking west



Figure 53: Photomontage: Bourke Street North Building, viewed from Heritage Plaza (near Pump House), looking north-east



Figure 54: Photomontage: Bourke Street South Building, viewed from opposite side of Bourke Street, looking north

Assessment

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

Heritage Act 1977

60. The Valve House is part of the Pressure Tunnel and Shafts, which is listed on the State Heritage Register (SHR 01630).
61. Proposed works in proximity to the Valve House include:
- (a) basement excavation works, which are proposed approximately 9m from the northern wall of the Valve House; and
 - (b) construction of the Heritage Plaza including paving surrounding the Valve house.
62. As paving works are proposed to be carried out within 3m of a State Heritage Item, the application was referred to Heritage NSW (HNSW) shortly after lodgement and again upon the receipt of amended drawings. An amended heritage impact statement (HIS) was provided to HNSW on 15 April 2022, confirming that no substantial construction or remediation works are proposed to the Valve House.
63. Copies of public submissions made to the City of Sydney during the respective notification period were uploaded to the NSW Planning Portal on 9 June 2022.
64. On 28 June 2022, HNSW issued the General Terms of Approval (GTAs).
65. Attached to the GTAs was a letter from the HNSW Aboriginal Cultural Heritage (ACH) team, dated 6 May 2022.
- (a) The letter from the ACH team notes that the HIS lodged with the application recommends further work to establish the archaeological potential of the development site. The letter requests that the Applicant advise whether it is intended to carry out further archaeological investigations prior to the

determination of the subject development application. This request dated 6 May 2022 was forwarded to the applicant for a response.

- (b) The Applicant provided a response prepared by a heritage consultant specialising in archaeology, which was forwarded to HNSW on 7 October 2022. The Applicant's response states that an Aboriginal Cultural Heritage Assessment (ACHA) involving full Aboriginal consultation and an Archaeological Site Survey are in the early stages of preparation, however given their potential complexity, they are unlikely to be completed prior to the completion of the assessment. The Applicant's heritage specialist suggests that HNSW consider the provision of these documents being imposed as the requirement of a condition of consent, to allow for additional time for the finalisation of the requested documents.
 - (c) On 11 October 2022, HNSW responded, stating that whilst the Applicant's response does not provide the requested information, no changes are recommended to the GTAs previously provided.
66. The proposed works in the vicinity of the Valve House are supported, subject to the recommended conditions including those that require an application under section 60 of the Heritage Act 1977 to be submitted to and approved by Heritage NSW prior to any works commencing.
67. Further, as per the suggestion provided by the Applicant's heritage specialist (archaeology), a condition of consent is recommended that the Aboriginal Cultural Heritage Assessment (ACHA) involving full Aboriginal consultation and an Archaeological Site Survey, which are currently in draft form, must be submitted to and approved by Council's Area Planning Manager, prior to the issue of any construction certificate.

Water Management Act 2000

68. As excavation is proposed to depths of approximately 4m below ground surface and ground water occurs at depths of between 1m to 4m below ground surface, dewatering is required.
69. Dewatering potentially requires a water supply work approval and as such the subject DA was referred to Water NSW as Integrated Development shortly after lodgement and again when the amended DA was renotified.
70. Copies of public submissions made to the City of Sydney during the respective notification period were uploaded to the NSW Planning Portal on 9 June 2022.
71. General Terms of Approval were issued by Water NSW and have been included in the schedules within the recommended conditions of consent.

Sydney Airport Referral Act 1996

72. Section 182 of the Commonwealth Airports Act 1996 specifies that, amongst other things, constructing a building or other structure that intrudes into a prescribed airspace is a controlled activity.
73. Schedules 2 and 5 of the Civil Aviation (Building Control) Regulations 1988 identify that the site is subject to a prohibition of the construction of buildings more than 150 feet (45.72m) above existing ground level.

74. Section 183 of the Commonwealth Airports Act 1996 specifies that controlled activities may not be carried out in relation to prescribed airspace unless an approval has been granted. The relevant approval body is the Civil Aviation Safety Authority (CASA).
75. The proposal exceeds the 45.72m height limit, and approval from CASA, to carry out controlled activities in prescribed airspace, has been provided.

State Environmental Planning Policies

State Environmental Planning Policy (Precincts—Central River City) 2021

76. The aims of the SEPP are to:
 - (a) establish the process for assessing and identifying sites as urban renewal precincts,
 - (b) facilitate the orderly and economic development and redevelopment of sites in and around urban renewal precincts, and
 - (c) facilitate delivery of the objectives of any applicable government State, regional or metropolitan strategies connected with the renewal of urban areas that are accessible by public transport.
77. Part 6.2 of the SEPP identifies the subject site as being located within the Redfern-Waterloo potential urban renewal precinct.
78. Clause 6.8 of the SEPP specifies that the consent authority must not grant development consent unless it is satisfied that the proposed development is consistent with the objective of developing the potential precinct for the purposes of urban renewal. In this regard, the proposed redevelopment of the site involves urban renewal of a site that will contribute to the changing character of Waterloo.
79. The development proposal is consistent with the relevant provisions of section 6.8 of the SEPP, in that it:
 - (a) will not restrict or prevent development of the potential precinct for higher density housing or commercial or mixed development;
 - (b) will not restrict or prevent the future amalgamation of sites; and
 - (c) will not restrict or prevent access to, or development of, infrastructure, other facilities and public domain areas associated with existing and future public transport in the potential precinct.

State Environmental Planning Policy (Resilience and Hazards) 2021

80. The relevant aim of the Resilience and Hazards SEPP is to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment by requiring that a remediation work meet certain standards and notification requirements.

Neighbouring site - The Lawrence Dry Cleaners site

81. On 26 May 2011, the NSW Land and Environment Court issued a Management Order (no. 20111403) to Jeffman Pty Ltd and Lawrence Dry Cleaners Pty Ltd (the owner and former operator respectively of the property at 887-893 Bourke Street) as a result of contamination due to dry cleaning operations undertaken on that property.
82. The Management Order applies to the significantly contaminated land in declaration 21084 made on 2 November 2005 by the NSW Environment Protection Authority which includes a portion of the Dahua site at 903-921 Bourke Street. The Management Order reports that chlorinated hydrocarbons, including: Tetrachloroethene (PCE); Trichloroethene (TCE); Dichloroethene (DCE); and Vinyl Chloride (VC) migrating from the adjacent dry cleaner site have caused the subject site to be contaminated.
83. The Management Order requires that ongoing groundwater monitoring be undertaken, inclusive of monitoring wells on the Dahua site, every 6 months until May 2021 (since extended). The locations of monitoring wells are shown in Figure 55 below.



Figure 55: Blue and white markers indicate location of wells required to monitor groundwater

Subject site - contamination

84. A Remediation Action Plan (RAP) relating to the site, accompanied by a letter of interim advice has been submitted with the subject development application.
85. The RAP identifies previous uses of the site as a depot for the Water Board and later, Sydney Water. These included an electrical repair shop, rigger's shop, welding shop and the main plant overhaul shop and offices. A smaller brick building was situated along the northern boundary of the site and included the Blacksmith's shop, another welding shop, carpenters / pattern makers and painter's shop.

Early works DA no. D/2019/428

86. The RAP submitted as part of the subject DA details work undertaken as approved by the 'early works' development application D/2019/428 (see Site History section above).
87. The RAP submitted as part of the subject DA concludes that contaminated areas of the site have been remediated and that validation works were undertaken to demonstrate that the levels of heavy metals, PAHs, PCBs and asbestos, that posed a potential health risk, had been sufficiently removed from the site.
88. Details of remediation undertaken as part of the 'early works' program include:
 - (a) excavation and off-site disposal of all asbestos impacted soils;
 - (b) excavation and off-site disposal of several hot-spots of soils impacted by PAHs and heavy metals at the northern portion of the site;
 - (c) excavation and off-site disposal of a large area of shallow PCB impacted soils and a smaller area of deep PCB impacted soils at the northern portion of the site ; and
 - (d) dewatering, treatment and disposal of treated effluent of PCB impacted groundwater from an area of deep PCB impacted soils and groundwater.
89. The RAP submitted as part of the subject DA confirms that there was no requirement at the completion of the 'early works' program for:
 - (a) ongoing management and/or monitoring of potential health risks to potential future users of the site prior to its redevelopment – excluding exposures within future buildings and/or basements; and
 - (b) ongoing management / monitoring of areas to be transferred to Council in accordance with the Voluntary Planning Agreement in terms of the protection of the health of future users of those areas.
90. Notwithstanding the success of remediation carried out as part of the early works program, as outlined above, the validation of these works did not assess potential risks of contamination to future intended users of the proposed basements and buildings to be constructed on the site.

Subject site - current DA

91. The RAP submitted as part of the subject DA identifies that while asbestos and heavy metals, PAHs and PCB impact have been remediated from fill materials and underlying soils on the site, there are ongoing risks primarily associated with groundwater and soil vapour, restricted to volatile organic compounds including chlorinated ethenes. The RAP identifies those potential exposures may include:
- (a) within basements: inhalation exposures to potential infiltrating vapours from soil and groundwater; and
 - (b) within garden areas and paved courtyards: oral, dermal and inhalation exposures to soil-based constituents.
92. However, the RAP concludes that these potential exposures are not likely to be significant because:
- (a) Basements can be suitably tanked and sealed with non-permeable membranes and can be sufficiently ventilated to prevent inhalation exposures; and
 - (b) the courtyard and garden areas at the northern portion of the site are to be constructed over basements and potential exposures can be controlled by specifying the quality of fill materials used to construct garden beds, including only virgin excavated natural material (VENM), excavated natural material (ENM) or engineered fills suitable for use as top soil / growing media.
93. The RAP states that the public open space (parkland areas) and the paved outdoor areas are to be filled with soils that do not pose a health risk, to a depth of 1.5m, prior to the transfer of the lands to Council. The RAP states that these areas will not be subject to any ongoing Long Term Environmental Management Plan (LTEMP).
94. The RAP recommends the following construction and ongoing validation measures for the site:
- (a) Basement design: to be designed and constructed to preclude seepage water infiltration and vapour intrusion, including:
 - (i) construction of basement walls by secant piles and installation of a water and vapour proof membrane, formed by a sprayed bituminous membrane onto a prepared surface from the secant piles / basement excavation floor and installation of a protective layer in front of the membrane to protect from physical damage; and
 - (ii) provision of the basement with a sufficient ventilation system to achieve at least 4 x air volume changes per day.
 - (b) Slab on grade construction, including:
 - (i) monitoring: one groundwater monitoring well will be installed during initial construction works within the extent of each of the 3 building footprints, installed to sample the shallowest detection of groundwater; and
 - (ii) where the levels of soil vapour measured indicate a potential vapour intrusion risk within ground levels of buildings, the same vapour controls as proposed to be installed underlying the basement structure shall be extended to each slab on grade building.

- (c) Consideration of growing media:
 - (i) Soils to be used as growing media will be imported to the site as appropriate engineered fill, with courtyard and garden areas using only virgin excavated natural material (VENM), excavated natural material (ENM) or engineered fills as suitable to be used as top soil / growing media.
 - (d) Protection of Management Order Monitoring Locations:
 - (i) all existing monitoring points will be protected during construction works to ensure accessibility for ongoing monitoring as per the Management Order; and
 - (ii) where the monitoring points are to be affected by proximity to site basements / buildings or otherwise, then liaison shall occur with the polluter (Jeffman) and the NSW EPA as to an appropriate location for replacement monitoring wells.
 - (e) Ongoing management of the site:
 - (i) a Long Term Environmental Management Plan (LTEMP) will be prepared for the basement to ensure maintenance of controls to preclude seepage water infiltration and/or vapour intrusion; and
 - (ii) as above, the RAP confirms that areas of the site that are to be dedicated to Council as public domain will be remediated, and will not be the subject of a LTEMP.
95. The NSW EPA Site Auditor has provided written confirmation that the proposed remediation measures and draft LTEMP relating to the basement are supported.
96. The City's Health and Building Unit has reviewed the information provided, and is satisfied that, subject to conditions, the site can be made suitable for the proposed use. Conditions of consent are recommended to ensure compliance with the remediation measures outlined, and for Council to be notified should there be any changes to the strategy for remediation.

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

97. The aim of State Environmental Planning Policy (SEPP) 65 is to improve the design quality of residential apartment development in New South Wales.
98. When determining an application for a residential flat development of three or more floors and containing four or more apartments, SEPP 65 requires the consent authority gives consideration to a number of matters relating to design quality, including the design quality principles as set out in Schedule 1.
99. The Applicant has submitted design verification statements and SEPP 65 design reports prepared by the site architects, including:
- (a) Bates Smart: Matt Davis (NSW Architect Registration Number 7449);
 - (b) Richards and Spence: Adrian Spence (Queensland Architect Registration Number 4024); and

- (c) MHN Design Union: Brian Meyerson (NSW Architect Registration Number 4907).
100. The design verification statements and SEPP 65 design reports address the design quality principles and the objectives of parts 3 and 4 of the Apartment Design Guide. The statements satisfy Clause 29(1A) of the Environmental Planning and Assessment Regulation 2021.
101. An assessment of the proposal against the design quality principles is provided as follows:
- (a) Principle 1: Context and Neighbourhood Character
- (i) The site is located within the B4 Mixed Use zone which permits mixed commercial, retail and residential developments, and is in close proximity to the Green Square and future Waterloo stations, and bus routes along Botany Road.
- (ii) The development, by way of its form and scale is consistent with the City's strategic vision to support Danks Street South's role as a focus for the local economy and community. The precinct-specific planning controls envisage mixed use buildings, open plazas and a future publicly accessible open space that activate the streetscape, providing commercial and retail uses with high quality residential accommodation of which the development generally conforms.
- (b) Principle 2: Built Form and Scale
- (i) The proposal does not comply with the maximum height of buildings standard for the site in three locations (71.5m and 26.4m). The height non-compliances range between 0.8m and 2m in excess of the controls. The proposal complies with the overall FSR standard for the site.
- (ii) As detailed elsewhere in this report, the proposed building heights are acceptable. The proposed height non-compliances provide for improved planning outcomes and are the result of responding to flood planning levels and the provision of parapets and enclosures to screen rooftop plant and equipment from view.
- (iii) As outlined in the Discussion section of this report, the proposed development provides acceptable solar access to dwellings located within the site, and will not have any significant impacts for neighbouring dwellings in relation to overshadowing. The proposal is consistent with the objectives of part 3B-2 of the ADG, which are that the overshadowing of neighbouring properties is minimised during mid-winter.
- (c) Principle 3: Density
- (i) The proposal complies with the maximum FSR development standard and provides a suitable number and variety of apartment types, with appropriate amenity for occupants.

- (ii) The proposed density is appropriate given the local context, particularly its proximity to established infrastructure, public transport, community and recreational facilities. The development does not result in any unacceptable amenity impacts to neighbouring properties or future residents.
- (d) Principle 4: Sustainability
 - (i) The proposal complies with BASIX requirements of in terms of thermal comfort and with the water and energy targets as required by the precinct-specific controls. A condition is recommended to ensure that the development complies with the commitments contained in the submitted BASIX documentation.
- (e) Principle 5: Landscape
 - (i) The proposal incorporates extensive landscaped areas within the future public domain and private property. The development provides for community meeting points, including the Dahl'wah Circle, a Communal Table and for an extensive area of publicly accessible open space in accordance with the precinct Landscape Concept prepared by Jane Irwin Landscape Architecture (JILA) on behalf of the City.
 - (ii) Deep soil areas equate to 1,740sqm of the overall site (9%), which is a positive outcome given the many site constraints including underground pipes and cabling. It is noted that some areas of deep soil are located over the 5m deep stormwater culvert that traverses the site. The Applicant responded to these constraints by providing increased areas of deep soil and tree canopy cover by amending the design over the course of the assessment, as detailed in the Discussion section of this report.
 - (iii) Overall, the proposal seeks to provide accessible green roofs, as well as tree planting on structures, that will contribute to achieving tree canopy targets. The proposed landscape component of the scheme is extensive, and additional details are required to ensure its success. Information is to be submitted relating to soil profiles, irrigation and access for maintenance. Detailed landscape conditions have been recommended for imposition.
- (f) Principle 6: Amenity
 - (i) The proposal provides a suitable level of amenity for the residential occupants of the development and neighbouring properties. Compliance with amenity provisions is detailed in the ADG assessment tables provided at Attachment F to this report.
 - (ii) All apartments will be naturally ventilated to habitable rooms and where they are affected by traffic generated noise, are provided with suitable mitigation measures including plenums at the building edges.
 - (iii) Drawings have been modified to increase ADG solar compliance, which is acceptable with regard for the ADG solar access provisions. See further discussion below in the issues section of this report.

- (iv) Common open space is provided throughout the site, within publicly accessible and privately managed areas, at the ground, podium and roof levels of site buildings. Private communal open spaces receive acceptable solar access as compared to the ADG design guidance.
- (g) Principle 7: Safety
- (i) The safety and security of the public domain and the site itself is enhanced by increased activation, opportunities for casual surveillance of the surrounding streets and extensive open plazas within the site from the residential apartments.
 - (ii) The proposal is designed in accordance with the principles of Crime Prevention through Environmental Design (CPTED) and is consistent with this design quality principle.
- (h) Principle 8: Housing Diversity and Social Interaction
- (i) The proposal has the following unit mix:
 - (i) 101 x 1 bedroom (27%);
 - (ii) 205 x 2 bedroom (55%); and
 - (iii) 64 x 3 bedroom (17%).
 - (ii) The unit mix is consistent with that envisaged by the Sydney DCP 2012 and ADG and is acceptable.
- (i) Principle 9: Aesthetics
- (i) The residential buildings utilise a combination of textured and non-textured face brick and exposed concrete in rich earthy tones to complement heritage items and the surrounding area. The proposed materials are acceptable, and the overall design will positively contribute to the aesthetic qualities of the streetscape and locality.
 - (ii) The proposed design is considered to maintain the aesthetic integrity of the competition winning schemes, which were considered by the respective Selection Panels to be the schemes most capable of demonstrating design excellence.
102. The proposed development is acceptable when assessed against the SEPP including the above stated principles and the associated Apartment Design Guide (ADG). These controls are generally replicated within the apartment design controls under the SDCP 2012. Consequently, compliance with the SEPP generally implies compliance with Council's own controls.
103. A detailed assessment of the proposal against ADG objectives is provided in Attachment F to this report.

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

104. BASIX Certificates have been submitted with the development application. Plans provided for stamping have been verified by the applicant's NatHERS assessor.
105. The BASIX certificates list measures to satisfy BASIX requirements which have been incorporated into the proposal. A condition of consent is recommended ensuring the measures detailed in the BASIX certificates are implemented.

State Environmental Planning Policy (Transport and Infrastructure) 2021

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

Subdivision 2 Development likely to affect an electricity transmission or distribution network**Clause 2.48 - Determination of development applications—other development**

107. The application is subject to SEPP clause 2.48 as the development is proposed immediately adjacent to an electricity substation and within 5m of an exposed overhead electricity power line.
108. As such, the application was referred to Ausgrid for a period of 21 days. A response was received, dated 7 March 2021, which raised no objection, subject to recommended conditions of consent.

Division 17, Subdivision 2: Development in or adjacent to road corridors and road reservations**Clause 2.119 – Development with frontage to classified road**

109. The application is subject to SEPP Clause 2.119 as the site has frontages to Bourke and McEvoy Streets, which (south of Lachlan Street) are classified roads.
110. The proposed development is able to satisfy the provisions of Clause 2.119 subject to conditions of consent, as vehicular access to the land is provided by a road other than the classified road. This will ensure that the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development.

Clause 2.120 – Impact of road noise or vibration on non-road development

111. The application is not subject to SEPP Clause 2.120 as traffic volume data published on the website of TfNSW does not provide for annual average daily traffic volumes of more than 20,000 vehicles.
112. Notwithstanding this, it is likely that dwellings located within the proposed development will be adversely affected by road noise or vibration, both in relation to existing traffic generated noise on Bourke and McEvoy Streets, and in relation to traffic generated noise from the future Alexandria to Moore Park Road upgrade project (Figure 56 below).
113. Should the Alexandria to Moore Park Road upgrade project proceed:
 - (a) McEvoy Street will be widened, requiring the compulsory acquisition of the SP2 (Classified) zone located at the southern boundary of the site; and

- (b) apartments located within the Bourke Street North, Bourke Street South and Young Street South buildings would be affected by increased traffic noise.
114. In response to this issue, drawings and supporting acoustic reports have been amended to address future traffic generated noise. The Applicant has taken a precautionary approach, whereby potential traffic generated noise at the Bourke, McEvoy and Young Street frontages has been modelled on a road that carries large traffic volumes, such as Parramatta Road.
115. Details have been provided in relation to acoustic attenuation of living and sleeping areas of proposed dwellings. Glazing and plenum requirements for the building and facades have been included in the Appendices to the Acoustic Report and will be required to be incorporated into the construction certificate drawings. The application satisfies Clause 2.120, subject to the recommended conditions of consent requiring adherence to relevant acoustic reports and plenum construction details.



Figure 56: Extract from traffic report, showing location of Alexandria to Moore Park Road upgrade project, including SP2 (Classified) area located within the site

2.122 Traffic-generating development

116. The site will generate traffic resulting from approximately 2,580sqm of new commercial premises (greater than 2,500sqm) and residential accommodation with greater than 300 dwellings.
117. Written notice of the application was provided to TfNSW during assessment. TfNSW raised objection to the original proposal, which included providing Sydney Water vehicles emergency egress to Bourke Street (as discussed in the Amendments to the Subject DA section of this report above).
118. Council's officers met with TfNSW and the Applicant's traffic specialist during assessment. Following these meetings swept paths were submitted to demonstrate provision of sufficient clearances for emergency access and egress for Sydney Water vehicles from Young Street.
119. Subsequently, TfNSW has advised that no objection is raised to the proposed development, subject to recommended conditions of consent.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

120. The proposal includes the clearing of vegetation in a non-rural area and as such is subject to this SEPP.
121. A person must not clear vegetation in a non-rural area of the State to which Part 3 applies without the authority conferred by a permit granted by the Council under that Part.
122. The SEPP states that the Council must not grant consent for the removal of vegetation within heritage sites or heritage conservation areas unless Council is satisfied that the activity is minor in nature and would not impact the heritage significance of the site.
123. Several trees are proposed to be removed from within the site. The trees are not associated with existing heritage buildings and are not protected by the provisions of SDCP 2012. The City's tree management officers do not require these trees to be retained. Conditions are recommended specifying the trees to be removed and protections to be put in place for street trees that are to be retained through the demolition and construction phases.

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

124. 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	The majority of the site is zoned B4 Mixed Use.

Provision	Compliance	Comment
		<p>Proposed land uses comprising residential accommodation, retail and commercial uses, and proposed works, including public domain, public art and landscaping works, are all permissible within the zone.</p> <p>The southern portion of the site at the McEvoy Street boundary (2,027sqm) is zoned SP2 (Classified) Infrastructure. No physical works are proposed within the SP2 (Classified) Infrastructure zone. Temporary landscape plantings including canopy trees are to be provided within the SP2 (Classified) Infrastructure zone, which are compatible with the future provision of infrastructure.</p>

Part 4 Principal development standards

Provision	Compliance	Comment
<p>4.3 Height of buildings</p> <p>6.21D Competitive design process</p> <p>6.43 Danks Street South Precinct</p>	<p>Partial compliance</p>	<p>Clause 4.3 of SLEP 2012 specifies a range of maximum building heights for the site, ranging from 8m (heritage buildings), and between 24m and 65m for mixed use buildings.</p> <p>Clause 6.43 of SLEP 2012 provides that buildings in the Danks Street South precinct, that exhibit design excellence, are not eligible for additional floor space under clause 6.21 of SLEP 2012.</p> <p>Therefore, up to 10% additional height only, may be approved in accordance with clause 6.21, as the proposed design schemes are the winners of their respective competitive design processes and exhibit design excellence.</p> <p>Considering all the relevant building height provisions contained in the LEP, including 10% additional design excellence height uplift, the maximum permissible building heights for the site range from 26.4m to 71.5m.</p>

Provision	Compliance	Comment
		<p>The height of the proposed buildings is as follows:</p> <ul style="list-style-type: none"> • D1(a): the Tower Building has a proposed height of 72.96m and exceeds the 71.5m height control by 1.46m (2%). • D1(a): The Plaza Building has a proposed height of 26.75m and complies with the 71.5m height control; • • D1(a): the Young Street North Building has a proposed height of 28.48m and exceeds the 26.4m height control by 2.1m (7.9%); • D1(b): the Young Street South Building has a proposed height of 26.4m and complies with 26.4m height control; • D2(a): the Bourke Street North Building has a proposed height of 43.13m and complies with 44m height control; and • D2(a): the Bourke Street South Building has a proposed height of 26.67m and exceeds 26.4m height control by 0.3m (1%). <p>The proposed variations to the height control range from 1% to 7.9%.</p> <p>The Applicant has provided written statements addressing the provisions of Clause 4.6 of SLEP2012, justifying the variations to the maximum height development standard.</p> <p>The proposed variations to the height of buildings standard are supported. Refer to the Discussion section within this report.</p>

Provision	Compliance	Comment
<p>4.4 Floor space ratio</p> <p>6.14 Community infrastructure floor space at Green Square</p>	Yes	<p>Clause 4.4 of SLEP 2012 stipulates a base floor space ratio (FSR) of 1.5:1 for the site.</p> <p>Pursuant to Clause 6.14 of SLEP 2012, the floor space ratio map shows the site as being located within 'Area 6', whereby an additional quantum of floor space equating to 0.5:1 can be awarded, subject to the provision of community infrastructure within the Green Square locality.</p> <p>Works associated with the relevant VPA are considered to provide appropriate community infrastructure within Green Square.</p> <p>For the purposes of calculating floor space ratio, the site comprises an area of 18,634sqm (see clause 4.5 calculation below).</p> <p>As such, the site is eligible for a combined FSR of 2:1 (37,268sqm). The application proposes a FSR of 37,268sqm (2:1) and complies with the maximum floor space ratio development standard.</p>
4.5 Calculation of floor space ratio and site area	Yes	<p>Clause 4.5 of SLEP 2012 sets out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios. Section 4.5(1)(b) outlines that the rules are intended to prevent the inclusion of an area that has no significant development being carried out within it.</p> <p>In this instance, no significant development is being carried out on land within the SP2 (Classified) Infrastructure zone and which is excluded from site area for the purpose of calculating FSR. This effectively reduces the area of the site from 19,470sqm to 18,634sqm for the purpose of calculating FSR.</p>

Provision	Compliance	Comment
		<p>The Pump House and Valve House are on a single lot, and have an area of approximately 1,181sqm. Given substantial development works are proposed within this lot (internal noise mitigation works and a new roller door on the northern elevation), its area may be included in site area for the purposes of calculating FSR.</p> <p>When this lot is included, the site has an area of 18,634sqm for the purpose of applying permitted floor space ratios.</p>
4.6 Exceptions to development standards	Acceptable	<p>The proposed development seeks to vary the height of buildings development standard prescribed under Clause 4.3 of SLEP 2012.</p> <p>Three separate written statements, pursuant to Clause 4.6 of SLEP 2012 have been submitted with the application, justifying the proposed variations to the height controls relating to the Tower Building, the Young Street North Building and the Bourke Street North Building.</p> <p>See further details in the Discussion section below.</p>

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.1 and 5.1A Development on land intended to be acquired for public purposes	Yes	<p>The southern portion of the site at McEvoy Street is identified for acquisition by TfNSW.</p> <p>The amended proposal has been supported by TfNSW, noting no building work will occur on the portion identified for acquisition.</p>

Provision	Compliance	Comment
5.4 Controls relating to miscellaneous permissible uses	Yes	<p>The subject development application proposes various commercial tenancies, located within the ground levels of the Young Street and Bourke Street buildings. The specific uses for the commercial tenancies will be the subject of future development applications.</p>
5.10 Heritage conservation	Yes	<p>The site contains heritage items of local and State significance. The site is also in the vicinity of two local heritage items: a substation on the eastern side and a commercial building located on the western side of Young Street.</p> <p>Heritage impacts have been considered and are addressed in the submitted Heritage Impact Statement submitted as part of the subject DA.</p> <p>Subject to recommended conditions of consent, the proposal will not have any unacceptable adverse heritage impacts.</p>
5.21 Flood planning	Yes	<p>Amended flood reports have been provided for assessment, and architectural drawings have been updated to reflect the recommended flood planning levels.</p> <p>The proposed development addresses flood risks and subject to the recommended conditions, will not have unacceptable adverse impacts with regards to flooding within the subject or adjoining properties.</p> <p>Council's public domain specialists have advised that the stormwater report and water quality report (Music Link Report) contain some assessment gaps such as those parts that address stormwater management in parts of the Z-Road and require some further work.</p> <p>A deferred commencement condition is recommended, requiring the preparation of amended site stormwater plans, water quality reports and civil drawings to address these concerns.</p>

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 4 Design excellence		
<p>6.21 Design excellence</p> <p>6.21C Design excellence</p> <p>6.21D Competitive design process</p>	Yes	<p>The proposed building designs were chosen as the winning designs and are consistent with the schemes submitted during their respective competitive design processes.</p> <p>Each of the proposed buildings uses materials and detailing that are of a high standard and that will contribute positively to the character of the area.</p> <p>The form and external appearance of the proposed development will improve the quality and amenity of the public domain, and includes a mix of land uses that provides for a development that is suitable for the site.</p> <p>The proposal responds to heritage and streetscape constraints.</p> <p>Deep soil has been maximised with consideration of below ground assets and easements for vehicle access, which limit the space available for large canopy trees. Nonetheless tree canopy cover has been maximised through refinement of the architectural and landscape designs over the course of the assessment.</p> <p>The bulk, massing and modulation of buildings will provide for a diversity of forms that complement development on neighbouring sites.</p> <p>The proposal provides for the principles of ecologically sustainable development, including that bedroom and living areas will be provided with ceiling fans, reducing reliance on air-conditioning units.</p>

Provision	Compliance	Comment
		<p>The proposal provides for pedestrian, cycle, vehicular and service access and circulation requirements, including a permeable link between Young to Bourke Streets.</p> <p>For these reasons the proposed development exhibits design excellence.</p>

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development		
<p>7.5 Residential flat buildings, dual occupancies and multi dwelling housing</p> <p>7.6 Retail premises</p>	Yes	<p>A maximum of 339 car parking spaces are permitted.</p> <p>The proposed development includes 339 car parking spaces and complies with the relevant development standards.</p>
Division 3 Affordable housing		
7.13 Contribution for purpose of affordable housing	Yes	<p>The development is on land at Green Square and involves the erection of a new building the gross floor area of which is more than 200 square metres.</p> <p>A condition is recommended requiring a applicable affordable housing contribution to be levied on the development.</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>A condition is recommended requiring an Acid Sulfate Soils Management Plan to be submitted prior to issue of a Construction Certificate.</p>

Provision	Compliance	Comment
7.16 Airspace operations	Yes	<p>The proposed development will penetrate the Obstacle Limitation Surface as shown on the Obstacle Limitation Surface Map for Sydney Airport.</p> <p>Sydney Airport Corporation forwarded the proposal to the Federal Department of Infrastructure, Transport, Regional Development, Communications and the Arts for consideration, and a response was received.</p> <p>An amended proposal (which increased the height of lift overruns by 800mm) was referred to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts.</p> <p>Concurrence conditions issued by the aviation authorities are recommended for imposition on any consent granted.</p>
7.19 Demolition must not result in long term adverse visual impact	Yes	<p>The site will be comprehensively redeveloped under the subject proposal.</p> <p>As such, proposed demolition works, which are minor, will not have any significant impacts for the streetscape and the Green Square area.</p>
7.20 Development requiring or authorising preparation of a development control plan	Acceptable	<p>Built form controls contained in the SLEP 2012 as well as the specific area provisions for the Danks Street South Precinct in section 5.9 of the SDCP 2012 provide sufficient detail to guide the redevelopment of the site.</p> <p>These controls have been treated as a site-specific DCP as they relate to the Dahua site.</p> <p>In the circumstances it is recommended that it is unreasonable and unnecessary to require a site-specific DCP to be prepared for the site. Refer to the Discussion section in this report.</p>

Provision	Compliance	Comment
7.23 Large retail development outside of Green Square Town Centre and other planned centres	Yes	Various commercial tenancies are proposed within the site, the largest of which, (within the Bourke Street North Building), has an area of approximately 810 sqm and which complies with the requirements of this control.

Development Control Plans

Sydney Development Control Plan 2012

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

Section 2 – Locality Statements

126. The site is located within the Danks Street locality. The proposed development is in keeping with the unique character and the design principles of the Danks Street locality on the basis that:

- (a) the development provides a variety of building types and scales, and locates taller buildings in accordance with SDCP 2012 controls;
- (b) the development introduces a through-site link between Bourke and Young Streets across the Heritage Plaza;
- (c) the development supports the function of Danks Street as a Local Village through public domain improvements and contributes to the provision of a future public open space in the centre of the precinct for passive recreation;
- (d) the development provides an appropriate curtilage for the Sydney Water heritage buildings to allow the current operation of those buildings to continue;
- (e) the development introduces a new public square, to be located around the heritage listed Valve House, within a broader Heritage Plaza surrounding Sydney Water's buildings. The heritage plaza is designed to encourage social interaction, cafes and passive recreation, whilst allowing for vehicular access to buildings; and
- (f) subject to recommended conditions of consent, the development protects mature street trees along its Young Street frontage.

Section 3 – General Provisions

Provision	Compliance	Comment
<p>3.1 Public Domain Elements</p> <p>3.1.1.1 General</p> <p>3.1.1.2 Streets</p> <p>3.1.1.4 Footpaths</p> <p>3.1.4 Public open space</p>	Yes	<p>A shared zone and 'Z-road', located at the northern boundary of the site are consistent with the alignments identified in the DCP Proposed streets and lanes map</p> <p>In accordance with the Sydney Streets Design Code, civil drawings have been prepared that incorporate water sensitive landscaped swales and tree planting. Utilities are proposed to be undergrounded within the street reservation and traffic calming design has been used.</p> <p>Through-site links, including the Heritage Plaza, the Northern Plaza and the shared zone connecting Bourke Street to the Z-Road are provided in accordance with the relevant SDCP 2012 maps. The through-site links have been designed to encourage east-west pedestrian and cycling connectivity between Bourke and Young Streets. These links will also contribute (at the completion of works within the Jeffman Site) to north-south pedestrian and cycling connectivity between McEvoy Street and Danks Street.</p> <p>Through-site links within publicly owned land will be fully accessible 24 hours a day in accordance with the terms of the VPA. Additional links through privately owned buildings will be accessible during daylight hours, increasing the pedestrian permeability of the site.</p> <p>In accordance with SDCP 2012 controls, the Z-Road does not extend vehicle access all the way through to Bourke Street. Instead, a shared zone (pedestrian and cycle) is located at the terminus at Bourke Street.</p> <p>A temporary turning head will be provided at the terminus of the Z-Road, until such time as works are completed to construct a (clockwise) road around the publicly accessible open space, these works being dependent in relation to timing on works being completed within the Jeffman Site to the north. See further discussion below.</p>

Provision	Compliance	Comment
3.1.4 Public open space	Yes	<p>Public open space is to be provided at the northern end of the site in accordance with the SDCP 2012 Public open space map.</p> <p>The area of public open space within the site is to be dedicated to the City as turfed area, and transferred to the City with minimal amenities (trees, bins and bubblers). The final landscape design is to be developed and implemented by the City's projects team.</p> <p>Provision 3.1.4 of the SDCP 2012 requires at least 50% of the area of public open space to receive 4 hours of sun between 9am and 3pm on 21 June.</p> <p>Submitted solar access modelling demonstrates that approximately 30% of the future public open space will receive sunlight for 4 hours from 9am to 3pm on 21 June.</p> <p>Refer to the Discussion section in this report.</p>
3.1.5 Public art	Yes	<p>Public Art is to be provided in suitable locations within the development, including within the Heritage Plaza and within the Northern Plaza. Refer to Attachment G for greater detail.</p> <p>A Preliminary Public Art Strategy has been developed in collaboration with the City's Public Art specialists.</p> <p>Distinctive placemaking elements are proposed, including landscaped areas and public art that will be commissioned at the conclusion of an extensive community consultation programme.</p> <p>Community consultation will inform the City's precinct-wide plan for the naming of new streets and open spaces in the Danks Street South precinct in line with the City's Naming Policy and the NSW Geographical Names Board's policies and guidelines.</p>

Provision	Compliance	Comment
3.1.6 Sites greater than 5,000sqm	Partly complies	<p>Through-site links are proposed in accordance with the provisions in SDCP 2012 for the Danks Street locality.</p> <p>New streets are suitably located to align with and connect to the existing and anticipated street network, maximising connectivity and creating view corridors, with particular regard for views from Young Street to the Pump and Valve Houses.</p> <p>The development does not comply with the requirement for at least 5% of the total dwellings on a 5,000sqm or larger site to be terrace houses or maisonette apartments.</p> <p>A total of 4 dwellings within the Young Street North Building are of a terrace house typology (1% of the dwelling total). In addition, there are 17 maisonette apartments located within the Tower Building and Bourke Street Buildings (6%).</p> <p>A range of complementary land uses and dwelling types is proposed for the site, including terrace-type apartments and maisonettes and given the indicative SDCP envelopes encourage apartment buildings the proposed variation is accepted.</p>
<p>3.2. Defining the Public Domain</p> <p>3.2.1.1 Sunlight to publicly accessible spaces</p> <p>3.2.2 Addressing the street and public domain</p> <p>3.2.3 Active frontages</p> <p>3.2.4 Footpath awnings</p>	Yes	<p>Overshadowing impacts of the proposal on future publicly accessible open space is detailed in the Discussion section of this report below.</p> <p>Active frontages are to be provided in the locations nominated on the Active frontages map.</p> <p>The Bourke Street South Building has been redesigned at the ground level to provide a more active 'showroom' typology to the corner of Bourke and McEvoy Streets, minimising blank walls, fire escapes and service doors. See amendments section above.</p> <p>Drawings detail a high standard of finish and an appropriate level of architectural detail for shopfronts.</p>

Provision	Compliance	Comment
		<p>A minimum of 70% of the ground floor frontage is provided as transparent glazing for the Young Street South, Bourke Street North and South and Plaza Buildings.</p> <p>Ground level dwellings located within the Young Street North building have been redesigned to provide a suitable landscaped setback and front balcony areas that provide good visual privacy whilst enabling passive surveillance over the streetscape.</p> <p>Weather protection awnings are provided over the footpath in locations nominated on the Footpath awning and colonnades map. Proposed awnings are integrated into the architecture and materiality of the site and are compatible with the scale of buildings.</p>
3.2.6 Wind effects	Yes	<p>A wind effects report was lodged with the development application, detailing wind tunnel testing of the site.</p> <p>Landscape plantings are proposed to be installed, that when established, will minimise adverse wind effects on open spaces within the development.</p> <p>See Discussion section below.</p>
3.2.7 Reflectivity	Yes	<p>A Reflectivity Report that analyses potential solar glare from the proposed building design was lodged with the application, which confirms that the light reflectivity from building materials proposed for building facades will not exceed 20%.</p> <p>A condition is recommended to reflect this requirement.</p>
3.2.8 External lighting	Able to comply	<p>A suitable condition is recommended to require that external lighting must minimise the light spill into the night sky.</p>

Provision	Compliance	Comment
<p>3.3 Design Excellence and Competitive Design Processes</p> <p>3.3.8 Site specific development control plans and concept development applications</p>	Yes	<p>In accordance with Clause 6.21D(1) of SLEP2012, the proposed detailed design schemes have been the subject of two separate competitive design processes, and are considered to exhibit design excellence.</p> <p>See Discussion section below.</p>
<p>3.4 Hierarchy of Centres, City South</p>	Yes	<p>The site is not identified as being located within a major centre, local village or small village, in accordance with the Hierarchy of Centres, City South map.</p> <p>Fourteen (14) separate commercial tenancies are indicatively shown on plans, within the ground levels of the Plaza, Young Street South, Bourke Street North and Bourke Street South Buildings. The tenancies have a combined area of approximately 2,580sqm. the largest of which, (within the Bourke Street North Building), has an area of approximately 810 sqm and complies with the 1000sqm maximum permitted under this provision.</p> <p>Retail development within the site is able to be consistent with the function and appropriate retail uses outlined for the Danks Street locality, which include one full-line supermarket, one discount supermarket, specialty stores, homewares, convenience retailers, fresh food, cafes, restaurants and bars.</p>
<p>3.5.2 Urban Vegetation</p> <p>3.5.3 Tree Management</p>	Yes	<p>The application has been amended to provide for maximum deep soil and future tree canopy coverage, assisting towards achieving 15% tree canopy cover for the site. Approximately 24% of the publicly owned spaces are to be covered by tree canopy and approximately 32% of privately owned spaces are to be covered by tree canopy.</p> <p>Seven trees are proposed to be removed from within the site (<i>Celtis sinensus</i>). These trees are not protected by the provisions of SDCP 2012 given they are self-sown and not mature. Removal of these trees is supported.</p>

Provision	Compliance	Comment
		<p>Two street trees are proposed to be removed from the Young Street frontage in order to provide for a driveway for Sydney Water vehicles. Council's tree management officers do not object to their removal.</p> <p>Conditions are recommended such that existing street trees at the Young and Bourke Street frontages are protected during buildings works.</p>
3.6 Ecologically Sustainable Development	Yes	The proposal satisfies BASIX and environmental requirements. Drawings have been stamped by the applicant's Naters specialist.
3.7 Water and Flood Management	Yes	The site is identified as being on flood prone land. See discussion under section clause 5.21 of the SLEP 2012 above.
3.8 Subdivision, Strata Subdivision and Consolidation	Yes	<p>The proposed development involves subdivision of the site. The new allotments will not have a detrimental impact on the setting of the heritage items located within the site and surrounds.</p> <p>The application was referred to Council's Specialist Surveyor, who supports the proposal, subject to recommended conditions of consent that have been included in the notice of determination.</p>
3.9 Heritage	Yes	<p>An amended Heritage Impact Statement has been provided during assessment that outlines measures intended to protect the fabric of heritage items contained within the site.</p> <p>Conditions recommended by Council's heritage specialist and the NSW Heritage are included in the notice of determination.</p>
3.11 Transport and Parking	Yes	The development provides 339 car parking spaces, inclusive of spaces for service vehicles and car share vehicles. Bicycle parking is provided in accordance with SDCP2012 controls.

Provision	Compliance	Comment
		<p>Waste collection is proposed to be undertaken from two loading docks within the site.</p> <p>Loading areas have been designed to accommodate the largest vehicles in Council's waste fleet.</p>
3.12 Accessible Design	Yes	The development provides 47 Silver Level Liveable Housing apartments and 35 adaptable dwellings that are spread amongst all unit sizes and buildings (22%).
3.13 Social and Environmental Responsibilities	Yes	The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.
3.14 Waste	Yes	<p>The development has been amended in response to issues raised by Council's waste officers. See Discussion section below.</p> <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>
3.16 Signage and Advertising	Yes	No signage is proposed as part of the development proposal. A condition is recommended, requiring the preparation of a signage strategy.

Section 4 – Development Types

4.2 Residential Flat, Commercial and Mixed Use Developments

127. Clause 6A of SEPP 65 states that any DCP provisions pertaining to visual privacy, solar and daylight access, common circulation and spaces, apartment size and layout, ceiling heights, private open space and balconies, natural ventilation and storage are of no effect, as they cannot be inconsistent with the design criteria and guidance provided by the Apartment Design Guide. The remaining provisions are addressed in the following table:

Provision	Compliance	Comment
<p>4.2.1 Building height</p> <p>4.2.1.1 Height in storeys and street frontage height in storeys</p>	Yes	<p>The proposal complies with the height in storeys and street frontage height in storeys controls (see assessment against specific area provisions for Danks Street South in section 5.9 of SDCP 2012 below) and will reinforce the desired neighbourhood character for Danks Street South.</p>
4.2.2 Building setbacks	Yes	<p>The proposed buildings comply with the setback requirements are in accordance with the specific area provisions for Danks Street South in section 5.9 of SDCP 2012 discussed below.</p>
4.2.3 Amenity		
4.2.3.5 Landscaping	Yes	<p>Submitted landscape drawings demonstrate how deep soil and future tree canopy has been maximised, within site constraints including underground pipes and easements for access by Sydney Water vehicles.</p> <p>Conditions are recommended, requiring detailed landscaping design to be submitted to and approved by Council officers.</p> <p>Refer to the Discussion section in this report below.</p>
4.2.3.6 Deep Soil	Yes	<p>The proposed development provides 852sqm (4% of site area) of genuine deep soil and 940sqm (5%) of soft-landscaping above the culvert. This equates to 9% of deep soil calculated in accordance with Council's officers approach outlined above</p> <p>The provision of deep soil has been maximised, with consideration of site constraints including underground pipes and easements for access by Sydney Water vehicles.</p> <p>See Discussion section below.</p>

Provision	Compliance	Comment
4.2.3.10 Outlook	Yes	All apartments are provided with a pleasant outlook from windows, across the site and surrounds.
4.2.3.11 Acoustic privacy	Yes	<p>Noise mitigation measures to be utilised include the provision of plenums within apartments to achieve the relevant internal noise criteria.</p> <p>Sound proofing works within the Pump House are also proposed to mitigate industrial noise emissions.</p> <p>A Noise Impact Assessment and supporting documents have been submitted over the course of the assessment</p> <p>Conditions are to be imposed that require the recommendations of the submitted Noise Impact Assessment to be implemented at construction.</p>
4.2.3.12 Flexible housing and dwelling mix	Yes	<p>The proposed dwelling mix complies with SDCP 2012 requirements and is as follows:</p> <ul style="list-style-type: none"> • 101 x 1 bedroom (27%); • 205 x 2 bedroom (55%); and • 64 x 3 bedroom (17%).
4.2.3.13 Wind affected balconies	Yes	A wind report was lodged with the application. The report details that architectural drawings were amended prior to lodgement, to incorporate wind mitigation strategies for elevated balconies (canopies) and that there are no remaining safety issues that require further mitigation.
4.2.4 Fine grain, architectural diversity and articulation	Yes	The building locations and typologies reflect those commended during the design excellence processes and provide a fine grain built form and varied architectural character. Buildings are visually differentiated and utilise a variety of materials.

Provision	Compliance	Comment
<p>4.2.5 Types of development</p> <p>4.2.5.1 Tall buildings</p> <p>4.2.5.2 Courtyard buildings and perimeter street block buildings</p>	<p>Yes</p>	<p>Two tall buildings (>35m) are proposed within the site, including the Tower Building (20 storeys) and the tower portion of the Bourke Street North Building (12 storeys).</p> <p>SDCP 2012 requires tall buildings to have floor plates less than 750sqm, be separated by 60m and vertically proportioned.</p> <p>The tower section of the Bourke Street North Building has a floor plate of approximately 730sqm and complies.</p> <p>The Tower Building has floor plates with an area of 1200sqm.</p> <p>These tall buildings are separated by 30m.</p> <p>These non-compliances with tall building requirements is supported because proposed tall buildings are offset from one another, are vertically proportioned in height and form and provide suitable architectural articulation. These tall buildings are consistent with the built form massing specified in the specific area provisions for Danks Street South in section 5.9 of SDCP 2012.</p> <p>The Tower Building has a form that will not have any significant overshadowing impacts on neighbouring buildings, and is north-south oriented to minimise impacts to solar access to future public and private open spaces.</p> <p>See Discussion section below.</p>
<p>4.2.5.3 Development on busy roads and active frontages</p>	<p>Yes</p>	<p>Whilst roads around the site do not carry greater than 20,000 vehicles per day, an Acoustic Report has been provided that addresses increased traffic noise that would impact residents, in the event the A2P road widening works proceed.</p>

Provision	Compliance	Comment
4.2.5.4 Residential uses on the ground and first floor	Yes	<p>Ground floor apartments located within the Young Street North Building have been designed with a similar appearance to, and will function similarly to 2 storey terrace houses. Drawings have been amended to better activate the entries to the dwellings, which have individual building entries and provide passive surveillance over the streetscape.</p> <p>Drawings have been amended to provide landscaped areas at Young Street, and balconies are provided that are directly accessible from living areas and that have good visual privacy.</p>
4.2.6 Waste and recycling Management	Yes	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. See discussion section below.
4.2.7 Heating and cooling infrastructure	Yes	Heating and cooling infrastructure is located at suitable centralised locations at the roof levels of buildings, and concealed by screens and parapet walls.
4.2.8 Letterboxes	No	Letterboxes are not shown as being provided within all of the residential lobbies of buildings across the site. A condition is recommended to ensure that letterboxes are installed within private entry lobbies, with non-master key locks for added security.
4.2.9 Non-residential development in the B4 Mixed Uses Zone	Yes	<p>The development will not adversely impact the amenity of neighbouring residential properties in relation to traffic generated noise impacts, solar access and noise generally.</p> <p>The future occupation of proposed commercial tenancies will form the subject of future development applications to Council, at which time, the operating hours and noise impacts will be considered.</p>

Section 5 – Specific Areas - Danks Street South

Provision	Compliance	Comment
<p>5.9.1 Danks Street South urban strategy</p> <p>5.9.2 Urban design principles</p>	<p>Yes</p>	<p>The proposed development will integrate the precinct with surrounding neighbourhoods.</p> <p>The proposal responds to the urban design principles for Danks Street South as it:</p> <ul style="list-style-type: none"> • increases site and precinct permeability with a new east-west connection for pedestrians and cyclists; • provides commercial/retail uses at ground level along Bourke and McEvoy Streets, along parts of Young Street and around a new heritage plaza; • provides a new Heritage Plaza area for interaction and passive recreation, associated retail uses; • retains access for maintenance purposes to Sydney Water’s Pump House and Valve House; • contributes towards a publicly accessible open space for passive recreation; • provides a public square within the heritage plaza around the Valve House; • provides a variety of building types and scales with taller buildings in the centre of the site, to minimise overshadowing impacts to open spaces and proposed and existing residential properties; • provides suitable street frontage heights and an appropriate human scale; • orientates buildings to the north-south axis; and

Provision	Compliance	Comment
		<ul style="list-style-type: none"> addresses wind impacts to open spaces (see Discussion section below) and protects, maintains and responds to the heritage listed buildings within the precinct.
<p>5.9.3 Local infrastructure and public domain</p> <p>5.9.3.1 Public open space</p>	<p>Yes</p>	<p>The proposal introduces a central, publicly accessible space to provide passive recreation, and introduces an east-west pedestrian/cycle link through the Heritage Plaza.</p> <p>The proposed development contributes to a legible, open and permeable pattern of streets and lanes and responds to adjacent neighbourhoods.</p> <p>Areas of the site are to be dedicated to Council, in locations specified by SDCP 2012 maps.</p> <p>Parts of the site are to be provided with sufficient clearances and ground surfaces for Sydney Water maintenance vehicle access whilst providing opportunities for seating and outdoor dining spaces.</p> <p>The proposed Heritage Plaza provides curtilage to the heritage listed Sydney Water buildings.</p> <p>The development will provide a high quality landscape setting and will contribute to an active space that responds to the site, context and sense of place.</p> <p>Areas such as the Dahl'wah Circle and Communal Table, west and north of the Pump House will provide for community engagement and participation and will contribute to its ongoing use by residents of the wider Waterloo area.</p> <p>The development has been designed to provide passive surveillance opportunities and views towards heritage listed buildings.</p>

Provision	Compliance	Comment
		<p>Public spaces have been designed to be universally accessible with an absence of stairs.</p> <p>Distinctive placemaking elements are proposed, including public art that will be commissioned at the conclusion of a community consultation programme.</p> <p>The development has been designed with contingencies to respond to planned future road widening at McEvoy Street.</p>
<p>5.9.3.2 New streets</p> <p>5.9.3.3 Movement and connectivity</p> <p>5.9.3.4 Bike routes and facilities</p>	Yes	<p>Footpaths are proposed to be widened along the site's Bourke Street frontage, to provide a shared cycle/pedestrian zone.</p> <p>New streets and lanes are proposed in locations identified in the specific area provisions for Danks Street South.</p> <p>Driveways and car park entries are consolidated in suitable locations, in accordance with the specific area provisions for Danks Street South.</p> <p>No access to the shared basement is provided for residential vehicles via the loading dock in the Bourke Street North Building. This restriction will minimise the number of daily vehicle movements in close proximity to dwellings within the adjacent City West Housing development site.</p>
<p>5.9.3.5 Quality of landscaping and landscape setback</p> <p>5.9.3.6 Street trees</p>	Yes	<p>Submitted drawings demonstrate that proposed ground level dwellings within the Young Street North Building comply with landscape setbacks specified on the Danks Street Setback and Alignment maps.</p> <p>No street trees are proposed to be removed, other than two trees numbered 9 and 10 in the Arborist's Report. These trees are required to be removed in order to provide a new driveway for Sydney water maintenance vehicles, into the Heritage Plaza.</p>

Provision	Compliance	Comment
		Council's tree management officer raises no objection to the removal of these trees.
<p>5.9.4 Building layout, form and design</p> <p>5.9.4.2 Height of buildings</p> <p>5.9.4.3 Indicative built form</p>	Yes	<p>The development provides a range of building heights, types and architectural styles to contribute to the visual interest of the site.</p> <p>Important views are retained into and around the site along new streets and plazas.</p> <p>The proposed development does not exceed the maximum number of storeys as permitted in accordance with the specific area provisions for Danks Street South.</p> <p>The proposed development complies with street frontage height in storeys controls and the design of the Young Street North Building has been amended during assessment to reduce its visual bulk.</p>
<p>5.9.4.4 Design excellence</p> <p>5.9.4.5 Uses</p> <p>5.9.4.6 Design and architectural diversity</p>	Yes	<p>The site has been the subject of two separate competitive design processes.</p> <p>The detailed design schemes proposed have been refined over the course of the assessment to respond to the recommendations of the Selection Panel for each competitive process, as documented in the Competitive Design Process Reports at Attachment I.</p> <p>Active uses including retail and commercial premises are to be provided in locations identified specific area provisions for Danks Street South. Commercial premises have a minimum depth of 10 metres and large footprints are provided to ensure that a range of flexible commercial and retail uses can be accommodated.</p> <p>No parking is proposed at grade or above ground levels. The grading of the Heritage Plaza is consistent throughout.</p>

Provision	Compliance	Comment
		<p>Habitable areas of residential development have been designed to be vertically and horizontally separated from areas of high pedestrian traffic.</p> <p>A diversity of materials have been incorporated to enhance the architectural character of buildings and the precinct generally. Buildings located adjacent to or opposite one another are of substantially different design and materials, to present a distinctive character.</p> <p>Development adjacent to the Pump House and Valve House use a mix of traditional materials, including face bricks, similar to those used in the now demolished central workshops.</p>
5.9.4.7 Public art	Yes	<p>A preliminary public art strategy has been submitted that addresses the City's public art policy, interim guidelines for public art in private developments, the public art requirements contained in the specific area provisions for Danks Street South including the importance of the traditional custodians of the land and their cultural practices, the history of the site (environmental and industrial) and the need to provide accessible and inclusive common spaces for the enjoyment of the community.</p>
<p>5.9.4.8 Development sites and building layout</p> <p>5.9.4.9 Building alignment and setbacks</p>	Yes	<p>The proposed development complies with the building layout, building alignment and setback requirements contained in the specific area provisions for Danks Street South because:</p> <ul style="list-style-type: none"> • building, siting, layout and depths respond to noise from busy roads, allow for quiet communal open space within the centre of the site and for the natural ventilation of apartments;

Provision	Compliance	Comment
		<ul style="list-style-type: none"> • buildings facing the street and heritage Plaza are provided with a legible street access and sense of address; • all levels above the street frontage height are set back by a minimum of 3 metres; • ground level apartments in the Young Street North Building are provided a minimum 2 metre set back clear to the sky ; and • concerns for visual privacy impacts to and from the future residential development on the neighbouring City West site has been addressed by a condition of consent as detailed in the Discussion section of this report below.
<p>5.9.4.11 Fences</p> <p>5.9.4.12 Substations</p>	Able to comply	<p>Drawings do not provide sufficient detail in relation to proposed metal and brick hit-and-miss fencing proposed for ground level residential apartments within the Tower Building and the Young Street North Building.</p> <p>A condition is recommended to ensure the fences do not comprise visually dominating elements, including that the fence heights must not exceed 1.4m above the floor levels of private open spaces.</p> <p>Substations have been integrated into the design of buildings and landscaped areas, to minimise their visibility and intrusion in the public domain.</p>
<p>5.9.4.13 Contamination and remediation</p> <p>5.9.4.14 Noise and ventilation</p> <p>5.9.4.15 Wind testing</p>	Yes	<p>The Site Auditor has confirmed that the site can be remediated and made suitable for the proposed use.</p> <p>No long term environmental management plan (LTMP) will be required for areas to be dedicated to Council.</p>

Provision	Compliance	Comment
		<p>A LTMP pertaining to the shared basement is proposed and is acceptable to Council's Health and Building Specialists.</p> <p>Suitable noise mitigation strategies are proposed, including plenums to provide natural ventilation to noise affected apartments.</p> <p>The submitted wind report and supporting information demonstrates that all streets and plazas can achieve the comfort standard for walking.</p> <p>A condition is recommended requiring additional trees to be planted west of the Bourke Street North Building, to provide increased amenity for areas likely to be utilised for outdoor dining associated with future food and drink premises.</p>
5.9.5 Heritage	Yes	<p>Proposed works maintain an appropriate setting and set back to the Pump House and the Valve House. Proposed works under stage 2, to install a new roller door on the northern end of the Pump House are supported with consideration that the roller door has been designed to respect the original opening at the southern elevation. The proposed works are simple and respectful of the utility of the Pump House. It is noted that the Pump House was originally designed with a lightweight northern wall, to allow for its extension if necessary.</p> <p>The provisions of part 5.9.5(3)(c) of SDCP 2012 state that noise mitigation measures within the Sydney Water buildings must be completed prior to the occupation of any surrounding buildings. A condition is recommended to this effect.</p> <p>A condition is recommended in relation to undertaking Aboriginal and historical archaeological assessments as discussed in the External Referral section of this report below.</p>

Provision	Compliance	Comment
5.9.6 Staging and implementation	Yes	<p>Two construction stages are proposed as follows:</p> <ul style="list-style-type: none"> • Stage 1 - all site works except Stage 2 works; • Stage 2 - the installation of a new roller door in the northern wall of the Pump House.

Discussion

Clause 4.6 Requests to vary the Height of Buildings Development Standard

128. The proposal involves varying the height of buildings development standard at 3 separate locations around the site. The proposed departures from the development standard are supported in all instances as outlined below.

D1(a) Tower Building - Clause 4.6 Request to Vary a Development Standard

129. Clause 4.3 of SLEP 2012 stipulates 5 separate building heights across the site. The Tower Building is subject to a maximum height control of 65m.

130. The proposed detailed design scheme has been the subject of a competitive design process and is considered to exhibit design excellence. Accordingly, the development is eligible for an additional 10% height (6.5m), resulting in a maximum height standard of 71.5m applicable to the Tower Building.

131. The proposal involves constructing the Tower Building to a maximum height of approximately 72.96m above existing ground levels (Figures 57 and 58 below). The proposal exceeds the height control by 1.46m (2.04%).

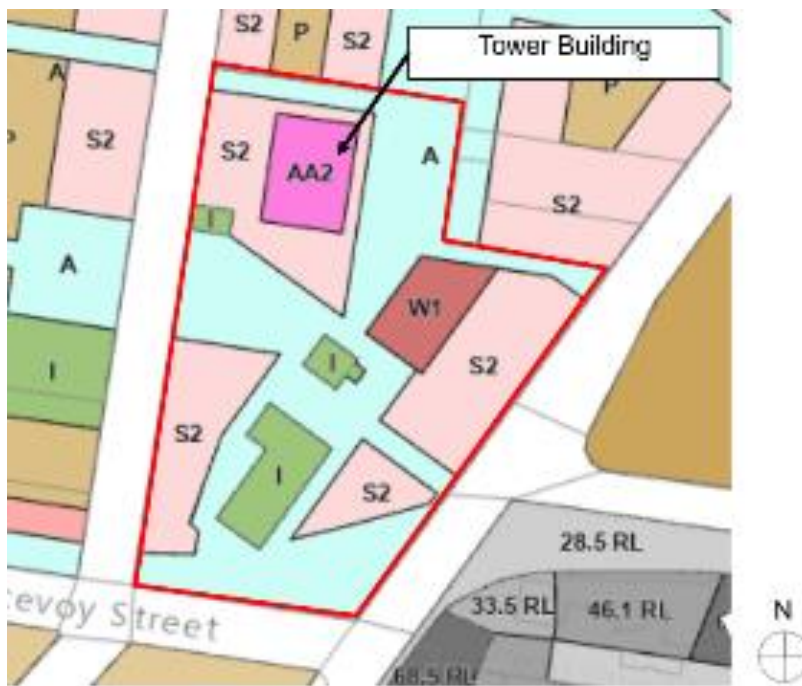


Figure 57: Extract from Council's SLEP 2012 Height of Buildings map, showing location of Tower Building and applicable height standards

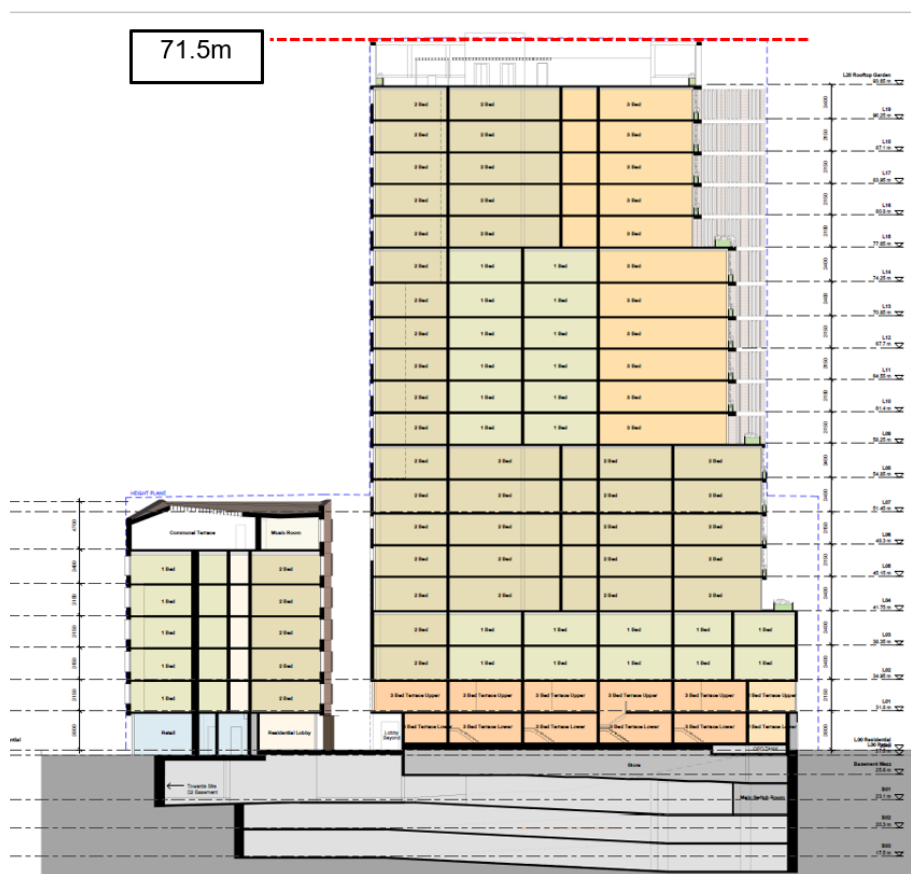


Figure 58: Section plan showing Tower Building relative to height of buildings standard (dotted red line)

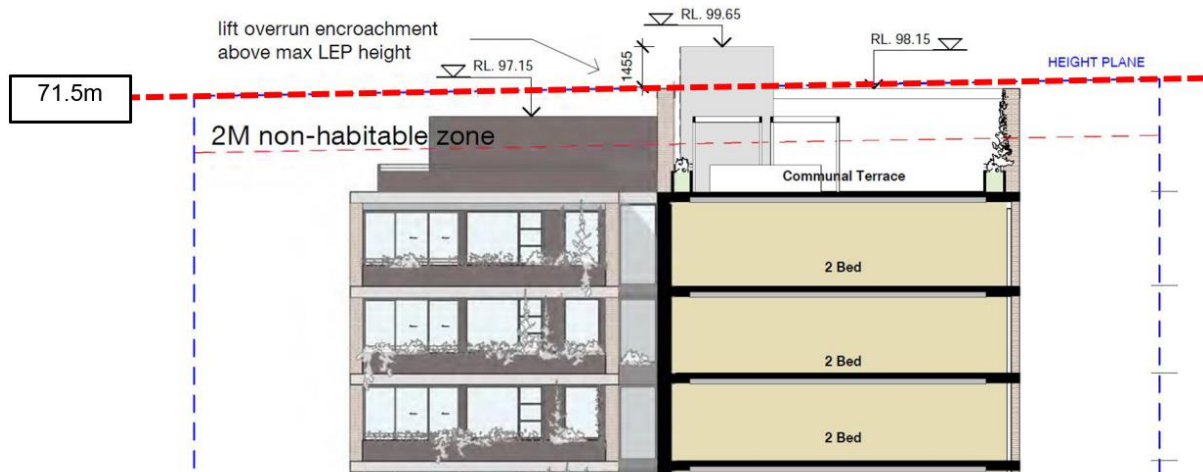


Figure 59: Section plan showing Tower Building exceeding the height of buildings standard, including the lift overrun

132. A written request has been submitted to Council in accordance with Clause 4.6(3)(a) and (b) of SLEP 2012 seeking to justify the contravention of the development standard by demonstrating:
- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case;
 - (b) that there are sufficient environmental planning grounds to justify contravening the standard;
 - (c) 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.
133. The applicant seeks to justify the contravention of the height of buildings 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 non-compliance is minor, equating to 1.46m of the Tower Building;
 - (ii) the non-compliance is due to a minor area of lift overrun exceeding the standard, noting the lift overrun is largely contained within the height plane excepting its highest point;
 - (iii) the variation is a result of the required flood planning levels, and is in response to a request by Council to raise the ground floor to meet the relevant flood planning requirements;
 - (iv) the variation is a consequence of the lift overrun, which provides access the communal rooftop garden. The communal open space is essential to improve the amenity of the building; and

- (v) the variation will not generate additional gross floor area nor is it capable of being modified to include floor area because of the exceedance.
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
- (i) the lift overrun is setback from the building edge to minimise impacts on the surrounding precincts and neighbouring developments. Additionally, the minor variation of 2.03% is unlikely to generate any notable overshadowing or bulk and scale impacts;
 - (ii) with consideration that the Tower building has a height of 20 storeys, the minor exceedance to the height control, for only a small portion of the rooftop, will be imperceptible at street level; and
 - (iii) view from the sun diagrams demonstrate that any additional shadow cast by the height variation falls within the Tower Building rooftop, and does not impact on neighbouring buildings nor the public domain.
- (c) The proposed development will be consistent with the objectives of Section 4.3 of SLEP 2012 (Height of Buildings) as follows:
- (i) Objective (a), which is to ensure the height of development is appropriate to the condition of the site and its context,:
 - (i) Notwithstanding the non-compliance with the development standard, the proposed 'Tower Building' provides a height that responds to the surrounding area and is compatible with the other proposed buildings on the site. It is important to note the height and scale aligns with the future aspirations and density of the Danks Street South Precinct; and
 - (ii) Additionally, as the variation to the development standard is minor in nature, the lift overrun structure will not create any unreasonable impacts on neighbouring developments in relation to overshadowing, privacy or views.
 - (ii) Objective (b), which is to ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas:
 - (i) The minor variation from the height standard will not be perceptible from the street or surrounding developments as the lift overrun structure is setback from the building parapet.
 - (ii) The proposed development is the only building within the Danks Street South Precinct identified for heights up to 65m (base), therefore being the only real tower form in the Danks Street South Precinct.
 - (iii) The building maintains an appropriate height relationship with adjoining development within the site, consistent with the envisaged heights in the Precinct and a suitable setback and relationship with existing Sydney Water heritage items and public domain areas.

- (iii) Objective (c), which is to promote the sharing of views:
 - (i) The consequent variation to the development standard because of the lift overrun will not further impede in the views as a result of the proposed development of the site. The proportion of any view obstructed by the lift overrun will be negligible in the context of the site and the proposed development.
 - (ii) No other building in the Danks Street South Precinct has a building height of 65m (base) and therefore, the variation does not obstruct or compromise any views at this level, with the visual impact of the variation being imperceptible from street.
- (iv) Objective (d), which is to ensure an appropriate height transition from Central Sydney and Green Square Town Centre to adjoining areas:
 - (i) Notwithstanding the minor variation to the height limit, the proposed building is generally consistent with the height standards applied in accordance with the Dank Street South Planning Proposal and subsequent DCP, which envisage a defining tower element within the site.
 - (ii) This results in appropriate height transition across the site and with surrounding properties. The variation to the height control will not result in any significant adverse environmental impact such as overshadowing or noise. The proposed development will be consistent with the objectives of the standard.
- (v) Objective (e), which in respect of Green Square, is to ensure the amenity of the public domain by restricting taller buildings to only part of a site, and to ensure the built form contributes to the physical definition of the street network and public spaces:
 - (i) The proposed development is largely compliant with the 65m height control with minor variation up to 1.4m required to accommodate the lift overrun and flood planning levels.
 - (ii) The proposed encroachment on the standards is centrally located within the built form, with an appropriate setback of the structure to ensure that it will not increase the extents of overshadowing and subsequent environmental impacts. Furthermore, the variation does not compromise the physical definition of the built form and its relationship to the public domain.
 - (iii) The proposed development ensures the amenity of the public domain and ensure that the built form contributes to the street network and public spaces.

134. The proposed development will be consistent with the objectives of the B4 Mixed Use zone under SLEP 2012;

- (a) To provide a mixture of compatible land uses:
 - (i) The proposed development will ensure the provision of a mix of uses on the site with the action of the ground floor through the integration of retail premise across the sub-precincts. The proposed variation will not impede on the delivery of the proposed mix of land uses on the site.

- (b) To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling:
 - (i) The proposed development is near a variety of public transport options and is an accessible location to encourage walking and cycling. Increased patronage of public transport by future residents of the development will be enhanced through the provision of secure rooftop communal garden that improves the appeal of living in a dense mixed use precinct. Despite the minor variation of the lift overrun to access the communal rooftop garden, the increased uptake of public transport, walking and cycling by residents is considered a positive outcome due to the increased amenity of the building.
 - (c) To ensure uses support the viability of centres:
 - (i) The proposal achieves this objective as it provides a development outcome which complements the range of existing uses within the locality, including commercial, residential, and retail uses. The proposal includes the delivery of residential development that is suitably located to ensure accessibility to nearby centres.
135. 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.
136. 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. Specifically:
- (a) the height of the Tower Building has been increased in response to questions raised by Council's officers in relation to flood levels at the interface between the public domain and the ground floor levels of the building; and
 - (b) the part of the building that results in a non-compliance with the development standard is limited to the upper section of the lift overrun, which provides for access to communal open spaces at the roof level of the Tower Building.
137. The applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(4)(a)(i) and Clause 4.6(3)(b), being that there are sufficient environmental planning grounds to justify contravening the standard. Specifically:

- (a) the part of the building that results in a non-compliance with the development standard, which is limited to the upper section of the lift overrun, will not be visible from the public domain and from neighbouring buildings and will not have any significant impacts in relation to building bulk;
- (b) the upper section of the lift overrun will cast shadow over the roof of the Tower Building, and will not have any significant impacts for neighbouring dwellings in relation to solar access; and
- (c) the lift overrun will not have any significant impacts for neighbouring dwellings in relation to view sharing, noting the height of the Tower building exceeds others in the visual catchment of the site.



Figure 60: The part of the building that exceeds the height of building standard will cast shadow on the roof of the Tower Building

138. The applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(4)(a)(ii), which are that 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. Specifically:

- (a) the Tower Building forms the tallest part of the development within the Danks Street South Precinct. The Tower Building provides a parapet height that is below the height of buildings standard, resulting in a form that responds appropriately to the condition of the locality and that accords with the planning controls anticipated by Section 5 of SDCP 2012.
- (b) The variation is limited to the upper section of the lift overrun, which will not be visible from the public domain and surrounding buildings and that will not have any significant impacts for heritage buildings located within the site and surrounds.

- (c) As such, the development, despite the non-compliance with the height of buildings standard, is consistent with objectives (a), (b) and (c) of the standard, which are to ensure the height of development is appropriate to the condition of the site and its context, to ensure an appropriate height transition is provided between new development and any heritage items and to promote the sharing of views.
- (d) the Tower Building provides a parapet height that is below the height of buildings standard and provides a building form that responds appropriately to the planning controls anticipated by the site specific controls set out at Section 5 of SDCP 2012. The Tower Building is suitably located such that it will not have any significant impacts for neighbouring dwellings in relation to overshadowing and such that adequate solar access will be provided to a future publicly accessible open space at the northern boundary.
- (e) As such, the development, despite the non-compliance with the height of buildings standard, is consistent with objectives (d) and (e) of the standard, which are to ensure an appropriate height transition from Central Sydney and Green Square Town Centre to adjoining areas and to ensure the amenity of the public domain by restricting taller buildings to only part of a site, and to ensure the built form contributes to the physical definition of the street network and public spaces.
- (f) The Tower Building is located at the northern part of the site and together with the adjoining Plaza Building provides a suitable mix of dwelling types and commercial tenancies. The Tower Building centralises building bulk to a location that is clear of site constraints including easements for access and underground Sydney Water assets, and that provides for an east-west pedestrian and cycling link, connecting Bourke and Young Streets. The development site is situated in a location that will support the viability of the Green Square locality and the suburb of Waterloo.
- (g) As such, the development, despite the non-compliance with the height of buildings standard, is consistent with the objectives of the B4 Mixed Use zone, which are to provide a mixture of compatible land uses, to integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling and to ensure uses support the viability of centres.

139. For the reasons provided above, the requested variation to the maximum building height of the Tower Building is supported, as the applicant's written request has adequately addressed the matters required to be addressed by cl 4.6 of SLEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of height of buildings development standard and the B4 Mixed Use B4 Mixed Use zone.

D1(a) Young Street North Building - Clause 4.6 Request to Vary a Development Standard

140. Clause 4.3 of SLEP 2012 stipulates 5 separate building heights across the site. The Young Street North Building is subject to a maximum control of 24m.
141. The proposed detail design scheme has been the subject of a competitive design process and is considered to exhibit design excellence. Accordingly, the development is eligible for an additional 10% height (2.4m), resulting in a maximum height standard of 26.4m applicable to the Young Street North Building.

142. The proposal involves constructing the Young Street North Building to a maximum height of approximately 28.48m above existing ground levels (Figure 61 and 62 below). The proposal exceeds the height control by 2.08m (7.9%).

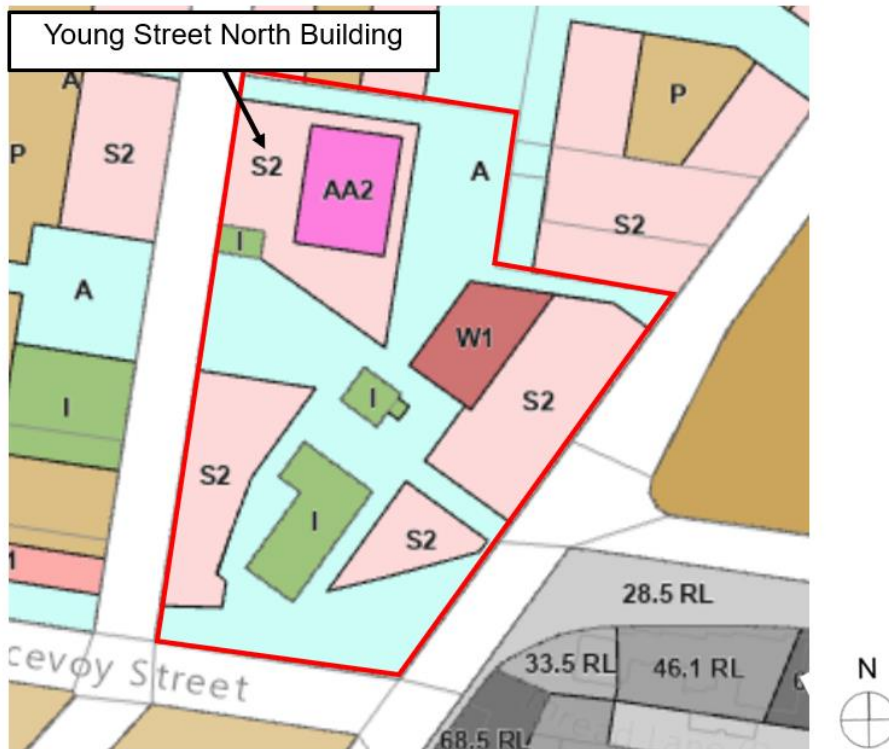


Figure 61: Extract from Council’s SLEP2012 Height of Buildings map, showing location of Young Street North Building and applicable height standards



Figure 62: Elevation drawing showing Young Street North Building relative to the height of buildings standard (red dotted line)

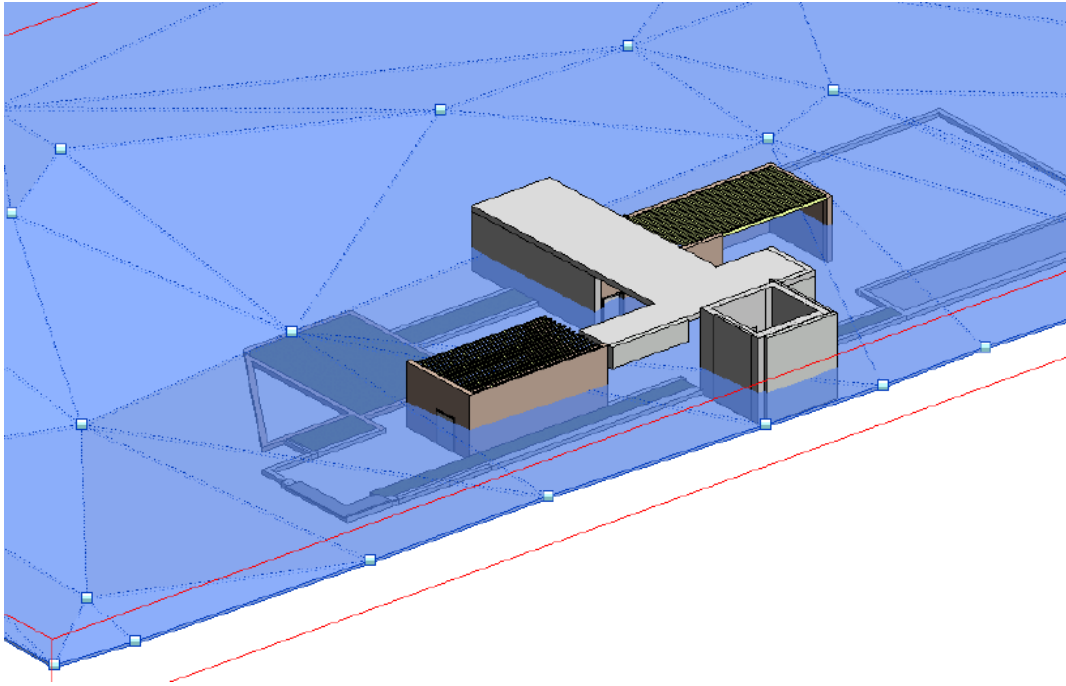


Figure 63: Extract from Cl.4.6 statement, showing parts of Young Street North building that exceed the standard, including the lift overrun, stair overrun and weather awning

143. A written request has been submitted to Council in accordance with Clause 4.6(3)(a) and (b) of SLEP 2012 seeking to justify the contravention of the development standard by demonstrating:
- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case;
 - (b) that there are sufficient environmental planning grounds to justify contravening the standard;
 - (c) 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.
144. The applicant seeks to justify the contravention of the height of buildings 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 non-compliance is minor, equating to approximately 2m of the Young Street North Building;
 - (ii) the non-compliance is due to structures required to provide access to the building and to the communal rooftop garden, including a lift overrun, stair overrun and weather awnings. These structures are largely contained within the height plane and aside from the lift overrun, are located at the central part of the building; and

- (iii) the variation to the height is required by the nominated flood planning levels, noting the ground floor has been raised to meet the relevant flood planning requirements.
- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) the minor exceedances are centrally located within the structure and will be imperceptible from the streetscape. The scheme complies with the desired dominant 6 storey street wall height specified by SDCP 2012 controls, and will be in keeping with the desired future character of the area;
 - (ii) the proposed variation to the standard will not result in any significant visual, noise or shadow impacts upon neighbouring properties;
 - (iii) the lift overrun provides equitable and accessible access to the communal open space, located on the roof, which contributes to the improved amenity of the development.
- (c) The proposed development will be consistent with the objectives of Section 4.3 of SLEP 2012 (Height of Buildings) as follows:
 - (i) Objective (a), which is to ensure the height of development is appropriate to the condition of the site and its context:
 - (i) Notwithstanding the non-compliance with the development standard, the proposed 'Young Street North' provides an overall height that responds to the surrounding area and is compatible with other proposed buildings on the site.
 - (ii) Additionally, as the variation to the development standard is minor in nature, the lift overrun structure will not create any unreasonable impacts on neighbouring developments in relation to overshadowing, privacy or views.
 - (ii) Objective (b), which is to ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas:
 - (i) The proposed development maintains an appropriate height and building relationship along Young Street, including development planned on the opposite side of the street, generally consistent with building forms and heights detailed in the Danks St South Site-Specific DCP. The building will maintain an appropriate built form relationship with the existing heritage items on site and buildings within the Danks Street South Precinct, as envisaged in the DCP.
 - (iii) Objective (c), which is to promote the sharing of views:
 - (i) The consequent variation to the development standard as a result of the lift overrun and plant will not further impede in the views as a result of the proposed development of the site. The proportion of any view obstructed by the lift overrun will be negligible in the context of the site and the proposed development. The exceedance does not compromise the views of any adjoining development.

- (iv) Objective (d), which is to ensure an appropriate height transition from Central Sydney and Green Square Town Centre to adjoining areas:
 - (i) Notwithstanding the minor proposed variation to the height limit, the proposed building is generally consistent with the height standards applied in accordance with the Dank Street South Planning Proposal and subsequent DCP, which envisage a mid-rise built form along Young Street.
 - (ii) This results in an appropriate height transition across the site and with the surrounding properties to Young Street, the Sydney Water Pump House and Young Street North. The variation to the height control will not result in any significant adverse environmental impact such as overshadowing or noise.
- (v) Objective (e), which in respect of Green Square, is to ensure the amenity of the public domain by restricting taller buildings to only part of a site, and to ensure the built form contributes to the physical definition of the street network and public spaces:
 - (i) The proposed building is largely compliant with the 26.4m height control with minor variation required to accommodate the lift overrun, associated plant and flood planning levels. The proposed encroachment on the standards is centrally located within the built form, with an appropriate setback of the structure to ensure that it will not increase the extents of overshadowing and subsequent environmental impacts.
 - (ii) The proposed development ensures the amenity of the public domain and ensures that the built form contributes to the street network and public spaces.

145. The proposed development will be consistent with the objectives of the B4 Mixed Use zone under SLEP 2012:

- (a) To provide a mixture of compatible land uses:
 - (i) The proposed development will ensure the provision of a mix of uses on the site with the activation of the ground floor through the integration of retail premises within Young Street South, Tower and Plaza Buildings and Bourke Street Buildings. The proposed variation will not impede on the delivery of the proposed mix of land uses.
- (b) To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling:
 - (i) The proposed development is near a variety of public transport options and is in an accessible location to encourage walking and cycling. Increased patronage of public transport by future residents of the development will be enhanced through the provision of secure rooftop communal space that improves the appeal of living in a dense mixed use precinct.

- (ii) Despite the minor variation of the lift overrun to access the communal open space, the increased uptake of public transport, walking and cycling by residents is considered a positive outcome due to the increased amenity of the building.
 - (c) To ensure uses support the viability of centres:
 - (i) The proposal achieves this objective as it provides a development outcome which complement the range of existing uses within the locality, including commercial, residential, and retail uses. The proposal included the delivery of a mixed use development that is suitably located to ensure accessibility to nearby centres.
146. 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.
147. 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. Specifically:
- (a) the height of the Young Street North Building has been increased in response to required flood levels at the interface between the public domain and the ground floor levels of the building; and
 - (b) the non-compliance with the development standard is limited to the upper, central section of the lift overrun, which without providing for excessive building bulk, provides for access to communal open spaces at the roof level of the Young Street North Building.
148. The applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(4)(a)(i) and Clause 4.6(3)(b), being that there are sufficient environmental planning grounds to justify contravening the standard. Specifically:
- (a) the parts of the Young Street North Building that exceed the height of buildings standard, including the lift overrun, stair overrun and weather awning, will not have any significant impacts in relation to building bulk as viewed from the streetscape;
 - (b) the parts of the Young Street North Building that exceed the height of buildings standard will overshadow the roof of the Young Street North Building and the footpath of Young Street, and will not have any significant impacts in relation to solar access; and

- (c) the parts of the Young Street North Building that exceed the height of buildings standard will not have any significant impacts for nearby dwellings in relation to view sharing, noting proposed dwellings located to the south (923 Bourke Street) and approved dwellings to the north (within the Jeffman Site), are of a similar height to the Young Street North building.
149. The applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(4)(a)(ii), which are that 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. Specifically:
- (a) the Young Street North Building forms a suitable precedent for future development within the Jeffman Site, noting its bulk has been reduced during assessment by the deletion of visually dominating elements located at the north-western and south-western building edges (see amendments section above). The deletion of these elements ensures that the building will not have any significant impacts for neighbouring dwellings in relation to view sharing.
- (b) the parts of the Young Street North Building that exceed the height of buildings standard variation are limited to the lift and stair overruns and a weather awning, which will not form visually dominating elements as viewed from the public domain and surrounding buildings, and that will not have any significant impacts for heritage buildings located within the site and on the opposite side of Young Street.
- (c) As such, the development, despite the non-compliance with the height of buildings standard, is consistent with objectives (a), (b) and (c) of the standard, which are to ensure the height of development is appropriate to the condition of the site and its context, to ensure an appropriate height transition is provided between new development and any heritage items and to promote the sharing of views.
- (d) the Young Street North Building provides a parapet height that is below the height of buildings standard and provides a building form that responds appropriately to the planning controls anticipated by the site specific controls set out at Section 5 of SDCP 2012. The Young Street North Building is suitably located such that it will not have any significant impacts for neighbouring dwellings in relation to overshadowing and such that adequate solar access will be provided to a future Heritage Plaza at the central part of the site.
- (e) As such, the development, despite the non-compliance with the height of buildings standard, is consistent with objectives (d) and (e) of the standard, which are to ensure an appropriate height transition from Central Sydney and Green Square Town Centre to adjoining areas and to ensure the amenity of the public domain by restricting taller buildings to only part of a site, and to ensure the built form contributes to the physical definition of the street network and public spaces.
- (f) The Young Street North Building is located at the north-western part of the site and together with future development located within the adjoining Jeffman Site will provide a suitable mix of dwelling types and commercial tenancies. The parts of the Young Street North Building that exceed the height of buildings standard non-compliant height element for the Young Street North Building are centralised and will not reduce the amenity of an east-west pedestrian and cycling link,

connecting Bourke and Young Streets. The development site is situated in a location that will support the viability of the Green Square locality and the suburb of Waterloo.

- (g) As such, the development, despite the non-compliance with the height of buildings standard, is consistent with the objectives of the B4 Mixed Use zone, which are to provide a mixture of compatible land uses, to integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling and to ensure uses support the viability of centres.

150. For the reasons provided above, the requested variation to the maximum building height of the Young Street North building is supported, as the applicant's written request has adequately addressed the matters required to be addressed by cl 4.6 of SLEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of height of buildings development standard and the B4 Mixed Use zone.

D2(a) Bourke Street North Building - Clause 4.6 Request to Vary a Development Standard

151. Clause 4.3 of the Sydney LEP 2012 stipulates 5 separate building heights across the site. The Bourke Street North and South Buildings are subject to a maximum height control of 24m for those parts of the buildings that have a frontage to Bourke Street.
152. The proposed detail design scheme has been the subject of a competitive design process and is considered to exhibit design excellence. Accordingly, the development is eligible for an additional 10% height, resulting in an applicable maximum height control of 26.4m for the Bourke Street North Building.
153. The proposal involves constructing those parts of the Bourke Street North and South Buildings fronting Bourke Street to a height of 27.2m (Figures 64 and 65 below). The proposal exceeds the height control by 0.78m (3%).

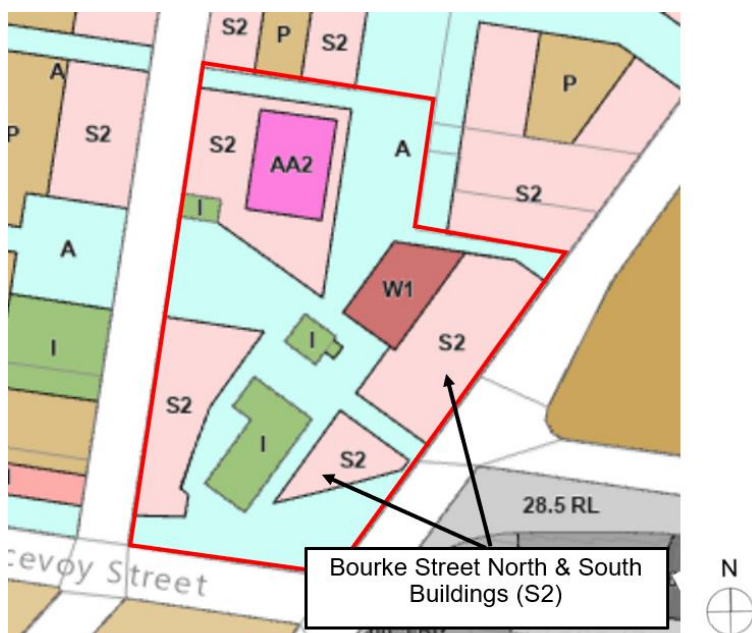


Figure 64: Extract from Council's SLEP2012 Height of Buildings map, showing location of Bourke Street North and South Buildings and the applicable height standards



Figure 65: Elevation plan showing parts of the Bourke Street North and Bourke Street South Buildings that are proposed to exceed the height of buildings standard, including parapets and roof level plant enclosures

154. A written request has been submitted to Council in accordance with Clause 4.6(3)(a) and (b) of SLEP 2012 seeking to justify the contravention of the development standard by demonstrating:
- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case;
 - (b) that there are sufficient environmental planning grounds to justify contravening the standard;
 - (c) 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.
155. The applicant seeks to justify the contravention of the height of buildings 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 non-compliance is minor, equating to approximately 0.78m of the Bourke Street North and South Buildings;
 - (ii) the non-compliance is due to the provision of a building parapet that has been designed to conceal various roof features including roof plant and ducting which are largely contained within the height plane; and
 - (iii) the variation from the standard for Bour Street South can also be attributed to the slight slop of the site to the south.
 - (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) the minor exceedances to the height control for only a small portion of the rooftops will improve the buildings' interfaces with the street, reducing visual clutter;

- (ii) the parts of the building that exceed the standard will not generate significant additional overshadowing or bulk and scale impacts and structure will not result in any significant visual noise or shadow impact upon neighbouring properties;
 - (iii) the parapet is intended to conceal roof features to improve the building interface with the surrounding area;
 - (iv) the variation to the standard is minor (less than 10%) and relates to a negligible area above the height plane;
 - (v) if a compliant scheme was pursued, the roof plant would remain visible from the street;
 - (vi) the proposed height variation will improve the built forms interface with the streetscape and will therefore be in keeping with the desired future character of the area; and
 - (vii) the height variation will not result in additional gross floor area or intensification of the use of the building.
- (c) The proposed development will be consistent with the objectives of Section 4.3 of SLEP 2012 (Height of Buildings) as follows:
- (i) Objective (a), which is to ensure the height of development is appropriate to the condition of the site and its context:
 - (i) Notwithstanding the non-compliance with the development standard, the proposed 'Bourke Street North' and 'Bourke Street South' buildings provide a height that responds to the surrounding area and is compatible with the other proposed buildings on the site. It is important to note the height and scale aligns with the future aspirations and density of the Danks Street South Precinct.
 - (ii) Additionally, as the variation to the development standard is minor in nature, the parapet feature will not create any unreasonable impacts on neighbouring developments in relation to overshadowing, privacy or views.
 - (ii) Objective (b), which is to ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas:
 - (i) The minor variation from the height standard seeks to improve the developments interface with the surrounding area through the provision of a parapet to conceal the necessary ancillary roof feature and roof plant.
 - (ii) The two buildings maintain an appropriate height relationship with adjoining development within the site, consistent with the envisaged heights in the Precinct and a suitable setback and relationship with existing Sydney Water heritage items and public domain areas.

- (iii) Objective (c), which is to promote the sharing of views:
 - (i) The consequent variation to the development standard as a result of the parapet will not further impede in the views as a result of the proposed development on the site. The proportion of any view obstructed by parapet will be negligible in the context of the site and the proposed development.
 - (ii) As the buildings are subject to the lowest permissible height standard in the Danks Street South Precinct the variation does not obstruct or compromise any views at this level, with the visual impact of the variation ensuring the roof features are imperceptible from street.
- (iv) Objective (d), which is to ensure an appropriate height transition from Central Sydney and Green Square Town Centre to adjoining areas:
 - (i) Notwithstanding the minor variation to the height limit, the proposed building is generally consistent with the height standards applied in accordance with the Danks Street South Planning Proposal and subsequent DCP.
 - (ii) This results in appropriate height transition across the site and with surrounding properties. The variation to the height control will not result in any significant adverse environmental impact such as overshadowing or noise.
- (v) Objective (e), which in respect of Green Square, is to ensure the amenity of the public domain by restricting taller buildings to only part of a site, and to ensure the built form contributes to the physical definition of the street network and public spaces:
 - (i) The proposed development is largely compliant with the height control with a minor variation up to 0.795m to Bourke Street North and 0.77m to Bourke Street South required to accommodate the proposed parapet required to conceal the building's roof features.
 - (ii) The proposed encroachment on the standards is centrally located within the built form, with an appropriate setback of the structure to ensure that it will not increase the extents of overshadowing and subsequent environmental impacts. Furthermore, the variation does not compromise the built forms interface with the public domain.
 - (iii) The proposed development ensures the amenity of the public domain and ensure that the built form contributes to the street network and public spaces.

156. The proposed development will be consistent with the objectives of the B4 Mixed Use zone under SLEP 2012:

- (a) To provide a mixture of compatible land uses:
 - (i) The proposed development will ensure the provision of a mix of uses on the site with the action of the ground floor through the integration of retail premise across the sub-precincts. The proposed variation will not impede on the delivery of the proposed mix of land uses on the site.

- (b) To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling:
 - (i) The proposed development is near a variety of public transport options and is an accessible location to encourage walking and cycling. Increased patronage of public transport by future residents of the development will be enhanced through the provision of secure rooftop communal garden that improves the appeal of living in a dense mixed use precinct. Despite the minor variation to the height standard as a result of the parapet, the increased uptake of public transport, walking and cycling by residents is considered a positive outcome due to the increased amenity of the building.
 - (c) To ensure uses support the viability of centres:
 - (i) The proposal achieves this objective as it provides a development outcome which complements the range of existing uses within the locality, including commercial, residential, and retail uses. The proposal included the delivery of a mixed use development that is suitably located to ensure accessibility to nearby centres.
157. Development consent must not be granted unless the consent authority is satisfied that:
- (a) The proposal achieves this objective as it provides a development outcome which complements the range of existing uses within the locality, including commercial, residential, and retail uses. The proposal includes the delivery of residential development that is suitably located to ensure accessibility to nearby centres.
 - (b) As demonstrated in this request, the proposed development is consistent with the objectives of the development standard and the objectives for development of the zone in which the proposed change of use is to be carried out.
158. 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. Specifically:
- (a) the parts of the building that exceed the height standard for the Bourke Street North and South Buildings provide for an improved outcome for the site, which is that parapets will conceal roof top services when the development is viewed from the opposite footpath at Bourke Street. The plant areas are located at the roof level, which is an improved outcome for the development, avoiding the need for plant to be located on the sides of buildings or within communal open spaces;
 - (b) the parts of the building that exceed the height standard are limited to the upper, central sections of the buildings, including roof level plant that is centrally located. Those parts of the building that exceed the standard will not result in any excessive additional visual bulk as viewed from Bourke Street and when viewed from above, from the Bourke Street North (taller building) and the Tower and Plaza Buildings.

159. The applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(4)(a)(i) and Clause 4.6(3)(b), being that there are sufficient environmental planning grounds to justify contravening the standard. Specifically:
- (a) the parts of the building that exceed the height standard, which are limited to the roof parapets and centrally located roof plant, will not have any significant impacts in relation to building bulk as viewed from the streetscape and from taller buildings within the site;
 - (b) those parts of the building that exceed the standard will cast shadows over the roof of the Bourke Street North and Bourke Street South Buildings and overshadow the footpath of Bourke Street, and will not have any significant impacts in relation to overshadowing; and
 - (c) those parts of the building that exceed the standard will not have any significant impacts for nearby dwellings in relation to view sharing, noting existing dwellings located to the south-east (830 Bourke Street) and approved dwellings to the north (within the Jeffman Site), are of a similar height to the Jeffman Site buildings, with no iconic views available.
160. The applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(4)(a)(ii), which are that 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. Specifically:
- (a) the height and form of the Bourke Street North and South Buildings are compatible with the approved form of the adjoining Jeffman Site and with the SDCP2012 controls anticipated by the Planning Proposal, ensuring the proposed works will not have any significant impacts for neighbouring dwellings in relation to view sharing.
 - (b) Those parts of the building that exceed the standard are limited to the parapets and roof level plant, which will not form visually dominating elements as viewed from the public domain and surrounding buildings, and that will not have any significant impacts for heritage buildings located within the site.
 - (c) As such, the development, despite the non-compliance with the height of buildings standard, is consistent with objectives (a), (b) and (c) of the standard, which are to ensure the height of development is appropriate to the condition of the site and its context, to ensure an appropriate height transition is provided between new development and any heritage items and to promote the sharing of views.
 - (d) the Bourke Street North and South Buildings provide a building form that responds appropriately to the planning controls anticipated by the site-specific controls set out at Section 5 of SDCP 2012. The Bourke Street Buildings are suitably located such that they will not have any significant impacts for neighbouring dwellings in relation to overshadowing and such that adequate solar access will be provided to a future Heritage Plaza at the central part of the site.

- (e) As such, the development, despite the non-compliance with the height of buildings standard, is consistent with objectives (d) and (e) of the standard, which are to ensure an appropriate height transition from Central Sydney and Green Square Town Centre to adjoining areas and to ensure the amenity of the public domain by restricting taller buildings to only part of a site, and to ensure the built form contributes to the physical definition of the street network and public spaces.
- (f) The Bourke Street North and South Buildings are located at the north-eastern and eastern parts of the site and together with future development located within the adjoining Jeffman Site, will provide a suitable mix of dwelling types and commercial tenancies. The parts of the building that exceed the standard non-compliant will not reduce the amenity of an east-west pedestrian and cycling link, connecting Bourke and Bourke Streets. The development site is situated in a location that will support the viability of the Green Square locality and the suburb of Waterloo.
- (g) As such, the development, despite the non-compliance with the height of buildings standard, is consistent with the objectives of the B4 Mixed Use zone, which are to provide a mixture of compatible land uses, to integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling and to ensure uses support the viability of centres.

161. For the reasons provided above, the requested variation to the maximum building height of the Bourke Street North and South buildings is supported, as the applicant's written request has adequately addressed the matters required to be addressed by cl 4.6 of SLEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of height of buildings development standard and the B4 Mixed UseB4 Mixed Use zone.

Design excellence: Response to Competitive Design Alternatives Report recommendations - D1(a) and D1(b) - Young Street Buildings, Tower and Plaza Buildings

162. The Competitive Design Alternatives Report for the D1(a) and D1(b) buildings (Young Street Buildings, Tower and Plaza Buildings) is provided as Attachment L to this planning report.
163. The detailed design submitted as part of the subject DA proposes to depart from the competitive process winning design scheme by removing a large part of the arbor to the Young Street frontage. The arbor, which was intended to contain elevated landscaped planters, has been replaced by an open, turfed area containing canopy trees.
164. The removal of the arbor is supported by Council's assessing officers on the following bases:
- (a) the arbor comprises a prominent structure at the edge of the site that relies on cascading plantings to soften its appearance (Figure 66 below). The plantings were originally proposed to be located within single storey landscaped podiums that would impose considerable maintenance costs for future site owners. Should these plantings be allowed to fail or be removed by future site owners, the arbor would comprise a visually dominating structure as viewed from Young Street;

- (b) the arbor has the potential to be an unsafe area at night in that it would provide ambush points and would partially obscure passive surveillance to (and from) the footpath. Security lighting would need to be provided at all times during the night, as street lighting would be unlikely to penetrate the structure; and
- (c) the arbor has been replaced by a landscaped area containing canopy trees, which contributes to the tree canopy coverage of the site, and that supplements existing established street trees on Young Street (Figures 67 and 68 below).



Figure 66: Photomontage, extracted from the Competitive Design Alternatives Report for D1(a) and D1(b), showing an arbor to Young Street and external, shade devices that have been redesigned for the western elevation of the Young Street Buildings



Figure 67: Photomontage lodged with the development application, showing the majority of the arbor being removed and replaced with canopy tree plantings, as viewed from Young Street looking north-east

Note: painted masonry elements at the northern and southern ends of the roof level have been reduced in bulk (Young Street South Building (red arrows)). See Figure 47 above.

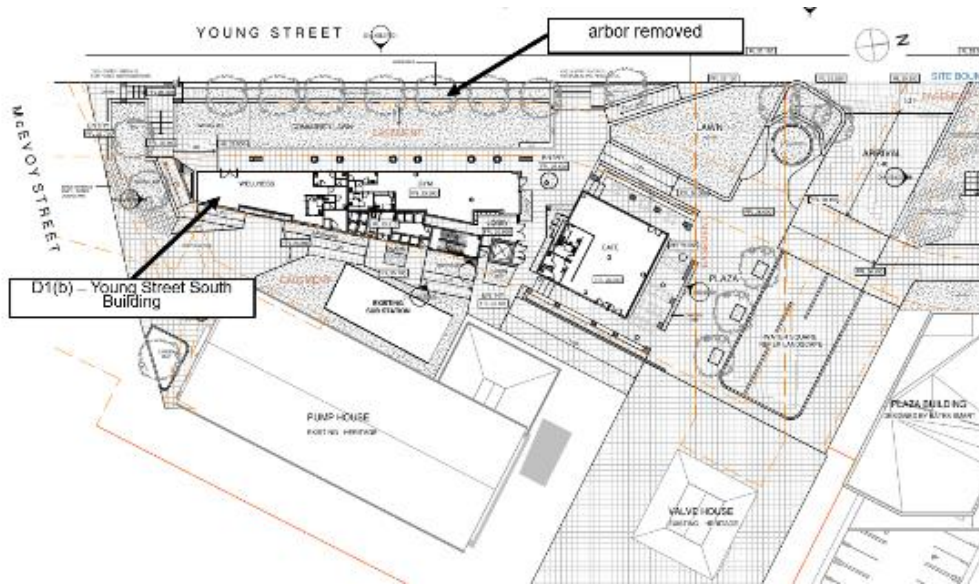


Figure 68: Site plan lodged with the development application, showing the majority of the arbor west of Young Street South Building removed and replaced with canopy tree plantings

165. The design of the D1(a) and D1(b) - Young Street, Tower and Plaza Buildings have been amended in response to the following recommendations made by the Selection Panel:

- (a) the dominance of external sunscreens should be reduced and screens applied to windows and balconies to the Young Street buildings:
 - (i) Response: external masonry sunscreens have been replaced by low-profile sliding screens that are capable of covering the full extent of windows. The screens are external and operable and satisfactory in terms of mitigating impacts from western sun (see Figure 69 below).



AUTOMATED OPERABLE SLIDING VERTICAL SCREENS - ALUMINIUM 20mm DIA ROD FRAMED SCREEN BRONZE



Figure 69: External, operable sunscreens for Young Street Buildings that are less visually dominating than those shown for the winning design scheme (Figure 66 above)

- (b) the depth of the balconies for apartments within the Young Street South building should be considered with regard for the ability to allow light into living areas:
- (i) Response: the length of north-facing side walls adjoining balconies within the YSS south building has been minimised, which will ensure that solar access is provided into the living rooms of those dwellings in the afternoons (Figure 70 below); and
 - (ii) view from the sun solar diagrams demonstrate that balconies and windows will receive solar access, from 12:15pm until the late afternoon at the winter solstice.

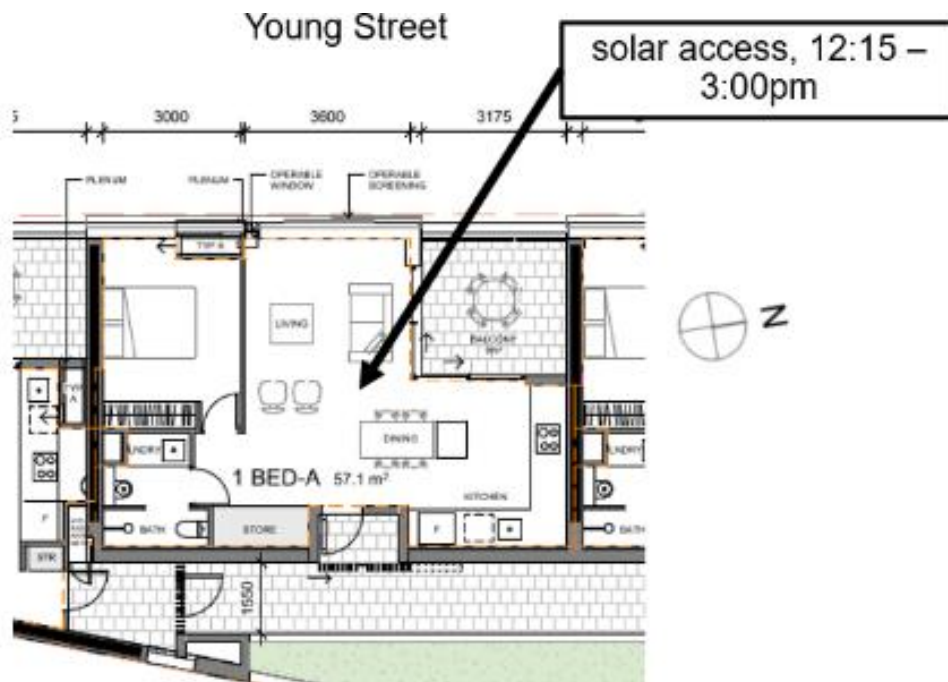


Figure 70: Solar access into west-facing dwellings located within the Young Street south building. Windows and balconies will receive solar access from 12:15pm until after 3pm at the winter solstice.

- (c) the loggia facing Young Street should be further permeable and have regard for the landscape setback required by SDCP 2012 controls:
- (i) Response: Council's officers requested the loggia at the entries to the ground level Young Street north dwellings be deleted from drawings. This was on the basis that the proposal did not comply with the provisions of section 5.9.4.9(2) of SDCP 2012, which specify that ground floor apartments are to provide a minimum of 2 metre landscape setback clear to the sky for the full height of the building.
 - (ii) Further, the loggia relied on landscape plantings to soften their appearance, that were proposed to be installed in raised podium elements (Figure 71 below). The elevated landscaped planters were proposed to be located above the entries to dwellings and were inaccessible other than by ladder. The planters would be difficult to access for maintenance and expensive to maintain. Should landscape plantings fail the loggia would comprise visually dominating structures as viewed from the Young Street footpath.

- (iii) The applicant has amended drawings to delete the loggia, and to show a compliant landscaped setback for ground floor dwellings facing Young Street (Figures 72 and 73 below).



Figure 71: Extract from photomontage lodged with application, showing elevated landscaped planters would comprise visually dominating structures as viewed from the Young Street footpath and have been deleted, replaced by a 2m landscape setback clear to the sky for the full height of the building



Figure 72: Amended ground floor plan showing loggia has been deleted, replaced by 2m landscape setbacks, clear to the sky for the full height of the building. Balconies have been made larger facing Young Street (red arrow).



Figure 73: Amended west elevation drawing showing loggia has been deleted, replaced by 2m landscape setbacks, clear to the sky for the full height of the building (red arrow)

- (d) Further design development is required to address visual privacy impacts between dwellings located within the 6-storey Plaza Building and the Tower Building. A 4m wide lane separates opposing dwellings:
- (i) Response: visual privacy impacts between apartments located within the Plaza and Tower Buildings have been addressed. Bedrooms within the Plaza Building have highlight windows where they face narrow, vertically oriented windows for living areas of the Tower Building (blue arrows in Figures 74 and 75 below). Privacy screens are provided to prevent mutual overlooking between balconies and bedroom windows.
 - (ii) In addition to the above, visual privacy impacts have been addressed between the Tower Building and the Young Street North Building. Apartments within the Young Street North building are provided with casement windows constructed using fritted glass, where opposing windows are located 14m from the Tower Building (Figure 77 below).



Figure 74: Bedrooms within the Plaza Building have highlight windows where they face narrow, vertically oriented windows for living areas of the Tower Building (blue arrows in Figure 75 below). Privacy screens are provided to prevent mutual overlooking between balconies and bedroom windows.

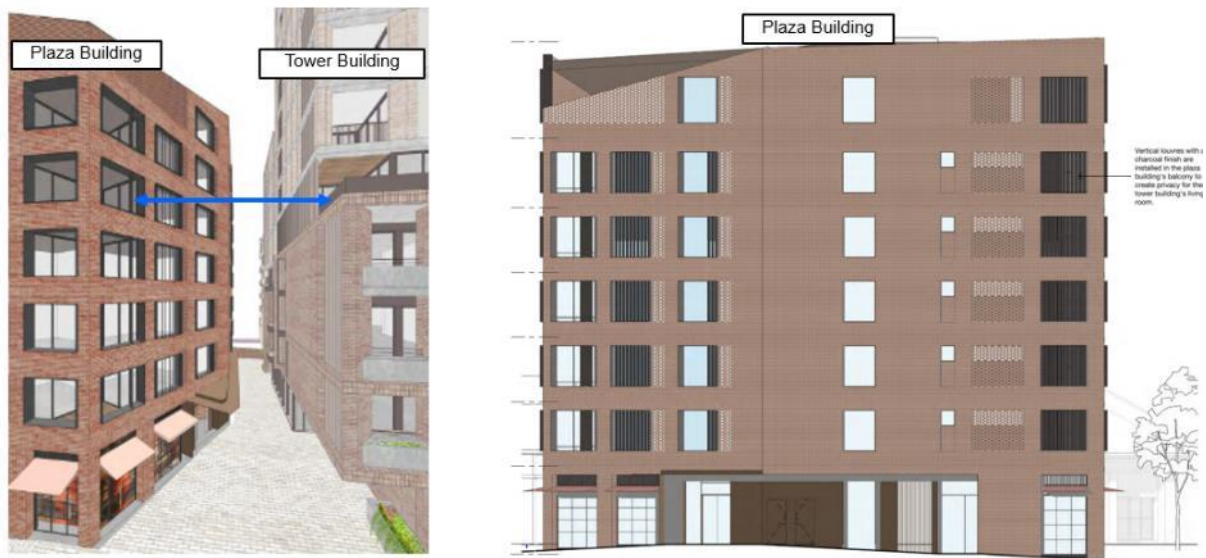


Figure 75: Mutual overlooking between balconies is mitigated between the Plaza Building (left) and Tower Building (right)



Figure 76: Angled louvres are proposed to mitigate impacts caused by mutual overlooking between balconies. Images include views from Tower Building balconies (left) and the Plaza Building (right).

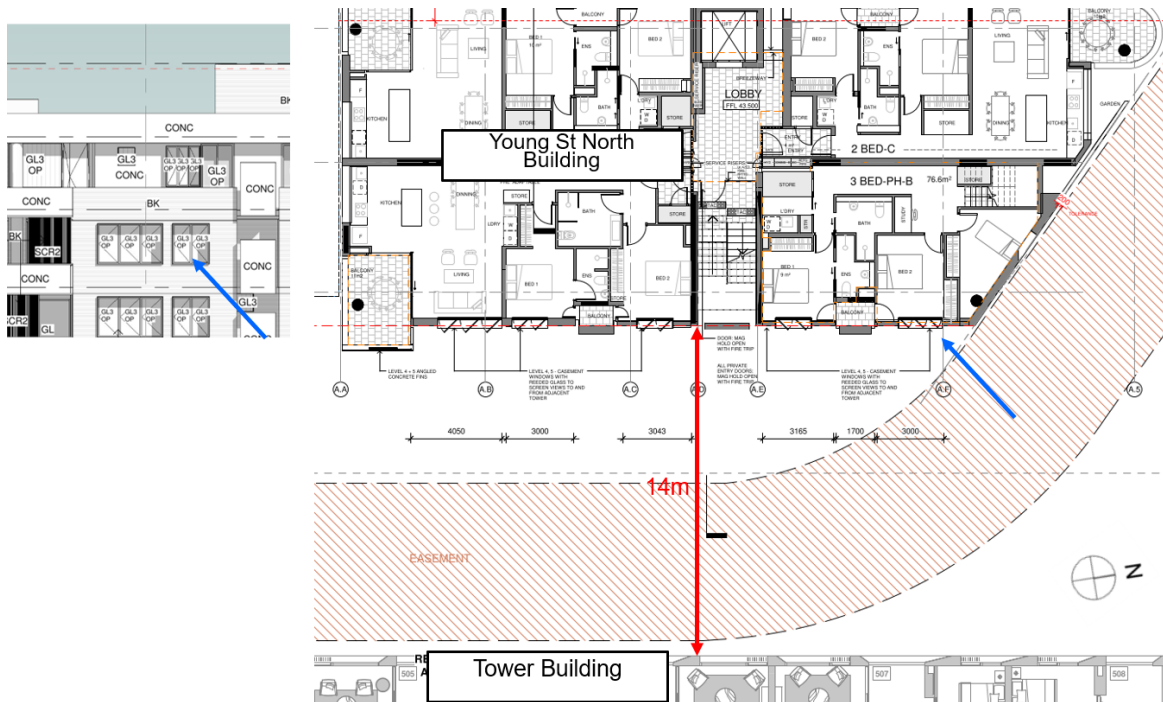


Figure 77: Visual privacy is mitigated between apartments located within the Young Street North and the Tower Building. Apartments in the Young Street building are proposed to be constructed with east-facing casement windows using fritted glass (blue arrows), where opposing windows are located 14m from the Tower Building.

- (e) consideration should be given to reducing the visibility of proposed drying courts contained within Building D1(a) - Young Street North Building. The floorspace associated with the drying courts and the building entry lobbies should be included in gross floor area (GFA) calculations:
 - (i) Response: drying courts are now provided within the Young Street North building in the DA scheme. The drying courts protrude forward of the building line and are proposed to be constructed as pre-cast concrete, which contrasts with light colour face bricks used for the for the western facade of the building.

- (ii) The design of the drying court walls has been further developed. Circular perforations are provided that provide visual interest and increase air flow. The amended drawings demonstrate that the drying courts will not form visually dominating elements that have any deleterious effects in relation to the appearance of the Young Street North building as viewed from the streetscape.
- (iii) The drying court walls exceed 1.4m (approximately 2m) and as such are included as gross floor area (GFA) in accordance with the definition provided by SLEP 2012. The applicant has provided amended GFA diagrams that include the area of the drying courts.

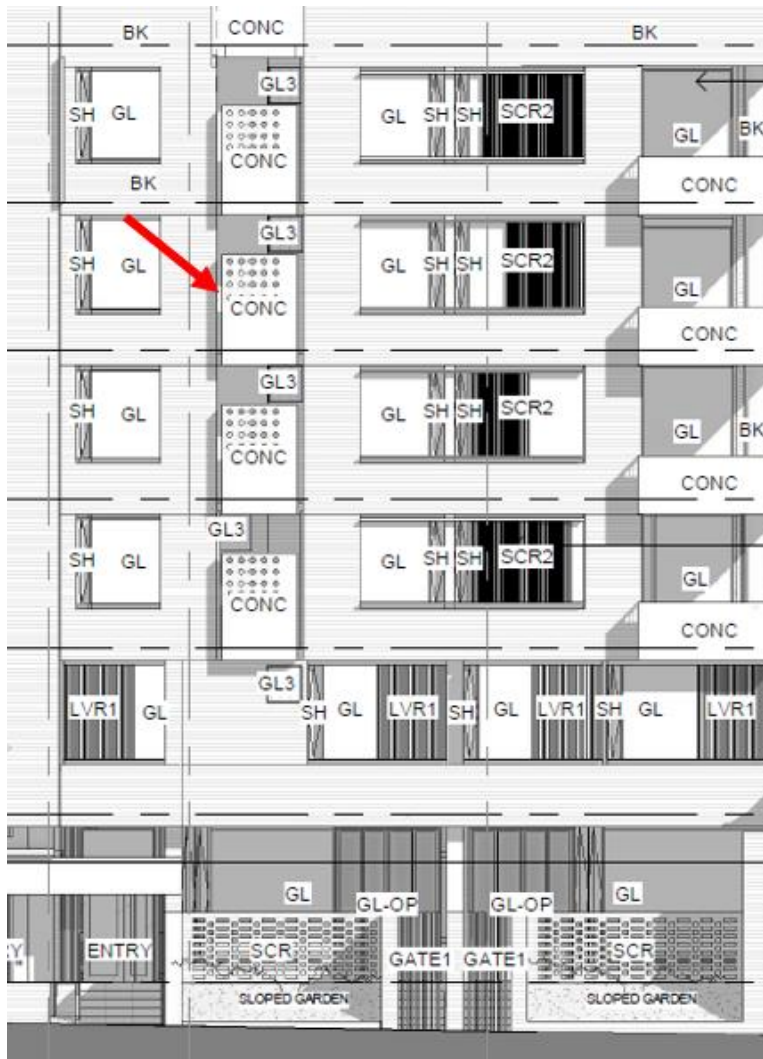


Figure 78: The design of the drying court walls has been further developed to include circular perforations that increase air flow (red arrow)



Figure 79: Drying court walls are integrated into building architecture and to be constructed using pre-cast concrete

- (f) Further consideration should be given to natural cross ventilation, solar amenity and building separation to achieve compliance with the ADG. Any acoustic solutions need to be carefully considered and resolved, particularly with respect to the natural ventilation approach.
 - (i) Response: The development provides high amenity for future occupants, with consideration of the relevant ADG controls. Amended drawings have been provided, demonstrating apartments located within the Tower Building receive a minimum of 2 hours sunlight at the winter solstice. Non-compliances with the ADG are discussed in the discussion section below.
 - (ii) Council's urban designer and health and building specialist have reviewed the plenum details lodged for assessment and consider them to be satisfactory with consideration of existing and projected traffic generated noise at the eastern and southern portions of the site.

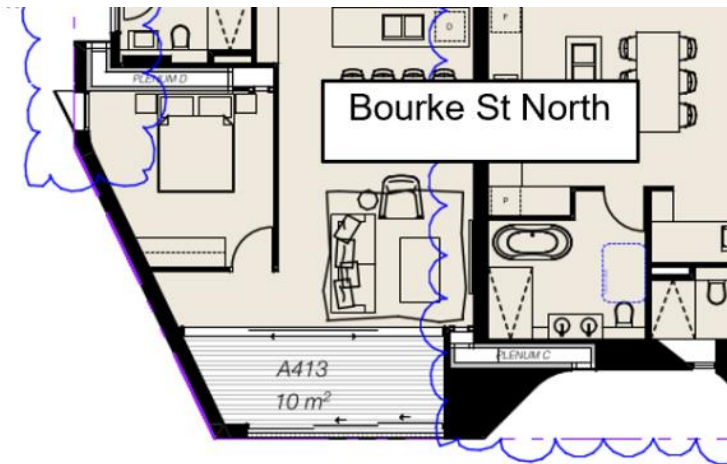


Figure 80: Extract from Bourke Street North Building, showing separate plenum types that are proposed to be installed to mitigate traffic generated noise and allow for air flow within apartments

Design excellence: Response to Competitive Design Alternatives Report recommendations – D2(a) and D2(b) – Bourke Street Buildings

166. The Competitive Design Alternatives Report for the D2(a) and D2(b) – Bourke Street Buildings is provided as Attachment L to this planning report.
167. The design of D2(a) and D2(b) – Bourke Street Buildings have been amended in response to the following recommendations made by the Selection Panel:
- (a) the entry lobby for the ‘tower’ within the Bourke Street North Building should be made wider and be able to be accessed from both the Heritage Plaza and the through site link from Bourke Street.
 - (b) The residential lobby for the Bourke Street North Building (off the shared zone in north-east corner) needs to be further developed to address safety and addressed off the shared way. It is only servicing six apartments; however, pedestrian safety needs to be considered.
 - (i) Response: the lobby off the shared zone in north-east corner of the Bourke Street North Building has been designed such that it is set in from the building edge by 1m. This provides residents with a ‘refuge’ and allows for assessment as to whether bicycles are in the vicinity when exiting the building. Bollards will be provided at either end of the shared zone, to prevent access by cars and trucks.



Figure 81: Extract from Bourke Street North Building drawing, showing the lobby off the shared zone in north-east corner of the Bourke Street North Building being set in, to permit additional surveillance over the shared zone

- (c) An awning or colonnade along the heritage plaza should be provided to enable protection. Consider a colonnade to the entry off the heritage plaza.
 - (i) Response: awnings have been provided above residential and commercial lobbies within the Heritage Plaza, to provide weather and solar protection. A colonnade, which would have safety and surveillance implications at night, is not provided in this instance.
- (d) The 1st floor 'Oasis' could be further activated with amenities for residents such as BBQs and seating.
 - (i) Response: the first-floor podium level contains communal private open space that is segregated into zones, where activation for various groups may be achieved. A breakfast bar, work-from-home space, and seating areas will be provided, with detailed landscape designs required to be provided prior to the issue of a construction certificate.
- (e) Visual and acoustic privacy impacts between adjacent apartments at the centre of the Bourke Street North Building should be further developed.
 - (i) Response: consideration has been given to mitigating privacy impacts between dwellings. Angled windows and privacy screens have been provided to prevent direct overlooking (see Figures 82 and 83 below – red arrows).
- (f) Corridors within the tower, above level 4 should be provided greater articulation.
 - (i) Response: corridors are now articulated around lift entries and rubbish chutes with additional depth provided (2.2m), as per the lower levels (see Figure 82 below – blue arrows).

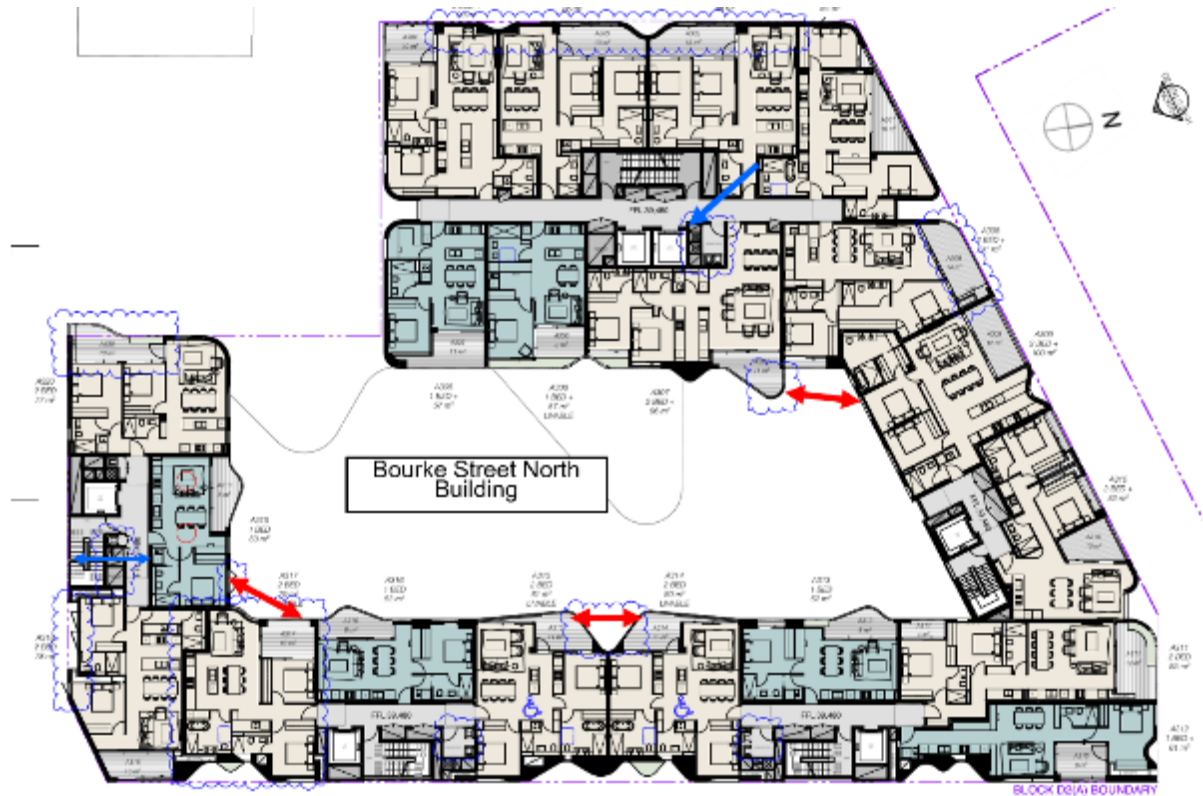


Figure 82: level 5 plan demonstrates that angled windows and privacy screens have been provided to prevent direct overlooking between neighbouring apartments (red arrows). Corridors are articulated with greater width.



Figure 83: Angled privacy screens have been provided to prevent direct mutual overlooking and windows are angled to prevent overlooking of neighbouring apartments (red arrows)

- (g) The design of balconies for corner apartments within the Bourke Street South Building should be considered with regard to traffic noise from McEvoy Street. Balconies could be brought ‘in-board’ or other mitigation measures used.
- (h) Acoustic attenuation and ventilation measures need further work and are to be integrated into the design.
- (i) Response: balconies facing McEvoy Street have been designed using solid masonry sections that mitigate traffic generated noise.

- (ii) Response: Noise affected dwellings are provided with suitable plenums, to allow for the operation of vents and natural air, with doors and windows closed to mitigate traffic generated noise from existing and potential road traffic volumes.
- (i) Opportunities to be investigated in relation to whether additional textured materials and brickwork can be provided, similar to that provided at the ground level facing Bourke Street.
- (j) Materials should be considered and specified with regard for their presentation and lifespan.
 - (i) Response: a variety of materials is applied to the facades of the Bourke Street North and South Buildings. Three separate brick patterns are proposed to be installed (stretcher, soldier and stretcher with every second course recessed). The balance of materials is considered to be suitable and complementary to the bricks proposed and have appropriate longevity and lifespan.
- (k) Consideration should be given to the amenity of entries off Bourke Street, to encourage stair use on lower levels. Communal private open space should be investigated with roof gardens, with particular regard for the roof of the Bourke Street North 'tower'.
 - (i) Response: external stairs are provided at the eastern facade of both buildings, to encourage activation within the building.
 - (ii) Response: The roof of the Bourke Street North tower is proposed to be substantially covered by PV panels and plant enclosures. Notwithstanding this, suitable communal private open space is provided for residents of both the Bourke Street North and South Buildings, at the level 1 podium level and at Level 4 of the Bourke Street North building. These areas provide sufficient space and utility areas for separate groups of residents to use the spaces simultaneously.



Figure 84: External stairs are provided at the eastern facade of the Bourke Street buildings, to encourage activation within the building



Figure 85: Landscaped area provided at the podium level of the Bourke Street North Building. Access will be provided for residents of the Bourke Street South Building. An additional area is provided at the central, northern section at Level 4 of the building.

Deep Soil

168. The Apartment Design Guide (ADG) defines an area of deep soil as being unimpeded by buildings or structures above and below ground and having a minimum dimension of 6m for sites larger than 1,500sqm:
- (a) the ADG provides design criteria stating that the site should provide at least 7% deep soil (1,363sqm); and
 - (b) Design Guidance that on some sites it may be possible to provide larger deep soil zones, depending on the context, up to 15% of the site area for sites larger than 1,500sqm (2,921sqm).
169. In this instance, it is not possible to provide larger deep soil zones consisting of up to 15% of the site area, given the significant site constraints that limit the provision of deep soil areas to less than 6m dimensions. These constraints include the existence of underground pipes, a stormwater culvert, the requirement for large open, hard-paved plazas for truck access and associated easements.
170. As such and as a guide to assessment, Council's officers have agreed it is acceptable to include areas of deep soil in calculations, that have minimum dimensions of at least 3m. In addition, that the area of deep soil located above the existing Sydney Water stormwater culvert should be considered in deep soil calculations.
171. This is with consideration that:
- (a) 3m is the minimum dimension for areas to qualify as deep soil under the SDCP2012 controls and the City's Landscape Code; and

- (b) the existing Sydney Water stormwater culvert is approximately 5m below ground and is of sufficient depth to allow for some stormwater infiltration into the ground and to allow for the establishment of tree roots.

172. The proposed development provides 852sqm (4% of site area) of genuine deep soil and 940sqm (5%) of soft-landscaping above the culvert. This equates to 9% of deep soil calculated in accordance with Council's officers approach outlined above.

173. This technical non-compliance with ADG deep soil requirements is acceptable when considered in terms of the significant site constraints listed above.

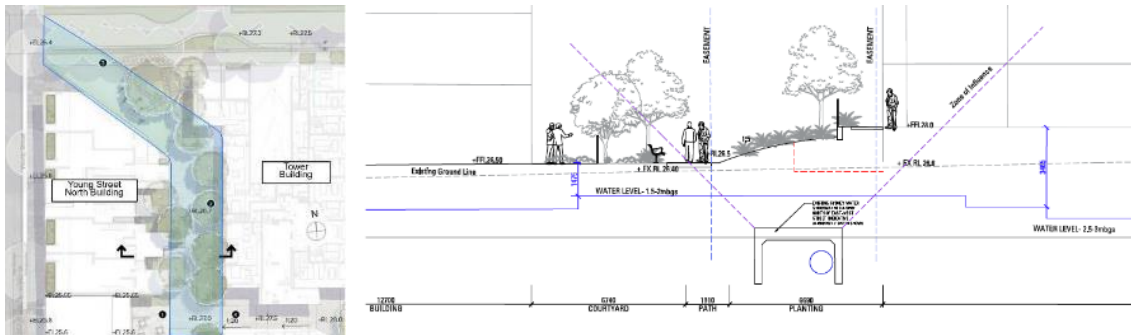


Figure 86: 'Deep soil' above the Sydney Water culvert, at the north-western corner of the site, between the Tower Building and Young Street North Building. The culvert is approximately 5m below ground level.

174. To aid in the assessment, the applicant has provided amended deep soil diagrams, which quantify deep soil in 3 zones (Figure 87 below):

- (a) 'compliant' deep zones (3m minimum dimensions);
- (b) 'non-compliant' deep soil zones (less than 3m minimum dimensions); and
- (c) 'non-compliant' deep soil zones above an existing Sydney Water culvert (approximately 5m soil depth).

175. The applicant has provided amended deep soil diagrams that include all 3 zones, stating that 1,744sqm of the overall site will be provided as deep soil zones (9%). The applicant states that precincts will provide deep soil as follows:

- (a) D1(a) – Tower, Plaza and Young Street North Buildings: 776sqm (19% of the precinct area – 4,004sqm), including:
 - (i) 320sqm of 'compliant' deep soil (8%); and
 - (ii) additional 458sqm of 'non-compliant' deep soil and above culvert (11%);
- (b) D1(b) – Young Street South Building: 702sqm (25% of the precinct area – 2,807sqm), including
 - (i) 220sqm of 'compliant' deep soil (8%);
 - (ii) additional 482sqm of 'non-compliant' deep soil and above culvert deep soil areas of (17%).

- (c) D2(a) and D2(b) – Bourke Street North and South Buildings: 157sqm (14% of the precinct area – 4,670sqm), including:
- (i) 112sqm of ‘compliant’ deep soil (10%); and
 - (ii) additional 45sqm of ‘non-compliant’ deep soil areas adjacent to paved areas, that have minimum dimensions of less than 3m (4%).

176. Note: the non-provision of deep soil across the Bourke Street North precinct can be supported noting that the area is located entirely above basement and on structure. Notwithstanding this, additional planting area on structure is recommended by a condition of consent (see wind comments below).



Figure 87: Site-wide deep soil zones, showing compliant 3m depth areas (shaded green), additional areas less than 3m (shaded orange), and above Sydney Water culverts (shaded blue), extracted from Landscape DA Package

Solar access – publicly accessible open space

177. Provision 3.1.4 of the SDCP 2012 requires at least 50% of the area of public open space to receive 4 hours of sun between 9am and 3pm on 21 June.
178. The Heritage Plaza will receive in excess of 4 hours sun between 9am and 3pm to at least 50% of its area, and provides the greatest amenity at mid-winter. The smaller Northern Plaza receives full solar access between 9am and 11am at mid-winter, before being overshadowed by the Tower Building. This is acceptable with consideration that this narrower plaza that provides for a north-south corridor for pedestrians and cyclists. It is not designed to contain large expanses of landscaping and no significant areas for seating.

179. Approximately 30% of the future publicly accessible open space at the northern boundary (part of a future park) will receive sunlight for 4 hours, between 9am and 3pm on 21 June. As such, the proposal does not comply with the SDCP 2012 control.

180. The non-compliance can be supported on the basis that:

- (a) the proposed development provides building heights and indicative envelopes that are generally consistent with SDCP 2012 controls;
- (b) proposed buildings are north-south oriented and of a suitable scale to maximise solar access to surrounding areas; and
- (c) solar access analysis below shows that the entire southern section of the future public open space (which is within the subject site) will receive sunlight for at least 3 hours between 9am and 3pm on 21 June (shaded green below) and that some portions of the future public open space will receive at least 4 hours (shaded orange). The areas shaded orange comprise ideal locations for lawns and active outdoor uses.

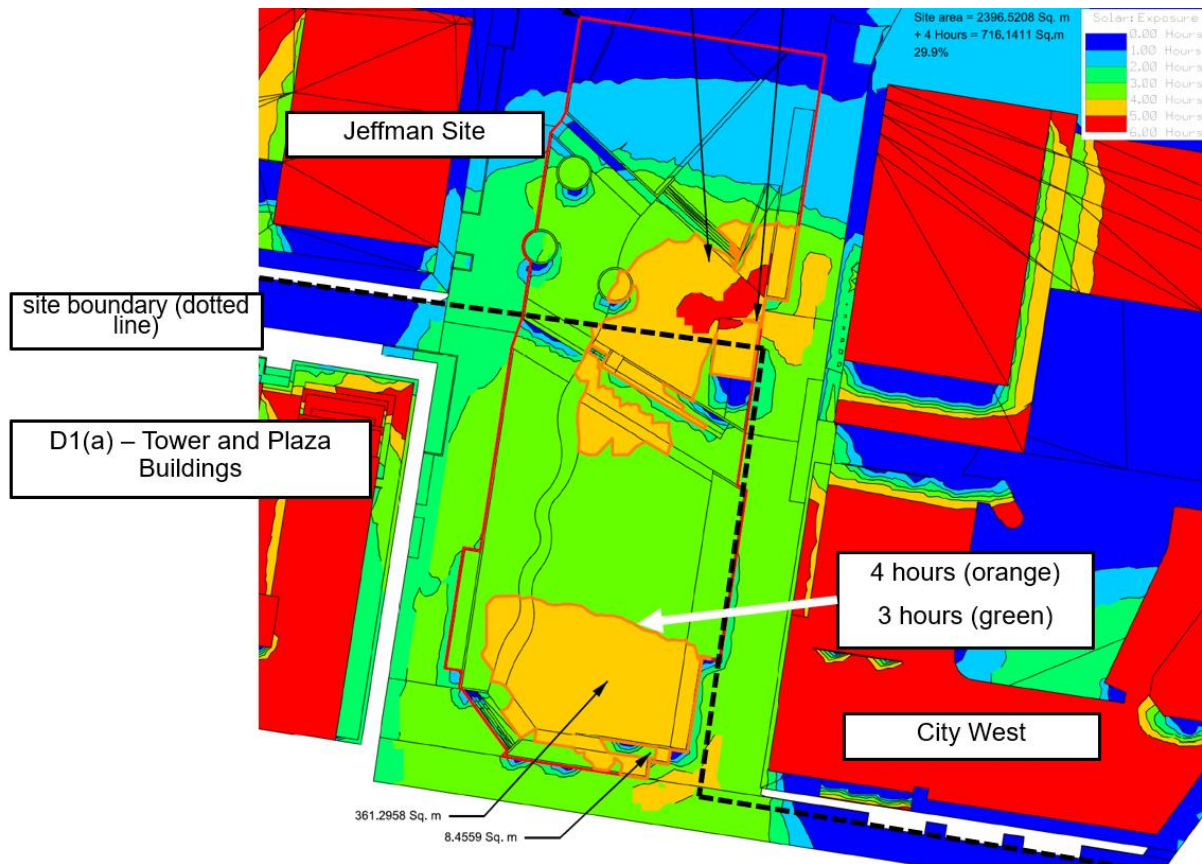


Figure 88: 30% of the future public open space will receive a minimum of 4 hours solar access on 21 June (orange shading). A larger area will receive a minimum of 3 hours solar access (green shading).

Solar access and overshadowing – neighbouring development

181. The Tower Building and Bourke Street South Building will cast shadows over apartments located within an adjoining 8 storey mixed use/residential building south-east of the site at 830 Bourke Street, commonly known as ‘Diversity’.
182. The overshadowing impacts to apartments at 830 Bourke Street are acceptable for the following reasons:
- (a) north-facing apartments within 830 Bourke Street will receive full solar access between 9:30am and 2:15pm at the winter solstice; and
 - (b) west-facing apartments within 830 Bourke Street will receive full solar access between 12:15pm and 2:15pm, thereby receiving a minimum of 2 hours solar access in accordance with the ADG minimum requirements (Figure 89 below).
183. The proposed development will not cast shadows over proposed apartments located within an adjoining development site at 923 Bourke Street after 10am on 21 June, thereby ensuring these proposed apartments receive a minimum of 2 hours solar access in accordance with the ADG minimum requirements (Figure 90 below).

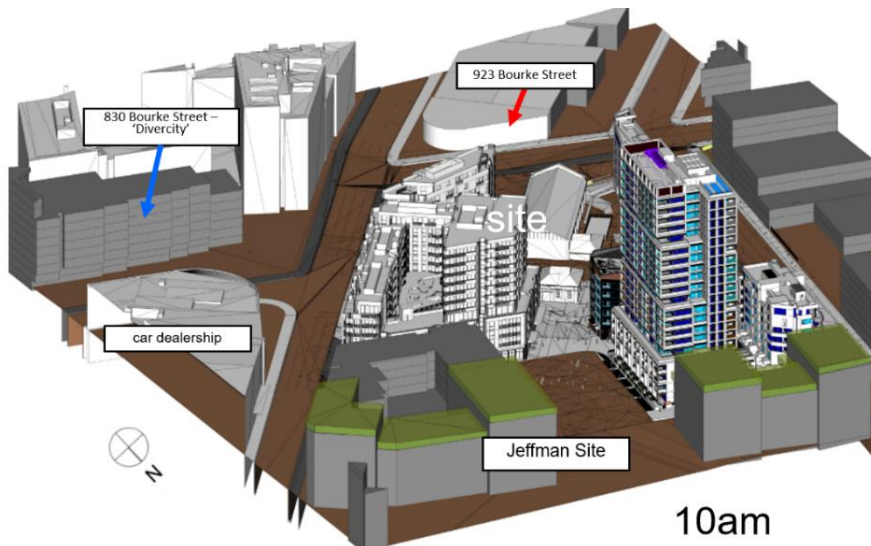


Figure 89: Existing north-facing apartments located within the ‘Diversity’ development will continue to receive full solar access to northern windows from 9am until 2:15pm on 21 June (blue arrow). Proposed works will not overshadow proposed apartments within 923 Bourke Street after 10am on 21 June (red arrow).

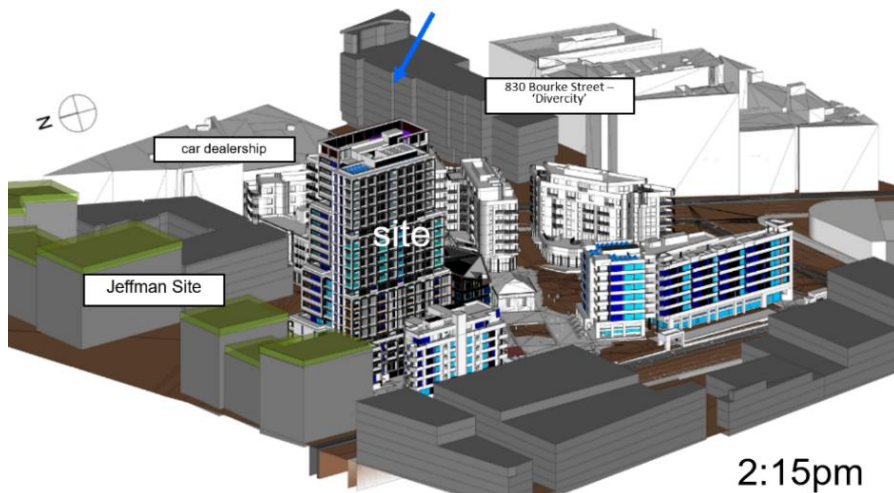


Figure 90: The Tower Building and Bourke Street South Building will overshadow existing north-facing apartments located within the 'Diversity' development from 2:15pm onwards (blue arrow)

Solar Access to the Proposed Development

184. The design criteria of section 4A of the Apartment Design Guide (ADG) specify that living rooms and private open spaces of at least 70% of apartments in a building must receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter..
185. 262 out of 373 apartments (70%) within the overall development site achieve ADG-compliant solar access. As such, the development, achieves compliant solar access, pursuant to the ADG standards.
186. The design criteria of section 4A of the Apartment Design Guide (ADG) specify that a maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at midwinter. 26 out of 373 apartments receive no direct sunlight between 9am and 3pm at midwinter (7%).

Building and Precinct level

187. It is noted that there are variations in compliance with regard for the various buildings around the site. On a precinct level, the development compares to the solar access provisions as follows:
 - Tower Building – 75%;
 - Plaza Building – 35%;
 - Young Street North – 62%;
 - Young Street South – 100%;
 - Bourke Street North – 59%; and
 - Bourke Street South – 92%.
 - Development total: 262 out of 376 apartments (70%).

188. The non-compliances in relation to solar access provisions can be justified at a precinct level as follows:

The Plaza Building:

189. The Plaza and Tower Buildings are co-located within the D1(a) precinct. The Tower Building achieves solar compliance to 110 of 147 apartments (75%) and the Plaza Building 9 of 26 apartments (35%). When combined, the buildings achieve 69% compliant solar access.
190. There are nil dwellings within the Tower Building that receive no direct sunlight between 9am and 3pm at midwinter at midwinter, whereas 11 of 26 apartments within the Plaza Building receive no direct sunlight (42%).
191. The non-compliances are supported for the following reasons:
- The SDCP 2012 controls for the Tower and Plaza Buildings anticipate that the buildings will be attached, with a 4 storey 'bridge' linking the two built forms (Figure 91 below). Had the Tower and Plaza Buildings be proposed a single building structure, full ADG compliance would generally have been achieved;
 - through the competitive design process, Bates Smart proposed a two-building solution that split the D1(a) east building mass into two. The lower scale 'Plaza' building is separated from the park-front 'Tower' building by a 4m wide laneway.
 - The winning design was commended during the competitive design process for respecting the requirements of the masterplan envelope and urban strategy prescribed for the Danks Street Precinct, whilst also providing improved site legibility and connectivity with an additional through-site-link. The laneway also provides improved site vistas to the heritage listed substation facing Young Street; and
 - Separating the Plaza and Tower Buildings provides for increased ventilation to apartments (see below).



Figure 91: Indicative built form for the site D1(a) eastern building, showing a 4 storey 'bridge', extracted from SDCP2012 Figure 5.209

The Young Street North Building

192. The Young Street North Building is located within the D1(a) precinct. The Young Street North Building achieves solar compliance to 13 of 21 apartments (62%).
193. There are nil dwellings within the Young Street North Building that receive no direct sunlight between 9am and 3pm at midwinter at midwinter.
194. The non-compliance can be supported for the following reasons:
- (a) dwellings within the Young Street North Building are cross over apartments, whereby the majority of dwellings have their living areas oriented towards the west (Young Street). The dwellings receive solar access to east-facing bedroom windows between 10am and 11am, and then to west-facing living areas between 12:30-3pm on 21 June;
 - (b) the majority of shadow impacts are created by potential building envelopes located within sites on the opposite of Young Street, which if developed, will overshadow the ground and first floor levels of dwellings within the Young Street North Building. These apartments are maisonette apartments and would be affected from 2pm onwards on 21 June;
 - (c) it is difficult to protect full solar access to apartments located at the ground and first floor levels of the subject site, with regard for the construction of buildings within sites on the opposite Young Street that comply with SDCP 2012 envelopes and heights; and
 - (d) the affected apartments are west-facing, and will receive adequate natural light from 12pm until 3pm at the winter solstice; and
 - (e) natural light entering ground west-facing level cross over apartments at Young Street North apartments has been increased during assessment. Drawings have been amended to show the deletion of single level landscaped podiums that were originally proposed to be constructed at the Young Street frontage and that would have overshadowed the front entries to those apartments in the afternoons (see amendments section of this report).

Bourke Street North

195. The Bourke Street North and South buildings are located within the D2(a) and D2(b) precinct. The Bourke Street North Building achieves 59% compliance and the Bourke Street South Building Plaza Building 92% compliance (65% at a precinct level).
196. 25 of 122 apartments (20%) receive no direct sunlight between 9am and 3pm at midwinter. All apartments within the Bourke Street South Building receive solar access (28 of 28 apartments or 100%).
197. The non-compliance can be supported for the following reasons:
- (a) The general site layout including the location of smaller scale buildings to frame the heritage square and provide an appropriate transition in scale.
 - (b) Council's assessment is that the Tower Building achieves 75% and the Plaza Building 35% compliance, with an overall figure of 70%. See discussion section of the planning report for detailed assessment.

Natural Cross Ventilation

198. The design criteria of section 4B-3 of the Apartment Design Guide (ADG) specify that at least 60% of apartments must be naturally cross ventilated in the first nine storeys of any building.

199. On a site-wide basis, 125 out of 203 apartments within the first 9 storeys (62%) achieve ADG-compliant natural cross ventilation. The development is assessed against the ADG standard as follows, with consideration of individual buildings:

Tower and Plaza Buildings

200. The Tower Building has 75 apartments within the first 9 storeys. Of these, 34 are naturally cross ventilated (46%). 21 of 23 apartments within the Plaza Building are naturally cross ventilated (91%). No apartments within the Tower and Plaza Buildings are affected by traffic generated noise.

201. The non-compliance in relation to the Tower Building is supported on the following basis:

- (a) as above, the Tower and Plaza Buildings were anticipated by the SDCP2012 controls to be one building with a 4 storey bridge linking the buildings (Figure 91 above). The provision of a 4m wide lane between the buildings was applauded by the design panel jurors during the competitive design process as providing an improved urban design outcome;
- (b) were the 2 buildings to be combined into one, 55 of 98 apartments (within the first 9 storeys) would be naturally cross ventilated (56%). This shortfall (4 apartments), is acceptable considering the non-compliance is a slight improvement on the non-compliance proposed by the winning scheme considered during the design excellence competition process (55%) and is not worse than that scheme.

Young Street North and South Buildings

202. The Young Street North and South Buildings have 53 apartments, all below 9 storeys in height. Of these, 34 are affected by traffic noise, and when necessary, will that rely on acoustically attenuated plenums for natural ventilation.

- (a) Plenums cannot be relied upon for natural cross ventilation and so these 34 apartments are excised from the accounting of naturally cross ventilated apartments in the development.
- (b) On this basis, 100% (19 of 19 apartments) are naturally cross ventilated.

Bourke Street North and South Buildings

203. The Bourke Street North and South Buildings have 135 apartments within the first 9 storeys. Of these, 49 are affected by traffic noise, and when necessary, will that rely on acoustically attenuated plenums for natural ventilation.

- (a) Plenums cannot be relied upon for natural cross ventilation and so these 49 apartments are excised from the accounting of naturally cross ventilated apartments in the development.
- (b) On this basis, 60% (51 of 86 apartments) are naturally cross ventilated.

Wind mitigation - ground level

204. A wind tunnel test report was lodged with the application, which concludes that landscape plantings can be used to successfully mitigate wind conditions around the site.
205. The report concludes that wind mitigation strategies, including landscape plantings, are recommended to achieve the walking comfort criterion for all wind directions and that the wind conditions for the proposed configuration in the streetscapes would pass the safety criterion.
206. The report concludes that Test Location 36, which is at the south-western corner of the Bourke Street North Building (red arrow in Figure 92 below), is likely to be above the walking comfort criterion for the certain westerly wind directions. To mitigate these impacts, the drawings lodged with the DA application showed a bosque of trees as being proposed to be planted to the west of the Bourke Street North Building.

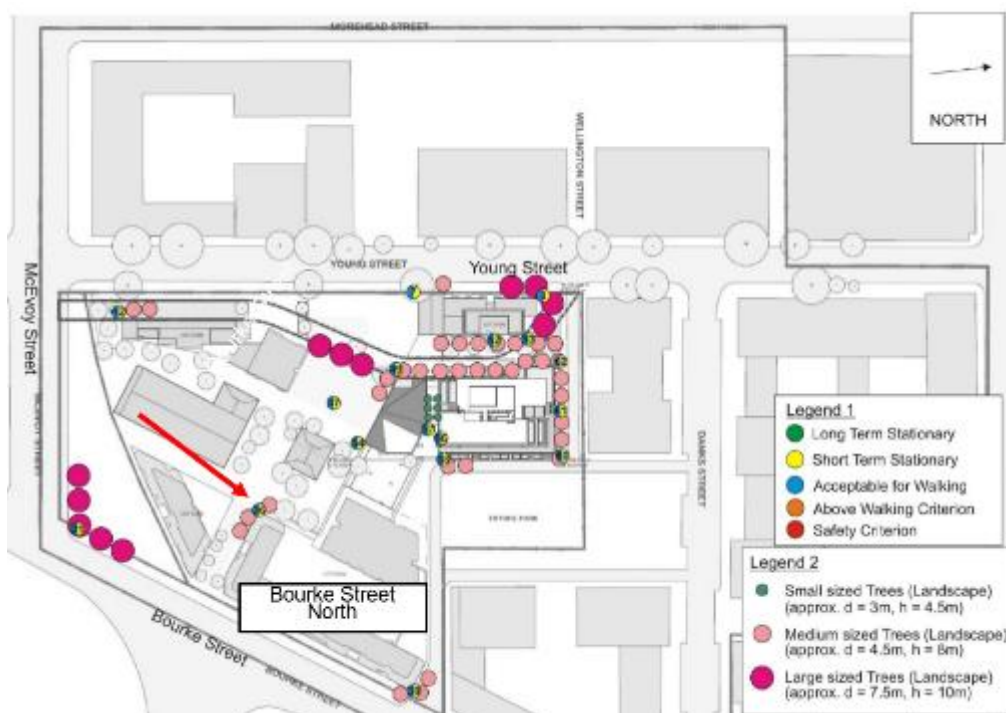


Figure 92: Test Location 36, which is at the south-western corner of the Bourke Street North Building (red arrow), is likely to be above the walking comfort criterion for the certain westerly wind directions. This area (west of the Bourke Street North Building) is shown as being likely to contain chairs and tables associated with future food and drink premises.

207. The bosque of trees west of the Bourke Street North Building was required to be removed from drawings, to provide a clear swept path for emergency access to the Valve House for Sydney Water trucks (see discussion above - Sydney Water emergency access for maintenance).
208. Council's officers requested that the applicant provide an alternative strategy to wind mitigation for this location, such that the walking comfort criterion for this location could be achieved, and to provide for the comfort and safety of patrons sitting at chairs and tables west of the Bourke Street North Building.

209. The applicant responded with amended drawings, showing that 3 x medium sized trees are proposed to be planted within an arrow-head shaped planter bed, west of the Bourke Street North Building (Figure 93 below).
210. However, Council's officers consider that the arrow-head shaped planter bed (1m high and containing 22m³ of soil volume) does not provide adequate soil volume to provide for the growth of 3 x medium sized trees. The City's Landscape Code recommends a minimum soil volume of 35m³ for a single medium sized tree, requiring 105m³ for medium sized 3 trees.
211. To address this issue, a condition of consent is recommended that will effectively increase the soil volume for this area to approximately 160m³, whilst allowing for chairs and tables to be provided beneath the trees.
212. The condition, which has been discussed with the applicant, requires the following:
- a localised area of soil volume, with a depth of 1m, is to be provided over the Bourke Street North basement. This requires a minor decrease in the ceiling height of the upper basement level (which will still be approximately 2.5m); and
 - a minimum of 3 trees are to be planted within the area over the basement and at grade, that at maturity, are medium in sized trees (approximately 8-10m).

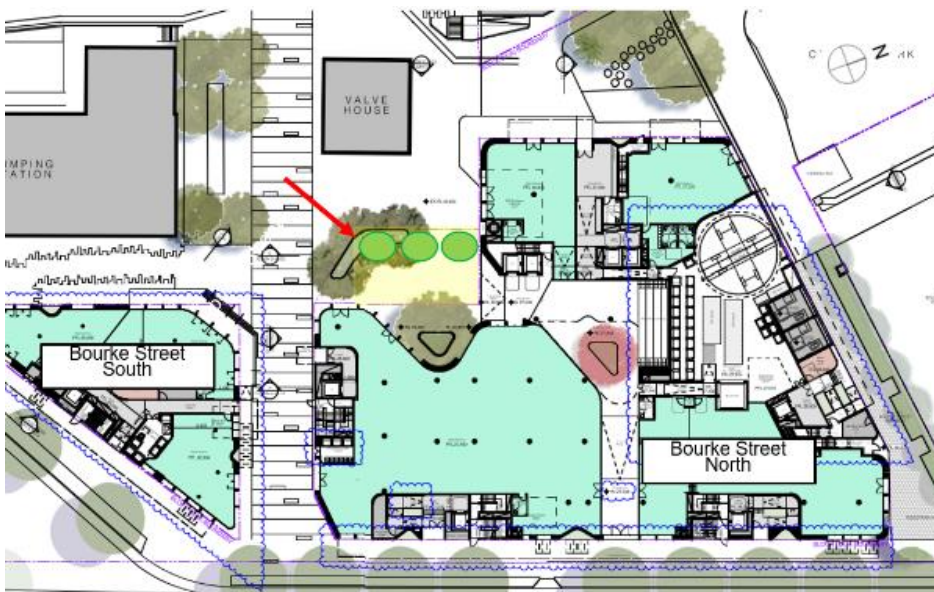


Figure 93: An arrow-head shaped raised planter bed is not supported given it will not provide sufficient soil volume for 3 x medium sized trees (red arrow). A condition is recommended that will result in approximately 160m³ of soil volume, and that will provide for medium sized trees to be planted at grade, with chairs and tables surrounding the trees on paving (yellow shading).

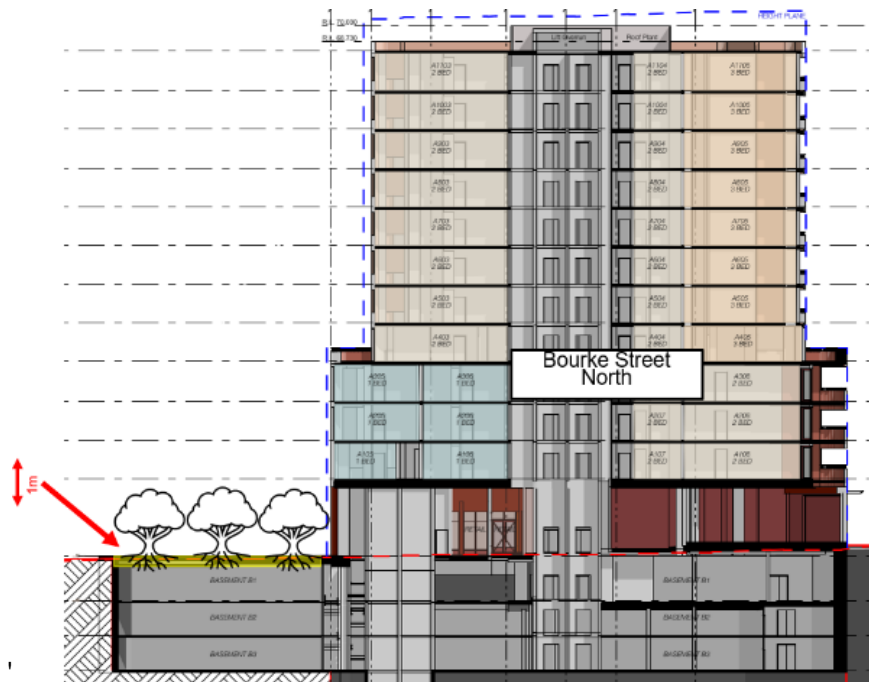


Figure 94: A condition is recommended to provide for 1m depth of soil, providing approximately 160m³ of soil volume to provide for medium sized trees to be planted at grade, with chairs and tables surrounding the trees on paving. The ceiling height of the basement is required to be decreased.

Waste

213. Following requests by Council's assessing officers, the applicant provided an amended Loading Dock Management Plan (LDMP) and an amended Operational Waste Management Plan (OWMP). Architectural drawings have been amended accordingly, to provide a loading dock within the basement of the Tower Building.
214. The LDMP details the overall loading strategy for the site. It sets out management of loading docks, movement of waste bins (above and below ground), paths of travel throughout the site, loading dock booking systems and residential servicing and removals.
215. Council's waste specialist has advised that design requirements for waste storage and collection areas as recommended by the LDMP and the OWMP are not carried through to the architectural drawings. As such, conditions of consent are recommended, requiring the architectural drawings to be amended to address the requirements of the LDMP and OWMP.
216. The recommended conditions specify the following changes:
- (a) the loading dock beneath the Tower Building is too crowded with the presentation of bins on collection day (Figure 95 below). With all bins presented for collection, there is not sufficient space provided to allow for the safe manoeuvring of waste vehicles, that must reverse into the space when all bins are presented. Waste compaction may be considered within this area as a last resort to reducing the number of bins for collection. It is noted that bin compaction may be supported in this area of the site only given:

- (i) compacted bins (which can weigh up to 250 kg are difficult to manoeuvre), are only required to be transported short distances, underground and within a localised area of the basement; and
- (ii) compacting bins in this area only, will reduce the number of 1,100L red bins presented and increase the area required for reversing and manoeuvring trucks safely.

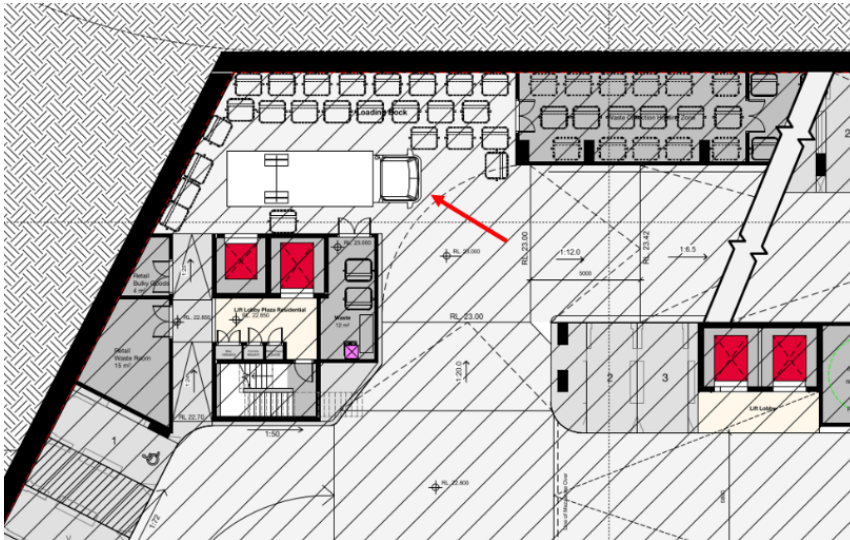


Figure 95: Insufficient space is provided to allow for the safe reversing of waste vehicles for bin collection. Waste compaction may be considered within the waste areas of the Tower Building only, to reduce the number of waste bins in the collection area.

- (b) as recommended by the Operational Waste Management Plan:
 - (i) a minimum of 18sqm of residential bulky waste storage must be provided for the Tower and Plaza Buildings and the Young Street North and South Buildings; and
 - (ii) the residential bulky waste storage area must be increased to a minimum of 14sqm (excluding clear pathway for bin transfer);
- (c) Council's waste specialist notes that there are minor discrepancies in the OWMP including that the loading of commercial bins from Young Street is not clearly outlined. Conditions are recommended for these discrepancies to be addressed.

Development requiring or authorising preparation of a development control plan

- 217. Clause 7.19 of the SLEP 2012 requires that consent must not be granted to development involving demolition of a building unless the consent authority is satisfied that any land affected by the demolition to which a site-specific LEP clause applies, is the subject of a site-specific DCP.
- 218. The site-specific provisions under clause 6.43 Danks Street South Precinct of SLEP 2012, do apply to the subject site.
- 219. Council's Strategic Planner's post-exhibition report to the Transport, Heritage and Planning Committee dated 3 December 2018, addresses whether development sites in the Danks Street South Precinct are required to prepare a site-specific DCP (or a

concept DA may satisfy this requirement pursuant to s4.23 of the EP&A Act), as follows:

- (a) Clause 7.20 of the SLEP 2012 specifies the circumstances that require a site-specific DCP to be prepared and the matters that are to be addressed in a site-specific DCP;
- (b) given the level of detail in the specific area provisions for the Danks Street South Precinct in section 5.9 of the DCP, some landowners requested that detailed design DAs should be able to be lodged without requiring preparation of further site-specific DCPs;
- (c) the owners of the Dahua site provided further information to address the matters to be considered in a site-specific DCP listed at LEP clause 7.20. This included design excellence and public art strategies and a Voluntary Planning Agreement was entered into to secure the delivery of public benefits on the site;
- (d) Council's Strategic Planner's report concludes that while the decision whether to require the preparation of a site-specific DCP is made by the consent authority at the time it determines a detailed design DA, the detailed controls in section 5.9 of the DCP would allow it to be 'treated' as a site-specific DCP as it relates to the Dahua site.

220. As detailed in this report, it is evident that the detailed controls in section 5.9 of the DCP have done their work in providing for all the considerations specified at clause 7.20 of the SLEP 2012 and that are to be addressed in a site-specific DCP.

221. For these reasons the detailed controls in section 5.9 of the DCP should be 'treated' as a site-specific DCP as it relates to the Dahua site for the purposes of assessing the threshold requirements under clause 7.20.

222. As such it would be unreasonable and unnecessary to require a site-specific DCP to be prepared in the circumstances and consent may be granted.

Turning head - Z-Road near Bourke Street

223. In accordance with SDCP 2012 controls, the Z-Road does not extend all the way through to Bourke Street. Instead, a shared zone (pedestrian and cycle) is located at the terminus where the Z-Road meets Bourke Street.

224. A temporary turning head is required at the terminus of the Z-Road, to allow vehicles space to turn around, in the even they should enter the Z-Road by mistake from Young Street.

225. The temporary turning head will need to remain in place until such time as works are completed to construct a future (clockwise) road around the publicly accessible open space to the northern boundary. That is, until works within the Jeffman site are completed.

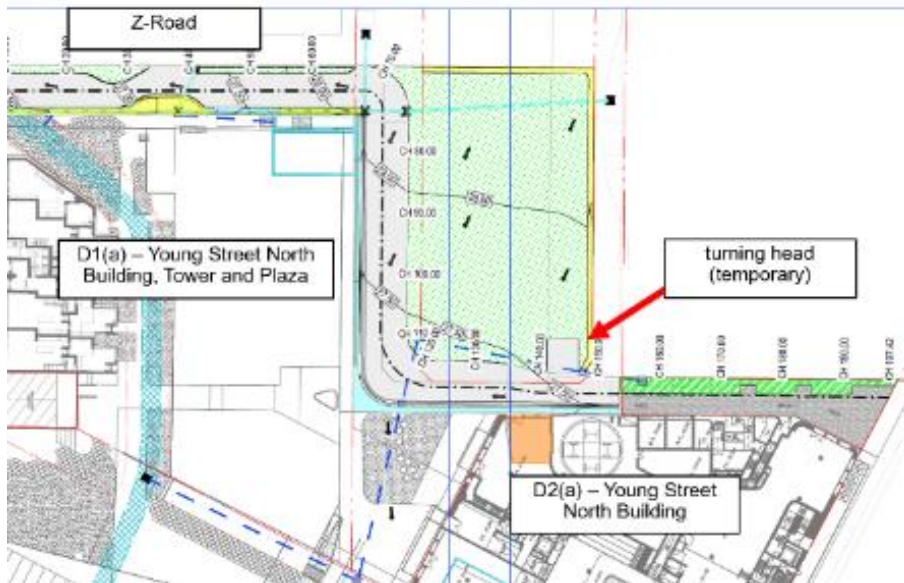


Figure 96: A temporary turning head will be provided within the publicly accessible open space, (red arrow) until future works to construct a clockwise road are completed

Consultation

Internal Referrals

226. The application was referred to the City's Heritage and Urban Design Specialists; Landscape Officer, Environmental Health; Environmental Projects (sustainability), Public Domain; Safe City; Surveyors; Transport and Access; Public Art; Tree Management Unit; and Waste Management. Conditions recommended by Council's specialists have been included in the notice of determination.

External Referrals

Ausgrid

227. Pursuant to Clause 2.48 of the State Environmental Planning Policy (Transport and Infrastructure) 2021, the application was referred to Ausgrid for comment.

228. A response was received, which raised no objection, subject to recommended conditions of consent, which have been included in the notice of determination.

NSW Heritage Council

229. Pursuant to the Heritage Act 1977, the application was referred to NSW Heritage Council.

230. General terms of approval have been issued by the NSW Heritage Office, and form part of the recommended conditions of consent.

NSW Police

231. The application was referred to NSW Police for comment. No response was received.

Transport for NSW

232. Pursuant to Clause 2.122 of the State Environmental Planning Policy (Transport and Infrastructure) 2021, written notice of the application was provided to TfNSW.
233. TfNSW requested drawings be amended, to prevent Sydney Water vehicles being provided emergency egress to Bourke Street.
234. Following the provision of amended drawings, TfNSW has advised that no objection is raised to the proposed development, subject to recommended conditions of consent, which have been included in the draft notice of determination.

Sydney Water

235. As an affected owner of a lot within the site, the development application was referred to Sydney Water. Sydney Water (along with TfNSW) requested drawings be amended, to allow for suitable ingress and egress for Sydney Water maintenance vehicles.
236. Sydney Water has provided advice that has been included in Schedule 3 of the notice of determination.

Advertising and Notification

237. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified and advertised for a period of 28 days between 28 January 2022 and 26 February 2022. A total of 759 properties were notified and 9 submissions were received.
238. The submissions raised the following issues:
 - (a) Quality of commercial and retail: The development should provide a variety of shop types, large and small rather than catering for food and drink premises and offices.
 - (i) Response: A total of 14 commercial tenancies are indicatively shown on plans, with a combined area of approximately 2,580sqm. The largest tenancy, which is located within the Bourke Street North Building has an area of approximately 815sqm.
 - (ii) The tenancies provide for a range of sizes and configurations that would suit a variety of future land uses, including food and drink premises, retail showrooms, offices and shops.
 - (iii) A condition is recommended specifying that no consent is granted or implied for the fitout or specific uses of various commercial uses around the site. A development consent or Complying Development Certificate (as appropriate) is required to be obtained for the fitout and use of all commercial premises prior to those uses commencing.
 - (b) Quality of the public domain: consideration should be given to the public thoroughfare that includes parkland and water features available for public use.
 - (i) Response: The proposal provides a large variety of high quality spaces, located within expansive spaces that will be both publicly and privately owned at the completion of the development.

- (ii) Response The development scheme has been amended during assessment, to ensure the quality of the public domain provides increased amenity, in terms of canopy cover, landscape and public domain.
- (iii) Response The development provides for thoroughfares to provide for access across the site at all times, with legible and accessible through site links for pedestrians and cyclists.
- (c) Parking provision: sufficient parking should be provided for residents, to minimise impacts in relation to cars being parked on side streets.
- (d) Provision of public transport: consideration should be given to increasing the provision of public transport options to cater for the intended increase in population. The site is not located near to the Green Square station nor the upcoming Waterloo Metro station.
- (e) Environmental impacts resulting from increased traffic: increased congestion for Bourke and McEvoy Street frontages, associated air pollution and noise pollution.
- (f) Connection between McEvoy Street and Lachlan Street: the intersection of McEvoy Street and Bourke Street is congested and awkward. Works to construct the Alexandria to Moore Park ('A2P') link will not be possible once a developer commences works on the site.
 - (i) Response: The development provides a total of 339 car parking spaces with consideration that there are 373 apartments proposed within the development. The car parking provisions are inclusive of spaces for service vehicles and car share vehicles. The site is well serviced by public transport options, including train and metro stations that within 15 minutes walking distance, bus routes along Bourke Street and Elizabeth Street and the City's Cycleway network that is proposed to be expanded in the vicinity of the site.
 - (ii) Response: The City carried out extensive SIDRA modelling during the preparation of the planning proposal for the site, which can be utilised by the relevant public transport providers to predict and provide for the future requirements of the locality and site. TfNSW has not requested any additional information from the applicant in this regard.
 - (iii) Response: The proposal responds appropriately to existing and (potentially) increased traffic volumes around the site. Suitably designed plenums are proposed to be installed, that allow for natural ventilation to be achieved within apartments when residents choose to close doors and windows to mitigate traffic generated noise.
 - (iv) Response: The existing SP2 (Classified) zone at the southern extent of the site may be compulsorily acquired by the nominated roads authority (TfNSW) in the event the Alexandria to Moore Park ('A2P') project proceeds. The applicant has previously indicated that access for construction would be provided from Young Street, and as such would not prevent any works to widen McEvoy Street from proceeding simultaneously.

- (g) Building height: the proposed 20 storey development should be limited to between 5 and 10 storeys, to limit its visual impact on heritage items, reduce wind impacts and maintain property values for existing development nearby.
- (h) Building density: the proposed 20 storey development should be limited to between 5 and 10 storeys, to limit its visual impact and maintain property values for existing development. Low to medium density is more appropriate, and high-density living should be avoided as we are living with Covid, where physical distancing is important. The proposal will alter the village atmosphere of Waterloo and change the experience for visitors and pedestrians.
 - (i) Response: the proposed building heights and envelopes are consistent with those investigated under the cover of the planning proposal for the site and 2 separate competitive design excellence processes. The planning proposal sought to investigate a taller park-front Tower Building that concentrates GFA within a centralised location that was commended in relation to it minimising impacts upon neighbouring sites in relation to solar access, overshadowing and view sharing. It is noted that property values are not a head of consideration under the Environmental Planning and Assessment Act 1979 (as amended).
 - (ii) Response: the development scheme provides for a suitable density for development, with regard for the height of buildings within the site and the unit mix. Two taller towers are located towards the centre of the site and away from the site boundaries, in locations that minimise impacts for neighbouring properties. Lower, 6 storey buildings are proposed at the site edges that provide a suitable scale and that are considerate of the existing and desired character of the Danks Street South locality within the suburb of Waterloo.
 - (iii) Response: the proposal will provide for extensive open space and will contribute to the quantum of publicly accessible open space within the locality. Through site links and shared zones with street activation by way of new commercial premises, landscaped areas and meeting areas will provide a positive experience for residents of the development site and those visiting and passing through the site.
- (i) Building appearance and materiality: the development facades do not reflect the area's heritage and buildings designed by separate architects are not cohesive. Greater thought should be put into aligning with the rest of the area's industrial heritage.
 - (i) Response: materials and samples boards have been provided that demonstrate a suitable mix of materials for proposed buildings that provide an acceptable palette of materials that are long lasting and that do not require regular maintenance. Materials include face bricks in various configurations and textures and pre-cast concrete.
- (j) Public benefits: the developer aims to maximise profits but should be providing more in terms of public and community space and amenities.
 - (i) Response: the development provides benefits for the community, as set out in the terms of a voluntary planning agreement that has been executed and registered on Title. Extensive areas of the site are to be dedicated to

the City, including publicly accessible open space, open plazas and footpath widening at Bourke and McEvoy Streets.

- (k) Interface with the shared zone north of the Bourke Street North Building: The shared zone is 6 metres wide and located close to approved dwellings located within the City West development to the north of the site (895-901 Bourke Street). The shared zone should be properly activated, present a fine grain frontage, rather than being a 'back-of-house' area, including a loading dock, garbage rooms, substations, gas metre room, and fire stair exits.
 - (i) Response: amended drawings have been provided during assessment, showing an improved interface between residential lobbies and the shared zone. The shared zone is activated at the eastern and western ends by commercial premises and the central area by a residential lobby that has been set back to improve pedestrian safety.
- (l) Noise impacts: Consideration should be given to relocating the loading dock within the Bourke Street North Building further to the west, requiring the roller door to be closed during loading activities and sound proofing included to the internal door.
 - (i) Response: relocating the loading dock to the western side of the Bourke Street North Building is not recommended, given this would result in conflict between waste trucks and pedestrian/cyclist movements.
 - (ii) Notwithstanding this, conditions are recommended to mitigate noise impacts caused by the operation of the loading dock within the Bourke Street North Building. The conditions reflect recommendations made by the acoustic report and include:
 - (i) the roller door to the loading dock must be constructed using insulated steel roller shutters that provide a good seal, and constructed using double-faced insulated panels; and
 - (ii) deliveries and loading and unloading operations serving commercial premises and all waste collections are restricted to the hours of 7.00am to 10.00pm daily.
- (m) Visual privacy: 6m separation distance between Bourke Street north building and the approved City West development results in visual privacy impacts. The Bourke Street north building should be relocated to provide a 12m separation distance, or privacy mitigation measure included in the drawings.
 - (i) Response: privacy mitigation has been considered by recommended conditions of consent, including that north-facing windows must be provided with sliding privacy screens for relevant apartments.

Financial Contributions

Contribution under Section 7.11 of the EP&A Act 1979

239. The development is located within the 'South' Area and is subject to a S7.11 contribution under the provisions of the City of Sydney Development Contributions Plan 2015. This contribution is calculated on the basis of the development's net increase in resident population (based on the number of proposed apartments), and on

net changes to worker and/or visitor populations. Credits have been applied for the most recent approved use of the site for General Industry with regard for projected worker population changes. With the above credits applied, the following monetary contribution is required towards the cost of public amenities:

- (a) Open space: \$4,803,083.21
- (b) Community facilities: \$951,869.06
- (c) Traffic and transport: \$1,320,855.21
- (d) Stormwater and drainage: \$522,398.52
- (e) Total: \$7,598,205.99

240. A condition relating to this development contribution has been included in the recommended conditions of consent in the Notice of Determination. The condition requires the contribution to be paid prior to the issue of a construction certificate.

Contribution under Redfern-Waterloo Authority Contributions Plan 2006

241. The development is not subject of a contribution under the provisions of the Redfern-Waterloo Authority Contributions Plan 2006 with regard for Council being the consent authority rather than the Minister.

Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

242. As the development is not located on land at Green Square, Ultimo-Pyrmont or on southern employment land, the development is not subject to a Section 7.13 contribution.

Relevant Legislation

- 243. Environmental Planning and Assessment Act 1979
- 244. Heritage Act 1977
- 245. Water Management Act 2000
- 246. Sydney Airport Referral Act 1996

Conclusion

- 247. The proposal seeks consent for the redevelopment of the site for residential, retail and commercial purposes across 6 buildings, maintaining the ongoing use of the site for water supply and maintaining the setting of heritage listed buildings including the Pump House and Valve House, with 373 residential apartments, 3 levels of basement car parking for 339 car spaces.
- 248. The development has been the subject of two competitive design processes with the winning schemes being collaborations between Bates Smart (Tower and Plaza Buildings), Richards and Spence (Young Street North Building and Young Street South Building) and MHNDUNION and Fieldwork (Bourke Street North Building and

- Bourke Street South Building. The proposal is generally consistent with the winning schemes.
249. The application seeks Integrated Development approval under the Water Management Act 2000 (dewatering) and the Heritage Act 1977 (State Heritage Item). General terms of approval have been granted by Water NSW and Heritage NSW and are included in the list of recommended conditions.
 250. Three separate written requests seeking to vary Clause 4.3, the 'Height of Buildings' development standard have been submitted. The variations relate to non-compliance with the various height standards across the site (subject to 10% additional height with design excellence) for the Tower Building, Young Street North and Bourke Street Buildings.
 251. The proposed requests to vary the development standard are well founded. The statements provided demonstrate that compliance with the standard is unnecessary in this instance and that there sufficient environmental planning grounds to justify the variations. The variations to the development are consistent with the objectives Clause 4.3 and the B4 - Mixed Use zone, and therefore in the public interest.
 252. The development achieves a high standard of architectural design, materials and detailing, with the provision of landscaping and green roofs throughout the site that will contribute positively to the public domain. The development is generally consistent with the design quality principles of the State Environmental Planning Policy No. 65 and the objectives of Parts 3 and 4 of the Apartment Design Guide. Where non-compliances exist they have been demonstrated in this report to be acceptable in the circumstances of the case, or can be resolved by the recommended conditions of consent. The development achieves the principles of ecologically sustainable development and has an acceptable environmental impact with regard to amenity of the surrounding area and future occupants.
 253. Overall, the proposal responds satisfactorily to surrounding development and its context, achieving a standard of architectural design that is considered to demonstrate design excellence in accordance with Clause 6.21 of the Sydney LEP 2012.
 254. There were 9 individual submissions following the notification period for the proposal. The submissions raised concerns in relation to the bulk and density of the development, traffic associated impacts and visual privacy. The concerns are addressed within the report.
 255. Subject to conditions, the development is in the public interest and is recommended for approval.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

Adrian McKeown, Senior Planner.