

Item 4.**Development Application: 262-266 Castlereagh Street and 271-279 Elizabeth Street, Sydney - D/2022/152**

File No.: D/2022/152

Summary**Date of Submission:** 3 March 2022**Amended plans and additional information** 13 July 2022, 3 August 2022, 23 September 2022, 12 October 2022, 24 February 2023, 8 and 17 March 2023, 3, 11 and 17 April 2023, 10 and 26 May 2023**Applicant/Developer:** Central Element**Architect/Designer:** Murcutt Candalepas**Owner:** The Returned & Services League of Australia (NSW Branch)**Planning Consultant:** Planning Lab**Heritage Consultant:** Urbis**DAP:** 27 October 2022**Cost of Works:** \$99,581,709**Zoning:** SP5 Metropolitan Centre. The proposed mixed-use development comprises residential accommodation and retail premises which are permissible with consent in the zone.**Proposal Summary:** Approval is sought for the demolition of existing buildings on site, site amalgamation and the construction of a mixed-use development with a maximum height of 55m (RL 79.91) with residential and retail land uses in a 15-storey building.

The proposal includes two retail tenancies, 42 apartments, excavation for five levels of basement and vehicular access from Castlereagh Street.

The application is being referred to the Central Sydney Planning Committee (CSPC) as the cost of development exceeds \$50 million.

A preliminary assessment of the application identified concerns relating to the proposed 'Architectural Roof Feature' (ARF), an exceedance the 55m height control, and potential residential amenity issues for future occupants and the neighbouring development to the south.

Following a more detailed assessment of the application, further information was required including (but not limited to) flooding, communal open space details, further detail of the design of the ground plane, wind impacts, transport and access, and waste collection.

These issues have largely been addressed through the resubmission of amended plans and additional information.

The development involves dewatering and accordingly is Integrated Development, requiring approval of Water NSW under the Water Management Act 2000. General Terms of Approval have been issued by Water NSW and form part of the recommended conditions in Attachment A.

The application was publicly notified for 28 days between 14 March 2022 and 12 April 2022. Two (2) submissions were received which raised concerns regarding the originally proposed architectural roof feature, the requirement for a Stage 1/Concept DA and Design Competition based on the height of the original scheme, poor residential amenity, and impact on the cultural significance of the site. These issues are addressed within the report.

Subject to recommended conditions, the amended proposal is generally consistent with the applicable planning provisions including those within the Sydney Local Environmental Plan 2012 (Sydney LEP 2012), Sydney Development Control Plan 2012 (Sydney DCP 2012), State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development (SEPP 65) and the Apartment Design Guide (ADG).

Proposed non-compliances have been assessed as having merit in the specific circumstances of the proposal and are addressed in the report.

As a result of the design modifications, the amended proposal has a high standard of architectural design, materials and detailing. It presents an improved design outcome and comprises an appropriate response to the site conditions and the locality.

Summary Recommendation: Authority be delegated to the Chief Executive Officer (CEO) to determine Development Application No. D/2022/152, after concurrence from Sydney Metro is received in accordance with Clause 2.99 of the State Environmental Planning Policy (Transport and Infrastructure) 2021.

Development Controls

- (i) Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021
- (ii) City of Sydney Act 1988 and City of Sydney Regulation 2016
- (iii) Water Management Act 2000
- (iv) State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development and the Apartment Design Guide
- (v) State Environmental Planning Policy (Transport and Infrastructure) 2021
- (vi) State Environmental Planning Policy (Resilience and Hazards) 2021
- (vii) SEPP (Biodiversity and Conservation) 2021
- (viii) Sydney Local Environmental Plan 2012
- (ix) Sydney Development Control Plan 2012
- (x) Central Sydney Development Contributions Plan 2020
- (xi) City of Sydney Affordable Housing Program

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Drawings

Recommendation

It is resolved that:

- (A) authority be delegated to the Chief Executive Officer to determine Development Application D/2022/152, after concurrence from Sydney Metro is received in accordance with Clause 2.99 of the State Environmental Planning Policy (Transport and Infrastructure) 2021; and
- (B) the requirement of Section 51N of the City of Sydney Act 1988 to consult with the Central Sydney Traffic and Transport Committee not apply in this instance as the proposal does not require, nor might reasonably be expected to require, the carrying out of road works or traffic control works that are likely to have a significant impact on traffic and transport in the Sydney CBD.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The proposal satisfies the objectives of the Environmental Planning and Assessment Act 1979 in that, subject to the imposition of conditions as recommended, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Central Sydney Planning Committee.
- (B) The proposal generally satisfies the objectives and provisions of the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012.
- (C) The articulation, materiality and sustainability measures of the proposal combine to exhibit design excellence in accordance with the relevant provisions and matters for consideration in Clause 6.21C of the Sydney Local Environmental Plan 2012.
- (D) The proposed development has a height, scale and form suitable for the site and its context, and satisfactorily addresses the heights and setbacks of neighbouring developments, is appropriate in the streetscape context and setting of the broader locality.
- (E) The development does not result in any significant adverse environmental or amenity impacts on the subject or surrounding properties, the public domain, and the broader locality, subject to the recommended conditions.
- (F) The public interest is served by the approval of the proposal, as amendments to the development application have addressed the matters raised by the City officers, the City's Design Advisory Panel, and the community, subject to recommended conditions included in Attachment A.

Background

The Site and Surrounding Development

1. The site comprises two allotments, which have legal descriptions of Lot 10 DP 1274140 and Lot 20 DP 1274142 and are known as 262-266 Castlereagh Street and 271-279 Elizabeth Street, Sydney. The site is irregular in shape with total area of 875.28sqm. It has a primary street frontage of 27.6m to Elizabeth Street and a secondary street frontage of 14.3m to Castlereagh Street. Levels on the site fall to the west, with the Elizabeth Street frontage being 3.2m higher than the Castlereagh Street frontage.
2. Located at 262-266 Castlereagh Street is a 4-storey inter-war building, which currently contains retail and office uses and has been altered over time. Located at 271-279 Elizabeth Street is a 16-storey hotel building known as the 'Hyde Park Inn', with 2 levels of basement parking accessed from Elizabeth Street.
3. The surrounding area is characterised by a mixture of land uses, primarily being retail and commercial, excluding the site directly to the south which is residential. An outline of the surrounding sites is provided:
 - (a) North - To the immediate north is a 16-storey commercial office building known as 255-269 Elizabeth Street, which has frontages to both Elizabeth Street and Castlereagh Street and comprises 6 levels of basement car parking accessed from its Castlereagh Street frontage.

It is noted that the subject site is burdened by a positive covenant with this adjoining site (255-269 Elizabeth Street), benefitting Council. The terms of the positive covenant requires that the registered proprietor of the land is to infill any boundary windows or louvres in the adjoining land. It is understood that this relates to windows on the southern wall of (No. 255-269 Elizabeth Street). A condition of consent is recommended to address this covenant.

- (b) South - To the immediate south is a 25-storey mixed-use building known as the 'Regency Hyde Park' (281-283 Elizabeth Street) which contains retail uses on the ground floor, 23 levels of residential units above, and 7 levels of basement car parking accessed from its Castlereagh Street frontage.
- (c) East: To the immediate east is Hyde Park South, located on the opposite side of Elizabeth Street. Hyde Park is identified a State Heritage Item (SHR No. '01871') and is listed within the National Heritage Listing as part of the Governor's Domain and Civic Precinct, Macquarie Street. Hyde Park South is also listed as a local heritage item No. '11654'.
- (d) West - Existing developments along Castlereagh Street to the site's west are predominantly commercial and vary in size and style.

A large-scale development is approved adjacent to the west of the subject site, at Nos. 324-330 Pitt Street, 332-336 Pitt Street, 338-348 Pitt Street, 241-243 Castlereagh Street, 245-247 Castlereagh Street, 249-253 Castlereagh Street, 126 Liverpool Street, 128 Liverpool Street, and 130 Liverpool Street.

Under SSD 10362 (D/2020/610), as amended, deferred development consent was granted on 25 March 2021 for the detailed design application for demolition, excavation and construction of two, 80-storey (257m high) mixed use towers and podium buildings containing retail, 158 hotel rooms and associated facilities, 590 apartments and associated facilities and five levels of basement parking, public domain works including new through-site links.

Construction has not commenced on this development.

4. The site is not a heritage item, nor is it located within a Heritage Conservation Area.
5. The site is located within the College Street and Hyde Park Special Character Area and is identified as being subject to flooding.
6. A site visit was carried out on 19 April 2022.
7. Photos of the site and surrounds are provided on the following pages.

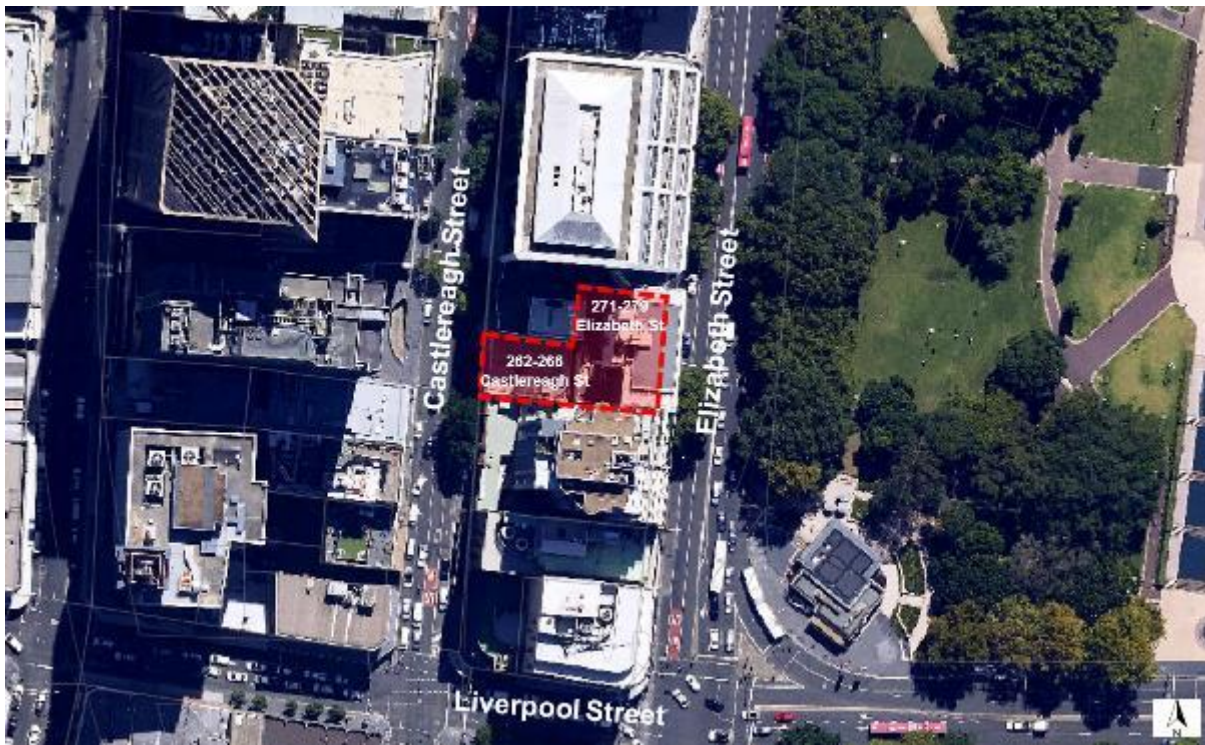


Figure 1: Aerial view of site and surrounds

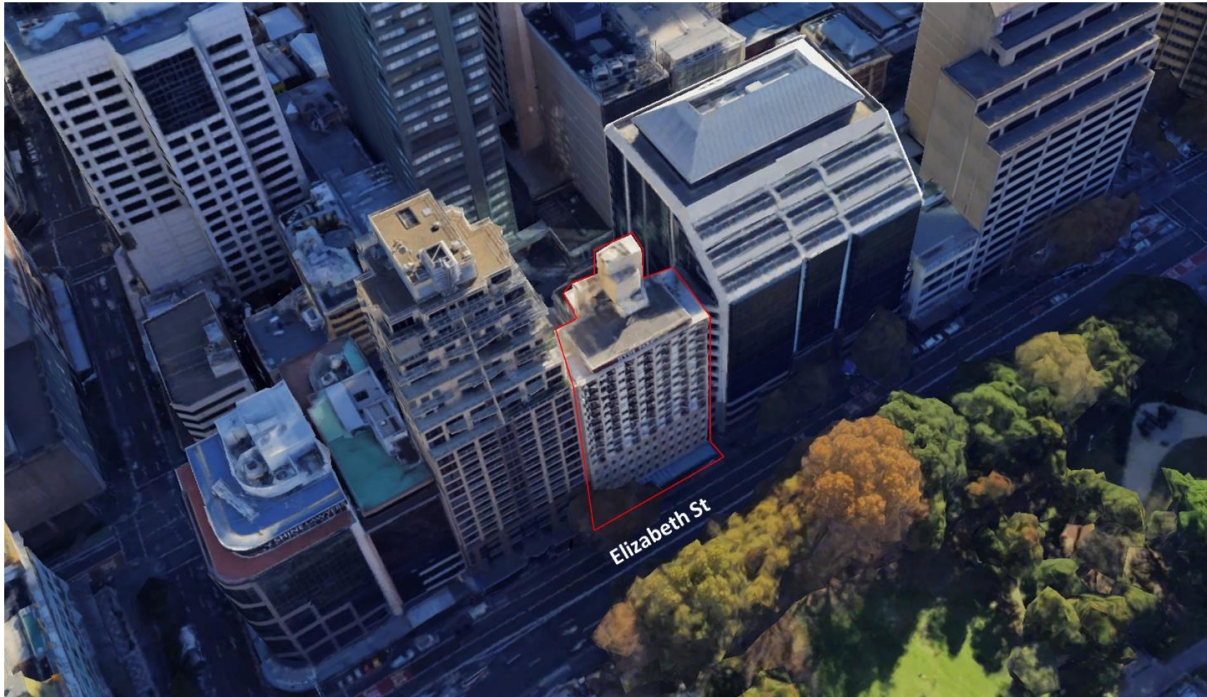


Figure 2: Aerial view of 271-279 Elizabeth Street



Figure 3: Aerial view of 262-266 Castlereagh Street and adjoining properties



Figure 4: Site's frontage to Elizabeth Street, view from Hyde Park facing west



Figure 5: Site's frontage to Elizabeth Street



Figure 6: Site and adjoining buildings along Elizabeth Street, facing south



Figure 7: Site and adjoining buildings along Elizabeth Street, facing north



Figure 8: Site's frontage To Castlereagh Street



Figure 9: Upward view of site and adjoining residential development to the south



Figure 10: Site and adjoining buildings along Castlereagh Street, facing north



Figure 11: Site and adjoining buildings along Castlereagh Street, facing south



Figure 12: Photomontage of the approved mixed-use towers development to the west of the site under SSD 10362 (D/2020/610). As detailed above, construction has not commenced on this development.

History Relevant to the Development Application

Development Applications

8. Development consent D/2014/764 is relevant to the subject site.
 - (a) Development consent D/2014/764 was granted on 18 May 2015 for the demolition of the existing building and construction of a new 18-storey hotel building at 262-268 Castlereagh Street as part of the existing hotel, The Hyde Park Inn, at 271 Elizabeth Street including 92 hotel suites, 1 ground floor retail premises, internal connections to the existing hotel and a basement level comprising of building services.
 - (b) The approved development had an FSR of 11.50:1 (10,119sqm GFA) and maximum height of 55m. The 5-storey podium had a height of 16.85m, with a tower above that was setback 8m. Figures 13 and 14 below show the approved elevations.

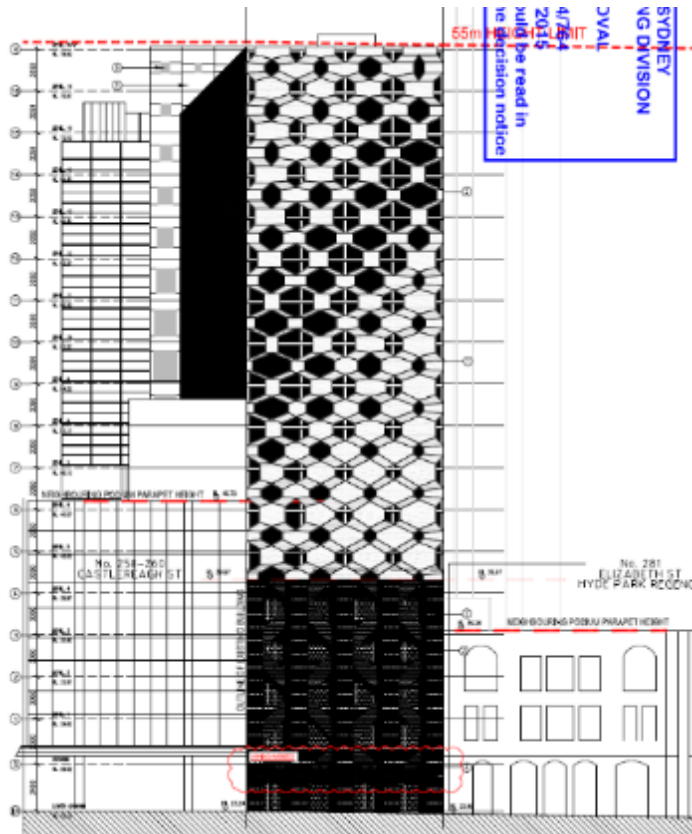


Figure 13: Castlereagh St (west) elevation approved under D/2014/764

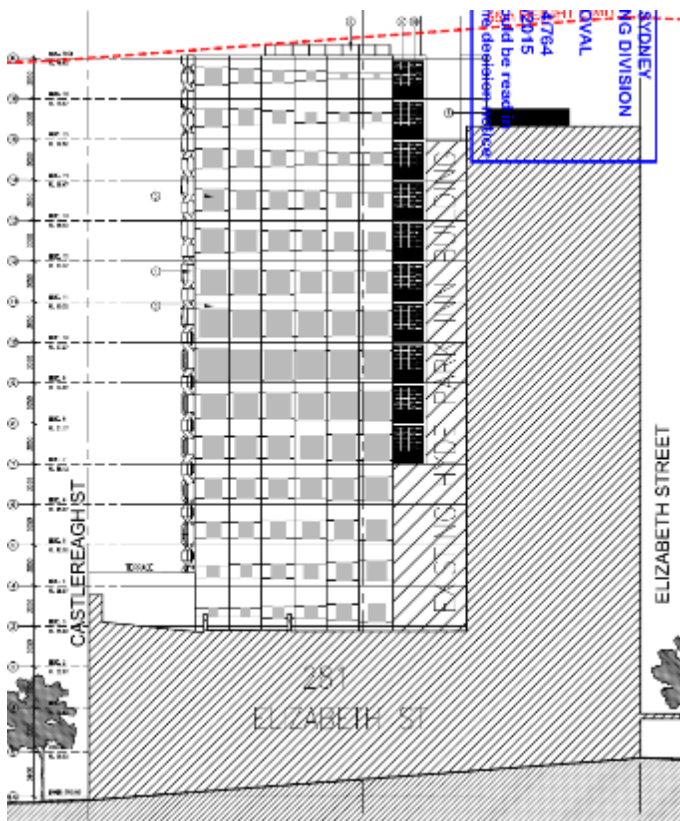


Figure 14: South elevation approved under D/2014/764

- (c) The approved works under D/2014/764 were not undertaken, and the consent has since lapsed.

Compliance Action

9. The site has previously been subject to compliance action which is now closed and is not relevant to the subject application.

Amendments

10. Following a preliminary assessment of the proposed development, a meeting was held on 26 May 2022 with the applicant and project team. For reference, elevations of the original scheme discussed at this meeting are provided below.

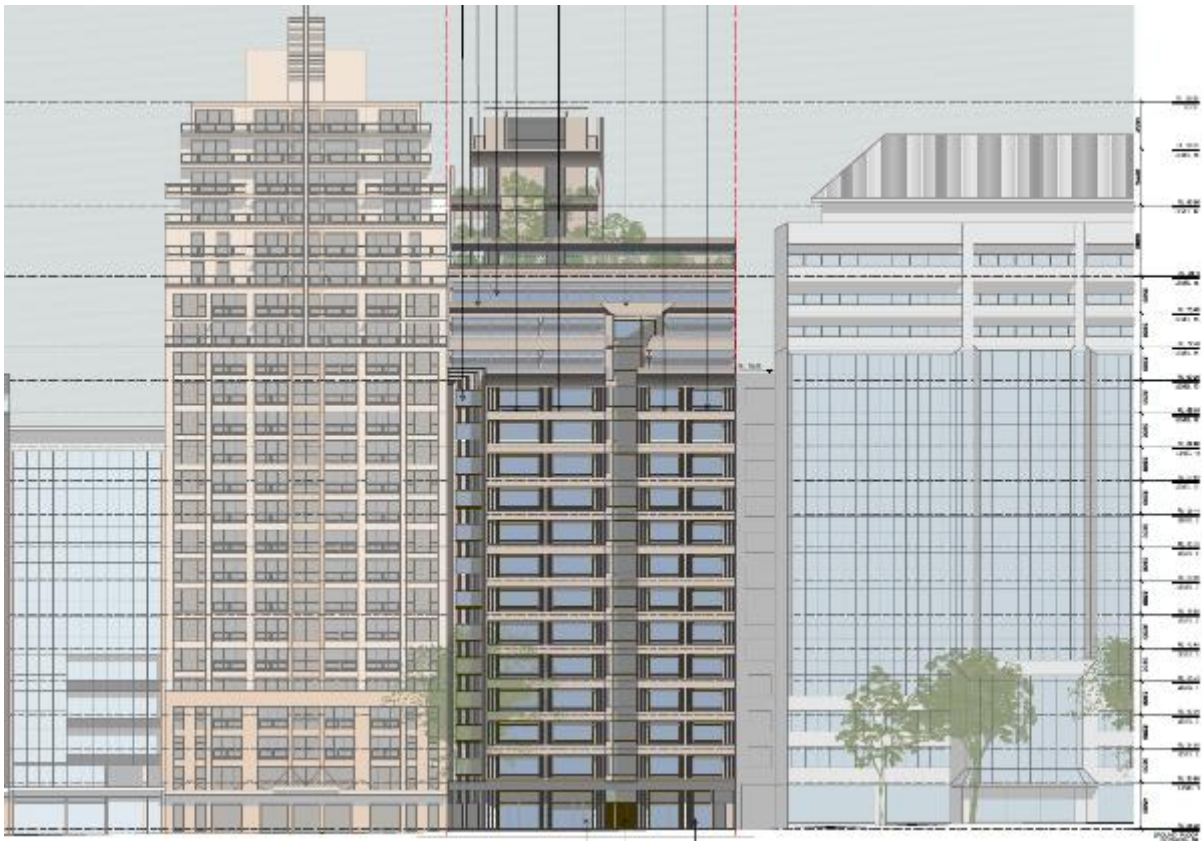


Figure 15: Originally lodged scheme - East elevation



Figure 16: Originally lodged scheme - Section



Figure 17: Originally lodged scheme - Typical 9-12 level floor plan

11. Key design issues discussed during the meeting are summarised below (other planning matters were also noted).
 - (a) The proposed roof top design (as illustrated in the section drawing in Figure 16 above) does not meet the requirements of Clause 5.6 of the Sydney LEP 2012 and as such, is not an architectural roof feature as defined under this clause. This clarification has impacts on the height of the development.

- (b) A 55m height development standard applies to the site under Clause 6.16 of the Sydney LEP 2012. This clause prohibits development above 55m on sites in Central Sydney where the site area is less than 1,000sqm. As outlined in point (a) above, the roof element above 55m was not supported and results in a development that exceeds the height control..
 - (c) The concept of a green roof feature may be explored.
 - (d) The proposed central void/light well at the Elizabeth Street frontage must adequately address wind and noise issues.
 - (e) The proposal's interface with the southern boundary to address any associated privacy and amenity impacts to residential units on neighbouring site.
12. In response to the matters raised at the meeting, the applicant submitted additional documentation on 13 July 2022, as summarised below:
- (a) Wind tunnel effects within central void: The proposed awning at ground level on Elizabeth Street will protect pedestrians at ground level, and wind movements will become stagnant within the central void/light well causing no impact to the ground level or courtyard at the base.
 - (b) Acoustics within central void/light well: The submitted Acoustic Assessment includes glazing specifications to achieve relevant requirements in the central void. The design intent for bedroom windows is to be operable via a side panel for natural ventilation allowing for continuous glazing to the Hyde Park aspect.
 - (c) An amended roof top design (see Figure 18 below) was provided, as well as a written response as to how the applicant was of the opinion that the roof design met the requirements for an architectural roof feature under the LEP.

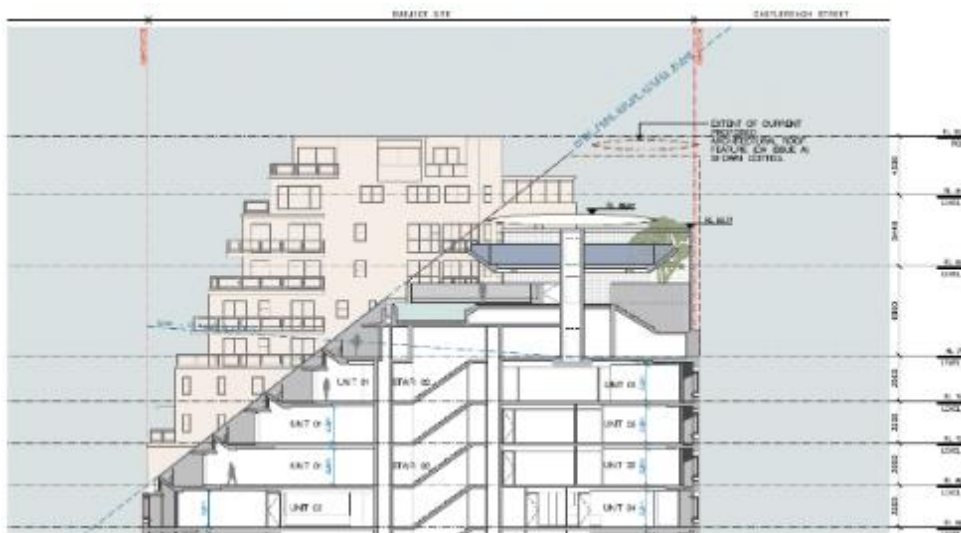


Figure 18: Amended 13 July 2022 scheme - Section

13. In correspondence, dated 14 and 21 July 2022, the City advised that the roof design was not supported and that the 55m height control must be adhered to. Any roof design must be architectural and not contain functional space.

14. On 3 August 2022, the applicant submitted a further revised architectural roof feature scheme, shown below.



Figure 19: Amended 3 August 2022 scheme - Section

15. On 12 August 2022, the City provided a response to the latest revised roof feature scheme advising that Council was still not satisfied that the amended design met all requirements of a defined architectural roof feature as specified in the LEP. It was reiterated that this feature cannot comprise functional space and any height projecting about the 55m control cannot contain the site's communal area. This must be accommodated elsewhere in the development.
16. In correspondence dated, 21 September 2022, the City requested that the applicant submit the amended design for the proposal (by 12 October 2022) ,including all matters listed below:
- (a) The amended roof feature design (if being pursued based on previous advice given).
 - (b) Communal open space area – is to be located within height limit. If 25% open space cannot be accommodated on site, other common internal areas also may be supported to meet 25%, however these areas must be commensurate with the scale of the development and provide functions that enhance residential amenity.
 - (c) Castlereagh St street wall height – should better respond to the retained 3 storey warehouse facade at 281-283 Elizabeth Street and the podium form of neighbouring western elevation of 255-269 Elizabeth Street.

- (d) Side setbacks – 4m requirement has not been provided, with the proposal having a predominant nil setback to both sides. An upper level setback may be required from the southern boundary to protect the amenity to the existing residential apartments located at 281-283 Castlereagh Street.
 - (e) Street wall setbacks – 8m upper level setbacks should be provided to comply with the Sydney DCP 2012.
 - (f) Elizabeth St void – there are potential issues with acoustic privacy and natural ventilation, and the void is to be modified to address these competing issues.
 - (g) Cross Ventilation – improvement in the design/layout to improve the compliance against the ADG.
 - (h) Private open space – several 3-bedroom units are under the ADG private open space requirements.
 - (i) Provision of light and air to the common circulation areas.
17. On 23 September 2022, the applicant responded with the deletion of the architectural roof feature, incorporation of communal open space on Level 1 and Basement Levels 3-5. Further changes (deletion of Basement 6) were also made on 12 October 2022.

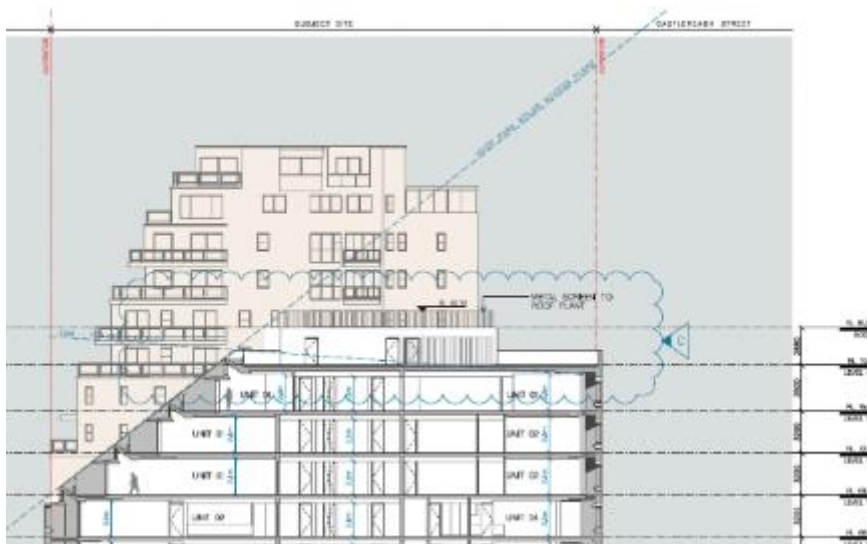


Figure 20: Amended 12 October 2022 scheme - Section

18. The amended scheme was presented to the Design Advisory Panel (DAP) on 27 October 2022. The feedback of the DAP was incorporated into the comprehensive request for amendments provided to the applicant in December (summarised below). A response to those matters raised by the DAP is considered in the discussion section of this report.

19. In correspondence dated 20 December 2022, following a comprehensive assessment of the application, a request for further information and amendments was sent to the applicant by the City. Key issues raised included:
- (a) Continued non-compliance with 55m height limit – Given the prohibitive nature of Clause 6.16(4) of the Sydney LEP 2012, the application must be amended so that the maximum height at all points of the building is below 55m.
 - (b) Building envelope above street wall height – Any variation against the Sydney DCP 2012 requirement for an 8m setback above the street frontage height of 45m requires justification and visual analysis. Any façade projections are to be minimised. A shallower recess on the Elizabeth Street frontage is required, which commences above Level 3.
 - (c) Residential amenity – Address amenity issues associated with the proposed light well/central void with regard to ventilation, noise and outlook. Review layouts to improve cross ventilation and private open space for apartments. Daylight and natural ventilation should be provided to all common circulation spaces above ground.
 - (d) Communal open space – Explore further opportunities to provide communal open spaces above the basement levels, which are capable of achieving solar access and include landscaping.
 - (e) Wind impacts – A quantitative wind effects report is required.
 - (f) Transport and access – Further detail and amendments required regarding the driveway crossover, car waiting bays, vertical swept path analysis, loading dock management. Bicycle parking and end of trip facilities are to be provided.
 - (g) Waste collection – An amended waste management plan is required.
 - (h) Public art – An update public art plan is required including amendments to budget and proposed art locations.
 - (i) Ecologically sustainable development – Thermal performance annotation for insulation and glazing and solar panels required to be shown on the plans.
 - (j) Flooding – An amended flood assessment report is to be submitted with recommended flood planning levels that are compliant with the City’s Interim Floodplain Management Policy.
 - (k) Public domain – Demonstrate that public domain levels and gradients on all site frontages are in accordance with the City’s Public Domain Manual or will be reconstructed and that proposed floor levels, particularly at building entrances and driveways have taken into consideration finished public domain levels.
 - (l) Acid sulfate soils – Further information required, with a preliminary assessment report.
 - (m) Archaeological potential – Amended archaeological report is required and archaeological potential is to be re-assessed.
 - (n) Landscaping – Further details regarding proposed landscaping and greening.

- (o) Survey information – Detailed Survey required.
 - (p) Sydney Metro requirements – Outstanding matters by Sydney Metro are required to be addressed for concurrence.
20. On 24 February 2023, the applicant submitted amended plans and additional information/documentation to respond to the City's requests, these included a reduction in height to 55m, the reduction in the number of apartment, the provision of communal open space on Level 1 of the building. Further supplementary information was sent through in March and April 2023.
21. Following a comprehensive assessment of the revised package, the applicant was advised on 26 April 2023, that the following matters required resolution prior to determination:
- (a) Flooding – The carpark access at Castlereagh Street must be revised to meet the flood planning level.. The City's Interim Floodplain Management Policy does not accept the use of flood barriers and it was required that the levels of the carpark access and ramp be redesigned to demonstrate compliance with the flood planning level.
 - (b) Wintergarden gross floor area (GFA) – The wintergardens below 30m are not included in the calculations for floor space, which is inconsistent with clause 4.5A of the SLEP 2012 4.5A. Amended GFA plans are to be provided prior to determination which include wintergardens to apartments within the first 9 storeys in the GFA calculation.
22. On 26 May 2023, the application submitted an updated flood study and amended architectural plans which included updated GFA plans and plans showing changes to the ground and basements levels including the loading dock arrangement, car lift location, and retail tenancy to meet the flood planning levels. Other relevant documents including an amended Transport Impact Assessment, Waste Management Plan were also submitted.

Proposed Development

23. The application, as modified, seeks consent for:
- (a) Demolition of existing building on site
 - (b) Site amalgamation of the two separate allotments
 - (c) Basement excavation to provide 5 basements levels including:
 - (i) Vehicular access from Castlereagh Street to the basement levels
 - (ii) Residential storage including bicycle storage areas
 - (iii) End of trip facilities
 - (iv) Residential car parking spaces (35 in total, including 8 accessible)
 - (v) Retail car parking spaces (2 in total, including 1 accessible)

- (vi) Motorcycle car parking spaces (5 in total)
 - (vii) Service vehicle bays (3 in total)
 - (viii) Loading dock
 - (ix) Waste storage
 - (x) Plant rooms and services.
- (d) A 15-storey tower that is 55m (RL 79.91) in height comprising:
- (i) Retail premises located within the basement, lower ground and upper ground floor(2 tenancies in total)
 - (ii) Communal rooms (internal) on Level 1 for residential apartments
 - (iii) 14-storeys of residential apartments (42 units in total)
 - (iv) Rooftop plant.
24. No signage nor operational details of the retail premises within the development are sought under this application.
25. Selected drawings and photomontages of the proposed development are provided on the following pages.



Figure 21: Proposed photomontage of the Elizabeth St elevation, view from Hyde Park facing west



Figure 22: Proposed photomontage of the Castlereagh St elevation, view facing north

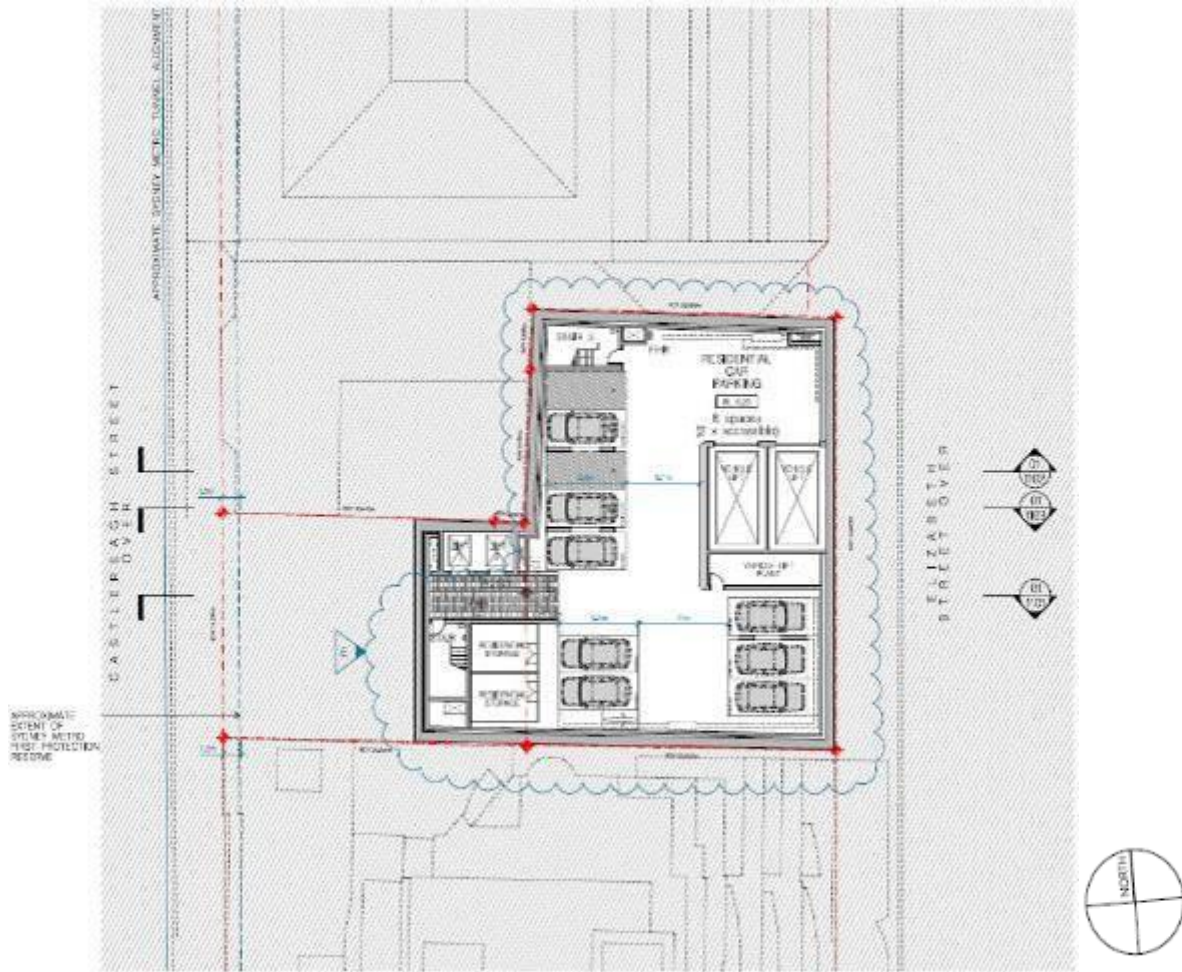


Figure 23: Proposed basement level 5 floor plan

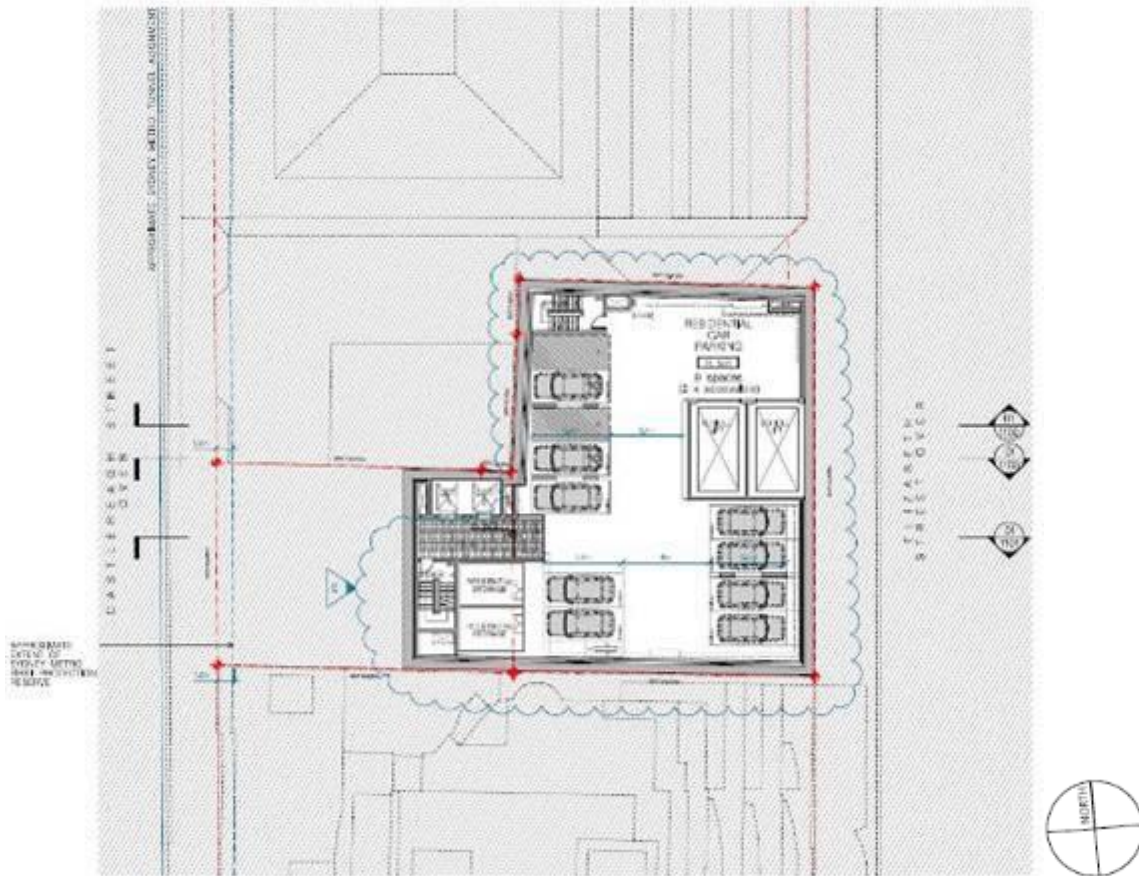


Figure 24: Proposed basement level 4 floor plan

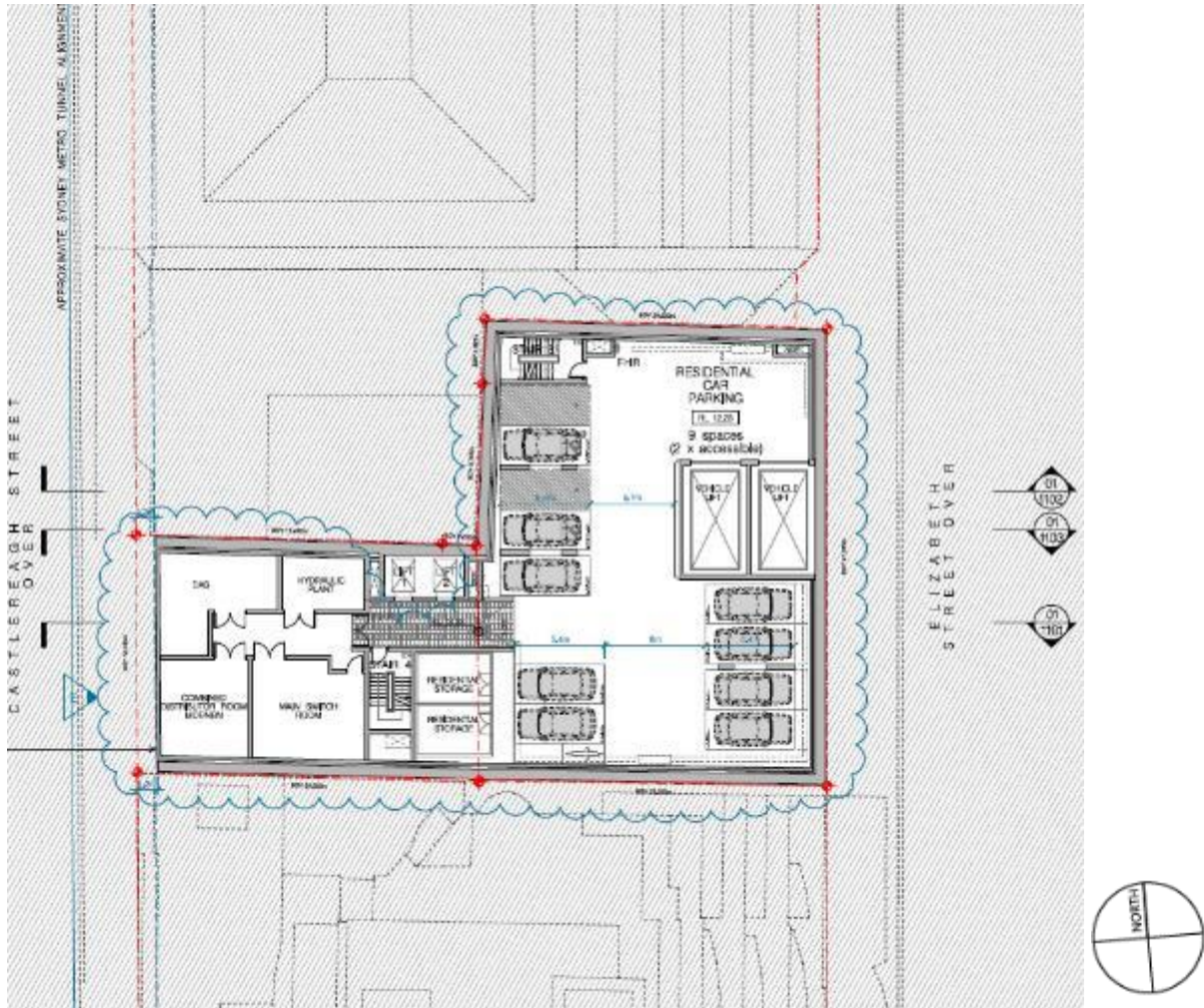


Figure 25: Proposed basement level 3 floor plan

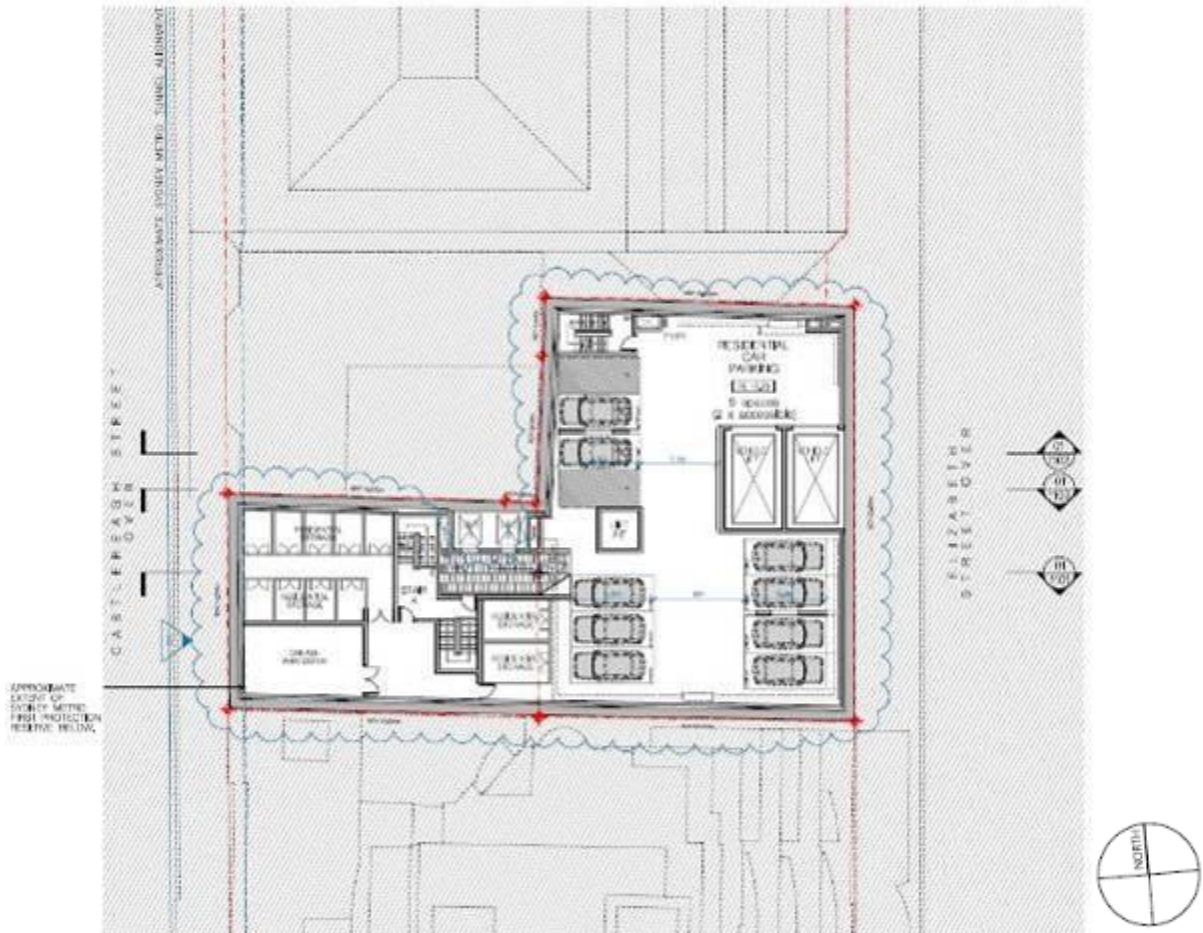


Figure 26: Proposed basement level 2 floor plan

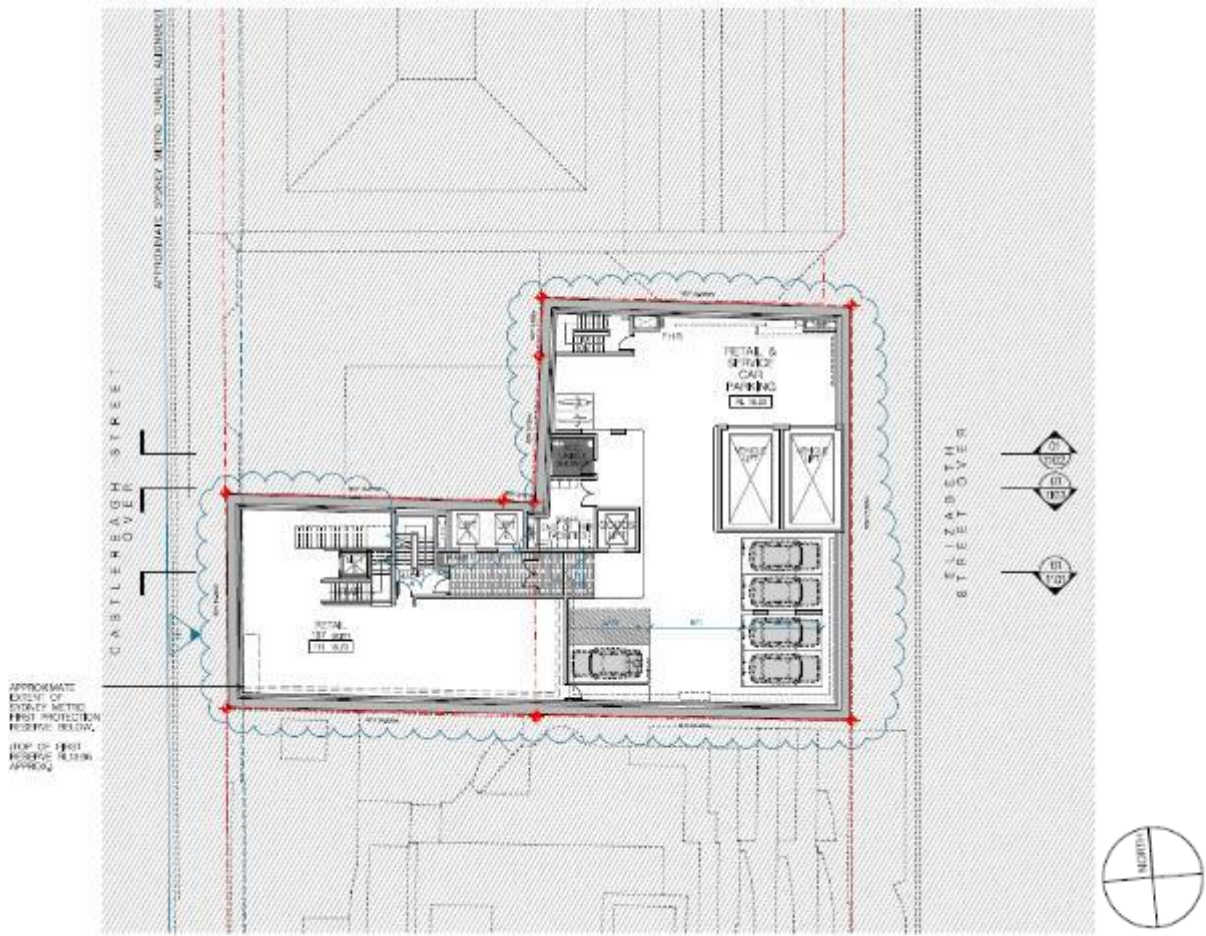


Figure 27: Proposed basement level 1 floor plan

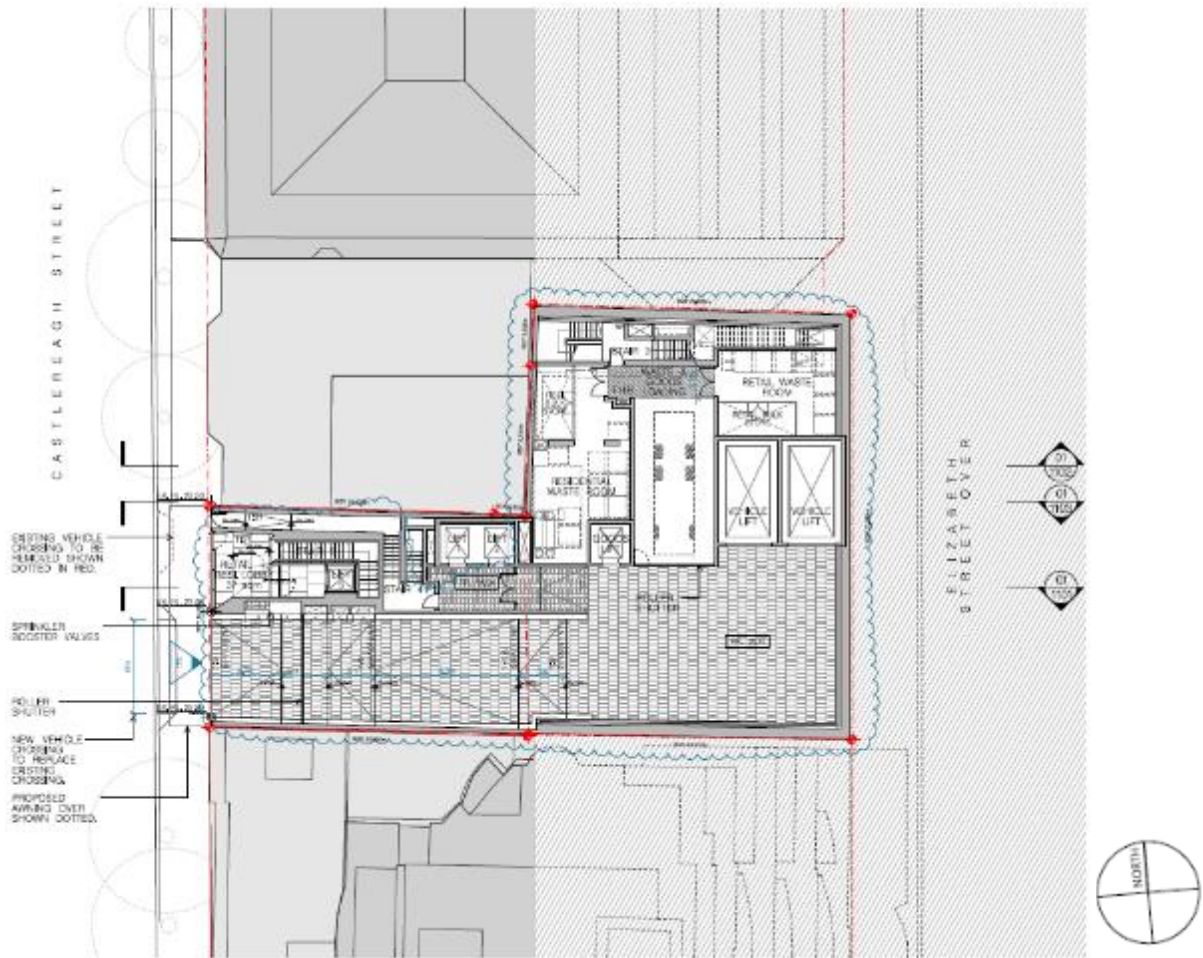


Figure 28: Proposed lower ground level floor plan

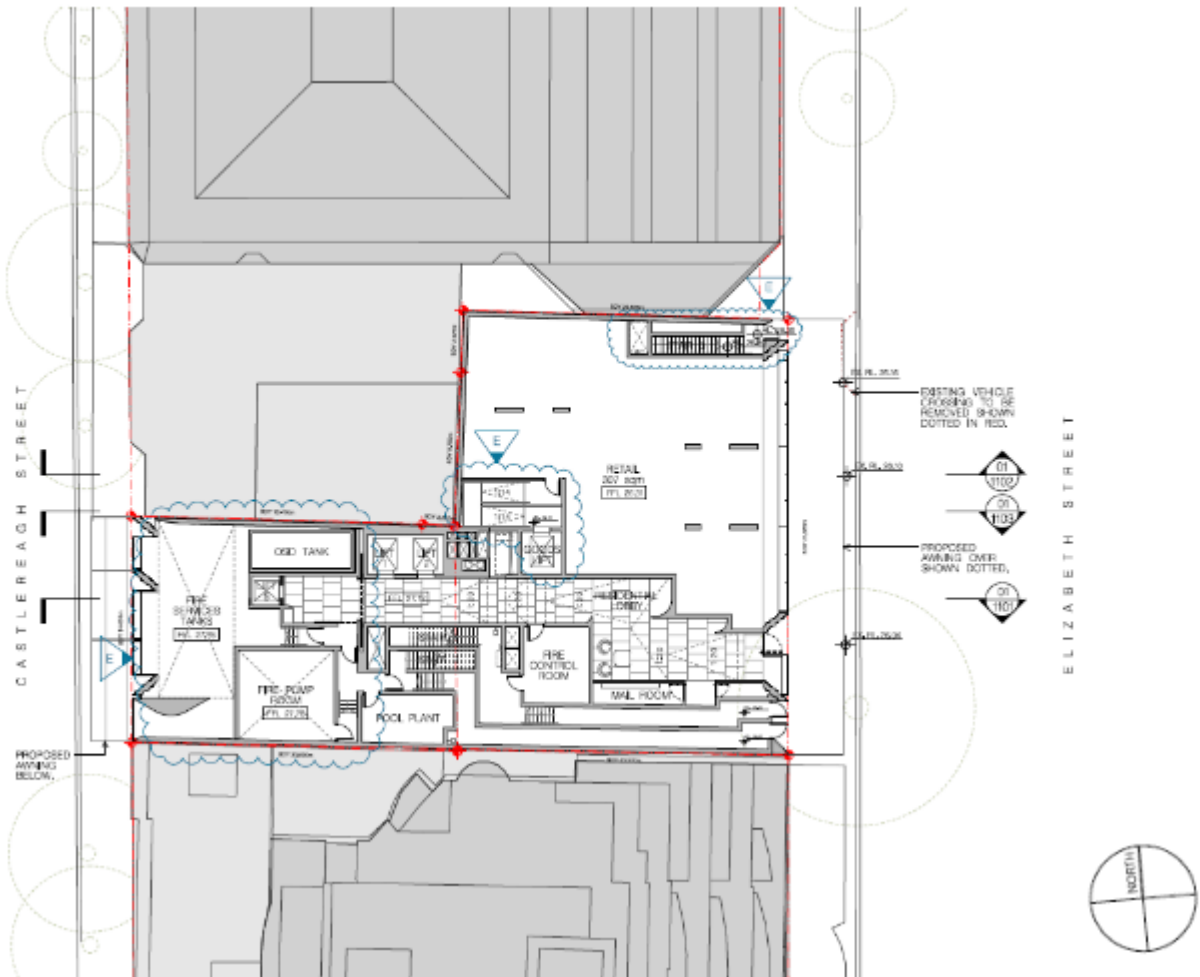


Figure 29: Proposed upper ground floor plan

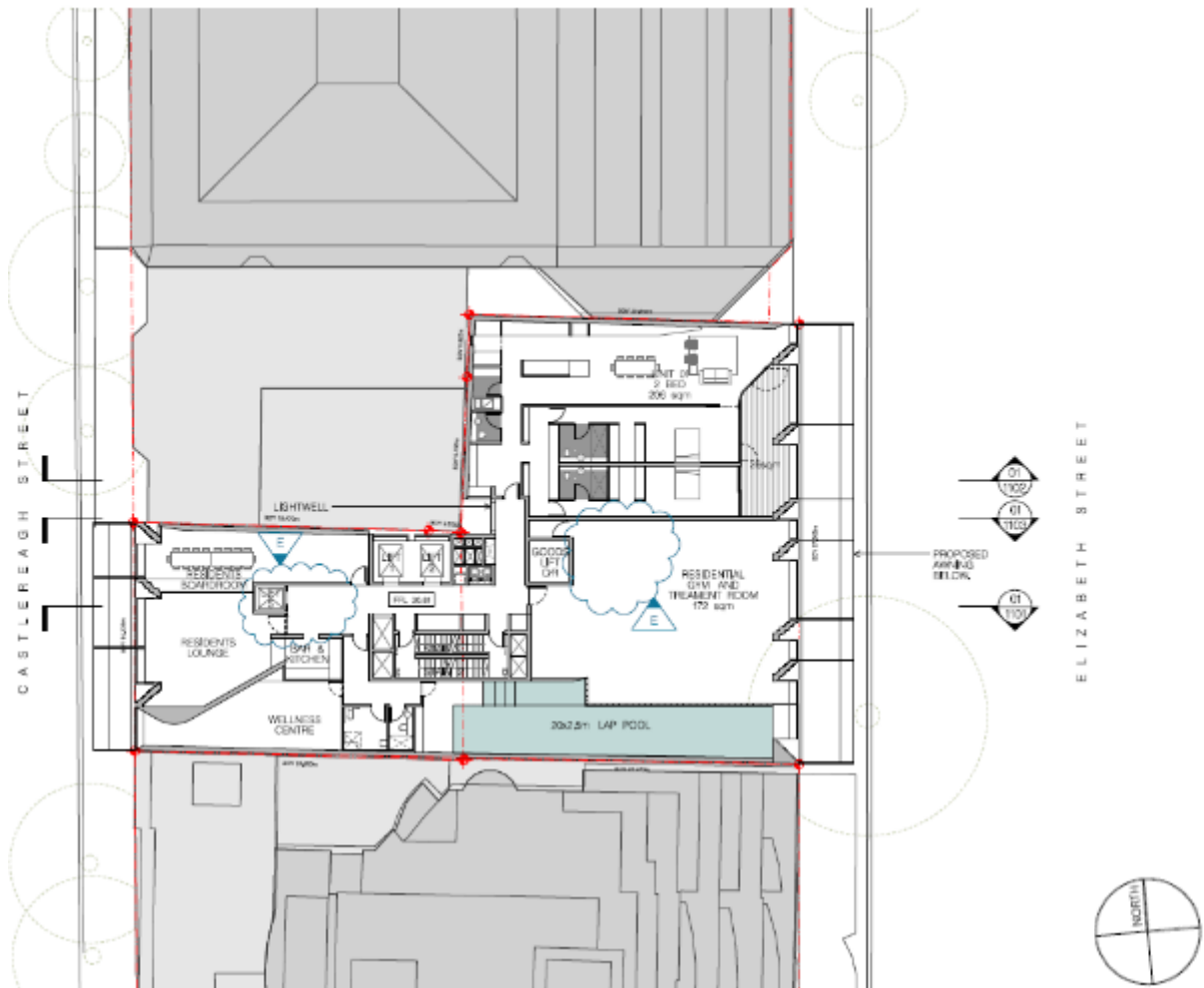


Figure 30: Proposed level 1 floor plan

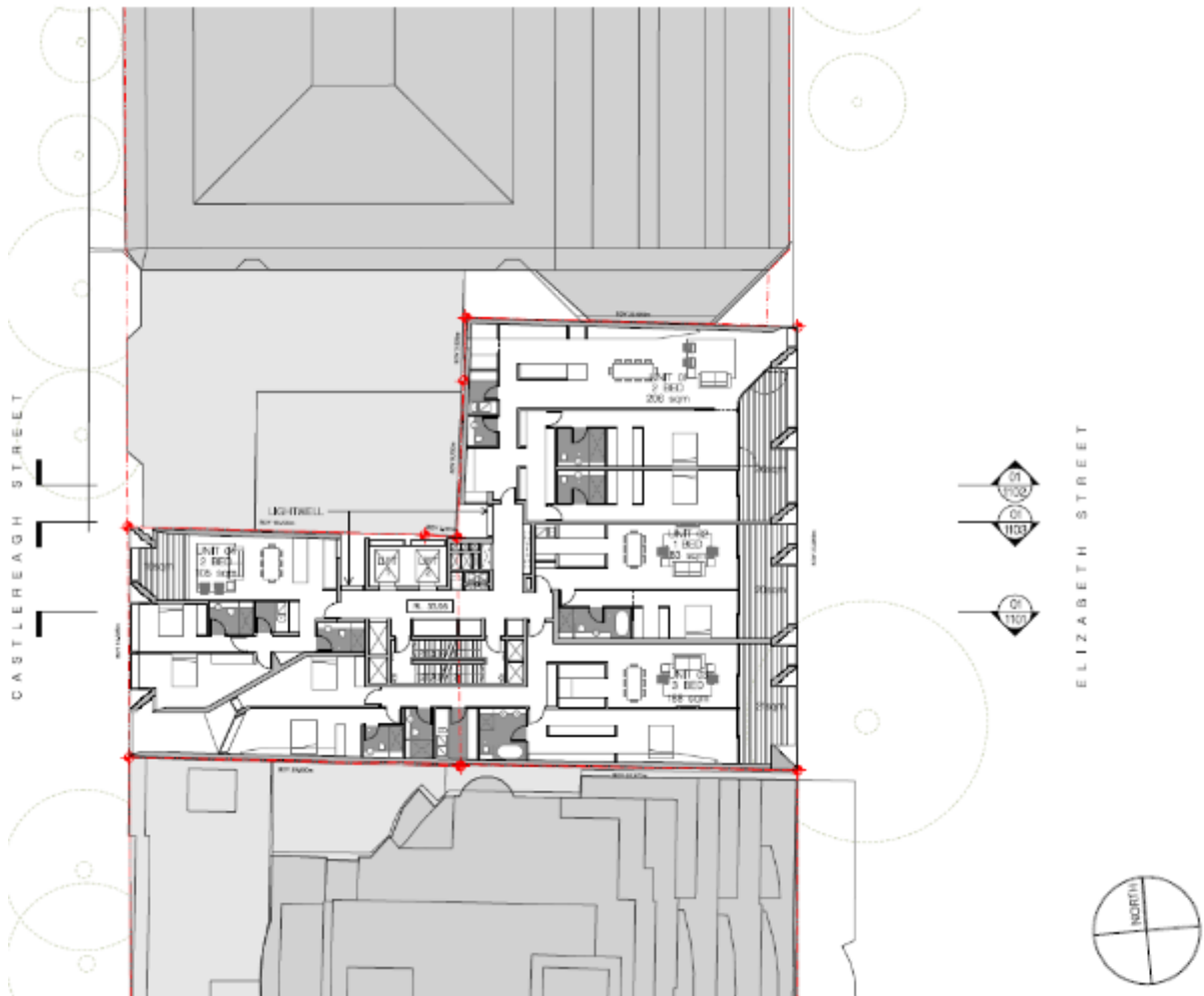


Figure 31: Proposed level 2 floor plan



Figure 32: Proposed level 3 floor plan

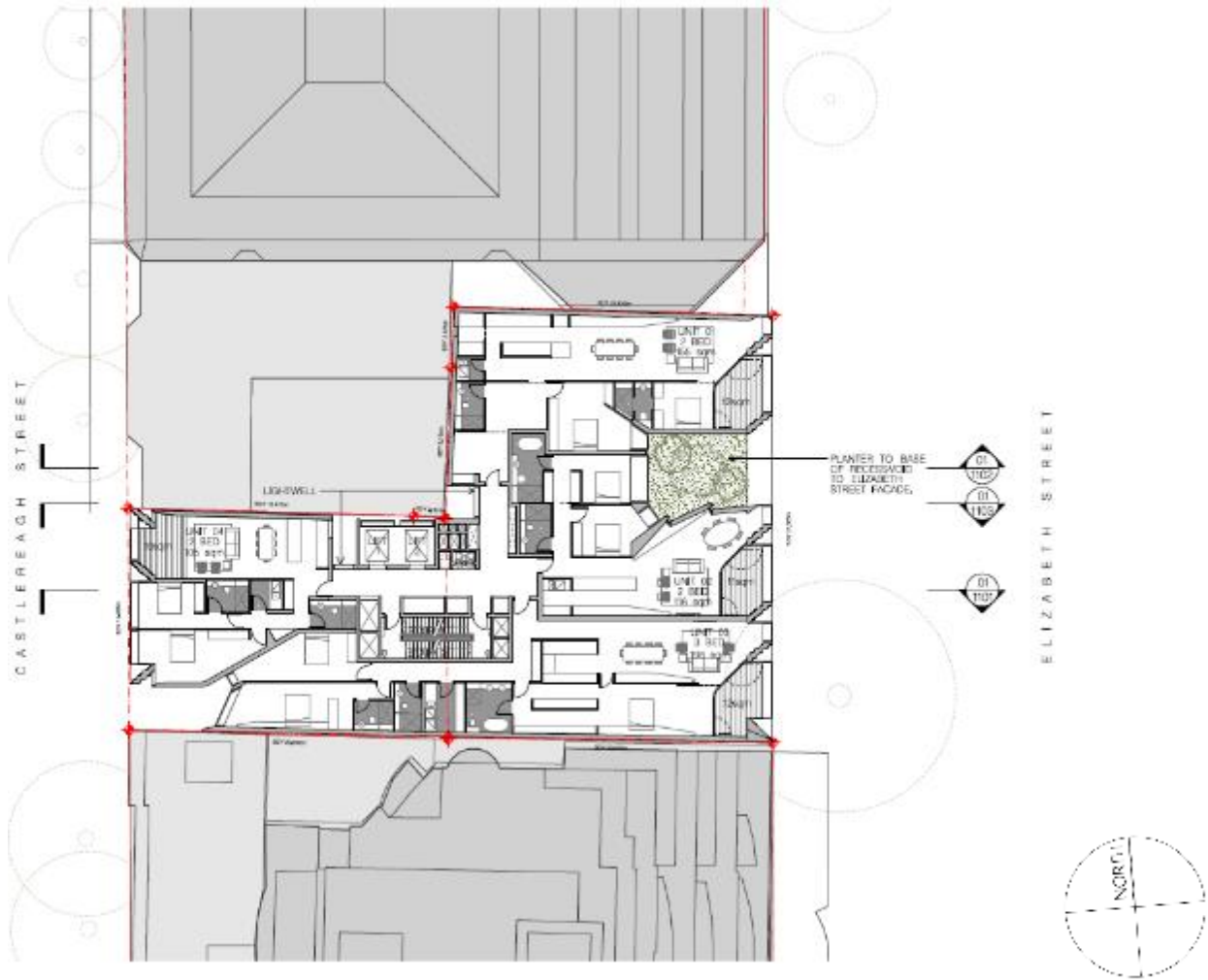


Figure 33: Proposed levels 4-8 (typical)

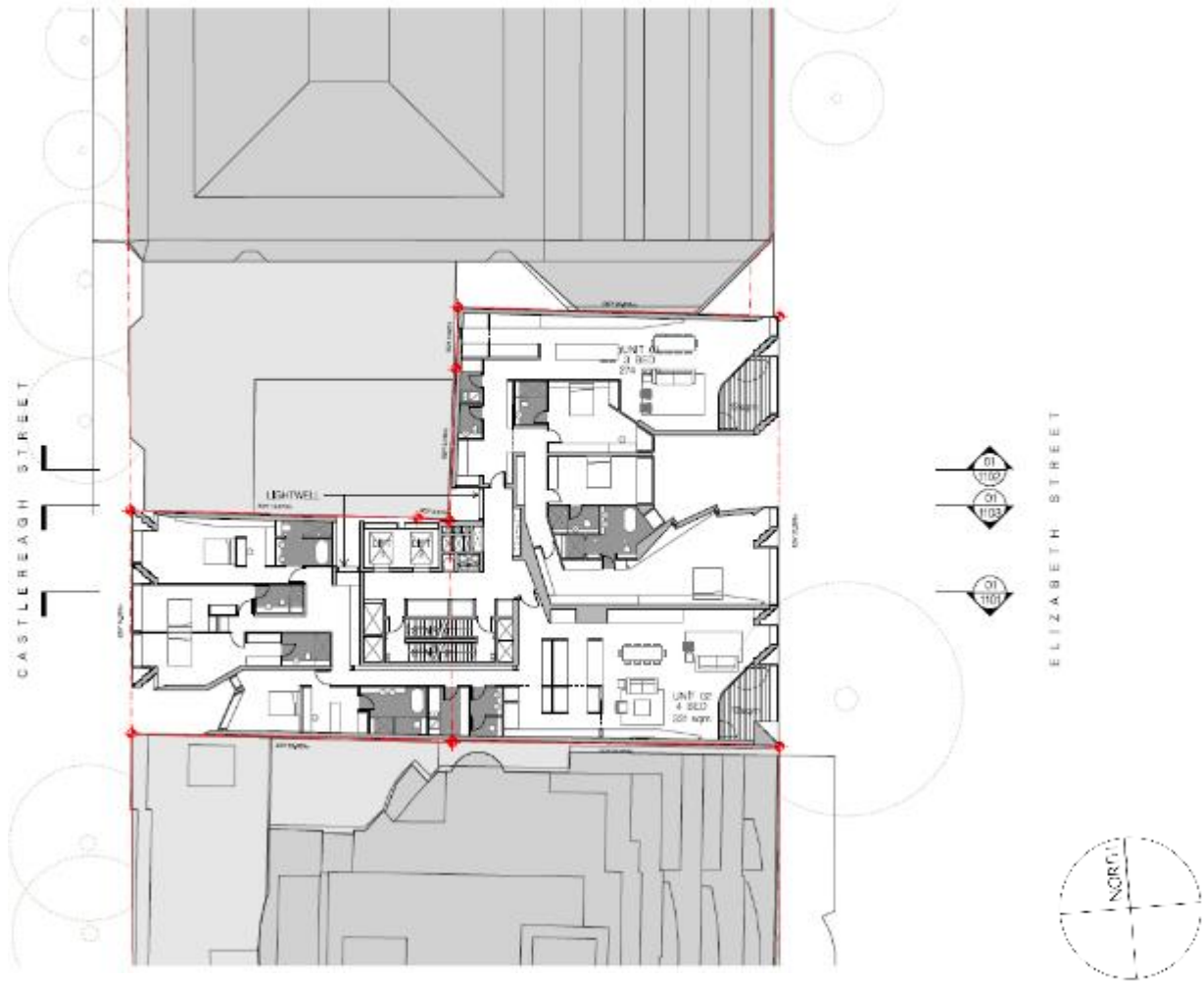


Figure 34: Proposed levels 9-12 (typical) floor plans

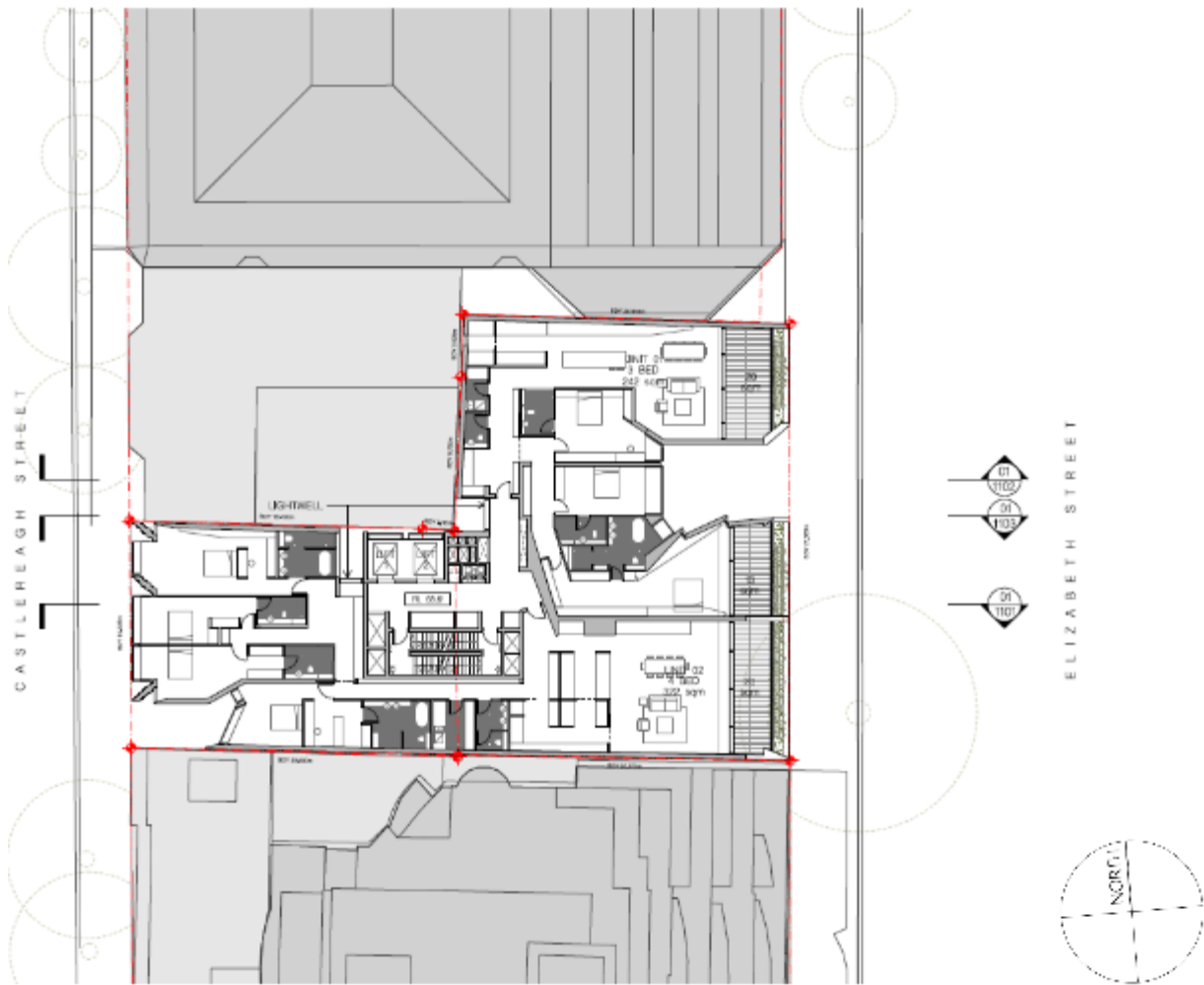


Figure 35: Proposed level 13 floor plan

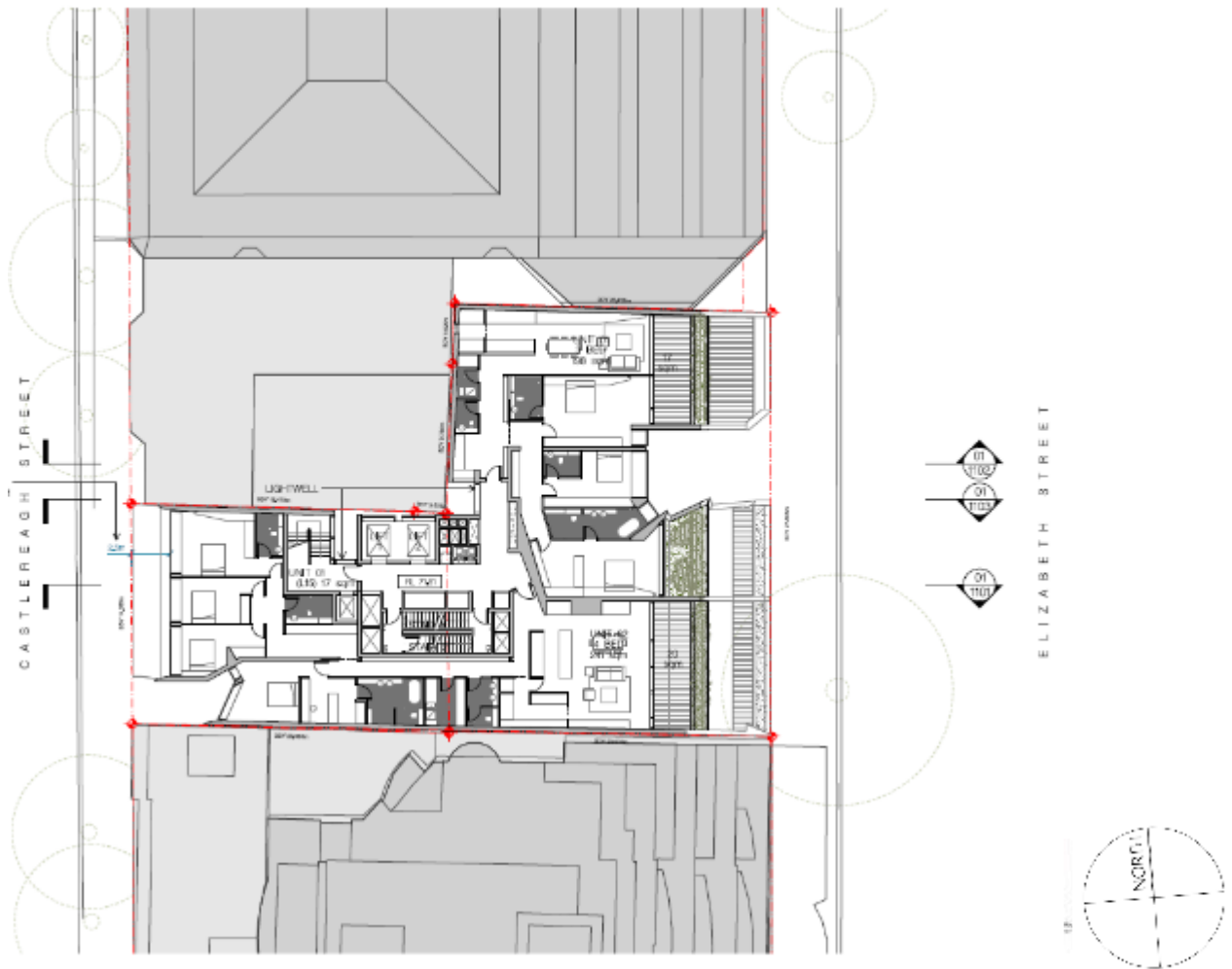


Figure 36: Proposed level 14 floor plan

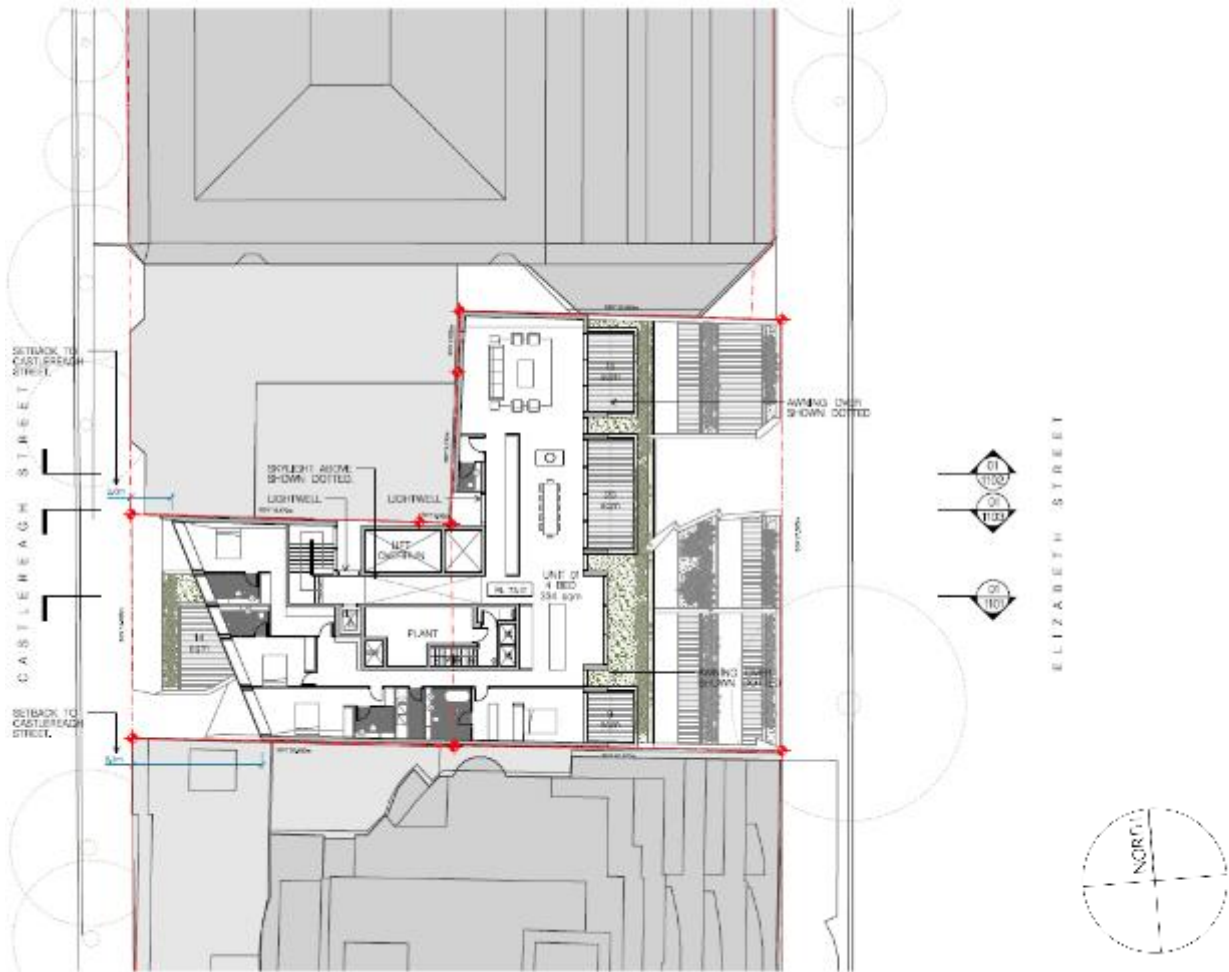


Figure 37: Proposed level 15 floor plan

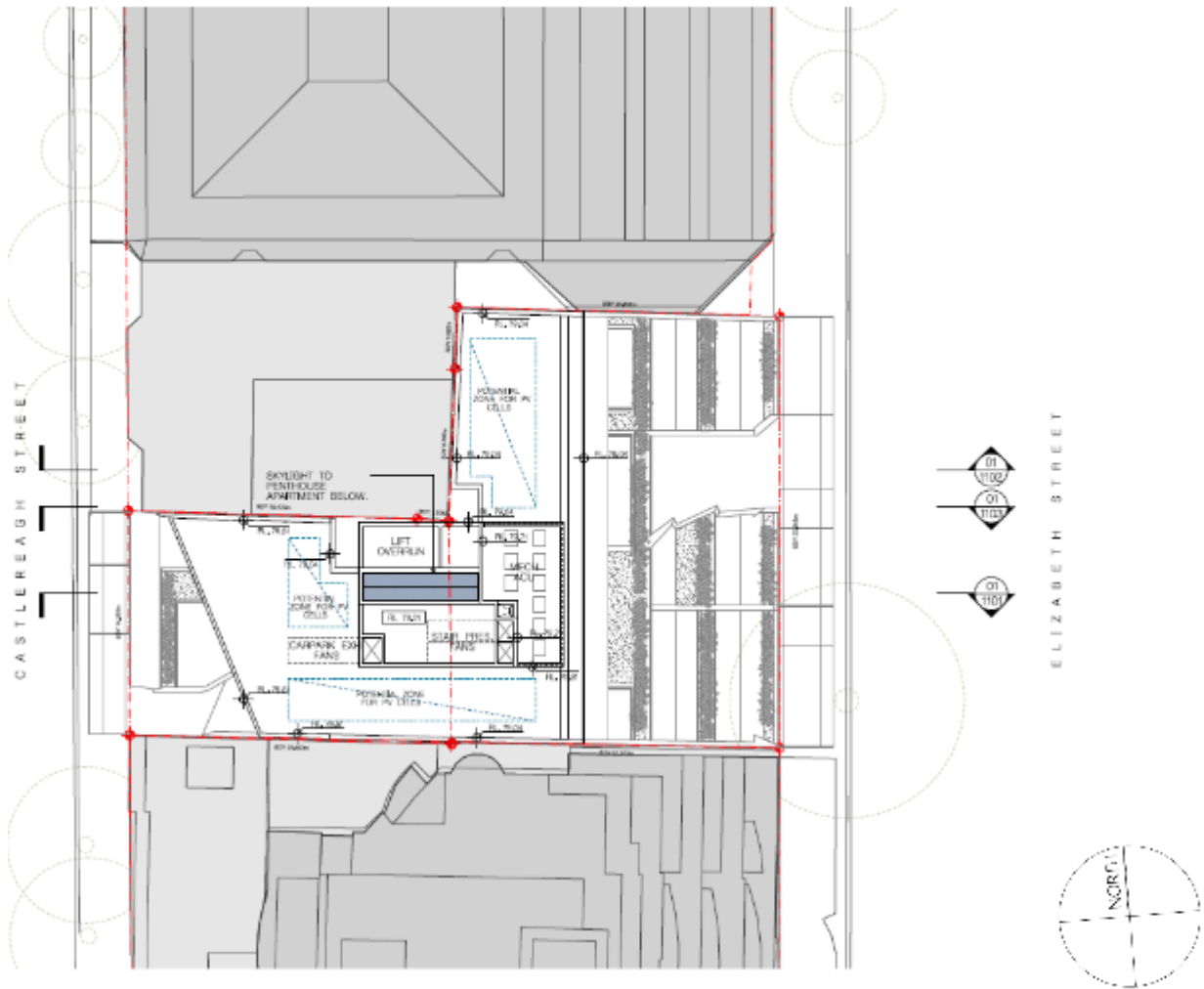


Figure 38: Proposed roof plan

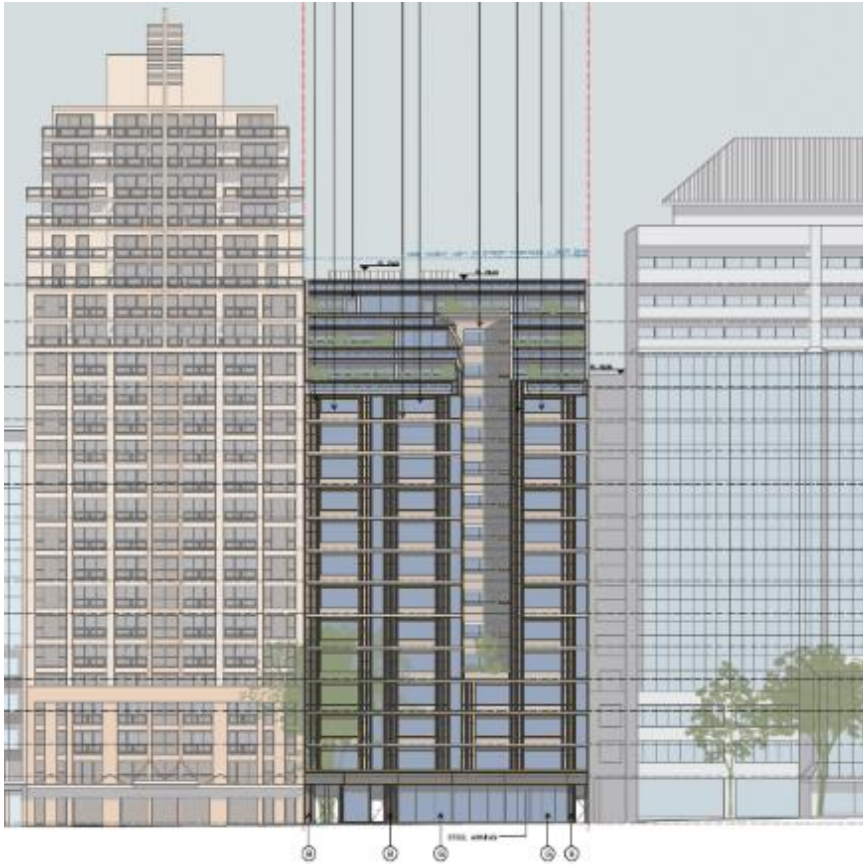


Figure 39: East elevation (Elizabeth Street)

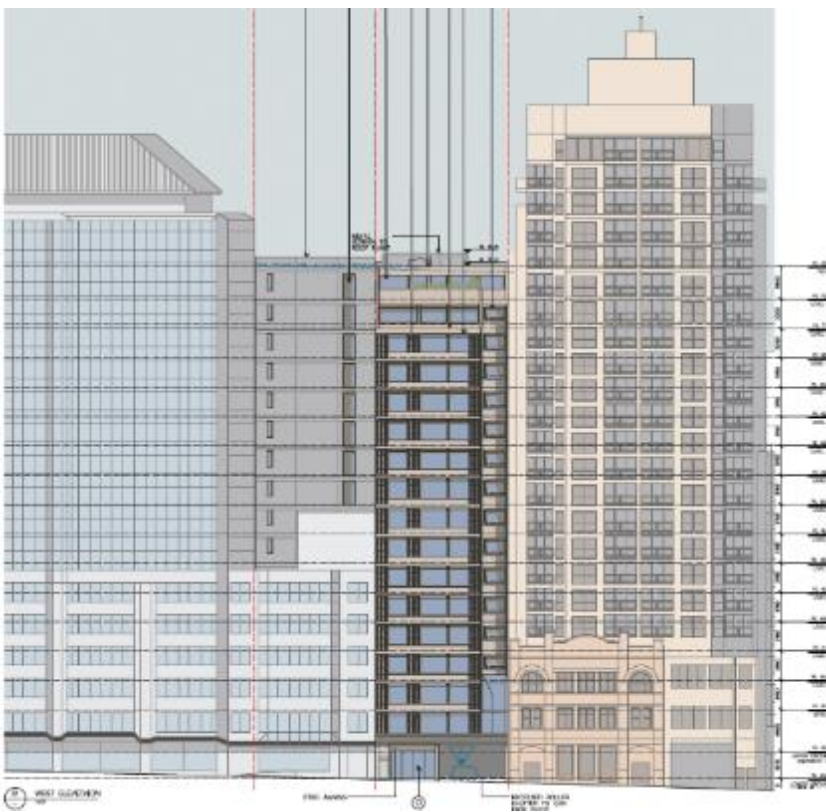


Figure 40: West elevation (Castlereagh Street)

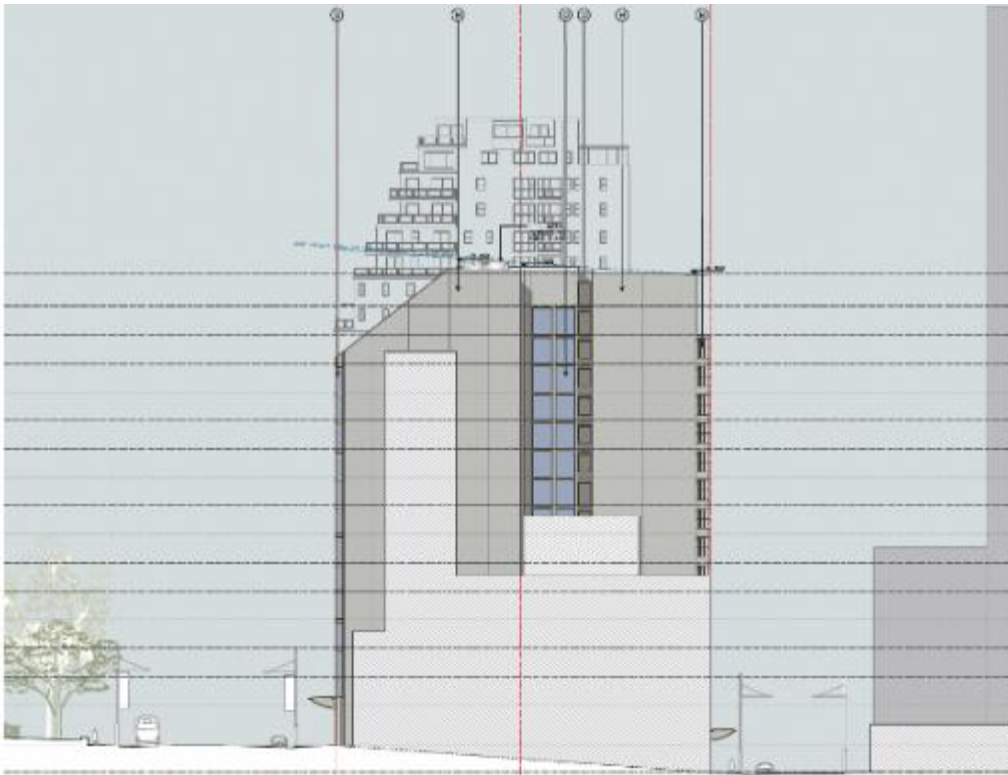


Figure 41: North elevation



Figure 42: South elevation

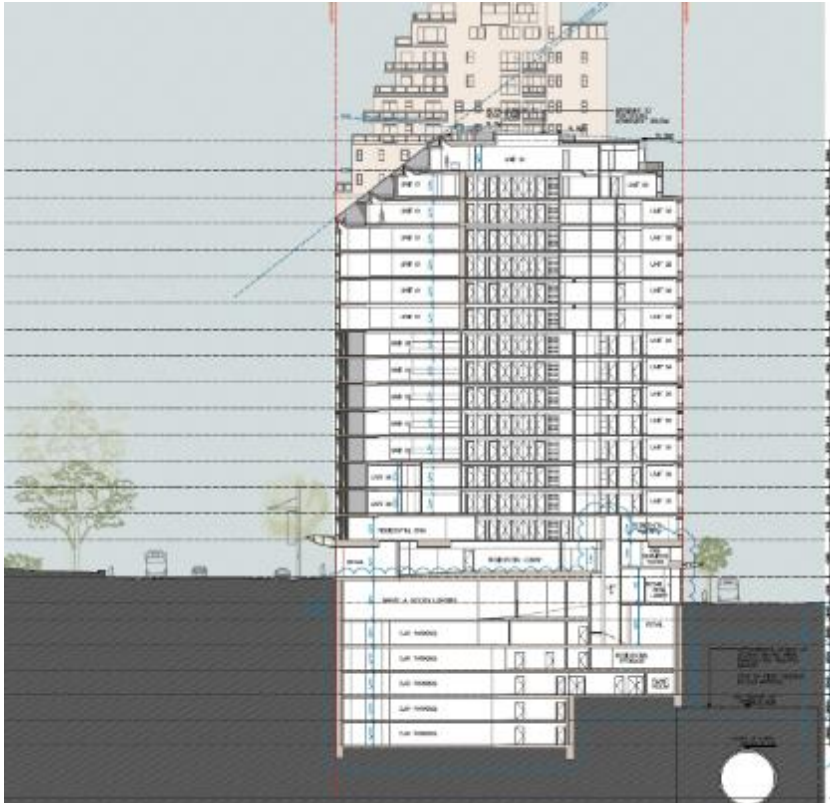


Figure 43: Section A

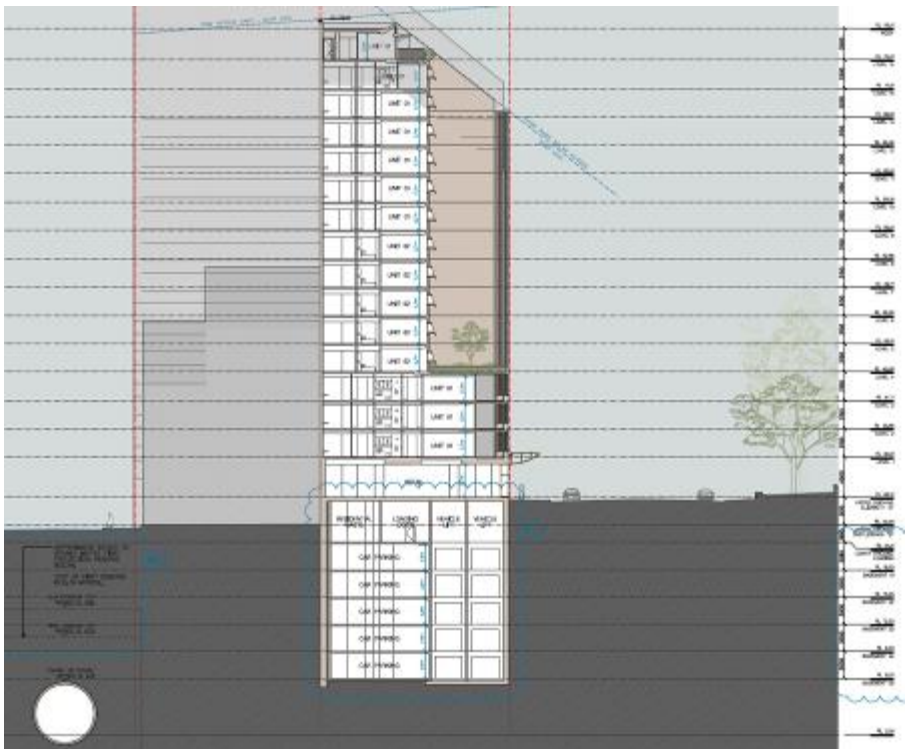


Figure 44: Section B



Figure 45: Section C

Assessment

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

City of Sydney Act 1988

27. Section 51N of the City of Sydney Act 1988 requires the Central Sydney Planning Committee (the Planning Committee) to consult with the Central Sydney Traffic and Transport Committee (CSTTC) before it determines a development application that will require, or might reasonably be expected to require, the carrying out of road works or traffic control works likely to have a significant impact on traffic and transport in the Sydney Central Business District.
28. The City's Transport and Access Unit has reviewed the application and considers that the proposed development does not require consultation with the CSTTC.

Water Management Act 2000

29. In accordance with Section 4.47 of the Environmental Planning and Assessment Act 1979, the application was forwarded to Water NSW as Integrated Development, as the proposed basement levels will have an impact on groundwater levels as groundwater is expected to be encountered with the depth of excavation.
30. Water NSW provided General Terms of Approval on 6 September 2022, which have been included in Attachment A of this report.

State Environmental Planning Policies

State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4

Remediation of Land

32. The aim of SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.
33. A Preliminary Site Investigation (PSI) was prepared by JBS&G Australia for the site. The PSI found:

“Based on the findings of the site history, and subject to the limitations in Section 6, JBS&G concludes there is no evidence of significant or widespread contamination which would preclude ongoing commercial use or redevelopment for mixed residential and commercial purposes.”
34. The Council’s Health Unit is satisfied that, subject to conditions, the site can be made suitable for the proposed use.

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

35. The aim of State Environmental Planning Policy (SEPP) 65 is to improve the design quality of residential apartment development in New South Wales.
36. 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 take into consideration a number of matters relating to design quality, including the design quality principles as set out in Schedule 1.
37. The applicant has submitted a design verification statement and SEPP 65 design report prepared by Murcutt Candalepas (Reg No. 5957) with the application, addressing the design quality principles and the objectives of parts 3 and 4 of the Apartment Design Guide. The statement is deemed to satisfy Clause 29 of the Environmental Planning and Assessment Regulation 2021.

38. An assessment of the proposal against the design quality is provided as follows:

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

The site is located within Central Sydney and will contribute to the vitality of the locality. The site is located in the SP5 Metropolitan Centre zone, and the proposal is generally in accordance with the objectives of the Sydney LEP 2012 and the Sydney DCP 2012.

The proposal is in keeping with its context and local character, with the provision of a uniform expression to the street wall height that is consistent along Elizabeth Street. The street wall is given relief by a central void with a landscaped planter at the base, which will provide light and air to future residents, whilst also being visible from the public domain to pedestrians and vehicles passing by. The use and detailing of the granite stone is complementary to surrounding buildings including the Anzac Memorial and St Mary's Cathedral.

The proposed presentation to Castlereagh Street is acceptable, given there is currently not a consistent street wall height along this section of Castlereagh Street. The setback on the southern boundary ensures that amenity is maintained for the neighbouring residential development.

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

The height and bulk of the building is consistent and contextually appropriate with other buildings within the immediate locality. The maximum height follows the sun access plane consistent with buildings along the Elizabeth Street frontage and is within the 55m height limit. The proposal will deliver a positive contribution to the Sydney skyline.

(c) **Principle 3: Density**

The proposal complies with the maximum permissible FSR for the site.

(d) **Principle 4: Sustainability**

The proposal is compliant with the minimum BASIX requirements. The proposal incorporates a range of benchmark sustainability measures and design initiatives for a high-rise residential building, summarised as:

- i. Passive solar gain properties achieved by light-coloured façade materials deep-set within the façade to protect the glazing from high-angle summer sun.
- ii. Orientation to majority of apartments to the east, and façade articulation to minimise western sun access.
- iii. Shuttering elements to reduce unwanted solar gains and increase control of the internal environment.

(e) **Principle 5: Landscape**

Due to the building covering the entire site and basement underneath, there is no deep soil proposed on the site which is considered acceptable in the context of Central Sydney. The proposal includes landscaped planters at the base of the central void and on the terraces in the upper levels.

(f) **Principle 6: Amenity**

Compliance with amenity is assessed further under the ADG section below. Overall, the proposal provides an acceptable level of residential amenity for future occupants taking into consideration the scale of development and site constraints.

(g) **Principle 7: Safety**

The safety and security of the public domain and the site itself is enhanced by increased activity within the site and casual surveillance of the surrounding streets from the residential apartments. There is a secure and separate entrance available for the sole use of residents. The proposal has generally been designed in accordance with the principles of Crime Prevention through Environmental Design (CPTED).

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

The proposal provides a mix of apartment types to encourage housing diversity. There are a range of indoor communal facilities to encourage social interaction amongst residents.

(i) **Principle 9: Aesthetics**

The proposal includes building forms with rectilinear proportions, and high levels of building articulation.

The proposed materiality is of a high standard and consistent with the existing and future desired character of the area. The facades are comprised of light beige granite cladding with detailed framing elements in a warmer-pinkish tone, as reflected in the adjacent Anzac War Memorial. Additional materials include off-form concrete walls and bronzed detailed elements, which are durable and appropriate for the local climate.

39. The 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 Sydney Development Control Plan 2012. Consequently compliance with the SEPP generally implies compliance with Council's own controls. A detailed assessment of the proposal against the ADG is provided below.

2E Building Depth	Compliance	Comment
12-18m (glass to glass)	Acceptable	<p>Several apartments exceed the 18m apartment depth, however, in these apartments they both exceed the minimum area requirements and are dual aspect (east-west) to maximise their amenity.</p> <p>The proposal meets the objectives in that the bulk of the development is consistent with the scale of the existing and desired future context of the locality, and the building depths support apartment layouts that provide for amenity (as detailed in the sections below) for future residents.</p>

2F Building Separation & 3F Visual Privacy	Compliance	Comment
<p>Up to four storeys (approximately 12 metres):</p> <ul style="list-style-type: none"> • 12m between habitable rooms / balconies • 9m between habitable and non-habitable rooms • 6m between non-habitable rooms 	Acceptable	<p>The proposal has been designed to ensure acceptable residential amenity outcomes consistent with the objectives. In particular, the following strategies are utilised to ensure visual privacy between units in units facing the central void:</p> <ul style="list-style-type: none"> • Articulated windows to avoid overlooking • Translucent glazing and glass blocks to building facades • Considered positions of openings and balconies to reduce overlooking <p>The ADG specifies that no building separation is necessary where building types incorporate blank party walls. The proposed development has blank walls to the sites to the north and south.</p> <p>Where light wells directly adjacent to the lift core face the neighbouring development to the north, it is recommended these openings be fitted</p>
<p>Five to eight storeys (approximately 25 metres):</p> <ul style="list-style-type: none"> • 18m between habitable rooms / balconies • 12m between habitable and non-habitable rooms • 9m between non-habitable rooms 		
<p>Nine storeys and above (over 25m):</p>		

2F Building Separation & 3F Visual Privacy	Compliance	Comment
<ul style="list-style-type: none"> • 24m between habitable rooms / balconies • 18m between habitable and non-habitable rooms • 12m between non-habitable rooms 		<p>with translucent glazing.</p> <p>To maintain visual privacy to the openings on the south-western side of the tower, these are oriented to the west, away from the southern neighbour.</p>

3D Communal and Public Open Space	Compliance	Comment
Communal open space has a minimum area equal to 25% of the site.	Acceptable	<p>The proposal does not provide a minimum of 25% of the site area as communal open space. Notwithstanding this, the design has responded to the constraints of the CBD site and provided future occupants with a variety of internal communal spaces on Level 1 of the development. These spaces equate to an area of 458sqm, representing 52% of the total site area.</p> <p>Refer to the Discussion section for detail.</p>
Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of two (2) hours between 9am and 3pm on 21 June (midwinter).	Yes	The communal spaces on Level 1 facing Elizabeth Street receive sunlight between 9.00am and 11.00am, and between 12.00pm and 1.00pm for the rooms facing Castlereagh Street.

3E Deep Soil Zones	Compliance	Comment
<p>Deep soil zones are to have a minimum area equivalent to 7% of the site and have a minimum dimension of 3m</p>	<p>Acceptable</p>	<p>No deep soil zones are provided. The design guidance in the ADG states that achieving deep soil zones may not be possible on some sites where:</p> <ul style="list-style-type: none"> • The location and building typology have limited or no space for deep soil at ground level (e.g., central business district (CBD), constrained sites, high density areas, or in centres) • There is 100% site coverage of non-residential uses at ground level <p>The proposal includes a building with 100% site coverage and ground and lower ground floor retail uses. The site is located in a highly urbanised area of the CBD with a number of high rise developments nearby. In this regard, the provision of the recommended deep soil would be unreasonable in this circumstance.</p> <p>The proposal includes landscaped areas at the base of the central void and on the upper level terraces, to assist with greening the site.</p>

3G Pedestrian Access and Entries	Compliance	Comment
<p>Building entries and pedestrian access connects to and addresses the public domain.</p> <p>Access, entries and pathways are accessible and easy to identify.</p>	<p>Yes</p>	<p>The residential lifts are provided with direct access from the Elizabeth Street lobby, which has a legible and accessible entry.</p>

4A Solar and Daylight Access	Compliance	Comment
70% of units to receive a minimum of 2 hours of direct sunlight in midwinter to living rooms and private open spaces.	Yes	83% or 35 out of a total of 42 apartments achieve a minimum of 2 hours of direct sunlight in midwinter to living rooms and private open spaces.
Maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at midwinter.	Yes	Zero apartments achieve no direct sunlight between 9am and 3pm at midwinter.

4B Natural Ventilation	Compliance	Comment
All habitable rooms are naturally ventilated.	Yes	All habitable rooms are naturally ventilated.
Minimum 60% of apartments in the first nine (9) storeys of the building are naturally cross ventilated.	Acceptable	<p>The applicant states that 24 out of 31 (77%) apartments in the first nine storeys are cross ventilated, relying on the light well recesses directly to the north and west of the lift core.</p> <p>These light well recesses are not the primary air source for habitable rooms in apartments, and they do assist in cross ventilating apartments on a constrained site.</p> <p>The subject site is unusual in shape which limits the building footprint, and potential floor plans that can be designed to maximise cross ventilation. The existing built form of adjacent developments to the north and south prevents any use of side elevations to improve cross ventilation. The proposed design has maximised cross through apartments and then utilised light wells to further supplement cross ventilation through the floor plate.</p>

4B Natural Ventilation	Compliance	Comment
		<p>The proposed development has incorporated passive design techniques to further improve thermal comfort.</p> <p>Overall, it is considered that the objectives of the ADG Objective 4B-3 has been met, given the number of apartments with natural cross ventilation is maximised on a constrained site, to create a comfortable indoor environment for residents.</p>
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	Acceptable	Whilst some cross-ventilated apartments exceed the 18m, these units exceed the minimum apartment size and unit with good amenity.

4C Ceiling Heights	Compliance	Comment
Habitable rooms: 2.7m	Yes	All residential floor to floor heights are a minimum of 3.150m and are capable of providing 2.7m floor to ceiling heights to habitable rooms.
Non-habitable rooms: 2.4m	Yes	All residential floor to floor heights are a minimum of 3.150m and are capable of providing 2.4m floor to ceiling heights to habitable rooms.

4D Apartment Size and Layout	Compliance	Comment
<p>Minimum unit sizes:</p> <ul style="list-style-type: none"> • Studio: 35m² • 1 bed: 50m² • 2 bed: 70m² • 3 bed: 90m² 	Yes	All apartment sizes are above the minimum specified size requirements.

4D Apartment Size and Layout	Compliance	Comment
<p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</p>		
<p>Every habitable room is to have a window in an external wall with a minimum glass area of 10% of the floor area of the room.</p>	Yes	All habitable rooms have access to an external window as required.
<p>Habitable room depths are to be no more than 2.5 x the ceiling height.</p> <p>8m maximum depth for open plan layouts.</p>	Acceptable	<p>The proposed apartments are significantly larger in area than the minimum internal areas required. As such, habitable room depths are greater than 2.5m x the ceiling height.</p> <p>Due to the generous apartment sizes and internal planning which includes habitable rooms located around a central void/light well, the intent of the Objective of 4D is met, in that the environmental performance of apartments is maximised.</p>
<p>Minimum area for bedrooms (excluding wardrobes):</p> <ul style="list-style-type: none"> • master bedroom: 10m² • all other bedrooms: 9m² <p>Minimum dimension of any bedroom is 3m (excluding wardrobes).</p>	Yes	All apartments achieve the minimum areas and dimensions prescribed for bedrooms.

4E Private Open Space and Balconies	Compliance	Comment
<p>Studio apartments are to have a minimum balcony area of 4m² with a minimum depth of 1m.</p> <p>One bed apartments are to have a minimum balcony area of 8m² with a minimum depth of 2m.</p> <p>Two bed apartments are to have a minimum balcony area of 10m² with a minimum depth of 2m.</p> <p>Three bed apartments are to have a minimum balcony area of 12m² with a minimum depth of 2.4m.</p>	Yes	All apartments provide adequately sized private open space in accordance with the ADG.

4F Common Circulation and Spaces	Compliance	Comment
The maximum number of apartments off a circulation core on a single level is eight (8).	Yes	A maximum of 4 apartments is provided off a circulation core.
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	Yes	42 apartments are proposed to be serviced by 2 lifts, equating to 21 apartments per lift.
Primary living room or bedroom windows should not open directly onto common circulation spaces, whether open or enclosed. Visual and acoustic privacy from common circulation spaces to any other rooms should be carefully controlled.	Yes	Primary living areas and bedrooms do not open directly on to corridors.

4F Common Circulation and Spaces	Compliance	Comment
Daylight and natural ventilation are provided to all common circulation spaces.	Yes	Each common circulation space has access to daylight and natural ventilation.

4G Storage	Compliance	Comment
Minimum storage provision facilities: <ul style="list-style-type: none"> • Studio: 4m³ • 1 bed: 6m³ • 2 bed: 8m³ • 3 bed: 10m³ (Minimum 50% storage area located within unit)	Yes	The apartments appear to be able to accommodate the minimum 50% requirement for storage. Additional storage is provided within the basement levels.

4J Noise and Pollution	Compliance	Comment
Have noise and pollution been adequately considered and addressed through careful siting and layout of buildings?	Yes	The proposal includes several treatments incorporated into the design of the building to minimise noise pollution. The submitted Acoustic Assessment includes these as recommendations, listed below: <ul style="list-style-type: none"> • Glazing treatment for building facades • Balcony treatment for natural ventilation • Acoustic treatment to apartments on levels 4-8 facing the central void/light well to Elizabeth St • Acoustic treatment for level 1 communal spaces including the gym and lap pool

4J Noise and Pollution	Compliance	Comment
		A condition of consent is recommended to ensure compliance with the Acoustic Assessment, including the implementation of these recommendations.

State Environmental Planning Policy (Building Sustainability BASIX) 2004

40. A BASIX Certificate has been submitted with the amended development application (1273992M_02).
41. The BASIX certificate lists 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 certificate are implemented.

State Environmental Planning Policy (Transport and Infrastructure) 2021

42. The provisions of SEPP (Transport and Infrastructure) 2021 have been considered in the assessment of the development application.

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

Clause 2.48 Determination of development applications – other development

43. The application is subject to Clause 2.48 of the SEPP as the development will likely to affect an electricity transmission or distribution network.
44. As such, the application was referred to Ausgrid for a period of 21 days and no objection was raised.

Division 15, Subdivision 2: Development in or adjacent to rail corridors and interim rail corridors

Clause 2.99 – Excavation in, above, below or adjacent to rail corridors

45. The application is adjacent to the Sydney Metro rail corridor and was subsequently referred to Sydney Metro for comment.
46. It is recommended that authority be delegated to the Chief Executive Officer (CEO) to determine Development Application No. D/2022/152, after concurrence from Sydney Metro has been received.

Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 10 Sydney Harbour Catchment

47. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SEPP. The SEPP requires the Sydney Harbour Catchment Planning Principles to be considered in the carrying out of development within the catchment.

48. The site is within the Sydney Harbour Catchment and eventually drains into Sydney Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SEPP are not applicable to the proposed development.

Local Environmental Plans

Sydney Local Environmental Plan 2012

49. 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 site is located in the SP5 Metropolitan Centre zone. The proposed development is defined as residential accommodation and retail premises and is permissible with consent in the zone. The proposal generally meets the objectives of the zone.

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	Yes	A maximum building height of 55m is permitted. A height of 55m (RL 79.91) is proposed, therefore the proposed development complies with the maximum height of buildings development standard.
4.4 Floor space ratio 6.4 Accommodation floor space	Yes	A maximum FSR of 8:1 is permitted. The site is identified as being located within "Area 2" and pursuant to Clause 6.4 (and the application being lodged prior to 30 June 2022), the following additional floor space is permissible based on the proposed uses: <ul style="list-style-type: none"> • Retail premises – 4.5:1 • Residential accommodation – 6:1

Provision	Compliance	Comment
		<p>Based on the proportion and mix of land uses, the maximum permissible FSR is 13.92:1 or 12,184sqm.</p> <p>An FSR of 11.8:1 or 10,325sqm is proposed, therefore the proposed development complies with the maximum floor space ratio development standard.</p>
4.5A Balconies on certain residential flat buildings	Yes	<p>The proposal includes wind-affected balconies which have been designed as wintergardens.</p> <p>The GFA of the proposed wind-affected balconies (for those apartments located above 30m - i.e. above level 9) have been excluded from the calculation of total floor space for the purposes of applying a FSR on the following basis:</p> <ul style="list-style-type: none"> • The excluded balconies' GFA do not exceed 15% of the GFA of the apartment to which each balcony is attached • All wind-affected balconies have been designed as external open spaces, • All wind-affected balconies have sufficient natural ventilation, the partial enclosure of the wind-affected balconies does not increase the apparent bulk of the building.

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.21 Flood Planning	Yes	<p>The site is identified as being subject to flooding.</p> <p>During the assessment of the application, an updated flood study was provided which provided a revised flood level threshold based on accurate survey data.</p> <p>Council's Public Domain Unit have reviewed the updated information and amended plans and considers that the maximum flood planning level has been satisfied for the proposed vehicle basement access ramp criteria, and the proposed development satisfies the provisions of the standard.</p>

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 1 Additional floor space in Central Sydney		
6.11 Utilisation of certain additional floor spaces requires allocation of floor space	Yes	As the proposal does not exceed 55m, Heritage Floor Space (HFS) is not required to be allocated to the site.
Division 3 Height of buildings and overshadowing		
6.16 Erection of tall buildings in Central Sydney		The provision requires that sites less than 1,000sqm be restricted to a maximum height of 55m. The proposal complies.
6.17 Sun access planes	Yes	<p>The maximum building height permitted on the site is restricted by the Hyde Park sun access plane.</p> <p>The proposed development complies with the sun access plane development standard.</p>

Provision	Compliance	Comment
Division 4 Design excellence		
6.21C Design excellence	Yes	<p>The proposed development is considered to meet the provisions of design excellence under Clause 6.21C.</p> <p>The proposed development has been amended to address the comments made by the DAP (as outlined in the Discussion section below).</p> <p>The proposed development is of a high standard and uses materials and detailing which are compatible with the existing development along the street and will contribute positively to the character of the area.</p> <p>The development achieves the principle of ecologically sustainable development and has an acceptable environmental impact with regard to the amenity of the surrounding area and future occupants.</p> <p>The location of the proposed building achieves an acceptable relationship with existing and proposed developments on adjoining and adjacent sites, in terms of setbacks and amenity.</p> <p>The proposed bulk, massing and modulation of the building is consistent with adjoining buildings and nearby development along both Elizabeth Street and Castlereagh Street.</p> <p>Overall, the proposal satisfies the considerations in Clause 6.21C(2) of the Sydney LEP 2012 and the development is considered to exhibit design excellence.</p>
6.21D Competitive design process	Not applicable	<p>A competitive design process is not required to be undertaken as the amended development is not greater than 55m, does not have a capital investment value of more than \$100,000,000, and a development control plan is not required to be prepared under Clause 7.20 (i.e., the site area is less than 1,500sqm).</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>7.7 Retail premises</p>	Yes, subject to condition	<p>A maximum of 36 car parking spaces are permitted, with a maximum of 35 spaces permitted for the residential component, and 1 space permitted for the retail premises.</p> <p>The proposed development includes 35 residential car parking spaces, which complies.</p> <p>The proposed 2 car parking spaces for the retail component of the development does not comply. The LEP provides maximum rates that cannot be exceeded. As such, a condition of consent is recommended to ensure that only 1 retail space is provided.</p>

Division 3 Affordable housing		
7.13 Contribution for the purpose of affordable housing	Yes	<p>A contribution for the purpose of affordable housing applies to the development (under clause 7.13(1)(d)(ii)), as the proposal involves the demolition of the existing floor area and the subsequent creation of more than 100sqm of GFA.</p> <p>A condition of consent is recommended to reflect this.</p>

Division 4 Miscellaneous		
7.14 Acid Sulfate Soils	Yes	<p>The site is located on land with Class 5 Acid Sulfate Soils. As the site is 447m from Class 2 Acid Sulfate Soils and proposed excavation, a preliminary assessment was required to be undertaken.</p> <p>The preliminary assessment confirmed that site will not be affected by Acid Sulfate Soils and an Acid Sulfate Soils Management Plan is not required. As such, the City's Environmental Health Unit have recommended relevant conditions to be included in the consent.</p>
7.16 Airspace operations	Yes	The proposed development will not penetrate the Obstacle Limitation Surface as shown on the Obstacle Limitation Surface Map for Sydney Airport.
7.19 Demolition must not result in long term adverse visual impact	Yes	While the proposal includes demolition of the existing building, the proposal also includes construction of a new building under the same application. Council officers are therefore satisfied that the site will be comprehensively redeveloped under the consent.
7.20 Development requiring or authorising preparation of a development control plan	Not applicable	A development control plan is not required for the site as the site area is not more than 1,500sqm and the development does not exceed 55m in height.

Development Control Plans

Sydney Development Control Plan 2012

50. 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

51. The site is located within the College Street/Hyde Park Special Character Area. The proposed development is in keeping with the unique character and the design principles of the Special Character Area, as follows:
- (a) It maintains and strengthens the sense of enclosure provided by the buildings to the west of Hyde Park, with the building being built to street alignment on Elizabeth Street.
 - (b) It protects and enhances solar access to Hyde Park, with a built form that complies with the sun access plane.
 - (c) It enhances and reinforces the precinct’s role as a major gateway to the City from the east, by ensuring that views when approaching the City are not adversely affected.

Section 3 – General Provisions

Provision	Compliance	Comment
3.1.5 Public Art	Yes	<p>A revised Preliminary Public Art Plan was submitted during the assessment of the application and is considered acceptable by the City's Public Art team.</p> <p>The Plan is proposing two public artwork locations on the Elizabeth Street and Castlereagh Street facades, in the forms of either sculptural/panel attachments or artistic treatments to walls/recessed facade elements. These locations, proposed artwork forms and indicative artists show an appropriate approach to the strong architectural language/materials and site context.</p> <p>A condition of consent is recommended to ensure that the public artwork is further developed in accordance with this Plan.</p>
<p>3.2. Defining the Public Domain</p> <p>3.2.1 Improving the public domain</p>	Yes	<p>The proposed development is within the Hyde Park sun access plane and does not overshadow any publicly accessible open spaces. The proposal does not impede public views from the public domain.</p>
3.2.2 Addressing the street and public domain	Yes	<p>The proposed development positively addresses the site’s street frontages, with the provision of a retail tenancy and entry to the residential apartments on Elizabeth Street.</p>

Provision	Compliance	Comment
		<p>Castlereagh Street is activated by the entrance to the basement level retail tenancy. The vehicular entrance on Castlereagh Street integrates with the overall design and is visually recessive.</p> <p>The development incorporates high quality materials and finishes and visibility of the public art in publicly accessible locations.</p> <p>The alignment of all frontages are provided at the same level as the adjacent footpath to ensure all entries to the site are accessible.</p>
3.2.3 Active frontages	Partial	<p>Both site frontages on Elizabeth Street and Castlereagh Street are nominated as Category 2 active frontage. In accordance with the control, over 70% of each frontage is to be provided as an active frontage.</p> <p>The site's Elizabeth Street provides for sufficient site activation. The activation of the site's Castlereagh Street frontage is more challenging due to the narrowness of this frontage and the need to provide the fire stair egress and vehicular access location. In this instance, considering these constraints, the incorporation of lobbies for the basement retail tenancy and residential lobby is an acceptable design outcome.</p>
3.2.4 Footpath awnings	Yes	<p>Elizabeth Street awning:</p> <ul style="list-style-type: none"> • The site is required to have a continuous awning to Elizabeth Street. • The proposed development incorporates an awning along the site's extent to Elizabeth Street to maximise weather protection.

Provision	Compliance	Comment
		<ul style="list-style-type: none"> • The maximum height of the awning is 4.2m, which complies and responds to the awning at the adjoining site to the south. • The width of the awning is approximately 3.4m which complies, however, does not address the 1.5m clearance from the face of the kerb requirement to accommodate street trees. • A condition of consent is required to amend this awning to maintain a 1.5m clearance, given its proximity to an existing street tree in this location. <p>Castlereagh Street awning:</p> <ul style="list-style-type: none"> • There is no requirement for a footpath awning to Castlereagh Street. • An awning is proposed along this street frontage to maximise weather protection. • The awning is approximately 4.2m in height, which is consistent with the awning of the adjoining building to the north and is considered acceptable. • A 1m clearance from the face of the kerb for smartpoles and vehicles has been provided.

Provision	Compliance	Comment
3.2.6 Wind effects	Yes	<p>A wind assessment report accompanies the application. The assessment details the wind tunnel testing that has been undertaken for the site and demonstrates that the proposal will not adversely affect wind conditions at the street level.</p> <p>A condition of consent is recommended to ensure that the proposal development incorporates the recommendations of this report.</p>
3.2.7 Reflectivity	Yes	<p>A Solar light Reflectivity Study was submitted with the application which recommends that all glazing and materials used on the external façade of the development have a maximum normal specular reflectance of visible light of 20%.</p> <p>A condition of consent is recommended requiring that the light reflectivity from the proposed materials will not exceed 20%.</p>
3.2.8 External lighting	Yes	Any external lighting will be subject to a separate application.
3.5 Urban Ecology	Yes	The proposed development does not involve the removal of any trees and will not have an adverse impact on the local urban ecology, subject to conditions.
3.6 Ecologically Sustainable Development	Yes	<p>The proposal will meet the sustainability requirement of BASIX relating to the residential component of the development, and Section J of the BCA which is applicable to the proposed non-residential uses (subject to conditions).</p> <p>A condition has been recommended to require compliance with the submitted 'Design for Environmental Performance' report submitted with the application to ensure that all ESD commitments are carried through to the certification and construction phases.</p>

Provision	Compliance	Comment
3.7 Water and Flood Management	Yes	The site is identified as being on flood prone land. See discussion under section 7.15 above.
3.8 Subdivision, Strata Subdivision and Consolidation	Yes	<p>The proposal includes the consolidation of the two existing separate allotments.</p> <p>The application was referred to Council's Specialist Surveyor, who recommended several conditions to be included in the consent.</p> <p>Strata subdivision is to be subject to a separate application.</p>
3.9 Heritage	Yes	The proposed development is not considered to detract from the heritage significance of nearby heritage items. This has been discussed further in the Sydney LEP 2012 compliance table.
3.10 Significant Architectural Building Types	Yes	<p>The existing building at 262-266 Castlereagh Street is a warehouse building that was built in 1923.</p> <p>The building has largely lost its integrity, and Council's Heritage Specialist advises the proposed demolition to be acceptable. Refer to the Discussion section for detail.</p>
3.11 Transport and Parking	Partial compliance	<p>The configuration of the basement parking and waste management facilities has been reviewed by the City's Access and Transport and Cleansing and Waste Units and is considered satisfactory, subject to recommended conditions.</p> <p>The following components of the development in accordance with the Sydney DCP 2012 minimum requirements for transport and parking:</p> <ul style="list-style-type: none"> • 6m wide vehicle crossover • 35 x residential parking spaces • 3 x B99 size dedicated service vehicle parking spaces

Provision	Compliance	Comment
		<p>There is also limited detail on the proposed residential bicycle parking.</p> <p>Conditions are recommended for imposition to ensure compliance with maximum vehicle and bicycle parking allocations and facilities to comply with the relevant standards.</p>
3.12 Accessible Design	Yes	<p>The application is accompanied with an Access Report confirming the design is capable of complying with accessibility requirements under the BCA, DDA standards and the Sydney DCP 2012.</p> <p>The proposal provides 15% of apartments (7 in total) as adaptable dwellings. The proposal also provides 20% of apartments as liveable dwellings.</p>
3.13 Social and Environmental Responsibilities	Yes	<p>The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.</p>
3.14 Waste	Yes	<p>Waste management facilities including sufficient areas for onsite waste collections have been accommodated within the development, and account for all proposed uses on site including the ability for a Council waste collection vehicle to service the site.</p> <p>A condition has been 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	<p>No signage is proposed under this application. A condition is recommended requiring a separate DA to be submitted for the approval of a comprehensive signage strategy, including wayfinding signage, prior to the erection of any signage on the site.</p>

4.2 Residential Flat, Commercial and Mixed-Use Developments

52. Clause 6A of SEPP 65 states that any DCP provisions pertaining to:

- (a) visual privacy,
- (b) solar and daylight access,
- (c) common circulation and spaces,
- (d) apartment size and layout,
- (e) ceiling heights,
- (f) private open space and balconies,
- (g) natural ventilation, and
- (h) storage,

are of no effect as they cannot be inconsistent with the design criteria and guidance provided by the ADG.

53. The remaining provisions are addressed in the following table:

Provision	Compliance	Comment
4.2.1 Building height		
4.2.1.2 Floor to ceiling heights and floor to floor heights	Partial compliance	<p>The proposed basement floor to floor height complies with the 4.5m minimum requirement, with 4.9m provided for the basement retail tenancy. The proposed upper ground floor to floor height also complies with 4.5m provided.</p> <p>The proposed lower ground floor to floor height of 4.2m is lower than the 4.5m DCP recommendation. Despite this, it is considered that the proposal meets the objectives of this provision, in that sufficient daylight access is provided into the building at this frontage and is acceptable.</p>
4.2.3 Amenity	Yes	<p>The proposal is generally acceptable with regard to residential apartment amenity considerations, subject to the conditions recommended in Attachment A.</p> <p>The proposed development maintains appropriate levels solar access to residential developments surrounding</p>

Provision	Compliance	Comment
		<p>the site. The proposal does result in minor additional shadowing to its southern neighbour at 281-283 Elizabeth Street in the afternoon at midwinter, however this shadow is acceptable, given:</p> <ul style="list-style-type: none"> • There is no impact on shadows cast in the morning hours at midwinter. • The minor non-compliances of the proposed development in relation to the Sydney DCP 2012 street wall and upper level setback controls, does not impact on the solar access received at midwinter to the neighbouring residential development. • A setback is provided to this shared southern boundary to further improve amenity to these southern neighbours.
4.2.3.2 Lightwells	Yes	<p>The proposed central void/light well fronting Elizabeth Street has been amended during the assessment (to increase its width and reduce its depth) to ensure that acceptable levels of amenity are provided to habitable rooms.</p> <p>The proposed light wells to the north and west of the lift core are not the only source of daylight to habitable rooms.</p> <p>The Acoustic Assessment includes recommended noise mitigation measures to attenuate and dampen breakout noise from windows opened for natural ventilation in the light wells and to minimise risk of noise intrusion between neighbours, which will be required to be incorporated into the design via condition.</p>
4.2.3.3 Internal common areas	Yes	<p>The internal common areas, corridors and lift lobbies have access to daylight and an outlook.</p>

Provision	Compliance	Comment
4.2.3.5 Landscaping	Yes	The proposed landscape design has been reviewed by the City's Landscape Assessment Officer, who has provided advice that the design is acceptable, subject to the landscape conditions in Attachment A.
4.2.3.10 Outlook	Yes	All apartments provide adequate outlook and views, and outlook from the surrounding development has been considered in the site planning and massing of the development.
4.2.3.11 Acoustic privacy	Yes	An Acoustic Assessment has been submitted with the application. The report has been reviewed by the City's Health and Building Unit. The advice received is that the recommendations of the report are acceptable. Conditions are recommended in Attachment A to require acoustic control and noise management measures are implemented.
4.2.3.12 Flexible housing and dwelling mix	Yes	The proposed dwelling mix is generally compliant with the DCP and provides the following mix: <ul style="list-style-type: none"> • 4.76% (2) one-bedroom units • 47.62% (20) two-bedroom units • 47.62% (20) three+ bedroom units
4.2.3.13 Wind affected balconies	Yes	The proposed balconies are generally designed in accordance with these provisions.
4.2.5.3 Development on busy roads and active frontages	Yes	The proposed development has been assessed against the noise criteria are stipulated in this section. The Acoustic Assessment concludes that the proposal is capable to meet these relevant standards, subject to recommendations (as required via condition).

Provision	Compliance	Comment
4.2.7 Heating and cooling infrastructure	Yes	The proposed heating and cooling infrastructure is consolidated in centralised locations throughout the development in order to ensure energy efficiency is achieved and to allow for the accommodation of future environmental technologies.
4.2.8 Letterboxes	Yes	The proposed design nominates a mailroom within the residential lobby for where the residential letterboxes will be located. The mailroom is integrated into the design and easily accessible while being secure to prevent mail left.

Section 5 – Specific Areas

Section 5.1 - Central Sydney

Provision	Compliance	Comment
5.1.1.2 Street frontage heights and street setbacks in Special Character Areas	Acceptable	<p>A maximum street frontage height of 45m and a front setback of 8m is specified for site in the College Street/Hyde Park Special Character Area.</p> <p>A compliant street frontage height of 45m is proposed to Elizabeth Street. An 8m setback is not provided above the street frontage height. Instead, the building steps in line with the sun access plane. This built form is consistent with the buildings that adjoin the site to the north and south and supported in this instance.</p> <p>The proposed street frontage height to Castlereagh Street does not comply, however is acceptable in the context of surrounding buildings. Refer to the Discussion section for detail.</p>
5.1.1.3 Side and rear setbacks and building form separations	Yes	A nil side and rear setback is permitted for buildings up to 55m. The proposal provides for a nil setback to the north and side, with windows located on or oriented towards, the northern and southern boundaries.

Provision	Compliance	Comment
		<p>A setback of 2.6m is provided to the southern boundary on the Castlereagh Street frontage to maintain amenity for the residential neighbouring site.</p> <p>It is noted that the openings to the light wells to the north and west of the lift core are setback between approximately 2m and 3m to allow for maintenance of the facade.</p>
5.1.1.4 Built form massing, tapering and maximum dimensions	Yes	<p>The DCP requires the maximum horizontal dimension for residential accommodation development to be 50m. The horizontal dimension of the building is 58m.</p> <p>The proposal complies with the floor plate and Building Envelope Area controls stipulated for a site of this size.</p>
5.1.2 Development outlook and demonstrating compliance	Yes	All windows and balconies provide a high level of unobstructed outlook and exceed the DCP controls specified.
5.1.3.2 Development adjacent to heritage items 5.1.3.3 Warehouse buildings	Yes	Refer to discussion in response to clause 5.10 of the Sydney LEP 2012 and 5.9 of the Sydney DCP 2012 in relation to heritage conservation.
5.1.4 Building exteriors	Yes	<p>The proposal will contribute positively to the streetscape with high quality architecture, meeting the objectives in this section.</p> <p>The Elizabeth Street frontage incorporates a compliant street wall height and rectilinear proportions that are consistent with adjoining buildings.</p> <p>The Castlereagh Street frontage provides for a street wall height which is appropriate to its context and includes a setback on the southern boundary to ensure that amenity is maintained for the adjoining residential development.</p>

Provision	Compliance	Comment
		<p>The use and detailing of the granite stone is consistent with the predominant masonry character and articulation of Central Sydney. The proposed glazing is light in colour.</p> <p>A condition is recommended for the exposed walls on Castlereagh Street for a visually interesting treatment is considered for these walls.</p>
5.1.7 Sun protection of public parks and spaces	Yes	Refer to the discussion and assessment provided in relation to the Hyde Park sun access plane and Clause 6.17 of the Sydney LEP 2012 in the table section above.
5.1.9 Managing wind impacts	Yes	<p>A Pedestrian Wind Environment Assessment prepared by Windtech submitted with the application concludes that any potential wind effects can be ameliorated with the consideration of the recommended treatment strategies into the design of the development.</p> <p>A condition of consent is recommended to ensure compliance with this report.</p>

Discussion

Design Advisory Panel

- 54. The proposal was presented to the Design Advisory Panel (DAP) at its meeting on 27 October 2022.
- 55. The recommendations of the DAP at its meeting and the design response of the amended scheme are detailed in the following table.

DAP advice	Design response
<p>The proposal is under the Hyde Park West Sun Access Place and complies with floorspace controls. The Panel noted that the proposal has an area less than 1000sqm but is currently taller than the 55m height limit for such sites which is prohibited. The City indicated it will resolve this issue with the proponent.</p>	<p>The amended scheme is no longer above 55m in height.</p>

DAP advice	Design response
<p>The Panel noted that the proposed communal open space is located underground in the basement. The Panel recognised that successful communal space needs not to be open and can be internalised and successful, like the residences on the corner of King and Phillip streets, however its communal space is not underground. There is an opportunity for communal space in the heritage building component.</p>	<p>The communal space has been relocated to Level 1.</p>
<p>The ground floor residential entry lobby is too small. It should be more generous.</p>	<p>The ground floor residential lobby entrance and corridor has been widened.</p>
<p>The Panel had significant concerns regarding apartment amenity. While window separation appears to be adequate, there are significant compromises regarding proper daylight access to apartments, outlook, noise separation and ventilation. The fissures or light wells are not wide enough and are too deep. Light would need to be reflected into the fissure to get the appropriate amenity and there is nothing to drive fresh air into the fissures. Openings need to be widened and not constricted.</p>	<p>The amended scheme provides for increased amenity, which is considered to be acceptable.</p> <p>The central void has been shortened and widened to ensure acceptable levels of daylight, outlook and ventilation are provided. As advised above, the design of the central void has been amended is to incorporate noise mitigation measures to attenuate and dampen breakout noise from windows opened for natural ventilation and to minimise risk of noise intrusion between neighbours (as required via condition).</p>
<p>The Panel suggested fewer apartments are required per floor to unlock apartment amenity. An alternative strategy could be larger terraces on the east which might improve apartment depth issues, however there were concerns about the usability of such terraces.</p>	<p>The amended scheme provides for a total of 42 apartments, resulting in a reduction of 6 apartments as originally lodged and considered by the DAP.</p>
<p>The issue of the need for a Competitive Design process will be resolved through the need for compliance with the height controls.</p>	<p>As above, the amended design results in a building no taller than 55m and as such, there is no requirement for a competitive design process.</p>

Demolition of Warehouse Building

56. Section 3.10 of the Sydney DCP 2012 seeks to conserve warehouse buildings older than 50 years.
57. The existing building at 262-266 Castlereagh Street is a warehouse building that was built in 1923 for a car showroom at ground floor and hotel accommodation on the upper levels. The site is also identified as an area of archaeological potential in the 1992 Central Sydney Archaeological Zoning Plan.

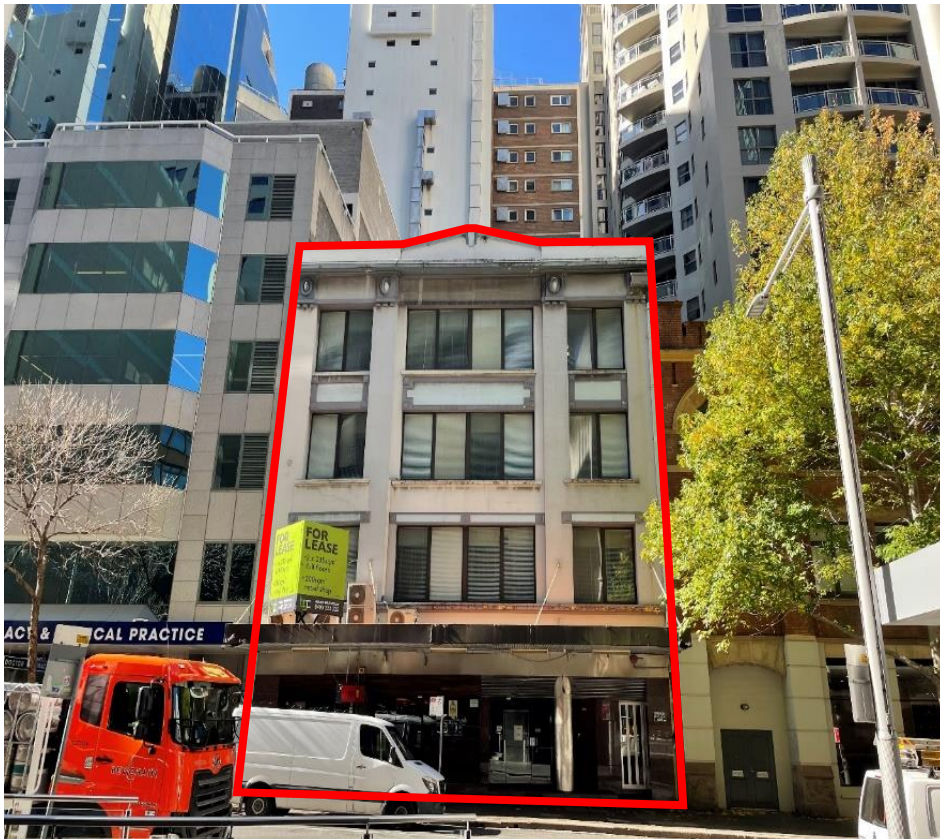


Figure 46: Existing warehouse building on site at 262-266 Castlereagh Street

58. Though the facade above ground level retains the original form, the windows and all ground level facade has been extensively modified. The building was originally constructed with timber floors that were partially replaced with reinforced concrete slabs when the fire stairs and lift were installed in the 1950s. The interior has been substantially altered and does not appear to retain original fabric or features.
59. The building has largely lost its integrity, and Council's Heritage Specialist advises the proposed demolition to be acceptable.
60. It is noted that the demolition of this building was approved previously under D/2012/764. Council's Heritage Specialist has recommended the inclusion of relevant conditions that were also included in the previous development consent under D/2012/764, such as the requirement for an archival process, the salvage, reuse and recycling of traditional building materials and heritage interpretation.

Street Frontage Height - Castlereagh Street

- 61. A maximum street frontage height of 45m and a front setback of 8m is specified for site in the College Street/Hyde Park Special Character Area under the Sydney DCP 2012.
- 62. The proposed development is inconsistent with the 45m street frontage height control on Castlereagh Street, with a street frontage height of 48.51m proposed. An upper level setback of 2.5m is proposed, rather than the DCP provisions of 8m. The DCP provisions also suggest that the street wall is to be built to the full width of the Castlereagh Street frontage.
- 63. The applicant has undertaken a street wall analysis (Figure 47) and visual impact study (Figure 48) to assess the existing and proposed context of buildings along the eastern side of Castlereagh Street at this location.



Figure 47: Street wall analysis of eastern side of Castlereagh Street, showing the existing site, the DCP compliant built form and the proposed development

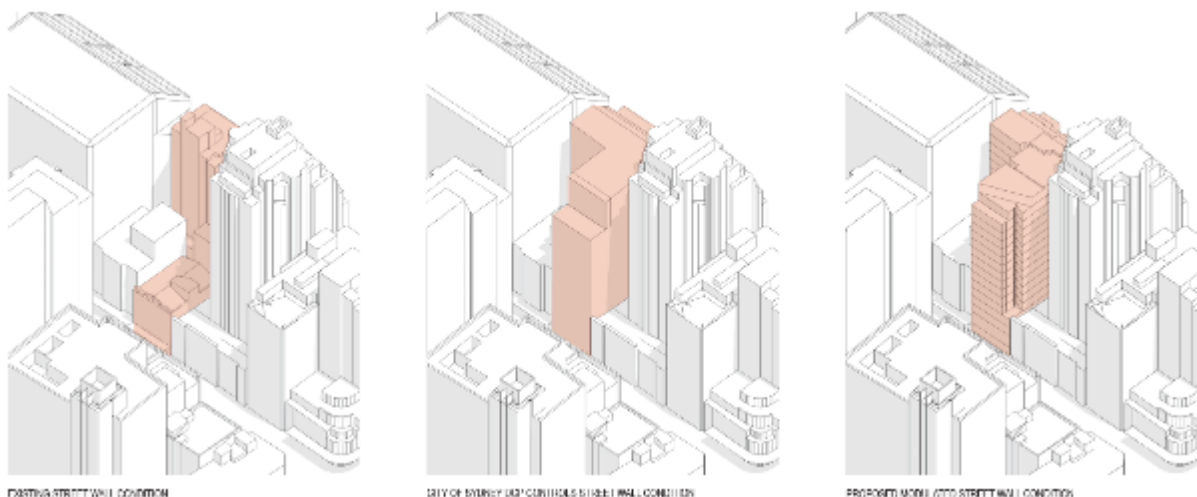


Figure 48: Isometrics of existing developments along Castlereagh Street, including the existing site, the DCP compliant built form and the proposed development

64. The above analysis indicates there is currently no consistent or established street frontage height along this section of Castlereagh Street. Additionally, the minor variance of the controls proposed facilitates a setback to the southern boundary, to ensure amenity is maintained for the southern neighbour.
65. Despite the non-compliances, the proposed built form is considered to meet the objectives of the controls, as follows:
- (a) The proposed street frontage height is appropriate to the site's context and location, with there being no existing consistent street frontage height.
 - (b) The proposal does not appear as a tall building above the street frontage height requirement, in that the proposed street frontage represents only a small variation.
 - (c) The proposed development will not have an adverse wind impact on the street and public places.
 - (d) The occupants of the future development on site, as well as the southern residential development, will have access to daylight and outlook with appropriate separation provided.
 - (e) The proposal maintains daylight and sunlight in streets and public spaces and has no major impact on view lines down Castlereagh Street.
66. As such, the proposed non-compliances are considered acceptable given the streetscape context and that the proposal delivers the objectives of the built form controls.

Communal Open Space

67. The design guidance that supports Objective 3D of the ADG outlines that where developments are unable to achieve the design criteria (25% of the site area for communal open space), such as sites in business zones or in dense urban areas, they should:
- (a) Provide communal spaces elsewhere such as a landscaped roof top terrace or a common room
 - (b) Provide larger balconies or increased private open space for apartments and
 - (c) Demonstrate good proximity to public open space and facilities and/or provide contributions to public open space.
68. As shown in Figure 49 below, the proposed development provides for common facilities on Level 1, including a gym and treatment room, lap pool, wellness centre, residential lounge and residents boardroom. Together, these common rooms have a combined area of 458sqm, which represents 52% of the total site area. This exceeds the minimum communal open space requirement of 218.82sqm or 25% of the site area, recommended by the ADG.

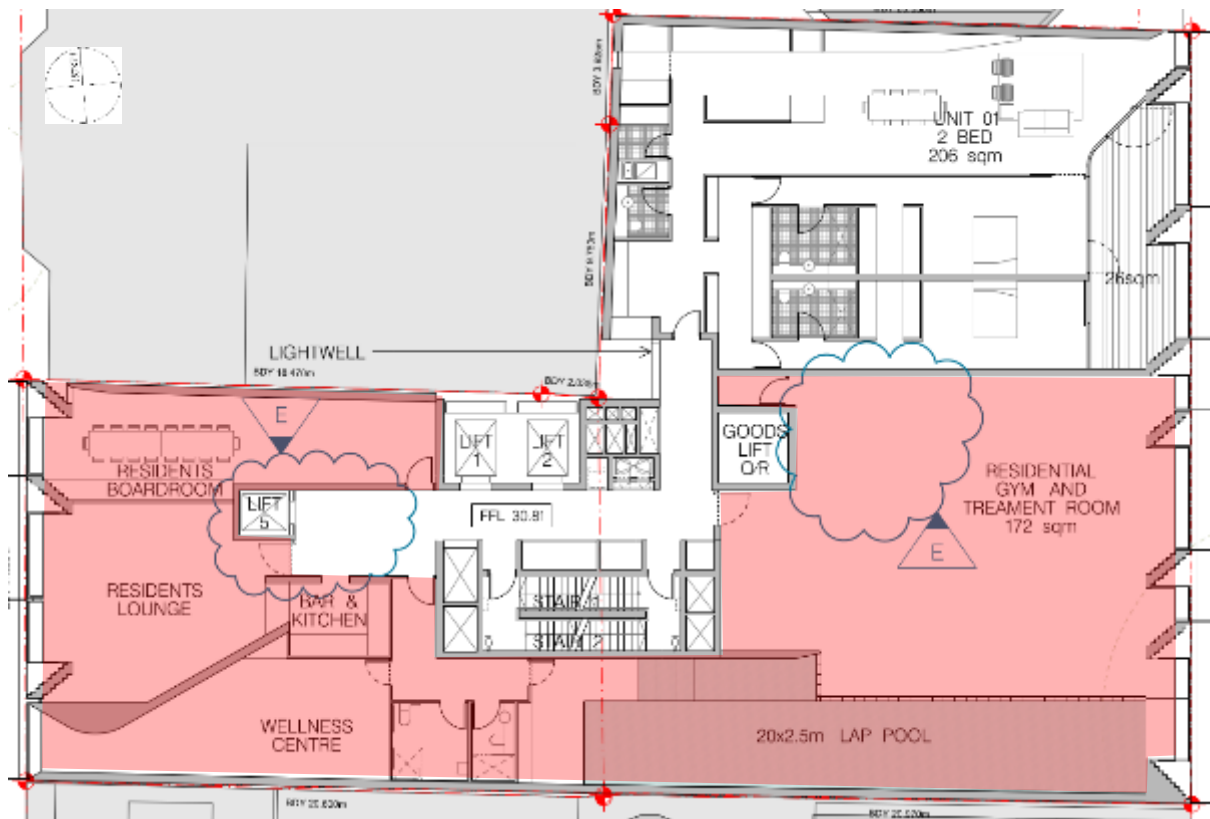


Figure 49: Level 1 Floor Plan, communal areas shaded in red

69. The proposed common rooms on Level 1 are considered to adequately provide for passive recreation as well as opportunities for social interaction of residents and is considered to contribute to residential amenity in a reasonable manner given its dense CBD context.
70. Further, in accordance with the design guidance outlined above, the proposed development includes increased private open space for apartments and is in close proximity being across the road from Hyde Park, Australia's oldest and most well-known public open space.

Location and Use of Lift 5

71. The proposal includes retail on Basement Level 1 with access from a shared retail, residential lobby accessed off Castlereagh Street, and Level 1 communal facilities.
72. This dual use of this lobby may have some intermingling issues between residents and retail customers, noting that this lift (Lift 5) will provide universal access to:
 - (a) the basement retail tenancy
 - (b) From the lower ground floor level (Castlereagh Street) through the ground floor level (Elizabeth Street), which houses both the residential lobby (and separate lifts to the upper residential floors of the building) and the retail tenancy fronting Elizabeth Street .
 - (c) Level 1 - the residential facilities level.
73. Due to the constrained footprint of this part of the site, there is not an opportunity for the provision of a second lift to only service the basement. As such, the use of the dual lift can be supported in this instance. However, in order to address safety and security the lift would need to be programmed to require swipe access for residents to go to the upper ground level and Level 1 only. As such, it is required via condition that a Plan of Management is prepared addressing these issues, to safeguard the safety and security issues of residents.

Consultation

Internal Referrals

74. The application was discussed with Council's:
 - (a) Design Advisory Panel;
 - (b) Building Services;
 - (c) Environmental Health;
 - (d) Heritage and Urban Design;
 - (e) Public Domain;
 - (f) Public Art Team;
 - (g) Surveyors;
 - (h) Transport and Assess;
 - (i) Sustainability Officer;
 - (j) Landscaping Officers;
 - (k) Tree Management; and
 - (l) Waste Management.

75. The above advised that the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the Notice of Determination.

External Referrals

Ausgrid

76. Pursuant to Section 2.47 of the SEPP (Transport and Infrastructure) 2021, the application was referred to Ausgrid for comment.
77. A response was received raising no objections to the proposed development.

Trustees of the Anzac War Memorial

78. The application was referred to the Trustees of the Anzac War Memorial on 18 October 2022.
79. No objections were raised.

Sydney Metro

80. Pursuant to Clause 2.99 of the SEPP (Transport and infrastructure) 2021, the application was referred to Sydney Metro for concurrence.
81. It is recommended that authority be delegated to the Chief Executive Officer (CEO) to determine Development Application No. D/2022/152, after concurrence from Sydney Metro has been received.

Water NSW

82. In accordance with Section 4.47 of the Environmental Planning and Assessment Act 1979, the application was forwarded to Water NSW as Integrated Development, as the proposed basement levels will have an impact on groundwater levels as groundwater is expected to be encountered with the depth of excavation.
83. Copies of public submissions made to the City of Sydney during the notification period were forwarded to Water NSW during the assessment process.
84. General Terms of Approval were issued by Water NSW on 6 September 2022 and have been included in the schedules within the recommended conditions of consent.

Advertising and Notification

85. In accordance with the City of Sydney Community Participation Plan 2020, the proposed development was notified and advertised for a period of 28 days between 14 March 2022 and 12 April 2022. A total of 296 properties were notified and 2 submissions were received.

86. The submissions raised the following issues:
- (a) **Issue:** The design, size and uses included within the proposed architectural roof feature is not consistent with Clause 5.6 of the Sydney LEP 2012.
Response: The proposal has been amended and an architectural roof feature is no longer proposed as part of the application. The amended development complies with the 55m height limit.
 - (b) **Issue:** The uses proposed for the architectural roof feature across the upper levels have the potential to create adverse amenity impacts to adjoining properties, including 255 Elizabeth Street.
Response: As above, the amended scheme no longer incorporates an architectural roof feature and complies with the 55m height limit.
 - (c) **Issue:** A poor residential floorplate outcome that does not comply with key provisions of SEPP 65 and the ADG.
Response: As detailed in the Sections above, the proposal has been amended to address key amenity matters raised by Council.
 - (d) **Issue:** The need for a Stage 1 DA and Design Excellence Competition to be undertaken prior to any detailed design approval being granted.
Response: The amended proposal is within the 55m height limit, and therefore does not trigger the requirements for a Stage 1/Concept DA or a Design Excellence Competition.
 - (e) **Issue:** Impact on cultural heritage significance in that the proposed development will remove affordable accommodation provided for ex-service personnel.
Response: The existing use of the site is not identified in the Sydney LEP 2012 as one of cultural heritage significance. The relocation of ex-service personnel accommodation is to be consider by The Returned & Services League of Australia (NSW Branch), not Council officers.
87. As the amended scheme and additional documentation provided was not considered to result in any significant additional environmental impacts, re-notification in this instance is not required and is in accordance with the City's Community Participation Plan 2022.

Financial Contributions

Levy under Section 7.12 of the Environmental Planning and Assessment Regulation 2000

- 44. The cost of the development is in excess of \$250,000. The development is therefore subject to a levy under the Central Sydney Development Contributions Plan 2020.
- 45. A condition relating to this levy 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 Section 7.13 of the Sydney Local Environmental Plan 2012

88. The site is located within the Central Sydney affordable housing contribution area. As the proposed development includes additional floor space, a contribution of 0.5 per cent is required for the non-residential component totalling \$53,588.27 (1,010sqm of total floor area), and a contribution of 1.5 per cent is required for the residential component totalling \$2,046,804.96 (12,859sqm of total floor area).
89. In accordance with Clause 7.13(2B) of the Sydney LEP 2012 the contribution amount has been halved as the development application was lodged prior to 1 July 2022.
90. A condition relating to this levy 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.

Relevant Legislation

91. Environmental Planning and Assessment Act 1979.
92. City of Sydney Act 1988.
93. Water Management Act 2000.

Conclusion

94. The application is for the demolition of existing buildings on site, site amalgamation and the construction of a mixed-use development with residential and retail land uses in a 15-storey building. These works have been assessed in accordance with the relevant planning controls.
95. The proposed development complies with key development standards applicable to the site, including the design excellence provisions, maximum height of buildings, gross floor area, and solar protection to Hyde Park in accordance with the provisions of the Sydney LEP 2012.
96. The application has undergone extensive consultation with the City's planning staff and the Design Advisory Panel. The application has been amended during the assessment to resolve a number of matters including previous height non-compliances, potential residential amenity issues, flooding matters, communal open space, the design of the ground plane, wind impacts, transport and access, and waste collection.
97. The proposal has been amended to address Council officers' concerns regarding compliance with the ADG and to improve residential amenity. The amended proposal is considered to be satisfactory, subject to conditions.
98. The application is Integrated Development, requiring approval of Water NSW under the Water Management Act 2000. General Terms of Approval have been issued by Water NSW and form part of the recommended conditions in Attachment A.
99. The proposal will provide new residential and retail land uses on a site which is highly accessible to existing and planned employment, services, public transport infrastructure and community facilities.

100. The proposal achieves the principles of ecologically sustainable development and has an acceptable environmental impact with regard to the amenity of the surrounding area and future users of the site.
101. As a result of public notification, two submissions were received. The concerns raised in these submissions have been adequately addressed by the applicant as discussed within this report.
102. All matters raised by internal and external referrals have been adequately addressed, as discussed within this report.
103. The proposal is in the public interest and is recommended for approval by the CSPC.

GRAHAM JAHN AM

Director City Planning, Development and Transport

Mia Music, Senior Planner