

Item 5.**Development Application: 6-8 Huntley Street, Alexandria - D/2021/1528**

File No.: D/2021/1528

Summary

Date of Submission: 22 December 2021, with the latest additional information received on 1 May 2023

Applicant/Owner: The City of Sydney Council

Architect/Designer: Collins and Tunner

Planning Consultant: Keylan Consulting

Cost of Works: \$18,350,010

Zoning: The site is located in the E3 Productivity Support zone. The proposal is defined as a recreational facility (indoor) and is permissible with consent in the zone.

Proposal Summary: Approval is sought for the redevelopment of the existing industrial building into a public indoor multi-purpose recreation centre, comprising 4 courts, a gym, and associated facilities.

The application is referred to the Local Planning Panel for determination as the City of Sydney Council is the applicant and landowner.

Issues

Additional information has been provided to address several issues identified by Council officers during assessment. The main issues relate to:

- land contamination;
- site access and servicing; and
- waste management.

Notification

The application was notified and advertised for 21 days between 24 January and 15 February 2022. As a result,

one submission was received, which raised the following concerns:

- insufficient car parking and the resultant pressure for workers and visitors to utilise the 'on-street' parking spaces available on the adjoining property's private access way; and
- construction traffic and on-going operational traffic impact on the access and parking of the adjoining property.

All concerns raised in the submission are addressed within the report.

Overall, the proposal responds satisfactorily to surrounding development and its context, and achieves a standard of architectural design that is considered to demonstrate design excellence.

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

Development Controls:

- (i) State Environmental Planning Policy (Industry and Employment) 2021
- (ii) State Environmental Planning Policy (Resilience and Hazards) 2021
- (iii) State Environmental Planning Policy (Transport and Infrastructure) 2021
- (iv) Sydney Local Environmental Plan 2012
- (v) Sydney Development Control Plan 2012
- (vi) City of Sydney Development Contribution Plan 2015
- (vii) City of Sydney Affordable Housing Program

Attachments:

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

Recommendation

It is resolved that consent be granted to Development Application No. D/2021/1528 subject to the conditions set out in Attachment A.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The development complies with the objectives of the E3 Productivity Support zone pursuant to Sydney Local Environmental Plan 2012.
- (B) The development will not result in adverse impact on the significance of neighbouring heritage items, including the Alexandra Canal.
- (C) The development exhibits design excellence under section 6.21C of Sydney Local Environmental Plan 2012.
- (D) The development, subject to conditions, will safeguard the amenity of neighbouring properties and operate in an orderly manner.
- (E) The development, subject to conditions, is generally consistent with the relevant environmental planning instruments, including the State Environmental Planning Policy (Resilience and Hazards) 2021 and the Sydney Local Environmental Plan 2012, and the Sydney Development Control Plan 2012.

Background

The Site and Surrounding Development

1. The site has a legal description of Lots 1-4 SP 33073 and Lot 2 DP 772194, commonly known as 6-8 Huntley Street, Alexandria. It is rectangular in shape with an area of approximately 6,143m². It has a primary street frontage to Huntley Street and obtains vehicular access from that frontage via 2 existing driveway crossings along its eastern and western side boundaries.
2. The site contains a two-storey industrial warehouse building with associated offices on the first floor. The 4 separate strata units are now under single ownership and vacant. The building is set back approximately 10-12m from Huntley Street and that setback area is used for parking and servicing. The site also contains 3 significant mature trees within the landscaped area along the Huntley Street frontage.
3. The site is located within the Southern Enterprise Area and is identified as being flooding-affected. The site, however, is not a heritage item or located within a heritage conservation area.
4. The surrounding area is characterised predominantly by light industrial and commercial uses, including some food and drink premises and childcare centres.
5. Adjoining to the south, is 4A-4F Huntley Street which contains five 1-2 storey buildings, that are currently used for a range of commercial and light industrial uses. The three warehouse buildings at 4D-4F Huntley Street are the former "Shea's Creek Woolsheds", which are collectively a local heritage item. An internal private road that runs along the subject site's eastern boundary provides vehicular access to 4A-4F Huntley Street and accommodates a number of 'on-street' parking spaces.
6. Two major mixed-use complexes, being 'The Mill' at 41-43 Bourke Road and the Alexandria Industrial Estate also neighbour the site to the east and the north, respectively.
7. The site adjoins the Shea's Creek channel to the west. A dedicated pedestrian/cycling path runs along the Creek, connecting Maddox Street to the north and the head of Alexandria Canal to the southwest. The dedicated pedestrian/cycling path is also part of the wider Liveable Green Network.
8. Site visits were carried out on 21 January 2022 and 16 May 2023. Photos of the site and surrounds are provided below.



Figure 1: Aerial view of site and surrounds

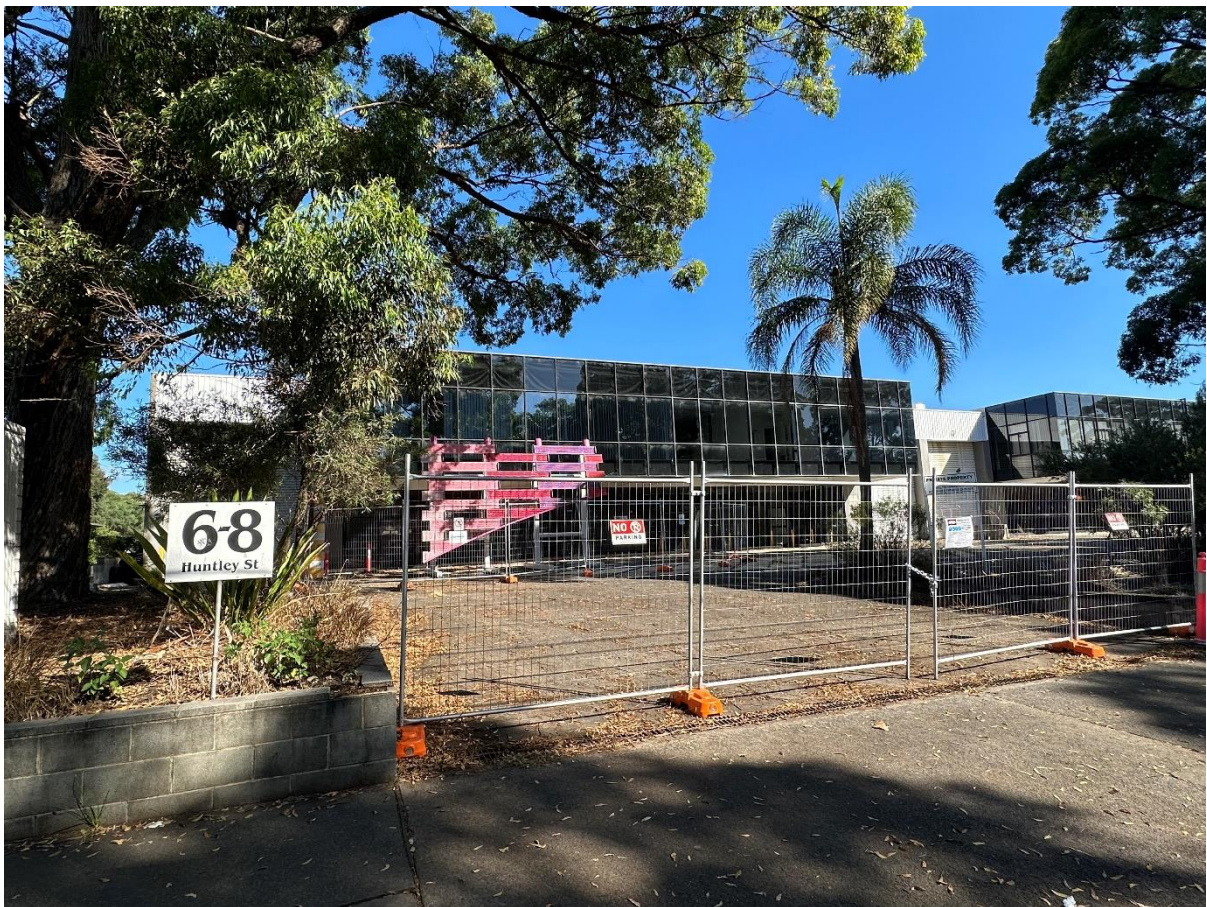


Figure 2: Eastern portion of the site viewed from Huntley Street



Figure 3: Western portion of the site viewed from the Huntley Street bridge over the Shea's Creek channel, with the existing pedestrian/cycling path along the site's western side boundary



Figure 4: Entrance to the private driveway servicing 4A-4F Huntley Street that runs along the site's eastern side boundary



Figure 5: Shea's Creek channel viewed from the Huntley Street bridge



Figure 6: Existing pedestrian/cyclist crossing point on the Huntley Street bridge to be formalised with line markings painted and signal lights installed as part of the City's upcoming public domain program



Figure 7: Existing pedestrian/cyclist path along the Shea's Creek channel north of the Huntley Street bridge, connecting to Maddox Street



Figure 8: Adjoining building at 4A Huntley Street to the rear (south) of the site



Figure 9: Existing 2 storey industrial building to the north of the site, on the other side of Huntley Street, which forms part of the Alexandria Industrial Estate

History Relevant to the Development Application

Development Applications

9. The following applications are relevant to the current proposal:
 - Pre-lodgement advice was issued on 12 May 2020 under **PDA/2020/27** for a similar proposal for the alterations and additions to the existing industrial warehouse building to use as an indoor recreation facility.
 - **D/2020/1431** was lodged on 15 January 2021 for a similar proposal for the alterations and additions to the existing industrial warehouse building to use as an indoor recreation facility. The application was subsequently withdrawn on 2 June 2021 to allow several issues to be resolved.
10. The subject application, as originally submitted, has addressed the key issues raised under D/2020/1431 as outlined below:
 - Additional site investigation has been carried out and documented in a Detailed Environmental Site Investigation (**DESI**), and a Remediation Action Plan (**RAP**) prepared to identify a feasible remediation pathway to make the site suitable for the proposed use as a recreation centre.
 - The DESI and RAP have been reviewed and endorsed by an EPA Accredited Site Auditor in a draft Interim Advice dated August 2021. The site auditor included a list of precautionary conditions to ensure that the site can be appropriately remediated to enable the final issue of a Site Audit Statement.

- Updated Traffic Impact Assessment and a Green Travel Plan (with a Transport Access Guide attached) have also been provided to outline a transport strategy that includes targets for alternative transport modes to address the shortfall in car parking provision.
- Adequate bicycle spaces are provided for future workers and visitors, and dedicated end of trip facilities (showers and lockers) provided for future workers to support cycling as the key mode of transport, which is supported by the existing pedestrian/cyclist path along Shea's Creek that is connected to the wider and expanding bike network.
- A signalised pedestrian crossing on the Huntley Street bridge that was approved by the Local Pedestrian, Cycling and Traffic Calming Committee on 17 September 2020 is programmed to be delivered prior to the commencement of use.
- A dedicated drop-off/pick-up/servicing area is provided within the site, utilising the existing eastern vehicle crossing, with swept path analysis demonstrating that all vehicles servicing the site, including a 9.25m long waste truck, can enter and exit the site in a forward direction.
- Changes to the parking arrangements along Huntley Street are also proposed to create a shared time-restricted no-parking zone, except for buses, to function as a pick-up/drop-off area; three (3) unrestricted parking spaces; and two (2) accessible parking spaces.

Amendments

11. Following an assessment of the proposal by Council Officers, a request for additional information and amendments was sent to the applicant on 18 March 2022. The following information was requested:
 - (a) additional information, including updated DESI, RAP and site auditor's Interim Advice to confirm that the conditions included in the draft Interim Advice dated August 2021 have been adequately addressed, and to ascertain whether remediation is required to address any off-site contamination regarding light non-aqueous phase liquid in the ground water and that any remediation (if required) will not interfere with activities on site;
 - (b) acid sulphate soil management plan should be provided as recommended by the submitted DESI;
 - (c) updated Arborist Impact Assessment is to be updated to reference the updated architectural design;
 - (d) a Design for Environmental Performance Report to provide clear commitments to the relevant environmental performance targets;
 - (e) updated waste management plan to include assessment on the waste storage area required for the kiosk and bulky waste storage; and
 - (f) updated architectural drawings to reflect any relevant modifications.
12. The applicant responded to the request on 4 April, 19 September and 26 September 2022, and submitted the following information:

- (a) correspondence from the environmental consultant to confirm that additional investigation works required by the RAP and associated draft Interim Advice have been completed, and a Data Gap Investigation Report is provided to capture the findings.
 - (b) an Interim Advice dated 6 November 2021 to replace the draft Interim Advice previously submitted;
 - (c) written advice from the environmental consultant to confirm that acid sulphate soils are at depth below the proposed works and will not be impacted by the proposed remediation measures or construction works, and that any requirements for acid sulphate soil management will be captured within the Construction Environmental Management Plan that will be prepared prior to the commencement of construction works;
 - (d) update arborist impact assessment, Design for Environmental Performance Report, and waste management plan as requested; and
 - (e) updated architectural drawings to include the following design changes:
 - (i) modify the design of the visitor bicycle parking and the layout of the planters in the front setback area to improve circulation;
 - (ii) provide an additional sliding door to the main entrance; and remove the skylight above;
 - (iii) increase the size of waste storage area to include a dedicated bulky waste store, and increase the size of the end of trip facility;
 - (iv) align the central court windows on the east and west elevation, and the glazing line adjacent to the waste storage area with the external walls;
 - (v) replace 12 roof mounted exhaust fan with 24 hybrid exhaust fan for improved efficiency; and
 - (vi) adjust the layout of the solar panels, plant enclosure, and safe roof access rail to align with the roof structural system and grid.
13. A further request for additional information was issued to the applicant on 4 October 2022. Specifically, an updated Interim Advice from the appointed site auditor is required to unequivocally confirm that the site can be made suitable for the proposed development, considering the submitted data gap investigation and further advice provided by the environmental consultant.
14. The applicant responded on 1 May 2023 with the following:
- (a) a revised RAP informed by the data gap investigation and further onsite testing;
 - (b) an updated Interim Advice to confirm that the revised RAP is acceptable, and that the NSW EPA has determined to not regulate the site under the *Contaminated Land Management Act 1997*. It confirms that the site can be made suitable for the proposed development and reiterates the advice from the NSW EPA that capping of the site to limit surface water infiltration and avoid additional mass loading of zinc to groundwater as the only viable management option; and

- (c) an updated landscape plan to amend the landscape design to not increase the quantum of deep soil as per the requirement of the Site Auditor and the NSW EPA, while continue to achieve additional urban canopy.

Proposed Development

15. The application, as amended, seeks consent for the alterations and additions to the existing warehouse building to use as an indoor recreation facility comprising:
- four (4) indoor multi-purpose courts that can be separated by dividing screens; a kiosk; ancillary office and administration space; amenities, and waste storage area on the ground floor;
 - a gymnasium; two functional training spaces; associated amenities; and end of trip facilities on the first floor; and
 - a public open space within the front setback area, providing play and fitness zones and landscaping; and an on-site loading/servicing area utilising the existing eastern vehicular crossing.
16. The proposed works include:
- demolition of the existing northern front facade, internal concrete partition walls, roof, and retaining walls and planter beds along the site's northern and western boundaries;
 - construction of a new northern addition, with a perforated aluminium mesh screen with an indicative colour pattern reflective of a multi-tonal textile pattern shown in Figure 21; internal alterations; alterations to the side and rear (south) facades to create new openings; and new services on the roof, including a plant enclosure, mechanical exhaust fans, and an extensive photovoltaic system; and
 - cut out of the existing concrete slab within the front setback area, remediation of land (including new concrete slab as capping), and landscaping.
17. The proposed hours of operation are detailed below:
- Courts (ground floor):*
- (a) Staff setup: 7am - 11.30pm, Mondays to Sundays;
 - (b) Customer use: 8.00am - 11.00pm, Mondays to Sundays;
 - (c) Sundays, only open subject to bookings.
- Gym (first floor):*
- (a) Staff setup: 5am - 11.30pm, Mondays to Fridays and 5.30am -10.30pm Saturdays and Sundays;
 - (b) Customer use: 5.30am - 11.00pm, Mondays to Fridays and 6.00am - 10.00pm, Saturdays to Sundays.

18. The proposal also includes a signage strategy (Figure 20) identifying 6 signage zones and the nature of each signage. However, no detail design of the signage is included. The 6 signage zones are as below:
- (a) 1 building identified sign (northern facade);
 - (b) 1 business operation sign (northern facade);
 - (c) 1 site identified sign (eastern facade);
 - (d) 1 site identification sign (western facade); and
 - (e) 2 totem wayfinding signs (east and west approach).
19. The proposal is accompanied by proposed changes to the parking restrictions along the southern side of Huntley Street in front of the subject site to accommodate:
- (a) a time-restricted no parking zone except for buses, to function as a pick-up/drop-off area;
 - (b) three (3) unrestricted parking spaces; and
 - (c) two (2) accessible parking spaces.
- These changes will require separate approval of the Local Pedestrian, Cycling and Traffic Calming Committee.
20. Selected drawings of the proposed development are provided below.

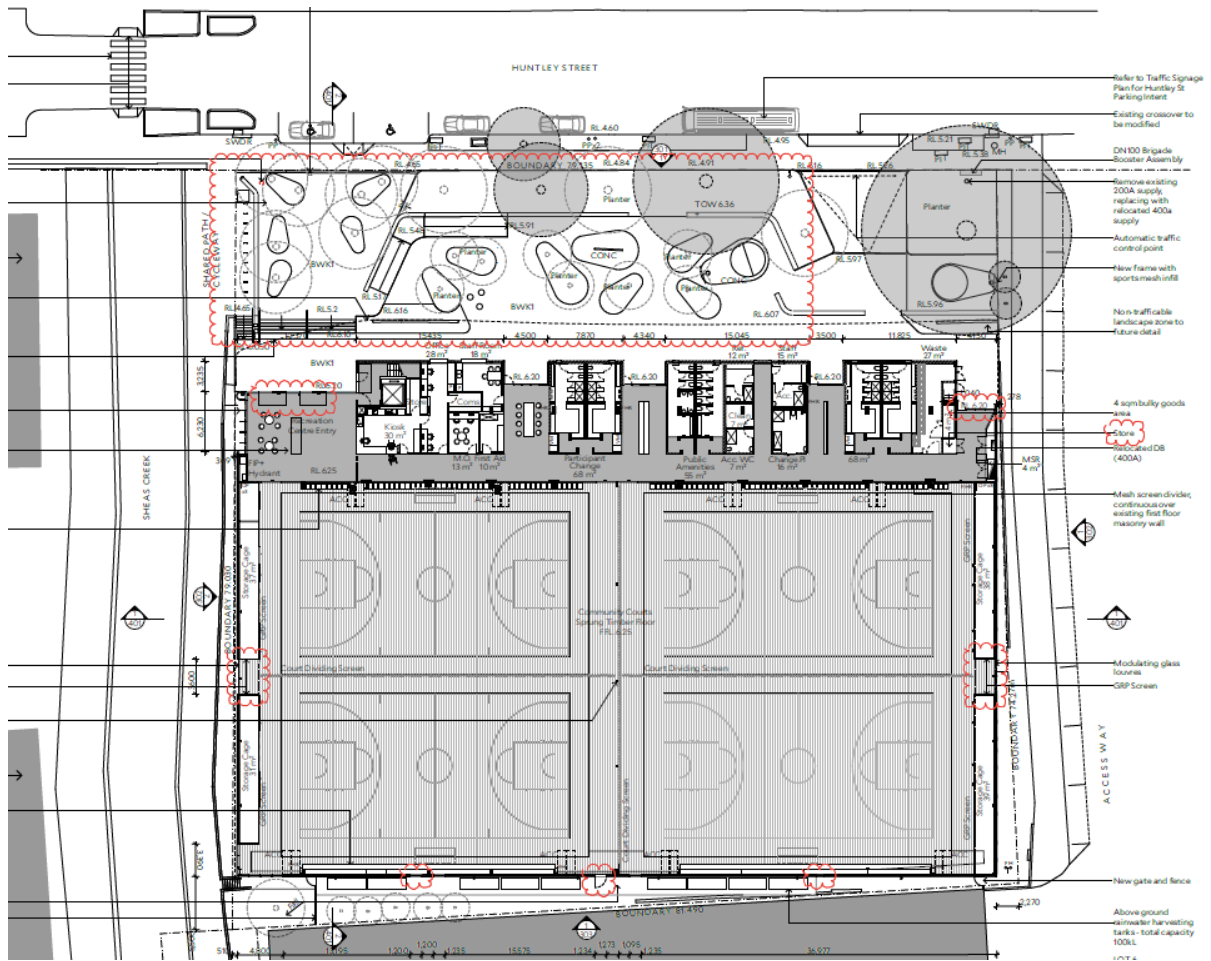


Figure 10: Proposed ground floor plan

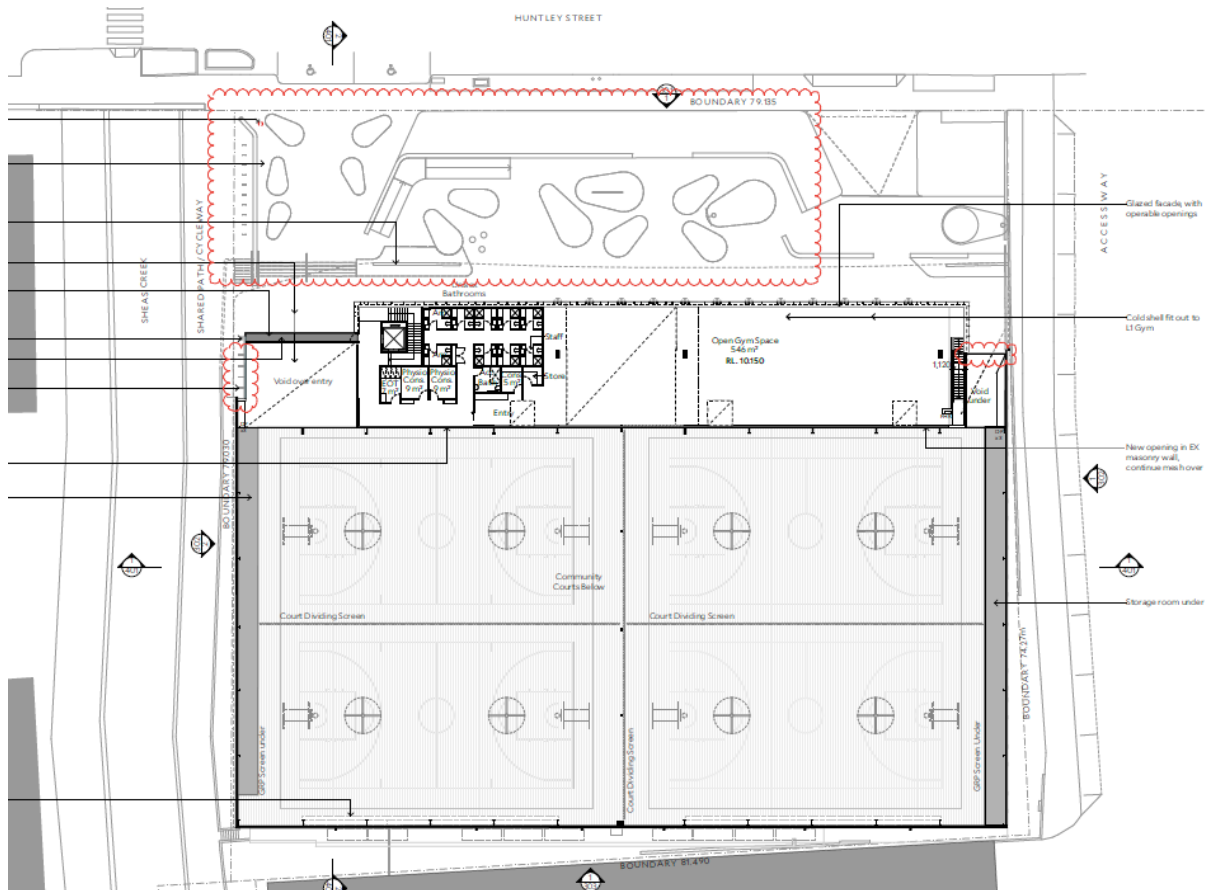


Figure 11: Proposed first floor plan

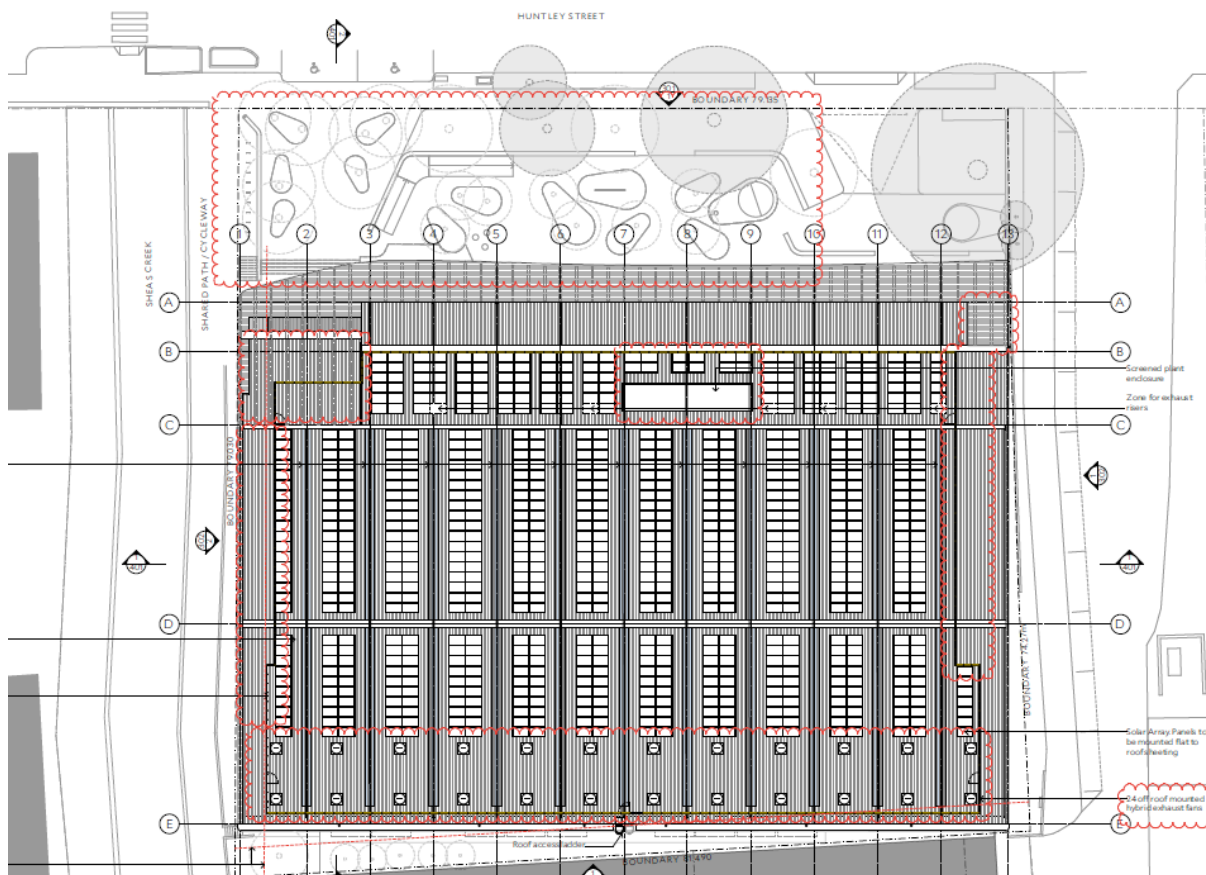


Figure 12: Proposed roof plan

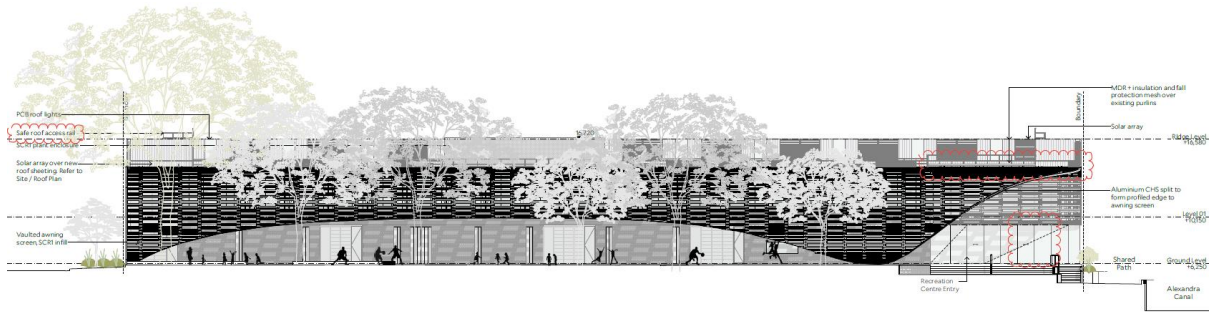


Figure 13: Proposed north elevation

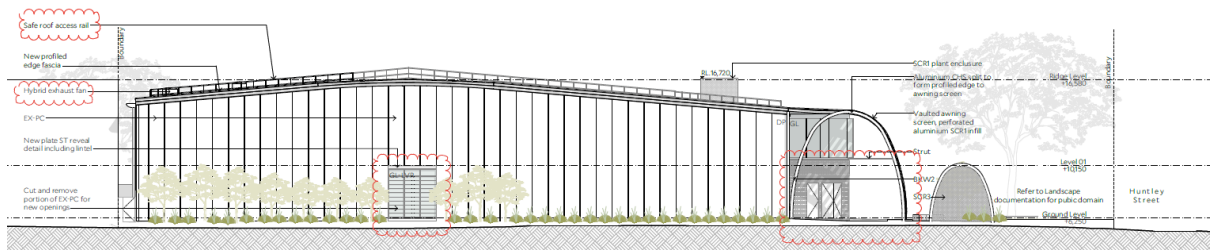


Figure 14: Proposed east elevation

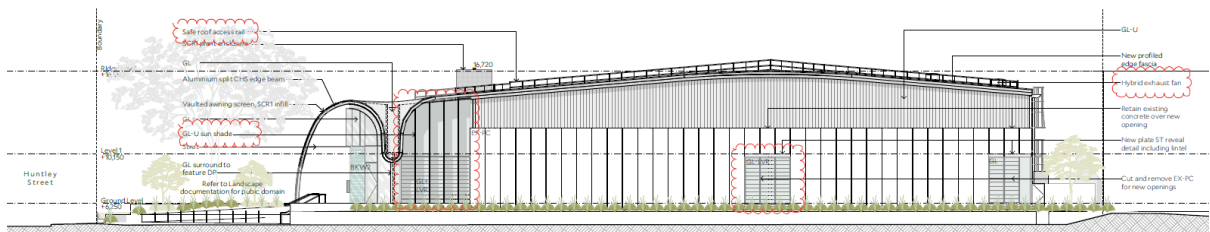


Figure 15: Proposed west elevation

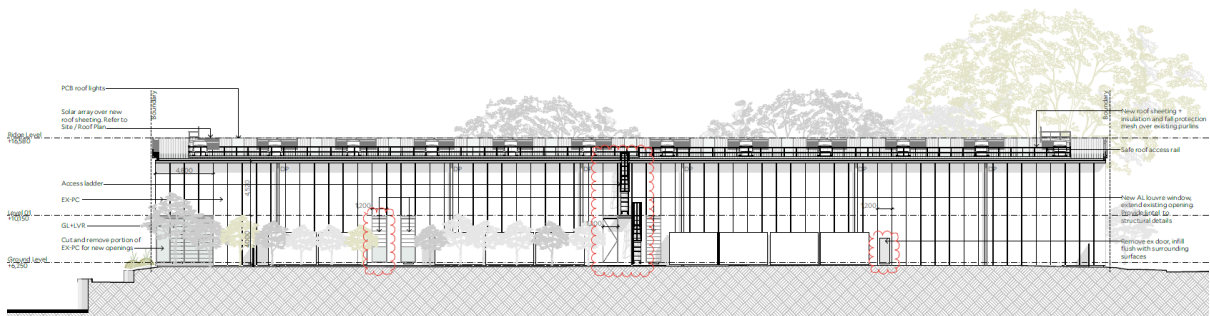


Figure 16: Proposed south elevation, largely concealed by the adjoining 4A Huntley Street

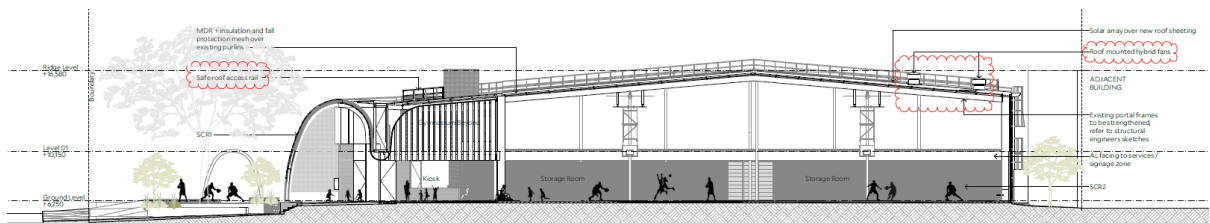


Figure 17: Proposed long section

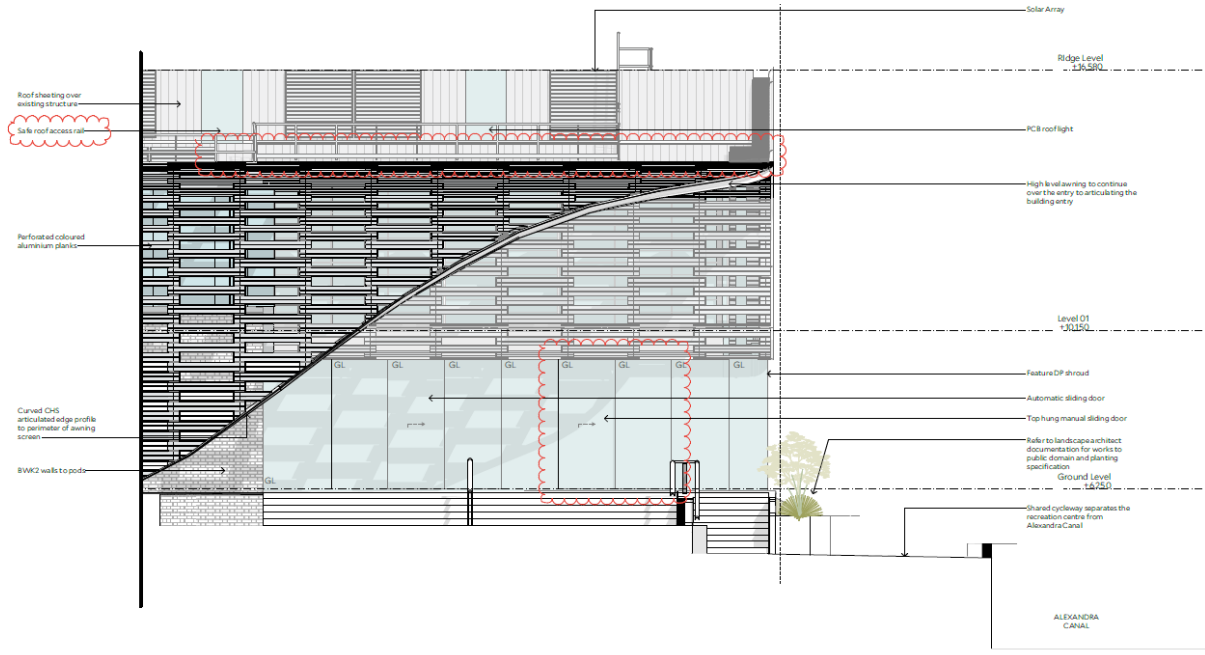


Figure 18: Proposed north elevation - building entry, between gridlines 1 and 3

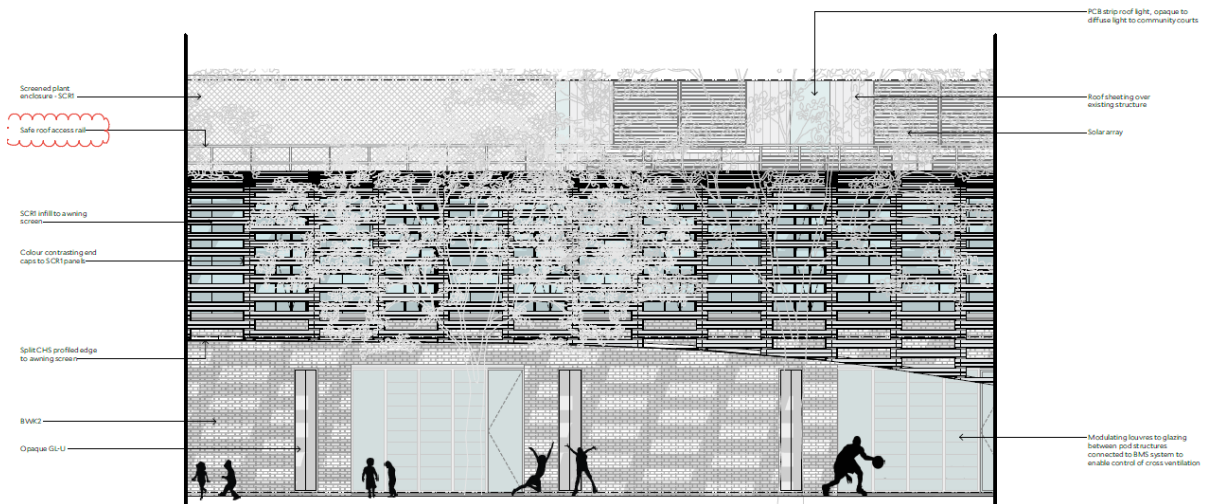


Figure 19: Proposed detailed north elevation, between gridlines 5 and 8

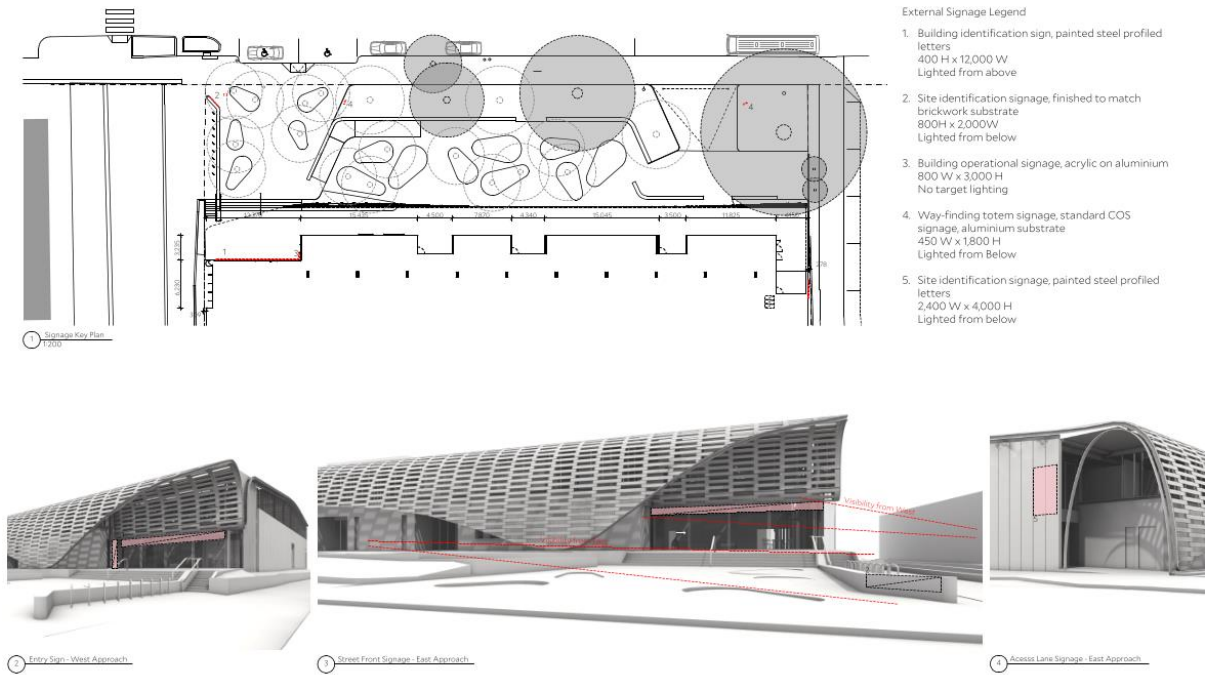


Figure 20: Proposed signage zones

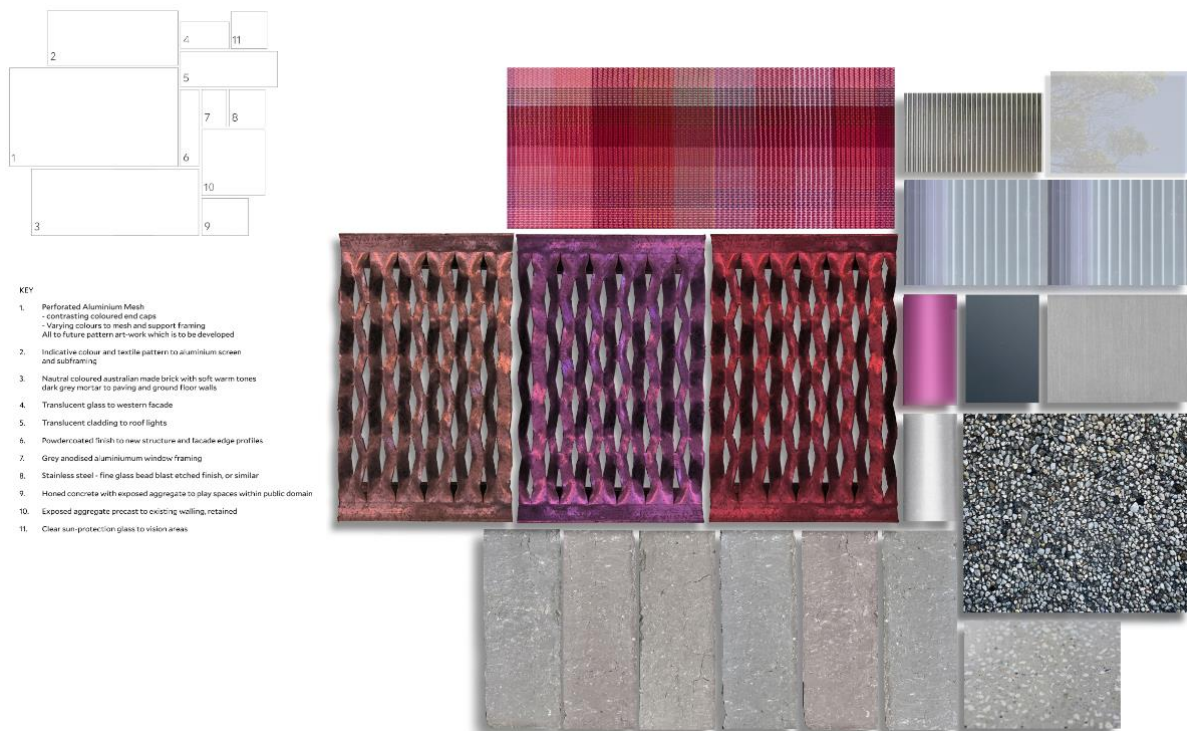


Figure 21: Proposed materials and finishes



Figure 22: Proposal photomontage

Assessment

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

State Environmental Planning Policies

State Environmental Planning Policy (Resilience and Hazards) 2021 - Chapter Remediation of Land

22. Chapter 4 of the SEPP 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.
23. Site investigations have identified metals; polycyclic aromatic hydrocarbons (PAHs); asbestos; petroleum hydrocarbons; light non-aqueous phase liquid (LNAPL); hydrocarbons characterised as diesel and lube oil (and associated dissolved phase hydrocarbon impacts); and elevated concentrations of zinc to be present on the site.
24. Additional investigations have been carried out by the applicant's environmental consultants, with inputs from the NSW EPA, to address the limitations and concerns previously raised by the appointed Site Auditor and the NSW EPA.
25. Informed by the outcome of the additional investigations, a revised RAP, accompanied by an updated Interim Advice, has been submitted with the development application. The Interim Advice confirms the proposed passive remediation method, that is to eliminate direct contact exposure through a capping layer, is suitable for the proposed development. The Interim Advice also confirms that the NSW EPA has decided not to regulate the site under the *Contaminated Land Management Act 1997*.

26. Appropriate conditions of consent are recommended in Attachment A to ensure compliance with the remediation measures outlined in the RAP and the additional requirements stated in the Interim Advice, and for Council to be notified should there be any changes to the strategy for remediation.

State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 - Advertising and Signage

27. Chapter 3 of the SEPP aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.
28. The proposed signage zones have been considered against the objectives of the policy and an assessment against the provisions within the assessment criteria set out in Schedule 5 is provided in the table below.

Provision	Compliance	Comment
1. Character of the area	Yes	The proposed signage zones accommodate signage that contribute to the desired character of the area.
2. Special areas	Yes	The proposed signage zones and types will not detract from the amenity or visual quality of the locality or the adjoining neighbouring heritage items. The design of those signs is subject to a separate development application.
3. Views and vistas	Yes	The proposed signage zones will not accommodate future signage that obscure or compromise any important views, nor dominate the skyline or has no impact on the viewing rights of other neighbouring signage.
4. Streetscape, setting or landscape	Yes	The proposed signage zones are of an appropriate scale, proportion and form and are capable of accommodating future signage that make a positive contribution to the streetscape.
5. Site and building	Yes	The scale, proportion and positioning of the proposed signage zones are acceptable. The final design and materiality of the signage are subject to a separate development application prior to installation as required by a recommended condition.

Provision	Compliance	Comment
6. Associated devices and logos	N/A	Not applicable - detailed content of each signage is subject to a separate development application, which is required to be generally consistent with the signage strategy.
7. Illumination	N/A	Not applicable - detailed design of each signage is subject to a separate development application.
8. Safety	Yes	The proposed signage types will not reduce the safety for pedestrians, cyclists or vehicles on public roads or areas.

29. The proposed signage zones are therefore considered to be consistent with the objectives of the SEPP as set out in Section 3(1) and satisfies the assessment criteria specified in Schedule 5.

State Environmental Planning Policy (Transport and Infrastructure) 2021

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

Section 2.48 Determination of development applications – other development

31. The application is subject to Section 2.48 of the SEPP as the development is in the vicinity of overhead powerlines and underground cables. As such, the application was referred to Ausgrid.
32. Ausgrid provided a response on 17 February 2022 raising no objections to the proposal. The recommended precautionary conditions are included in Attachment A.

Section 2.122 – Traffic-generating development

33. The application is subject to section 2.122 of the SEPP as the site has direct vehicular and pedestrian access to a regional road, and the proposed development is of the relevant capacity specified in Column 3 of the Table to Schedule 3. As such, the application was referred to TfNSW.
34. TfNSW provided a response on 15 February 2022 raising no objections to the proposal and recommended no conditions of consent to be included in Attachment A.

Local Environmental Plans

Sydney Local Environmental Plan 2012

35. 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 E3 Productivity Support zone. The proposed development is defined as recreational facility (indoor) and is permissible with consent in the zone and 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 22m is permitted. A compliant height of 10.47m is proposed.
4.4 Floor space ratio	Yes	A maximum floor space ratio of 2:1 or 6,143m ² is permitted. A compliant floor space ratio of 0.77:1 or 4,754m ² is proposed.

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	The site is not a heritage item nor located within a heritage conservation area. The proposal has been reviewed by the City's heritage specialist and is not considered to result in any adverse impact to the heritage significance of the neighbouring Alexandra Canal, which is both a state and local heritage item.
5.21 Flood planning	Yes	A site-specific flood risk assessment report has been submitted and reviewed by the City's Water Assets Unit and is considered acceptable. The report demonstrates that the proposed development is compliant with the City's Interim Floodplain Management Policy, considering that the finished floor level of 6.25m AHD is above the flood planning level of 6m AHD, which is the greater of the Probable Maximum Flood of 5.6m or the 1% AEP flood level of 5.5m + 500mm freeboard.

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 4 Design excellence		
Part 6, Division 4 Design excellence	Yes	<p>Sufficient information has been provided to demonstrate that the site can be made suitable for the proposed uses, which is also an appropriate adaptive reuse of the existing building with no adverse impact to the significance of neighbouring heritage items.</p> <p>The proposed additions and alterations largely maintain the existing bulk and scale of the existing building, and its design is of a high standard and uses materials and detailing that are appropriate to provide a contemporary presentation, particularly to the southbound pedestrians and cyclists along Shea's Creek.</p> <p>The proposal will provide a public open space within the existing front setback area and provide additional landscaping that will improve the landscape quality of the site's Huntley Street frontage and contribute to the urban canopy. It will also deliver public domain works that will improve pedestrian and cyclist access and safety.</p> <p>The proposal includes extensive photovoltaic system on the roof and appropriate design to achieve passive shading to the north elevation. The proposed initiative ensures the proposal 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>While limited information is provided regarding future signage, the proposed signage zones are appropriately sized and sited. The proposed signage zones will provide the appropriate parameters to ensure any future signage will be suitable for the proposed use and responds appropriately to the architecture of the building.</p>

Provision	Compliance	Comment
		<p>Considering the above, the development is considered to achieve design excellence.</p> <p>It is also noted that a competitive design process is not required as the proposed development is less than 25m height, does not have an investment value over \$100,000,000; and does not require a development control plan to be prepared under section 7.20 (see below).</p>
6.28 Development in Enterprise Area	N/A	The proposed development does not involve the erection of a new building nor the creation of additional floor space that is equivalent to at least 20% of the existing floor space. As such, this section does not apply, and the proposal does not rely on any additional FSR or height available under this section.

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development		
7.9 Other land uses 7.25 Sustainable transport of southern employment land	Yes	<p>A traffic assessment report has been provided to identify the maximum demand for car parking resulted from the proposed development is 122 spaces.</p> <p>The proposal does not include any car parking spaces, which is compliant with this development standard, and includes more-sustainable transport measures to address section 7.25. The proposed measures include:</p> <ul style="list-style-type: none"> 21 bicycling parking spaces and end of trip facilitates, which is appropriate given the existing dedicated cycleway along the site's western boundary, which connect to the Liveable Green Network along the Alexandra Canal; and

Provision	Compliance	Comment
		<ul style="list-style-type: none"> • an on-site pick-up/drop-off location that can accommodate up to a 20-seat bus. <p>The proposal also includes changes to the existing parking restrictions along the southern side of Huntley Street in front of the subject site to create:</p> <ul style="list-style-type: none"> • a shared time-restricted no-parking zone, except for buses, to function as a pick-up/drop-off area; • three (3) unrestricted parking spaces; and • two (2) accessible parking spaces. <p>The proposed traffic measures, including the supporting documents such as a Green Travel Plan and Transport Access Guide have been reviewed by the City's Transport and Access Unit and the Traffic Operation Unit and are considered acceptable. Conditions recommended by the two units have also been included in Attachment A.</p>
Division 3 Affordable housing		
7.13 Affordable Housing Contribution	Yes	The site is located within the Green Square affordable housing contribution area. As the whole of the proposed development is for the purpose of community facilities, a contribution is not payable pursuant to clause (6)(e)(iii) of this section.
Division 4 Miscellaneous		
7.14 Acid Sulfate Soils	Yes	<p>The site is located on land with class 3 acid sulfate soils.</p> <p>The proposal does not propose any works more than 1m below the natural ground surface, considering majority of the existing concrete slab is proposed to be retained. Furthermore, the amended remediation measures limit the potential exposure of acid sulfate soil, which is associated with the requirement to not</p>

Provision	Compliance	Comment
		increase the quantum of deep soil area on site. Therefore, an acid sulfate soils management plan is not required.
7.20 Development requiring or authorising preparation of a development control plan	Yes	<p>While the site exceeds 5,000m² in area, the requirement to prepare a development control plan is deemed to be unreasonable and unnecessary as the proposal:</p> <ul style="list-style-type: none"> • involves only alterations and additions to an existing building; • does not significantly increase the height or gross floor area of the existing building; • does not have significant adverse impacts on adjoining buildings or the public domain; and • that the height and bulk of the existing building remains substantially the same.

Development Control Plans

Sydney Development Control Plan 2012

36. 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

37. The site is located within the Enterprise Corridor locality. The proposed development is in keeping with the unique character and the design principles of the locality in that it will support the pedestrian and cycling connection and the Liveable Green Network along the alignment of the Shea's Creek channel by providing a new landscaped open space within its front setback area that can contribute positively to the quality and character of the head of the Alexandra Canal.

Section 3 – General Provisions

Provision	Compliance	Comment
3.5 Urban Ecology	Yes	The proposal includes the removal of 3 trees that are identified to be of low retention value, being T8 - a <i>Syagrus romanzoffianum</i> (cocos palm) in the front setback area, and T9 and T10 - two <i>Casuarina glauca</i> (swamp oak) that are

Provision	Compliance	Comment
		<p>located along the southern boundary between the existing warehouse building and the adjoining building at 4A Huntley Street.</p> <p>The City's Tree Management Unit has reviewed the proposed tree removal and raised no objection considering that the proposed landscape works in the front setback area will provide replacement and additional tree plantings to achieve a canopy cover equivalent to 19% of the site area.</p>
3.6 Ecologically Sustainable Development	Yes	<p>An ESD report has been provided to outline the development's ESD commitments, including a range of water recycling/efficiency measures, including onsite rain/stormwater capture, storage and re-use; and extensive solar panel system on the roof.</p> <p>A condition is recommended to secure the attainment of these targets and commitments detailed in the ESD report.</p>
3.7 Water and Flood Management	Yes	As discussed under section 5.21 of Sydney LEP 2012 above, the proposal is compliant with the City's Interim Floodplain Management Policy.
3.9 Heritage	Yes	As discussed under section 5.10 of Sydney LEP 2012 above, the proposed development will not result in any adverse impact to the significance of neighbouring heritage items.
3.11 Transport and Parking	Yes	<p><i>Car Parking</i></p> <p>The proposal includes changes to the existing kerbside parking restrictions along the southern side of Huntley Street. As discussed under sections 7.9 and 7.25 of Sydney LEP 2012 above, the proposed changes have been reviewed by the City's Transport and Access Unit and the Traffic Operation Unit and are considered acceptable, subject to conditions.</p>

Provision	Compliance	Comment
		<p><i>Bicycle Parking</i></p> <p>The proposal provides a compliant number of bicycle parking spaces and associated end of trip facilities. Provision of these, and their compliance with the Australia Standard, are ensured by conditions.</p> <p><i>Servicing</i></p> <p>An on-site pick-up/drop-off location is provided within front setback. The area is adequately sized to function as an on-site loading area. Sufficient turning area is provided to allow all service vehicles to enter and exit the site in a forward direction to maximise pedestrian safety.</p>
3.12 Accessible Design	Yes	The proposed development provides appropriate access and facilities for persons with disabilities, in accordance with the Building Code of Australia and Disability Discrimination Act 1992.
3.13 Social and Environmental Responsibilities	Yes	The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.
3.14 Waste	Yes	An acceptable operational waste management plan has been provided, and appropriate conditions are recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.
3.15 Late Night Trading Management	Acceptable	<p>The premises is not located within a late night trading area and the proposed development is defined as a Category C premises. The recommended hours of operation under section 3.15.4 are between 7.00am and 12.00 midnight, Monday to Sunday.</p> <p>The proposed hours of operation (open to customer) for the ground floor courts are 8.00am -11.00pm Monday to Sunday; and for the first floor gym are</p>

Provision	Compliance	Comment
		<p>5.30am - 11.00pm Monday to Friday and 6.00am - 10.00pm Saturday and Sunday. It is also proposed that staff be allowed additional time before and after the proposed hours as detailed in paragraph 17 above.</p> <p>The proposed hours are generally consistent with the recommended hours, except the morning hours between 5.00am and 7.00am, including staff set-up time.</p> <p>Pursuant to provisions 3.15.4(4) and (5), the morning hours are considered acceptable as the premises is not located in, or adjacent to, a residential zone or the Mixed Use zone; or located adjacent to or near any building with residential accommodation. The Plan of Management also includes adequate noise mitigation measures and the requirement for regular review to eliminate the possibility of recurring incident. Therefore, the morning hours are unlikely to result in unreasonable amenity impacts, particularly considering the predominantly industrial surrounds.</p>
3.16 Signage and Advertising	Yes	<p>A signage strategy is submitted with the application and is provided in Attachment B2. The proposed signage zones are generally in accordance with this section. However, as the signage strategy only identifies the general location and maximum area for each signage, the detailed design of each sign is subject to further development consent while being consistent with the signage strategy.</p>

Section 5 – Specific Areas

5.8 Southern Enterprise Area

Provision	Compliance	Comment
5.8.1 General	Yes	<p>The proposed development will support the realisation of the Southern Enterprise Area Urban Strategy, and is</p>

Provision	Compliance	Comment
		consistent with the design principles of the Enterprise Corridor locality.
5.8.2 Development		
5.8.2.2 Building setbacks	Yes	A front setback greater than 6m has been maintained, and that area is designed as a landscaped public open space that is generally free of built obstructions and not predominantly turfed. No fences are proposed along the site's Huntley Street frontage, and the existing side and rear setbacks are maintained.
5.8.2.3 Building height	Yes	<p>The site is permitted a maximum building height of 5 storeys, and no maximum frontage height is identified for the site.</p> <p>The proposed development maintains the existing compliant 2 storey height.</p>
5.8.2.4 Building layout and design	Yes	The proposal has been designed to maximise access to natural light and ventilation. The entry foyer has been appropriately located to address both Huntley Street and the dedicated cycleway along Shea's Creek. The proposed aluminium mesh also provides an awning over the entry.
5.8.2.5 Landscape and fencing	Yes	<p>Due to the remediation requirements, the proposed development cannot increase the deep soil area of the site in order to limit surface water infiltration, which is the only viable option accepted by the NSW EPA and the appointed site auditor. As such, the site cannot achieve the 15% deep soil are requirement.</p> <p>Notwithstanding, the landscape design will provide a tree canopy coverage equivalent to 19% of the site area, exceeding the 15% recommended target.</p> <p>Given the public nature of the proposed development, a private communal open space is also not required.</p>

Provision	Compliance	Comment
5.8.2.6 Parking, access and loading and servicing	Yes	Please refer to section 3.11 of the DCP above.
5.8.2.7 Storage areas	Yes	Appropriate storage areas, including waste storage, are provided within the building envelope.
5.8.3 Public Domain		
5.8.3.1 Public Open Space	Yes	While a new public open space is not required to be provided by the subject site, the provision of a new open space is consistent with the objectives of this section to increase the amount of publicly accessible open space in the Southern Enterprise Area, and to locate that open space along the existing dedicated cycleway that connects the head of the Alexandra Canal (part of the Liveable Green Network) to Perry Park on Maddox Street in the north.
5.8.3.3 Liveable Green Network	Yes	The proposed development has been designed to provide access to the entry foyer directly from the dedicated cycleway along Shea's Creek that is part of the Liveable Green Network. It also introduces a new opening to increase passive surveillance and retains the existing planter to maximise landscape opportunities possible with the retention of the existing warehouse building.
5.8.5 Managing transport demand	Yes	<p>The proposed development has been designed to promote sustainable transport modes, including active transports, to achieve the 35% mode share target through the provision of bicycling parking spaces and end of trip facilities.</p> <p>The application is also supported by a Green Travel Plan and a Transport Access Guide, which have been reviewed by the City's Transport and Access Unit and Traffic Operation Unit and are considered to be acceptable. Their implementation is required by conditions included in Attachment A.</p>

Provision	Compliance	Comment
5.8.6 Land use interface and building design	Yes	The proposed development will retain the existing industrial warehousing building and will not undermine the long term viability of the site to be used for industrial purposes in the future.
5.8.7 Environment	Yes	Adequate information has been provided to demonstrate that the proposed development has been designed to appropriately address flooding and land contamination. The proposed development will also provide additional tree planting to contribute to the urban ecology and increase the amount of public green open space in the Southern Enterprise Area.
5.8.8 Social infrastructure	Yes	The proposed development will provide additional recreation facilities and public open space for the Southern Enterprise Area. It has also been designed to encourage the use of sustainable transport modes.

Consultation

Internal Referrals

38. The application was discussed with Council's Building Services Unit; Environmental Health Unit; Public Domain Unit; Water Assets Unit, Transport and Access Unit; Traffic Operation Unit, Tree Management Unit, Waste Management Unit, Heritage Specialist, Urban Designer, and Landscape Officers. Relevant comments are included in the assessment section of this report, and appropriate recommended conditions have also been included in Attachment A.

External Referrals

Sydney Airport

39. Section 182 of the Commonwealth Airports Act 1996 specifies that, amongst other things, constructing a building or other structure that intrudes into a prescribed airspace is a controlled activity.
40. Schedules 2 and 5 of the Civil Aviation (Building Control) Regulations 1988 identify that the site is subject to a prohibition of the construction of buildings more than 15.24m above existing ground level.

41. Section 183 of the Commonwealth Airports Act 1996 specifies that controlled activities may not be carried out in relation to prescribed airspace unless an approval has been granted. The relevant approval body is the Civil Aviation Safety Authority (CASA).
42. The Sydney Airport Airfield Design Manager, as an authorised person of the CASA, provided approval for the controlled activity and the recommended condition is included in Attachment A.

Advertising and Notification

43. In accordance with the City of Sydney Community Participation Plan 2020, the proposed development was notified for a period of 21 days between 24 January 2022 and 15 February 2022. A total of 161 properties were notified and 1 submission was received.
44. The submission raised the following issues:

- (a) **Issue:** A construction environmental management plan should be provided to ensure the existing access to 4C-4F Huntley Street is not impacted during construction.

Response: A condition is recommended to require the submitting and approval of a construction traffic management plan to ensure access to neighbouring sites are not unreasonably impacted.

- (b) **Issue:** The proposed development should provide on-site parking to avoid staff and users of the new recreation centre from using the at-grade parking located along the private access way serving 4C-4F Huntley Street, given the site is not well serviced by public transport. There is also concern that pick-up/drop-off on Huntley Street will result in congestions and impact onsite access of 4C-4F Huntley Street.

Response: The proposal will provide compliant number of bicycle parking and end of trip facilities to promote the use of active transport. A Green Travel Plan and Transport Access Guide are also provided to inform and encourage the use of active/public transport. A condition is recommended to require the plans to be reviewed and updated from time to time to remain relevant.

A condition is also recommended to require a Guest Pick-up and Drop-off Management Plan to be provided to avoid impacts on the surrounding streets, including the access way to 4C-4F Huntley Street.

- (c) **Issue:** The Plan of Management for the centre should be updated to be clear to Centre Management that the access way and at-grade parking of 4C-4F Huntley Street are not available for staff or Centre uses.

Response: The proposal includes a dedicated service area within the front setback area (along the eastern boundary) to enable the development to be serviced within the site boundary. A condition is also recommended to require a Loading and Servicing Management Plan to be submitted, approved, and implemented to avoid operational impacts on neighbouring properties.

- (d) **Issue:** The Site Plan erroneously identified the existing at-grade parking of 4C-4F Huntley Street as 'on-street parking'. These spaces are in fact for private parking, and the Site Plan and Traffic and Parking Assessment should be amended to correct the issue.

Response: The error included in the site plan does not affect the assessment of the proposal by the City's Transport and Access Unit and Traffic Operation Unit. The two units considered the proposed changes to the parking arrangements along the site's Huntley Street frontage, and the progressive shift towards more sustainable transport options to be acceptable. As discussed above, appropriate conditions are recommended to avoid the misuse of existing at-grade private parking of 4C-4F Huntley Street.

Financial Contributions

Contribution under Section 7.11 of the EP&A Act 1979

45. The development is not subject to a Section 7.11 development contribution as it is a type of development listed in Table 2 of the City of Sydney Development Contributions Plan 2015, being development undertaken by and on behalf of Council, and is excluded from the need to pay a contribution.

Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

46. The site is located within the southern employment land affordable housing contribution area. As the whole of the building will be used for the purpose of community facilities, pursuant to section 7.13(6)(e)(iii), an affordable housing contribution is not payable.

Relevant Legislation

47. Environmental Planning and Assessment Act 1979.

Conclusion

48. The development complies with the objectives of the E3 Productivity Support zone pursuant to Sydney Local Environmental Plan 2012.
49. The development, subject to the recommended conditions, will not result in adverse impact on the significance of neighbouring heritage items, including the Alexandra Canal.
50. The development exhibits design excellence under section 6.21C of Sydney Local Environmental Plan 2012.

51. The development, subject to the recommended conditions, will safeguard the amenity of neighbouring properties and operate in an orderly manner.
52. The development, subject to conditions, is generally consistent with the relevant environmental planning instruments, including the State Environmental Planning Policy (Resilience and Hazards) 2021 and the Sydney Local Environmental Plan 2012, and the Sydney Development Control Plan 2012.

ANDREW THOMAS

Executive Manager Planning and Development

Bryan Li, Senior Planner