

**ITEM 4 DEVELOPMENT APPLICATION: 19 WILLIAM STREET, ALEXANDRIA**

**FILE NO: D2005/00090**

**SUMMARY**

**Date of Submission:** 27 January 2005 (additional information/amended drawings received on 26 May, 18, 27 July, 22 August, 28 November 2005, and 16 February 2006).

**Applicant:** Higgins,Thompson,Wright and Lea,Madden & Clothier

**Proposal Summary:** Demolition of existing warehouse and construction of 5 x 3 storey "terrace style" dwellings (each containing 3 bedrooms plus study) with a lower ground level garage accessed from a rear lane (William Lane). The proposal includes a public domain package "offering" a combination of a monetary contribution towards the Green Square Town Centre, laneway widening and dedication, and undergrounding of existing overhead cables.

**Summary Recommendation:** The proposed development only exceeds the maximum permissible FSR of 1.25 : 1 (base FSR of 1:1 with a 0.25:1 "bonus") by 5.35sqm (or 1.07sqm per dwelling). A condition of consent is recommended requiring a reduction in FSR to ensure compliance.

The proposal, with a "part floor" and a 10.6m height, complies with the 9m plus 36 degree attic roof envelope provision of DCP 1997.

One submission was received primarily concerned with the impact of residential development on the industrial character of the area. This submission is not considered to be well founded having regard to the Mixed Use 10(a) zoning of the site where dwellings are permitted. In addition, the zone objectives "encourage" residential development by limiting non-residential uses to 15%.

Conditions include reducing the size of the upper level decks to the DCP maximum permitted size, and ensuring that all habitable floors have a minimum 2.7m ceiling height.

A deferred commencement consent is recommended having regard to the need to adjust the internal floor to ceiling heights, and the public domain works and the need to enter into a Planning Agreement.

**Development Controls**

- (i) South Sydney Local Environmental Plan 1998 (Gazetted 28 April 1998, as amended)
- (ii) South Sydney Local Environmental Plan 1998 – Draft Amendment No. 9
- (iii) South Sydney Development Control Plan 1997 – Urban Design (in force on 2 July 1997, as amended)
- (iv) South Sydney (Heritage Conservation) Development Control Plan 1998, with specific controls for Conservation Areas (Adopted 9 December 1998, as amended)
- (v) City of Sydney Notification of Planning and Development Applications Development Control Plan 2005 (date of commencement – 18 May 2005)
- (vi) Development Control Plan No. 11 – Transport Guidelines for Development 1996 (Adopted 8 May 1996)
- (vii) City of Sydney Contaminated Land Development Control Plan 2004 (in force on
- (viii) Development Control Plan – Green Square Affordable Housing (adopted 14 August 2002, in force 10 September 2002)

**Developer Contributions:**

- (i) South Sydney: Section 94 Contributions Plan 2003 (in force from 5 November 2003).
- (ii) South Sydney Section 94 Contributions Plan Multi Function Administration Centre.

**Attachments:**

- A - Location Plan
- B - Selected Drawings

## RECOMMENDATION

It is resolved that:-

- (A) In accordance with the provisions of Clause 27C of South Sydney Local Environmental Plan 1998, the consent authority waive the requirement for a Masterplan as there is no appreciable planning or urban design advantage in a “masterplanning” exercise given the low density nature of the proposal and its compliance with the core planning controls (ie. height and FSR).
- (B) A deferred commencement consent be granted pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979 subject to the following conditions:
  - (1) The owner shall enter into a Planning Agreement in accordance with the Environmental Planning and Assessment Act, to be prepared by the Council at the cost of the applicant, which includes the scope and value of public domain works to be provided; and the quantum of monetary contributions associated with the development. The Planning Agreement must be executed by the owner before the release of the Development Consent in respect of the development. The Planning Agreement must be consistent with all conditions of development consent.

All monetary contributions are to be paid prior to release of the Development Consent for the development. All works and land dedications are to be designed, constructed and completed at the cost of the applicant/developer, as outlined in the Deed of Agreement, prior to the issue of the Occupation Certificate. A covenant is to be created requiring all works to be completed prior to the issue of the Occupation Certificate.

The total indicative value of bonus floor space related benefits required to support the additional floor space (calculated at the time of this report) is approximately **\$96,719.00**.

The total value of the public domain improvements package, comprising of works in kind and monetary contributions elements, will be indexed in accordance with the policy and the Act.

The elements of the public domain improvements package, include but are not limited to the items outlined below but are required to be undertaken in the order of priority. It should be noted that, although the package elements and area boundaries have been agreed to between the Council and the applicant, the precise land area in square metres within each boundary and the scope and value of works assigned to each element have to be verified to the satisfaction of Council and the applicant. These will be confirmed through detailed design documentation.

### a. Green Square Town Centre Monetary Contributions

Value = Total Proposed GFA x \$100 Value=\$20,362.00

b. Land Dedication

William Lane = 20.728m<sup>2</sup>

c. Undergrounding of Cabling

William Lane frontage.

It should be noted that Council **will not** contribute any funds towards the cost of the undergrounding of cables along William Lane should detailed costing received from Energy Australia exceed the monetary allocation. In addition, the relocation of the power pole in William Lane and the upgrade of the existing street light on that pole is not considered to form part of the bonus elements.

- (2) The design of the building shall be modified to ensure that a minimum floor to ceiling height of 2.7 metres is provided to all habitable rooms on the ground, first and second floors. In modifying the building design, the overall building envelope shall not be enlarged.
  - (3) The gross floor area, as defined in South Sydney LEP 1998, shall be reduced so as not to exceed 991.29m<sup>2</sup>. In modifying the building design, the overall building envelope shall not be enlarged.
  - (4) The rear first floor and second floor balconies for all 5 terraces shall be reduced to a maximum depth of 1.2 metre from the wall to which it is attached and limited to 3m<sup>2</sup> each.
  - (5) The owner must provide to the applicable energy supplier, free of cost, an area of land within the development site, to enable a "pillar" system to be installed to provide energy supply to the development. The system shall not be located within any landscaped area or on public land, and shall be appropriately integrated into the design of the development. If necessary, design amendments involving conversion of one of the rear garages into the "pillar" system shall be made. Details of the size and location of the "pillar" system is to be submitted for approval of Council.
- (C) The consent shall not operate until the applicant has provided details responding to the matters specified in Clause (B), which shall be approved in writing by the Director City Planning:
- (D) Within 12 months of the date of this resolution and upon compliance with the requirements of Clause (B), a full development consent in accordance with Section 80(4) of the Environmental Planning and Assessment Act, 1979 be issued, subject to the following conditions and any other additional conditions reasonably arising from the consideration of the matters specified in Clause (B):

## **SCHEDULE 1A**

### **Approved Development/Design Modifications/Covenants and Contributions/Use and Operation**

**Note:** Some conditions in Schedule 1A are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of Occupation Certificate, where indicated.

#### **(1) APPROVED DEVELOPMENT**

- (a) Development must be in accordance with Development Application No. D2005/00090 dated 27 January 2005 and information and drawings numbered 02(a), 03(a), 04(a), 06(a) and 07(a) dated 4 May 2005 and drawings numbered 01(c) and 05(c) dated 24 November 2005 all drawings prepared by G. Gordon Fuller & Associates and as amended by the conditions of this consent:
- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

#### **(2) ROAD WIDENING**

The owners of the site are to dedicate to the public for road widening purposes, free of cost to Council, a widening of 0.8 metre to William Lane for the full frontage of the site to that street. The widening dedication is to be on the assumption that the affected part of the site will be available for the calculation of the floor area of the buildings on the site. The widening is to be dedicated upon completion of construction of the reconstructed footway in accordance with Council's requirements and to its satisfaction.

#### **(3) FLOOR SPACE RATIO - ALL OTHER AREAS**

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the development must not exceed 1.25:1 calculated in accordance with South Sydney Local Environmental Plan 1998. For the purpose of the calculation of FSR, the Gross Floor Area of the development is 991.29sqm.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total Gross Floor Area in the development, utilising the definition under South Sydney Local Environmental Plan 1998, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

#### **(4) COMPLIANCE WITH BCA**

All relevant sections of the Building Code of Australia shall be complied with.

#### **(5) BUILDING HEIGHT**

- (a) The height of the building (as defined in the Dictionary of the South Sydney Local Environmental Plan 1998) must not exceed 10.6 metres to the underside of the top most ceiling.

(b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the height of the building, to the satisfaction of the Principal Certifying Authority.

**(6) SECTION 94 CONTRIBUTIONS SOUTH SYDNEY 2003 PLAN - INSIDE GREEN SQUARE**

As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the *Environmental Planning and Assessment Act, 1979 (as amended)*, and *South Sydney City Council Section 94 Contributions Plan 2003*, the following monetary contributions towards the cost of providing facilities and amenities are required.

<u>Contribution Category</u>	<u>Amount</u>
Open Space/LGA Works Programme	\$5,135.73
Open Space/New Parks (Green Square)	\$59,248.03
Accessibility and Transport	\$83.29
New Road Infrastructure/Green Square	\$24,521.28
Community Facilities/Green Square	\$20,943.14
Public Art Program	\$1,686.31
Library Resources	\$1,977.28
Management	\$978.00
<b>Total</b>	<b>\$114,573.05</b>

The above payments, with the exception of the land acquisition component of New Parks and Management, will be adjusted according to the relative change in the Consumer Price Index using the following formula. The contribution for land will be adjusted in accordance with the latest annual valuations.

$$\text{Contributions at Time of Payment} = C \times \text{CPI}_2 / \text{CPI}_1$$

where:

C is the original contribution amount as shown above;

CPI<sub>2</sub> is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and

CPI<sub>1</sub> is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being – December Quarter 05/06.

The contribution must be paid prior to issue of a Construction Certificate. Payment may be by **EFTPOS** (debit card only), **CASH** or a **BANK CHEQUE** made payable to the City of Sydney. Personal or company cheques will not be accepted. Please contact Council's Planning Administration staff to confirm the amount payable, prior to payment.

Copies of the Section 94 Contributions plan may be inspected at Council's offices.

**(7) SECTION 94 CONTRIBUTIONS - ADMIN CENTRE**

As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, and Sydney City Council Section 94 Contributions Plan – Multi-Function Administration Centre, the following monetary contribution towards the cost of providing the facility and amenities supported by that plan are required.

Contribution Category	Amount
Multi-Function Administration Centre	<b>\$5,312.73</b>

The above payment will be adjusted according to the relative change in the Consumer Price Index using the following formula.

$$\text{Contributions at Time of Payment} = C \times \frac{\text{CPI}_2}{\text{CPI}_1}$$

where:

C is the original contribution amount as shown above;

CPI<sub>2</sub> is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and

CPI<sub>1</sub> is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the date of the consent being (December Quarter, 2005/2006)

The contribution shall be paid prior to the issue of a Construction Certificate under Environmental Planning and Assessment Act 1979 or prior to the issue of a Subdivision Certificate under Environmental Planning and Assessment Act 1979, whichever occurs first. Payment shall be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. (Personal or company cheques will not be accepted).

Please contact Council's Planning Support Coordinator on 9246 7728 prior to payment to confirm amount payable.

Copies of the Section 94 Contributions Plan may be inspected at Council's offices.

**(8) AFFORDABLE HOUSING CONTRIBUTION – GREEN SQUARE -  
PAYMENT OF MONEY IN LIEU OF FLOOR SPACE**

In accordance with Clause 27P of *South Sydney Local Environmental Plan 1998 (as amended)*, and prior to a Construction Certificate being issued, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid at the office of the Department of Planning, 23-33 Bridge Street, Sydney or a bank guarantee in favour of The Department of Planning to the value of the required contribution has been lodged. The contribution is **\$114,831.03** based on the in lieu monetary contribution rate for residential development at \$115.84 per square metre of total residential floor area 991.29 sqm. Contributions will be indexed in accordance with the formula set out below.

Prior to an Occupation Certificate being issued, the applicant must provide evidence that the bank guarantee referred to above has been redeemed as payment of this contribution. If the contribution is paid after the indexation period in which the consent is granted (1 March 2005 to 28 February 2006), the amount of the contribution will be indexed in accordance with the formula set out below.

**NOTES:**

- (a) If any GST is liable for the affordable housing contribution(s), such GST component must be paid by the applicant.
- (b) Forms A, B and C for payment of the affordable housing contribution(s) must be obtained from the City of Sydney, 456 Kent Street, Sydney, and then must be lodged with the Housing Policy Team, Department of Planning, 23-33 Bridge Street, Sydney. Please contact the Department on Ph: 9228 6111 or Fax: 9228 6455 to arrange a time for payment.
- (c) The contributions will be indexed on the basis of the Established House Price Index for Sydney as published by the Australian Bureau of Statistics.
- (d) Contributions at Time of Payment =  $C \times \text{HPI}_2 / \text{HPI}_1$ , where:
  - (i) C is the original contribution amount as shown above;
  - (ii)  $\text{HPI}_2$  is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of the payment; and
  - (iii)  $\text{HPI}_1$  is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics that applied at the date of the consent (1 March 2005 to 28 February 2006).

**Advisory Note:** At the date of consent the 2005 Established House Price Index has not yet been finalised by the ABS and for this reason the City has not been able to index the contribution rates at 1 March 2006. Please note this when you obtain the relevant form from the City and pay the contribution to the Department of Planning.

**(9) PUBLIC DOMAIN PLAN**

Three copies of a detailed Public Domain Plan must be prepared by an architect, urban designer or landscape architect and must be approved by Council (to be lodged with the Public Domain Section) prior to a Construction Certificate being issued. It is recommended that draft plans should be submitted for comment prior to formal submission for approval.

It should be noted that the Public Domain Plan shall include details for the removal/relocation or upgrade of the existing power pole and street lighting luminare to facilitate the swept path of a car for House No. 3, at shall be at no cost to the City.

The Public Domain Plan must be prepared in accordance with the City of Sydney's Public Domain Manual.

**(10) PUBLIC DOMAIN CONDITIONS**

- (a) The detailed design and documentation for all the works in the public way shall be generally in accordance with Council's Streetscape Masterplan. Construction Certification plans and specification for all works involving public access shall comply with "Council's Development Specification for Civil Works" (Design and Construction).
- (b) Construction of any works in connection with this development consent shall not commence until the developer has had detailed plans and specifications prepared for those works and endorsed with a Construction Certificate and at least two days written notice to commence work has been given to Council.
- (c) The applicant shall ensure the installation of the following works prior to the issue of any occupation certificate for the site. The cost of this work shall be borne by the applicant :-
  - (i) Pedestrian and traffic management facilities as required; and
  - (ii) All sign posting for William Street and William Lane. Such details shall be documented in accordance with the Australian Road Rules to obtain Traffic Committee approval prior to installation.
- (d) The construction of any public domain works shall not commence until the applicant has had construction plans and specifications approved by Council, and at least two days written notice of the intention to commence work has been provided to Council. All works within the public domain shall be constructed strictly in accordance with the approved plans.
- (e) The applicant shall meet all costs associated with the design and construction of the public domain works pertaining to this development consent.

**(11) DILAPIDATION REPORT – MINOR**

**(12) DESIGN DETAILS (MINOR DEVELOPMENT)**

**(13) NOISE - USE**

**(14) NOISE - MECHANICAL PLANT**

**(15) PROHIBITION ON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME**

**(16) APPROVED DESIGN ROOF-TOP PLANT**

## **SCHEDULE 1B**

### **Prior to Construction Certification/Commencement of Work/Health and Building**

**Note:** Prior to the issue of the Construction Certificate, sufficient information must be forwarded to the certifying authority (whether Council or a private accredited certifier) illustrating compliance with the relevant requirements of the Building Code of Australia (and a copy forwarded to Council where Council is not the certifying authority). If Council is to be the certifying authority, please contact the Building Unit to discuss the requirements prior to submission of the application for construction certificate.

**(17) COMPLIANCE WITH THE SWIMMING POOLS ACT 1992**

The proposed spa's shall be designed and installed to comply with the requirements of the Swimming Pools Act 1992. Details shall be submitted to Council or the Certifying Authority prior the issue of a Construction Certificate.

**(18) CONTAMINATION CONDITIONS**

- (a) That the site is to be remediated and validated in accordance with the report prepared by Peter J Ramsay & Associates, Remedial Action Plan, 19 William Street Beaconsfield, February 2006. Prior to execution works associated with the built form of the development (excluding building works directly related to remediation) a Site Audit Statement is to be submitted to Council clearly indicating that the site is suitable for the proposed use. Conditions on the Site Audit Statement shall form part of this consent.
- (b) Any variations to the proposed remediation Action plan shall be approved in writing by the accredited Site Auditor and Council prior to any commencement of such works.
- (c) That prior to the exportation of waste (including fill or soil) from the site the material should be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW EPA environmental Guidelines Assessment, Classification and Management of Non-Liquid wastes. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporter if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or Group A liquid waste advice should be sought from the EPA.

**(19) BUILDING WASTE MANAGEMENT PLAN**

- (a) A Building Waste Management Plan is to be approved by Council prior to the issue of a Construction Certificate. The plan must comply with the Council's Draft Policy for Waste Minimization in New Development 2005. All requirements of the approved Building Waste Management Plan must be implemented during construction of the development.

UPON COMPLETION OF THE DEVELOPMENT

- (b) Prior to issue of an Occupation Certificate, certification of completion of waste handling works in accordance with the Building Waste Management Plan, other relevant development consent conditions and Council's Draft Policy for Waste Minimization in New Developments 2005 must be obtained from Council.

**(20) DEMOLITION/SITE RECTIFICATION**

The following conditions apply to the development:

- (a) Demolition or excavation must not commence until a Construction Certificate has been issued for construction of the substantive building.
- (b) Prior to the Construction Certificate being issued, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (c) Without limiting the generality of paragraph (b), the Deed must provide for:
  - (i) a bank guarantee to be provided in the sum of **\$20,000.00** dollars as security for the costs of such works provided that:
    - a. the maximum liability under the Deed must not exceed **\$20,000.00** dollars; and
    - b. the Council may accept a lesser amount as security if substantiated by detailed design and costing for works which meet the objectives of the condition.
  - (ii) Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
    - a. demolition of the existing building has commenced but not been completed;
    - b. the existing building has been demolished; or
    - c. the site has been excavated; or
    - d. the structure has commenced to be erected;

that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the consent authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:

- e. make the building safe and attractive at ground level;
- f. allow the ground level to be landscaped and made attractive from any public vantage point; or
- g. for the hole to be covered to allow it to be landscaped and made attractive from any public vantage point; or
- h. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenable stage;

AND to call on such bank guarantee to cover the cost thereof.

- (d) If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in an unattractive building site appearance, then the Council will have the readily enforceable rights to:
  - (i) require certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (c) (ii) e - h to take place on the site; and
  - (ii) in the event of default, must have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the cost of the works.

#### **(21) FOOTPATH DAMAGE BANK GUARANTEE**

Prior to a Construction Certificate being issued the owner of the site must provide a bank guarantee for the sum of **\$12,750.00** equivalent to 51sqm of footway adjacent to the William Street and William Lane frontages of the development site, as security for rectification of any damage to the public way.

**Note:** The bank guarantee required by this condition does not need to be provided if a separate bank guarantee is lodged as part of an approval for a hoarding over the public way.

#### **(22) ARCHEOLOGICAL DISCOVERY DURING EXCAVATION**

#### **(23) LAND SUBDIVISION – SEPARATE DA REQUIRED**

#### **(24) WASTE AND RECYCLING MANAGEMENT - MINOR**

#### **(25) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT**

#### **(26) NO DEMOLITION PRIOR TO A CONSTRUCTION CERTIFICATE**

- (27) EROSION AND SEDIMENT CONTROL – BETWEEN 250 AND 2,500SQM**
- (28) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT**
- (29) ROAD OPENING PERMIT**
- (30) LANDSCAPING OF THE SITE**
- (31) LETTERBOXES**
- (32) SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)**
- (33) SECTION 73 CERTIFICATE TO BE SUBMITTED TO COUNIL PRIOR TO ISSUING A CONSTRUCTION CERTIFICATE**
- (34) UTILITY SERVICES**
- (35) INSTALLATION OF DUAL-FLUSH TOILETS**
- (36) INSTALLATION OF WATER EFFICIENT TAPS**
- (37) STRUCTURAL CERTIFICATION FOR DESIGN – BCA CLASS 1 AND 10**
- (38) APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE**
- (39) BARRICADE PERMIT**

#### **SCHEDULE 1C**

##### **During Construction/Prior to Occupation/Completion**

#### **(40) COMPLETION OF PUBLIC DOMAIN WORKS**

The final Occupation Certificate for the building work shall not be issued by Council or by the appointed private PCA until the Public Domain work for that development has been constructed to Council's satisfaction. A 'Certificate of Completion', issued by the City's Public Domain Manager, shall be submitted to the Principal Certifying Authority (PCA) for the public domain works including stormwater drainage connections, prior to issue of the Occupation Certificate.

- (41) OCCUPATION CERTIFICATE TO BE SUBMITTED**
- (42) HOURS OF WORK AND NOISE – OUTSIDE CBD**
- (43) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS**
- (44) USE OF APPLIANCE OF A HIGHLY INTRUSIVE NATURE**
- (45) NOTIFICATION OF EXCAVATION WORKS**
- (46) EROSION AND SEDIMENT CONTROL**
- (47) PROTECTION OF STREET TREES DURING CONSTRUCTION**

- (48) COVERING OF LOADS**
- (49) VEHICLE CLEANSING**
- (50) LOADING AND UNLOADING DURING CONSTRUCTION**
- (51) NO OBSTRUCTION OF PUBLIC WAY**
- (52) ENCROACHMENTS – NEIGHBOURING PROPERTIES**
- (53) ENCROACHMENTS – PUBLIC WAY**
- (54) SURVEY**
- (55) SURVEY CERTIFICATE AT COMPLETION**
- (56) STREET NUMBERING – SINGLE DWELLINGS/MINOR DEVELOPMENT**
- (57) REMOVAL OF GRAFFITI**

## **SCHEDULE 2**

The prescribed conditions in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000 apply to the development.

## BACKGROUND

### The Site and Surrounding Development

1. The subject site is located on the western side of William Street and is currently occupied by a single storey brick industrial building with a saw-tooth roof. The industrial building is currently vacant and has a footprint that occupies the entire site. The site also adjoins William Lane at the rear (western frontage).
2. The site is rectangular in shape, containing a 25.91 metre frontage to William Street and William Lane and has a total site area of 793.03m<sup>2</sup>. The site has a general fall of approximately 2 metres from William Street (east) to William Lane (west).
3. Single storey industrial buildings are also located to the north, south and west of the subject site and are predominately of brick construction with saw-tooth roofs. Across William Street to the east of the site are tennis courts and a local park known as Beaconsfield Park.
4. It should be noted that there is one DA consent granted and two undetermined development applications for neighbouring sites. Details of these applications are as follows:
  - (a) 21-27 William Street (adjoining southern site) - D/2005/00978 lodged seeking consent to demolish the existing warehouse building and construct a mixed use development containing a total of 24 residential apartments, of which 8 will contain a home office. Excluding the 30 space basement parking level, the proposal comprises two distinct built forms – a three level “terrace style” building (two stories to William Street with a lower ground floor to the rear lane), and a four level residential flat building on the corner of William and Collins Street. The terrace style building, which immediately adjoins the subject site) has a two storey street wall that responds to the topography and varies in height. The corner building has a height of up to 4 storeys. This DA is undetermined and currently suspended pending additional information from the applicant, regarding design issues and non-compliance with height and FSR.
  - (b) 17-19 Collins Street (on opposite side of William Street to subject site) – Deferred commencement consent (D2002/01234) was granted on 26 September 2003 for demolition of existing building and construction of a mixed use building containing 13 residential units, one commercial use and basement parking for 15 vehicles. Work related to this consent has not commenced.
  - (c) 21 Collins Street (on opposite side of William Lane to subject site) - D/2005/00980 lodged seeking consent to demolish the existing warehouse and construct four (4) buildings ranging from 3 to 6 storeys in height for a mix of residential (71 units), retail and commercial uses containing rooftop gardens and basement parking for 102 vehicles. This DA is undetermined pending additional information from the applicant, regarding design issues and non-compliance with height and FSR.
5. A site location Plan is provided below.



6. Photographs of the site are provided below.



Photograph 1: Looking West towards Subject Site - 19 William Street, Beaconsfield



**Photograph 2: Looking South West along William St towards adjoining site (21-27 William St)**



**Photograph 3: Looking North along William St towards adjoining site (15-17 William St)**



**Photograph 4: Looking South-east along William Street towards Property known as 17-19 Collins Street, Beaconsfield**



**Photograph 5: Looking east towards Beaconsfield Park and Tennis Courts**



**Photograph 6: Looking North along William Lane towards subject site**



**Photograph 7: Looking North East along William Lane towards the rear of the subject site**

### **Pre-Development Application Discussions**

7. A pre development application meeting was held with the applicant on 5 October 2004. Issues discussed at the pre-DA meeting and subsequently identified in Council's letter dated 15 October 2004 include:
  - (a) Zoning and possible conflicts with adjoining non-residential uses;

- (b) Green Square planning principles;
- (c) Non-compliance with the maximum 9 metre limit as the proposed height was 9.9 metres;
- (d) Non-compliance with the base FSR of 1:1 and total bonus FSR of 1.25:1 as the proposed FSR was 1.88:1;
- (e) Insufficient soft/porous landscaping, 25% of the site area is required to be landscaped and only 2% is proposed, while 50% of landscaped area provided should be porous and overall only 8% proposed;
- (f) Terraces exceed 2/3 of site coverage or 66% of the site, which is the maximum permissible under the DCP;
- (g) Setbacks along William Street and William Lane;
- (h) Acoustic and visual privacy from proposed development (i.e. first floor balconies) and surrounding uses which currently exist;
- (i) Increase width of the rear garage openings to have a minimum 3 metre opening;
- (j) Section 94 and Affordable Housing contributions apply;
- (k) BASIX Certificates are required to be submitted with the application; and
- (l) Documentation is required to be provided to justify non-compliance with the base FSR and outline public benefits to allow for an increase in FSR.

## **PROPOSAL**

### **Original Proposal:**

8. The original proposal was to demolish the existing industrial building, excavate and construct 5 x 3 storey attached dwellings containing 3 bedrooms plus study and a lower ground storey providing 5 individual garages to accommodate 2 car spaces each, storeroom and internal access to the ground level of each dwelling. The original proposal had an FSR of 1.52 : 1.
9. A letter was sent to the applicant on 5 April 2005 advising that the proposed development should be amended to address the following issues:
  - (a) Compliance with base floor space ratio of 1:1 as insufficient details had been submitted to justify bonus floor space provisions;
  - (b) Insufficient deep soil planting;
  - (c) Reduction in the length of upper floor decks;
  - (d) Submission of BASIX report for each individual dwelling;
  - (e) Contamination; and
  - (f) Dedication of land to satisfy Energy Australia requirements.

10. The applicant was also advised that the submitted public domain package was insufficient.
11. On 26 May 2005, amended drawings, valuation for the proposed public domain works and survey plans were submitted in response to Council's letter.
12. On 16 November 2005, a letter was sent to the applicant advising that the proposal should be reduced to comply with the DCP maximum floor space ratio, reduce the number of car spaces to comply with the DCP maximum of 1 per dwelling, and relocate the internal garage access stairs adjacent to the internal rear wall of the garage.
13. On 21 and 28 November 2005, and 16 February 2006, additional information and amended drawings were submitted to Council.

### **Amended Plans**

14. The most recent amendments to the proposal have resulted in a reduction in the number of off-street car parking spaces (1 per dwelling instead of the originally proposed 2 stacked spaces per dwelling), and a subsequent net reduction in the overall gross floor area from 1.52:1 (1205.4m<sup>2</sup>) to 1.25:1 (996.65m<sup>2</sup>). Previous design amendments have resulted in an increase in the amount of porous landscaping and size reduction of the upper level balconies.
15. The amended proposal includes:
  - (a) demolition of the existing industrial building;
  - (b) excavation; and
  - (c) construction of 5 x 3 storey "terrace style" 3 bedroom (plus study) dwellings with a lower ground floor containing 1 parking space per dwelling accessed from William Lane.
16. The amended development exceeds the bonus FSR (1.25:1) by 5.35m<sup>2</sup> (or 1.07m<sup>2</sup> per dwelling) and includes a public domain package which proposes a monetary contribution towards the Green Square Town Centre, laneway widening and dedication, and undergrounding of existing overhead cables.
17. Plans, elevations and photomontages of the development are provided in **Attachment B**. Having regard to the Local Government Act 1993 which does not permit the Council to exhibit internal residential floor plans (primarily for privacy reasons), the applicant has provided written permission to include the residential floor plans within the attachment of this report.

## **IMPLICATIONS OF THE PROPOSAL**

### **Section 79C Evaluation**

18. An assessment of the proposal under Section 79C of the Environmental Planning and Assessment Act 1979 has been made, including the following:-

## Section 79C(1)(a) Environmental Planning Instruments, DCPs and Draft Instruments

### STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)

19. The following State Environmental Planning Policy/Policies are relevant to the proposed development:

#### SEPP 55 – Remediation of Land

20. The aims of SEPP 55 are to ensure that the change of land use will not increase the risk to health particularly in circumstances where a more sensitive land use is proposed.
21. A Phase I report was submitted with the application and was insufficient in determining whether the site was suitable for the intended use. A Detailed Environmental Site Assessment was requested and provided which was also found to be unsatisfactory.
22. Subsequently, the applicant was required to provide a Remedial Action Plan (RAP) that was to be peer reviewed by a Qualified Site Auditor to identify that the RAP is practical and the site will be suitable after remediation for the proposed use. The RAP was submitted and found to be satisfactory.
23. A review of the audit advice from an EPA accredited site auditor IT Environmental (Australia) Pty Ltd dated 14 February 2006 confirmed that the site is capable of accommodating the proposed residential use subject to conditions, included in the recommendation. This advice was reviewed and supported by Council's Environmental Health and Assessments Unit.

#### SEPP 65 – Design Quality of Residential Flat Development

24. The SEPP applies to the erection of a residential flat building. A “**residential flat building** means a building that comprises or includes:
- (a) 3 or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2 metres above ground level), and
  - (b) 4 or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops),  
**but does not include a Class 1a building or a Class 1b building under the Building Code of Australia.** [emphasis added]
- Note.** Class 1a and Class 1b buildings are commonly referred to as **town houses or villas** where the dwelling units are side by side, rather than on top of each other.”
25. Accordingly, the SEPP is not applicable as the proposal is for the erection of a group of class 1a buildings.

### LEP'S AND DCP'S

26. The following Local Environmental Plans are relevant to the proposal:

## South Sydney Local Environmental Plan 1998

27. Compliance of the proposal with the LEP controls is summarised below:

Development Controls	Permissible under South Sydney LEP 1998	Proposal as assessed under South Sydney LEP 1998
<b>Planning Principles (Part 2)</b>	Development is to be considered having regard to the goals and objectives within the Strategy for a Sustainable City of South Sydney	The proposed development application satisfies the Strategy. Refer to issues section of report.
<b>Zoning Controls (Part 3)</b>	10(a) Mixed Uses	The development is a permissible use within the zone and satisfies the objectives of the Mixed Uses 10(a) zone.
<b>Consistency with Masterplan (CI 27C)</b>	Consent not to be granted unless development within Green Square is consistent with adopted Masterplan / approved Stage 1 DA	The development seeks to waive the Masterplan requirement. This is discussed further below.
<b>Affordable Housing at Green Square (CI 27L to 27R)</b>	Provision and dedication of affordable housing unit/s or provision of a monetary contribution	The development is subject to a monetary contribution of <b>\$114,831.03</b> . An appropriate condition to this effect is recommended.
<b>Contaminated Land (CI 39)</b>	Council is to consider the issue of contamination in determining an application for a residential, child care centre or commercial use on land previously occupied by an industrial use.	This has been discussed above.

## South Sydney DCP 1997

28. Compliance of the proposal with the DCP controls is summarised below:

Matter to be Considered	Compliance	Comment
<b>PART B: URBAN DESIGN PRINCIPLES</b>		
<b>Urban Form</b> <i>Section 2</i>	✓	<b>Complies:</b> The proposed design of the development reinforces the block pattern and streetscape of the transitional area.

Matter to be Considered	Compliance	Comment
<b>Urban Villages, Public Spaces and Pedestrian Networks</b> <i>Section 3</i>	✓	<b>Complies:</b> The proposal reinforces and enhances the character of the Alexandria village.
<b>Sustainable , Healthy Environment</b> <i>Section 4</i>	✓	<b>Complies:</b> The proposal has been designed for ecological sustainability that responds with the surrounding transitional area.
<b>PART C: PUBLIC DOMAIN</b>		
<b>Public Domain Improvement</b> <i>Section 2</i>	✓	<b>Able to comply:</b> Refer to issues section below.
<b>Implementation (Section 94, FSR Bonus)</b> <i>Section 4</i>	✓	<b>Able to comply:</b> Refer to issues section below.
<b>PART D: SOCIAL PLANNING</b>		
<b>Social Housing and Mix</b> <i>Section 3</i>	*	<b>Does not comply:</b> The DCP requires a unit mix of 14% 0-1 bedroom units, 55% 2 bedroom units, 26% 3 bedroom units and 5% 4+ bedroom units. This DCP requirement is based on data from the 1991 Census. The proposed development only provides 5 x 3 bedroom plus study terraces. This non-compliance is not considered to be sufficient to warrant DA refusal or a major redesign of the development. By way of comparison, it is noted that the unit mix provisions within the Central Sydney DCP 1996 only applies to development involving 20 or more dwellings. Thus, on balance the proposal is considered to be acceptable.
<b>Security</b> <i>Section 9</i>	✓	<b>Complies.</b>
<b>PART E: ENVIRONMENTAL DESIGN CRITERIA</b>		
<b>Private Open Space</b> <i>Section 1.4</i>	✓	<b>Complies.</b> It is noted that separate discussion is provided below regarding the amenity impacts from the upper level decks.

Matter to be Considered	Compliance	Comment
<b>Landscaping</b> <i>Section 1.5</i>	✓	<b>Complies:</b> The proposed development provides a total of 426.65m <sup>2</sup> (54%) of landscaping for the site of which 81.64m <sup>2</sup> (19%) of the total landscaping is porous, which equates to 10% for the entire site.
<b>Parking , Access and Servicing</b> <i>Section 1.6</i>	✓	<b>Complies:</b> One off-street car space has been provided for each terrace in the form of a single garage on the lower ground level and accessed from the rear lane.
<b>Storm water Drainage</b> <i>Section 1.7</i>	✓	<b>Able to comply:</b> Subject to the imposition of appropriate conditions.
<b>Site Contamination</b> <i>Section 1.8</i>	✓	<b>Able to comply:</b> Refer to earlier discussion.
<b>Site Facilities</b> <i>Section 1.9</i>	✓	<b>Complies:</b> Storage and garbage facilities have been provided for each dwelling within the lower ground floor rear garage.
<b>Building Envelope</b> <i>Section 2.1</i>	✓x	<b>Generally Complies</b> as the third floor is contained within the 36 degree attic envelope and setback within the building envelope. Refer to issues section below.
<b>Floor Space Ratio</b> <i>Section 2.2</i>	x	<b>Does not comply:</b> Small non-compliance of 5.35m <sup>2</sup> with the maximum bonus FSR of 1.25:1. Refer to issues section below.
<b>Height and Scale</b> <i>Section 2.3</i>	✓x	<b>Generally Complies</b> as the third floor is contained within the 36 degree attic envelope and setback within the building envelope. Refer to issues section below.

Matter to be Considered	Compliance	Comment
<b>Setbacks</b> <i>Section 2.4</i>	✘	<b>Does not comply:</b> The proposed development, with a setback of between 3.5m to 3.7m, does not comply with the 4 metre setback requirement. As the area is in transition and adjoining buildings are industrial, the proposed variation to the control is acceptable and appropriate for the proposed type/form of development and future streetscape. It is noted that the undetermined residential DA for the adjoining southern site has a similar setback to that proposed.
<b>Façade Treatment</b> <i>Section 2.5</i>	✓	<b>Complies:</b> The façades are appropriately articulated and architecturally respond to the streetscape. The proposed front fence is of masonry finish and is solid to a height of 1.2 metres therefore complying with the DCP.
<b>Visual and Acoustic Privacy</b> <i>Section 4.1</i>	✓	<b>Able to comply:</b> Refer discussion below.
<b>Safety and Security</b> <i>Section 4.2</i>	✓	<b>Complies:</b> The development has been designed appropriately to provide for an appropriate transitional space between public and private spaces and allows for natural surveillance to the street.
<b>Fire Regulations</b> <i>Section 4.6</i>	✓	<b>Able to comply:</b> will be required to comply with the Building Code of Australia, in regards to fire safety regulations.
<b>Energy Efficiency</b> <i>Section 5.1 to 5.3</i>	✓	<b>Able to comply:</b> A NatHER's assessment was submitted with the application and each dwelling received a 4 star rating. The development therefore satisfies the energy efficiency requirements. It should be noted that BASIX does not apply as the buildings are considered to be multiple dwellings rather than single dwelling houses and the DA was lodged prior to 1 October 2005.



Matter to be Considered	Compliance	Comment
<p><b>Single Dwelling Houses (continued)</b>  <i>Section 1.2.3 to 1.2.5</i></p> <p><i>Façade Treatment</i></p> <p><i>Front Verandahs &amp; Balconies</i></p> <p><i>Upper Level Decks limited to 3m<sup>2</sup> and does not extend 1.2m from wall to which it is attached.</i></p> <p><i>Section 1.3</i></p> <p><i>Security and Design</i></p>	<p>✓</p> <p>✓</p> <p>✗</p> <p>✓</p>	<p>The proposal generally complies with the balance of the remaining sections of Part F which apply to the development.</p>
<b>PART G: DESIGN CRITERIA FOR GREEN SQUARE</b>		
	<p>✓</p>	<p><b>Generally Complies:</b>  The proposed development generally complies with the objectives and controls set out under the DCP. In particular, the street wall height is consistent with the two storey form, maintains the desired future character of the Beaconsfield neighbourhood (being 2 storey residential development), will not unreasonably increase the amount of through traffic and the site coverage does not exceed 65%. Overall the development is generally consistent with the Green Square DCP.</p>

### Green Square Affordable Housing Development Control Plan 2002

29. Before granting consent to the carrying out of development (other than subdivision) on land in Green Square in Zone 10(a), 10(b), 10(c), 10(d) or 10(e), the consent authority must consider whether an affordable housing condition should be imposed on the consent.
30. As the development results in the creation of more than 200m<sup>2</sup> of total floor area for residential purposes, a condition is required to be imposed on the consent requiring the developer/applicant to pay **\$114,831.03**, based on the in lieu monetary contribution rate for residential development at \$115.84 per square metre of total floor area of 996.65 square metres.
31. As such, an appropriate condition is recommended to be imposed on the consent.

## ISSUES

32. The issues identified in the above instruments/policies as non-complying or requiring further discussion in the abovementioned tables are discussed in detail below:-

### **Strategy for a Sustainable City of South Sydney**

33. One of the principal objectives of the LEP as stated in Clause 7 is to implement the goals and objectives contained in the Strategy for a Sustainable City of South Sydney. Clause 8 also provides that in assessing any development application that the Council must take into consideration the goals and objectives of the Strategy as they relate to the proposed development.
34. In order to realise the main goal of the strategy, a number of detailed strategies were developed and are grouped under sub-goals of Environment, Land Use and Transport, Character and Identity, Community Well-Being and City Management. An assessment of the development application reveals that it meets the goals of the above strategies.

### **Green Square Planning Principles (Clause 27B)**

35. The proposed development satisfactorily addresses all of the planning principles for Green Square. The proposed development will:-
- (a) Contribute to the status of the area as an important residential area;
  - (b) Increases housing choice and diversity;
  - (c) Provides for articulated building form, while achieving a high level of amenity; and
  - (d) The design of the dwellings ensures that potential future conflicts between residential and adjoining light industrial land uses is minimised.

### **Green Square Masterplan Requirement (Clause 27C)**

36. Clause 27C of the LEP states:
- (i) *“The Council must not grant consent for development of any land within Green Square unless:*
    - a. *there is a masterplan adopted by the Council for the development site comprising that land or within which that land is situated, and*
    - b. *the development is consistent with the masterplan.*
  - (ii) *The Council may waive the requirement for a masterplan because of the minor nature of the development concerned, the adequacy of other planning controls that apply to the proposed development, or for such other reasons as the Council considers sufficient.*
  - (iii) *If ... the Council has waived the requirement for the masterplan under subclause (2) ... then subclause (1) does not apply, but when the Council assesses the development application it must have regard to the criteria in clause 27D (4)(a)-(m).”*

37. This criteria includes:
- (a) the Green Square vision and planning principles;
  - (b) design principles drawn from a site/contextual analysis;
  - (c) land use distribution;
  - (d) circulation patterns;
  - (e) infrastructure provision;
  - (f) building envelope and built form controls; and
  - (g) open space provision.
38. It should be noted that amendments to the Environmental Planning and Assessment Act 1979 have effectively resulted in “masterplans” being replaced by either site specific DCPs or Stage 1 DAs.
39. There is no adopted masterplan or Stage 1 DA consent for the development site. Accordingly, the applicant has requested the consent authority to waive the masterplan requirement under the provisions of Clause 27C(2).
40. This submission is considered to have merit in that there is no real planning and urban design advantage in a “masterplanning” exercise given the limited site area (793.03m<sup>2</sup>), the appropriateness of the core planning controls (ie. height and FSR), the “regular” nature of the site and single dwellings are appropriate for the area
41. Having regard to the criteria in clause 27D, the request to waive the masterplan requirement is supported.

### **Floor Space Ratio**

42. The following Table summarises the FSR component of the application:

	<b>Required</b>	<b>Proposed</b>
<b>Floor Space Ratio</b>	Base FSR of 1 : 1 (793.03m <sup>2</sup> )	1.256 : 1 (996.65m <sup>2</sup> )
(Site area – 793.03m <sup>2</sup> )	“Bonus” FSR of 1.25 : 1 (991.3m <sup>2</sup> )	

43. Whilst acknowledging that the amount of non-compliance with the maximum FSR is small (ie. 5.36m<sup>2</sup> over the entire site or 1.07m<sup>2</sup> for each of the 5 proposed terraces), it is recommended that the overall floor space be reduced to ensure a compliant development. It is noted that a “compliant” scheme may be readily achieved without any significant redesign and/or external changes eg. enlargement of the internal “void” space within each terrace.

### Council Resolution 19 April 2004

44. The following is an extract from the Resolution of Council of 19 April 2004 and is particularly relevant to application where variances are sought with respect to height and FSR.

*“That arising from consideration of a Minute by the Lord Mayor to the Extraordinary Meeting of Council on 19 April 2004, on Improving Certainty and Transparency in Applying Planning Controls, it be resolved that Council:*

*(c) apply core floor space ratios and height limits as “maxima” (not as “givens”), with any variations being in exceptional circumstances only and where fully justified on planning grounds. Instances of such exceptional circumstances should only occur where the following criteria are met:*

*(i) where the additional variation improves the development in terms of its relationship with the existing and desired future character of an area; and*

*(ii) where the variation does not result in any adverse environmental impacts, or impacts on the amenity of surrounding land (such as overshadowing, privacy and views), and*

*(iii) where the variation is minor, as major variations to planning controls should only occur through varying the control itself, after necessary public consultation, and wider consideration of issues such as the character of an area, density, integrated transportation strategies, environmental capacity, sustainability and cumulative impacts of such variations;*

*or*

*(iv) where the controls are inconsistent with the predominant built form, inconsistent with the desired future character of the area and inconsistent with the stated objectives of the planning instruments developed with community consultation.*

*(d) discourage the option of receiving monetary contributions for public domain improvements arising from the “bonus floorspace incentive” provisions in the South Sydney Development Control Plan (DCP) 1997 and encourage developers to provide public domain benefits as envisaged in the DCP, such as: additional useable public open space; public transport enhancements; public pedestrian links; cycle paths; and the like; and*

*(e) foreshadow that, in the anticipated review of the multitude of planning controls for the newly amalgamated City of Sydney Local Government Area, Council will favour the inclusion of floorspace ratio and height controls in a Local Environment Plan.”*

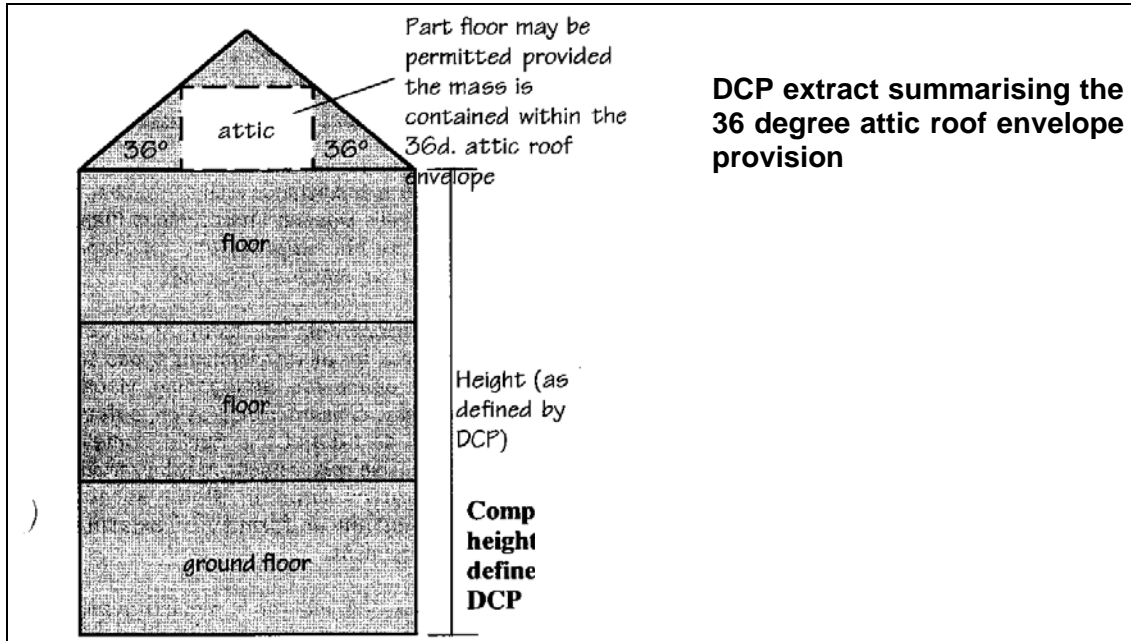
45. The proposal generally satisfies the intent of the April 19 2004 Resolution, in that the FSR is able to comply with the ‘maximum’ FSR by the imposition of an appropriate condition requiring a reduction of 5.36m<sup>2</sup> in floor space within the development and the height complies with the height and attic control, as discussed further below.

## Public Domain Works and Planning Agreement

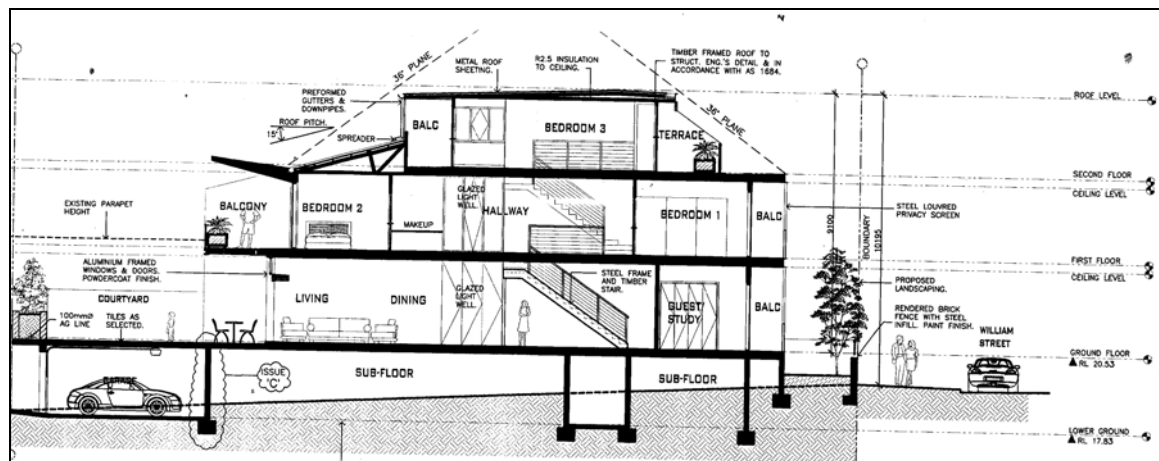
46. Having regard to the proposed FSR exceeding the “base” FSR provision, the applicant has “offered” a public domain package that includes:
- (a) a monetary contribution towards the Green Square Town Centre;
  - (b) provision of a 0.8m wide setback and dedication along the William Street frontage; and
  - (c) undergrounding of the existing overhead cables in William Lane.
47. Council’s Green Square Project Team has reviewed the application and advised that the additional floor space is supported subject to the following public domain works to an equivalent value of \$96,719.50:
- (a) Monetary contribution for the provision of infrastructure in the Green Square Town Centre, based on the bonus floor area of 203.62 m<sup>2</sup> @ a rate of \$100/m<sup>2</sup> = a contribution of \$20,362.00;
  - (b) Provision of a 0.8m wide setback and dedication along William Lane frontage as documented on the plans, being an area of 20.728m<sup>2</sup> (25.91m x 0.8m) @ a rate of \$200/m<sup>2</sup> = \$4,145.60; and
  - (c) Underground the existing overhead cables in William Lane, to improve the visual amenity of William Lane for the future residents. It should be noted that there is no objection to allocating the balance of the bonus floor space contribution towards the undergrounding of the existing overhead cables in William Lane on the understanding that Council will not contribute towards any cost of this work if the works exceed the value available for these works. It should also be noted that the relocation of the power pole in William Lane and the upgrade of the existing street light on that pole does not form part of the bonus element. The amount available for this work is \$72,211.90.
48. As it is considered that the above “package” will result in a direct public domain improvement for the surrounding area, a deferred commencement condition is recommended requiring the “package” to be formalised in a Planning Agreement between the developer and Council. Similar conditions were imposed on other recent consents for the Sydneygate and EMAIL site developments.

## Building Height

49. The DCP specifies a 9m height limit. The DCP also states *“In special circumstances Council may support a part storey above the prescribed height limit provided the part storey is wholly within the 36 degree Attic height plane....”*



50. In this instance, the proposed development, with an uppermost ceiling height of 10.6m, complies with the DCP in that the uppermost floor is a “part storey” with the building mass contained within the 36 degree roof envelope.
51. It is considered the “special” circumstances that support the part storey above the prescribed height limit, is that the part storey is within the attic level, is directly connected to the floor below and will present as a 2 storey dwelling to the street (refer to diagram below).



**Cross-Section of Proposed Development**

**Internal Floor to Ceiling Heights**

52. The Table below summarises the proposed internal heights:

<b>Floor</b>	<b>Uses</b>	<b>Ceiling Heights</b> (assuming 300mm floor slab/roof frame)
Lower Ground	Non-habitable uses ie. garage, store and access corridor to internal stairs	2.4m to 2.8m
Ground	Habitable uses ie. living/dining room and study	3m
First	Habitable and non-habitable uses ie. bedrooms, ensuite, laundry	2.7m
Second	Habitable and non-habitable uses ie. bedroom and ensuite	2.5m

**Note: the BCA requires a minimum height of 2.1m for a non-habitable room.**

53. The failure to provide a minimum 2.7m ceiling height for the habitable rooms on the second floor is unacceptable. Accordingly, given the “generous” ceiling heights proposed for non-habitable uses on the lower ground floor, it is recommended that some of this “height” be transferred to the second floor whilst not increasing the external building envelope. An appropriate deferred commencement condition has been included in the recommendation.

### **Privacy**

54. The DCP requires rear upper level decks to be limited to 3sqm and to not extend more than 1.2m from the wall to which it is attached.
55. The development proposes 5 first floor rear decks (9.6sqm per deck and 3m extension from the wall) and 5 second floor rear decks (6.3sqm per deck and 1.3m extension from the wall) that exceed the DCP requirement. As these upper level decks will result in amenity impacts to other terraces within the development and potentially to future developments on neighbouring sites, it is recommended that they be reduced to comply with the DCP.

### **Comparison with Proposed Development on Adjoining Site**

56. As noted earlier, a separate undetermined DA (D2005/00978) has been submitted for the adjoining southern site (21-27 William Street). This separate DA seeks consent to demolish the existing warehouse building and construct a mixed use development containing a total of 24 residential apartments, of which 8 will contain a home office. Excluding the 30 space basement parking level, the proposal comprises two distinct built forms – a three level “terrace style” building (two stories to William Street with a lower ground floor to the rear lane), and a four level residential flat building on the corner of William and Collins Street. The terrace style building, which immediately adjoins the subject site, has a two storey street wall that responds to the topography (varies in height from RL 25.8 to RL 26.7). The corner building has a height of RL 30.05.
57. The following Table provides a quick comparison between the two immediately adjoining built forms:

	<b>Subject Development (19 William St)</b>	<b>Adjoining Development, excluding the corner building (21-27 William St)</b>
William Street Wall Height	2 storeys (RL 26.83)	2 storeys (varies in height from RL 25.8 to RL 26.7)
Overall Height above William Street	3 storeys (RL 29.63) (top story is a “part floor” setback approximately 3.5m from the street wall)	2 storeys (RL 25.8 to RL 26.7) (proposed corner building contains 4 storeys up to RL30.05)
William Street Setback	3.5m to 3.7m	3.4m to 3.6m
William Street Design	5 “terrace style” modules 5.18m wide each  ground and first floor balconies	8 “terrace style” modules approximately 4.4m wide each  ground and first floor balconies

### **Section 79C(1)(b) Other Impacts of the Development**

58. The proposed development will not result in any significant additional impacts other than those already identified and discussed above.

### **BCA Matters**

59. The BCA Classification of the building is Class 1a.
60. The development is capable of satisfying the requirements of the BCA without significant modification.

### **Section 79C (1) (c) Suitability of the site for the development**

61. The site is suitable for the proposed development. Site suitability has already been discussed in the table/issues section above

### **Section 79C (1) (e) Public Interest**

62. The proposed development is generally consistent with the relevant controls. In this regard it is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being imposed on any consent.

### **POLICY IMPLICATIONS**

63. Not applicable to this report.

## FINANCIAL IMPLICATIONS - SECTION 94 CONTRIBUTIONS

### Section 94 Contributions 2003

64. For the purposes of calculating the amount of contribution payable, the proposed "Guest/Study" room, which has independent access to natural light and air and is enclosed by 3 fixed walls and an operable wall, is considered to be a bedroom. Accordingly, the contribution amount has been calculated on the basis of 5 x 4 bedroom dwellings with a credit given for 8 existing workers (based on previous consent U92/00102).
65. A total contribution of **\$114,573.05** is required in accordance with the South Sydney Section 94 Contributions Plan 2003.

### Section 94 Contributions – Administration Centre

66. For the purposes of calculating the amount of contribution payable, the proposed "Guest/Study" room, which has independent access to natural light and air and is enclosed by 3 fixed walls and an operable wall, is considered to be a bedroom. Accordingly, the contribution amount has been calculated on the basis of 5 x 4 bedroom dwellings with a credit given for 8 existing workers (based on previous consent U92/00102).
67. A total contribution of **\$5,312.73** is required in accordance with the South Sydney Section 94 Contributions – Administration Centre.

## PUBLIC CONSULTATION

### Section 79C(1)(d)

#### Advertising and notification

68. Adjoining and nearby owners and occupiers of buildings were notified of the proposal and invited to comment. In addition, notices were placed on the site and the proposal was advertised in the daily press in accordance with the provisions of the City of Sydney Notification of Planning and Development Applications Development Control Plan 2005.
69. One (1) submission was received. The grounds for objection are summarised as follows:-
  - (a) ***Residential development is out of character for the industrial precinct that consists of simple sheds built to all alignments, mostly single storey with saw tooth roof glazing. Council needs to develop urban design principles for the area before dealing with the application, including heritage assessment.***

**Comment:** The submission is not considered to be well-founded in that residential development is permissible within the Mixed Use 10(a) zone. The zone objectives also "encourage" a predominantly residential character by limiting non-residential uses to 15%.

- (b) ***Proposed street façade and setbacks do not fit with the punctuated wall character of the area. The scale is much larger. If three levels are warranted the upper level should be well setback, and not visible from the opposite pavement.***

**Comment:** The proposed development provides good quality urban design and façade treatment. As discussed above the subject site and surrounding area is in transition and the development is consistent with Council policy. The third level has been set back from the street and further amendments have occurred to the front terrace to ensure compliance with Council's height controls, being contained within the 36 degree attic envelope.

- (c) ***If residential is the future of this area, residential amenity norms should also apply. The proposed three storey and more high walls to the boundaries up to 21 metres long make for deep plans and a very poor environmental response. They are unlikely to comply with BASIX. Residential norms also require a modicum of landscaping including trees particularly given western exposure.***

**Comment:** As discussed in the issues section of this report the internal amenity and design of the dwellings is acceptable. BASIX does not apply to the development as the dwellings were considered to be multiple dwellings and the development application was lodged prior to 1 October 2005 It should be noted that each dwelling received a NatHERS rating of 4 stars.

## **EXTERNAL REFERRALS**

70. Comments were received from:-

- (a) Energy Australia, they require the installation of a "pillar" system within the subject site to provide energy supply to the development and dedication of land. An appropriate condition has been imposed on the consent.

A "pillar" system is a small green box that generally services up to 4 new townhouses and is located at ground level to eliminate the need to have electrical cables running from the street power pole to the roof of the dwelling, effectively undergrounding power to the development from the public way.

## **INTERNAL REFERRALS**

71. The application was referred to Council's:-

- (a) Green Square Team;
- (b) Specialist Surveyor;
- (c) Health Unit;
- (d) Urban Designer; and
- (e) Public Domain Team.

72. No objection to the proposed development was raised, subject to the imposition of appropriate conditions. Appropriate conditions have been included in the recommendation of this report.

## **RELEVANT LEGISLATION**

73. The Environmental Planning and Assessment Act 1979.

## **OPTIONS**

74. The Committee may or may not concur with the recommendations of this report.

## **CONCLUSION**

75. The proposed development is for the demolition of an existing warehouse building and construction of five three storey 3 bedroom plus study terraces with lower ground garages
76. The proposal exceeds the maximum permissible FSR of 1.25 : 1 (base FSR of 1:1 with a 0.25:1 “bonus”) by 5.35sqm (or 1.07sqm per dwelling). A condition of consent is recommended requiring a reduction in FSR to ensure compliance.
77. The public domain package is considered to be acceptable subject to a deferred commencement condition requiring the developer enter into a Planning Agreement with Council.
78. The proposal, with a “part floor” and a 10.6m height, complies with the DCP 9m plus 36 degree attic roof envelope provision.
79. The waiving of the masterplan requirement is supported as there is no real planning and urban design advantage in a “masterplanning” exercise given the limited site area (793.03m<sup>2</sup>), the appropriateness of the core planning controls (ie. height and FSR), and the “regular” nature of the site.
80. One submission was received primarily concerned with the impact of residential development on the industrial character of the area. This submission is not considered to be well founded having regard to the Mixed Use 10(a) zoning of the site where dwellings are permitted. In addition, the zone objectives “encourage” residential development by limiting non-residential uses to 15%.
81. Otherwise, the proposal does not result in any unreasonable environmental impacts, or impacts that are not able to be addressed via appropriate conditions of consent. These conditions include reducing the size of the upper level decks to the DCP maximum permitted size, and ensuring that all habitable floors have a minimum 2.7m ceiling height.
82. A deferred commencement consent is recommended having regard to the need to adjust the internal floor to ceiling heights, and the public domain works and the need to enter into a Planning Agreement.

83. It is recommended that the period after which the development consent will lapse be two years.

**JASON PERICA**  
Director City Planning

(Louise Evans, Specialist Planner)