

ITEM 6. DEVELOPMENT APPLICATION: SECTION 96 APPLICATION TO AMEND STAGE 1 MASTER PLAN 600-602 ELIZABETH STREET, 3-5 KETTLE STREET, 66-76 WALKER STREET, 57-75 WALKER STREET, 44-52 MOREHEAD STREET AND 55-57 WALKER STREET REDFERN

FILE NO: U/01/1316/A

SUMMARY

Date of Submission: 5 June 2007

Applicant: NSW Department of Housing

Proposal Summary: The application seeks to modify a Stage 1 (Master Plan) Approval for 25,661sqm of floor space for both public & private housing. The changes include:

- Transfer 200m² of floor space from the western parcel to the eastern parcel of the Master Plan site;
- Increase the height of the apartment buildings located on the north-east and south-east corners on the eastern parcel of the Master Plan site from 9 metres to 13 metres;
- Increase the number of on-site car bays permitted on the eastern parcel of the Master Plan site from 4 to 6; and
- Defer the timing of a Planning Agreement to the Stage 2 application for the western parcel of the Master Plan site.

Summary Recommendation: The proposal maintains the existing floor space over the entire site. The modification seeks an increased height which does not comply with Council's DCP which specifies a height of 9m. The proposed height is 11.7m. The increased height is supported because it does not result in any environmental impacts and provides an appropriate transition between high buildings to the north and east of the site.

The increase in car parking is for the disabled, which is supported, and it is appropriate to defer the timing of the planning agreement to the Stage 2 for the western parcel of the site because this is where the bonus floor space has been provided.

2 submissions were received raising concerns relating to the mixing of public and private housing.

**Summary Recommendation
(continued):**

106 public sector apartments are currently located on the entire 2003 Master Plan site. The following table depicts the 2003 Master Plan approved housing mix and the proposed mix.

	Master Plan Eastern Parcel	Master Plan Western Parcel	Proposed Eastern Parcel
Public	88	0	106
Private	0	158	0

There is no net loss of public sector housing across the site. The proposal will result in 18 additional public sector dwellings on the eastern parcel from that approved in the Master Plan to the benefit of the community.

The proposed modifications are recommended for approval.

Attachments:

- A - Stage 1 Consent
- B - Amended Drawings

RECOMMENDATION

It is resolved that consent be granted subject to the following conditions:

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.

(A) APPROVED DEVELOPMENT

That the Council, as the consent authority, endorses Option 3 of the Masterplan relating to both the Elizabeth Street and Walker Street sites grants its consent under Section 80(4) of the Environmental planning and Assessment Act, 1979 to the development application submitted by the Housing Finance and Investment Group, with the authority of NSW Land and Housing Corporation, for the site layout, number of dwellings, building envelopes and height, gross floor area and floor space ratios as it relates to the Masterplan for redevelopment of land at 44-52 Morehead Street, 57-75 Walker Street, 66-80 Walker Street, 600-614 Elizabeth Street and 3-5 Kettle Street, Redfern, subject to the following conditions:

- (1) That the development shall generally be in accordance with ~~Option 3 plans prepared by Peddle Thorp and Walker, dated June 2004~~ **the Section 96 amendment to Option 3 prepared by LFA Architects and dated 29 May 2007** and the accompanying Statement of Environmental Effects prepared by JBA Urban Planning Consultants, dated ~~December 2004~~ **June 2007**, unless varied by any of the following conditions.
- (2) That the site layout and height in a future development application shall be generally in accordance with **the drawings annotated 'Section 96 amendment to Option 3', drawn by LFA and dated 29 May 2007** ~~plans notated Elizabeth Street Site - Option 3 and Walker Street Site - Option 3,~~ with heights not exceeding 15 metres **on the western parcel** and 9 metres, ~~respectively~~ **on the eastern parcel of the site, with the exception of the two apartment buildings fronting Morehead Street which shall have a height not exceeding RL46.5m.**
- (3) That the development shall take place in stages and a detailed development application shall be submitted and approved prior to the commencement of each stage.
- (4) That no demolition, excavation or construction work is permitted until such time as **a construction certificate is obtained for the relevant stage.** ~~all necessary approvals are obtained.~~ The reason for this condition is to ensure that there is as minimum a gap as possible between the time dwellings are demolished and the time that new buildings are ready for occupation
- (5) That Section 94 Contributions shall be calculated upon submission of each detailed development application.

- (6) That the Stage 2 Development Application *for the western parcel of the site* shall include details of a public domain contribution in accordance with Council's Floor Space Bonus Policy. The contribution shall be to the satisfaction of Council. Note: Opportunities to contribute to the Redfern Oval Redevelopment Taskforce and its project/s shall be pursued as part of the Stage 2 Development Application(s).
- (7) That a Site Audit Statement will be required to be submitted with any detailed development application certifying that the site is suitable for the intended use;
- (8) That contaminated soil on any part of the site shall be remediated (subject to necessary approvals) before those parts of the site are developed for residential use;
- (9) That detailed development applications shall have regard to the following matters concerning car parking:

Private housing

- (a) The rates that would be acceptable for this proposal are identified as:

- Bedsitter/ 1 bedroom units - 0.5 spaces per unit
- 2 bedroom units - 1.0 spaces per unit
- 3 bedroom units - 1.2 spaces per unit
- Visitors - 1 space per 10 units

An increase beyond this, as previously envisaged by the applicant, would not be supported.

- (b) The car park design of the development will need to be in accordance with AS 2890.1;
- (c) A street transition of 6 metres at 1:20 needs to be provided to inside the building line before descent into the basement at ramp gradients outlined in AS 2890.1;
- (d) There needs to be sufficient separation between the driveway and ramp to the next level;
- (e) Bicycle parking in the form of lockers for residents at a rate of 1 in 3 and for visitors in the form of inverted U-stands at the rate of 1 per 10 units is required (See AS 2890.2 for details);

Public housing

- (f) The provision of ~~4~~ 6 spaces for the ~~48~~ 66 public housing flats ~~for the elderly~~ is supported;
- (g) Car ownership for the 3 bedroom public housing dwellings is 0.55 cars/dwelling and this would be an acceptable target. The terraces are to be provided with carports where existing trees allow for such structures.

- (10) That in the submission of any detailed DA, a BCA report accompany the application outlining how the proposal complies with the Building Code of Australia;
- (11) That additional soil sampling across the site shall be undertaken in order to fulfil the sampling density requirements of the NSW EPA (1995) sampling design guidelines. These should include additional bore holes to further assess the PAH Contamination reported as BH1 and lead impact at BH8 and the installation of groundwater monitoring wells across the site to assess the potential impact on the site's groundwater;
- (12) That upon the submission of each staged detailed development application involving the demolition of any building, a demolition report to Council's requirements shall be submitted. For further information, the applicant is required to liaise with Council's Heritage Planner prior to the submission of a DA;
- (13) Provision of open space to comply with the minimum standards of DCP 1997 for dwelling houses and residential flat buildings, in terms of both private and communal open space, unless otherwise approved by Council;
- (14) That a NatHERs Energy Efficiency Report be submitted with any detailed development application for new buildings indicating compliance with a minimum standard of 4 stars;
- (15) That the applicant shall set the floor level of habitable areas and all entrances to the basement car park to accepted levels determined by the applicant's Hydraulic Consultants using current methods for calculating the Flood Levels to the satisfaction of the Director of public Works and Services;
- (16) That all residential flat buildings shall be designed in accordance with access provisions of the latest version of the Building Code of Australia and Council's Equitable Access Design Policy (based on criteria set out in the Advisory Notes on Access to Premises by the Equal Rights and Equal Opportunities Commission). Details of compliance with these references are to be submitted with any detailed staged development application;
- (17) That all servicing of the site and connections to existing networks required for servicing of the site (electricity, gas, coaxial cabling, etc) shall be underground (contact shall be made with Energy Australia, Telstra, AGL and Optus in this regard). The cost of this work will not be offset against and Section 94 Contribution required for the site;
- (18) Any detailed staged DA shall be accompanied by site analysis considerations as outlined by DCP 1997;
- (19) Landscape plans shall be submitted with any detailed development application outlining the current condition of the trees proposed to be removed, materials and finishes, levels and drainage and planting plan;
- (20) That a consulting arborist's report (including the supervision and protection of trees) shall be submitted for all trees to be retained or transplanted to the Director of Public Works and Services for approval prior to the release of the detailed development consent for any stage of development;

- (21) That the trees be retained and transplanted shall be numbered and monitored by an arborist to check the health of the trees during construction;
- (22) Car parking design shall be in accordance with AS 2890.1 and DCP 11;
- (23) Bicycle parking shall be in accordance with AS 2890.2 and DCP 11;
- (24) Garbage room on the detailed staged DA plans shall be located to allow for the kerbside collection of waste in accordance with Council's minimum requirements;
- (25) That the applicant/ owner shall fully meet the cost of any alteration or adjustment to existing public services immediately adjacent to the site affected by the proposed work, including the relocation of electric light poles or other services and the cost of Council's subsequent restoration of the pavement (unless other arrangements are made with the Director of Public Works and Services)
- (26) That the cost of signposting for alteration of any kerb side parking restrictions required to complement the new development shall be borne by the developer/owner. The work shall be done by Council, unless the Director of Public Works and Services approves other arrangements in writing;
- (27) Should any detailed development application proposed vehicular access in Kettle Street, the developer will need to undertake a traffic impact study to be submitted with the relevant detailed development application to determine the effects on the surrounding streets;
- (28) Visitor and disabled parking spaces must be visible and accessible to the users. The detailed development applications shall be notated accordingly;
- (29) On-site stormwater detention is required. The design of the stormwater system must be in accordance with Council's Stormwater Code. Details shall be provided with the detailed development application.
- (30) Waste storage for the private sector is to provide a minimum of 3 x 2.0m3 bins and 26 x 240 litre sulo bins for recycling. The bins are to be presented kerbside for collection or a suitable collection point with a Council fitted locking devise. The detailed development application plans shall ensure that facilities to accommodate such are provided.

Note: That measures shall be identified in the Stage 2 Development Application to inform future owners and occupiers of the site about the Redfern Oval Redevelopment Taskforce and any plans that have been prepared and/or endorsed by Council for the redevelopment of Redfern oval and shall consider design measures to mitigate any potential impacts such as lightspill and noise.

The reason for Council granting consent, subject to the above Conditions, is:-

Granting unconditional consent would be likely to adversely affect the amenity of the neighbourhood and would not be in the public interest.

BACKGROUND

The Site and Surrounding Development

1. The Master Plan site is comprised of 600-602 Elizabeth Street, 3 – 5 Kettle Street, 66 – 68 Walker Street, 70 –76 Walker Street, 57-75 Walker Street, and 44 – 52 Morehead Street, Redfern. The subject land is legally described as Lots 1 to 6 in Deposited Plan 35793, Lots 1 & 2 in Deposited Plan 435764, and Lots 1 & 2 in Deposited Plan 1071147. A copy of the Master Plan is provided at **Attachment A**.
2. The subject site is comprised of two city blocks bound by Walker, Kettle, Morehead and Phillip Streets (eastern parcel) and Elizabeth, Kettle, Walker Streets, and Redfern Police and Citizens Youth Club (PCYC) (western parcel).

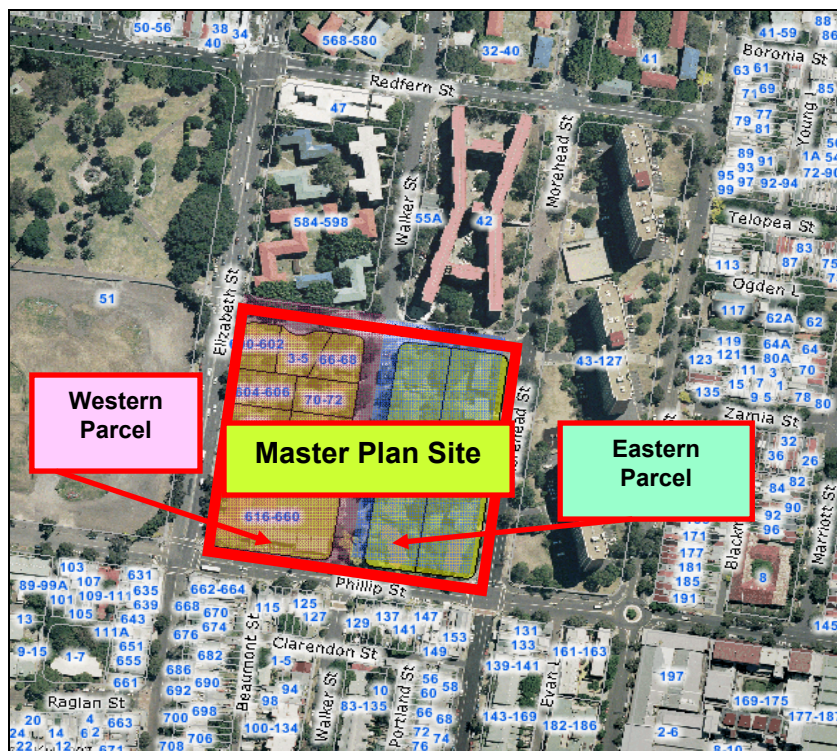


Figure 1: Location Plan

3. The eastern parcel is 9,709m² and is 148m in length from Kettle Street to Phillip Street, and 65m in width from Walker Street to Morehead Street. The site gently slopes east west from Walker Street to Morehead Street and north south from Kettle Street to Phillip Street. The parcel currently contains 10 residential flat buildings ranging in height from 2 to 4 storeys comprised of 66 x 1 bedroom apartments, 2 x studio apartments, and 20 x 3 bedroom apartments. All dwellings accommodate public housing tenants.
4. The western parcel is 6,970m² and is 95m in length from Kettle Street to the PCYC and 71.5m in width from Elizabeth Street to Walker Street. The western parcel is flat and currently contains nine 2 storey buildings each containing 2 storey semi-detached public housing dwellings.

5. To the north of the site are six blocks of 9 storey 1950's brick and tile apartment buildings. To the south are terrace dwellings ranging in height from 1 to 2 storeys that form part of the Waterloo Heritage Conservation Area. To the east of the site are six - 16 storey brick and tile 1970's Department of Housing apartment blocks known as "Poets Corner" and to the west is Redfern Oval.
6. Photos of the subject site are provided below:



Figure 2: Subject site as viewed from the corner of Walker and Phillip Street



Figure 3: Subject site as viewed from the opposite side of Phillip Street looking east.



Figure 4: North east corner of site as viewed from the opposite side of Phillip Street

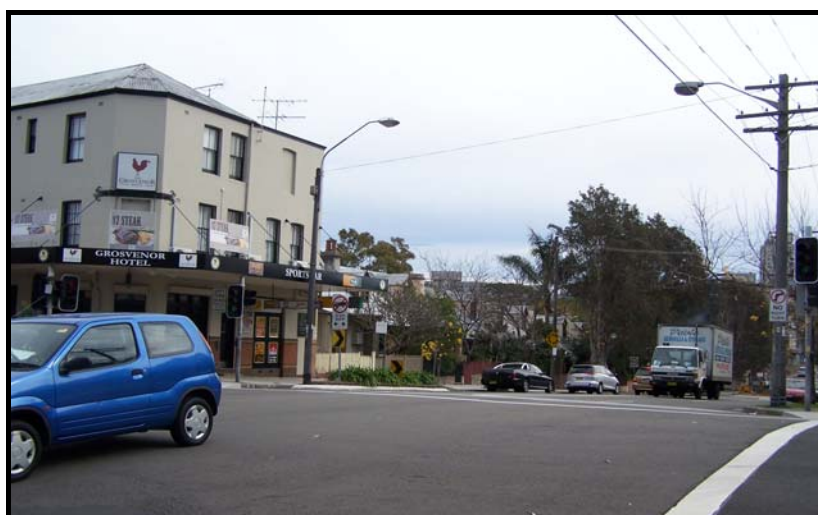


Figure 5: View of Phillip Street looking west

History of Development Applications Relevant to this Site

7. The following development applications are considered relevant to the proposed development:
 - (a) On 18 December 2003 the South Sydney City Council approved application U2001/1316 for a Stage 1 Master Plan for the site bound by Elizabeth, Kettle, Phillip and Morehead Streets. The Stage 1 application approved a two (2) staged development comprising public sector housing on the eastern parcel and private sector housing on the western parcel. The Stage 1 application included the demolition of all existing 106 public sector dwellings and redevelopment in accordance with Option 3 of the Redfern Estate Master plan, prepared by Peddle Thorp and Walker. The proposal included the following components:
 - (i) A total GFA of 25,661sqm comprising 16,560sqm for the western block and 9,101sqm for the eastern block.

- (ii) A total FSR of 1.54:1 for the entire site comprising a FSR of 2.38:1 for the western block and 0.941:1 for the eastern parcel.
- (iii) The layout, building envelopes and heights which included a maximum building height of 15m for the western parcel and 9m for the eastern parcel.
- (iv) Construction of a total of 246 residential units (88 public and 158 private dwellings) with an indicative yield of 158 apartments on the western parcel and 40 terrace houses and 48 apartments on the eastern parcel. The arrangement of the eastern parcel included:
 - a. Forty (40) x two storey 2, 3 and 4 bedroom terrace houses. One row fronting Morehead Street and the other row fronting Walker Street. The terraces have approximately 55-75sqm courtyards.
 - b. Four 2-4 storey apartment blocks at each corner comprising 48 apartments for the aged and disabled.
 - c. A total of 1,770sqm communal open space on the western parcel and 55-75sqm per dwelling on the eastern parcel. A total of 2,528sqm of private open space for the western portion and 528sqm of private open space for the eastern portion.

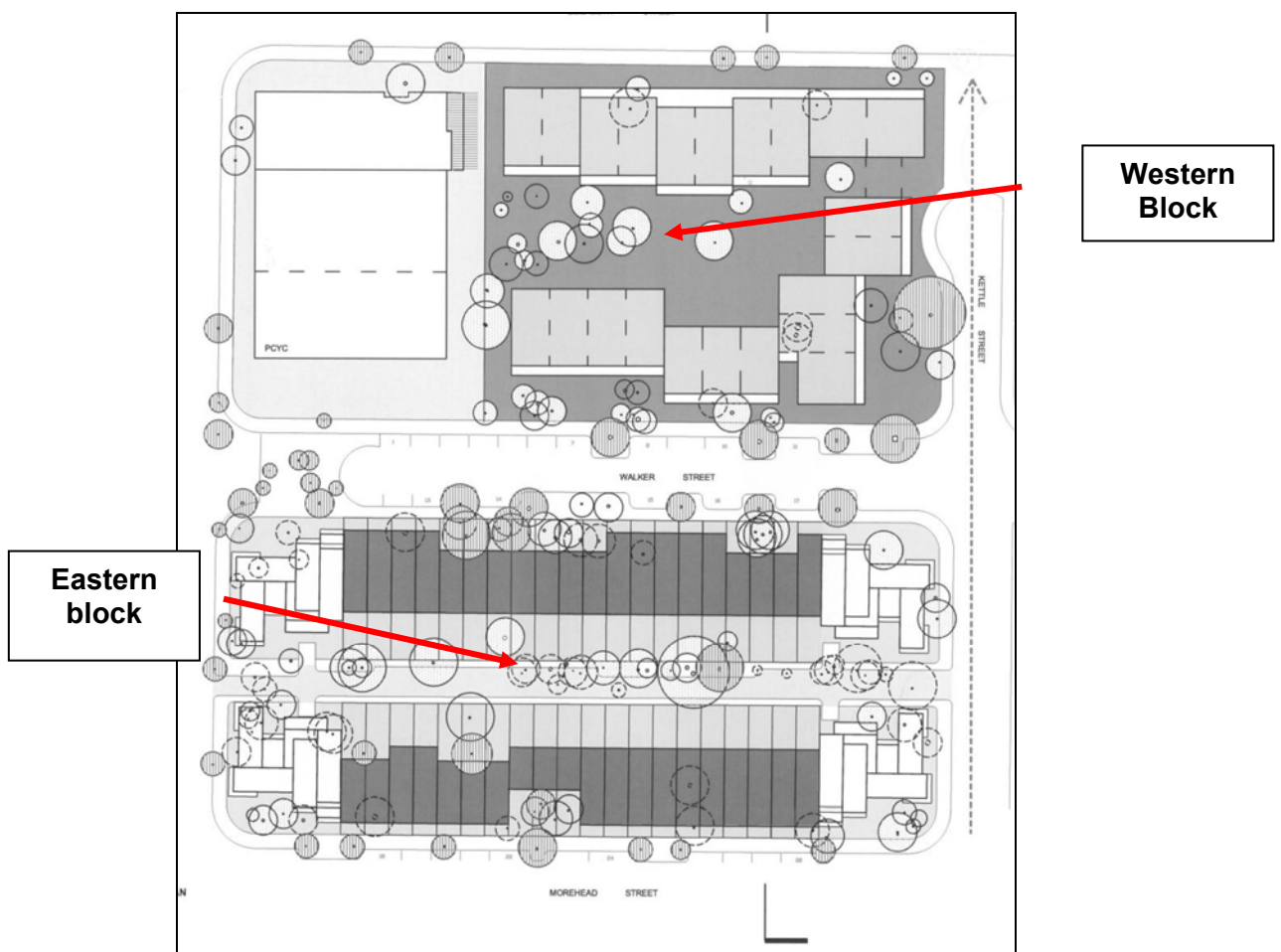


Figure 6: Approved 2003 master plan site layout for eastern and western blocks

- (b) On 7 June 2007 the NSW Department of Housing lodged a Stage 2 application for the detailed design of the eastern parcel of the Master Plan site. The application proposes the construction of 4 apartment blocks with a total of 66 apartments and 40 terrace dwellings and associated landscape works.

PROPOSAL

8. The application seeks to modify a Stage 1 (Master Plan) Approval for 25,661sqm of floor space for both public & private housing. The changes include:
- (a) Transfer 200m² of floor space from the western parcel to the eastern parcel of the Master Plan site;
 - (b) Increase the height of the apartment buildings located on the north-east and south-east corners on the eastern parcel of the Master Plan site from 9 metres to 13 metres;
 - (c) Increase the number of on-site car bays permitted on the eastern parcel of the Master Plan site from 4 to 6; and
 - (d) Defer the timing of a Planning Agreement to the Stage 2 application for the western parcel of the Master Plan site.

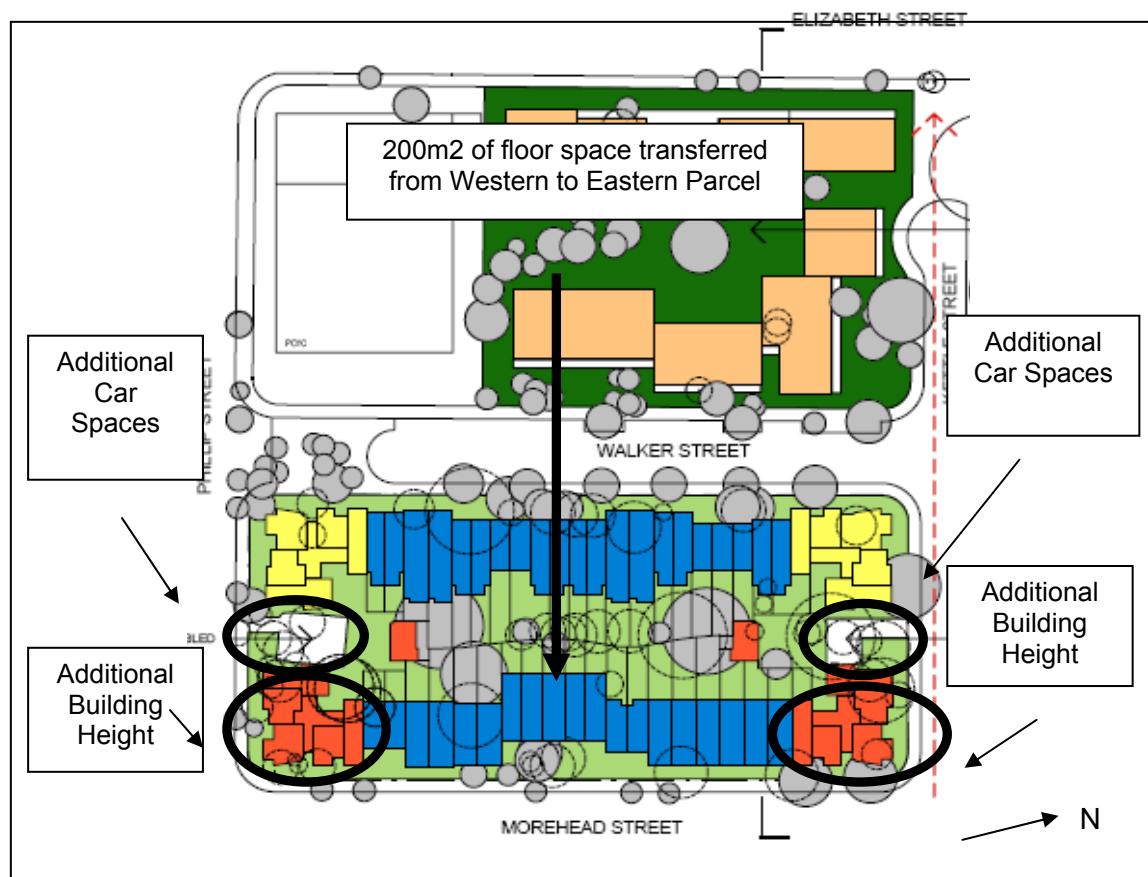


Figure 7 – Proposed Amendments to Approved Master Plan

THRESHOLD TEST

9. The proposed development is considered to result in substantially the same development to that approved in application U01/1316.

IMPLICATIONS OF THE PROPOSAL

Section 79C Evaluation

10. 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

LEPs AND DCPs

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

South Sydney Local Environmental Plan 1998

12. 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
Planning Principles (Part 2)	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.
Zoning Controls (Part 3)	No. 2(b) Residential Medium Density	The development is permissible and complies with the objectives of the zone.
Urban Design and Master plans (CI 28)	Development is to satisfy urban design requirements. Before granting consent to development in Zone 5 or on a site greater than 5000 sqm Council must consider any master plan for the land that is available.	This application seeks to modify a previously approved Master Plan, and satisfies urban design requirements. Refer to issues section of report.

South Sydney DCP 1997

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

Matter to be Considered	Compliance	Comment
PART E: ENVIRONMENTAL DESIGN CRITERIA		
Floor Space Ratio Section 2.2	✓/x	Existing Non Compliance The South Sydney Urban Design DCP specifies an FSR of 1.5:1. The approved master plan has a maximum FSR of 1.54:1, the S96 does not seek to increase the approved FSR under the master plan, but it seeks to transfer 200m ² of floor space from the western parcel to the eastern parcel. The transfer of floor space is minor and does not significantly impact on the bulk and scale of the built form.
Height and Scale Section 2.3	x	Does not comply The South Sydney Urban Design DCP specifies a height of 6m on the western parcel and 9m on the eastern parcel. The Master plan has an approved height of 9m on the eastern parcel. The S96 application seeks to increase this height to 11.7 metres. Further discussion is contained in the Issues section of the report.

South Sydney DCP 11: Transport Guidelines for Development

- The application seeks approval to increase the number of car bays on the eastern parcel of the site from 4 to 6. This complies with the DCP and is a positive result as it provides more accessible spaces for the disabled.

ISSUES

- 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

16. 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.
17. 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. These issues are dealt with in detail in the issues section of this report, where relevant to the proposal.

Height

18. The Stage 1 Master Plan approved a maximum height of 9 metres for development on the eastern parcel of the site. This is consistent with the requirements of the South Sydney DCP 1997. The proposed modifications seek approval to increase the height of the buildings located on the north-east and south-east corners of the eastern parcel of the Master Plan site to a height of 11.7m.
19. The DCP allows for variations to height in circumstances where streets are more than 12 metres in width, if the application can demonstrate compliance with the predominant height and scale of adjoining buildings. The proposed development is considered to comply with the performance criteria and controls on the following basis:
 - (a) The proposed development provides an appropriate transition between the high rise development located to the north and east of the site;
 - (b) The application takes advantage of the topography of the site; and
 - (c) The additional height will not result in any adverse shadowing impacts on adjoining developments or the public domain.
20. Given that the application complies with the performance criteria and will not result in any adverse amenity impacts, the proposed modification is considered acceptable.

Planning Agreement

21. The application seeks approval to modify the timing of the public domain contribution to allow a Planning Agreement to be deferred to the lodgement of the Stage 2 application for the western parcel.
22. The applicant has requested the modification on the basis that the eastern parcel is compliant with the floor space ratio allocated to the site (1.5:1 permitted, 0.96:1 proposed) and the bonus floor space is therefore only applicable to the western parcel of the site.

23. Council's Public Domain unit has raised no objection to the floor space ratio bonus being calculated on a block by block basis subject to the applicant preparing a Planning Agreement reflecting the full bonus applied to the western parcel as opposed to the floor space bonus applied if averaged across the whole Master Plan Site. Condition 6 has been amended to reflect the above.

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

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

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

25. 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

26. 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

27. Not applicable to this report.

FINANCIAL IMPLICATIONS - SECTION 94 CONTRIBUTIONS

Section 94 Contributions

28. Section 94 contributions are charged at Stage 2 of the process.

PUBLIC CONSULTATION

Section 79C(1)(d)

Advertising and notification

29. 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.

30. Two (2) submissions were received. The grounds for objection are summarised as follows:-

- (a) **The proposed development will reduce the amount of public housing stock in the locality.**

Comment: This application does not seek to reduce the amount of public housing approved under the Master Plan

RELEVANT LEGISLATION

31. The Environmental Planning and Assessment Act 1979.

OPTIONS

32. The NSW Department of Housing is a Crown Authority. Under Section 116C of the Environmental Planning and Assessment Act 1979, Council is not able to refuse the development application or impose conditions of consent that are not acceptable to the NSW Department of Housing without the written approval of the Minister of Planning.
33. The draft conditions of consent have been provided to the Department of Housing and the Department has confirmed in writing that the draft conditions are acceptable.

CONCLUSION

34. The proposal maintains the existing floor space over the entire site. The modification seeks an increased height which does not comply with Council's DCP which specifies a height of 9m. The proposed height is 11.7m. The increased height is supported because it does not result in any environmental impacts and provides an appropriate transition between high buildings to the north and east of the site.
35. The increase in car parking is for the disabled, which is supported, and it is appropriate to defer the timing of the planning agreement to the Stage 2 for the western parcel of the site because this is where the bonus floor space has been provided.

GIOVANNI CIRILLO

Director City Planning and Regulatory Services

(Kate MacDonald, Planner)