

**ITEM 7. DEVELOPMENT APPLICATION: STAGE 2 DEVELOPMENT APPLICATION FOR 57-75 WALKER STREET AND 44-52 MOREHEAD STREET REDFERN**

**FILE NO:** D/2007/1055

**SUMMARY**

**Date of Submission:** 7 June 2007

**Applicant:** NSW Department of Housing

**Proposal Summary:** Stage 2 application for the eastern parcel of the Stage 1 Master Plan. The site is bound by Walker, Morehead, Phillip and Kettle Streets, Redfern. The proposal includes:

- The demolition of 10 existing residential flat buildings (88 units) and associated ancillary structures and the removal of 52 trees.
- The construction of a total of 106 public sector residential tenancies comprising:
  - Four (4) three storey corner blocks comprising 66 apartments (44 x 1 bed and 22 x 2 beds);
  - Forty (40) single and two storey townhouses comprising 13 x 2 beds, 23 x 3 beds and 4 x 4 beds.
- Two (2) single storey community rooms.
- Six (6) accessible car spaces
- Landscaping, drainage, and sewer works.

**Summary Recommendation:** The proposed development is consistent with the building envelopes, setbacks, and car parking requirements outlined in the amended Stage 1 consent. The 2.7m increase in height of the apartment blocks along the north-east and south-east corners of the site over the 9m DCP height limit will not result in any adverse environmental impacts and provides an appropriate transition to adjacent high rise buildings.

6 submissions were received which raised issues relating to the proposed mixture of public and private housing, and potential traffic hazards that may arise from the introduction of a driveway to Phillip Street.

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.

**Summary Recommendation  
(continued):**

	East Parcel	West 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.

Council's Transport Unit raised no safety issues with regard to the introduction of a driveway with access and egress via Phillip Street.

The proposal has been designed to retain all significant trees within the centre of the site and along the boundaries of the site (52 trees will be retained).

The application is recommended for approval subject to conditions that requiring the retention of all significant trees, replacement planting and transplanting trees to suitable locations.

The design of the proposal is acceptable subject to a condition requiring a reduction in the perceived height of the apartment block on the south-west corner of the site.

**Attachments:**

- A - Selected Drawings
- B - Stage 1 Consent
- C - Amended Master Plan 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.

**(1) APPROVED DEVELOPMENT**

- (a) Development must be in accordance with Development Application No. D2007/1055 dated 7 June 2007 and the Stage 2 Statement of Environmental Effects prepared by JBA Urban Planning Consultants, dated June 2007 and the following drawings:

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
DA00	LFA Pacific Pty Ltd	June 2007
DA01	LFA Pacific Pty Ltd	June 2007
DA02	LFA Pacific Pty Ltd	June 2007
DA03	LFA Pacific Pty Ltd	June 2007
DA04	LFA Pacific Pty Ltd	June 2007
DA05	LFA Pacific Pty Ltd	June 2007
DA06	LFA Pacific Pty Ltd	June 2007
DA07	LFA Pacific Pty Ltd	June 2007
DA08	LFA Pacific Pty Ltd	June 2007
DA09	LFA Pacific Pty Ltd	June 2007
DA10	LFA Pacific Pty Ltd	June 2007
DA11	LFA Pacific Pty Ltd	June 2007
DA12	LFA Pacific Pty Ltd	June 2007
DA14	LFA Pacific Pty Ltd	June 2007
DA15	LFA Pacific Pty Ltd	June 2007
DA16	LFA Pacific Pty Ltd	June 2007
DA17	LFA Pacific Pty Ltd	June 2007
DA18	LFA Pacific Pty Ltd	June 2007
DA19	LFA Pacific Pty Ltd	June 2007
DA23	LFA Pacific Pty Ltd	June 2007
DA25	LFA Pacific Pty Ltd	June 2007
DA26	LFA Pacific Pty Ltd	June 2007
DA30	LFA Pacific Pty Ltd	June 2007
DA31	LFA Pacific Pty Ltd	June 2007
DA32	LFA Pacific Pty Ltd	June 2007
DA33	LFA Pacific Pty Ltd	June 2007
DA34	LFA Pacific Pty Ltd	June 2007
DA35	LFA Pacific Pty Ltd	June 2007

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
DA36	LFA Pacific Pty Ltd	June 2007
DA40	LFA Pacific Pty Ltd	June 2007
DA50	LFA Pacific Pty Ltd	June 2007
DA51	LFA Pacific Pty Ltd	June 2007

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) REDESIGN OF APARTMENT 3.13**

Apartment 3.13 is to be redesigned to step the apartment down in form to reduce the height at the south west corner of the site by creating a recessed wall. Amended plans are to be submitted to and approved by the Director of City Planning and Regulatory Services prior to the commencement of works on site.

**(3) TREE RETENTION / TRANSPLANTING TREE/S ON SITE**

- (a) All trees detailing the recommendations of the Aborcultural Impact Assessment by Tree Wise Men dated May 2007 shall be retained with the exception of the trees which are approved for removal and replacement.
- (b) Tree 165, 172, 186, and 191 are to be retained and transplanted at a suitable location within the site. An arborist's report including a Plan of Management for the transplantation and confirming the health of the species must be submitted for the approval of Council before the commencement of works on site. If the Arborist's report indicates that the tree is in a state of decline, a replacement mature tree of the same species must be planted in a suitable location on the site prior to issue of an Occupation Certificate.

**(4) TREE PROTECTION DURING CONSTRUCTION**

- (a) Stockpiling, storage or mixing of materials, washing of equipment, vehicle parking, disposal of liquids, machinery repairs and refueling, disposal of building materials such as cement slurry, siting of offices or sheds and the lighting of fires, must not occur within 5m of the trunk of any tree to be retained.
- (b) Excavation surrounding tree trunks recommended for retention must occur as per the recommendations provided in the Arborist Report prepared by Tree Wise Men and dated May 2007. If excavation is proposed within the nominated protection zone, Council's Tree Management Officer must be contacted immediately and the excavation must be carried out in accordance with Council's direction.

**(5) STREET TREE HOARDING PROTECTION**

Street trees must be protected during the erection of hoarding and construction works as follows:

- (a) Tree trunk and major limb protection must be undertaken before or during the installation of the hoarding. The protection must be installed by a qualified arborist (Cert 3 TRAFE or higher) and include the wrapping of the tree's trunk with hessian or similar material to limit damage to the trunk and major branches, within 0.5m of the hoarding. The protective wrapping is to remain in place for the duration that the hoarding is in place and be removed at the time of hoarding removal.
- (b) The pressure points for the feet of the hoarding are not to be located within on (1) metre of the base of tree/s adjacent to the area in which the hoarding will be erected.
- (c) Any approved pruning required to accommodate the hoarding/scaffolding shall be carried out by a certified qualified tree surgeon/ arborist and conform to the provisions of AS 4373 -1996 – Pruning of amenity trees.
- (d) The consent from Council is to be obtained prior to any pruning works being undertaken on any street tree including tree/s located outside adjoining properties. Pruning works that are to be undertaken must be carried out by a certified tree surgeon/ arborist.
- (e) Any damages sustained to the street trees as a result of the hoarding is to be immediately reported to the Council's Street Tree Contract Coordinator on 9265 9545 to determine the appropriate response for maintaining the health and structural integrity of the tree/s.
- (f) If the rectification works are not undertaken as directed by Council's Street Tree Coordinator, Council will undertake the works and all associated costs will be recovered using the security deposit.
- (g) Damage to the street trees may also result in prosecution being sought under Sections 626 and 629 of the Local Government Act for an offence where such damage occurred wilfully or negligently.

**(6) REMOVAL AND REPLACEMENT OF TREES**

Tree numbers 61, 80, 155, 157, 162, 166, 168, 169, 174, 177, 177b, 184, 185 and 187 are to be removed and replaced with medium sized canopy trees planted in an appropriate location. In this regard, the landscape plan is to be amended to reflect the above prior to the commencement of works on site.

**(7) ACID SULPHATE SOILS**

An Acid Sulphate Management Plan in accordance with the NSW Acid Sulphate Soils Management Advisory Committee Urban Development Guidelines August 1998, outlining how acid sulphate soils will be managed during all stages of construction is to be submitted to Council's satisfaction prior to the commencement of works on site.

**(8) CONVERSION OF ON-STREET PARKING**

The conversion of 12 on-street parking bays to accessible parking is not approved as part of this application. In this regard, a separate application should be submitted to the Sydney Transport Committee for consideration.

**(9) CAR PARKING SPACES AND DIMENSIONS**

A maximum of 6 off-street car parking spaces must be provided. The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and Council's Development Control Plan. The details must be submitted to and approved by the Principal Certifying Authority prior to the commencement of works on site.

**(10) ACCESSIBLE CAR PARKING SPACES**

Of the required car parking spaces, at least 6 must be 3.2m x 5.5m minimum (with minimum headroom of 2.5m) and must be clearly marked and appropriately located as accessible parking for people with mobility impairment. The design and layout of accessible car parking for people with mobility impairment is to be provided in accordance with Australian Standard AS/NZS 2890.1 - 2004 Parking facilities Part 1: Off-street car parking and the 'City of Sydney Access Development Control Plan 2004. The details must be submitted to and approved by the Principal Certifying Authority prior to the commencement of works on site.

**(11) ASSOCIATED ROADWAY COSTS**

The developer is responsible for all costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system, and footway. The new work must be designed and constructed in accordance with the City's "Development Specification for Civil Works Design and Construction" and "Cycle Strategy and Action Plan 2007 – 2017".

**(12) COST OF SIGNPOSTING**

All costs of signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer.

**(13) SEALING OF CAR PARK**

**(14) SIGNS AT EGRESS**

**(15) VEHICLES ENTER/LEAVE IN FORWARD DIRECTION**

**(16) ASSOCIATED ROADWAY COSTS**

**(17) LOCATION OF ACCESSIBLE CAR PARKING SPACES**

**(18) BICYCLE PARKING**

**(19) LOADING WITHIN SITE**

**(20) TRAFFIC WORKS**

**(21) RESTRICTION ON RESIDENTIAL DEVELOPMENT**

The following restriction applies to buildings approved for residential use:

- (a) The accommodation portion of all the residential building must be used as permanent residential accommodation only and not for the purpose of a hotel, motel, serviced apartments, private hotel, boarding house, tourist accommodation or the like, other than in accordance with the South Sydney Local Environmental Plan 2000.
- (b) A restrictive covenant is to be registered on the title of the development site in the above terms and restricting any change of use of those levels from as defined in the South Sydney Local Environmental Plan 2000. The covenant is to be registered on title prior to an Occupation Certificate being issued, to the satisfaction of the Council. All costs of the preparation and registration of all associated documentation are to be borne by the applicant.
- (c) No more than two adult people shall occupy any bedroom and no bedroom shall contain more than two beds. This excludes children and children's beds, cots or bassinets.
- (d) The total number of adults residing in one unit shall not exceed twice the number of approved bedrooms.
- (e) If a unit contains tenants, it must be subject to a residential tenancy agreement for a term of at least three months.
- (f) An owner, tenant or Owners Corporation shall not permit a Building Manager or agent to advertise or organise for short term accommodation or share accommodation in the building such that the Building Manager or agent has control over who shares units.
- (g) Car parking spaces may only be used for storage related to residence in the unit with which the space is associated. No storage should take place for commercial businesses in car parking spaces.

**(22) FIRE ISOLATED STAIRWAY FOR APARTMENT BUILDINGS 2 & 3**

That the stairways of apartment buildings 2 & 3 shall be fire isolated in accordance with D1.3 of the BCA

**(23) ROOF LIGHTS**

That the roof lights shall comply with Specification C1.1 – 3.6 of the BCA.

**(24) NOISE - MECHANICAL 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.

**(25) LAND CONTAMINATION**

- (a) A Remediation Action Plan (RAP) is to be prepared in accordance with the NSW EPA Guidelines for Consultants reporting on Contaminated Sites and Planning NSW Guidelines "Managing Land Contamination Planning Guidelines" and Council's Contaminated Land Development Control Plan 2004;
- (b) The RAP shall be reviewed by a NSW EPA accredited Site Auditor and include a statement issued by the auditor certifying that the RAP is practical and the site will be suitable after remediation for the proposed use;
- (c) The site is to be remediated and validated in accordance with the RAP (as described in (a) and (b) above). Prior to the execution of works associated with the built form of the development (excluding building work 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 the consent
- (d) Any variations to the RAP shall be approved in writing by the Accredited Site Auditor and Council prior to the commencement of such work
- (e) 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 materials 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.

**(26) 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 the commencement of works on site. It is recommended that draft plans should be submitted for comment prior to formal submission for approval.

The Public Domain Plan must be prepared in accordance with the City of Sydney's Public Domain Manual. The works to the public domain are to be completed in accordance with the approved plan and the Public Domain Manual before any Occupation Certificate is issued in respect of the development.

**(27) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION**

**(28) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES**

**(29) WASTE AND RECYCLING MANAGEMENT - RESIDENTIAL**

**(30) NO DEMOLITION PRIOR TO A CONSTRUCTION CERTIFICATE**

**(31) CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

**(32) EROSION AND SEDIMENT CONTROL – MORE THAN 2,500SQM**

**(33) ASBESTOS REMOVAL**

**(34) ASBESTOS REMOVAL SIGNAGE**

**(35) NOTIFICATION OF ASBESTOS REMOVAL**

**(36) ELECTRICITY SUBSTATION**

**(37) UTILITY SERVICES**

**(38) FOOTPATH DAMAGE BANK GUARANTEE**

**(39) APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE**

**(40) BARRICADE PERMIT**

**(41) ALIGNMENT LEVELS**

**(42) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT**

**(43) STRUCTURAL CERTIFICATION FOR DESIGN – BCA (ALL BUILDING CLASSES)**

**(44) CERTIFICATION OF GEOTECHNICAL INSPECTION**

**(45) GEOTECHNICAL REPORT AND CERTIFICATION**

**(46) BCA - NEW BUILDINGS WORKS - CLASS 2-9 BUILDINGS**

**(47) BCA - NEW BUILDING WORKS CLASS 1 & 10 BUILDINGS**

**(48) ANNUAL FIRE SAFETY STATEMENT FORM**

**(49) FIRE SAFETY CERTIFICATE TO BE SUBMITTED**

**(50) BASIX CERTIFICATE**

That a copy of the required completed BASIX certificate, submitted as part of this application for Development Consent with respect to the proposed residential building works, must be lodged with Council prior to the commencement of works on site, and items nominated as part of the subject must be likewise indicated on the plans prior to the commencement of works on site.

**(51) FLASHINGS TO BOUNDARY WALLS**

A flashing must be provided to prevent water entering between the proposed and existing external boundary walls of the adjoining properties. The consent of the adjoining property owners must first be obtained for connecting the flashings to the buildings.

**(52) DEMOLITION, EXCAVATION AND CONSTRUCTION MANAGEMENT**

**(53) MECHANICAL VENTILATION SPECIFICATIONS**

Plans and specifications outlining the ducting and discharge points for the proposed mechanical ventilation servicing the apartments are to be provided to the satisfaction of Council prior to the commencement of works on site.

**SCHEDULE 1C**

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

**(54) 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 commencement of works on site, 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 \$ 2, 326, 000.00 dollars as security for the costs of such works provided that:

- a. the maximum liability under the Deed must not exceed \$ 2, 326, 000.00 dollars; and
  - b. the Council may accept a lesser amount as security if substantiated by detailed design and Quantity Surveyor 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 tenatable 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.

**(55) OCCUPATION CERTIFICATE TO BE SUBMITTED**

- (56) HOURS OF WORK AND NOISE – OUTSIDE CBD**
- (57) SYDNEY WATER CERTIFICATE**
- (58) PROTECTION OF STREET TREES DURING CONSTRUCTION**
- (59) COVERING OF LOADS**
- (60) VEHICLE CLEANSING**
- (61) LOADING AND UNLOADING DURING CONSTRUCTION**
- (62) NO OBSTRUCTION OF PUBLIC WAY**
- (63) ACCESS DRIVEWAYS TO BE CONSTRUCTED**
- (64) SITE NOTICE OF PROJECTS DETAILS AND APPROVALS**
- (65) SURVEY CERTIFICATE AT COMPLETION**
- (66) STREET NUMBERING – MAJOR DEVELOPMENT**

## **SCHEDULE 2**

### **PRESCRIBED CONDITIONS**

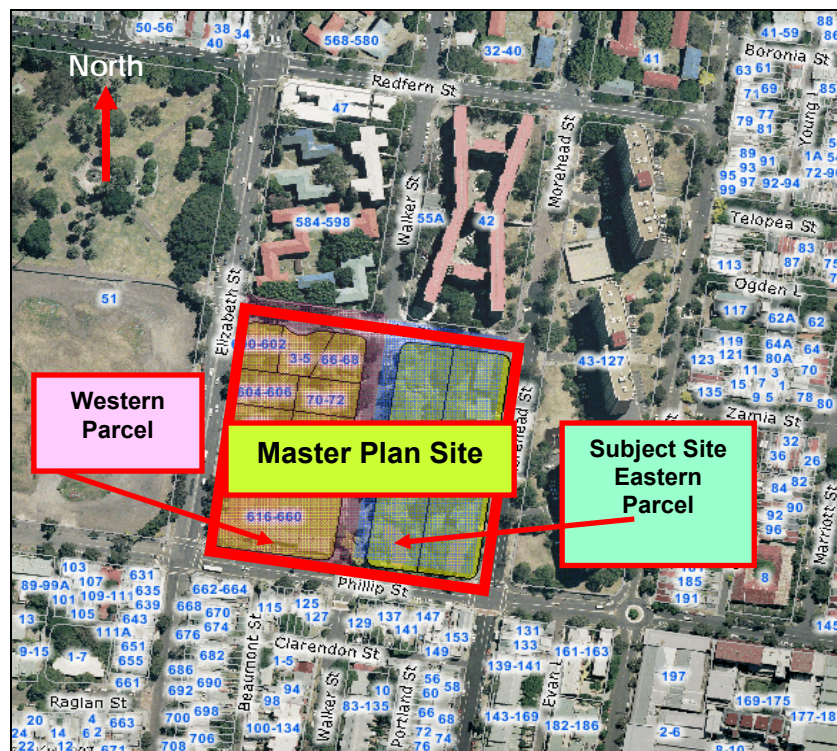
**The prescribed conditions in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000 apply where there is building work:**

- (67)** The prescribed conditions are as follows:
  - (a) The work must be carried out in accordance with the requirements of the *Building Code of Australia* (as in force on the date the application for the relevant construction certificate is made).
  - (b) This condition does not apply to:
    - (i) the extent to which an exemption is in force under Clause 187 or 188, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of the *Environmental Planning and Assessment Regulation 2000*; or
    - (ii) the erection of a temporary building.
- (68)** In the case of residential building work for which the *Home Building Act 1989* requires that there be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force.

## 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 Master Plan 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).



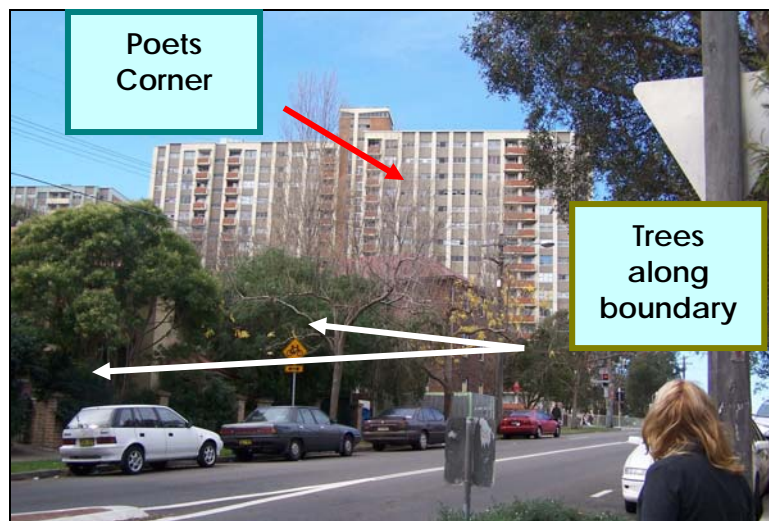
**Figure 1:** Master Plan site showing subject site, the eastern parcel.

3. The subject site, the eastern parcel, is 9,709m<sup>2</sup> 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 6,970m<sup>2</sup> 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. A total of 106 public sector dwellings are provided in the overall Master Plan site.

6. 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.



**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 Phillips Street looking east.

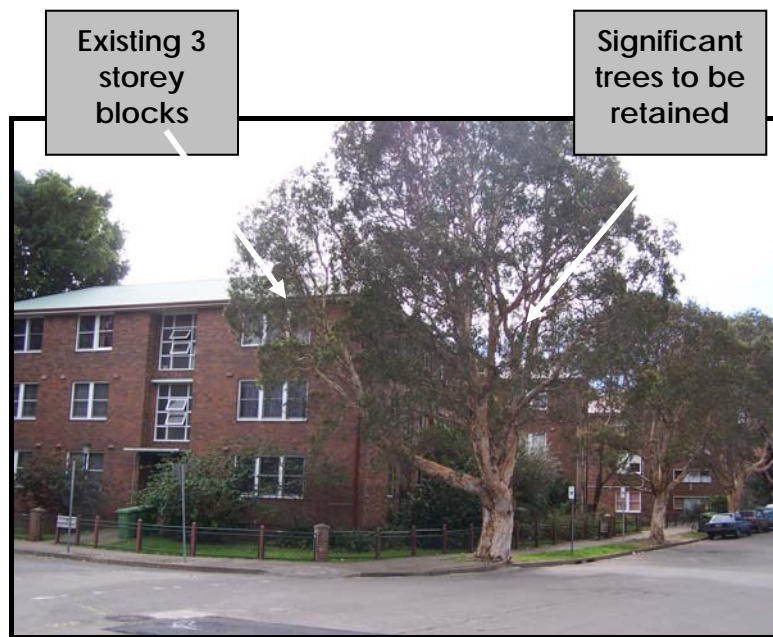


Figure 4: Subject site as viewed from opposite side of Phillip Street looking north.



Figure 5: Opposite side of Morehead Street looking south.



Figure 6: Opposite side of Morehead Street looking west.

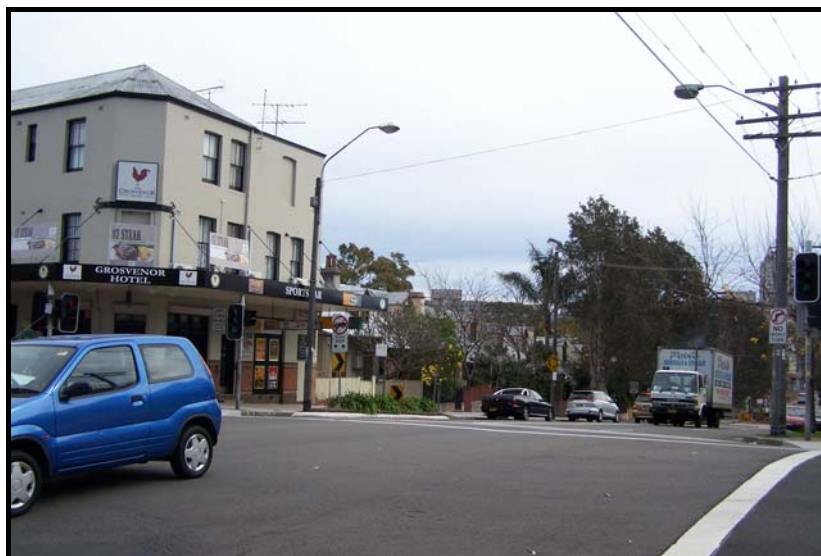


Figure 7: View of Phillips Street looking west.

7. Plans and Photomontages of the development are provided at **Attachment A**.

#### **History of Development Applications Relevant to this Site**

8. The following development applications are considered relevant to the proposed development:
9. 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:

- (a) A total GFA of 25,661sqm comprising 16,560sqm for the western block and 9,101sqm for the eastern block.
  - (b) 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.
  - (c) The layout, building envelopes and heights which included a maximum building height of 15m for the western parcel and 9m for the eastern parcel.
  - (d) 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:
    - (i) 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.
    - (ii) Four 2–4 storey apartment blocks at each corner comprising 48 apartments for the aged and disabled.
  - (e) 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.
10. A copy of the Stage 1 consent is provided at **Attachment B**.

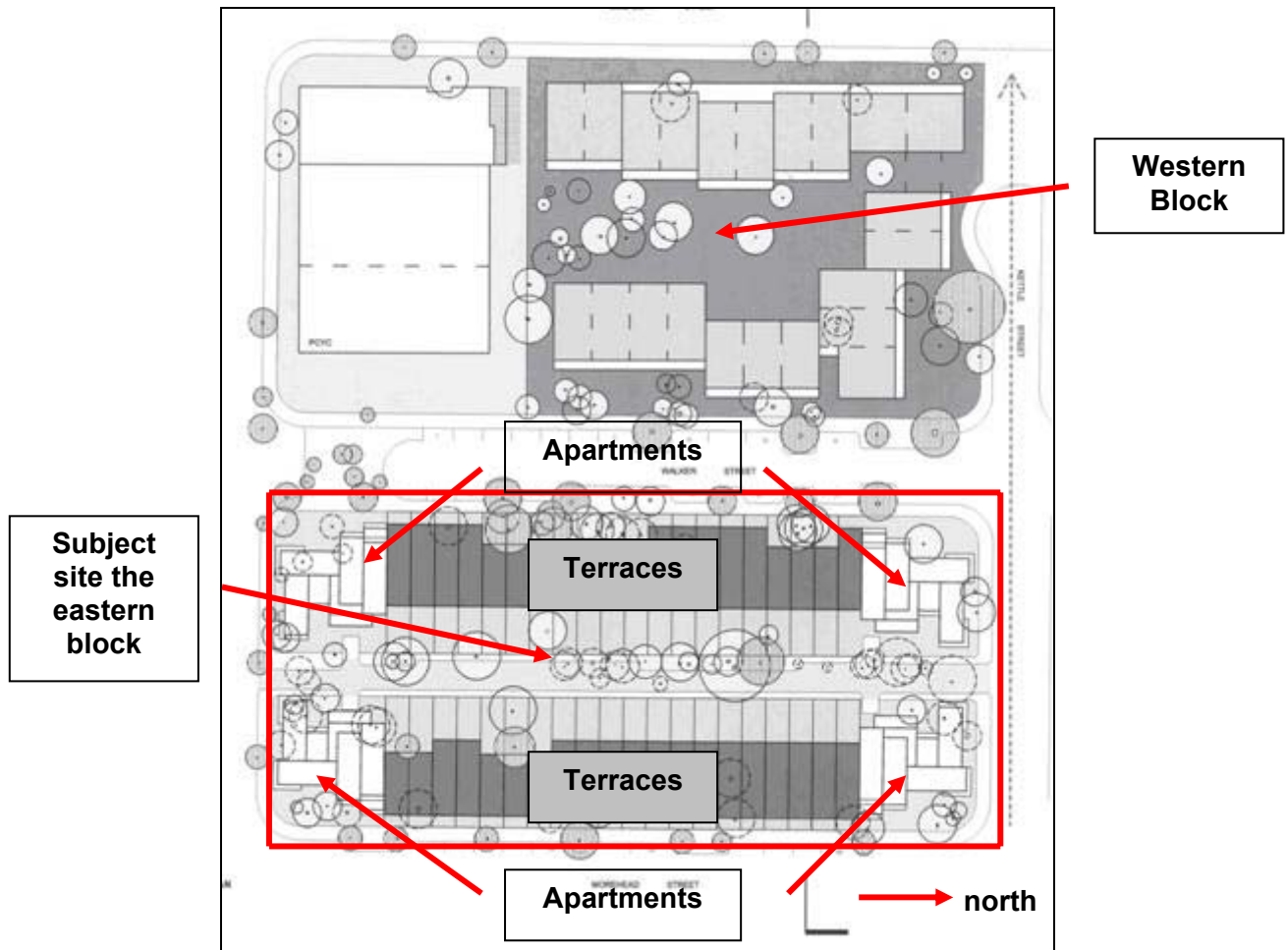


Figure 8: Approved 2003 Master Plan site layout for eastern and western blocks.

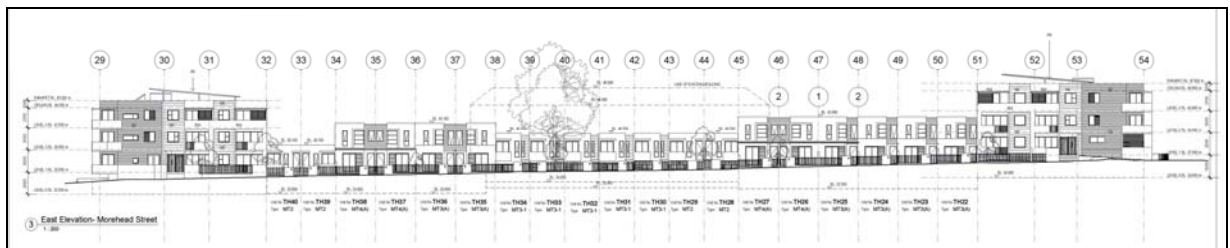
11. On 7 of June, 2007 a Section 96 application was lodged for U2002/1316 for the following modifications:
  - (a) Transfer 200m<sup>2</sup> of floor space from the western parcel to the eastern parcel of the Master Plan site;
  - (b) Increase the height of the apartment blocks on the north-east and south-east corners of the eastern parcel from 9m to 13m;
  - (c) Increase the number of on-site car park bays from 4 to 6; and
  - (d) Amend the timing of a Planning Agreement to the Stage 2 application for the western parcel of the Master Plan site.
12. The proposed modifications to the Master Plan lodged concurrent to this application have been recommended for approval subject to conditions. A copy of the amended Master Plan is provided at **Attachment C**.

## PROPOSAL

13. The application relates only to the eastern block of the Stage 1 Master Plan and seeks approval for the following:

- (a) Demolition of 10 residential flat buildings and associated ancillary structures and removal of 52 trees;
- (b) Construct a total of 106 residential properties providing a gross floor area of 9,340sqm comprising:
  - (i) Four (4) residential apartment buildings with a total of 66 apartments (44 x 1 beds, 22 x 2 beds). The apartment blocks are located at each corner of the site and range in height from 8.7m to the north-east and north-west to 11.7m (measured to the top of the ceiling) to the south-east and south-west;
  - (ii) Forty single storey and two story (40) townhouses (13 x 2 beds, 23 x 3 beds and 4 x 4 beds) located along the east (Morehead Street) and west (Walker Street) frontages of the site. The townhouses range in height from 5.5m to 7.6m;
  - (iii) Two (2) single storey community rooms located within the north and south edges of the site;
  - (iv) Six (6) on site accessible car spaces, four (4) accessed via Philip Street and 2 via Kettle Street; and
  - (v) New landscaping, drainage, and sewer works.

14. Photomontages, and architectural plans are provided below:



**Figure 9:** East elevation to Morehead Street



Figure 10: North elevations to Kettle Street.

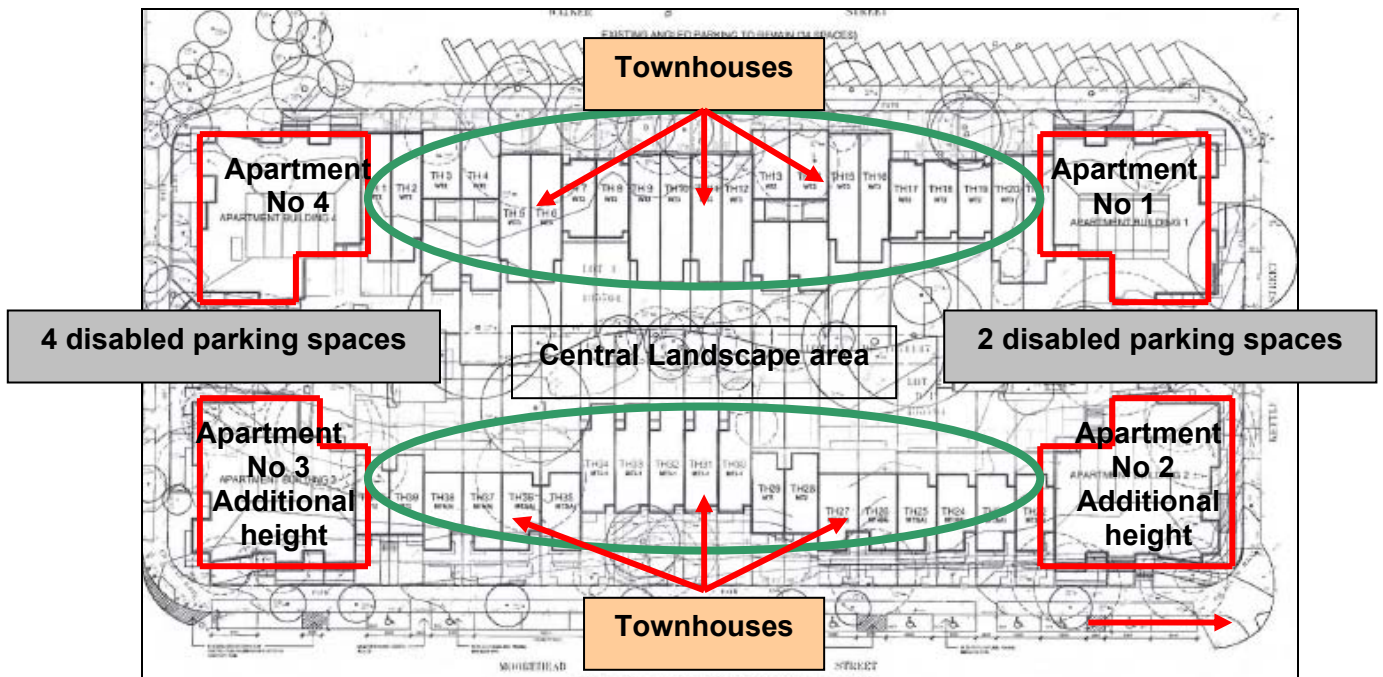


Figure 11: Proposed site plan layout



**Figure 12:** Photomontage of subject site as viewed from the corner of Kettle and Walker Street.



**Figure 13:** Subject site as viewed from the corner of Phillip and Morehead Street



**Figure 14:** Subject site as viewed from the corner of Phillip and Walker Street



**Figure 15:** Subject site as viewed from corner of Morehead and Kettle Street.

Parking and vehicular and pedestrian access

15. The application seeks approval to create 4 off street car bays accessed from Phillip Street and 2 off street car bays accessed from Kettle Street. 23 bicycle bays are proposed, with 11 bays being provided within a storage area at ground floor level of apartment building 2, and 12 bays provided at ground floor level of apartment building 3.
16. All terrace dwellings are provided pedestrian access via Walker Street or Morehead Street. Apartment buildings 1 and 4 are provided pedestrian access via Walker Street and apartment buildings 2 and 3 are provided pedestrian access via an internal stair accessed via the Kettle Street and Phillip Street car parking areas.

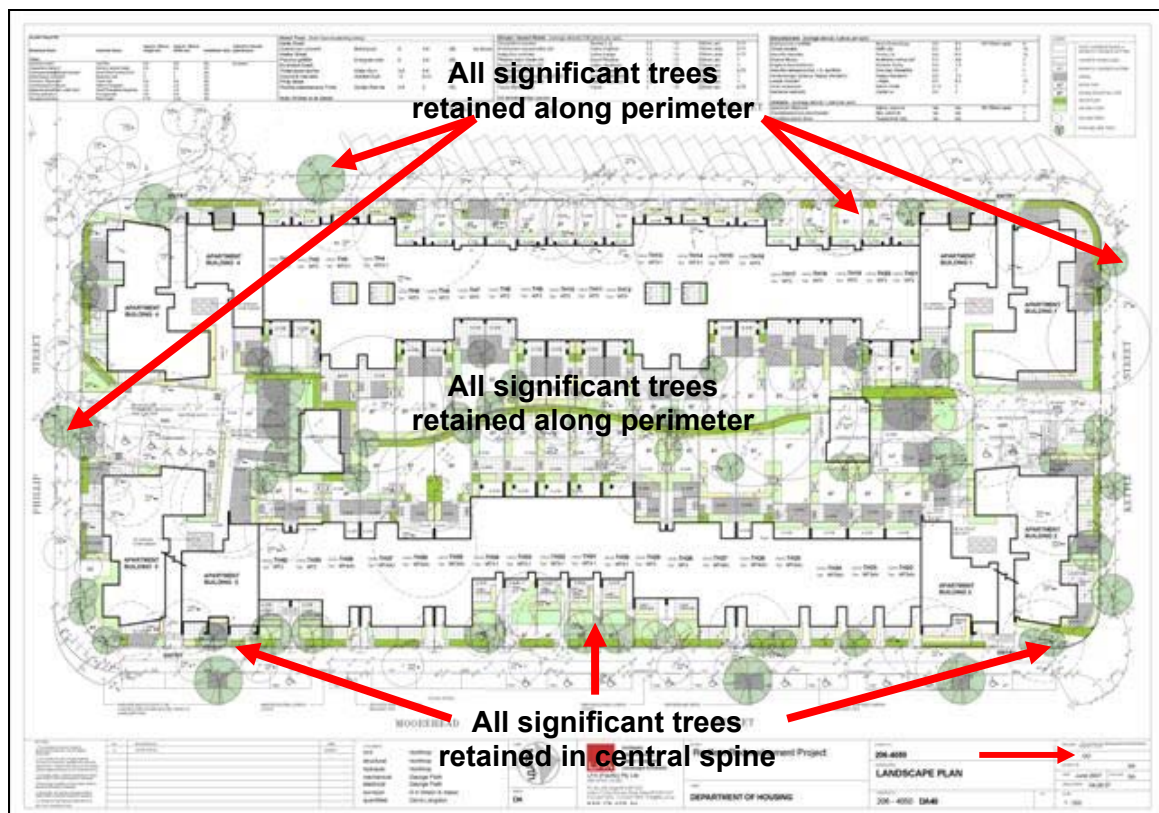
17. Communal rubbish storage facilities are located adjacent to the car parking areas on Phillip and Kettle Streets.

Open Space

18. The application proposes a total of 500m<sup>2</sup> of communal open space located adjacent to each apartment block within the centre of the site and the associated community rooms accessed via Kettle and Phillip Street. Each residential unit has private open space in the form of a balcony ranging in size between 5.4m<sup>2</sup> and 13.2m<sup>2</sup>. All terrace houses are provided with private open space ranging in size between 44.4m<sup>2</sup> and 111.4m<sup>2</sup>.

Landscaping

19. The building foot print covers an area of 4272.84m<sup>2</sup>, leaving 5,438.16m<sup>2</sup> (66 %) for deep soil planting and landscaping. The landscape plan indicates that deep soil plantings will be located through the central spine of the development and along the perimeter of the site. A copy of the Landscape Plan is provided below and at **Attachment A**.



**Figure 16:** Landscape Plan

20. The proposal includes the removal of 52 native and exotic trees and retention of 52 trees. An arborist report outlining tree preservation and removal measures has been submitted to support the application.

Materials and Finishes

21. The materials include painted rendered masonry walls, glazed face brick feature walls, timber, zinc cladding, aluminium louvers, glass balconies with aluminium balustrades, and palisade fencing.

**IMPLICATIONS OF THE PROPOSAL**

**Section 79C Evaluation**

22. 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)**

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

**SEPP 55 – Remediation of Land**

24. The aims of SEPP 55 are to ensure that a change in land use will not increase the risk to human health, particularly in instances where a more sensitive land use is proposed.
25. The applicant prepared a Stage 2 Environmental Site Assessment of the subject site as part of the Stage 1 application. In this regard, the site assessment revealed that elevated levels of heavy metals (predominantly lead) are present within the surface soil of the site. The investigations undertaken by the applicant's consultant conclude that subject to excavation and off site disposal of the impacted soils, the subject site can be remediated for a denser residential use.
26. Council's Specialist Health Surveyor has reviewed the application and concurs with the recommendations. Appropriate conditions have been imposed to address the remediation issue.

**SEPP 65 - Design Quality of Residential Flat Development**

27. SEPP 65 provides that in determining an application for a residential flat development of three or more floors and containing four or more apartments, that the consent authority take into consideration a number of matters relating to design quality, including 10 design quality principles, being:

(a) **Principle 1: Context**

**Complies:** The locality is characterised by a mixture of medium and high rise residential buildings. The proposed development is generally consistent with the Stage 1 Master Plan and provides well mannered building envelopes that respond appropriately to the characteristics of the locality.

(b) **Principle 2: Scale**

**Complies:** The proposed development is consistent with the height controls specified in the amended Master Plan. The design of the apartment buildings is considered acceptable on the basis that the buildings present as three storey buildings at the street corner and the mass of the buildings is broken down through use of materials, colours, and balconies. A condition requires the design of the south-west apartment block to be amended to reduce the perceived height of the building.

The scale of the proposed development generally is generally consistent with the existing building form and provides an appropriate transition between the smaller scale residential development to the south and the existing high rise development directly north and east of the site.

(c) **Principle 3: Built Form**

**Generally Complies:** The proposed building envelopes comply with the amended Stage 1 Master Plan. The built form has been divided into four apartment blocks located on each corner of the site, and two rows of 1 and 2 storey terraces fronting Walker and Morehead Streets.

The four apartment blocks have been designed to take advantage of the topography of the site and act as visual focal points to terminate the one and two storey terrace dwellings fronting Walker and Morehead Streets.

(d) **Principle 4: Density**

**Generally Complies:** The South Sydney DCP permits a maximum FSR of 1.5:1 and the proposal complies with the DCP control. The Stage 1 consent approved a maximum FSR of 1.54:1 over the whole site with a maximum FSR of 0.94:1 for the eastern parcel and In this regard, the proposed development has 9, 304m<sup>2</sup> of GFA and will increase the FSR of the eastern parcel to 0.96:1. The proposed density is consistent with the amendments to the Stage 1 Master Plan.

(e) **Principle 5: Resource, energy and water efficiency**

**Generally Complies:** The proposed development has been designed to conserve resources and be water and energy efficient. Specifically, the application has been designed to allow for the storage and recycling of stormwater through the installation of underground rain water tanks, and incorporates water efficient fixtures, energy efficient appliances, and light fittings. In addition, all dwellings are BASIX compliant.

The proposal maximises solar access to each dwelling and incorporates operable louvers and sun hoods on north and west facing apartments to provide shading in summer months. A high proportion of apartments have a dual aspect to provide cross ventilation to negate the need to mechanically ventilate the main living areas of the apartments.

(f) **Principle 6: Landscape**

**Generally Complies:** The site is characterised by mature leafy trees that are located along the perimeter, and through the central spine of the site. The proposal has been designed to retain all significant trees on site. The proposed landscape plan includes replacement of trees which will be removed, transplanting species that are to be retained to suitable location and planting of a mixture of new native and exotic trees of varying heights and canopy spread. The street trees have been selected as per the requirements of Council's Street Master Plan and the specific requirements set out for street tree planting identified in the Redfern Waterloo Precinct Plan. In addition, drought resistant grass and gravel are used in the landscaping of private open space to reduce water consumption and provide good drainage.

New landscape works are provided adjacent to the apartment buildings, with sheltered communal seating areas and plantings proposed to provide areas for social interaction for residents.

The Design Code recommends 25-30% of the total site area be dedicated for use as common open space. The proposal allocates 500sqm of communal open space (15.6% of the total site area) which is located adjacent to the apartment blocks and the community meeting rooms. Although the application departs from the minimum area of communal open space recommended in the Design Code the location of the common open space adjacent to the community rooms and the apartments provides good opportunities for social interaction within the constraints of the building envelopes identified in the Stage 1 Master Plan.

66% of the site (5,438sqm) will comprise planting and landscaping which will enhance the amenity of the tenants. In addition, a sufficient quality and quantity of private open space is provided to each unit and terrace in the form of terraces, balconies and courtyards.

(g) **Principle 7: Amenity**

**Complies:** Apartments range in size between 56.1m<sup>2</sup> and 72.5m<sup>2</sup> for one bedroom apartments, and 75.2m<sup>2</sup> and 90.9m<sup>2</sup> for 2 bedroom apartments. All apartments exceed the minimum apartment sizes suggested in the Design Code for affordable housing (50m<sup>2</sup> required for 1 bed apartments and 70m<sup>2</sup> required for 2 bed apartments). It is noted that the Central Sydney DCP requires 55sqm for 1 bed apartments and 80sqm for 2 bed apartments. The proposal also exceeds the Central Sydney DCP minimum unit size requirements.

The Design Code recommends that a maximum of eight units access a single corridor. In this regard, no more than six apartments access any one corridor.

The application seeks to utilise the 2 hour minimum solar access requirement for residential flat buildings in dense urban areas. In this regard, solar access diagrams demonstrate that 56 percent of units receive 3 or more hours of sunlight between 9:00am and 3:00pm at the winter solstice. In addition, no more than 10 percent of the units have a southerly aspect as per the requirements of the Code.

The living areas of all apartments are naturally ventilated due to each apartment building being designed around an open central gallery. Where ever possible bathrooms have been located on external walls or adjacent to a lightwell. In situations where it is not possible to locate bathrooms adjacent to an external wall or lightwell, bathrooms have been mechanically ventilated.

(h) **Principle 8: Safety and Security**

**Complies:** All dwellings are orientated towards the street in order to provide passive surveillance of the public domain. In addition, the buildings have been designed to incorporate windows and balconies that overlook the building entries, car parking, lobby, and play areas to provide maximum opportunity for casual surveillance. The primary pedestrian entries are clearly visible from the street and have been designed to incorporate adequate lighting. The applicant has advised that a controlled access system, such as the use of swipe keys will be implemented to control people entering the development. In addition, fencing and plantings have been used to clearly demarcate public and private areas.

(i) **Principle 9: Social Dimensions**

**Complies:** The unit mix has been devised to cater for a wide variety of households which reflects the current needs of Department of Housing clients. The proposal provides an additional 18 public sector dwellings than that approved in the 2003 Master Plan which will result in a better planning outcome in terms of the quality and quantity of public sector housing. There will be no net loss in the number of public sector dwellings across the entire Master Plan site.

In addition, the proposal incorporates two communal rooms adjacent to each set of apartment blocks to provide opportunities for organised social interaction for residents.

(j) **Principle 10: Aesthetics**

**Complies:** The form of the apartment blocks is highly articulated, with deeply recessed and cantilevered balconies used along the street frontages to break up the building mass, provide visual relief, passive surveillance of the public domain, and provide a pleasant outlook for each apartment. High quality finishes have been proposed which are consistent with the desired future character of the area.

28. The development is considered generally acceptable when assessed against the above stated principles and the SEPP generally, which are replicated in large part within Council's planning controls.

**LEPs AND DCPs**

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

**South Sydney Local Environmental Plan 1998**

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

<b>Development Controls</b>	<b>Permissible under South Sydney LEP 1998</b>	<b>Proposal as assessed under South Sydney LEP 1998</b>
<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>	No. 2(b) Residential Medium Density	The development is permissible and complies with the objectives of the zone.
<b>Urban Design Principles and Master plans (CI 28)</b>	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.	The proposed development is generally consistent with the Stage 1 Master Plan..
<b>Flood Liable Land (CI 38)</b>	Council is to consider the likely impacts of flooding in determining an application for the erection of a building or the carrying out of works on land.	The proposed development satisfies these provisions. The application was referred to Council's Flood Engineer who confirmed that the proposal satisfies the 1 in 100 year floor requirements and the development achieves the minimum 500mm free board.
<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.	Subject to the imposition of appropriate conditions, the proposed development satisfies these provisions.

**South Sydney DCP 1997**

31. 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 Villages, Public Spaces and Pedestrian Networks</b> Section 3	✓	<b>Complies</b> The proposed development will improve the streetscape by providing a clear definition between the public and private domain, passive surveillance of the public domain and internal communal areas. The buildings are architecturally diverse and reflect the desired future character of the area.
<b>PART D: SOCIAL PLANNING</b>		
<b>Access</b> Section 2	✓	<b>Complies</b> The proposed development is designed to provide maximum access to public and semi-public spaces for all occupants. The accessibility report prepared by Morris Gooding Accessibility Consultants demonstrates that subject to minor design amendments, the buildings generally have continual paths of travel and that there are no significant access issues. All of the amendments recommended by the access consultant have been incorporated into the final design of the proposal.
<b>Social Housing and Mix</b> Section 3	x	<b>Does not comply</b> The proposed unit mix 41% 1 bed, 33% 2 beds, 21.6% 3 beds and 3.7% 4 beds does not comply with the requirements of the DCP which namely, 24% 1 bed, 46% 2beds, 20% 3 beds and 10% 4 beds. The proposal will not result in a loss of public sector housing and will provide a better planning outcome than that 2003 Master Plan. Refer to the discussion in the issues section of the report.

Matter to be Considered	Compliance	Comment
<p><b>Security</b> Section 9</p>	<p>✓</p>	<p><b>Complies</b> The proposed development has been designed in accordance with CEPTED principles and incorporates the following to optimise safety and security in and around the development. Clearly defined public and private spaces. The layout of the development optimises passive surveillance of entry, open space, play and parking areas. Appropriate landscaping has been proposed to ensure vegetation is of a suitable height to ensure visual sightlines are maintained. Entrapment spaces have been minimised and graffiti resistant materials have been used to ensure the buildings appearance can be maintained in the future.</p>
<p><b>PART E: ENVIRONMENTAL DESIGN CRITERIA</b></p>		
<p><b>Private Open Space</b> Section 1.4</p>	<p>✓ / x</p>	<p><b>Generally complies</b> All dwellings are afforded adequate open space, however some balconies in the apartment blocks are less than 8sqm.</p>
<p><b>Landscaping</b> Section 1.5</p>	<p>✓</p>	<p><b>Complies</b> The proposed landscaping enhances the setting of the buildings and responds to the streetscape and the context of the neighbourhood. 66% of the site is available for deep soil planting, of which over 50 percent of the proposed landscape area is comprised of soft/porous landscaping.</p>
<p><b>Parking, Access and Servicing</b> Section 1.6</p>	<p>✓</p>	<p><b>Able to comply</b> The proposal provided six accessible car parking spaces and complies with maximum parking rates contained in the DCP and the amended Master Plan. Conditions address transport and parking issues.</p>

Matter to be Considered	Compliance	Comment
<b>Storm water Drainage</b> Section 1.7	✓	<b>Complies</b> Development minimises the use of hard surfaces, provides for retention of trees and proposes adequate measures such as the installation of a 20,000m <sup>3</sup> litre underground storage tank to retain and reuse water on site.
<b>Site Facilities</b> Section 1.9	✓	<b>Complies</b> Adequate facilities for waste storage/disposal for the residential units are provided at ground floor level adjacent to the car parking areas on Phillip and Kettle Streets. Each terrace building is provided with adequate space for the storage of waste.
<b>Building Envelope</b> Section 2.1	✓	<b>Able to comply</b> The building envelopes comply with the amended Master Plan.
<b>Floor Space Ratio (FSR)</b> Section 2.2	✓	<b>Generally complies:</b> The proposed FSR is 0.96:1 which complies with the maximum 1.5:1 contained in the DCP and the requirements of the amended Master Plan.
<b>Height and Scale</b> Section 2.3	✓/ x	<b>Complies:</b> The application proposes a maximum height of 11.7m for the apartment buildings on the north-east and south-east which exceeds the 9m maximum DCP height control.  The height however complies with the amended Stage 1 Master Plan. Refer to urban design discussion.
<b>Setbacks</b> Section 2.4	✓	<b>Complies</b> The proposed development is consistent with the setback requirements of the amended Master Plan.
<b>Visual and Acoustic Privacy</b> Section 4.1	✓	<b>Complies</b> No privacy or overlooking issues will occur as a result of this application.

Matter to be Considered	Compliance	Comment
<b>Access and Mobility</b> Section 4.4	✓	<b>Complies</b> The proposed development has been designed to comply with the disabled access requirements of the Building Code of Australia and the City's Access DCP 2004.
<b>Flexible Housing Design</b> Section 4.5	✓	<b>Complies</b> 18% of the dwellings are accessible and exceed the 10% minimum requirements of the City's Access DCP 2004.
<b>Fire Regulations</b> Section 4.6	✓	<b>Complies</b> A condition has been recommended to ensure that all works comply with the Building Code of Australia.
<b>Energy Efficiency</b> Section 5.1 to 5.3	✓	<b>Complies</b> All dwellings are designed to maximise access to natural light and ventilation. All dwellings are BASIX compliant.
<b>PART F: DESIGN CRITERIA FOR SPECIFIC TYPES</b>		
<b>Residential Flat Buildings Dwelling Houses</b> Section 2 to 2.4.4	✓/ x	<b>Complies</b> The proposed development fully complies with the site facilities, setback, façade treatment, and amenity controls of the DCP.  In terms of open space the DCP requires 10sqm for 1 bed units, 12sqm for 2 bed units, and 15sqm for 3 bed units to be provided at ground level and 8sqm balconies. The proposal provides between 44 – 111sqm of private open space to the town houses which exceeds the minimum requirements. All of the apartments have balconies and 86% exceed the 8m minimum requirement. The marginal shortfall in compliance with balcony sizes is acceptable considering the quantity and quality of open space and landscaping throughout the site.

## **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:

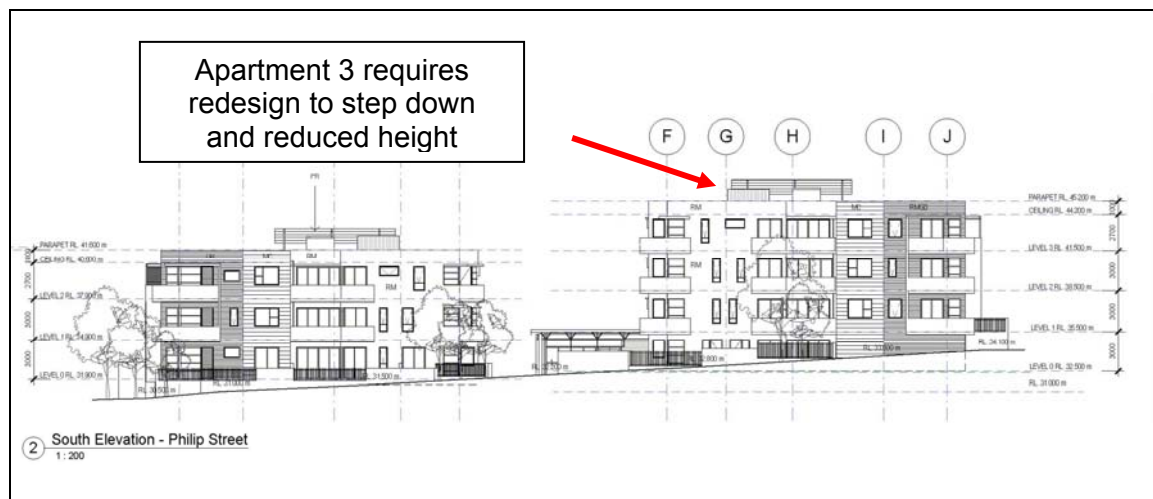
### **Strategy for a Sustainable City of South Sydney**

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

### **Urban Design**

35. The application was referred to an external consultant (GMU Design) for urban design comment. In this regard, the following advice was provided:
- (a) The apartment building located at the corner of Phillip and Morehead Street should be redesigned to reduce the perceived height of the building as viewed from the opposite side of Phillip Street.
  - (b) The town houses could benefit from greater vertical emphasis in order to respond more positively to the roof and parapet forms evident in local town houses. This could be achieved through the inclusion of roofs and more pronounced parapets, particularly along Morehead Street.
  - (c) Roof forms of the apartment buildings should be redesigned to be more visually prominent to provide greater termination to the building form.
  - (d) Courtyards and entries to town houses should be level with or higher than (3 to 4 steps or 450mm) adjacent footpaths to provide a more positive relationship between the dwellings and the street.
36. The applicant was given the opportunity to respond to the GMU Design comments. The application submitted the following supplementary information in support of the application:
- (a) The southern façade of the apartment building at the intersection of Phillip and Morehead Street building can be redesigned to step the apartment down in form to reduce the height at the south west corner of the site by creating a recessed wall to apartment 3.13.

- (b) The subject site is not within a Conservation Area and the intention of the Stage 1 Master Plan has been approved with the purpose of providing contemporary infill dwellings. The Morehead and Walker Street elevations have considerable vertical emphasis and are highly modelled to provide streetscape interest. The roof forms of the townhouses are simple skillions which fall to the central space facilitating water collection and economies of scale in stormwater construction. To change the roof design to a pitched roof would result in significant increases in construction costs and would double the amount of stormwater infrastructure required.
  - (c) The current design provides corner features through the use of building form and articulation, use of distinctive materials (e.g. glazed bricks) and cantilevered balconies rather than a prominent roof form. This was always the intention of the proposed design and was reflected in the Master Plan.
  - (d) The proposed roof form provides an ESD function as it allows for an open gallery access to the apartments and a greater level of cross ventilation through the apartments. The roof will also be used to incorporate additional ESD features such as solar hot water heating. To alter the roof form would prevent the ability of such features to be incorporated into the development and would compromise compliance with the BASIX and SEPP 65 requirements.
  - (e) The levels of the entrances to the townhouses on Walker Street are determined by flood characteristics and the levels of the townhouses to Morehead Street are determined by either the need for accessibility for people with disabilities, or to have living areas at a level in between the footpath and the rear external living space which is at a lower level due to the sloping nature of the site.
37. Council's Heritage and Urban Design Manager has reviewed the urban design advice prepared by GMU design and the supplementary information provided by the applicant. It was concluded that subject to a condition requiring the apartment on the south-west corner being redesigned to reduce the height as viewed from the opposite side of Phillip Street, the proposed development provides an appropriate design response that responds to the constraints of the site in terms of the location of the 1 in 100 year flood level and compliance with the SEPP 65 and BASIX requirements.



**Figure 17:** South elevation to Phillip Street

38. A condition requiring the redesign of apartment 3.13 has been included in the draft conditions of consent.

**Unit Mix**

39. The proposal does not comply with the unit mix required in the DCP, refer to table below. The unit mix was based upon Census data from 1991, which is significantly out of date. The proposed unit generally complies with the more up to date Central Sydney DCP unit mix with the exception of 2 bed units. The DCP requires a minimum of 40% 2 beds the proposal provided 33%. Refer to table below:

<b>Units</b>	<b>South Sydney DCP</b>	<b>Central Sydney DCP</b>	<b>Existing Mix over entire masterplan site</b>	<b>Proposed Mix</b>
0-1 bed	24%	Max 45%	77.2%	41%
2 beds	46%	Min 40%	N/A	33%
3 beds	20%	Min15% (3+beds)	22.7%	21.6%
4 + beds	10%		N/A	3.7%

**Figure 18:** A comparison of the current mix and the proposed mix of dwellings in relation to the DCP requirements.

40. It is considered that the proposal provides an appropriate mix of accommodation which allows for a diverse range of households and is a significant improvement on the current unit mix in the locality which predominantly caters for single person households. In addition, eighteen additional public sector dwellings are provided on the eastern parcel from that which was identified in the 2003 Master Plan which will ensure that there is no loss of public sector housing.

**Tree Removal**

41. The detailed location of buildings on the site has been influenced by individual tree retention. The intention has been to retain as many of the trees as possible as identified in the original masterplan and the recommendations of the applicant's arborist (Tree Wise Men). A total of 52 trees will be retained within the site, the majority being within the central landscape zone and along the perimeter of the site. Additional planting is proposed to supplement these trees.
42. A total of 52 trees are identified by Tree Wise Men for removal, many of these trees are of low significance. Council's Tree Preservation Officer has reviewed the Tree Wise Men arborist report and inspected the site to assess the significance of trees. In general Council's Tree Preservation Officer concurs with the recommendations of the arborist report with the exception of 13 trees, numbers 61, 80, 155, 162, 166, 168, 169, 174, 177, 177b, 184, 185 and 187 which are considered to be in poor health/ nearing the end of their lifespan. In this regard, Council's Tree Preservation Officer has recommended that the abovementioned trees be removed and replaced with medium sized canopy trees. Appropriate conditions reflecting the advice of Council's Tree Preservation Officer have been included in the draft conditions of consent.

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

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

**BCA Matters**

44. The BCA Classification of the building is Class 1a, 2 and 9b.
45. 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**

46. 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**

47. 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**

48. Not applicable to this report.

**FINANCIAL IMPLICATIONS - SECTION 94 CONTRIBUTIONS**

**Section 94 Contributions**

49. Section 2.14 of the City of Sydney Section 94 Development Contributions Plan 2006 identifies situations where certain developments are exempt from providing a development contribution. The proposal is for 100% non-profit public sector housing which provides a distinct community benefit. On this basis the applicant, the Department of Housing are exempt from providing a Section 96 contribution.
50. Section 94 contributions will be required for the private sector housing on the western parcel. In addition, a Planning Agreement will be required for the bonus floorspace.

**PUBLIC CONSULTATION**

**Section 79C(1)(d)**

**Advertising and notification**

51. 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. As a result a total of 6 submissions were received. The grounds for objection are summarised as follows:-

- (a) **The application has not discussed the integration of private residences into a public housing estate and the proposal will reduce the amount of public housing in the locality.**

**Comment:** 106 public sector apartments are currently located on the entire 2003 masterplan site. The masterplan approved the mix of public sector housing, 88 public sector dwellings on the eastern parcel of the site and 158 private sector dwellings on the western parcel. The proposal does not provide any private housing on the subject site, the eastern parcel. The proposal will increase the amount of public sector on the eastern parcel from 88 to 106 dwellings.

The subject application will not result in a net loss of public sector housing across the site and will result in a better planning outcome in terms of the quantity and quality of public sector housing.

- (b) **The introduction of access and an egress point along Phillip Street is a safety hazard.**

**Comment:** The applicant's traffic report states that the introduction of a driveway into Phillip Street will not disrupt vehicle movements along Phillip Street, nor will it cause a safety hazard. Council's Traffic Engineer has raised no objection to the findings of the applicant's traffic report.

## **EXTERNAL REFERRALS**

### **Energy Australia**

52. Energy Australia was notified of the proposed development. Energy Australia has raised no objection to the proposed development.

### **NSW Police**

53. NSW Police was notified of the proposed development. No response has been received from the Surry Hills/Redfern LAC Crime Prevention Officer.
54. The proposal not Integrated Development.

## **INTERNAL REFERRALS**

55. The application was referred to Council's:

- (a) Specialist Surveyor;
- (b) Specialist Health Surveyor;
- (c) Heritage Architect;
- (d) Building Services Unit;
- (e) Health Unit;
- (f) Transport Management Unit;
- (g) Public Domain Unit
- (h) Floor Engineer;

- (i) Safe City; and
  - (j) Social Planning
56. 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**

57. The Environmental Planning and Assessment Act 1979.

### **OPTIONS**

58. 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.
59. 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**

60. The subject land zoned 'No. 2(b) – Medium Density Residential' within the South Sydney Local Environmental Plan 1998. The building envelopes are generally compliant with the amended 2003 Master Plan and the proposed development is consistent with the zoning of the subject land. The proposed development complies with the floor space ratio controls identified for the site and the amended Master Plan. The minor increase in height along the north-east and south-east corner from 9m to 11.7m is acceptable as it will not result in any additional amenity impacts and provides an appropriate transition to neighbouring developments.
61. The proposed design of the Stage 2 application will activate the Walker, Kettle, Morehead and Phillip Street streetscapes and achieves a good level of design quality and amenity for future occupants and will not cause any detrimental impact on surrounding development. All significant trees are retained and supplemented with new planting. Given the above, the proposed development is recommended for approval subject to conditions.
62. It is recommended that the period after which the development consent will lapse be two years.

### **GIOVANNI CIRILLO**

Director City Planning and Regulatory Services

(Kate MacDonald, Planner)