

**ITEM 8. DEVELOPMENT APPLICATION: 5-11 PYRMONT BRIDGE ROAD  
CAMPERDOWN**

**FILE NO:** D/2007/2545

**SUMMARY**

**Date of Submission:** 21 December 2007, amended 5 September 2008

**Applicant:** Crow Investments Pty Ltd

**Proposal Summary:** The proposal involves demolition of the existing single-storey factory building, excavation and remediation works. The redevelopment involves the construction of four residential buildings (Buildings A, B, C and 1) over a single basement car park. The buildings range between three and seven storeys and comprise of 102 residential units (with 16 adaptable units) and basement car-parking for 92 vehicles

Following initial concerns about legibility of the access to the rear units, building height and amenity, the proposal was amended to address these concerns.

The proposed building form was altered from five interlinking buildings that zigzagged down the site to four separate buildings that follow the approved building form of 13-17 Pyrmont Bridge Road. The height of the building to the rear (Building C) has been reduced from eight to seven storeys. The two linking buildings were removed to improve the residential amenity of future occupiers. They have been replaced with Building 1 which has also been pulled away from the adjoining neighbouring building at 1-3 Larkin Street to prevent overlooking. The development was pushed back 5.6-6.8 metres from the western boundary to create a clear pedestrian laneway from the front to the rear of the site rather than the originally proposed zigzagging arrangement which adversely impacted the permeability of the site. The number of units was also reduced from 107 to 102.

The current proposal complies with FSR, unit mix and size, amenity standards, on-site parking, SEPP65, stormwater and contamination issues. It does breach the permissible 12 metres height limit by 0.88m to 8.32m however the bulk and form of the development is similar to the neighbouring buildings and therefore contextually acceptable.

**Proposal Summary  
(continued):**

A total of 21 submissions have been received over the notification and re-notification period (5 to the original proposal and 16 to the amended proposal) with the predominant concerns relating to the height of the development, car parking and potential adverse impacts on the living conditions of the residential neighbours.

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

**Attachments:** A - Selected 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. D/2007/2545 dated 21 December 2007 and the following drawings:

<b>Drawing Number</b>	<b>Architect</b>	<b>Date</b>
DA01 Issue B	Fitzgerald Bennett Architects Pty Ltd	August 2008
DA02 Issue B	Fitzgerald Bennett Architects Pty Ltd	August 2008
DA03 Issue B	Fitzgerald Bennett Architects Pty Ltd	August 2008
DA04 Issue B	Fitzgerald Bennett Architects Pty Ltd	August 2008
DA05 Issue B	Fitzgerald Bennett Architects Pty Ltd	August 2008
DA06 Issue B	Fitzgerald Bennett Architects Pty Ltd	August 2008
DA07 Issue B	Fitzgerald Bennett Architects Pty Ltd	August 2008
DA08 Issue B	Fitzgerald Bennett Architects Pty Ltd	August 2008
DA09 Issue B	Fitzgerald Bennett Architects Pty Ltd	August 2008
DA10 Issue B	Fitzgerald Bennett Architects Pty Ltd	August 2008
DA11 Issue B	Fitzgerald Bennett Architects Pty Ltd	August 2008
DA13 Issue B	Fitzgerald Bennett Architects Pty Ltd	August 2008
DA18 Issue B	Fitzgerald Bennett Architects Pty Ltd	August 2008
DA20 Issue B	Fitzgerald Bennett Architects Pty Ltd	August 2008
DA21 Issue B	Fitzgerald Bennett Architects Pty Ltd	August 2008
DA22 Issue B	Fitzgerald Bennett Architects Pty Ltd	August 2008
DA23 Issue B	Fitzgerald Bennett Architects Pty Ltd	August 2008

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) DESIGN MODIFICATIONS**

The design of the building must be modified as follows to allow access by Council garbage trucks to the basement level:

- (a) Gradient of basement access to be no greater than 1:6; and
- (b) 11m turning radius shall be provided in the basement with a minimum clearance of 3.8 - 4.0 metres.

The modifications are to be submitted to and approved by Council prior to a Construction Certificate being issued.

**(3) BOUNDARY WALL TREATMENT**

Full details of the eastern boundary walls/fencing between the application site and 1-3 and 5-13 Larkin Street are to be submitted to and approved by Council prior to a Construction Certificate being issued. The works shall be carried out and maintained in accordance with the approved details.

**(4) PEDESTRIAN ENTRY**

Full details of the pedestrian entry gate adjoining the western boundary are to be submitted to and approved by Council prior to a Construction Certificate being issued. The gate shall be installed and maintained in accordance with the approved details.

**(5) LIGHTING SCHEME OF PEDESTRIAN LANEWAY**

A detailed lighting scheme for the pedestrian laneway along the western boundary is to be submitted to and approved by Council prior to a Construction Certificate being issued. The lighting scheme shall be installed and maintained in accordance with the approved details.

**(6) SECTION 94 WESTERN PRECINCT CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2006**

As a consequence of this development, Council has identified an additional demand for public amenities and facilities. Pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979 (as amended), and City of Sydney Section 94 Contributions Development Contributions Plan 2006 the following monetary contributions towards the cost of providing facilities and amenities are required.

Contribution Category	Amount
Community Facilities	\$100,663.41
Public Domain	\$143,670.98
New Open Space	\$1,179,498.65
Accessibility	\$11,792.15
Management	\$12,750.24
Total	\$1,448,375.43

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

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

where:

- C is the original contribution amount as shown above;
- CPI<sub>2</sub> is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of statistics at the time of payment; and
- CPI1 is the Consumer Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the date of calculation being - September 2008

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

Copies of the City of Sydney Section 94 Development Contributions Plan 2006 may be inspected at Council's offices.

**(7) FLOOD PLANNING LEVELS**

All services associated with the development are to be flood proofed to the nominated flood planning levels in the Flood Assessment Study by AKY Civil Engineering dated December 2007. Flood proofing is to be undertaken using a combination of measures sufficient to ensure that the structure and building contents are able to withstand the forces due to the ingress or passage of floodwaters, including debris.

**(8) COMPLIANCE WITH FLOOD REPORT**

A design certification report shall be prepared by a suitably qualified flood engineer to confirm that the flood planning levels for the development comply with the Flood Assessment Study by AKY Civil Engineering dated December 2007. Details shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

**(9) COMPLIANCE WITH ACOUSTIC REPORT**

The Principal Certifying Authority shall ensure that a statement from an accredited acoustic consultant certifying that the acoustic mitigation measures identified in the Acoustical Assessment prepared by Heggis Pty Ltd dated 18 August 2008 (Report No. 10-7055-R1) are suitably incorporated into the development and the noise criteria in the subject report have been met prior to the issue of an occupation certificate.

**(10) RESTRICTION ON RESIDENTIAL DEVELOPMENT**

**(11) AIR CONDITIONERS IN RESIDENTIAL BUILDINGS**

**(12) NOISE - MECHANICAL PLANT AND EQUIPMENT**

**(13) FLOOR SPACE RATIO - ALL OTHER AREAS**

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the residential use must not exceed 2.0:1 calculated in accordance with the South Sydney Development Control Plan 1997. For the purposes of the calculation of FSR, the total Gross Floor Area is 10,293sq.m.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total Gross Floor Areas in the development, utilising the definition under the South Sydney Local Environmental Plan, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

**(14) BUILDING HEIGHT**

- (a) The height of Building A must not exceed RL31.5 (AHD) to the top of the building and RL28.5 (AHD) to the ceiling of the topmost habitable floor of the building.
- (b) The height of Building B must not exceed RL35.7 (AHD) to the top of the building and RL34.1 (AHD) to the ceiling of the topmost habitable floor of the building.
- (c) The height of Building C must not exceed RL42.0 (AHD) to the top of the building and RL39.0 (AHD) to the ceiling of the topmost habitable floor of the building.
- (d) The height of Building 1 must not exceed RL26.0 (AHD) to the top of the building and RL25.7 (AHD) to the ceiling of the topmost habitable floor of the building.
- (e) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification that the heights of the buildings accord with (a), (b), (c) and (d) above, to the satisfaction of the Principal Certifying Authority.

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

**(16) SIGNAGE TO INDICATE NON PARTICIPATION IN RESIDENT PARKING PERMIT SCHEME**

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

A maximum of 92 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 a Construction Certificate being issued.

**(18) ALLOCATION OF PARKING**

The approved parking spaces must be allocated as detailed below. All spaces must be appropriately line-marked and labelled according to this requirement prior to the issue of an Occupation Certificate or the use commencing, whichever is earlier. If the development is to be strata subdivided, the car park layout must respect the required allocation:

- (a) 75 residential parking spaces.
- (b) 17 visitor parking spaces.

**(19) ALLOCATION FOR VISITOR PARKING**

**(20) LOCATION OF VISITOR PARKING**

**(21) INTERCOM FOR VISITORS**

**(22) SIGN FOR VISITOR PARKING**

**(23) ACCESSIBLE CAR PARKING SPACES**

Of the required car parking spaces, at least 17 (16 residential and 1 visitor) must be 3.2m x 5.5m minimum (with a 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 Certifying Authority prior to a Construction Certificate being issued.

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

**(25) SERVICE VEHICLES**

The loading dock must be located close to the basement entrance and away from other parking areas, as detailed below:

- (a) A minimum of one loading dock with minimum dimensions 3.5m x 7.5m with minimum head clearance 3.6m.

Adequate space must be provided to allow manoeuvring and turning of the different sized vehicles. The design, layout, signage, line marking, lighting and physical controls for all service vehicles must comply with the minimum requirements of Australian Standard AS 2890.2 - 2002 Off-Street Parking Part 2: Commercial vehicle facilities. Details must be submitted to and approved by the Principal Certifying Authority prior to a Construction Certificate being issued.

**(26) BICYCLE PARKING**

**(27) SEALING OF CAR PARK**

**(28) PEDESTRIAN VISIBILITY SPLAY**

A pedestrian visibility splay of 2.0 x 2.5 metres shall be provided adjacent to the driveway in accordance with AS2890.1

**(29) CAR WASH BAYS**

A minimum of 2 car wash bays, measuring a minimum of 3.5m x 5.5m must be provided for the development with water connection and drainage. All wash bay discharges are to be disposed of according to the requirements of the sewer which requires a trade waste agreement with Sydney Water.

**(30) SIGNS AT EGRESS**

**(31) SECURITY GATES**

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

**(33) LOADING WITHIN SITE**

**(34) LOADING/PARKING KEPT CLEAR**

**(35) ARTICULATED VEHICLES**

**(36) TRAFFIC WORKS**

**(37) ASSOCIATED ROADWAY COSTS**

**(38) COST OF TRAFFIC MANAGEMENT**

**(39) DEMOLITION AND CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

A Demolition and Construction Management Traffic Plan, detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control, shall be submitted to and approved by Council prior to the issuing of the Construction Certificate.

Note: A Road Occupancy Licence should be obtained from the RTA for any works that may impact on traffic flows on Pyrmont Bridge Road during construction activities.

**(40) SWEPT PATH**

The swept path of the longest vehicle (including garbage trucks) entering and exiting the site, as well as maneuverability through the site, shall be in accordance with AUSTRROADS. A plan, detailing compliance with this requirement shall be submitted to and approved by Council prior to the issuing of the Construction Certificate.

**(41) EXTERNAL LIGHTING**

**(42) REFLECTIVITY**

**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.

**(43) REMEDIATION ACTION PLAN**

- (a) The site is to be remediated in accordance with the Remediation Action Plan (RAP) prepared by Golder Associates, dated May 2008 (Ref: 077623124/011rev3). 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.
- (b) Any variations to the Remediation Action Plan shall be approved in writing by the Accredited Site Auditor and Council prior to the commencement of work.

**(44) ARCHAEOLOGICAL INVESTIGATION**

- (a) Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the *Heritage Act 1977*.
- (b) Should any Aboriginal relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance of the area is to stop immediately and the (NPWS) is to be informed in accordance with Section 91 of the *National Parks and Wildlife Act, 1974*.

**(45) PHOTOGRAPHIC ARCHIVAL DOCUMENTATION (MINOR WORKS)**

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

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

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

**(49) EROSION AND SEDIMENT CONTROL - MORE THAN 2,500SQM**

**(50) ROAD OPENING PERMIT**

**(51) TEMPORARY GROUND ANCHORS, TEMPORARY SHORING AND PERMANENT BASEMENT/RETAINING WALLS AFFECTING THE ROAD RESERVE**

**(52) ASBESTOS REMOVAL**

- (53) PROHIBITION OF ASBESTOS RE-USE**
- (54) CLASSIFICATION OF WASTE**
- (55) DISPOSAL OF ASBESTOS**
- (56) ASBESTOS REMOVAL SIGNAGE**
- (57) SKIPS AND BINS**
- (58) LANDSCAPING OF THE SITE**
- (59) PLANTING ON SLAB/PLANTER BOXES**
- (60) ELECTRICITY SUBSTATION**
- (61) UTILITY SERVICES**
- (62) ACOUSTIC PRIVACY BETWEEN UNITS**
- (63) FLOOR TO CEILING HEIGHT**
- (64) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES**
- (65) ADAPTABLE HOUSING**
- (66) DEMOLITION/SITE RECTIFICATION (if cost is under \$50m)**

The following conditions apply to the development:

- (a) Demolition or excavation must not commence until a Construction Certificate has been issued for construction of the substantive building.
- (b) Prior to the Construction Certificate being issued, documentary evidence must be provided to Council that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (c) Without limiting the generality of paragraph (b), the Deed must provide for:
  - (i) a bank guarantee to be provided in the sum of \$1,286,500 as security for the costs of such works provided that:
    - a. the maximum liability under the Deed must not exceed \$1,286,500; 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 erection of the structure has commenced;

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 of an appearance acceptable to Council at ground level;
- f. allow the ground level to be landscaped and of an appearance acceptable to Council 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 a building site which has an appearance not acceptable to Council, 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, 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.
- (e) The Deed may provide for the release of the Bank Guarantee at such time that the Final Occupation Certificate for the approved development is issued. If the approved development also relates to works to existing buildings, the relevant Final Occupation Certificate is the one that relates to that part of the approved development which involves the demolition and new construction.

- (67) FOOTPATH DAMAGE BANK GUARANTEE**
- (68) APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE**
- (69) BARRICADE PERMIT**
- (70) STRATA SUBDIVISION – APPROVAL OF STRATA PLAN REQUIRED**
- (71) LOT CONSOLIDATION**
- (72) PUBLIC DOMAIN PLAN**
- (73) ALIGNMENT LEVELS**
- (74) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT**
- (75) MECHANICAL VENTILATION**
- (76) CONTINUED PERFORMANCE OF MECHANICAL VENTILATION**
- (77) CAR PARK VENTILATION**
- (78) STRUCTURAL CERTIFICATION FOR DESIGN - BCA (ALL BUILDING CLASSES)**
- (79) CERTIFICATION OF GEOTECHNICAL INSPECTION**
- (80) BCA - NEW BUILDINGS WORKS - CLASS 2-9 BUILDINGS**
- (81) ANNUAL FIRE SAFETY STATEMENT FORM**
- (82) FIRE SAFETY CERTIFICATE TO BE SUBMITTED**

#### **SCHEDULE 1C**

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

- (83) OCCUPATION CERTIFICATE TO BE SUBMITTED**
- (84) BASIX**
- (85) HOURS OF WORK AND NOISE - OUTSIDE CBD**
- (86) USE OF APPLIANCE OF A HIGHLY INTRUSIVE NATURE**
- (87) SYDNEY WATER CERTIFICATE**
- (88) EROSION AND SEDIMENT CONTROL**
- (89) PROTECTION OF STREET TREES DURING CONSTRUCTION**
- (90) COVERING OF LOADS**
- (91) VEHICLE CLEANSING**

- (92) LOADING AND UNLOADING DURING CONSTRUCTION**
- (93) NO OBSTRUCTION OF PUBLIC WAY**
- (94) USE OF MOBILE CRANES**
- (95) SURVEY CERTIFICATE AT COMPLETION**
- (96) STREET NUMBERING - MAJOR DEVELOPMENT**

**SCHEDULE 2**

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

- (97)** 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.
- (98)** 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 site is generally rectangular in shape with an area of approximately 5,146sq.m. It is located on the southern side of Pymont Bridge Road, which is the sites only street frontage (see Figure 1). The site currently accommodates a single-storey factory building and hardstanding and car parking area. The existing building abuts the southern, eastern and northern boundaries of the site and is divided into three lots. The southern lot is currently occupied by Australian Plasterboard and the central and northern lots are currently occupied by PABS Furniture Rental. Vehicular access to the site is available from a crossing at the western end of the site.
2. The topography has a gentle slope, with an approximate fall of 2.9 metres from the south (rear) down towards the north (road frontage) of the site. The site is in proximity to Orphan School Creek, a low point on Pymont Bridge Road that is potentially flood prone.

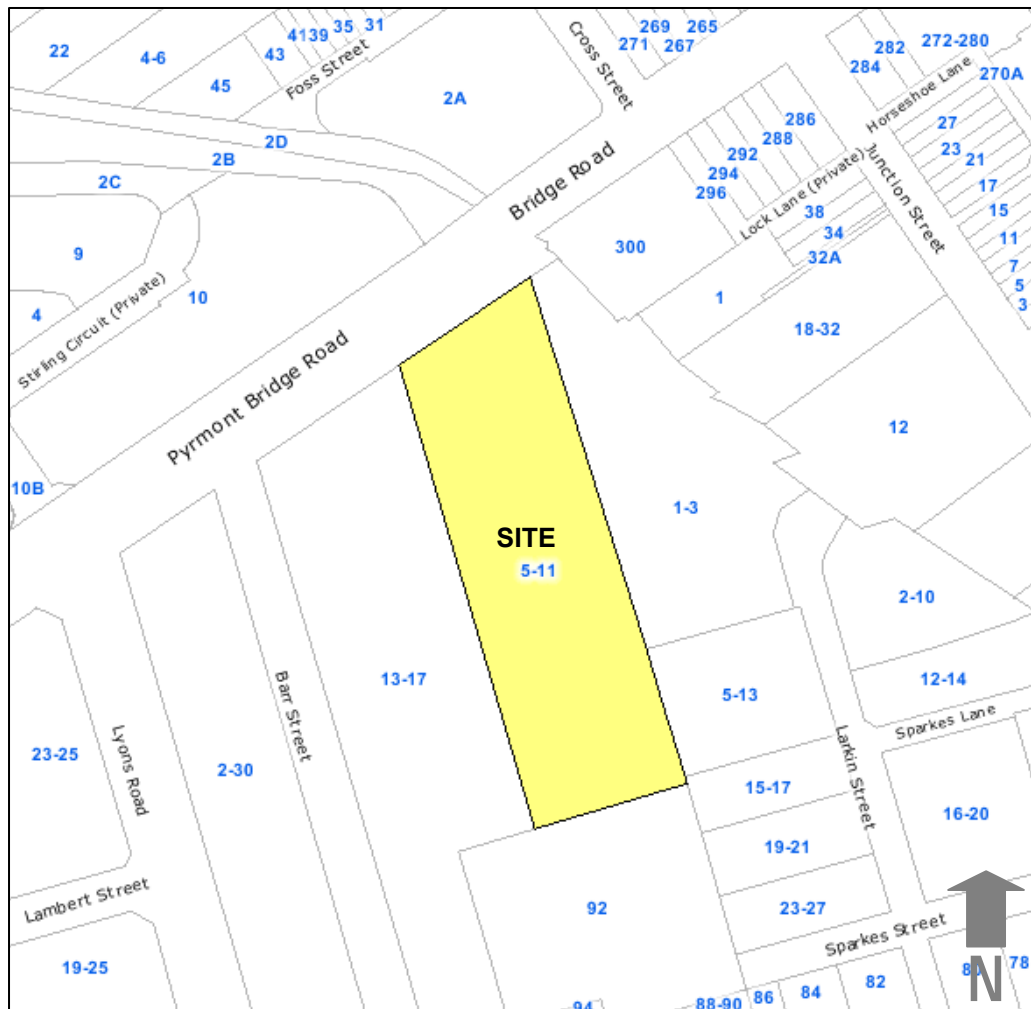


Figure 1: Location plan

3. The surrounding locality is a variety of building types, with a mixture of medium to high density commercial and residential development. Adjoining the site to the east is 1-3 Larkin Street, a part-seven, part-eight storey residential flat building and 5-13 Larkin Street, a part-four, part-eight storey residential flat building. To the west is 13-17 Pyrmont Bridge Road, which is currently occupied by a factory building, however approval has been granted for residential development up to eight-storeys in height. This approval is still valid and the applicant has until 30 June 2010 to satisfy the deferred commencement conditions. To the south (rear) of the site is 92 Parramatta Road, a part-four, part-eight storey commercial buildings which are currently occupied by the University of Sydney Medical Foundation. Residential flat buildings dominate the area on the northern side of Pyrmont Bridge Road, across the road from the site, on the former Camperdown Children's Hospital site.
4. Photographs of the site are provided below.



**Figure 2: Pyrmont Bridge Road frontage and vehicular access**



**Figure 3: Pyrmont Bridge Road frontage - View towards the west**



**Figure 4:** Side view of 5-11 Pyrmont Bridge Road with buildings to the east and rear in background

### History of Development Applications Relevant to this Site

5. There is no relevant planning history for the application site, however the following development applications of the neighbouring properties are considered relevant to the proposed development:
  - (a) 5-13 Larkin Street - Consent granted by South Sydney Council on 6 December 2000 for the demolition of the existing buildings and construction of a four-storey mixed use development comprising 39 residential units above 4 commercial units and basement parking (DU/2000/452). This development has been constructed.
  - (b) 1-3 Larkin Street - Deferred commencement consent granted by South Sydney Council on 11 June 2002 for the demolition of the existing building and construction of an eight-storey building containing 102 residential units, two retail units, 83 car parking spaces and the dedication to Council of a through site link, connecting Larkin Street to Pyrmont Bridge Road, a cul-de-sac to Larkin Street, a 1.5m road widening and a 1,157sqm landscaped park (D/2004/1758). This development has been constructed.
  - (c) 13-17 Pyrmont Bridge Road - Deferred commencement consent granted on 30 June 2005 for the demolition of the former Ryvita Factory and construction of a new three to eight storey mixed-use development comprising nine interlinked buildings and the dedication to Council of 19-25 Lyons Road for community purposes (D/2004/1758).

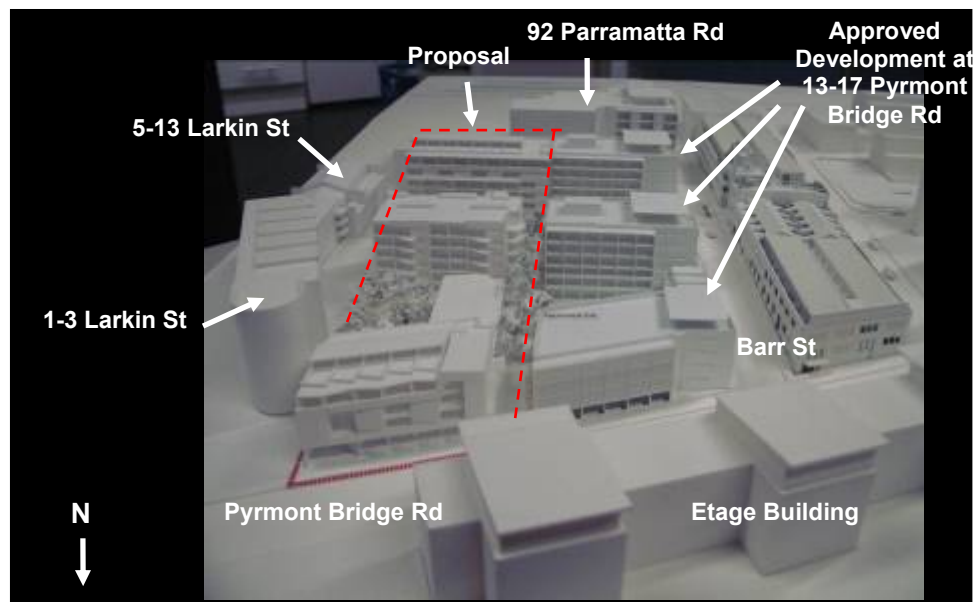
### PROPOSAL

6. The proposal seeks development consent for demolition of the existing single-storey factory building and associated structures and the construction of four residential buildings between three and seven storeys high. The development is comprised of the following:
  - (a) excavation to a maximum depth of approximately 1-2 metres (RL 13.5) and associated remediation works;
  - (b) basement car-parking for 92 vehicles and 44 bicycle parking spaces;

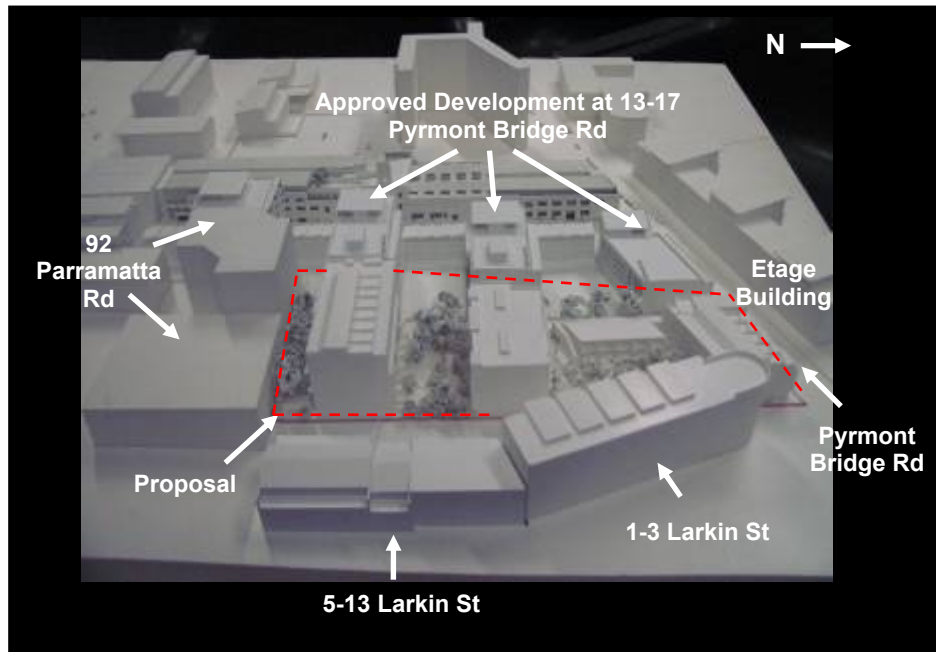
- (c) 102 residential units including 16 adaptable housing units. The heights of the four buildings and proposed unit mix are illustrated in Table 1 below:

<b>Table 1: Building description and proposed unit mix</b>						
<b>Building</b>	<b>Description</b>	<b>Studio</b>	<b>1-Bed</b>	<b>2-Bed</b>	<b>3-Bed</b>	<b>Total</b>
A	4-storeys	1	5	8	2	16
B	6-storeys	9	12	16	0	37
C	7-storeys	5	9	23	7	44
1	3-storeys	0	0	0	5	5
<b>Total</b>		<b>15</b>	<b>26</b>	<b>47</b>	<b>14</b>	<b>102</b>

- (d) Site facilities and associated landscaping works including 2,883.3sq.m of ground level private and communal open space with 430sq.m at natural, unexcavated ground level.



**Figure 5:** Model of proposed development with existing and approved neighbours



**Figure 6:** Model of proposed development with existing and approved neighbours



**Figure 7:** Photomontage of the Pyrmont Bridge Road frontage

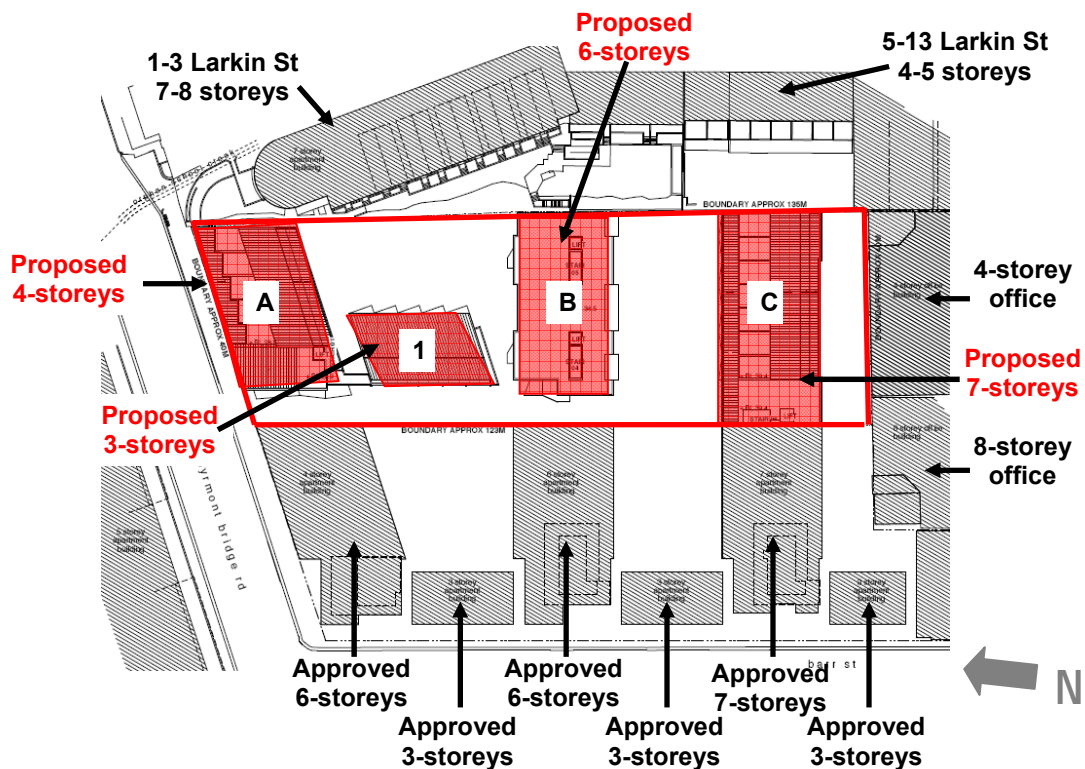


**Figure 8:** Photomontage of the pedestrian laneway along the western boundary of the site which provides access to Buildings B, C and 1.

7. Plans and elevations of the development are provided in Attachment A.
8. The drawings were amended to address the issues raised by Council Officers and the City's Design Advisory Panel. The changes were in response to concerns about legibility of the access to the rear units, building height and living conditions for the future occupants of the proposed units and residential neighbours, in particular overshadowing impacts. The main amendments are:
  - (a) alteration to the proposed building from five interlinking buildings that zigzagged down the site to four separate buildings that follow the approved building form of the approved development to the west;
  - (b) removal of the two elevated linking buildings and replacement with Building 1 which has been pulled away from the adjoining neighbouring building at 1-3 Larkin Street;
  - (c) reduction in height of the Building A from 13.4 metres to 12.88 metres and Building C from eight to seven storeys;
  - (d) replacement of the originally proposed zigzagging pedestrian access with a landscaped 5.6-6.8 metre wide pedestrian laneway along the western boundary;
  - (e) reduction in the number of proposed units from 107 to 102;
  - (f) reduction in the number of studio and 1-bedroom units and an increase in the number of 2-bedroom units proposed; and
  - (g) increase in the unexcavated landscaped area from 379sq.m to 430sq.m.
9. The proposed materials are a mix of cement render, face brickwork, metal cladding, glass balustrades and glazing.
10. The proposal seeks a FSR of 2.0:1 (10,293sq.m) which is compliant.

11. The building heights and relationship with adjoining development are provided in Table 2 and Figure 9 below. The DCP height control is 12 metres.

Building	Height
A	12.88 metres (4-storeys)
B	17.38 metres (6-storeys)
C	20.32 metres (7-storeys)
1	8.47 metres (3-storeys)



**Figure 9:** Site plan of proposed Buildings A, B, C and 1 and existing, approved and proposed building heights

**IMPLICATIONS OF THE PROPOSAL**

**Section 79C Evaluation**

12. 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, Development Control Plans (DCPs) and Draft Instruments**

**STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)**

13. The following State Environmental Planning Policies are relevant to the proposed development:

**SEPP 55 - Remediation of Land and City of Sydney Contaminated Land DCP 2004**

14. SEPP 55 provides for a State-wide planning approach to the remediation of contaminated land. In particular, it requires the consent authority to consider whether the land is contaminated prior to consenting to the carrying out of development. If the land is contaminated, the consent authority must be satisfied that the land is suitable for its intended use in its present state, or that it will be suitable after remediation.
15. The provisions of SEPP 55 are replicated in the City of Sydney Contaminated Land DCP 2004.
16. The application was accompanied by a Phase 1 and 2 Environmental Site Assessment by Golder Associates dated December 2007. Council's Health Unit requested a Remediation Action Plan (RAP) which has been submitted (report dated May 2008) along with a letter from an Accredited Site Auditor. The Auditor noted that although the site contains some soil contamination, remediation of the identified contamination is feasible and environmentally justifiable. The Auditor concluded that remediation will ensure the site is capable for its intended use, subject to validation sampling.
17. Following a review of the submitted information, Council's Health Unit advises that the documents are satisfactory and no objection is raised subject to the imposition of appropriate conditions.

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

18. 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 ten design quality principles. As outlined below, the development is considered generally acceptable when assessed against the ten principles and the SEPP generally, which are replicated in large part within Council's planning controls.

(a) **Principle 1: Context**

**Complies:** The locality is characterised by a mix of medium to high density commercial and residential development ranging in heights up to eight-storeys in the immediate vicinity. The proposed four-storey street frontage, rising up to seven-storeys to the rear, complements the established and approved development pattern in the area. The proposal reinforces the existing and desired street alignments along Pyrmont Bridge Road. As an infill project with a limited street frontage the scheme provides a pedestrian laneway to the rear building (Building C) with visual access from the street frontage right through to the rear of the site.

(b) **Principle 2 and 3: Scale and Built Form**

**Complies:** The height of the proposal responds to the approved Master Plan for the western sites along Pyrmont Bridge Road. These approved heights step up from Pyrmont Bridge Road towards Parramatta Road, a pattern that is continued on the subject site.

The built form is predominantly north facing and is a continuation of the approved building envelopes to the west while providing an appropriate relationship to the buildings to the east which have a different orientation. The north-east facing Building 1 spans the courtyard between Building A and B and activates the pedestrian laneway in a similar fashion to terrace type housing which address the public street.

Overall, the proposed design of the development achieves an appropriate scale in terms of built form and building proportions.

(c) **Principle 4: Density**

**Complies:** Overall, the form and layout of the development, number of proposed units (102 in total) and complying FSR ensures that the density is appropriate for the area and will not unduly affect the amenity of the surrounding locality.

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

**Complies:** The proposal is BASIX compliant. A condition is recommended requiring that the development complies with the commitments in the BASIX certificate.

Energy efficient design principles have been incorporated throughout the design including efficient floor layouts to increase cross ventilation in summer and solar penetration during the cooler months. Of the 102 units only 13 (13%) face south or southwest and 72 (71%) of apartments have adequate cross ventilation.

The development proposes minimisation of energy use through masonry construction facilitating thermal insulation characteristics, water efficient fittings, insulation under roof cladding, maximising cross flow ventilation and solar protection of exposed west facing facades and window openings.

(e) **Principle 6: Landscape**

**Complies:** The proposal provides a total of 2883.3sq.m of landscaped area at ground level which is 56% of the site area. 430sq.m of this open space is at natural unexcavated ground level and where planting has been located above slabs at least 1 metre of soil depth will be provided. A rainwater collection system is proposed for the development and will provide irrigation for the landscaping.

There are two main communal areas proposed which will provide a combination of lawn, planters and canopy trees. Accessible ramps provide stair free access and barbeque areas and seating are also proposed to ensure these areas have a functional purpose. The main pedestrian laneway is defined by planters and hard landscaping to delineate active and passive communal areas and to define the private courtyard areas.

(f) **Principle 7: Amenity**

**Complies:** The proposal provides for an adequate level of amenity as follows:

- (i) The unit sizes meet the requirements in the Central Sydney DCP 1996 and Residential Flat Design Code.
- (ii) 71% of the units have cross ventilation.

- (iii) All of the units have a private outdoor space in the form of balconies, terraces or courtyards accessed directly from the living room, as well as access to the landscaped communal areas.
- (iv) There is adequate building separation across the courtyards. Typical separation distances are 20 to 40 metres between habitable rooms/balconies and 9 metres between habitable rooms/balconies and non-habitable rooms/boundary.
- (v) 16 of the dwellings are designed for future transformation to adaptable dwellings.

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

**Complies:** Window openings and balconies are provided to the street and internal elevations to promote passive surveillance by residents of Pyrmont Bridge Road, the pedestrian laneway and the ground level communal and circulation areas.

There is only one vehicular entry point to the site which will have a physical security barrier to restrict access. The pedestrian entry point is proposed to be open by day, allowing public access to the site and closed at night with a smaller security gate adjacent for after hours use. Appropriate lighting will keep the pedestrian laneway, ground level circulation spaces and building lobbies illuminated and safe.

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

**Complies:** The site has appropriate access to public transport, shops and recreational and educational facilities. The residential unit mix complies with the Central Sydney DCP 1996 and complements the current housing mix within the area. The development accommodates a mix of single and double storey, double orientation, mezzanine and gallery style units.

(i) **Principle 10: Aesthetics**

**Complies:** The development has been designed around the pedestrian laneway which allows views through to the rear of the site, is articulated by a folded entry canopy and provides access to each building lobby.

The external form of the proposed buildings, with varied elements, high quality modern materials and colours, reflect the proposed residential use and surrounding context. The materials and design also serves to break up the building mass, provide visual relief, passive surveillance of the public domain and a pleasant outlook for each unit.

**Draft SEPP 66 - Integration of Land Use and Transport**

19. The draft Policy aims to ensure that building forms and land use locations are designed and planned to improve accessibility to housing, employment and services by improving the choice of transport modes, such as walking, cycling and public transport. The objective of the draft SEPP is to reduce dependence on cars for travel purposes and to ensure that public transport options remain viable. In assessing development applications consideration is to be given to how land use and transport planning may be better integrated in achieving the objectives of the Policy.

20. The site is well served by public transport with regular scheduled bus services along Pyrmont Bridge Road. The site is also within walking distance to services, facilities, employment, health and educational institutions. The application proposes 75 residential (16 of these are accessible) and 17 visitor car parking spaces and bicycle storage within the basement. Traffic generated will have negligible impact on the existing transport infrastructure.

**SEPP - Infrastructure 2007**

21. Clause 101 of the infrastructure SEPP applies to development with a frontage to a classified road. In this case, the site is adjacent to Pyrmont Bride Road which is classified. The consent authority must ensure that new development does not compromise the effective and ongoing operation and function of the road and prevent or reduce the potential impacts of traffic noise and vehicle emissions on the proposed development.
22. Where practicable, vehicular access to the land should be provided by a road other than the classified road. In this case, the site only has one road frontage, therefore it is not practical to provide an alternative access.
23. The development was referred to the Sydney Traffic Committee. They raise no objections on traffic grounds subject to conditions relating to transport, traffic and pedestrian safety issues, which have been included into the recommended conditions above.
24. The development was also required to be referred to the RTA as the development is for 75 or more dwellings fronting a classified road (as specified in Schedule 3). The RTA advises that the pedestrian entrance must provide a pedestrian visibility splay of 2.0 x 2.5 metres in accordance with AS2890.1. A condition requiring this is recommended. The RTA raises no objections subject to a number of conditions relating to traffic management, vehicle entry and exit, parking, road works, licences and traffic noise.
25. An Acoustical Assessment by Heggies, dated 18 August 2008, has been submitted. The report concludes that the noise intrusion criteria can be met provided the development is appropriately constructed.
26. Council's Environmental Health Unit has reviewed the report and recommendations and is satisfied that the development can comply with the criteria, subject to a condition requiring the acoustic consultant carry out compliance measurements to ensure that the development complies.

**SEPP - Building Sustainability Index 2004 (BASIX)**

27. SEPP BASIX 2004 provides for a State-wide planning approach to improve efficiency of energy, water use and increased thermal comfort. This is achieved by promoting the use of recycled materials with a low thermal mass, installation of AAA rated fixtures and appliances and installation of rain water tanks and deep soil and native species used in landscaping.

28. The proposed scheme achieves the SEPP BASIX targets and is considered generally acceptable. A BASIX certificate (issued 22 August 2008, certificate number 84772149) confirms that the proposed development will meet the NSW government requirements for sustainability if it is built in accordance with the commitments set out in the certificate. A condition of consent is recommended to require that all commitments listed in the BASIX Certificate be fulfilled prior to an occupation certificate being issued. The project achieves the following scores: Water 40/41 (Target is 40), Thermal Comfort: pass (target pass) and Energy (Building 1): 35 (Target is 35), Energy (Building A): 30 (Target is 30), Energy (Building B): 20 (Target is 20), Energy (Building C): 22 (Target is 20).

**LOCAL ENVIRONMENTAL PLANS AND DEVELOPMENT CONTROL PLANS**

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

**South Sydney Local Environmental Plan (LEP) 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 proposal satisfies the Strategy.
<b>Zoning Controls (Part 3)</b>	Mixed Uses 10	The development is permissible with consent.
<b>Buildings Older than Fifty Years (Part 4, CI 23B)</b>	Consideration of Heritage Impact Statement	Altered inter-war factory building has little heritage significance. Demolition is supported subject to condition on archival photographic recording prior to commencement of works.
<b>Urban Design Principles and Master plans (Part 4, CI 28)</b>	Development is to satisfy urban design requirements.  Before granting consent to development on a site greater than 5000sq.m Council must consider any master plan for the land that is available.	The development satisfies these provisions. This is discussed below.  While there is no master plan for this site, there has already been extensive urban design work undertaken in the immediate vicinity and the surrounding sites have been developed.

Development Controls	Permissible under South Sydney LEP 1998	Proposal as assessed under South Sydney LEP 1998
<b>Flood Liable Land (Part 4, 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 site is located in the vicinity of the Orphan School Creek catchment. The submitted Flood Assessment Study by AKY Civic Engineering dated December 2007 recommended flood planning levels for a 100 year flood event. This was reviewed by Council's Public Domain Engineer who confirmed the calculated levels were acceptable.
<b>Contaminated Land (Part 4, CI 39)</b>	Council is to consider the issue of contamination in determining an application for a residential use on land previously occupied by an industrial use.	The development satisfies these provisions. This has been discussed above.

**South Sydney Development Control Plan (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 Form</b> Section 2	✓	<b>Complies:</b> The proposal is an appropriate response to the long narrow nature of the site and the alignment and scale of the buildings approved on the adjacent development to the west as well as providing an appropriate urban form in response to the existing residential buildings to the east.
<b>Sustainable, Healthy Environment</b> Section 4	✓	<b>Complies:</b> The building is BASIX compliant and therefore contributes to a sustainable environment.
<b>PART C: PUBLIC DOMAIN</b>		
<b>Public Domain Improvement</b> Section 2	✓	<b>Able to comply:</b> No proposal for public domain improvements has been submitted although it is referenced that the streetscape will conform to Council's Public Domain Guidelines. A condition requiring a public domain plan is recommended.

Matter to be Considered	Compliance	Comment
<b>Security</b> Section 3	✓	<b>Complies:</b> The proposed residential use will promote passive surveillance of Pymont Bridge Road. The development will maintain clear sightlines into the site.
<b>Implementation (Section 94)</b> Section 4	✓	<b>Complies:</b> A S.94 contribution of \$1,448,375.43 is required and a suitable condition is recommended.
<b>PART D: SOCIAL PLANNING</b>		
<b>Access</b> Section 2	✓	<b>Complies:</b> The unit mix includes 16 adaptable units, 16 accessible residential parking spaces and one accessible visitor parking space.  The submitted Access Report by Accessibility Solutions, dated 15 August 2008, demonstrates compliance with design code requirements of SEPP 65 and the City's Access DCP with regards to accessible pathways and visitable and adaptable housing within a multi-unit residential development.
<b>Social Housing and Mix</b> Section 3	✓	<b>Complies:</b> Will provide a unit mix of 40% studio/1-bedroom, 46% 2-bedroom and 14% 3-bedroom, which complies.
<b>PART E: ENVIRONMENTAL DESIGN CRITERIA</b>		
<b>Site Analysis/Layout</b> Section 1.1 and 1.2	✓	<b>Complies:</b> The scale and footprint will complement the approved development on the adjoining site to the west. The units are generally orientated to the north and east, with living areas and balconies overlooking the street or central courtyards. The outdoor spaces have been located to take advantage of sun and outlook. The positioning of windows and blade walls will ensure privacy between the proposed development and adjoining properties. The proposed internal layout provides open plan living, with adequately sized rooms and built in storage.
<b>Private Open Space</b> Section 1.4	✓	<b>Complies:</b> Each of the units have private outdoor space in the form of balconies, terraces or courtyards which are directly accessible from living rooms. All of the ground level units have private courtyards. In addition there are two ground floor communal courtyards and the upper level apartments in Buildings A and C have access to communal rooftop terraces.

Matter to be Considered	Compliance	Comment
<b>Landscaping</b> Section 1.5	✓	<b>Complies:</b> The landscaped area at natural ground level should not be less than 25% of the site. The proposal will provide 2883.3sq.m which is 56%. 430sq.m of this open space will be natural unexcavated ground suitable for deep soil planning. Where planning has been located above slabs, at least 1 metre of soil depth will be provided.
<b>Parking, Access and Servicing</b> Section 1.6	✓	<b>Complies:</b> The proposal complies with DCP 11 maximum car parking spaces. Further details are provided below.
<b>Storm Water Drainage</b> Section 1.7	✓	<b>Complies:</b> The submitted Stormwater Drainage Report by ITM Design, dated 26 August 2008, details the stormwater management system for the development. Stormwater runoff will be directed to detentions tanks within the basement and Council's gully pit. The site is located within the Orphan School Creek catchment area. The application was accompanied by a Flood Assessment Study. Council's Public Domain Engineer raises no objection subject to conditions requiring confirmation that the flood planning levels comply with the study submitted.
<b>Site Facilities</b> Section 1.9	✓	<b>Able to comply:</b> Adequate refuse and recycling areas are provided at basement level. A condition has been recommended requiring 3.8m height clearance to basement manoeuvring area.
<b>Building Envelope</b> Section 2.1	✓	<b>Complies:</b> The scale and distribution of bulk across the site ensures the proposal respects the differing scales of development within the surrounding locality.
<b>Floor Space Ratio</b> Section 2.2	✓	<b>Complies:</b> The permitted FSR is 2:1. The proposal has a FSR of 2:1. The proposal does not seek the FSR bonus provision of an additional 0.25:1.

Matter to be Considered	Compliance	Comment
<b>Height and Scale</b> Section 2.3	✘	<b>Does not comply:</b> The permitted height control is 12 metres (4-storeys). Buildings A, B and C exceed the height control by 0.88m, 5.38m and 8.32m respectively. Whilst the proposal exceeds the numerical height control, the proposed height and scale are considered to be similar to the neighbouring buildings. The built form steps up away from the Pymont Bridge Road frontage towards the 8-storey commercial building on the site to the rear. This is discussed below.
<b>Setbacks</b> Section 2.4	✓	<b>Complies:</b> The DCP requires a 4 metre setback from all street frontages. Except for one unit, Building A which fronts Pymont Bridge Road, will be setback approximately 7m at ground floor level (lower ground on the plans). Above ground floor level there will be no street setback.  The approved development on the adjoining site to the west is to be constructed to the street frontage without any setback. To the east property boundaries and buildings are set further forward of the application site property boundary. As such, Building A will provide an appropriate transition in setbacks to complement the existing and approved adjoining urban form and streetscene.
<b>Façade Treatment</b> Section 2.5	✓	<b>Complies:</b> The building design includes materials, colours and articulation which help break up the building mass and provide architectural interest.
<b>Visual and Acoustic Privacy</b> Section 4.1	✓	<b>Complies:</b> The proposed layout provides acceptable levels of separation between buildings internally and with adjoining development. The original design was amended to eliminate the internal corners where buildings met which compromised privacy. A condition on acoustic privacy between units is recommended.
<b>Safety and Security</b> Section 4.2	✓	<b>Complies:</b> All pedestrian paths and building entries will be illuminated. The vehicular entry point will have a physical security barrier to restrict access.

Matter to be Considered	Compliance	Comment
<b>Fire Regulations</b> Section 4.6	✓	<b>Complies:</b> The submitted BCA Report by City Plan, dated 25 August 2008, demonstrates that the proposal is capable of complying with the fire safety standards of the BCA.
<b>Energy Efficiency</b> Section 5.1 to 5.3	✓	<b>Complies:</b> All of the proposed units will have sun access for more than 2 hours per day on the equinox and 71% of the units comply with cross ventilation. There will be no significant adverse overshadowing of the neighbouring properties as a result of the development. This is discussed below.
<b>Operational Controls</b> Section 6	✓	<b>Complies:</b> The construction impacts will be mitigated via conditions relating to construction, noise, waste, etc.
<b>PART F: DESIGN CRITERIA FOR SPECIFIC TYPES</b>		
<b>Residential Flat Buildings Dwelling Houses</b> Section 2 to 2.4.4	✓	<b>Complies:</b> The proposal provides two car wash bays and sufficient private and communal open space and garbage/recycling storage. The proposed heights correspond with adjacent existing approved buildings and complements Pyrmont Bridge Road setbacks. There is adequate separation between buildings to minimise any adverse impacts and ensure privacy and a reasonable level of solar access is maintained.

**Central Sydney DCP 1996**

**Compliance with the Central Sydney DCP 1996 - Part 6**

<b>Amenity for Residential Buildings and Serviced Apartments (Amendment No. 5) (DCP Clause 6)</b>		
<b>Daylight</b> CI 6.1.1	✓	<b>Complies:</b> The orientation of the floor layout provides for satisfactory daylight to the units as the majority of units have north facing windows and balconies.
<b>Sun Access</b> CI 6.1.4/5/6	✓	<b>Complies:</b> All of the proposed units will have sun access for more than 2 hours per day on the equinox. The depth of the units do not exceed 10-14 metres.
<b>Ventilation</b> CI 6.1.7/8/9	✓	<b>Complies:</b> 71% of units have cross-flow ventilation and there are no units that rely on access to outside air via lightwells or enclosed buildings.

<b>Amenity for Residential Buildings and Serviced Apartments (Amendment No. 5) (DCP Clause 6)</b>		
<b>Visual Privacy</b> CI 6.1.10	✓	<b>Complies:</b> The proposed development has been configured to ensure there is no overlooking between the residential units within the development as well as appropriate separation from the surrounding buildings.
<b>Outlook</b> CI 6.1.11/6.1.12	✓	<b>Complies:</b> All units are afforded an acceptable provision of outlook with living areas orientated to the street frontage or internal courtyards.
<b>Acoustic Privacy</b> CI 6.1.13/14/15/16	✓	<b>Able to comply:</b> This has been discussed above.
<b>Design of Roof Top Areas</b> CI 6.1.17/18	✓	<b>Complies:</b> The roof top areas of Buildings A and C have been designed for use as communal recreation areas. The areas are appropriately integrated into the design and will not compromise the privacy of the existing surrounding units.
<b>Use of Building Setback Areas</b> CI 6.1.19	✓	<b>Complies:</b> The frontage setback will provide four private courtyards, however it is recognised that the amenity of this area would be low given the volume of traffic along Pyrmont Bridge Road. As such, these units have also been provided with rear private courtyards and will also have access to the landscaped communal areas.
<b>Floor to Ceiling Heights</b> CI 6.1.20/21	✓	<b>Complies:</b> All units have a 2.7 metre floor to ceiling height for living rooms and bedrooms.
<b>Storage</b> CI 6.1.22/23	✓	<b>Complies:</b> Adequate storage is proposed in accordance with the DCP provisions.
<b>Safety and Design</b> CI 6.1.24/25/26	✓	<b>Complies:</b> This has been discussed above.
<b>Mix of Units within a Residential Development</b> CI 6.1.27/28/29	✓	<b>Complies:</b> The unit mix includes 15% studio units, 25% 1-bedroom units, 46% 2-bedroom units and 14% 3-bedrooms units. The mix generally complies with the maximum and minimum percentages requirements except for 3-bedrooms units where the minimum requirement is 15%. The 1% shortfall is considered minor and acceptable in this instance.
<b>Size of Units</b> CI 6.1.34/35	✓	<b>Complies:</b> The proposed unit sizes are consistent with minimum standards.
<b>Maximum Units Accessed from Lobby</b> CI 6.1.36/37	✓	<b>Complies:</b> The proposed is generally consistent with this requirement.
<b>Internal Unit Design</b> CI 6.1.38/39	✓	<b>Complies:</b> The habitable rooms of all the units have satisfactory natural light and ventilation.

**South Sydney DCP 11: Transport Guidelines for Development**

32. DCP 11 sets out maximum car parking levels in order to reduce traffic congestion and reduce reliance on private vehicles in the city. Compliance of the proposal with the DCP requirements is summarised below:

<b>South Sydney DCP 11: Transport Guidelines for Development</b>			
<b>Parking</b>	<b>Maximum permissible under DCP 11</b>	<b>Proposed</b>	<b>Compliance</b>
Car	75 residential	75 residential (including 16 accessible)	Complies
	17 visitor	17 visitor (including 1 accessible)	Complies
Servicing	1 x wash bays/50 units Access for garbage collection, removal vans, etc	2 car wash bays 1 service bay and minimum 3.6m height clearance to basement manoeuvring area	Complies Complies
Bicycles	34 residential	34 residential	Complies
	10 visitor	10 visitor	Complies

**City of Sydney Access DCP 2004**

33. The Access DCP aims to provide non-discriminatory, equitable and dignified access for all people who use the City of Sydney, regardless of ability.
34. The submitted Access Report by Accessibility Solutions, dated 15 August 2008, demonstrates compliance with DCP requirements including 16 units that are capable of adaptation should they be required, with unimpeded path of travel available via the lift access to each apartment and the basement level and ramp access available from Pyrmont Bridge Road. 17 accessible parking spaces are provided within the basement level of the development, with an unimpeded path of travel to the lift lobby within the basement.
35. With respect to visitability, the development proposes wheelchair access to 67 single level units. Disabled access from the street is available via a pedestrian access ramp with a maximum grade of 1:14. The stair-free access connects Pyrmont Bridge Road with all three entry lobbies along the pedestrian laneway.

**ISSUES**

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

**Design Advisory Panel and Urban Design**

37. Council's Urban Designer, Heritage Specialist and the Design Advisory Panel originally raised the following concerns:
- (a) illegibility of the zigzagging pedestrian access through site, particularly to legibility of the access to the rear units. There needed to be a more clearly accessible pedestrian route through the site to all the buildings;

- (b) amenity of the proposed units and communal open space compromised by the proposed elevated link buildings, in particular overshadowing, solar penetration and privacy issues;
  - (c) height of frontage building (Building A) should not exceed approved frontage height of development at 13-17 Pyrmont Bridge Road; and
  - (d) lack of deep soil planting.
38. In response to the concerns raised the applicant subsequently submitted revised drawings. The revisions are considered to address the concerns raised. In particular:
- (a) the development was pushed back 5.6-6.8 metres from the western boundary to create a new pedestrian laneway which in effect emulates the driveway that is existing on the site. The proposed new pedestrian laneway, by comparison to the original zigzagging proposal, improves the sense of entry to the whole site and provides an appropriate address to the individual buildings. The laneway also provides a sense of separation with the approved development to the west of the site and allows the site to achieve a more rectilinear site layout to match the alignment of the tower block on the adjacent site to the east;
  - (b) the proposed building form was altered from five interlinking buildings that zigzagged down the site to four separate buildings. The amended footprint provides a better response to the long narrow nature of the site and matches the alignment and scale of the buildings approved on the adjacent development to the west;
  - (c) the height of Buildings A and C were reduced. Although the proposed building heights of the development do not comply with the permissible 12m control, by ensuring the height and general footprint corresponds with the massing of the adjacent development at 13-17 Pyrmont Bridge Road, an overall consistency of scale will be achieved in terms of the emerging new character in the area, an objective that was supported in principle during the discussions at the Design Advisory Panel;
  - (d) the architectural treatment of the buildings is appropriate. The architecture will be of similar quality to the more recent residential development in the vicinity of the site utilising reasonable quality contemporary materials and finishes with adequate architectural elements such as balconies blade fin walls and other fenestration patterns to ensure the development generally has interesting articulated facades; and
  - (e) the communal open space and potential for deep soil planting has been increased and there is now a better separation between buildings and the elevated link buildings have been deleted to ensure acceptable levels of privacy and solar access within the development and in relation to adjacent buildings.

Height

39. The permissible height control for the site is 12 metres to underside of topmost ceiling. Building 1 complies with the control, however under the definition of height in the DCP Buildings A, B and C exceed the control by 0.88m, 5.38m and 8.32m respectively.
40. On 19 April 2004 Council resolved to apply height limits as the absolute maximum and would only allow a variation of this standard under the following circumstances:
  - (i) *Where the additional variation improves the development in terms of its relationship with the existing and desired future character of an area; and*

**Comment:** The proposed building heights are considered to be similar to the neighbouring existing and approved buildings. Building A, which fronts Pyrmont Bridge Road, is 4-storey in height. This corresponds with and forms a compatible visual relationship with the approved development at 13-17 Pyrmont Bridge Road (see Figure 10 below). Buildings B and C step up in height away from the street frontage towards the eight-storey commercial building that adjoins the site to the rear (see Figure 11 below). The building heights of Buildings B and C are appropriate as they are a continuation of the approved building heights at 13-17 Pyrmont Bridge Road.

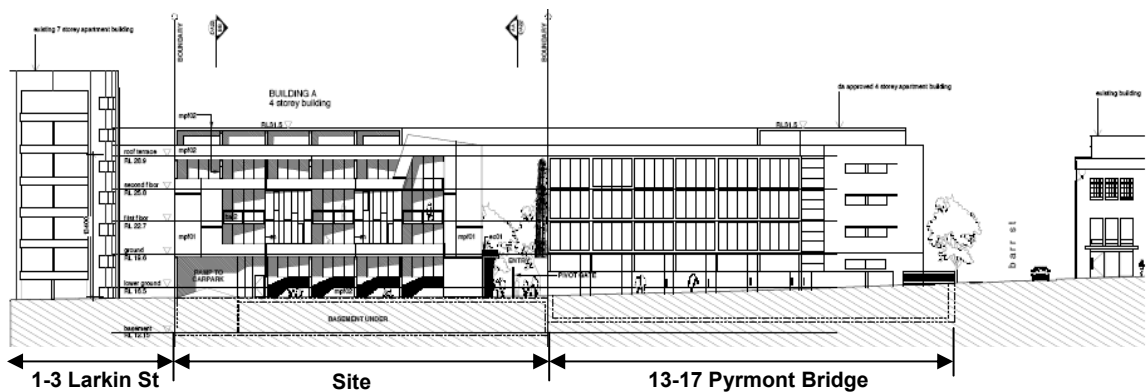


Figure 10: Pyrmont Bridge Road streetscape of Building A

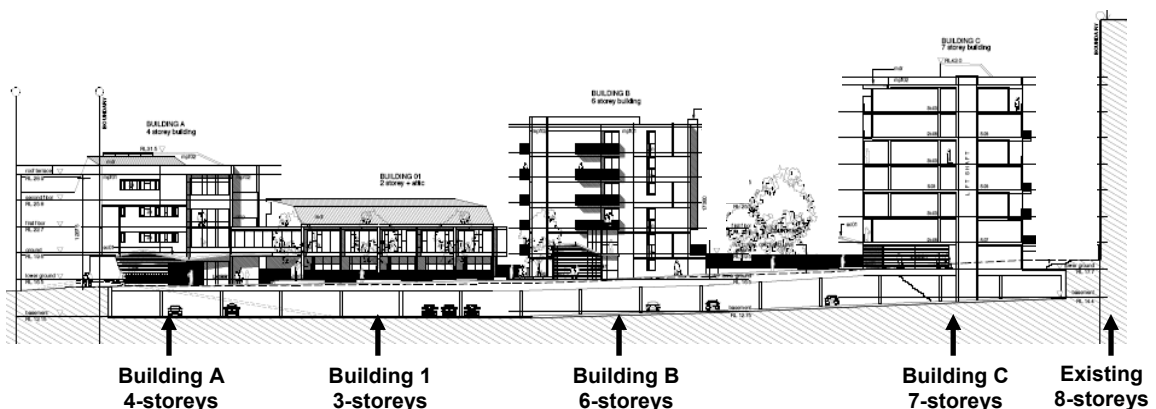


Figure 11: Section from north to south through the site.

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

**Comment:** Buildings A, B and C are north and south facing and are a continuation of the orientation of the approved residential development at 13-17 Pymont Bridge Road. In addition, the proposed orientation ensures that there is no adverse overlooking between the proposed development and the rear of the existing residential flat buildings to the east as they are orientated to the west. Building 1 is set back from the boundary by 17.4m which is sufficient separation to prevent any adverse overlooking. The footprint, layout and design of the proposal ensures that there will be views through the site and that there are no significant adverse impacts on overshadowing of the neighbouring residential properties.

- (iii) *Where the variation is minor; or*

**Comment:** The height exceedance cannot be considered numerically minor in this instance however the proposal is in accordance with (iv) below.

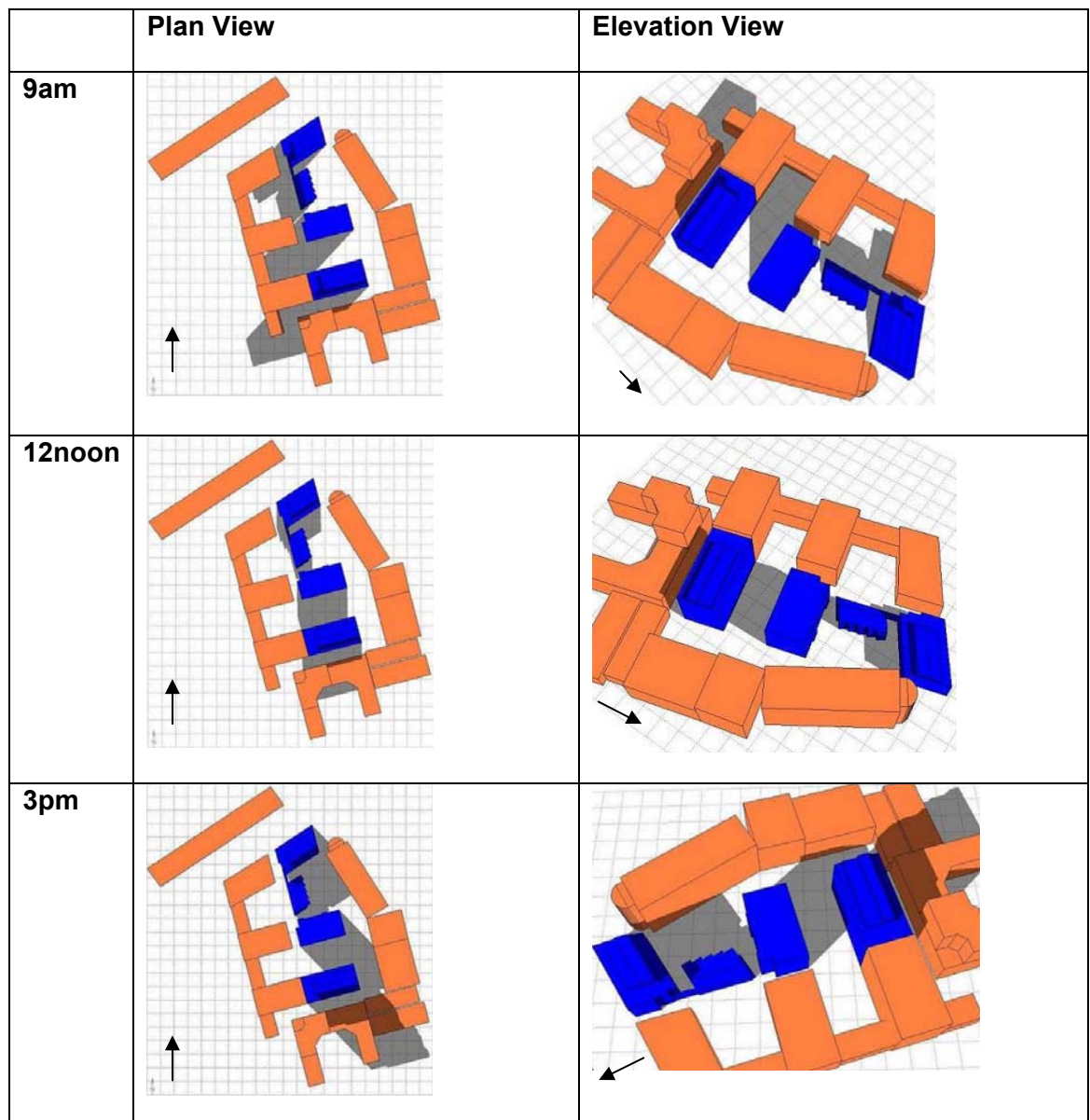
- (iv) *Where the controls are inconsistent with the predominant built form, inconsistent with the desired future character of the area and inconsistent with the stated objectives of the planning instruments developed with community consultation.*

**Comment:** The proposed development is consistent with the predominant built form of the existing and approved development and the desired future character of the area. In addition, the proposal is consistent with approved master plan for 13-17 Pymont Bridge which approved a range of heights from three to eight storeys.

### **Solar/Daylight Access to Adjoining Properties**

41. A performance criteria of the South Sydney DCP for solar and daylight access states that new buildings must maintain a reasonable level of solar access to principle living area of adjacent buildings.
42. An Overshadowing Study by Heggies Pty Ltd, dated 21 August 2008, has been submitted. To assess compliance with the DCP criteria shadow diagrams, in plan and elevation, were prepared for 9.00am, 12.00noon and 3.00pm on 21 June (winter solstice), 21 March/September (equinox) and 21 December (summer solstice). The winter solstice diagrams (see Figure 12 below) illustrate that morning overshadowing from the proposed development is predominately restricted to the eastern most solid flank walls of the future residential building lying to the west of the site and the office buildings located to the south. By midday the overshadowing is only over the northern facade and the roof of the office buildings. By the afternoon shadows are still cast over the office buildings and also towards the neighbouring residential buildings to the east but only at the lower levels.
43. The shadowing studies demonstrate that the solar access to the neighbouring residential properties and private open space will be maintained for the required two hour minimum.

Figure 12: Shadow Diagrams for 21 June



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

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

**BCA Matters**

45. The BCA Classification of the building are Classes 1 and 7a.
46. 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**

47. The site is suitable for the proposed development.

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

48. 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.

**POLICY IMPLICATIONS**

49. Not applicable to this report.

**FINANCIAL IMPLICATIONS - SECTION 94 CONTRIBUTIONS**

**Section 94 Contributions**

50. A total contribution of \$1,448,375.43 is required in accordance with the City of Sydney Section 94 Contributions Plan 2006. The contribution amount has been calculated as follows:

(a)	41 x 1-bedroom @ \$10,518.93	=\$431,276.13
	47 x 2-bedroom @ \$15,373.82	=\$722,569.54
	14 x 3-bedroom @ \$21,037.84	=\$294,529.76
	<b>TOTAL:</b>	<b>=\$1,448,375.43</b>
(b)	Credit available	= \$0
(c)	NETT payable ((a) – (b))	=\$1,448,375.43

The Applicant has not provided evidence in accordance with the City of Sydney Contributions Plan 2006 for a credit for the existing working population on the site.

**PUBLIC CONSULTATION**

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

**Advertising and Notification**

51. Adjoining and nearby owners and occupiers of buildings within a 75 metre radius were notified of the proposal and invited to comment within 28 days. In addition, notices were placed on the site and the proposal was advertised in the press in accordance with the provisions of the City of Sydney Notification of Planning and Development Applications Development Control Plan 2005. Following the submission of amended plans, the application was re-notified.
52. Five submissions were received to the original notification and 16 submissions were received to the re-notification. The grounds for objection are summarised as follows:

- (a) *Excessive height of proposal in relation to surrounding properties.*

**Comment:** Although the height of Buildings A, B and C breach the permissible 12 metres height control, the height and footprint corresponds with the approved massing of the adjacent development to the west which will ensure an overall consistency of scale will be achieved in terms of the emerging new character in the area. The scale and built form is supported as from Pyrmont Bridge Road the development will still appear as four-storeys and the taller six and seven storey buildings are set well back from the street alignment. Accordingly they will not be highly visible from the streetscape.

- (b) *Development will result in overshadowing of residential properties at 1-3 Larkin Street.*

**Comment:** The submitted shadow diagrams illustrate that there will be no overshadowing of 1-3 Larkin Street during the summer solstice or equinox days. The only overshadowing that will occur is during the afternoon at winter solstice, but only at the lower levels. This overshadowing is considered minor and acceptable as solar access to habitable windows and private open space will be maintained for the required two hour minimum.

- (c) *Development will result in a loss of privacy to residential properties and the private and communal open space at 1-3 and 5-13 Larkin Street.*

**Comment:** The windows and balconies of Buildings A, B and C are orientated to the north and south whereas the rear of 1-3 and 5-13 Larkin Street are orientated to the west. This orientation ensures that there is no overlooking between the proposed and existing developments. Building 1 has a similar orientation to 1-3 Larkin Street, however Building 1 is set back from the boundary by 17.4m and the two building will be separated by 19.5-25.8m. This separation distance, in addition to the proposed landscaping, is considered appropriate and will protect the privacy of the existing and future occupiers.

- (d) *Development will result in loss of views from residential properties at 1-3 Larkin Street.*

**Comment:** The residential properties at 1-3 Larkin Street presently have a rear view westwards over the factory buildings and car parking of 5-11 and 13-17 Pyrmont Bridge Road. This view is not considered to be significant or have a high amenity value. Whilst it is acknowledged that this view will be altered, given the proposed layout of Buildings A, B and C and low three-storey height of Building 1, views though the site will be provided. In addition, the predominant view will be of the proposed communal landscaped area between Buildings A and C. It is considered that an outlook over a green residential area will be a more pleasant view than the present industrial view.

- (e) *Potential demolition of the existing boundary wall which encloses the communal open space courtyard will impact security to residential properties at 5-13 Larkin Street.*

**Comment:** Presently the existing factory building extends down the length of the boundary with 5-13 Larkin Street. The proposed will replace this factory with a new building and courtyard areas. Whilst details have not been submitted on potential boundary treatment of the courtyard areas, it is anticipated that there will a boundary wall or fence separating the two properties. A condition requiring the boundary treatment details is recommended.

- (f) *Recent break-ins to 1 Larkin Street have been a result of access being obtained from climbing onto roof of the existing factory building from Pyrmont Bridge Road. Building A is located too close to 1 Larkin Street which will pose a security threat as thieves will climb into 1 Larkin Street.*

**Comment:** Building A will be 4-storeys in height compared to the existing single-storey factory building and will be built to the side boundary of 1 Larkin Street. A setback from the boundary would be more likely to pose a security risk as it would provide a corridor for potential antisocial behaviour. In addition, the proposed residential development will provide passive surveillance of the surrounding area, particularly at night, compared to the existing uses on the site.

- (g) *Inadequate proposed residential and visitor parking spaces. Presently there is very little on-street parking in the area and the proposal will further exasperate the problem.*

**Comment:** The proposal provides the maximum number of residential and visitor parking spaces permissible under DCP 11 (Transport Guidelines for Development) for the proposed dwelling mix. Conditions are recommended to secure the number and allocation of car parking spaces and prohibit residents from being eligible to participate in on-street resident parking schemes.

- (h) *What contributions are being made towards improvements to public transport and public open space or parkland?*

**Comment:** In accordance with the City of Sydney Section 94 Contributions Plan a total contribution of \$1,448,375.43 is to be made by the developer of which \$11,792.15 is to be put towards accessibility works, \$1,179,498.54 towards new open space and \$143,670.98 towards public domain improvements.

- (i) *To address the issue of social cohesion and celebrate diversity in Camperdown, the developer should contribute towards the following:*

- *Viability of local community organisations and projects;*
- *A multi purpose community space in Camperdown;*
- *Refurbishment of the Department of Housing complex at 23 Pyrmont Bridge Road; and*
- *Sponsorship of Department of Housing tenants.*

**Comment:** As mentioned above, the developer is required to make a Section 94 contribution of which \$100,663.41 is to be put towards community facilities. Local community groups are able to apply to Council for funding.

- (j) *Adverse noise impacts and dust pollution from excavation and construction.*

**Comment:** A condition limiting the hours of construction and work on the development between 7.30am and 5.30pm on Mondays to Fridays, 7.30am and 3.30pm on Saturdays and no work on Sundays and public holidays is recommended. A further condition requiring the submission and approval of a demolition work method statement, an excavation work method statement and a waste management statement are also recommended.

- (k) *Existing building may contain asbestos which may pose serious risks to health of neighbouring occupiers.*

**Comment:** Conditions on asbestos removal and disposal are recommended.

- (l) *Loss of property and rental values.*

**Comment:** This is not a material planning consideration.

## **EXTERNAL REFERRALS**

### **Referral under SEPP - Infrastructure 2007**

53. As mentioned above, the RTA raises no objections subject to a number of conditions.

## **INTERNAL REFERRALS**

54. The application was referred to Council's:

- (a) Urban Designer;
- (b) Heritage Specialist
- (c) Public Domain;
- (d) Specialist Surveyor;
- (e) Building Services Unit;
- (f) Health Unit;
- (g) Flood Engineer; and
- (h) Sydney Traffic Committee.

55. 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**

56. The Environmental Planning and Assessment Act 1979.

**CONCLUSION**

57. The proposal has been amended to address concerns about legibility, building height and residential living conditions. In particular, the height of Building C was reduced and the building footprint was altered from five interlinking buildings that zigzagged down the site to four separate buildings that follow the approved building form of 13-17 Pyrmont Bridge Road. All the buildings have been set back 5.6-6.8 metres from the western boundary to create a formal pedestrian laneway, with Building 1 accommodating terrace type housing that fronts the laneway.
58. The proposal generally complies with the relevant planning controls including FSR, SEPP 65 and the requirements for unit mix, unit size, living conditions, energy and water efficiency and on-site parking.
59. Although the proposal exceeds the permissible height limit by 0.88m to 8.32m, the resultant built form and level of internal amenity is acceptable. The development will fit in with the surrounding built form and will not have any significant adverse impacts on residential neighbours. It is recommended that the application be approved subject to appropriate conditions of consent.

**GIOVANNI CIRILLO**

Director City Planning and Regulatory Services

(Evita Lake, Senior Planner)