

**ITEM 13. DEVELOPMENT APPLICATION: 90-96 BOURKE ROAD AND 94A
COLLINS STREET ALEXANDRIA**

SUMMARY

Date of Submission: 1 May 2008 (additional information received 4 September 2008)

Applicant: HSF Developments/Platinum Developments Pty Ltd

Proposal Summary: The proposal is Integrated Development.

The proposal seeks to demolish existing buildings and structures and construct a four storey industrial building over basement car parking. The development is to comprise:

- car parking for 250 vehicles,
- 4 x bulky good retailing showrooms,
- 65 x hi-technology units with ancillary storage,
- 3 x single storey warehousing units,
- 9 x warehousing units with associated mezzanine offices,
- 1 x warehouse and 2 offices to be used by Yalumba Wines,
- 2 x cafes,
- 1 x child care centre including fitout which is to operate between the hours of 7:00am and 6:30pm Monday to Friday inclusive, and
- associated building identification signage between levels 2 and 3 (illuminated) and ground floor signage (non-illuminated).

The proposal generally complies with the applicable LEP and DCP provisions with the exception that the floor space ratio exceeds the applicable control and that the minimum required 6.0m setback at Bourke Road is encroached upon by upper level balconies and awning structures.

A 5% increase in floor space area is supported because it is limited and does not result in adverse impacts.

A Draft Voluntary Planning Agreement (VPA) is currently on public exhibition. This agreement proposes a monetary contribution of \$249,364.50 to be used for public domain improvements.

The non-compliance with the setback control at Bourke Road is considered acceptable with sufficient buffer being provided between the building and the footpath to cater for landscaping.

Subject to conditions, the proposal is acceptable to Council's Traffic, Public Domain, Tree Management, Building, Health, Waste Services and the Urban Design and Heritage sections of Council as well as the Design Advisory Panel Sub-Committee.

The Sydney Traffic Committee raises no objection to the proposal subject to conditions.

The Department of Water and Energy has issued terms of approval.

RailCorp has also provided concurrence subject to conditions.

Four (4) submissions have been received raising concerns regarding traffic and parking conflicts, adverse impacts on adjoining sites and contamination.

The contemporary design of the building makes a positive contribution to the streetscape, surrounding development and the renewal and future character of the industrial area in general.

Summary Recommendation:

It is recommended that authority be delegated to the Chief Executive Officer to determine the DA following conclusion of exhibition of the VPA and the resolution of issues raised, having regard to the contents of this report and the draft conditions.

- Development Controls:**
- (i) South Sydney Local Environmental Plan 1998 (Gazetted 28 April 1998, as amended)
 - (ii) South Sydney Local Environmental Plan 1998 – Draft Amendment No. 9
 - (iii) South Sydney Development Control Plan 1997 – Urban Design (in force on 2 July 1997, as amended)
 - (iv) City of Sydney Notification of Planning and Development Applications Development Control Plan 2005 (date of commencement – 18 May 2005)
 - (v) Development Control Plan No. 11 – Transport Guidelines for Development 1996 (Adopted 8 May 1996)
 - (vi) City of Sydney Contaminated Land Development Control Plan 2004
 - (vii) City of Sydney Access Development Control Plan 2004
 - (viii) City of Sydney Signage and Advertising Structures Development Control Plan 2005
 - (ix) City of Sydney Child Care Centres Development Control Plan 2005
 - (x) City of Sydney Section 94 Contributions Plan 2006
- Attachments:**
- (A) Draft Conditions of Consent
 - (B) Selected Drawings

RECOMMENDATION

It is resolved that:

- (A) authority be delegated to the Chief Executive Officer to determine the development application, having regard to the contents of the subject report;
- (B) determination of the application, in accordance with clause (A) above, is only to occur following:
 - (1) The resolution of any public submissions to the draft Voluntary Planning Agreement related to the development site which is currently on public exhibition; and
- (C) in determining the application the Chief Executive Officer may have regard to draft conditions of consent, as shown at Attachment A to the subject report.

BACKGROUND

The Site and Surrounding Development

1. The subject site is made up of 2 lots located on the eastern side of Bourke Road and the southern corner of Collins Street having a total area of 14,668.5m². The frontage to Bourke Road and Collins Street is 153.48m and 91.1m respectively.
2. The subject sites mainly contain one to two storey buildings. The Bourke Street elevation contains a two storey factory/warehouse building with 3 large vehicle entrances built in 1957. To the north, are one storey saw-tooth and gabled roofed factory buildings built between 1930 and 1943. The north-eastern buildings are two storeys high and of sawtooth roof profile dating from the 1960s.
3. An open car park accessed from Bourke Road extends along the Collins Street frontage and is bounded by a row of mature trees which are to be retained as part of the development application. A single story brick substation predating 1920 stands at the north eastern corner of the site (corner of Bourke Road and Collins Street).
4. The site was historically used for wool storage between 1930 and 1956, David Jones warehousing between 1956 and 1974, manufacturing of paper cups and products by Hygienic Lily between 1974 and 1989 followed by various commercial and industrial uses to the present time.
5. Surrounding development is predominantly bulky goods retailing, warehousing, and industrial/commercial uses. To the immediate north west of the site opposite situated at the northern corner of Bourke Road and Huntley Street is the Alexandria Industrial Estate. To the south west of the site is situated a redevelopment site of some heritage significance that has recently been approved for industrial/commercial uses. Several existing buildings including concrete silos and an industrial chimney stack are to be retained and refurbished.

To the north and east of the site along Collins Street are a number of multi-storey industrial, commercial, factory and warehouse buildings predominantly 1-2 storeys in height and of various ages. To the south of the site is a 1-2 storey factory/warehouse building. Further south is an electricity substation and a complex of modern industrial style buildings.
6. A site location plan and photographs of the site are provided below:

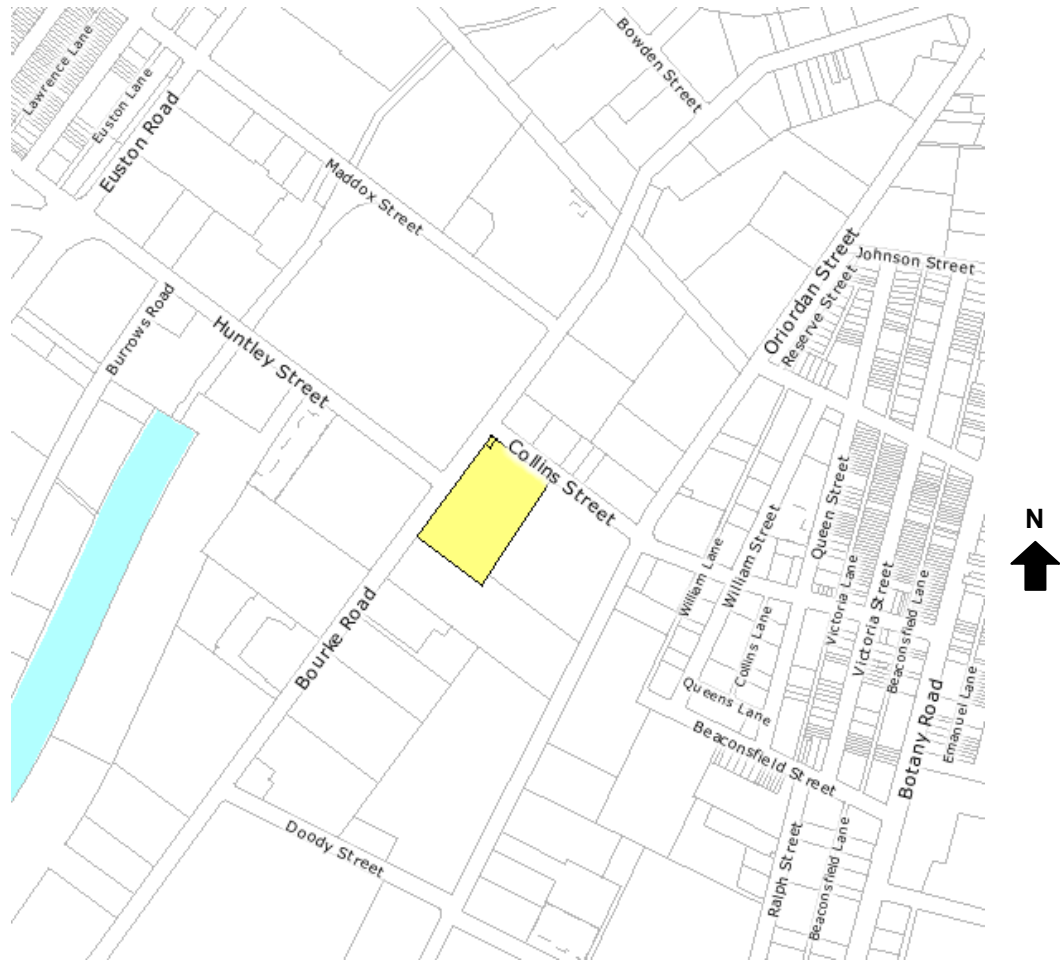


Figure 1 – Location Plan



Figure 2 – Looking generally in a southerly direction from the corner of Bourke Road and Collins Street showing substation and street trees to be retained.



Figure 3 – View looking south-west down Bourke Road showing existing buildings on site.



Figure 4 – View looking north-east down Bourke Road showing existing buildings on site.

PROPOSAL

7. The proposal is to demolish the existing structures on the site and erect a 4 level building over basement car parking in the following configuration:

Basement Level

- 175 Car parking spaces.

Ground Level

- 4 Bulky goods retailing showrooms;
- 3 Single storey warehousing units;
- 1 warehousing unit with associated office to be used by Yalumba Wines;
- 1 Café; and
- 31 car parking spaces.

Level 1

- 9 Warehousing units with associated mezzanine offices;
- 1 Office unit to be used by Yalumba Wines;
- 2 High-technology units;
- 65 Ancillary storage units associated with the hi-technology units;

- 1 Café;
- 1 Child care centre including fitout which is to operate between the hours of 7:00am and 6:30pm Monday to Friday inclusive to cater for up to 74 children in the following age groups:
 - 24 children in the 0-2 year age group;
 - 24 children in the 2-3 year age group;
 - 26 children in the 3-5 year age group; and
- 44 car parking spaces.

Level 2

- 24 Hi-technology units.

Level 3

- 39 Hi-technology units.

8. The application also includes associated building identification signage between levels 2 and 3 (illuminated) at the corner of Bourke Road and Collins Street and ground floor signage (non-illuminated) along the Bourke Road and Collins Street facade.
9. The proposal is an Integrated Development Application and has received 'dewatering' consent from the Department of Water and Energy.
10. Plans, elevations and photomontages of the development are provided in **Attachment B**.



Figure 5 – Photomontage showing proposed building Corner of Bourke Road and Collins Street.



Figure 6 – Photomontage showing proposed building at the Bourke Road elevation generally looking north east.

IMPLICATIONS OF THE PROPOSAL

Section 79C Evaluation

11. 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)

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

SEPP (Infrastructure) 2007

13. The proposal was considered by the Sydney Regional Development Advisory Committee (SRDAC) in June 2008.
14. The Committee raised no objection to the proposed development subject to conditions of consent relating to the signalisation of the Bourke Road/Collins Street and Bourke Road/Huntley Street intersection and other operational measures to be implemented relating to the use of the car park and associated entrance.
15. The signalisation of the Bourke Road/Collins Street and Bourke Road/Huntley Street intersections are approved and form part of Council's current capital works program. Works are expected to be completed by June 2009.

SEPP 55 – Remediation of Land

16. The aims of SEPP 55 are to ensure that the proposal will not increase the risk to health particularly in circumstances where a more sensitive land use is proposed.
17. The site has had a history of industrial use which has been extensively filled in the past with industrial waste such as foundry slag, ash building debris and potential asbestos material. In addition, 3 underground storage fuel tanks have been identified on the site and whilst not in use is a potential source of contamination to soil and groundwater.
18. The site is to be remediated and validated in accordance with the report prepared by WSP Environmental dated 28 September 2008. Prior to construction a Site Audit Statement is to be submitted to Council indicating that the site is suitable for the proposed uses with recommendations contained therein to form part of the consent. This should be conditioned as part of the consent.

SEPP 64 – Advertising and Signage

19. The signage is considered to be consistent with the assessment criteria of Schedule 1 of SEPP 64.

LEPs AND DCPs

South Sydney Local Environmental Plan 1998

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

Development Controls	Permissible under South Sydney LEP 1998	Proposal as assessed under South Sydney LEP 1998
Planning Principles (Part 2)	Development is to be considered having regard to the goals and objectives within the Strategy for a Sustainable City of South Sydney.	The proposed development application satisfies the Strategy.
Zoning Controls (Part 3)	Industrial 4	The uses proposed for this development are permissible and consistent with zone objectives.
Heritage Conservation (CI 22 to 27)	Development is to satisfy certain heritage requirements.	The development satisfies these provisions. The existing buildings are not Heritage items and whilst over 50 years old are not considered to have any significance. In addition, the site is not located in a Conservation Area.
Urban Design Principles and Master plans (CI 28)	Development is to satisfy urban design requirements.	The development satisfies these provisions.
Retailing of Bulky Goods in the Industrial Zone (CI 34)	Council is to be satisfied that the proposal will not detrimentally affect existing or future industrial development within the zone or due to the number of retail outlets would detract from the predominantly industrial nature of the zone.	The development satisfies these provisions. The number of outlets in the zone is not considered to be substantial and the bulky goods part of the proposal represents only 12% of the total gross floor area.
Flood Liable Land (CI 38)	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 development satisfies these provisions.
Contaminated Land (CI 39)	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.	The development can satisfy these provisions. Refer to SEPP 55 section of report above.

Development Controls	Permissible under South Sydney LEP 1998	Proposal as assessed under South Sydney LEP 1998
Transport Tunnels (CI 49)	The development is to be referred to the Rail Infrastructure Corporation.	The Rail Infrastructure Corporation does not object to the development.

South Sydney DCP 1997

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

Matter to be Considered	Compliance	Comment
PART B: URBAN DESIGN PRINCIPLES		
Urban Form Section 2	✓	Complies The building form and design is considered acceptable and consistent with the desired future character of the locality.
Urban Villages, Public Spaces and Pedestrian Networks Section 3	✓	Complies The proposal improves and enhances the character of the area and the prominence of the corner site by providing a better expression to the street edge.
Sustainable, Healthy Environment Section 4	✓	Complies The proposal responds to the environmental and social capacity of the area.

Matter to be Considered	Compliance	Comment
PART C: PUBLIC DOMAIN		
<p>Public Domain Improvement Section 2</p>	<p>✓*</p>	<p>Complies/Does not comply Active street frontages are promoted through the location of showrooms at ground level. Proposed landscaping also provides for an improved transition to the public domain.</p> <p>The controls require that developments provide front setbacks for landscaping as follows:</p> <ul style="list-style-type: none"> • 6m for all major principal road frontages; and • 4m for all street frontages. <p>(can be varied at the discretion of Council to satisfy other design or environmental criteria)</p> <p>The development proposes the following setbacks:</p> <ul style="list-style-type: none"> • Bourke Road frontage setback at ground level: 6.0m (min) with upper level encroachments between 3.4m and 4.8m from the site boundary . • Collins Street frontage setback at all levels: 4.0m (min). <p>Refer issues Section of the report.</p>
<p>Security Section 3</p>	<p>✓</p>	<p>Complies Surveillance is provided through the activation of the street frontage by the provision of ground level retail and upper level balconies/terraces.</p>
<p>Implementation (Section 94, FSR Bonus) Section 4</p>	<p>✓</p>	<p>Able to comply Appropriate conditions have been applied relating to S94 and Bonus Floor Space Contributions.</p>

Matter to be Considered	Compliance	Comment
PART D: SOCIAL PLANNING		
Access Section 2	✓	Complies The development provides active frontages which are friendly to the streetscape and provides ease of access to the public and occupants.
Community Infrastructure Section 5	✓	Able to Comply To be identified as part of the public domain works associated with the Voluntary Planning Agreement.
Cumulative Impacts and Trade-Offs Section 6	✓	Complies The proposed use is appropriate for the location and considered to have a positive impact to the locality.
Economic Issues Section 7	✓	Complies The proposal will encourage economic activity in the area which will benefit the locality by assisting in its revitalisation.
Security Section 9	✓	Complies The development is considered to provide improved safety and security by providing for a more activated street frontage than what currently exists.
Health Section 10	✓	Complies A child care centre is proposed to be located on level 1 of the site, the location of which is in close proximity to a main arterial road nearby industrial uses which include a smash repair business and plastics manufacturer. An air quality assessment report concluded that the site met the air quality goals set by the Department of Energy and Climate Change.

Matter to be Considered	Compliance	Comment
PART E: ENVIRONMENTAL DESIGN CRITERIA		
Site Analysis/Layout Section 1.1 and 1.2	✓	Complies The proposal is compatible with and makes a positive contribution to its surroundings.
Landscaping Section 1.5	✘	Does not comply Refer to issues section of the report.
Parking, Access and Servicing Section 1.6	✓	Complies The development proposes car parking for 250 vehicles. The maximum permitted under the DCP is 269 parking spaces.
Storm water Drainage Section 1.7	✓	Able to comply Stormwater is to be retained on site via an underground 200,000l detention tank.
Floor Space Ratio Section 2.2	✘	Does not comply Refer to issues section of the report.
Height and Scale Section 2.3	✓	Complies The proposal has a height of 15m in accordance with the maximum permitted height of 15m.
Setbacks Section 2.4	✘	Does not comply Refer to issues section of the report.
Façade Treatment Section 2.5	✓	Complies The building façade design and detail reinforces the street edge and improves the character of the streetscape and locality.
Safety and Security Section 4.2	✓	Complies Retailing uses at ground level and upper level balconies/terraces provide active street frontages which allow for casual surveillance.

Matter to be Considered	Compliance	Comment
Access and Mobility Section 4.4	✓	Able to Comply To comply with the standards set by the Building Code of Australia.
Fire Regulations Section 4.6	✓	Able to comply To comply with the standards set by the Building Code of Australia.
Energy Efficiency Section 5.1 to 5.3	✓	Able to comply To comply with the standards set by the Building Code of Australia.
Operational Controls Section 6	✓	Able to comply Conditions should be applied to the consent governing the use, function and activities of the site at and post construction.
PART F: DESIGN CRITERIA FOR SPECIFIC TYPES		
Industrial Development <i>Site Layout</i> Section 3.1.1	✗	Does not comply A mid-block link to improve the pedestrian network has not been provided. Refer issues section of the report.
<i>Private Open Space</i> Section 3.1.2	✗	Does not comply The control requires that buildings do not occupy more than 60% of the site area. Site coverage is 67%. Refer issues section of the report.
<i>Parking, Access and Servicing</i> 3.1.3	✓	Complies Proposed parking, access and servicing is designed to meet the needs of the uses proposed and complies with the controls contained in Council's Transport DCP.

Matter to be Considered	Compliance	Comment
<i>Height and Floor Space Ratio</i> Section 3.2.1	✓*	<p>Complies/Does not comply</p> <p>The proposal has a height of 15m in accordance with the maximum permitted height of 15m.</p> <p>FSR - Refer issues section of the report.</p>
<i>Setbacks</i> Section 3.2.2	*	<p>Does not comply</p> <p>Upper level building setbacks along the Bourke Road frontage encroach on the minimum 6.0m setback required.</p> <p>Refer issues section of the report.</p>
<i>Building Appearance</i> Section 3.2.3	✓	<p>Complies</p> <p>The articulation and architectural composition of the facades combined with the proposed external finishes of the building achieve an appropriate design response.</p> <p>Landscaped setbacks are provided along the Bourke Road and Collins Street frontages enhancing the visual setting of the building.</p>
<i>Security and Design</i> Section 3.3	✓	<p>Complies</p> <p>At ground level fronting both Bourke Road and Collins Street are showrooms and café promoting active street frontages and good passive surveillance and generally contribute positively to the streetscape character.</p>

South Sydney DCP 11: Transport Guidelines for Development

22. 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:

South Sydney DCP 11: Transport Guidelines for Development			
Parking	Maximum permissible under DCP 11	Proposed	Compliance
Car	269 parking spaces including 56 visitor spaces and 5 disabled spaces.	250 parking spaces including 5 disabled spaces (visitor spaces not specified)	Complies The consent should be conditioned to provide for a minimum of 56 visitor car parking spaces.
Servicing	To suit needs	Warehousing tenancies all have dedicated servicing bays. All other tenancies are serviced by 6 communal service bays, 4 located at ground level and 2 at level 1.	Complies
Bicycles	31	Not specified	Able to comply The consent should be conditioned to provide bicycle parking for 31 bicycles.

City of Sydney Contaminated Land Development Control Plan 2004

23. Refer SEPP 55 discussion above. The site once remediated in accordance with the Remediation Action Plan will be suitable for the proposed uses.

City of Sydney Access Development Control Plan 2004

24. The development is able to comply with the provisions of the DCP.

City of Sydney Signage and Advertising Structures Development Control Plan 2005

25. The application proposes building identification signage in the following manner:
- (a) Vertically projecting illuminated building identification signage extending over levels 2 and 3 at the corner of Bourke Road and Collins Street having dimensions 7.7m x 1.8m. The lettering is to be cut out of anodised aluminium (coloured platinum) affixed to white infill (signage details refer figures 8 and 9).

- (b) Ground level non-illuminated vertically projecting wall signage at the main entrances at Bourke Road and Collins Street each having dimensions 3.65m x 0.425m with 50mm raised lettering painted white (signage details refer figures 8 and 11).

(a)

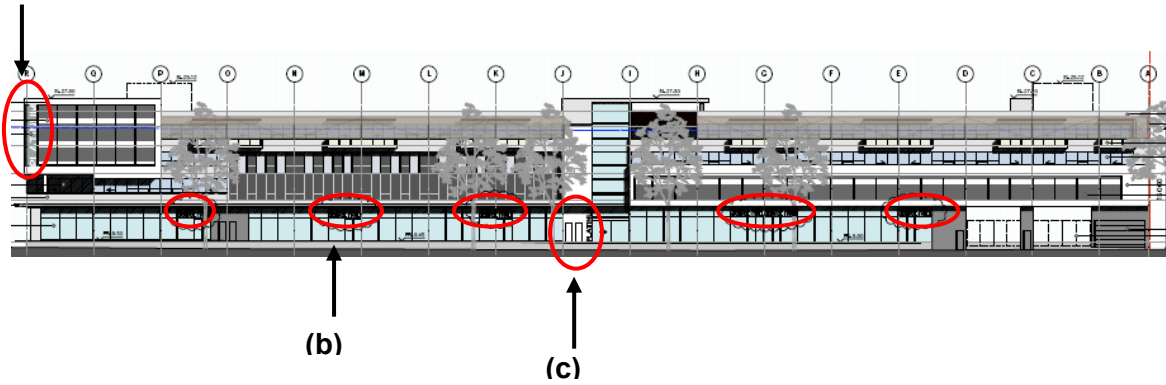


Figure 8: North west elevation – Bourke Road showing ground level hamper signage zones and vertically projecting wall signage.

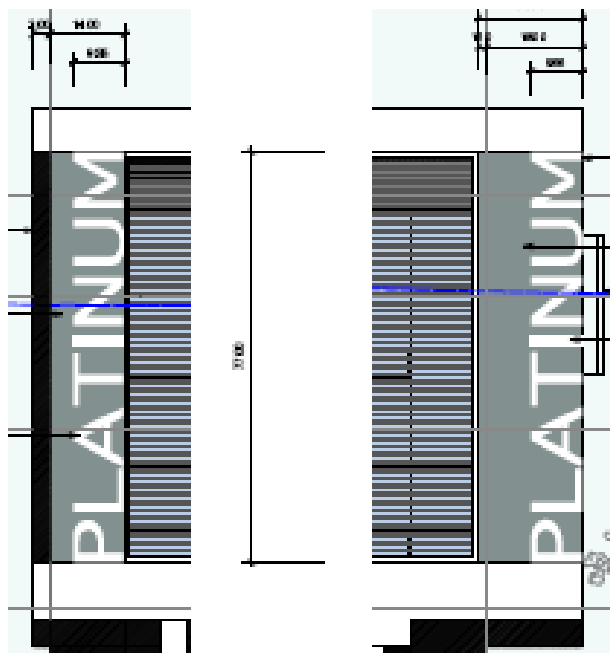


Figure 9: Elevations of the proposed upper level illuminated 'Platinum' signage to be located at the corner of Bourke Road/Collins Street

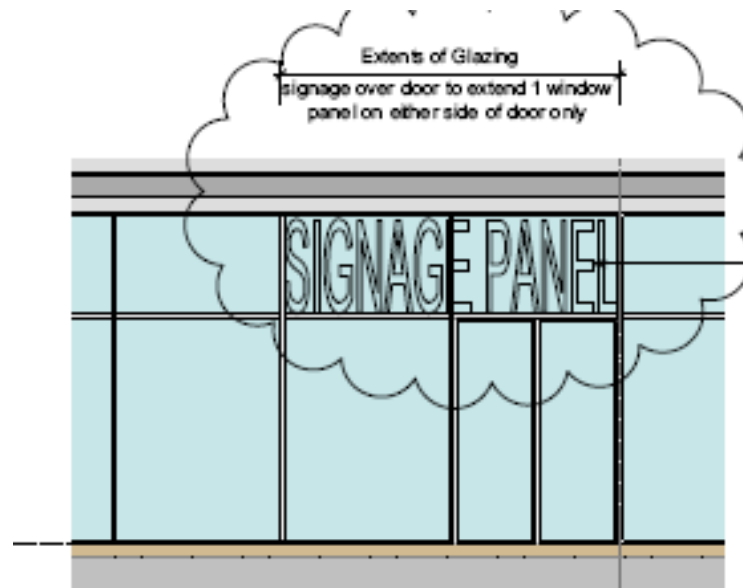


Figure 10: Elevations of the proposed hamper signage for the ground level tenancies. Signage to be affixed to inside face of glazing.

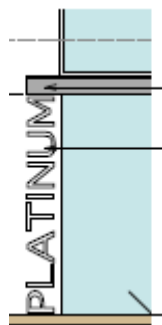


Figure 11: Signage to be located at main entrance below awning structure and to be illuminated by downlights.

26. The DCP allows up to 3 building identification signs per building. The main entrance signage is of a size that is appropriate to the size of the Bourke Road and Collins Street frontage.
27. Typically, signs between the first floor and parapet should extend no more than 1 level. The proposed building identification sign extends over 2 levels. Notwithstanding, given the set back of the building of 6.0m from Bourke Road and 4.0m from Collins Street, the building extending approximately 141m along Bourke Road and 75m along Collins Street and the high degree of compatibility with the architectural design of the building the proposed signage is considered to be acceptable.

28. The application also proposes 8 signage zones for hamper signage for the ground level tenancies along Bourke Road and Collins Street. The signage area is proposed to be located over each double door extending 1 window panel on either side of the door. Over single double door entrances signage is proposed to have dimensions 4.2m x 1.27m with entrances having 2 sets of combined double doors dimensions of 8.4m x 1.27m (signage details refer figures 8 and 10).
29. It is also noted that the larger ground level bulky goods retailing showrooms have up to three doors accessing each tenancy. Whilst the DCP only allows 1 sign per shopfront tenancy and of not more than 1m² in area, given the scale of the building extending approximately 141m along Bourke Road and 75m along Collins Street, its setback from Bourke Road and Collins Street of 6.0m and 4.0m respectively and the generous distances between the access doors to each of the tenancies that the proposed number and size of signage zones is considered appropriate in this instance.

City of Sydney Child Care Centres Development Control Plan 2005

30. The development is able to comply with the provisions of the DCP.
31. The childcare centre is designed to meet the childcare needs of workers of the complex and other workers in the locality which is currently underserved by centres of this nature. The centre is to cater for up to 74 children in the following age groups:
 - (a) 24 children in the 0-2 year age group;
 - (b) 24 children in the 2-3 year age group; and
 - (c) 26 children in the 3-5 year age group.
32. The centre has a northerly aspect (frontage to Collins Street) which will ensure an acceptable level of solar access. The centre is also sited adjacent to significant fig trees along Collins Street which are to be retained and will serve to soften the outlook from the outdoor play area providing an acceptable vista.
33. The childcare centre is to be located on the first floor to mitigate the noise and safety issues associated with vehicular traffic on Bourke Road and Collins Street and the vehicular traffic utilising the complex. Whilst the site is situated at the junction of two busy roads (Bourke Road and Collins Street) and located within an industrial zone it is not expected that there will be any adverse environmental impacts such as noise or pollutants to the occupants of the centre.

ISSUES

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

Air Navigation Height Limit

35. The proposal has a maximum height to top of parapet of 18.5m. As this is above the 15.24m level above which approval is required under the Civil Aviation (Building Control) regulations approval was sought and gained from the Sydney Airports Corporation.

Floor Space Ratio/Bonus FSR

36. The FSR has been calculated using the definition contained in the South Sydney Local Environmental Plan 1998 which includes as part of the gross floor area the loading and unloading of goods for any developments containing warehousing or distribution centre use.
37. The following table summarises permitted and proposed GFA for the site:

Site Area	FSR Control	Permitted Max GFA	Proposed FSR	Proposed GFA
14,668.5m ²	1.5:1	22,002.75m ²	1.55:1	22,735m ²

38. The applicant contends that the definition contained in the South Sydney DCP 1997, which excludes space for the loading and unloading of goods as part of the GFA calculation, should be used. This provides a more generous GFA outcome allowing the development to be within the maximum permitted FSR control of 1.5:1 which does not trigger the Bonus Floor Space Scheme.
39. The GFA definition as contained in the South Sydney LEP 1998 has been used being the primary planning instrument and under advice from Council's Legal Section.
40. As a result, the proposed development is calculated as being approximately 733m² over the permitted maximum, and a public domain improvement package applies.
41. The consent should be conditioned to restrict the development to a maximum FSR of 1.55:1 (22,735m²).

Site Layout/Midblock Connection

42. The Southern Industrial Public Domain Plan identifies mid-block connections to be implemented for new developments in large industrial sites in order to improve pedestrian access and connections between privately owned large industrial sites.
43. The through site link has not been provided in surrounding sites bounded by Collins Street to the north, O'Riordan Street to the east, Doody Street to the south and Bourke Road to the west. Generally these sites comprise bulky goods retailing and warehousing industrial complexes. The sites fronting Bourke Road are potential redevelopment sites and may be able to incorporate the through site link as proposed.

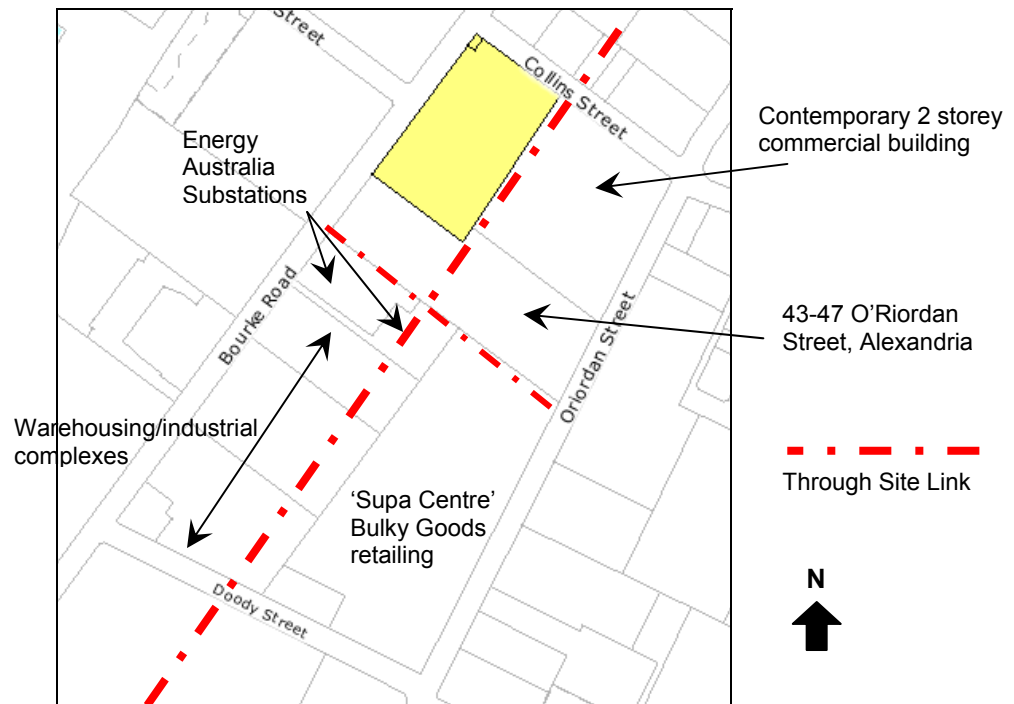


Figure 12: Plan showing location of planned through site link.

44. Whilst the DCP indicates the provision of a through site link it is not precise enough to determine whether the link passes through the subject site. If a through site link was to be provided on the subject site it would run alongside the proposed large vehicular service driveway which runs down the length of the site's south eastern boundary raising safety concerns.
45. Given the north-south orientation of the street block, it is more appropriate to have any mid-block pedestrian connections in the middle of the long side of the block to improve east-west links. This is provided for to the south of the site.
46. The site to the immediate south known as 43-47 O'Riordan Street, Alexandria extends from O'Riordan Street to the east and to Bourke Road to the west. Any future through site link to Collins Street is dependant upon its provision through this site.
47. 43-47 O'Riordan Street was granted development consent (D2008/609) for the demolition of the existing warehouse building fronting O'Riordan Street and construction of a new Mercedes Benz showroom, workshops, offices, associated landscaping and signage together with alterations to the existing warehouse building fronting Bourke Road to be used for car storage with forecourt vehicle display area and associated signage. This consent did not include the provision of a through site link given the adaptive re-use of the existing substantial warehouse building fronting Bourke Road.
48. In addition, this warehouse building which extends more than the entire length of the southern boundary of the subject site makes the provision of a mid block connection untenable (refer **figure 13** below).

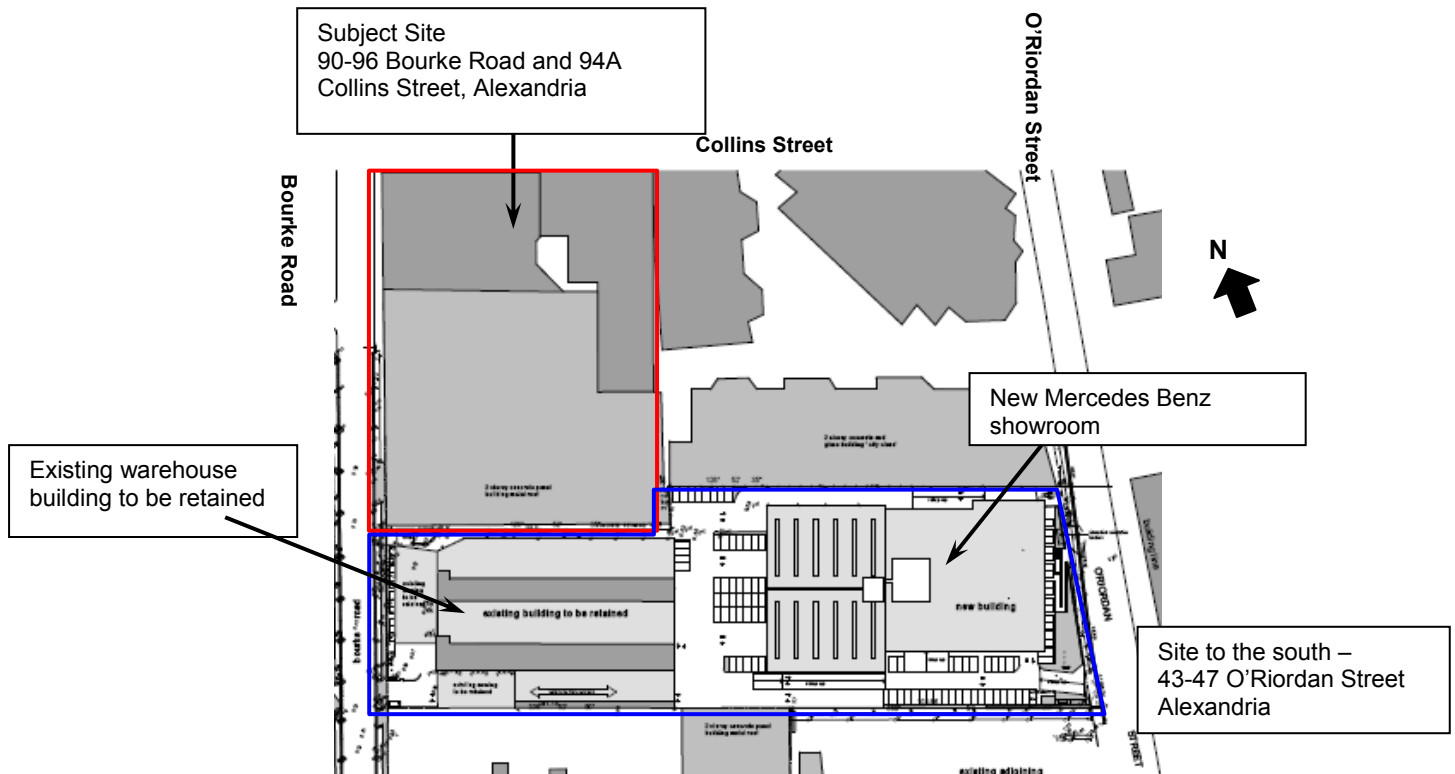


Figure 13: Site to the south – Existing building to be retained extends across the whole of the site boundary of the subject site to the north.

Building Setback

49. Part F – Design Criteria for Specific Types, Section 3 – Industrial Development, Part 3.2 – Building form and appearance of the South Sydney Development Control Plan 1997 requires that a “*minimum setback of 6 metres is required along the City’s major roads ... clear of all obstructions including signage, parking and building overhangs and is suitably landscaped to form a natural extension to the Public Domain*”.
50. The proposed building setback to Bourke Road is 6.8m at ground level. However the ground level and L3 awning structures cantilever over the setback area providing a setback of 3.4m and 3.5m respectively from the site boundary (and an additional 3.7m from the roadway) with upper level balcony setbacks ranging between 4.5m and 4.8m from the site boundary.

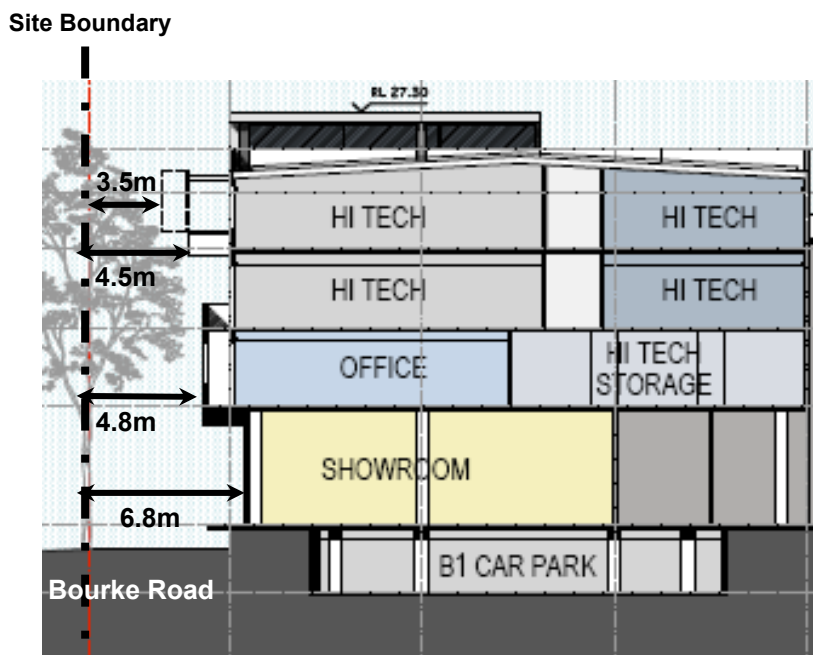


Figure 14: Cross section showing some of the stated setbacks at Bourke Road.

51. The setback encroachments are acceptable in this instance as:
- the setback encroachments do not impact street tree plantings and on-site landscaping;
 - the setback at Collins Street is greater than required ranging between 4.2m and 14.6m as a result of retaining the fig trees and incorporating into the landscaping. This is a positive outcome for the site and it is therefore reasonable to allow some flexibility to the Bourke Road setbacks.
 - the variation of setback contributes to the modulation and articulation of the long building façade and
 - the development makes a positive contribution to the streetscape, surrounding development and the renewal and future character of the industrial area in general.

Private Open Space

52. The South Sydney DCP 1997 requires that buildings not occupy more than 60% of the site and provide a minimum of 100m² of landscaped open space for workers.
53. The development has a site coverage of 67%. This is considered to be a minor variation to the controls given:
- the landscaped setbacks at Bourke Road and Collins Street of 6.0m and 4.0m respectively which provide an improved interface with the street edge;

- (b) the proposal being consistent with the relevant objectives and performance criteria; and
- (c) the provision of passive open space for the recreational needs of workers through upper level terraces (landscaped) and the café on the ground floor which opens onto the ground level Collins Street landscaping.

Landscaping

- 54. The South Sydney DCP 1997 requires that there be not less than 25% landscaping at ground level of which is to comprise 50% soft/porous landscaping. The proposal provides approximately 21.54% landscaping at ground level of which 46% is soft landscaping and is contained wholly within the required 6.0m and 4.0 m minimum setbacks at Bourke Road and Collins Street respectively.
- 55. The provision for landscaping is designed to help integrate the development with the streetscape and to provide workers within the development a reasonable level of amenity. The location of the landscaping at the Bourke Road and Collins Street frontage assists in enhancing the visual setting of the development with the streetscape. The retention of the fig trees at Collins Street, a significant existing landscaping element also assists in providing for a better transition between the development and the streetscape.
- 56. The building has communal spaces such as meeting rooms, lounge areas and external terraces throughout the building and a cafe on the ground floor which are considered suitable areas for passive/recreational use by workers within the development.
- 57. Combined with the articulation and architectural composition of the facades it is considered that the development enhances the setting of the building and complements the existing streetscape.

Trees on Subject Site – Collins Street

- 58. The Hills Figs situated on the subject site along Collins Street are regarded as locally prominent landscape elements with high retention value and are to be retained and incorporated into the landscaping. Concern was initially shown by Council's tree specialist regarding the impact of the proposed building and construction hoarding on the fig trees.
- 59. In order to ensure their protection and to retain the collective character of the canopies during excavation and construction, specific conditions should be imposed requiring:
 - (a) the establishment of root and canopy Tree Protection Zones/setbacks of 9m and 13m respectively measured radially from the centre of the trunks. Minimum proposed building setback at the Collins Street elevation in proximity of the Hills Figs ranges between 12.4m at basement level, 13.3m at ground level and 12.6m at levels 1, 2 and 3. This may necessitate an increase in the setback of the building at this elevation but will largely depend on the tree protection methodology including the pruning schedule to be adopted; and
 - (b) a Construction and Tree Protection Methodology Statement to be submitted for Council's approval prior to the issuing of a Construction Certificate.

60. A number of the proposed landscape elements for the Collins Street setback, located beneath the canopy of the Hills Figs and within the Tree Protection Zones are to be removed. Amended landscape plans are to be resubmitted and approved by Council's Tree Management Officer prior to the issue of a Construction Certificate.

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

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

BCA Matters

62. The BCA Classification of the building is Class 5, 6, 7 and 9b.
63. 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

64. The site is suitable for the proposed development and has been discussed in the table above.

Section 79C (1) (e) Public Interest

65. 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

66. Not applicable to this report.

FINANCIAL IMPLICATIONS - SECTION 94 CONTRIBUTIONS

Section 94 Contributions

67. A total contribution of \$572,356.59 is required in accordance with the South Sydney Section 94 Contributions Plan 2006. The contribution amount has been calculated as follows:-

Community Facilities	=	\$ 81,071.15
Public Domain	=	\$ 44,901.85
New Open Space	=	\$349,858.47
New Roads	=	\$ 88,855.48
Accessibility	=	\$ 3,686.58
Management	=	\$ 3,983.07
TOTAL:	=	\$572,356.59

PUBLIC CONSULTATION

Section 79C(1)(d)

Advertising and notification

68. Adjoining and nearby owners and occupiers of buildings were notified of the proposal and invited to comment. In addition, notices were placed on the site and the proposal was advertised in the daily press in accordance with the provisions of the City of Sydney Notification of Planning and Development Applications Development Control Plan 2005.

69. Four (4) submissions were received. The grounds for objection are summarised as follows:

- (a) **Impact of 2 side by side driveways on site immediately opposite being 39 Collins Street.**

Comment: Conditions of consent should be applied restricting the use of the Collins Street entry to B-Double vehicles, right movement in only and exit only from the basement car park for left turning traffic only. The applicant is to submit a management plan detailing how the driveway will be designed to restrict its use by other vehicles. These restrictions will limit impacts of queuing along Collins Street by controlling the number and type of vehicles entering the Collins Street driveway. The applicant advises that the frequency of B-Doubles accessing the site, primarily to service the needs of Yalumba Wines will be 2 deliveries per week. Please refer to the diagram below for further explanation.

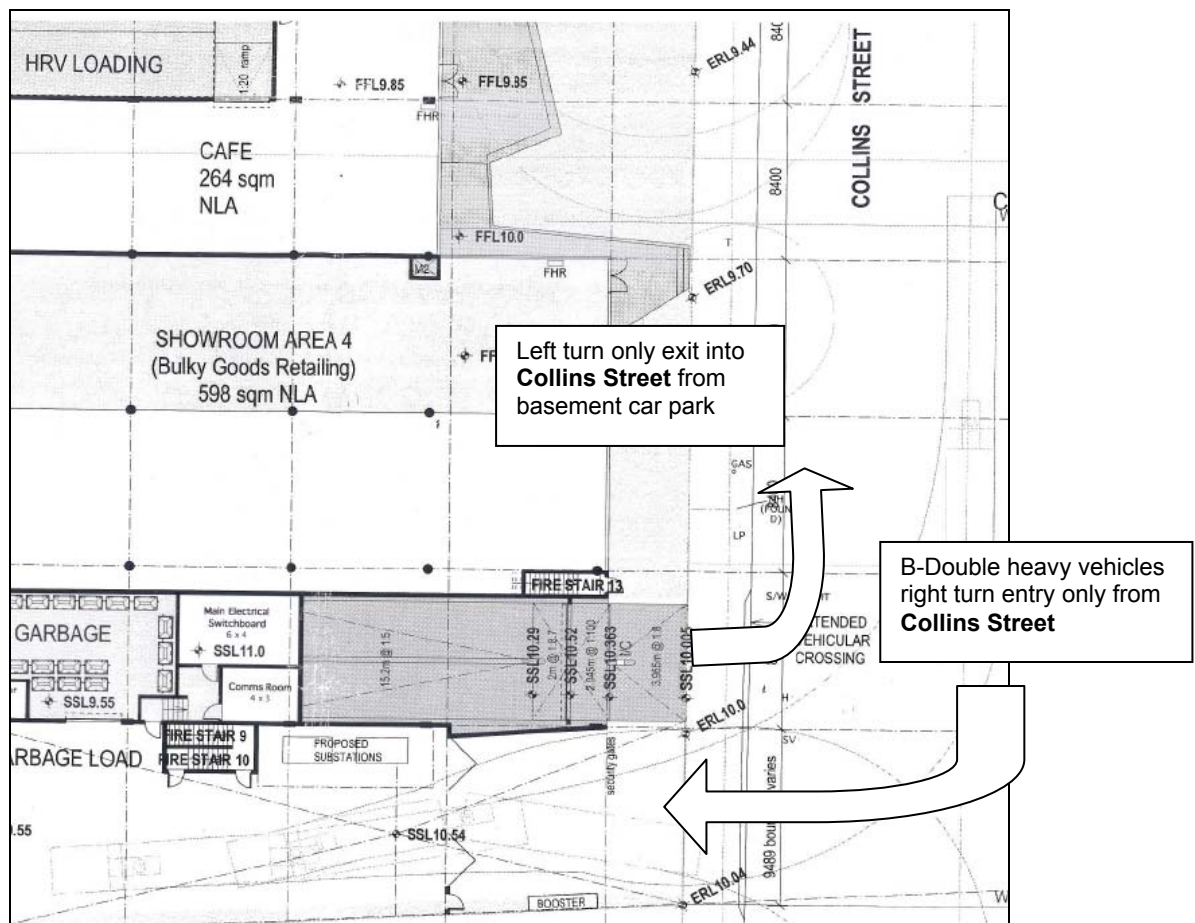


Figure 15: Driveways at eastern corner of Collins Street showing proposed vehicular entry/exit arrangement.

- (b) **Traffic safety due to 25m B-Double vehicles turning left and right into the proposed Collins Street driveway.**

Note: B-Doubles means a combination consisting of a prime mover towing 2 semi trailers.

Comment: The B-Doubles vehicles are to be restricted to a right movement in only into the Collins Street driveway (with exit left only onto Bourke Road). The infrequency of the B-Doubles entering and exiting the site from Collins Street will reduce any vehicular/pedestrian safety concerns.

- (c) **Removal of kerbside parking required to accommodate 25m B-Doubles turning left and right into the site.**

Comment: Concern was shown that in order to accommodate B-doubles accessing the site at Collins Street that kerbside parking would be required to be removed. It has been conditioned that no kerbside parking is to be removed to assist the trucks to enter the site.

- (d) **Projected traffic volumes have been incorrectly calculated and as such the traffic impact from the development should be higher.**

Comment: Both Bourke Road and Collins Street are classified roads and as such are able to accommodate increased traffic flow. In this regard the location of the proposed development is suitable. In addition, the traffic impact created by the development was not raised as a concern by the Roads and Traffic Authority.

- (e) **Impact of demolition/earthworks/excavation to 37-41 O' Riordan Street, Alexandria.**

Comment: 37-41 O' Riordan Street is situated at the corner of O' Riordan Street and Collins Street and abuts the northern boundary of the subject site. Concern is held regarding the impact of demolition and earthworks to existing buildings retaining walls and driveways on the western boundary of 37-41 O'Riordan Street Alexandria. Concern was also expressed that an extent of walling in the order of 51m in length will be left exposed, once the buildings on the subject site are demolished, and will be left in an unfinished and unpainted state which would require rectification at significant cost.

A dilapidation report should be imposed as a condition of consent to assess potential impacts to adjoining buildings and structures.

With respect to the unfinished/unpainted wall, which is a civil matter between the respective parties, Council is unable to impose a condition requiring the developer to 'make good' given that the wall is independent of any other structure and contained wholly within the adjacent sites boundary (which is not the subject of this DA).

- (f) **Impact of construction works and operations of development on the quiet enjoyment of 37-41 O' Riordan Street, Alexandria.**

Comment: The neighbouring site is concerned with the amount of development currently occurring in the vicinity of their site and the cumulative impact of noise generated by construction. A condition should be imposed in the consent governing hours of work and noise and which requires that all work to comply with the *City of Sydney Building Sites Noise Code* and Australian Standard 2436 - 1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

Concern is also raised regarding the ongoing use of the proposed driveway at the Collins street frontage which is designed to cater for B-Double heavy vehicles. It is anticipated that only 2 heavy vehicle trips per week will utilise the Collins Street driveway to access the site. Notwithstanding, appropriate conditions of consent should be applied governing noise generated as a result of the use of the site.

- (g) **Proposed building works affecting the contamination/pollutant and dust levels of the neighbouring site - 37-41 O' Riordan Street, Alexandria.**

Comment: A condition should be applied as part of the consent requiring a demolition work method statement, excavation work method statement and waste management plan to ensure all works comply with *AS2601-1991 Demolition of Structures*, the *Construction Safety Act 1912* and *Demolitions Regulations*; the *Occupational Health and Safety Act 2000 and Regulation*; *Council's Policy for Waste Minimisation in New Developments 2005*, the *Waste Minimisation and Management Act 1995*.

- (h) **Pedestrian safety regarding unsignalised intersections of Bourke Road/Collins Street and Bourke Road/Huntley Street.**

Comment: The intersections identified above have been approved for upgrade to signalised intersections. Work is expected to be completed by 2009.

- (i) **Impact due to the number of developments to occur/occurring in the southern precinct and the cumulative impact on traffic generation.**

Comment: Large scale developments of this nature are referred to the RTA. In this instance, no fundamental objection was received from the RTA.

EXTERNAL REFERRALS

Referral under South Sydney LEP 1998

70. The development was required to be referred to the Rail Infrastructure Corporation as required by the provisions of the South Sydney LEP 1998. Concurrence has been provided subject to the provision of a dilapidation report to RailCorp's satisfaction.

Sydney Traffic Committee

71. The Sydney Traffic Committee was notified of the proposed development. The Traffic Committee has advised that they have no objections to the proposal subject to conditions of consent. Whilst it was proposed that the traffic signals at the intersections of Bourke Road/Huntley Street and Bourke Road/Collins Street be operational prior to the issue of an Occupation Certificate for the development, it is unreasonable to impose such a condition that the developer has no control.
72. The signalisation of the intersections is part of Council's current capital works program and are planned to be completed by the end of the 2008/2009 financial year.

Energy Australia

73. Energy Australia was notified of the proposed development. Energy Australia has advised that whilst the application proposes two (2) kiosk substations at the south eastern elevation further assessment can only be undertaken until such time that detailed design is prepared and submitted by a suitably qualified practitioner. This requirement should be conditioned as part of the consent.

Integrated Development

74. The proposal is Integrated Development.
75. The Terms of Approval of the Department of Water and Energy has been received within the statutory time. The conditions from the Authority should be applied as part of the consent.

INTERNAL REFERRALS

76. The application was referred to Council's:
 - (a) Specialist Surveyor;
 - (b) Urban Design and Heritage Unit;
 - (c) Building Services Unit;
 - (d) Health Unit;
 - (e) Public Domain Unit
 - (f) Tree Management Unit;
 - (g) Waste Management Unit;
 - (h) Social Planning Unit; and
 - (i) Transport Management Unit.
77. No objection to the proposed development was raised, subject to the imposition of appropriate conditions.

RELEVANT LEGISLATION

78. The Environmental Planning and Assessment Act 1979.

CONCLUSION

79. The proposal is generally in accord with the relevant controls, with the exception of landscaping, mid-block connection and the building overhanging the 6.0m setback from the boundary along Bourke Road elevation. The non-compliances are considered acceptable with minor impact to the surrounding development and streetscape.
80. Given the Council recess over the Christmas period, and subject to the resolution of the Planning Agreement, it is recommended that authority be delegated to the Chief Executive Officer to determine the DA having regard to the contents of this report and the draft conditions at Attachment A.

GIOVANNI CIRILLO

Director City Planning and Regulatory Services

(Mark Solomon, Specialist Planner)