

10th March 2015

Director – City Planning, Development & Transport
City of Sydney
GPO Box 1591
Sydney NSW 2001

Email: pjamieson@cityofsydney.nsw.gov.au

Attn: Phillip Jamieson

Dear Sir/Madam,

Re: D/2010/1932 Section 96– 1 Newcombe Street, Paddington

This letter accompanies a Section 96 application to modify development approval D/2010/1932 for a mixed use development located at 1 Newcombe Street (24-28 Gordon Street), Paddington, legally described as Lot 2 on DP229630. This development was approved on the 14th May 2012. The land is currently zoned *B4 Mixed Use* under the *Sydney Local Environmental Plan 2012* (SLEP 2012).

Background

D/2010/1932 has a deferred development consent for a mixed use building including ground floor retail space along with a residential component over three floors. Part A of the consent required relocation of the vehicular driveway access from Gordon Street onto Newcombe Street. This development condition alone has influenced a significant number of design modifications. The proposed modifications contained in this Section 96 application ensure the development is still substantially the same, keeping with the original architectural language of the approved design.

Part A of the consent requires a number of conditions to be satisfied before Part B is activated. These are currently being addressed with City of Sydney Council and various other parties. City of Sydney Council has agreed to process this section 96 application for design changes prior to activation of Part B of the consent.

The site is currently utilised for car parking by Paddington market stall holders on Saturdays. A modification application to the Department of Planning and Environment with regard to the changed market parking arrangements throughout construction is currently being prepared. These changes will be referred to City of Sydney for comment. Parking will be available for stall holders within the site on completion of construction.

Proposed Modifications

Part A, condition 1(3) of the deferred commencement consent required relocation of the driveway access from Gordon Street onto Newcombe Street. This modification seeks to satisfy this condition. As such, many of the proposed development modifications in this section 96 application are a direct consequence of this relocation, with other minor changes reflecting current market conditions or the detailed design of building services. These modifications are outlined below. Reference should be made to the architectural plans prepared by MBMO Architects, enclosed by separate attachment.

Building Height

The height of the building has increased slightly due to construction thicknesses and services that are required to be co-ordinated within the building. The changes in the heights are detailed as follows:

DA approved:	S96:
L1: +68.800	+68.850
L2: +71.850	+72.050

Roof edge: +74.850 +75.250

Parapet Height: +75.050 +75.450 (setback from edge)

At the time of approval the maximum height limit was at 9 metres, and the building protruded slightly above this height. The proposed modifications again slightly increase the building height, however it should be noted that the recently adopted SLEP 2012 provides a maximum building height of 12 metres over the subject site. As the building is below this new maximum height, it is proposed that there would be no great impacts from the slight increase in height on the surrounding area.

Floor Space Ratio

The proposed changes will result in a reduction of gross floor area from 2,586sqm to 2,422.07sqm resulting in a new total FSR of 1.41:1. The approved floor space ratio of the development totalled 1.5:1, which was in accordance with the maximum allowable floorspace ratio of 1.5:1 under the South Sydney DCP 1997, based on the site area of 1,720sqm. The current FSR controls under the Sydney LEP 2012 stipulate a maximum FSR of 1.25:1 over the subject site. While the development has an FSR greater than this maximum, this modification will reduce the overall intensity of the development.

Deep Soil Planting

The approved development provided 111.91sqm of deep soil area. As a result of the driveway relocation the lift/stair access had to be relocated and a room for services reticulation has to be accommodated behind the stair. This has resulted in the extension of the basement wall, as shown in the plans and a reduction to a total deep soil area of 85.41sqm. This retains adequate space for the root system of the existing fig tree on the corner of Newcombe Street and Gordon Street as advised in the Arborists report from TreeSCAN dated May 2011 and lodged in the previous DA submission. There are no other areas within the subject site that would be suitable to accommodate deep soil planting without a substantial change to the development layout. The Landscape Plan prepared by Arcadia demonstrates that landscaping across the site has been maximised wherever possible to provide amenity to users and the surrounding locality.

Vehicle Access

Part A, condition 1(3) of the consent required that vehicular access is relocated from Gordon Street to provide access from Oxford Street via Newcombe Street. Each affected level of the proposed building has been modified to reflect this relocation. Correspondence from the Roads and Maritime Services (RMS) has been obtained and an updated Traffic Report prepared by Parking and Traffic Consultants is enclosed by separate attachment. It is also noted that due to the relocation of the driveway access, an additional tree will require removal (being Tree 8 noted in the Arborists report by TreeSCAN), and as such condition 79 will need to be amended accordingly.

Newcombe Street Renewal and Road re-alignment works

It should be noted that City Projects are responsible for the design and development of the Newcombe Street Renewal project, and will facilitate public consultation separate from this application. It is noted that the plans and documentation forming part of this application have been co-ordinated with City Projects as much as possible prior to lodgement.

Chamber Substation

The proposed location of the chamber substation is found to be the only practical and achievable solution after being tested in various locations throughout the development. This location meets the strict Ausgrid spatial and access requirements. The substation is to be located on the Newcombe Street side of the development and as such will be adequately screened from the public domain which meets the requirements of condition (85) which states that the electricity substation should not be within the view of the public. A Visual Impact Study (Drawing no. s96-22) of this area has been prepared by MBMO and is enclosed within the Architectural drawing set. Ausgrid have been consulted and have provided their approval of this location – correspondence and design information received from Ausgrid can be provided if required.

Apartment Mix

The modification seeks to modify the apartment mix as follows:

- The 13 approved one bedroom apartments will be reduced to 4 (including one accessible unit)
- The 6 approved two bedroom apartments will be increased to 13, (including one accessible unit)
- The 1 approved three bedroom apartment will be increased to 2 units.

The modification results in 19 units; a reduction from the original 20 units approved in 2012 under D/2010/1932. The current residential market demand has seen the original apartment mix outdated, and as such this modification reflects the current market trends.

Building Design

The following provides a summary of the internal building modifications on each level, the architectural plans should be referred to for detail. Items indicated by an * are direct consequences of the Part A conditions being met.

Basement Level 1

- *Relocation of lift shaft and services rooms, including the separation of the two lifts to align with the modified pedestrian entry and also adjoining stairwell.
- Resolution of required services spatial.
- *Relocation of the bike storage and increase in capacity to meet the DCP requirements.
- *Relocation of the residential storage and allocation to apartments.
- Total of 35 parking spaces instead of 40 car parking spaces originally approved.

Basement Level 2

- *Relocation of the lift shaft.
- Total of 45 parking spaces instead of the 40 spaces approved.

Ground Floor

- *Five units will address Gordon Street where an additional unit takes the place of the previously proposed vehicle access ramp.
- *Residential lobby and pedestrian entry is relocated from Newcombe Street to Gordon Street.
- *Relocation of vehicle access from Gordon Street to Newcombe Street.
- *Reconfiguration of the retail premises loading dock. It should be noted that this will only be provided if required. It is expected that a loading bay will be provided as part of the Newcombe Street Renewal project and will be utilised by the retail tenant/s. This is subject to a separate DA required for the fitout of the retail tenancy.
- *Relocation of the chamber substation from the rear lane to the north onto Newcombe Street to accommodate Ausgrid requirements.
- Reduction in the retail premises floor area from 636sqm to 514sqm.
- *Fire escape to be relocated from Gordon Street to the driveway access at the north of the site.
- Inclusion of a retail and residential waste room.

First Floor

- *Five units have views to Gordon Street instead of nine.
- *The arrangement of units has been modified, however they are largely in the same position.
- The internal courtyard remains in the centre of the units.
- *Relocation of stairwells and lift access.

Second Floor

- *This level mainly accommodates necessary modifications that respond to the new Gordon Street pedestrian access and revised mix of unit types. This still maintains the position of the central courtyard and solar access to private and shared open space.

Acid Sulfate Soils

The site contains Class 5 Acid Sulfate Soils, as shown on the SLEP 2012 map, the Environmental Site Assessment prepared by Environmental Investigation Services, dated May 2011, outlines that the site is within an area of 'no known occurrence'. Acid sulfate soils will be appropriately managed during construction, if so required.

Heritage

The subject site is located within a Heritage Conservation Area (General), under the SLEP 2012. The proposed modifications to the building present no impacts on the heritage of the area that have not already been addressed in the Heritage Report prepared by Form Architects dated 2010. As detailed in the statement prepared by Form Architects dated 13 February 2015, the original report remains applicable to the proposed development.

Traffic and Parking

The proposed design retains the 80 car parking spaces originally approved, proposing 15 residential carparks (including 2 accessible spaces), 12 retail spaces and 3 visitor spaces. The remaining 50 unallocated spaces will be utilised as paid public parking (this includes provision of 2 accessible parking spaces). Condition (7) of the consent will need to be modified to reflect these minor changes in parking allocation. The table below outlines the proposed modifications in car parking provision:

Car Parking	Approved Parking	South Sydney DCP11	Sydney LEP 2012	Proposed Modification
Residential	14	15.5	15	15
Visitor	4	3.33	3.15	3
Retail	16	16	11.95	12
Unallocated/Public parking	46	N/A	N/A	50
Motorcycle Spaces	-	-	Sydney DCP 2012: 6.6	7
Total	80	-	-	80 + 7 motorcycle spaces

It should be noted that motorcycle parking has been included to satisfy the regulations of the Sydney DCP 2012. Reference can be made to the architectural plans and Traffic Report enclosed by separate attachment.

The basement car park will also be utilised by Paddington Markets on Saturday for the market stall holders. The Traffic Report provides a detailed traffic management plan outlining the proposed tandem parking process to ensure that 79 stall holder car parks are available on market days.

There has been spatial provision allocated for a loading dock to be included in the retail tenancy should it be required. Access to the loading dock would not conflict with vehicle access to the basement car parking. Further details regarding loading would be detailed in a separate development application to be submitted to Council for the retail use and fitout. There is also the possibility of utilising the proposed loading space to be situated on Newcombe Street as an alternative.

Traffic generation will largely remain the same as the approved DA. It is envisaged that the retail space will see many shared trips associated with the existing Oxford Street commercial strip. The attached Traffic Report provides further detail regarding traffic generation and parking for the proposed development.

Waste Management

It is proposed that the five units addressing Gordon Street will each utilise one 80L waste bin and one 40L co-mingled/recycling bin per week that would be stored in the private open space and placed onto Gordon Street for collection. These bins are appropriately screened by landscaping (through the inclusion of narrow compact and tall cultivar of Lilly Pilly) and fencing along the Gordon Street boundary. The remaining fourteen units will utilise the internal wastes chutes that lead to five (or three depending on frequency of collection) 240L bins to be provided in the waste room along with three 240L co-mingled/recycling bins. The waste room will also have two 240L bins for garden waste and extra yellow bins. Refer to the Waste Management Plan prepared by MBMO Architects for further detail.

Other Conditions Requiring Assessment

The following Part B conditions require amendments or deletion due to the proposed modifications:

- (4) Retail Floorspace: The retail floorspace is now a total of 514sqm (as opposed to 504sqm)
- (7) Allocation of Parking: There have been minor amendments to the allocation of parking, as described above.
- (11) Car Park Management Plan: This plan has been included in the traffic report enclosed by separate attachment. Subject to Council being satisfied with this plan, it should negate the need for this condition.
- (23) Loading Management Plan: While a preliminary plan has been prepared that addresses this condition, the loading management plan would be included in the separate development application required for the retail use. As the retail use is not defined and a loading bay may not be required, this condition should be modified accordingly.
- (24) Retractable bollards: this condition is obsolete.
- (28) Loading within site: As previously mentioned, the loading bay may not be required dependent on the retail tenant or alternatively the loading space on Newcombe Street may be utilised. This condition is no longer relevant, until such time as the DA for the retail use is submitted to Council.
- (30) Associated Roadway Costs: This condition should be clarified to outline that the cost of the Newcombe Street re-alignment works will be a cost to Council (City Projects). The developer will be responsible for the cost of any amendments to the surrounding roads as a direct consequence of our development (including, creation of access to our site, relocation of light poles etc.).
- (33) Vehicle Footway Crossing: This condition also should address the shared costs of City Projects and the developer. It is suggested that the developer would remove vehicle crossings and replacement of pedestrian footpaths on Gordon Street, while Council would be responsible for this task along Newcombe Street.
- (39) Dedication of Splay: As the Gordon and Newcombe Street intersection is proposed to no longer all vehicle access, the dedication of this corner splay would no longer be required. It is also noted that (39)(b) makes reference to unit 20 which is no longer part of the proposed development.
- (74) Acoustic Privacy Between Units: This condition is a replication of condition (73).

The following reports or letters are enclosed by separate attachment and provide further detailed and specific information regarding the modifications:

- Architectural Plans prepared by MBMO Architects
- Design Verification Statement prepared by MBMO Architects
- Registered Quantity Surveyors Detailed Cost Report prepared by
- Landscape Plan prepared by Arcadia
- Access Report prepared by Morris Goding Accessibility Consulting
- Acoustic letter prepared by WSP Acoustics

- BASIX Report prepared by WSP
- Civil Engineering plans prepared by Calibre Consulting
- Heritage statement prepared by FORM Architects
- Stormwater Management plan prepared by Calibre Consulting
- Traffic Report prepared by Parking and Traffic
- Waste Management Plan prepared by MBMO Architects
- Geotechnical letter prepared by EIS

We note that we have received an approval for a section 96 modification to allow for an extension of time for Part A of the consent. This will ensure that all Part A conditions can be met and the DA activated as expected. This second modification to the design focuses on ensuring that once the DA is commenced, the development can continue into the construction certificate phase as soon as practicable.

We trust this information is sufficient and that you will advise us if anything further is required.

Yours sincerely,



Wayne Gersbach
General Manager – NSW