

26 July 2016

**DA 15/191 – Chalmers Crescent Masterplan DA**  
**Summary response to Council assessment report**

Reason for refusal No.	Issue	Council report	Applicant response
1	No land owner's consent for road to be included	Council requested updated land valuation on 29 March 2016 - provided 02 May 16. Applicant advised land not to be sold 09 June 16 (p7).	Applicant prepared to redesign scheme to FSR 3.0:1 excluding road area. Note: land valuation for purchase provided on three occasions – 18 July 2006, 27 January 2010, 02 May 2016. Issue not raised before 09 June 2016. No Council resolution repealing 2006 resolution approving negotiations for sale and joint commissioning of valuation.
2(a)	Land not suitable as per SEPP 55	Issue not raised from 28 Aug 06 to 21 July 16.	Applications for housing, a more critical site use than commercial premises, have been approved 100m away. There is a need to make provision for contamination in site construction management plan. No substantial excavation proposed in DA.
2(b)	Land not suitable due to acid sulphate soil	Issue not raised from 28 Aug 06 to 21 July 16.	All land in the LGA west of O'Riordan Street is classified as Acid Sulphate Soil Class 2. ASS is a site and design issue and a site management plan is a requirement applicable to the next stage DA. Many large buildings, with excavated basements, have been built in the ASS Class 2 area, obviously without problem. No substantial excavation is proposed in this DA. An ASS management plan should be a condition for next stage.
3(a)	Exceeds max FSR	Should not exceed BBLEP 2013 control 3.0:1	Council advised that applicant prepared to redesign scheme to FSR 3.0:1 excluding road area.
3(b)	No cl 4.6 submission on FSR		Not relevant if redesigned to 3.0:1 over reduced site area.

4	Exceeds max height	Should not exceed max height of 44m. Council report claims that developments in locality are 7-8 storeys and fall under max height (p33). Report also claims that buildings of height proposed in DA will be taller than most other buildings in Mascot precinct (p34).	In a meetings on 29 March 2016, Council planners advised that the height breach was acceptable if access to green roofs provided as was the case with other approvals in the Mascot precinct. All land in the LGA west of O'Riordan Street has a height limit of 44m. The OLS is about 2.5m higher at 51.0 AHD. Newer developments, 100m away on the northern side of Coward Street, are 12-14 storeys in height and meet the OLS max of 51.0 AHD. Council's report inaccurately describes adjoining current approvals and completed buildings as being of 7-8 storeys.
5	Contravention of FSR and height not in public interest	Height and FSR conflated at pp30,33.	No applicant intention to exceed FSR. The FSR does not automatically cause the height breach as the site is big enough o accommodate FSR 3.0:1. Height breach in DA justified by occupant access to all four green roofs and also by approvals granted to more recent buildings, north of Coward Street and in same height zone, which reach OLS at 51.0 AHD.
6	Service vehicles do not enter in forward direction and manoeuvre on site	Noted in report as originally compliant (p40), non-compliance as result of Council reported refusal to sell cul-de-sac (p40).	Could be made compliant in next stage.
7	Development overlaps site boundaries	Applicant advised 09 June 16 that "there is no support for selling part of road" (p7). "In June 2016, Council made an informed decision to not sell any part of the road to the applicant .." (p27).	Could be made compliant in next stage. Sale of road accepted by Council from August 2006 to June 2016. Applicant accepts need for redesign but requires certainty before spending another \$50-100,000 on new design. Applicant can find no meeting minutes or other Council record to evidence "informed decision" not to sell end of cul-de-sac.
8	Proposal has not addressed FSR, acid sulphate soil or contamination		Repetitive of issues 2(a), 2(b), 3(a)and 4. See above for response.

9	Proposal has not demonstrated suitability of site		Design Review Panel noted on 24 July 2014 that "design continues to be an innovative initiative which could produce an excellent environment for commercial activities in the Mascot area" (p4). Site is suitable due to location near airport, compliance with land use zoning, general compliance with height control. Potential for contamination and acid sulphate soil are construction management issues and not reasons to refuse masterplan DA. Additionally, it should be remembered tht site is zoned for FSR 3.0:1 and a height of 44m with which the DA is generally compliant.
10	Not in the public interest due to adverse impacts on local amenity, FSR, height, setbacks and off-street parking	Public interest said to be maintaining LEP and DCF standards (p35).	No adverse amenity impacts identified, FSR can be compliant, height only marginally above control over small area of site where lift towers and mechanical plant exceed control. Setbacks will be reset on redesign within reduced area of site. Off street parking was reported as acceptable (p38).

Issue raised but not subject of reason for refusal	Council report	Applicant response
Setbacks (p5)	Currently acceptable but unknown for redesign.	Currently one tower has zero setback to street boundary. Setbacks to be adjusted for all towers with regard to enhancing relationship of buildings to street. Other nearby buildings have zero setbacks to street.
Pedestrian link to Coward Street (p6)	Link would be desirable but not a requirement.	Provision made for future link to Coward Street to be maintained in any redesign.
Parking (p5)	490 spaces meets parking recommended by TMAP but 456 short of DCP requirement. 490 supported by Council commissioned peer review.	TMAP parking accepted (pp22, 56) even though non-compliant with DCP (p36).
Service vehicles to enter and leave in forward direction (p5)	Service vehicles will need to be relocated following exclusion of Chalmers Crescent from site area.	Applicant to relocate service vehicle loading spaces in redesign.
RMS did not give full concurrence (pp23, 24)	RMS report in reply to further traffic report submitted to Council on 02 June 2016 raised one issue - crossing in Coward Street as only outstanding issue with masterplan DA.	Crossing is not part of DA. RMS has indicated no further issues with DA and concurrence can be assumed. Letter dated 30 June 2016 from RMS raised no issues with development other than irrelevant Coward Street crossing.
Landscape design	Numerous species selection issues raised (pp41-3).	Justification for design decisions reported by Taylor Brammer in letter of 26 July 2016.



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26 July 2016

Michael Neustien  
Neustien Urban  
PO Box 636  
Bondi Junction NSW 1355

Dear Michael,

**Re: Masterplan DA for Chalmers Crescent Mascot**  
**Council Report for JRPP No. 2016SYE007-DA15/191**  
**Traffic and Parking Issues**

I refer to the above Council report which I have reviewed concerning the traffic, servicing and parking matters.

My conclusions on the JRPP report are as follows:

1. The Transport and Urban Planning report dated 2 June 2016 which provided updated traffic modelling for the Masterplan Issue L and addressed specific issues raised in previous correspondence by Council, RMS and in the independent review of the proposal by consultant's PTC has not been considered or reviewed either by PTC and/or Council's Traffic Advisory Committee (TAC). This appears to be highly unusual, given that PTC specifically requested copies of the electronic SIDRA traffic modelling for review purposes.
2. The RMS have not objected to the Masterplan DA which allows consent to be granted subject to conditions. The RMS did comment on Council's TMAP future proposed improvements to the Kent Road / Coward Street intersections reiterating earlier comments that the future design of the intersection had not been determined at this stage. Transport and Urban Planning has not recommended these improvement works as part of the proposal, but acknowledges that future improvements works at the intersection will assist in managing the full impacts of the Mascot Town Centre development, as well as the Masterplan DA.

Based on the updated 2016 traffic modelling which was provided to Council as part of the June 2016 Transport and Urban Planning report, the Kent Road / Coward Street intersection has sufficient capacity to accommodate the future traffic generation of the Masterplan DA, without any improvement works. This does not appear to be understood by Council, based on their comments in the JRPP report.



3. The issues of non-compliance raised in Council's JRPP report are:
- a) Service vehicle manoeuvring (Council Reason 2). This relates to the boundaries of the site. (Note: Council seem to have accepted that the proposed service vehicle provision which meets the RMS Guidelines (but not the DCP) is acceptable).
  - b) Public Interest – non-compliance to setbacks and off street car parking (Council Reason 10). It is not clear what this relates to and in particular if it's to the proposed boundaries and/or the quantum of parking.

The following notes which are enclosed expand on these matters.

Yours faithfully

Terry Lawrence  
Director  
Transport and Urban Planning Pty Ltd



**NOTES TO ACCOMPANY LETTER  
RE: MASTERPLAN DA FOR CHALMERS CRESCENT MASCOT  
COUNCIL REPORT FOR JRPP NO. 2016SYE007-DA15/191  
TRAFFIC AND PARKING ISSUES**

**A) Reasons for Refusal**

1. The JRPP report states that the proposal does not comply with the DCP in that service vehicles do not enter the premises in a forward direction and or movements are not carried out from the site boundaries (Council Reason 2).

*Response*

*This relates to the boundaries of the site and whether or not the section of Chalmers Crescent which is proposed to be incorporated into the site does occur. If the section of Chalmers Crescent is incorporated within the site then all of the service vehicles can enter and exit the site in a forward direction.*

2. Not in the public interest due to non-compliance with set backs and off street car parking (Council Reason 10).

*Response*

*The JRPP report is not clear or precise what the non-compliance with off street car parking actually is. If it refers to Item 1 above, then the resolution of the site boundaries should address this issue.*

*If it refers to the parking provision then the following comments are relevant:*

- i) *All of the Masterplan DA's have relied on the parking rate of 1 space per 80m<sup>2</sup> GFA which is the same parking provision as per the TMAP for Mascot Town Centre. Council has previously never stated that these rates were inappropriate. Moreover the TMAP was prepared to guide the future growth of the Mascot area including specific targets for transport usage including Mascot station.*
- ii) *Parking provision under BBDCP2013 at 1 space per 40m<sup>2</sup> represent unconstrained parking and very high levels of car usage with limited use of public transport. The JRPP report offers no reasons why this parking rate should be used. On page 38 the report states "all previous development applications have relied on the data and SIDRA analysis within the TMAP." "These developments have been assessed and approved based on this information."*
- iii) *The adoption of the higher parking rate as per BBDCP2013 would be contrary to the NSW Government's transport policies which promotes the use of public transport, walking and cycling over private car use.*



## B) RMS Comments

1.
  - i) A review of the extract of the RMS comments in the JRPP report on pages 23 and 24 indicates that the RMS have not objected to the Masterplan DA but have provided a specific comment on one matter relating to the intersection of Kent Road and Coward Street. The RMS comment relates to the future improvement works proposed at the intersection under Council's TMAP which includes widening of Kent Road. The TMAP proposal also shows a crossing across the eastern approach of Coward Street, which the RMS does not support. The RMS has previously stated that the future design of the intersection has not been determined at this stage. Transport and Urban Planning 2016 report clearly states that the final configuration of the TMAP's proposed improvements at the intersection has not been determined by the RMS.
  - ii) Council's conclusion notes that the removal of the crossing could be conditioned in any future approval.
  - iii) Based on the updated 2016 traffic modelling which was provided to Council as part of the June 2016 Transport and Urban Planning report the Kent Road / Coward Street intersection has sufficient capacity to accommodate the future traffic generation of the Masterplan DA, without any improvement works. This does not appear to be understood by Council.
  - iv) The Transport and Urban Planning June 2016 report did not propose the inclusion of the additional crossing as part of any future improvement works. The report acknowledges that the TMAP's improvements which includes the widening of Kent Road will assist in managing the impacts of the full Mascot Town Centre redevelopment, as well as the Masterplan DA.
  - v) In concluding, the RMS have not objected to the Masterplan DA proposal.

## C) Other Matters

1. Council engaged PTC Consultants to peer review the earlier traffic assessment reports submitted on the Masterplan DA. The Transport and Urban Planning June 2016 report was prepared to address all the traffic and parking issues raised by Council and PTC as well as the RMS, as documented in Council's email of 11 May 2016. The Transport and Urban Planning report provided updated traffic counts and traffic modelling which were forwarded to Council. The Transport and Urban Planning report however has not been considered by either PTC and/or Council's Traffic Advisory Committee (TAC). This is unusual in that these bodies had previously reviewed the previous reports on the traffic and parking impacts of the Masterplan DA.

Given the reduced traffic generation and the traffic impacts of the Masterplan DA as represented by the Issue L plans, a review on the June 2016 Transport and Urban Planning traffic impact report, by both PTC and then the TAC would be appropriate.

PTC specifically requested electronic copies of the SIDRA modelling for its review. This was provided to Council as part of the June 2016 report, yet there has been no review or explanation in the JRPP report explaining why PTC has not undertaken this review. It is considered that this is highly unusual. Council's engineer is unlikely to have the required expertise to review the traffic modelling.





09-045s

26<sup>th</sup> July 2016

Neustein Urban  
209 Oxford Street  
Bondi Junction, NSW 1355

Attn: Michael Neustein

Dear Michael,

**RE: CHALMERS CRESCENT, MASCOT**

REFERENCE: JRPP NO: 2016SYE007 DA NO: DA15-191

In response to commentary noted in the Joint Regional Planning Panel (East region) assessment report numbered 2016SYE007 we provide the following notes:

*Part 3L (page 41) – Landscaped Area and Tree Management*

Comment:

*"Compliance in landscape area and deep soil should be made against BBDCP2013 however it appears that the deep soil provision is minimal, being located in 2 narrow areas that are 2 metres in width on the western boundaries either side of Chalmers Crescent and a few small areas in the Chalmers Street south setback. Deep soil planted pockets are provided on the northern and southern boundaries"*

Response:

Note is made that the deep soil buffer planting to the North West varies in width and is up to 5m wide. Further deep soil areas are provided in the landscape areas within the central internal road and landscape verges and the deep soil pockets to the south are of a meaningful size being 8 x 5m.

Comment:

*"A 2 metre width is inadequate to support large canopy tree planting, which is needed to screen the development and provide suitable areas for re-planting trees removed. There are no large trees proposed for this area. Tuckeroos (proposed) are a small to medium tree with a broad canopy that will be impacted by the proximity of the buildings resulting in an unnatural form to the tree and potentially poor structure and amenity."*

Response:

The masterplan proposes that screening (in principle) of the development from the western boundary would be achieved from planting on both the ground floor and podium. We agree that 2m width is not suitable for large canopy tree planting and agree that the small trees such as the Tuckeroos proposed on the south west boundary be replaced with additional upright rainforest trees such as Quandongs and Blueberry Ash's (proposed) to provide screening from ground level.

Comment:

*"Palms are proposed to the Chalmers Street south setback. It is not clear why the nominated canopy street tree has not been included as proposed for the northern street side. Palms offer little in the way of canopy amelioration of buildings and would be more suitable in strategic setback locations. The setbacks too are dominated by palms only and it is unclear how well these will scale with and ameliorate the building facades and provide landscape screening. The setback to Chalmers Crescent provides no canopy trees at all."*

Response:

Palms are proposed for landscape areas on the ground floor within the site boundaries. The design intent is to use palms so as not to clutter the façade, ease in way finding for the anticipated high level of activity and not to reduce any further natural sunlight from the ground floor areas.

Comment:

*"The deep soil pockets of 8 x 5m on the northern and southern boundaries have also been planted with small-medium trees (Tuckeroos), a missed opportunity for larger trees, ideally in larger pockets with larger soil volume. The canopies of the trees in the southern boundary pockets are also constrained by podium overhang. The green wall proposal is unclear and needs further detailing."*

Response:

The small to medium trees (Tuckeroos) proposed for the deep soil pockets are suitable as they will not fill the voids within the car park and restrict sunlight to the car park below. Large trees are not recommended. Subject to detailed design, the "Green wall" intent is that it will be a s/steel with shade tolerant creeper planting such as Cissus and Clematis (proposed).

Comment:

*"While the landscape area appears significant – 8600sqm, the majority is located on the podium and roof and is not visible at ground level and from the public domain. The proportion of landscaping at ground level is minor and is considered insufficient in proportion to the building massing and envelopes and therefore inadequate for enhancing the visual presence of the development in the public domain."*

Response:

Numerous palms and rainforest trees are proposed to the ground floor area to provide vegetative amenity to the ground floor and podium level. Heights range from 18m Livistona australis palms to 7m Acmena smithii rainforest trees, the balance between providing visual amenity and natural sunlight to the ground floor spaces is considered appropriate by this office.

Comment:

*"Even the landscaping within the turning area, which is intended to be visible through a void on the podium level, will achieve little impact as only a small Lillypilly is proposed."*

Response:

Native rainforest species are tolerant of low light levels and is expected to grow to approximately 7m and considered appropriate for the space.

Comment:

*"The landscape section on Landscape Plan LA04 provides limited information on how landscaping will improve this site and satisfy the DCP. Additional elevations and sections of the site at a smaller scale are required as well as landscape photo montages."*

Response:

This is a masterplan application and further information can be provided subject to design development in future detailed development applications.

Comment:

*"The podium area provides quite generous landscape areas but most trees are small-medium sized varieties. Soil depths and volumes are unknown however they are required to be capable of supporting larger trees than is proposed, in strategic locations. More variety in tree and shrub species could also be provided using a range of shrubs with architectural type foliage and colour and trees with a variety of heights and canopy dimensions from 5-15 metres. The majority of trees are small in scale and the landscape at ground and podium should be punctuated with some taller canopy trees."*

Response:

Native rainforest species are tolerant of low light levels and is expected to grow to approximately 7m and considered appropriate for the space

Comment:

*"Further detailing demonstrating usage and amenity of the podium area is required such as seating and other furniture for workers – tables, shelters etc to utilise at lunch time and so on, are there private eating areas at this level – how do they impact open spaces, suitability for active recreation eg ping pong, green walls, artwork and/or water features and lighting."*

Response:

This is a masterplan application and further information can be provided subject to design development in future detailed development applications.

Comment:

*"The roof landscaping comprises only small shrubs/groundcovers. These areas appear to be inaccessible to building occupants. As these areas form a significant proportion of the landscaping they should be usable by occupants as open space and provide higher level planting."*

Response:

Substantial amenable landscape space has been provided at podium level. An extensive green roof treatment is proposed for ecological and environmental, and temperature/noise insulation purposes rather than public use.

Comment:

*"A public domain proposal is required to demonstrate contribution to improving the public domain and streetscape through soft landscaping, paving and furniture."*

Response:

This is a masterplan da application and further information can be provided subject to design development in future detailed development applications.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'A. Lakeman', with a long horizontal stroke extending to the right.

**Aaron Lakeman**

Senior Associate  
BLArch, GradCertPM, BCM(building)