



Statement of Environmental Effects

Construction of Residential Flat
Buildings, Registered Club & Café

3-7 & 13-17 Regent Street, 287-309
Trafalgar Street and 16-20 Fisher Street
PETERSHAM

Prepared for:

Petersham RSL Club

c/- Deicorp Projects Petersham Pty Ltd

Suite 301, Level 3

161 Redfern Street

REDFERN NSW 2016

Prepared by:

Ludvik & Associates Pty Ltd

Consultant Town Planners

ACN 070 751 683

ABN 95 070 751 683

Tel: (02) 9905 8011

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Abbreviations Used

<i>ADG</i>	<i>Apartment Design Guide</i>
<i>AEP</i>	<i>Architectural Excellence Panel</i>
<i>DPE</i>	<i>Department of Planning & Environment</i>
<i>EP&A Act</i>	<i>Environmental Planning and Assessment Act 1979</i>
<i>MDCP 2011</i>	<i>Marrickville Development Control Plan 2011</i>
<i>MLEP 2011</i>	<i>Marrickville Local Environmental Plan 2011</i>
<i>PP</i>	<i>Planning Proposal - DA 2016000286</i>
<i>Project</i>	<i>Petersham RSL Club Project</i>
<i>RMS</i>	<i>Roads & Maritime Services</i>

1.0 Introduction

This statement examines the issues associated with an application for development consent to be submitted to the Inner West Council for the redevelopment of the land at 3-7 and 13-17 Regent Street, 287-309 Trafalgar Street and 16-20 Fisher Street, Petersham, in what is to be known as the Petersham RSL Club Project (the *Project*).

This land represents a major landholding in this area, having a total area of 10,412m², and is earmarked for high-density residential development adjacent to the Petersham Railway Station.

The *Project* involves the following 3 discrete sites:

Site	Address	Existing Improvements/Use
Site 1	3-7 Regent Street	Petersham RSL Club premises
Site 2	13-17 Regent Street	Club's car park on the southern side of Fisher Street
Site 3	287-309 Trafalgar Street	Club's car park on the western side of Regent Street and vacant land at 297-309 Trafalgar Street
	16-20 Fisher Street	Vacant land

The application seeks approval for the demolition of the improvements on the land and the construction of:

Site	Proposed Development
Site 1	A 5 to 8-storey residential flat building containing: <ul style="list-style-type: none"> • 108 apartments; • a total of 91 off-street car parking spaces for use in connection with the apartments; and • 24 off-street car parking spaces for general public use, the ownership of which is to be transferred to Council
Site 2	A 6 to 7-storey residential flat building containing: <ul style="list-style-type: none"> • 50 apartments; and • a total of 45 off-street car parking spaces for use in connection with the apartments
Site 3	A 2 to 11-storey mixed-use complex containing: <ul style="list-style-type: none"> • new registered club premises for the Petersham RSL Club fronting Trafalgar Street • a café adjacent to the corner of Trafalgar and Regent Streets; • a total of 151 off-street car parking spaces for use in connection with the Club and the café; • 3 x residential flat buildings containing: <ul style="list-style-type: none"> • 196 apartments; • 3 x 2-storey SOHO apartments fronting Fozzard Lane • a publicly accessible urban area linking Regent Street to Fozzard Lane; and • a total of 169 off-street car parking spaces for use in connection with the apartments

Approval is also sought for the stratum subdivision of:

- Site 1 into the following 2 lots:
 - Lot 1 containing the apartments and the residential car park; and
 - Lot 2 containing the 24 car parking spaces to be transferred to Council for public use.
- Site 3 into the following 4 lots:
 - Lot 1 containing the new Petersham RSL Club
 - Lot 2 containing the proposed café and 1 car parking spaces associated with it;
 - Lot 3 containing the apartments, the SOHO's and the residential car park; and
 - Lot 4 containing the 150 car parking spaces associated with the RSL Club.

The development concept plans associated with the *Project* have been subject to extensive discussions and review with Council's officers and its *Architectural Excellence Panel (AEP)* in terms of urban design considerations, most recently on 31 January and 7 February 2018.

Planning Proposal - DA 2016000286, (PP), was originally submitted to Council on 10 June 2016 to facilitate the relocation of the Petersham RSL Club to the western side of Regent Street and to amend development standards applying to the *Project* under the terms of *Marrickville Local Environmental Plan 2011 (MLEP 2011)* to accord with contemporary town planning practice relating to transit-oriented development.

Council on 27 June 2017 resolved to support the *PP* and submitted it to the Department of Planning & Environment (*DPE*) for a Gateway Determination under Section 56 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*.

The *DPE*, on 11 October 2017, issued a Gateway Determination to the effect that:

- the *PP* should proceed subject to a number of conditions relating to procedural matters;
- a public hearing was not required to be held under Section 56(2)(e) of the *EP&A Act*, i.e. in relation to the zoning and development standards included in the *PP*; and
- the Minister's authority for the making of the plan resulting from the *PP* was delegated to Council.

The *PP* was publicly exhibited between 21 November 2017 and 30 January 2018.

Following consideration of the submissions received as a result of the exhibition, Council on 10 April 2018 resolved to proceed with the making of the *PP*.

This statement is based on *MLEP 2011* having been amended in accordance with the *PP* and:

- examines the issues associated with the proposed development;
- analyses the impact of the proposal in the context of development on surrounding properties; and
- undertakes a summary assessment of the proposal in light of the environmental planning legislation applying to the land.

2.0 Site Details & Context

This application relates to the following 3 discrete sites:

Site	Address	Lot/DP	Area	Existing Improvements/Use
Site 1	3-7 Regent Street	Lot 1, DP 629058	3,028m ²	Petersham RSL Club's registered club premises
Site 2	13-17 Regent Street	Lot 1, DP 830175	1,960m ²	Club's car park
Site 3	287-309 Trafalgar Street	Lot 1, DP1208130 Lot 10, DP 1004198	4,792m ²	Club's car park on the western side of Regent Street and vacant land at 297-309 Trafalgar Street
	16-20 Fisher Street	Lots A, B & C, DP 440676	632m ²	Vacant land
Total Area:			10,412m²	

The land is shown in **Figure 1**.

2.1 Site 1

Site 1 has frontage to Regent and Fisher Streets and contains the existing registered club premises occupied by the Petersham RSL Club.

The site contains:

- the 2-storey registered club building;
- a cenotaph located adjacent to the Regent Street/Fisher Street intersection;
- 15 car spaces in a secured basement level car park; and
- 12 roof-top car spaces accessed from Council's Civic Centre site.

The site experiences a moderate fall from its eastern rear boundary to its north-western corner adjacent to Regent Street.

The land adjoins:

- older-styled 2 and 3-storey residential flat buildings on 279-285 Trafalgar Street and a 2-storey terrace house on 277 Trafalgar Street to the north; and
- Council's 2-storey Civic Centre on 2-14 Fisher Street to the east.

Surrounding development includes:

- older-styled 2-storey residential flat buildings on 15-19 Fisher Street and the Club's car park on Site 2 to the south, on the opposite side of Fisher Street;
- 2-storey terrace houses on 265-275 Trafalgar Street to the north-east; and
- the Club's car park on Site 3 to the west, on the opposite side of Regent Street.

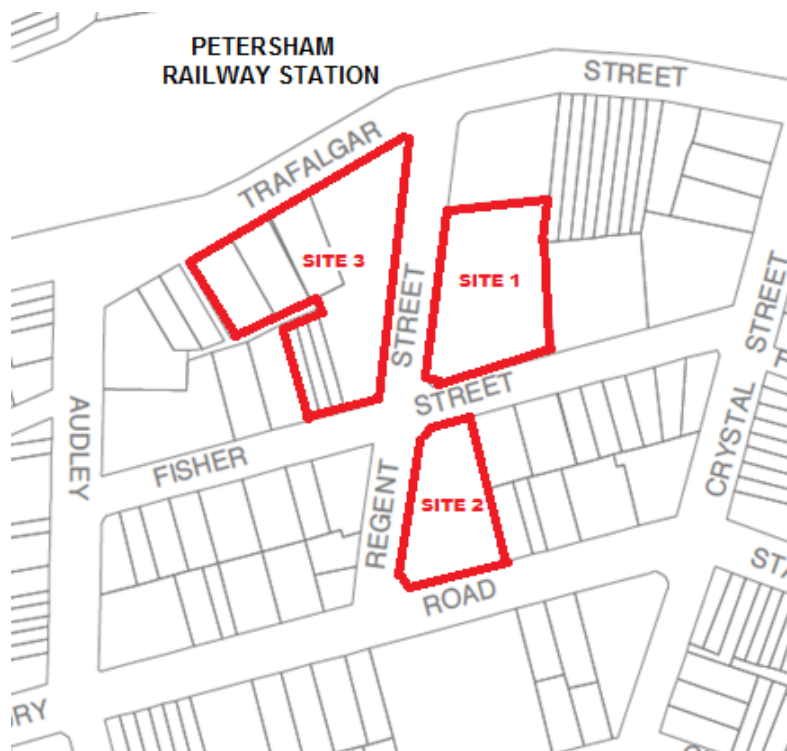


Figure 1: Locality/Site Plan

2.2 Site 2

Site 2 has frontages to Regent and Fisher Streets and New Canterbury Road and comprises an at-grade car park accommodating 44 cars used in connection with the Club.

The site experiences a moderate fall from its New Canterbury Road boundary to its north-western corner adjacent to the Regent Street/Fisher Street intersection and contains a number of trees which were planted as part of the establishment of the car park.

Existing site levels are well below the footpath level in New Canterbury Road.

The land adjoins a 1/part 2-storey community building used by the Petersham Boy Scouts on 13 New Canterbury Road and an older-styled 2-storey residential flat building on 19 Fisher Street to the east.

Surrounding development includes:

- an older-styled 2/part 3-storey residential flat building and single storey attached dwelling houses on 4-8 Regent Street to the west, on the opposite side of Regent Street;
- the Club's licensed premises on Site 1 to the north, on the opposite side of Fisher Street,
- the Club's car park on Site 3 to the north-west, diagonally opposite the site at the Fisher Street/Regent Street intersection; and
- Sydney Water Corporation's water reservoir and associated infrastructure to the south, on the opposite side of New Canterbury Road.

2.3 Site 3

Site 3 has frontage to Trafalgar, Regent and Fisher Streets and Fozzard Lane and is located directly opposite the Petersham Railway Station and the railway infrastructure associated with the E2 Airport, Inner West & South Line and the E3 Bankstown Line on the Sydney metropolitan heavy rail network.

The site contains:

- a total 81 car spaces used in connection with the Club, at-grade and in a 2-storey parking structure on 287 Trafalgar Street; and
- vacant land at 297-309 Trafalgar Street and 16-20 Fisher Street, the three (3) obsolete 1/part 2-storey industrial buildings and the 3 x 3-storey residential terrace buildings that formerly occupied the land having been demolished in accordance with Complying Development Certificate No. J170112, issued on 11 April 2017 and Complying Development Certificate No. J170456, issued on 27 September 2017, respectively.

None of the buildings on the site had been identified as having any heritage significance.

Vehicular access to the rear of 16-20 Fisher Street is available from Fozzard Lane.

The Fisher Street streetscape is largely dominated by trees located in the footpath area and there are a number of trees located adjacent to the site's Fisher Street/Regent Street corner.

The site experiences a moderate fall from its Regent Street/Fisher Street corner to its Fozzard Lane/Trafalgar Street corner.

Surrounding development includes:

- Petersham Railway Station and associated railway infrastructure to the north, on the opposite side of Trafalgar Street
- a 1/part 2-storey church hall and a 2-storey residential flat building on 22 and 24 Fisher Street, respectively, to the south, on the opposite side of Fozzard Lane;
- a 2/part 3-storey residential flat building on 4 Regent Street and a single storey dwelling house on 31 Fisher Street to the south, on the opposite side of Fisher Street;
- an older-styled 2-storey industrial building on 311 Trafalgar Street to the west, on the opposite side of Fozzard Lane; and
- the 4-storey Petersham Telephone Exchange and Post Office on 91 Audley Street and the 2-storey Petersham Assembly of God complex on 93 Audley Street and 313-315 Trafalgar Street, to the west.

Development Approval No. DA201600529 was issued by the Land and Environment Court of NSW on 29 May 2017 to demolish the church hall on 22 Fisher Street and to construct a 6-storey boarding house accommodating 48 boarding rooms and 12 car parking spaces.

2.4 General

The western side of Audley Street comprises retail and commercial facilities, including a vital eat-street, and provides a major pedestrian link from the Railway Station to the Petersham Shopping Centre and areas further to the south and south-west.

The land is conveniently located to major public transport services, with:

- Petersham Railway Station located opposite Site 3 in Trafalgar Street; and
- New Canterbury Road and Audley, Trafalgar and Crystal Streets accommodating major bus routes operated by Sydney Buses, including Routes 412, 444, 445 and L28, which connect the area to the Sydney CBD and intervening suburbs.

There is a traffic signalised pedestrian crossing at the Trafalgar Street/Regent Street intersection which provides the principal entry point to Petersham from the Railway Station.

Traffic movements in Regent Street at this intersection are restricted to left-in/left out only and, apart from the 3 car parking spaces associated with the residential flat building at 279-285 Trafalgar Street, only the Club's land uses Regent Street for access, between Trafalgar and Fisher Streets.

This provides an opportunity for the public domain in this section of Regent Street to be significantly improved at this vital entry to Petersham from the Railway Station and the pedestrian connection linking the Railway Station to the Shopping Centre.

The location of Sites 1, 2 and 3 adjacent to the southern entry to the Station and on a principal pedestrian route from the Station to the Shopping Centre makes them eminently suitable for the construction of development that would accommodate a relocation of the Club and higher density residential development.

Such development would:

- enliven and activate Trafalgar Street at street level;
- improve the public domain areas surrounding the Station and the pedestrian route from the Station to the Shopping Centre;
- result in a desirable urban design outcome by renewing and revitalising development around the Station precinct; and
- be consistent with contemporary town planning principles and practice relating to the integration of transport and land use planning and transit-oriented development.

3.0 The Proposal

The application seeks development consent for the following building works and subdivision:

Building Works

- The demolition of all of the buildings on the land.
- The development of Sites 1, 2 and 3 as follows:

Site 1:

The construction of a 5 to 8-storey residential flat building containing:

- 108 apartments, including 22 adaptable apartments, comprising 68 x 1-bed and 40 x 2-bed apartments;
- 91 car parking spaces, 15 motorcycle spaces, 92 bicycle spaces and a car wash bay for use in connection with the apartments; and
- 24 car parking spaces for general public use, the ownership of which is to be transferred to Council.

Site 2:

The construction of a 6 to 7-storey residential flat building containing:

- 50 apartments, including 10 adaptable apartments, comprising 18 x 1-bed and 32 x 2-bed apartments; and
- 45 car parking spaces, 5 motorcycle spaces, 30 bicycle spaces and a car wash bay for use in connection with the apartments.

Site 3:

The construction of a 2 to 11-storey mixed-use complex containing:

- new registered club premises for Petersham RSL Club fronting Trafalgar Street, including the fit out of the club premises;
- a café, with an area of 100m², adjacent to the Trafalgar Street/Regent Street corner of the site;
- 3 x residential flat buildings containing:
 - 196 apartments, including 43 adaptable apartments, comprising 100 x 1-bed, 95 x 2-bed and 1 x 3-bed apartments;
 - 3 x SOHO apartments fronting Fozzard Lane;
 - a publicly accessible urban area linking Regent Street to Fozzard Lane; and
- a basement car park accommodating:
 - 151 car spaces associated with the RSL Club and the café;
 - 169 car spaces associated with the apartments;
 - 12 motorcycle and 21 bicycle spaces associated with the Club; and
 - 11 motorcycle and 138 bicycle spaces associated with the apartments.

Subdivision

- The subdivision of Site 3 to accommodate the widening of Fozzard Lane in accordance with Council's requirements.

The plan of subdivision is shown on the plan contained in **Attachment 32**.

Stratum Subdivision

- The stratum subdivision of:
 - Site 1 into the following 2 lots:
 - Lot 1 containing the apartments and the residential car park; and
 - Lot 2 containing the 24 car parking spaces to be transferred to Council for public use.
 - Site 3 into the following 4 lots:
 - Lot 1 containing the new Petersham RSL Club
 - Lot 2 containing the proposed café and 1 car parking spaces associated with it;
 - Lot 3 containing the apartments, the SOHO's and the residential car park; and
 - Lot 4 containing the 150 car parking spaces associated with the RSL Club.

The stratum plan of subdivision is shown on the plan contained in **Attachment 33**.

General

The buildings on:

- Sites 1 and 2 have been designed by Candalepas Associates; and
- Site 3 has been designed by Nordon Jago Architects.

Details of the proposed buildings are shown on the following plans.

Site	Plans
1	Plan No.5796, DA-1000, DA-1050, DA-1101 to DA-1110, DA1201, DA-1202, DA1301 to 1304, DA-1600, DA1650, DA-1651, DA-1850, DA-1900 and DA-1950
2	Plan No.5766, DA-1000, DA-1050, DA-1101 to DA-1106, DA1201, DA1301 to 1303, DA-1600, DA1650, DA-1651, DA-1850, DA-1900, DA-1901, DA-1950 and DA-1951
3	DA.000, DA.030, DA.095 to 109, DA1.20, DA.121, DA.130, DA.131, DA.160 to 162, DA.200, DA.201, DA.204 to 207, DA.250, DA.300 to 303 and DA.620

The buildings are to contain significant horizontal and vertical articulation and modulation to create interesting and attractive facades and streetscape elements.

The development is to be compatible and consistent with the desired high density residential character of this area as contemplated by its R4 High Density Residential zoning under the terms of *MLEP 2011*.

Site 3 is to contain:

- a café on the corner of Trafalgar and Regent Streets designed to activate the corner at its interface with the Railway Station;
- a publicly accessible urban area between Buildings A and B designed to provide a public pedestrian connection between Regent Street and Fozzard Lane and other future connections to Fisher and Audley Streets; and
- 3 x SOHO apartments on the southern side of Fozzard Lane designed to activate the publicly accessible urban area and the Lane.

The residential components of the development are to be subdivided under the *Strata Schemes (Freehold Development) Act 1973* upon their completion.

This strata subdivision represents “*complying development*” under Clause 6.1 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Development & Design Objectives

The RSL Club has been involved in ongoing discussions with Council for many years concerning the fragmentation of its operations over the 3 sites it currently occupies and its desire to redevelop and relocate all of its facilities, including its car parks, onto a single consolidated site on the western side of Regent Street.

Essentially, the Club needs to relocate because of:

- the fragmented, outdated and inefficient nature of its existing facilities;
- the inability of existing facilities, both practically and structurally, to satisfactorily accommodate the contemporary needs of the local community; and
- the need to maintain the Club’s ongoing economic viability.

The 3 sites are zoned R4 High Density Residential under the terms of *MLEP 2011* and represent 75% of the land in this zone within 200m of the Railway Station.

The Club’s landholdings are strategically located at the principal entry to Petersham from the Railway Station and the Club is acutely aware of the need to significantly improve the public domain in this area:

- to establish development that expresses an appropriate entry statement to Petersham;
- to create attractive pedestrian linkages between the Railway Station and the Shopping Centre;
- to make public domain improvements in Trafalgar, Regent and Fisher Streets; and
- to minimise pedestrian/vehicular conflict involved with cars accessing the Club’s parking facilities in any future redevelopment.

The proposal provides a unique opportunity to take advantage of the land’s strategic location to synergise the Club’s relocation plans with future development in the Station precinct to achieve a desirable urban design outcome in the manner fostered and promoted by contemporary town planning principles and practice and metropolitan strategies embodied in *A Plan for Growing Sydney*.

The proposal is designed:

- to facilitate the relocation and redevelopment of the RSL Club to provide vital leisure and recreation facilities that meet the contemporary needs of the local community in a new, modern facility;
- to create an attractive and interesting entry statement to Petersham from the Railway Station;
- to revitalise development in this area in the context of it having been earmarked as a high density residential precinct adjacent to the Railway Station by *MLEP 2011* and provide a catalyst and stimulus for further renewal;

- to enhance the streetscapes in Regent, Trafalgar and Fisher Streets and New Canterbury Road;
- to improve pedestrian connections between the Railway Station and the Shopping Centre;
- to provide economic and social benefits to the local community;
- to promote and co-ordinate the orderly and economic use and development of the land in this locality; and
- to facilitate development in a manner consistent with contemporary town planning practice and principles relating to the integration of transport and land use and transit-oriented development and encourage public transport use as the principal means of access to shops, services, employment, leisure and recreational facilities.

Building Height

A building height analysis of the proposed development is as follows.

Site	No. of Storeys	Maximum Building Height		Maximum Height above AHD
		Residential Section	Plant & Lift Overrun	
1	5 - 8 storeys	14.7m - 24.9m	27.6m	66.9m
2	6 - 7 storeys	17.4m - 20.0m	20.0m	62.95m
3	Building A: 8 storeys	25.2m - 27.4m	27.2m	63.3m
	Building B: 2 - 11 storeys	30.0m - 33.8m	34.1m	69.5m
	Building C: 9 storeys	23.9m - 28.9m	33.0m	65.2m

Floor Space Ratio

A floor space ratio analysis of the proposed development, excluding car parking, is as follows.

Site	Floor Space Ratio							
	Gross Floor Area				Floor Space Ratio			
	Residential	Club	Café	Total	Residential	Club	Café	Total
1	8,062m ²	--	--	8,062m ²	2.66:1	--	--	2.66:1
2	4,070m ²	--	--	4,070m ²	2.08:1	--	--	2.08:1
3	14,818m ² ¹	3,476m ²	100m ²	18,394m ²	2.73:1	0.64:1	0.02:1	3.39:1
Total:	26,950m ²	3,476m ²	100m ²	30,526m ²	2.59:1	0.33:1	0.01:1	2.93:1

¹ Includes 3 x SOHO's

Open Space & Landscaping

All of the apartments have been designed to provide private open space in the form of balconies or ground floor courtyards.

The extent of open space and landscaping to be provided on each site, is addressed in the Project Architects' assessments of the development's consistency with the *Apartment Design Guide (ADG)*, contained in **Attachments 2, 4 and 6**, in terms of the extent, nature and location of:

- private and communal open space facilities;
- landscaped areas; and
- deep soil zones.

The sites are to be landscaped in accordance with the plans prepared by Taylor Brammer Landscape Architects Ltd contained in **Attachment 16**.

Off-Street Car Parking

Off-street car parking is to be provided as follows

Site	Residential			Club/Café	Public	Total
	Standard	Accessible	Total			
1	69 spaces	22 spaces	91 spaces	--	24 spaces	115 spaces
2	35 spaces	10 spaces	45 spaces	--	--	45 spaces
3	126 spaces	43 spaces	169 spaces	151 spaces	--	320 spaces
Total:	230 spaces	75 spaces	305 spaces	151 spaces	24 spaces	480 spaces

Each of the accessible car spaces is to be dedicated for use in connection with the 75 adaptable apartments to be established.

The car parking areas are to be provided in accordance with Australian Standard *AS/NZS 2890.1:2004: Parking Facilities - Part 1: Off-Street Car Parking*.

Vehicles using on-site car parking facilities will be able to enter and leave the sites in a forward direction.

The car parks are to be accessed as follows.

Site	Location of Access to Car Park
1	Regent Street adjacent to the northern side boundary
2	Fisher Street adjacent to the eastern rear boundary
3	Trafalgar Street adjacent to the western side boundary, with access limited to a left-in/left-out arrangement by a 900mm central median strip to be constructed in Trafalgar Street

The proposal will lead to a significant rationalisation of the multiple footpath crossings that currently exist along the sites' Regent and Trafalgar Street frontages, with only one vehicular access being provided to the off-street parking facilities associated with each of the sites.

The vehicular entry to the Site 3 car park has been designed to ensure that no stormwater will enter the car park in the 1 in 100 year ARI.

Motorcycle & Bicycle Parking

The following motorcycle and bicycle parking is to be provided in connection with the residential component of the development on the sites.

Site	Motorcycles	Bicycles
1	15 spaces	92 spaces
2	5 spaces	30 spaces
3	11 spaces	138 spaces
Total:	31 spaces	260 spaces

In addition, 12 motorcycle and 21 bicycle spaces are to be provided in connection with the Club.

Materials & Finishes

Details of the materials and finishes to be used in the construction of the external facade of the buildings are to be submitted with the application.

Accessibility

The development has been designed to make it accessible by people with a disability.

Lifts are to facilitate a vertical connection to all of the floors in the buildings, including basement car parking areas.

An analysis of the number of apartments and car spaces that have been designed to be capable of being used or adapted for use by people with a disability in accordance with *Australian Standard AS 4299 - 1995 - Adaptable Housing* is as follows.

Site	Adaptable Apartments	% of Total Apartments	Accessible Car Spaces
1	22 apartments	20.4%	22 spaces
2	10 apartments	20.4%	10 spaces
3	43 apartments	22.0%	43 spaces
Total:	75 apartments	21.0%	75 spaces

An access report, prepared by Morris Goding Accessibility Consulting, is contained in **Attachment 23**.

Loading & Waste Storage

Garbage and recycling waste storage facilities are to be provided on each site.

Residential waste collection from Sites 1 and 2 is to be via a kerb-side pick-up.

Residential wastes associated with the development on Site 3 are to be collected by Council's residential waste services from the collection/loading bay on Site 3.

The transporting of wastes to pick-up areas is to be managed by the Owners Corporations of each of the individual residential complexes.

Commercial wastes associated with the RSL Club and café on Site 3 are to be stored in the collection/loading bay on Site 3 and removed by a private waste removal contractor.

The collection/loading bay is to be located off the widened Fozzard Lane and a turntable is to be installed to enable trucks to enter and leave the site in a forward direction.

The waste storage areas have been designed to satisfy the waste storage and recycling requirements of the 3 sites and a waste management plan, prepared by Elephants Foot Recycling Solutions, is contained in **Attachment 30**.

Active Street Frontage to Trafalgar Street

The activation of Site 3's Trafalgar Street frontage has been optimised by the Club's entry and restaurant, the café and the residential entry to Building C.

The remainder of the frontage is to include a decorative screen, using poppy motifs to honour Remembrance Day, which provides natural ventilation for activities within the Club.

Staging

The development is to be constructed in 3 stages, with a Construction Certificate being issued for each stage in accordance with the plan contained in **Attachment 8**.

Stage 1 is to comprise the development on Site 3, as the new Club premises need to be completed and commissioned prior to the demolition of the Club's existing premises.

Stage 2 is to involve the construction of the residential flat building on Site 2.

Stage 3 is to involve the demolition of the existing Club premises on Site 1 and the construction of the residential flat building on that land.

Electricity Supply

The proposal includes the establishment of an electricity substation chamber under Building A on Site 3 adjacent to the site's Regent Street/Fisher Street corner.

The substation chamber is designed to:

- provide the capacity to service all of the buildings proposed in this application;
- have the capacity to accommodate future development on surrounding and nearby properties; and
- eliminate the need to establish at-grade kiosk-styled substations on this land and their attendant visual impact on the streetscapes and development in this locality.

Public Domain Improvements

The public domain improvements associated with the development include:

- enhancements of public domain areas in Regent, Trafalgar and Fisher Streets and New Canterbury Road;
- the creation of a publicly accessible urban area between Buildings A and B on Site 3 to provide a pedestrian link connecting Regent Street to Fozzard Lane; and
- the provision of 24 car parking spaces for public use on Site 1 as requested by Council.

The public domain enhancements in in Regent, Trafalgar and Fisher Streets and New Canterbury Road involve a range of environmental and greening strategies which include:

- new footpaths and substantial tree planting in the public domain, particularly along Regent Street, to create an avenue of trees; and
- rejuvenation of Fozzard Lane and the publicly accessible urban area linking Regent Street to Fozzard Lane.

Public domain works are to be carried out in accordance with the plans and landscape design report and tree replenishment strategy, prepared by prepared by Taylor Brammer Landscape Architects Ltd, contained in **Attachment 15**.

All of the civil works associated with the public domain are shown on the plans contained in **Attachment 10**.

Accompanying Plans & Reports

The application is to be accompanied by:

- architectural plans, site analysis plans, shadow diagrams, design verification statements, reviews of the design quality principles of *State Environmental Planning Policy No.65 (SEPP 65)*, ADG assessments and details of building finishes, prepared by:
 - Sites 1 and 2 - Candalepas Associates; and
 - Site 3 - Nordon Jago Architects;
- computer generated models prepared by Involve Studios;
- fit out details relating to the Club and its operation, including:
 - fit out plans prepared by the Red Design Group;
 - a noise and vibration assessment prepared by Acoustic Noise & Vibration Solutions Pty Ltd;
 - a social impact study prepared by Sarah George Consulting;
 - a Plan of Management;
- public domain/civil engineering plans prepared by Australian Consulting Engineers Pty Ltd;
- a geotechnical report, environmental site assessment and remediation action plan prepared by EI Australia;
- an aeronautical impact statement prepared by Landrum & Brown Worldwide (Aust) Pty Ltd;
- an arboriculture impact assessment prepared by The Ents Tree Consultancy;
- public domain plans and report and landscape plans prepared by Taylor Brammer Landscape Architects Ltd;
- a social impact study prepared by Sarah George Consulting;
- a traffic and parking impact assessment report prepared by Barker Ryan Stewart;
- a noise and vibration assessment prepared by Acoustic Noise & Vibration Solutions Pty Ltd;
- stormwater drainage plans prepared by Neil Lowry & Associates Pty Ltd;
- a flood impact assessment prepared by ACOR Consultants Pty Ltd;
- a statement of heritage impact prepared by NBRS Architecture;
- an access review prepared by Morris Goding Accessibility Consulting;
- BASIX certificates and a Section J energy performance report prepared by Windtech Consultants Pty Ltd;
- a BCA report prepared by Vic Lilli & Partners;
- a fire engineering report prepared by Affinity Fire;
- a crime prevention through environmental design assessment of the proposal prepared by Barker Ryan Stewart;
- a construction management plan prepared by Barker Ryan Stewart;
- a waste management plan prepared by Elephants Foot Recycling Solutions; and
- a survey plan, a subdivision plan for the widening of Fozzard Lane and the stratum subdivision of the development on Sites 1 and 3 prepared by Daw & Walton.

Copies of these plans and reports are contained in the **Attachments** to this statement.

4.0 Marrickville Local Environmental Plan 2011

4.1 Zoning

Sites 1, 2 and 3 are zoned R4 High Density Residential under the terms of *MLEP 2011*, which was made on 12 December 2011.

The particular aims of the *Plan*, as expressed in Clause 1.2(2), are:

- to support the efficient use of land, vitalisation of centres, integration of transport and land use and an appropriate mix of uses;
- to increase residential and employment densities in appropriate locations near public transport while protecting residential amenity;
- to protect existing industrial land and facilitate new business and employment;
- to promote sustainable transport, reduce car use and increase use of public transport, walking and cycling;
- to promote accessible and diverse housing types including the provision and retention of affordable housing;
- to ensure development applies the principles of ecologically sustainable development;
- to identify and conserve the environmental and cultural heritage of Marrickville; and
- to promote a high standard of design in the private and public domain.

The proposal is consistent with these objectives, particularly in terms of:

- supporting the efficient use of land, vitalisation of centres, integration of transport and land use and an appropriate mix of uses;
- increasing residential densities in appropriate locations near public transport;
- promoting sustainable transport, reducing car use and fostering increased use of public transport, walking and cycling;
- providing accessible and diverse housing types and the provision of affordable housing; and
- promoting a high standard of design in the private and public domain.

The *PP* is to amend *MLEP 2011*:

- to enable 297-309 Trafalgar Street to be used in conjunction with 287 Trafalgar Street for the relocation of the RSL Club to the western side of Regent Street;
- to exclude 150 off-street car parking spaces associated with the Club from consideration as "*gross floor area*"; and
- to amend the *Height of Buildings Map* and the *Floor Space Ratio Map* to apply development standards to facilitate the economic use and development of the land and its orderly and co-ordinated redevelopment in accordance with contemporary town planning policies, principles and practice.

The development standards in the exhibited *PP*, are:

Site	Building Height	Floor Space Ratio
1	26m	2.80:1
2	20m	2.10:1
3	35m 29m 20m	3.40:1

The *PP*, together with an amendment to *Marrickville Development Control Plan 2011*, (*MDCP 2011*) designed to facilitate this proposal, were publicly exhibited between 21 November 2017 and 30 January 2018 and Council on 10 April 2018 resolved to proceed with the making of the *PP* and the *DCP* amendment.

This statement is based on *MLEP 2011* having been amended in accordance with the *PP* and subsequent detailed reviews of the development concept plans associated with the *PP* with Council's officers and its *AEP* on 31 January and 7 February 2018.

The proposal represents development for the purposes of a “registered club”, a “neighbourhood shop” and “residential flat buildings” under the definitions contained in the Dictionary accompanying the *Plan*.

Development for the purposes of “neighbourhood shops” and “residential flat buildings” is permissible, with Council's consent, on all of the sites under their R4 High Density Residential zoning.

Development for the purposes of a “registered club” is permissible, with Council's consent, as an additional land use permitted under Clause 2.5(1) and Item 14 in Schedule 1 of *MLEP 2011* on 287-309 Trafalgar Street, i.e. the part of Site 3 on which the new RSL Club is proposed.

Clause 2.3(2) of *MLEP 2011* requires consideration to be given to the objectives for development in a zone when determining a development application.

The objectives for development in the R4 High Density Residential zone relevant to the proposed development are:

- to provide for the housing needs of the community within a high density residential environment;
- to provide a variety of housing types within a high density residential environment;
- to enable other land uses that provide facilities or services to meet the day to day needs of residents; and
- to provide for well-connected neighbourhoods that support the use of public transport, walking and cycling.

The proposed development is clearly consistent with these objectives.

No “*heritage items*” have been identified on the land in Part 1 of Schedule 5 of the *Plan* nor has the land been identified as being located in a “*heritage conservation area*” in Part 2 of Schedule 5.

Accordingly, the proposal is permissible, with Council's consent, under the terms of *MLEP 2011*.

4.2 Provisions of the Plan

A summary assessment of the application under the relevant provisions of *MLEP 2011* is as follows.

Provisions of Marrickville Local Environmental Plan 2011

Clause	Consideration	Proposed	Compliance
1.2(2)	The particular aims of the <i>Plan</i>	The proposal is consistent with the relevant aims of the <i>Plan</i> as expressed in Clause 1.2(2). See Section 4.1	✓
1.4	Interpretation - Land Use	The proposal represents development for the purposes of a “ <i>registered club</i> ”, a “ <i>neighbourhood shop</i> ” and “ <i>residential flat buildings</i> ” under the definitions contained in the Dictionary accompanying the <i>Plan</i>	✓
2.2	Land zoning is shown on the <i>Land Zoning Map</i>	All of the land is zoned R4 High Density Residential on the <i>Land Zoning Map</i>	✓
2.3(1)	Land Use Table - R4 High Density Residential zone	Development for the purposes of a “ <i>neighbourhood shop</i> ” and “ <i>residential flat buildings</i> ” is permissible, with Council's consent, in the R4 High Density Residential zone and development for the purposes of a “ <i>registered club</i> ” is permissible, with Council's consent, under the terms of Clause 2.5(1)	✓
2.3(2)	The objectives of the R4 High Density Residential zone	The proposed development is consistent with the relevant objectives of the R4 High Density Residential zone. See Section 4.1	✓
2.5(1)	Development on land described or referred to in Schedule 1 of the <i>Plan</i> is permissible, with Council's consent	Development for the purposes of a “ <i>registered club</i> ” is permissible, with Council's consent, as an additional land use permitted in Item 14 in Schedule 1 of the <i>Plan</i> on 287-309 Trafalgar Street, i.e. the part of Site 3 on which the new RSL Club is proposed	✓

Provisions of Marrickville Local Environmental Plan 2011

Clause	Consideration	Proposed	Compliance																				
2.6(1)	Consent is required for the subdivision of land	<p>This application seeks consent for the subdivisions outlined in Section 3.0 of this statement.</p> <p>The residential sections of the development are to be subdivided under the <i>Strata Schemes (Freehold Development) Act 1973</i> upon their completion.</p> <p>The strata subdivisions are “<i>complying development</i>” under Clause 6.1 of <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i></p>	✓																				
2.7	Consent is required for the demolition of buildings	This application seeks consent for the demolition of the existing buildings on the land to facilitate the proposed development	✓																				
4.3(2)	<p>The height of buildings is not to exceed the height shown on the <i>Height of Buildings Map</i>, which in this case is:</p> <table><tr><td>Site 1:</td><td>26m</td></tr><tr><td>Site 2:</td><td>20m</td></tr><tr><td>Site 3:</td><td>35m</td></tr><tr><td></td><td>29m</td></tr><tr><td></td><td>20m</td></tr></table>	Site 1:	26m	Site 2:	20m	Site 3:	35m		29m		20m	<p>The buildings are to have a maximum building height of:</p> <table><tr><td></td><td>27.6m</td></tr><tr><td></td><td>20.0m</td></tr><tr><td></td><td>34.1m</td></tr><tr><td></td><td>27.4m</td></tr><tr><td></td><td>26m</td></tr></table>		27.6m		20.0m		34.1m		27.4m		26m	<p>See Section 6.2.2</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>See Section 6.2.3</p>
Site 1:	26m																						
Site 2:	20m																						
Site 3:	35m																						
	29m																						
	20m																						
	27.6m																						
	20.0m																						
	34.1m																						
	27.4m																						
	26m																						
4.4(2)	<p>The floor space ratio of buildings is not to exceed the ratio shown on the <i>Floor Space Ratio Map</i>, which in this case is:</p> <table><tr><td>Site 1:</td><td>2.80:1</td></tr><tr><td>Site 2:</td><td>2.10:1</td></tr><tr><td>Site 3:</td><td>3.50:1</td></tr></table>	Site 1:	2.80:1	Site 2:	2.10:1	Site 3:	3.50:1	<p>Excluding all car parking, the buildings are to have a floor space ratio of:</p> <table><tr><td></td><td>2.66:1</td></tr><tr><td></td><td>2.08:1</td></tr><tr><td></td><td>3.39:1</td></tr></table>		2.66:1		2.08:1		3.39:1	<p>✓</p> <p>✓</p> <p>✓</p>								
Site 1:	2.80:1																						
Site 2:	2.10:1																						
Site 3:	3.50:1																						
	2.66:1																						
	2.08:1																						
	3.39:1																						
4.6(2)	Consent may be granted for development even though it would contravene a development standard imposed by the <i>Plan</i> or other environmental planning instrument	The application proposes variations from the building height standard relating to the buildings on Sites 1 and 3	See Section 6.2 and Appendices 1 and 2																				
5.1	Land to be acquired for a public purpose is identified on the <i>Land Reservation Acquisition Map</i>	No part of the land has been identified for acquisition on the <i>Land Reservation Acquisition Map</i>	✓																				

Provisions of Marrickville Local Environmental Plan 2011

Clause	Consideration	Proposed	Compliance
5.9(3)	Consent is required for the lopping or removal of trees and vegetation	<p>This application seeks approval to remove the trees specified on the landscape plans prepared by Taylor Brammer Landscape Architects Ltd contained in Attachment 16.</p> <p>The 2 trees located adjacent to the corner of Regent and Fisher Streets on Site 3 and 2 trees adjacent to the eastern boundary of Site 2 are to be retained.</p> <p>See also the arboriculture impact assessment prepared by The Ents Tree Consultancy contained in Attachment 14.</p>	✓
5.10(2)	Consent is required for development involving a “ <i>heritage item</i> ” or in a “ <i>heritage conservation area</i> ”	The existing buildings on the land have not been identified as “ <i>heritage items</i> ” in Part 1 of Schedule 5 of the <i>Plan</i> , nor is the land located in any “ <i>heritage conservation area</i> ” identified in Part 2 of Schedule 5	✓
5.10(5)	<p>A heritage management document may be required for development on land:</p> <ul style="list-style-type: none"> • which contains a “<i>heritage item</i>”; • within a “<i>heritage conservation area</i>”; or • within the vicinity of a “<i>heritage item</i>” or a “<i>heritage conservation area</i>” 	<p>The heritage items located in the vicinity of the site include:</p> <ul style="list-style-type: none"> • the Petersham Railway Station group of buildings in Terminus and Trafalgar Streets; • the group of Victorian houses on 1-5 Fisher Street; • the Egyptian Room in the Masonic Temple on 23-25 New Canterbury Road; • the Petersham Reservoir and site on New Canterbury Road; • the Petersham Police Station on 2 New Canterbury Road; and • the residential flat buildings on 112 and 114 Audley Street. <p>A statement of heritage impact prepared by NBRS Architecture is contained in Attachment 22.</p> <p>The statement concludes that the development will not adversely affect the heritage significance or setting of any of the heritage items near the site and the proposal will not impact on the scale difference between the development and the heritage items due to the extent of separation</p>	✓
6.1	Consent is required for specified works on land shown on the <i>Acid Sulfate Soils Map</i>	The site has not been identified as containing acid sulfate soils on the <i>Acid Sulfate Soils Map</i> .	✓

Provisions of Marrickville Local Environmental Plan 2011

Clause	Consideration	Proposed	Compliance
6.2(2)	Consent is required for earthworks	This application seeks consent for the earthworks required to facilitate the proposed development	✓
6.3(3)	Considerations for development on land identified as “ <i>Flood Planning Area</i> ” on the <i>Flood Planning Map</i>	<p>The only section of the land that has been identified as a “<i>Flood Planning Area</i>” on the <i>Flood Planning Map</i> are the properties at 301-309 Trafalgar Street on Site 3.</p> <p>A flood impact assessment of the proposal in terms of flooding over Site 3, prepared by ACOR Consultants Pty Ltd, is contained in Attachment 21.</p> <p>See Section 6.4</p>	✓
6.4(3)	Considerations for development on land identified as “ <i>Biodiversity</i> ” on the <i>Natural Resource - Biodiversity Map</i>	The land has not been identified as “ <i>Biodiversity</i> ” on the <i>Natural Resource - Biodiversity Map</i>	✓
6.5(3)	Considerations for development on land that is in an ANEF contour of 20 or greater	<p>The site is located in an area within which the ANEF varies between 20 and 25.</p> <p>The buildings have been designed in accordance with the guidelines contained in AS 2021-2000 - <i>Acoustics - Aircraft Noise Intrusion - Building Siting and Construction</i>.</p> <p>A noise and vibration assessment of the proposal, prepared by Acoustic Noise & Vibration Solutions Pty Ltd, is contained in Attachment 19</p>	✓
6.6(2)	Consent is not to be granted to development that penetrates the <i>Limitation or Operations Surface</i> relating to the operations of the Kingsford Smith Airport unless Council has consulted the relevant Commonwealth body	<p>An aeronautical impact assessment prepared by Landrum & Brown Worldwide (Aust) Pty Ltd is contained in Attachment 13.</p> <p>Council is to consult with the relevant Commonwealth body prior to the determination of the application</p>	✓
6.7	Foreshore building lines	Not applicable to this application	✓
6.8	Development on the foreshore must ensure access	Not applicable to this application	✓
6.9	Conversion of industrial or warehouse buildings	Not applicable to this application	✓
6.10	Use of existing non-residential buildings in residential zones	Not applicable to this application	✓
6.11	Use of dwelling houses in business and industrial zones	Not applicable to this application	✓

Provisions of Marrickville Local Environmental Plan 2011

Clause	Consideration	Proposed	Compliance
6.12	Business and office premises in the IN2 light Industrial and B7 Business Park zones	Not applicable to this application	✓
6.13	Dwellings and residential flat buildings in the B7 Business Park zone	Not applicable to this application	✓
6.14	Location of sex services premises	Not applicable to this application	✓
6.15	Location of boarding houses in business zones	Not applicable to this application	✓
6.16	Residential accommodation in mixed use development in certain business zones	Not applicable to this application	✓

The proposal complies with the relevant provisions of *MLEP 2011*, with the exception of the height standards contained in Clause 4.3(2) relating to the buildings proposed on Sites 1 and 3.

Clause 4.6 of the *Plan* provides for flexibility in the application of such standards and issues relating to the variations proposed in this application are addressed in detail in Section 6.2 and the written requests for their variation contained in **Appendices 1 and 2**.

Issues relating to the exclusion of the car parking from consideration as “gross floor area” are addressed in Section 6.3.2.

4.3 Other Environmental Planning Instruments

A summary assessment of the proposed development under the terms of other environmental planning policies applying to the land and the development is as follows.

Instrument	Comment	Compliance
<i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i>	BASIX certificates are contained in Attachment 24 in relation to the residential components of the development. The proposal is consistent with the aims, objectives and provisions of this <i>Policy</i>	✓
<i>State Environmental Planning Policy No.55 - Remediation of Land</i>	An environmental site assessment and remediation action plan prepared by EI Australia are contained in Attachments 12 and 34 . Issues raised can be addressed by appropriate conditions of approval. The proposal is to be consistent with the aims, objectives and provisions of this <i>Policy</i>	✓

Instrument	Comment	Compliance
<i>State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development</i>	Design verification statements, reviews of the design quality principles and ADG assessments prepared by the Project Architects are contained in Attachments 2, 4 and 6 . The proposal is consistent with the aims, objectives and provisions of this <i>Policy</i>	✓
<i>State Environmental Planning Policy (Infrastructure) 2007</i>	A noise and vibration assessment prepared by Acoustic Noise & Vibration Solutions Pty Ltd is contained in Attachment 19 and provides the specifications for achieving an acceptable acoustic environment within the buildings in the context of the surrounding rail and road network and the operations of Kingsford Smith Airport. A traffic and parking impact assessment report prepared by Barker Ryan Stewart is contained in Attachment 18 . The assessment concludes that the site is suitable for the proposed development in relation to traffic impact, car parking provision, vehicle and pedestrian access and safety considerations. See Section 6.3. The proposal is to be consistent with the aims, objectives and provisions of this <i>Policy</i>	✓
<i>Sydney Regional Environmental Plan (Sydney Harbour Catchment)</i>	While the land is within the defined region to which this <i>Plan</i> applies, the land is not within the area of influence of Sydney Harbour or the Parramatta River. There are no relevant considerations in the <i>Plan</i> applicable to this proposal	✓

Instrument	Comment	Compliance
<i>Draft Greater Sydney Region Plan</i>	<p>The draft <i>Plan</i> is predicated on the need to provide an additional 725,000 new homes in the Region by 2036 and to provide the infrastructure and job opportunities to accommodate this growth.</p> <p>The Inner West LGA is located in the Eastern Harbour City under the <i>Plan</i>.</p> <p>The purposes of the draft <i>Plan</i> include:</p> <ul style="list-style-type: none"> • to inform district and local plans and the assessment of planning proposals; • to assist infrastructure agencies to plan and deliver for growth and change and to align their infrastructure plans to place-based outcomes; and • to inform the private sector of the vision for Greater Sydney and infrastructure investments required to manage growth. <p>The proposal is consistent with the objectives for housing the city, involving:</p> <ul style="list-style-type: none"> • greater housing supply; and • housing diversity and affordability 	✓
<i>Draft Eastern City District Plan</i>	<p>The draft <i>District Plan</i> sets a housing target of 5,900 new homes in the 5-year period 2016-2021 for the Inner West LGA.</p> <p>The proposal is consistent with the draft <i>District Plan</i> in terms of:</p> <ul style="list-style-type: none"> • its underlying tenets relating to place-based planning and design excellence creating and renewing great places; • creating additional capacity to deliver the 5 and 20-year housing supply targets in the Inner West LGA; • increasing housing capacity, diversity, choice and affordability; • increasing housing close to centres and stations, making it easier to walk or cycle to shops or services, and to travel to work or other centres by public transport and reducing traffic congestion; and • increasing housing opportunities in the right location. <p>The proposal is consistent with the relevant environmental planning policies applying to the site and the proposal.</p>	✓

5.0 Marrickville Development Control Plan 2011

5.1 General

Marrickville Development Control Plan 2011, MDCP 2011), which came into force on 15 December 2011 and most recently amended on 5 February 2016, applies to this proposal.

The objectives of *MDCP 2011*, as expressed in Part 1.1.9, are:

- to provide detailed design objectives and controls which encourage innovative design that positively responds to the character and context of the locality and which encourage high quality urban design outcomes;
- to ensure future developments consider the needs of all people who live, work and visit the Marrickville LGA, including people with a disability;
- to maintain and enhance the environmental and cultural heritage of Marrickville LGA;
- to enhance the quality of life and the wellbeing of the local community;
- to support the integration of transport and land use, including increased residential and employment densities in appropriate locations near public transport, while protecting residential amenity;
- to promote sustainable transport, i.e. reduced car use and increased use of public transport, walking and cycling;
- to ensure development considers the principles of ecologically sustainable development, in particular, energy, water and stormwater efficiency, solar access, waste reduction and local biodiversity;
- to ensure development positively responds to the qualities of the subject site and is appropriate for the site and its context;
- to minimise negative impacts of development on the amenity of surrounding neighbourhood; and
- to provide guidelines for specific development types and development sites to ensure appropriate high quality development within the Marrickville LGA.

The proposal is consistent with these objectives of *MDCP 2011*.

Parts 1.1.11 and 1.1.13 of the *Plan* allow flexibility in the application of controls contained in the *Plan* where strict compliance with those controls is unreasonable or unnecessary and require variations to controls to be justified in terms of their objectives.

Council on 27 June 2017 resolved to develop site-specific planning controls to apply to the future development of the land the subject of this application for inclusion into Part 9.6 of the *Plan*, which provides strategic context controls for development in the Petersham South Precinct within which the land is located, and to exhibit these controls concurrently with the *PP*.

The amendment to *MDCP 2011* designed to facilitate this proposal was publicly exhibited between 21 November 2017 and 30 January 2018 in conjunction with the *PP* and Council on 10 April 2018 resolved to proceed with the making of the *DCP* amendment.

The plans associated with this application are generally consistent with the *MDCP 2011*, as amended.

5.2 Part 2 - Generic Controls

A summary assessment of the proposal under the relevant generic controls contained in Part 2 of *MDCP 2011* is as follows.

Provisions in Part 2 of Marrickville Development Control Plan 2011

Part	Consideration	Proposed	Compliance
2.1	Urban Design:	See Section 6.1 of this statement	✓
2.3	Site & Context Analysis:	A site and context analysis are contained on the plans to be submitted with the application. See also Section 2.0 of this statement	✓
2.5	Equity of Access & Mobility:	All levels of the buildings and all common areas in them are to be accessible by people with a disability. An access review prepared by Morris Goding Accessibility Consulting is contained in Attachment 23	✓
2.6	Acoustic & Visual Privacy:	The proposal is to provide a satisfactory level of acoustic and visual privacy to adjoining residential properties. A noise and vibration assessment prepared by Acoustic Noise & Vibration Solutions Pty Ltd contained in Attachment 19 provides the specifications for achieving an acceptable acoustic environment within the buildings in the context of the surrounding rail and road network and the operations of Kingsford Smith Airport. Visual privacy is to be ensured by the installation of appropriately designed screening	✓
2.7	Solar Access & Overshadowing:	The proposal will not have any undue or unreasonable impacts on the level of solar access to be enjoyed on adjoining residential properties. See the shadow diagrams to be submitted with the application. A satisfactory level of solar access is to be obtained in the apartments to be created. See the ADG assessments prepared by the Project Architects in Attachments 2, 4 and 6	✓
2.8	Social Impact Assessment:	Social impact statements, prepared by Sarah George Consulting, are contained in Attachments 8 and 13	✓

Provisions in Part 2 of Marrickville Development Control Plan 2011

Part	Consideration	Proposed	Compliance
2.9	Community Safety:	The proposal has been designed in accordance with <i>Crime Prevention Through Environmental Design</i> principles. A crime prevention through environmental design assessment of the development, prepared by Barker Ryan Stewart, is contained in Attachment 28	✓
2.10.5	Car Parking:	A traffic and parking impact assessment report prepared by Barker Ryan Stewart is contained in Attachment 18 . The assessment concludes that the site is suitable for the proposed development in relation to car parking provision, vehicle and pedestrian access and safety considerations	See Section 6.3.2
2.10.11	Bicycle Parking:	A traffic and parking impact assessment report on the proposal, prepared by Barker Ryan Stewart, contained in Attachment 18 indicates that the proposal complies with controls relating to the provision of bicycle parking	✓
2.10.13	Motor Cycle Parking:	A traffic and parking impact assessment report on the proposal, prepared by Barker Ryan Stewart, contained in Attachment 18 indicates that the proposal complies with controls relating to the provision of motorcycle parking	✓
2.10.14	Vehicle Service & Delivery Areas:	A traffic and parking impact assessment report on the proposal, prepared by Barker Ryan Stewart, contained in Attachment 18 indicates that the proposal satisfactorily accommodates loading facilities	✓
2.11	Fencing:	The sites are to be appropriately fenced	✓
2.12	Signs & Advertising Structures:	The proposal does not seek approval for the erection or display of any specific signage. However, signage zones are shown on the plans for future signage associated with the new RSL Club premises. A separate development application is to be submitted in relation to specific signage associated with the Club	✓
2.13	Biodiversity:	The land has not been identified as " <i>Biodiversity</i> " on the <i>Natural Resource - Biodiversity Map</i> associated with <i>MLEP 2011</i>	✓
2.14	Unique Environmental Features:	The site does not contain any unique environmental features	✓
2.16	Energy Efficiency:	BASIX certificates and a Section J energy performance report, prepared by Windtech Consultants Pty Ltd, are contained in Attachments 24 and 25	✓

Provisions in Part 2 of Marrickville Development Control Plan 2011

Part	Consideration	Proposed	Compliance
2.17	Water Sensitive Urban Design:	Stormwater drainage plans, prepared by Neil Lowry & Associates Pty Ltd are contained in Attachment 20	✓
2.18	Landscaping & Open Spaces:	<p>Landscape plans for each of the sites, prepared by Taylor Brammer Landscape Architects Ltd, are contained in Attachment 16.</p> <p>Public domain improvement plans and a landscape design report and tree replenishment strategy, prepared by Taylor Brammer Landscape Architects Ltd, are contained in Attachment 15</p>	✓
2.20	Tree Management:	<p>The trees to be removed to facilitate the development are specified on the landscape plans contained in Attachment 16.</p> <p>The 2 trees located adjacent to the corner of Regent and Fisher Streets on Site 3 and 2 trees adjacent to the eastern boundary of Site 2 are to be retained.</p> <p>An arboriculture impact assessment of trees on the sites, prepared by The Ents Tree Consultancy, is contained in Attachment 14.</p>	✓
2.21	Site Facilities & Waste Management:	<p>Clothes drying facilities, service utilities, mail boxes, building identification and numbering and telecommunication facilities are to be provided.</p> <p>Provision has been made for recycling and waste facilities.</p> <p>A waste management plan, prepared by Elephants Foot Recycling Solutions, is contained in Attachment 30</p>	✓
2.22	Flood Management:	<p>A section of Site 3, namely the properties at 301-309 Trafalgar Street, has been identified as land subject to a "Flood Planning Area" on the <i>Flood Planning Map</i> accompanying <i>MLEP 2011</i>.</p> <p>A flood impact assessment, prepared by ACOR Consultants Pty Ltd, is contained in Attachment 21. See Section 6.4</p>	✓
2.23	Acid Sulfate Soils:	The site has not been identified as containing acid sulfate soils on the <i>Acid Sulfate Soils Map</i> accompanying <i>MLEP 2011</i>	✓
2.24	Contaminated Land:	<p>An environmental site assessment and remediation action plan prepared by EI Australia are contained in Attachment 12 and 34.</p> <p>Issues raised can be addressed by appropriate conditions of approval.</p>	✓

The proposal is consistent with the generic controls contained in Part 2 of *MDCP 2011*.

5.3 Part 9.6 - Strategic Context - Petersham South (Precinct 6)

The plans associated with this application are consistent with the development concept plans that were subject to extensive urban design review by Council's officers and its *AEP* at meetings held on 31 January and 7 February 2018 and the amendments to Part 9.6 that were publicly exhibited between 21 November 2017 and 30 January 2018 in conjunction with the *PP*.

Council on 10 April 2018 resolved to proceed with the making of the *DCP* amendment.

A summary assessment of the proposal under the relevant strategic context controls contained in Part 9.6 is as follows.

Provisions in Part 9.6 of Marrickville Development Control Plan 2011

Part	Consideration	Proposed	Compliance
9.6.2	Desired Future Character:	<p>The proposal is consistent with the desired future character of development in this Precinct in terms of:</p> <ul style="list-style-type: none"> • facilitating urban renewal in an appropriate location, allowing substantial change to the streetscape character while resulting in a high quality public domain; • allowing and encouraging a greater scale of development and increased residential density on masterplan sites to provide new dwellings near local shops, services and public transport; • meeting market demands and creating the opportunity for high access housing choice and sustainable living; • ensuring orderly development on masterplan sites in accordance with the principles of the masterplan vision, including allotment amalgamations that are not detrimental to achieving the overall masterplan structure and achieving an efficient and high quality built outcome; • exhibiting excellence in contemporary design; • ensuring the design of higher density development demonstrates good urban design and environmental sustainability and provides suitable amenity for occupants of the development; • ensuring the design of higher density development provides adequate amenity for the intended occupants of the buildings and protects the residential amenity of adjoining and surrounding properties; and • ensuring that the provision and design of any parking and access for vehicles is appropriate for the location, efficient, minimises impact to streetscape appearance and maintains pedestrian safety and amenity 	✓

Provisions in Part 9.6 of Marrickville Development Control Plan 2011

Part	Consideration	Proposed	Compliance
9.6.3	Heritage Conservation Area:	<p>The existing buildings on the land have not been identified as “<i>heritage items</i>” in Part 1 of Schedule 5 of <i>MLEP 2011</i>, nor is the land located in any “<i>heritage conservation area</i>” identified in Part 2 of Schedule 5</p> <p>A statement of heritage impact prepared by NBR Architecture is contained in Attachment 22.</p> <p>The statement concludes that the development will not adversely affect the heritage significance or setting of any of the heritage items near the site and the proposal will not impact on the scale difference between the development and the heritage items due to the extent of separation</p>	✓
9.6.4	Precinct Specific Planning Controls:	Section 9.6.4 does not contain any precinct specific planning controls	✓
9.6.5	Site-Specific Planning Controls:	<p>The proposal is consistent with the development concept plans that were subject to extensive urban design review by Council’s officers and its <i>AEP</i> at meetings held on 31 January and 7 February 2018 and the controls in Part 9.6 that Council resolved to amend on 10 April 2018.</p> <p>The extent of active street frontage along Trafalgar Street has been optimised. See Section 3.0</p>	✓

The proposal represents a satisfactory and appropriate urban design response to the opportunities and constraints offered by the sites and their setting and the development of this unique and significant landholding immediately adjacent to the Petersham Station.

5.4 Part 4.2 - Multi Dwelling Housing & Residential Flat Buildings

The controls contained in Part 4.2 of *MDCP 2011* are largely directed to development in more conventional residential flat building precincts rather than to higher-density residential precincts located adjacent to railway stations and major shopping centres on identified master plan sites.

This is recognised by the controls for development in strategic precincts, such as Petersham South, contained in Part 9.6 of the *Plan*, which provide specific master plan controls relating to the height and density of development in various locations within precincts.

Consequently, controls such as setbacks, site coverage and the like are not readily applicable to development in strategic precincts and developments of the nature and scale proposed in this application.

Such applications are more appropriately considered on a situational merits-based assessment, not the prescriptive, control-based approach inherent in the provisions contained in Part 4.2.

The proposal is consistent with the general objectives contained in Part 4.2.1 of *MDCP 2011* when considered in terms of the site-specific planning controls for development on the sites contained in Part 9.6.5 of the *Plan* as outlined in Section 5.3.

6.0 Issues

6.1 Urban Design

The underlying urban design framework for the redevelopment of this land and its assessment under the terms of the design quality principles contained in *SEPP 65* are addressed in **Attachments 2, 4 and 6**.

The following design intent statements have been provided by Candalepas Associates for the development on Sites 1 and 2.

"Site 1"

The proposed new residential apartment building designed for the site at 3-7 Regent Street, Petersham, has been designed to achieve high levels of occupant amenity whilst also respecting & enlivening the surrounding existing context and future desired character. The development seeks to continue the Inner-city redevelopment pattern of transit oriented development (i.e. increasing housing accommodation adjacent to key transport hubs).

The street frontages have been designed such that apparent visual bulk is reduced through the use of a modularised, articulated and stepping façade. This is further enhanced by the use of façade profiled operable screens and glazed spandrel panels which create a subtle and thoughtful interplay of tones across the façade.

The proposed development's material palate has been carefully considered with respect to the surrounding natural and built environment. Materials such as dry pressed face brickwork, off-form concrete, and glazed tile privacy screens, reflect the colours and textures of the surrounding vegetation and built forms. These materials have also been selected due to their robustness and positive character as they age.

The proposal embodies a number of robust and tested passive and active sustainable building design principles. Some of these include: cross ventilation and direct solar access to most of the main living spaces, high durability low maintenance materials as well as an operable façade screening (helping to reduce solar heat gain whilst also allowing for natural ventilation and light).

Site 2

Similarly, to adjacent design proposal to the north ('Site 1'), the proposed new residential apartment building designed for the site at 13-17 Regent Street Petersham, has been designed to achieve high levels of occupant amenity whilst also respecting the surrounding existing context and future desired character. Further the development seeks to continue the Inner-city redevelopment pattern of transit oriented development (i.e. increasing housing accommodation adjacent to key transport hubs).

The building's overall form is that which steps up the naturally sloping site in a modularised and regular way, allowing for the articulation of an individual apartment to be clearly read from the street whilst also creating a unified approach to the overall building form. The building makes use of a number of devices to reduce its apparent visual bulk including balcony voids (on key corners) and a deep and setback façade articulation zone (south façade).

Similarly, to the adjacent site to the north, the proposed development's material palette has been selected to respect to the surrounding natural and built environment. Materials such as dry pressed face brickwork, off-form concrete, aluminium framed windows, reflect the colours and textures of the surrounding vegetation and built forms. These materials have also been selected due to their robustness and positive character as they age."

The following design intent statement has been provided by Nordon Jago Architects for the development on Site 3.

"The proposed design contained on Site 3 is a response to the brief set out by Petersham RSL to relocate their premises from Site 1 and to provide a more effective and flexible space to house their RSL.

The overall development comprises of five built elements, those being the proposed RSL, three multi residential buildings and a small group of SOHO units.

Each element has been articulated to present as its own architectural form which is sympathetic and complementary to the surrounding context and its historical use.

Given the natural topography across the site the bulk of the RSL component is located below ground with its main frontage addressing Trafalgar Street and Petersham train station.

This variation in architectural form aims to define the streetscape and enhance the character of the area.

Consideration has been given to maintaining both the visual and pedestrian permeability though the site by establishing breaks in the building line to connect Regent Street to Fozzard Lane, as well as providing adequate separation between the residential buildings over the RSL base to form vistas at podium level across the rail corridor.

Fozzard Lane has been activated with the introduction of three SOHO units with the intention that these will be used as artist studios."

6.2 Building Height

6.2.1 General

Clause 4.3(2) of *MLEP 2011* provides that the height of buildings on this land is not to exceed the heights shown on the *Height of Buildings Map*.

The *Height of Buildings Map* exhibited with the *PP* indicated the following building heights:

- Site 1 - 29m; and
- Site 3 - Between 20m and 34m.

A review of the development concept plans associated with the *PP* with Council's officers and its *AEP* on 31 January and 7 February 2018 following the exhibition of the *PP* resulted in the *AEP* recommending that:

- the maximum building height of the residential section of the development on Site 1 be reduced from 29m to 26m, while permitting ancillary roof top facilities, such as fire services, lifts, stairs and a communal open space area, to be located above the residential section of the building; and
- the maximum building height of development on Site 3 adjacent to Fisher Street be increased from 20m to 29m to facilitate a more desirable urban design outcome involving:
 - the creation of a simpler built form and better streetscape in relation to existing and future buildings to the west;
 - the retention of 2 large trees located adjacent to the Fisher Street/Regent Street corner; and
 - improvements to the publicly accessible open space area proposed between Buildings A and B.

As the increase in the building height standard on Site 3 would have required re-exhibition of the *PP*, Council on 10 April 2018 resolved to proceed with the *PP* as exhibited.

The objectives of the building height standards, expressed in Clause 4.3(1), are:

- to establish the maximum height of buildings;
- to ensure building height is consistent with the desired future character of an area;
- to ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight; and
- to nominate heights that will provide an appropriate transition in built form and land use intensity.

Clause 4.6 of *MLEP 2011* provides for flexibility in the application of standards, such as the building height standard, and provides that consent may be granted for development even though the development would contravene a development standard imposed by any environmental planning instrument, provided that Council has considered a written request under Clause 4.6(3) that seeks to justify the contravention of the standard by demonstrating that:

- compliance with the standard is unreasonable or unnecessary in the circumstances of the case; and
- there are sufficient environmental planning grounds to justify contravening the standard.

Clause 4.6(4) provides that consent is not to be granted for development that contravenes a development standard unless:

- Council is satisfied that:
 - the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3), and
 - the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
- the concurrence of the Director-General has been obtained.

The roof top facilities on the development proposed on Site 1 and part of Building A on Site 3 adjacent to Fisher Street will exceed the height standard.

The height of the buildings in excess of the height standard:

- will not affect their consistency and compatibility with the desired future character of development in this locality contemplated by *MLEP 2011* and *MDCP 2011*;
- will not have any effect on surrounding buildings or public areas in terms of satisfactory exposure to the sky and sunlight; and
- will not impact on the transition in built form and land use intensity planned for this area.

The height of the buildings is, therefore, consistent with the objectives of the building height standard.

6.2.2 Site 1

The exhibited *PP* proposed a building height standard of 29m on Site 1 and a review of the development concept plans associated with the *PP* with Council's officers on 31 January and 7 February 2018 following the exhibition resulted in the *AEP* recommending that the maximum building height of the residential section of the development on Site 1 be reduced from 29m to 26m, while permitting ancillary roof top facilities, such as fire services, lifts, stairs and a communal open space area, to be located above the residential section of the building

The residential section of the building on Site 1 is to range in height from 14.7m to 24.9m above existing natural ground level.

The roof top facilities, which include lift overruns, stairways to the roof top, roof tanks for the fire services and mechanical plant areas are to partially extend above the 26m building height standard up to a height up to 27.6m.

The potential for these facilities to exceed the building height standard was acknowledged in the amendment to *MDCP 2011* approved by Council on 10 April 2018.

The parts of the building that exceed 26m in height are minor and located in a position where they will not be readily discernible from view from public domain areas and surrounding properties.

A written request under Clause 4.6(3) justifying the contravention of the building height standard is contained in **Appendix 1**.

The application is, therefore, suitable for approval despite its variation from the building height standard contained in Clause 4.3(2) of *MLEP 2011* relating to development on Site 1.

6.2.3 Site 3

The exhibited *PP* proposed a building height standard of 20m on Site 3 for development adjacent to Fisher Street.

A review of the development concept plans associated with the *PP* with Council's officers and its *AEP* on 31 January and 7 February 2018 following the exhibition resulted the *AEP* recommending that the maximum building height of development in this area be increased from 20m to 29m to achieve desirable urban design outcomes.

These outcomes involve:

- the creation of a simpler built form and better streetscape in relation to existing and future buildings to the west;
- the retention of 2 large trees located adjacent to the Fisher Street/Regent Street corner; and
- improvements of the publicly accessible open space area proposed between Buildings A and B.

The part of Building A, which is located in this area, is to vary between 25.2m and 26m in height.

The horizontal and vertical modulation of Building A will achieve a desirable urban design outcome for development on this land.

A written request under Clause 4.6(3) justifying the contravention of the building height standard is contained in **Appendix 2**.

The application is, therefore, suitable for approval despite its variation from the building height standard contained in Clause 4.3(2) of *MLEP 2011* relating to development on Site 3.

6.3 Traffic & Parking

6.3.1 Traffic

The traffic and parking impact assessment report contained in **Attachment 18** provides an analysis of the traffic generated by the existing development on the land and by its proposed redevelopment in terms of the Roads & Maritime Services' *Guide to Traffic Generating Developments (RMS Guide)*.

This analysis indicates that the development will generate an estimated additional 44 AM peak hour vehicle trips and will not alter the number of PM peak hour vehicle trip in this area when compared to the traffic generated by the existing development on the land.

The assessment also conducted a SIDRA analysis of the performance of surrounding intersections using:

- existing AM and PM traffic volumes;
- traffic growth rates provided by *Roads & Maritime Services (RMS)*;
- traffic generated by the proposed development; and
- 10-year growth projections.

This analysis indicated that the following intersections will continue to have an overall satisfactory level of service which will not change significantly from the existing level of service they offer:

- Trafalgar Street/Audley Street;
- Trafalgar Street/Regent Street;
- Trafalgar Street/Crystal Street;
- New Canterbury Road/Regent Street;
- New Canterbury Road/Audley Street; and
- New Canterbury Road/Crystal Street.

The car parks on the sites are to be accessed as follows.

Site	Location of Access to Car Park
1	Regent Street adjacent to the northern side boundary
2	Fisher Street adjacent to the eastern rear boundary
3	Trafalgar Street adjacent to the western side boundary, with access limited to a left-in/left-out arrangement by a 900mm central median strip to be constructed in Trafalgar Street

The proposal will lead to a significant rationalisation of the many footpath crossings that currently exist along the sites' Regent and Trafalgar Street frontages, with only one vehicular access being provided to the off-street parking facilities associated with each of the sites.

This will significantly improve pedestrian and vehicular safety in this area.

The assessment concludes that development, including its traffic generation, trip distribution and access locations, is appropriate and would not require any further traffic mitigation works.

6.3.2 Car Parking

Sites 1 and 3 are located in Parking Area 1 under the terms of the Part 2.10 of *MDCP 2011*, while Site 2 is located in Parking Area 2.

Residential Parking

A comparison of the maximum residential parking requirements contained in Section 2.10 of *MDCP 2011* and the minimum requirements of the *RMS Guide* taken from the traffic and parking impact assessment report in **Attachment 18** is as follows.

Site	MDCP 2011 Maximum	RMS Guide Minimum	Proposed
1	69 spaces	104 spaces	91 spaces
2	50 spaces	50 spaces	45 spaces
3	140 spaces	190 spaces	169 spaces
Total:	259 spaces	344 spaces	305 spaces

In summary, the controls contained in *MDCP 2011* provide that parking in the development should not exceed 259 spaces, while the *RMS Guide* indicates that the development should provide a minimum of 344 spaces.

The proposal is to provide a total of 305 residential car parking spaces for the 357 apartments proposed, equating to an average of some 0.85 spaces/apartment.

Clause 30(1)(a) of *SEPP No.65* provides that a development application to which the *Policy* applies must not be refused if car parking is equal to, or greater than, the recommended minimum amount specified in Part 3J of the *ADG* and Part 3J states that parking requirements should be determined in relation to the availability, frequency and convenience of public transport and, where less car parking is provided, Councils should not provide on-street resident parking permits.

The latter is relevant in light of *RMS*'s stated desire to remove on-street parking in Trafalgar Street and New Canterbury Road in this locality.

The design criterion in Part 3J-1 of the *ADG* on sites within 800m of a railway station or light rail stop is the minimum car parking requirements for residents and visitors set out in the *RMS Guide* or Council's requirement, whichever is less.

The underlying objective of Council's maximum parking controls is to promote sustainable transport by reducing car usage and increasing public transport use, walking and cycling.

This objective requires a balance to be made between:

- providing sufficient off-street parking to meet the contemporary needs of prospective residents and market demands;
- the adverse effects of potential on-street parking should insufficient off-street parking be available; and
- the need to constrain parking to foster and promote the use of public transport.

MDCP 2011 specifically allows for appropriate variations to parking rates and design parameters for development with particular characteristics.

The traffic and parking impact assessment report in **Attachment 18** indicates that the residential spaces in excess of the *MDCP 2011* control are warranted and acceptable for the reason that:

- the proposed 305 residential spaces comply with the minimum parking required by *SEPP No. 65*;
- the proposed residential car parking is 39 spaces less than that required by the *RMS Guide*; and
- strict compliance with the maximum parking permitted under *MDCP 2011* would result in insufficient parking for the residential components of the development and would put pressure on on-street parking on the surrounding road network, particularly in light of the *RMS*'s desire to remove on-street parking in Trafalgar Street and New Canterbury Road in this locality.

The assessment emphasises that 260 bicycle spaces and 31 motorcycle spaces are to be provided for residents in the development.

Constraints on the provision of off-street parking to encourage public transport use also needs to be considered in terms of:

- the need for significant community attitudinal change to the mode of transport they use to satisfy their private transport needs;
- the medium to long term required for this attitudinal change to occur; and
- the pressures and effects that on-street parking will create in the interim period.

The extent of residential parking proposed in this application provides a satisfactory and reasonable balance between:

- the minimum requirements of the *RMS Guide* and the maximum control contained in *MDCP 2011*;
- the *RMS*'s desire to restrict on-street parking in this area; and
- the principle of restricting car parking provision so as to foster and promote the use of public transport, walking and cycling as the principal means of private transport.

The assessment concludes that the site is suitable for the proposed development in terms of its residential car parking provision.

Club Parking

Council's parking requirement in Part 2.10 of *MDCP 2011* for registered clubs in Parking Area 1 is 1 space/6 staff for patrons and staff.

On this basis, the Club's operations would equate to a maximum parking requirement of between 10 and 15 car spaces.

The 152 car parking spaces currently available for parking on the Club's land satisfactorily accommodate the parking demand generated by the Club.

The Club has stipulated that 150 spaces is the minimum number required to accommodate its operations.

An assessment of the parking needs of the Club is contained in the traffic and parking impact assessment report in **Attachment 18**.

The assessment indicates that:

- the *RMS Guide* does not have specific parking rates for registered clubs;
- the *RMS Guide* specifies that:
 - off-street parking must be provided to satisfy the average maximum demand generated by clubs;
 - parking demand varies substantially depending on the type of club and cannot readily be related to building floor areas or membership numbers;
 - parking demand should be determined on the basis of the characteristics of a proposed club and a comparison with similar clubs; and
- the parking required under the terms of *MDCP 2011* is grossly inadequate for registered clubs.

The assessment surveyed 4 clubs that have similar operations to those of the proposed new Club.

The assessment indicates that the existing car parking capacity of 152 spaces associated with the Club is consistent with the levels of parking associated with these comparative clubs and the provision of 150 spaces in connection with the new Club would satisfy expected parking demand.

It is obvious that Council's current requirement for 15 spaces for the new Club is grossly inadequate to meet its parking demand and that the provision of 150 spaces would maintain the existing level of parking associated with the Club and be consistent with the *RMS Guide*.

The café to be established in the development has a floor area of 100m² and up to 2 car spaces can be provided in connection with this use under Part 2.10 of *MDCP 2011*.

The provision of 151 car spaces for the Club and the café is adequate and appropriate.

Gross Floor Area Considerations

“Gross floor area” of buildings is used to determine the floor space ratio of development and, by definition, excludes car parking meeting any requirements of Council.

As outlined above, the proposal is to provide car parking in excess of Council’s maximum requirements.

The relevant objectives of the floor space ratio standards contained in Clause 4.4(1) of *MLEP 2011* are:

- to control building density and bulk in relation to the site area in order to achieve the desired future character for different areas; and
- to minimise adverse environmental impacts on adjoining properties and the public domain.

As all of the car parking to be established is to be located in basement areas of the proposed buildings and will not be visible when viewed from the public domain, the proposed car parking:

- does not facilitate any increase in building density or bulk;
- does not affect the proposal’s consistency with the desired future character of development in this area; and
- does not have any adverse environmental impacts on adjoining properties or the public domain.

In these circumstances, it would be reasonable for Council to require car spaces in excess of the maximum specified in Part 2.10 of *MDCP 2011* in relation to the Club, residential and public parking proposed, thereby excluding all of the car parking proposed from consideration as “gross floor area”.

Alternatively, Clause 4.6(2) of *MLEP 2011* would enable development consent to be granted for the development should the parking in excess of the maximum specified in *MDCP 2011* be considered to be “gross floor area” and result in an exceedance of the floor space ratio standards contained in *MLEP 2011*.

6.3.3 Servicing

Garbage and recycling waste storage facilities are to be provided in each of the buildings.

Residential waste collection from Sites 1 and 2 is to be via a kerb-side pick-up.

Residential wastes associated with the development on Site 3 are to be collected by Council’s residential waste services from the collection/loading bay on Site 3.

The transporting of wastes to pick-up areas is to be managed by the Owners Corporations of each of the individual residential complexes.

Commercial wastes associated with the RSL Club and café on Site 3 are to be stored in the collection/loading bay on Site 3 and removed by a private waste removal contractor.

The collection/loading bay is to be located off the widened Fozzard Lane and a turntable is to be installed to enable the largest design vehicle associated with the Club, a 12m-long HRV delivery vehicle, to enter and leave the site in a forward direction as illustrated in Appendix E of **Attachment 18**.

The preparation of a waste and loading bay management plan which outlines the safe operation of the waste collection/loading bay area can be addressed by an appropriate condition of consent.

6.3.4 Conclusion

The traffic and parking impact and assessment report concludes that the site is suitable for the proposed development in relation to traffic impact, car parking provision, vehicle and pedestrian access and safety considerations.

6.4 Flooding Considerations

The properties at 301-303 and 305-309 Trafalgar Street have been identified as a “*Flood Planning Area*” on the *Flood Planning Map* associated with *MLEP 2011*.

A flood impact assessment, prepared by ACOR Consultants Pty Ltd, is contained in **Attachment 21**.

In relation to flooding, the assessment concludes that it is evident from the results of the Q₁₀₀ local flood regime modelled in HEC-RAS that:

- flood waters are generally contained within the road reserves of Regent Street and Trafalgar Street with little or no flood water entering the existing (pre-development) site;
- flood waters are generally contained within the carriageway of Fozzard Lane with no flood water entering the existing (pre-development) site, based on the road regrading proposed in the *Flood Report at Site 3, 297-309 Trafalgar Street & 16-20 Fisher Street, Petersham*, dated November 2017, prepared by Neil Lowry & Associates; and
- the proposed development has little or no impact upon the existing flood regime within Regent Street and Trafalgar Street, noting that the proposed development will theoretically increase flood flow depths and water levels at the corner of Regent Street and Trafalgar Street by less than 1mm.

Fozzard Lane is to be regraded in accordance with the Neil Lowry & Associates’ report, which was commissioned by the applicant.

The satisfactory and appropriate management of overland stormwater flows and flooding is within the scope of established civil engineering practice in accordance with the civil works and stormwater drainage plans contained in **Attachments 10** and **20**.

6.5 Residential Amenity Considerations

The development has been designed to complement the diverse character of development in this area.

The proposal will not have any undue or unplanned effect on the amenity of surrounding and nearby residential properties in terms of:

- privacy;
- solar access;
- views; or
- visual impact.

The proposal adequately provides for the off-street car parking demands generated by the development and will not have any adverse impact on the efficiency and effectiveness of the surrounding road network.

The development will not have any effect on the natural environment.

7.0 Statutory Compliance Assessment

The following is a summary assessment of the proposal under the heads of consideration contained in Section 4.15(1) of the *EP&A Act*.

Section 4.15(1)(a)(i) - The provisions of any environmental planning instrument

The proposal is permissible, with Council's consent, and conforms with the relevant provisions of the environmental planning instruments applying to this land, with the exception of the height standards contained in Clause 4.3(2). This matter is addressed in detail in Section 6.2 and the written requests for the variation of the standard contained in **Appendices 1 and 2**. See Sections 4.0 and 6.2.

Section 4.15(1)(a)(ii) - The provisions of any proposed instrument that is, or has been, publicly exhibited and notified to the consent authority

The proposal is consistent with the relevant instruments. See Section 4.3.

Section 4.15(1)(a)(iii) - The provisions of any development control plans

The proposal is consistent with the objectives and relevant provisions of the development control plan applicable to this proposal. See Sections 5.0 and 6.3.2.

Section 4.15(1)(a)(iiia) - The provisions of any planning agreement under Section 7.4

The proposal is to be consistent with the planning agreement associated with the *PP* relating to development on this land.

Section 4.15(1)(a)(iv) - Matters prescribed by the Regulations

There are no relevant matters prescribed by the *Regulations* applicable to this matter. All building work is to be carried out in accordance the *Building Code of Australia*.

Section 4.15(1)(a)(v) - Any coastal zone management plan

The land is not subject to any coastal zone management plan.

Section 4.15(1)(b) - Likely impacts of the development

The proposal will have no adverse or identifiable impact in terms of:

- context and setting;
- access, transport and traffic;
- the public domain;
- utilities;
- heritage;
- other land resources;
- water;
- soils;
- air and microclimate;
- flora and fauna;

- waste;
- energy;
- noise and vibration;
- natural hazards;
- technological hazards;
- safety, security and crime prevention;
- social impact;
- economic impact;
- site design and internal design;
- construction; or
- cumulative impacts.

Section 4.15(1)(c) - Suitability of the site for the development

The site is suitable for the proposed development in accordance with the *MLEP 2011* and *MDCP 2011*.

Section 4.15(1)(d) - Submissions

Any submission received by Council following the notification of the application in accordance with Council's notification policy is to be considered in the determination of this application.

Section 4.15(1)(e) - Public interest

There is no issue of public interest that should preclude the approval of this proposal.

In fact, the public interest would best be served by the approval of this application having regard to it:

- facilitating the relocation and redevelopment of the Petersham RSL Club to provide vital leisure and recreation facilities to meet the contemporary needs of the local community in a new, modern facility;
- ensuring the Club can continue to make a contribution to the local community;
- creating an attractive and interesting entry statement to Petersham from the Railway Station;
- revitalising development in this area in the context of it having been earmarked as a high density residential area adjacent to the Railway Station by *MLEP 2011* and providing a catalyst and stimulus for further renewal;
- enhancing the streetscapes in Regent, Trafalgar and Fisher Streets and New Canterbury Road;
- improving pedestrian connections between the Railway Station and the Petersham Shopping Centre;
- promoting and co-ordinating the orderly and economic use and development of the land in this locality;
- being consistent with contemporary town planning practice and principles relating to the integration of transport and land use and transit-oriented development and encouraging public transport use as the principal means of access to shops, services, employment, leisure and recreational facilities;

- providing additional housing opportunities and widening housing choice;
- contributing to housing affordability, diversity and choice and accommodating community lifestyle and well-being;
- increasing housing densities in an area planned for more intensive development;
- providing positive social benefits by creating additional housing opportunities without any adverse environmental effects; and
- resulting in employment opportunities during both the construction and operational phases of the development.

8.0 Conclusion

The development is permissible, with Council's consent, under the terms of *MLEP 2011* and complies with the relevant provisions of the *Plan*, with the exception of the height standard contained in Clause 4.3(2) relating to the buildings proposed on Sites 1 and 3.

Clause 4.6 of the *Plan* provides for flexibility in the application of such standards and issues relating to the variations proposed in this application are addressed in detail in Section 6.2 and the written requests for their variation contained in **Appendices 1 and 2**.

The development is consistent with the objectives of *MDCP 2011* and the relevant controls contained in the *Plan*.

The site is ideally located for a development of the nature proposed in terms of its location adjacent to the Petersham Railway Station and Shopping Centre.

The proposal represents an appropriate and satisfactory design response to the opportunities and constraints offered by the site and its setting and will produce a desirable urban design outcome for the development of this land in a manner consistent with the desired future character of development in this locality.

The proposal will not have any undue or unplanned effect:

- on the amenity of surrounding properties in terms of overshadowing, loss of privacy, visual impact or view loss; or
- on the streetscape presentation of the sites.

The proposal will, in fact, significantly improve surrounding streetscapes.

The public interest would best be served by the approval of this application having regard to it:

- facilitating the relocation and redevelopment of the Petersham RSL Club to provide vital leisure and recreation facilities to meet the contemporary needs of the local community in a new, modern facility;
- ensuring the Club can continue to make a contribution to the local community;
- creating an attractive and interesting entry statement to Petersham from the Railway Station;
- revitalising development in this area in the context of it having been earmarked as a high density residential area adjacent to the Railway Station by *MLEP 2011* and providing a catalyst and stimulus for further renewal;
- enhancing the streetscapes in Regent, Trafalgar and Fisher Streets and New Canterbury Road;
- improving pedestrian connections between the Railway Station and the Petersham Shopping Centre;
- promoting and co-ordinating the orderly and economic use and development of the land in this locality;

- being consistent with contemporary town planning practice and principles relating to the integration of transport and land use and transit-oriented development and encouraging public transport use as the principal means of access to shops, services, employment, leisure and recreational facilities;
- providing additional housing opportunities and widening housing choice;
- contributing to housing affordability, diversity and choice and accommodating community lifestyle and well-being;
- increasing housing densities in an area planned for more intensive development;
- providing positive social benefits by creating additional housing opportunities without any adverse environmental effects; and
- resulting in employment opportunities during both the construction and operational phases of the development.

The proposal will not compromise traffic safety in this locality and adequately satisfies the off-street parking needs generated by the development.

The proposal conforms with the statutory heads of consideration contained in Section 4.15 of the *EP&A Act*.

Accordingly, the application is suitable for approval.

APPENDIX 1

Clause 4.6 Variation from Building Height Standard Site 1

1.0 BUILDING HEIGHT STANDARD

Clause 4.3(2) of *MLEP 2011* provides that the height of buildings on this land is not to exceed the height shown on the *Height of Buildings Map* which, in this case of Site 1, is 26m.

The residential section of the building is to range in height from 14.7m to 24.9m above existing natural ground level.

However, roof top facilities, such as fire services, lifts, stairs and a communal open space area, are to be located above this section of the building.

The lift overruns, stairways to the rooftop, roof tanks for the fire services and mechanical plant areas associated with the building are to partially extend above the 26m building height standard up to a height up to 27.6m.

Clause 4.6(2) of *MLEP 2011* provides that development consent may be granted for development even though it would contravene a development standard imposed by the *Plan* or any other environmental planning instrument.

The objectives of Clause 4.6 are:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development; and
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

To justify a variation from a standard, Clause 4.6(4) of the *Plan* requires:

- (a) Council to be satisfied that:
 - (i) a written request submitted with application justifies a contravention of the standard by demonstrating that:
 - compliance with the standard is unreasonable or unnecessary in the circumstances of the case; and
 - there are sufficient environmental planning grounds to justify contravening the standard;
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out; and
- (b) the concurrence of the Secretary of the Department of Planning & Environment.

2.0 JUSTIFICATION FOR VARIATION FROM THE STANDARD

The following sections provide the justification for the variation to the building height standard applying to development on this land and the proposed development.

2.1 Unreasonable or Unnecessary Test

Clause 4.6(3)(a) – Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

The residential section of the building is to range in height from 14.7m to 24.9m above existing natural ground level.

However, roof top facilities, such as fire services, lifts, stairs and a communal open space area, are to be located above this section of the building.

The lift overruns, stairways to the rooftop, roof tanks for the fire services and mechanical plant areas associated with the building are to partially extend above the 26m building height standard up to a height up to 27.6m.

The potential for roof top facilities to exceed the building height standard on Site 1 was acknowledged in the amendment to *MDCP 2011* approved by Council on 10 April 2018.

The parts of the building that exceed 26m in height are minor and located in a position where they will not be readily discernible from view from public domain areas and surrounding properties.

The proposed building:

- is consistent with the desired future character of development in this locality; and
- represents an appropriate and satisfactory design response to the opportunities and constraints offered by the site and its setting.

In these circumstances, there is little, if any, utility in applying the height standard to the building proposed on Site 1 and the building height standard is both unreasonable and unnecessary in terms of the proposed development.

2.2 Environmental Planning Grounds

Clause 4.6(3)(b) – Are there sufficient environmental planning grounds to justify contravening the development standard?

The proposed building is consistent with the development concept plans that were revised following the exhibition of the *PP* and the proposed amendment of *MDCP 2011* relating to the site-specific master plan for this significant landholding in the Petersham South Precinct.

The proposed variation from the height standard will not be readily discernible from view from public domain areas or surrounding properties and does not have any adverse environmental effects.

Consequently, there are sufficient environmental grounds to justify the variation from the standard as proposed.

Clause 4.6(4)(a)(i) – Is the consent authority satisfied that the written request has adequately addressed the matters contained in Clause 4.6(3)?

See above.

2.3 Objectives of the Standard

Clause 4.6(4)(a)(ii) – Is the proposed development in the public interest because it is consistent with the following objectives of the building height standard contained in Clause 4.3(1) of MLEP 2011?

(a) To establish the maximum height of buildings.

The proposed building is consistent with the development concept plans that were revised in consultation with Council following the exhibition of the *PP* and the proposed amendment of *MDCP 2011* relating to the site-specific master plan for this significant landholding in the Petersham South Precinct

The proposal is consistent with this objective.

(b) To ensure building height is consistent with the desired future character of an area.

The proposed building is consistent with the development concept plans that were revised in consultation with Council following the exhibition of the *PP* and the proposed amendment of *MDCP 2011* relating to the site-specific master plan for this significant landholding in the Petersham South Precinct and is, therefore, consistent with the desired future character of an area.

The proposal is consistent with this objective.

(c) To ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight.

The parts of the building in excess of 26m in height are minor and located in a position where they will not be readily discernible from view from public domain areas and surrounding properties and will not affect the exposure to the sky and sunlight enjoyed in surrounding buildings or public areas.

The proposal is consistent with this objective.

(d) To nominate heights that will provide an appropriate transition in built form and land use intensity.

The parts of the building in excess of 26m in height are minor and located in a position where they will not have any perceptible effect on the transition in built form or land use intensity in this locality.

The proposal is consistent with this objective.

2.4 Objectives of the Zoning

Clause 4.6(4)(a)(ii) – Is the proposed development in the public interest because it is consistent with the following objectives for development within the R4 High Density Residential zone in which the development is proposed to be carried out?

- (a) To provide for the housing needs of the community within a high density residential environment.**

The proposal will increase housing stock in this area earmarked as a high density residential precinct.

The proposal is consistent with this objective.

- (b) To provide a variety of housing types within a high density residential environment.**

The proposal will increase the variety of housing types in this area earmarked as a high density residential precinct.

The proposal is consistent with this objective.

- (c) To enable other land uses that provide facilities or services to meet the day to day needs of residents.**

The proposal includes the relocation of Petersham RSL Club to Site 3 and the establishment of a café at the corner of Trafalgar and Regent Streets.

The proposal is consistent with this objective.

- (d) To provide for office premises but only as part of the conversion of existing industrial and warehouse buildings or in existing buildings designed and constructed for commercial purposes.**

This objective is not relevant to this proposal.

- (e) To provide for retail premises in existing buildings designed and constructed for commercial purposes.**

This objective is not relevant to this proposal.

- (f) To provide for well connected neighbourhoods that support the use of public transport, walking and cycling.**

The proposal will contribute to a well-connected neighbourhood in this area surrounding the Petersham Railway Station and support the use of public transport, walking and cycling.

The proposal is consistent with this objective.

2.5 Other Matters

Clause 4.6(4)(b) – Concurrence of the Secretary of the Department of Planning & Environment.

The Secretary's concurrence to the variation of the standard may be assumed by Council in accordance with the Department's Planning Circular PS 08-003, issued on 9 May 2008.

Clause 4.6(5)(a) – Does the contravention of the development standard raise any matter of significance for State or regional environmental planning?

The variation from the building height standard for the development does not raise any matter of State or regional environmental planning significance.

Clause 4.6(5)(b) – The public benefit of maintaining the development standard.

There is no identifiable public benefit in maintaining the standard in the context of this proposal and its consistency with the desired future character of development in this locality.

Clause 4.6(5)(c) – Any other matters required to be taken into consideration by the Secretary before granting concurrence.

There are no other relevant matters required to be taken into consideration relating to the Secretary's concurrence.

3.0 CONCLUSION

The building height standard is both unreasonable and unnecessary in the circumstances of this case and there are sufficient environmental planning grounds to justify variations from the standard for the reasons outlined in Sections 2.1 and 2.2.

The variation from the standard is consistent with the objectives of the standard and the proposed development is consistent with the objectives for development in the R4 High Density Residential zone for the reasons outlined in Sections 2.3 and 2.4.

The development, with the variation from the standard as proposed:

- will not result in any adverse environmental impacts;
- will not have any significant effect on the amenity enjoyed by residents of surrounding properties in terms of privacy, solar access, visual impact or view loss; and
- will promote and co-ordinate the orderly and economic use and development of the land in accordance with the object of Section 1.3(a)(ii) the *EP&A Act*.

The proposal is, therefore, suitable for approval under the terms of Clause 4.6(2) of *MLEP 2011*, despite its variation from the numerical value of the building height standard contained in Clause 4.3(2) of the *Plan*.

APPENDIX 2

Clause 4.6 Variation from Building Height Standard Site 3

1.0 BUILDING HEIGHT STANDARD

Clause 4.3(2) of *MLEP 2011* provides that the height of buildings on this land adjacent to Fisher Street is not to exceed the height shown on the *Height of Buildings Map* which, in this part of Site 3, is 20m.

The part of Building A, which is located in this area, is to vary between 25.2m and 26m in height.

Clause 4.6(2) of *MLEP 2011* provides that development consent may be granted for development even though it would contravene a development standard imposed by the *Plan* or any other environmental planning instrument.

The objectives of Clause 4.6 are:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development; and
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

To justify a variation from a standard, Clause 4.6(4) of the *Plan* requires:

- (b) Council to be satisfied that:
 - (iii) a written request submitted with application justifies a contravention of the standard by demonstrating that:
 - compliance with the standard is unreasonable or unnecessary in the circumstances of the case; and
 - there are sufficient environmental planning grounds to justify contravening the standard;
 - (iv) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out; and
- (b) the concurrence of the Secretary of the Department of Planning & Environment.

2.0 JUSTIFICATION FOR VARIATION FROM THE STANDARD

The following sections provide the justification for the variation to the building height standard applying to development on this land and the proposed development.

2.1 Unreasonable or Unnecessary Test

Clause 4.6(3)(a) – Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

A review of the development concept plans associated with the *PP* with Council's officers and its *AEP* on 31 January and 7 February 2018 following the exhibition resulted the *AEP* recommending that the maximum building height of development in this area be increased to 29m to achieve desirable urban design outcomes.

These outcomes involve:

- the creation of a simpler built form and better streetscape in relation to existing and future buildings to the west;
- the retention of 2 large trees located adjacent to the Fisher Street/Regent Street corner; and
- improvements of the publicly accessible open space area proposed between Buildings A and B.

The part of Building A, which is located in this area, is to vary between 25.2m and 26m in height.

The horizontal and vertical modulation of Building A will achieve a desirable urban design outcome for development on this land.

The proposed Building A:

- Is consistent with the desired future character of development in this locality; and
- represents an appropriate and satisfactory design response to the opportunities and constraints offered by the site and its setting.

In these circumstances, the building height standard is both unreasonable and unnecessary in terms of the proposed development.

2.2 Environmental Planning Grounds

Clause 4.6(3)(b) – Are there sufficient environmental planning grounds to justify contravening the development standard?

The proposed building is consistent with the development concept plans on which the *PP* and the amendment of *MDCP 2011* were based for the site-specific master plan for this significant landholding in the Petersham South Precinct.

The horizontal and vertical modulation of Building A will facilitate a desirable urban design outcome for development on this land.

Consequently, there are sufficient environmental grounds to justify the variation from the standard as proposed.

Clause 4.6(4)(a)(i) – Is the consent authority satisfied that the written request has adequately addressed the matters contained in Clause 4.6(3)?

See above.

2.3 Objectives of the Standard

Clause 4.6(4)(a)(ii) – Is the proposed development in the public interest because it is consistent with the following objectives of the building height standard contained in Clause 4.3(1) of MLEP 2011?

(e) To establish the maximum height of buildings.

The proposed building is consistent with the development concept plans that were revised in consultation with Council following the exhibition of the *PP* and the proposed amendment of *MDCP 2011* relating to the site-specific master plan for this significant landholding in the Petersham South Precinct.

The proposal is consistent with this objective.

(f) To ensure building height is consistent with the desired future character of an area.

The proposed building is consistent with the development concept plans that were revised in consultation with Council following the exhibition of the *PP* and the proposed amendment of *MDCP 2011* relating to the site-specific master plan for this significant landholding in the Petersham South Precinct and is, therefore, consistent with the desired future character of an area.

The proposal is consistent with this objective.

(g) To ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight.

The part of Building A in excess of 20m in height is relatively minor and will not have any undue or unreasonable effect on the exposure to the sky and sunlight enjoyed in surrounding buildings or public areas.

The proposal is consistent with this objective.

(h) To nominate heights that will provide an appropriate transition in built form and land use intensity.

The part of Building A in excess of 20m in height is relatively minor and will contribute to an appropriate transition in built form and land use intensity in this locality.

The proposal is consistent with this objective.

2.4 Objectives of the Zoning

Clause 4.6(4)(a)(ii) – Is the proposed development in the public interest because it is consistent with the following objectives for development within the R4 High Density Residential zone in which the development is proposed to be carried out?

- (g) To provide for the housing needs of the community within a high density residential environment.**

The proposal will increase housing stock in this area earmarked as a high density residential precinct.

The proposal is consistent with this objective.

- (h) To provide a variety of housing types within a high density residential environment.**

The proposal will increase the variety of housing types in this area earmarked as a high density residential precinct.

The proposal is consistent with this objective.

- (i) To enable other land uses that provide facilities or services to meet the day to day needs of residents.**

The proposal includes the relocation of Petersham RSL Club to Site 3 and the establishment of a café at the corner of Trafalgar and Regent Streets.

The proposal is consistent with this objective.

- (j) To provide for office premises but only as part of the conversion of existing industrial and warehouse buildings or in existing buildings designed and constructed for commercial purposes.**

This objective is not relevant to this proposal.

- (k) To provide for retail premises in existing buildings designed and constructed for commercial purposes.**

This objective is not relevant to this proposal.

- (l) To provide for well connected neighbourhoods that support the use of public transport, walking and cycling.**

The proposal will contribute to a well-connected neighbourhood in this area surrounding the Petersham Railway Station and support the use of public transport, walking and cycling.

The proposal is consistent with this objective.

2.5 Other Matters

Clause 4.6(4)(b) – Concurrence of the Secretary of the Department of Planning & Environment.

The Secretary's concurrence to the variation of the standard may be assumed by Council in accordance with the Department's Planning Circular PS 08-003, issued on 9 May 2008.

Clause 4.6(5)(a) – Does the contravention of the development standard raise any matter of significance for State or regional environmental planning?

The variation from the building height standard for the development does not raise any matter of State or regional environmental planning significance.

Clause 4.6(5)(b) – The public benefit of maintaining the development standard.

There is no identifiable public benefit in maintaining the standard in the context of this proposal and its consistency with the desired future character of development in this locality.

Clause 4.6(5)(c) – Any other matters required to be taken into consideration by the Secretary before granting concurrence.

There are no other relevant matters required to be taken into consideration relating to the Secretary's concurrence.

3.0 CONCLUSION

The building height standard is both unreasonable and unnecessary in the circumstances of this case and there are sufficient environmental planning grounds to justify variations from the standard for the reasons outlined in Sections 2.1 and 2.2.

The variation from the standard is consistent with the objectives of the standard and the proposed development is consistent with the objectives for development in the R4 High Density Residential zone for the reasons outlined in Sections 2.3 and 2.4.

The development, with the variation from the standard as proposed:

- will not result in any adverse environmental impacts;
- will not have any significant effect on the amenity enjoyed by residents of surrounding properties in terms of privacy, solar access, visual impact or view loss; and
- will promote and co-ordinate the orderly and economic use and development of the land in accordance with the object of Section 1.3(a)(ii) the *EP&A Act*.

The proposal is, therefore, suitable for approval under the terms of Clause 4.6(2) of *MLEP 2011*, despite its variation from the numerical value of the building height standard contained in Clause 4.3(2) of the *Plan*.