

Department of Infrastructure, Planning and Natural Resources

Development Assessment Report

Subject: Development Application No. 371-11-2002

Ref: S03/00505 Pt.1

Property: Lot 4 DP270251, Lot 15 DP270251, Lot 16 DP270251, Lot 20 DP270251, Pt Lot 30 DP270251.
(known as Waterfront West and Distillery Hill, Jacksons Landing, Pymont)

Proposal: Excavation (bulk civil earthworks), demolition and infrastructure work

Applicant: Lend Lease Development
Attention: Warwick Bowyer

Reporting Officer: Philip Carroll
Environmental Planning Officer – Urban Assessments

1. Summary

The subject development application seeks approval for the following:

1. The reshaping of Distillery Hill including the demolition of retaining walls, excavation of rock and bulk earthworks, to:
 - Accommodate Distillery Hill Stages 2, 3 and 4 apartments and associated underground car parking and service areas;
 - Accommodate the planned extension of John Street west of Refinery Drive; and
 - Allow for the future widening of Bowman Street from Refinery Drive West to the Bank Street intersection.
2. The completion of miscellaneous demolition and site clearing in preparation for building works to Distillery Hill Stages 2, 3, 4 and 5, including works in the Waterfront West precinct; and
3. The creation of infrastructure and infrastructure services for Distillery Hill.

The main issues relating to the proposed development are the impacts associated with the undertaking of the bulk earthworks (eg. noise, dust, runoff, traffic generation – increase in the number of heavy vehicle movements etc) on the environment and the local community. It is considered adequate measures are in place via conditions of consent to address these issues.

The subject site is located within the Distillery Hill and Waterfront West Precincts in Jacksons Landing, an 11.73 hectare urban renewal project located on the north-western tip of the Pymont Peninsula.

The site where the works are proposed is irregular in shape and divided by Bowman Street into two (2) portions. The Distillery Hill portion is to the south

of Bowman Street, between Refinery Drive and Bank Street. The Waterfront West portion is situated to the north of Bowman Street, west of Bank Street.

The Distillery Hill portion contains no significant improvements. An asphalt driveway is located on the northern side of the Distillery Hill Knoll (which will be demolished as part of the demolition process). One (1) underground storage tank on the top of the Knoll which will be demolished and backfilled in accordance with the remediation consent. The Waterfront West portion consists of concrete ground slabs from the demolished Cane-ite factory.

On 28 April 1998, Development Approval No. 73/97 was granted for the remediation of contaminated land in Zone B (Waterfront Precinct). On 2 February 2000, Development Approval No. 43-03-99 was granted for the remediation of Zone C (Distillery Hill). The extent of the contaminants found in the subject areas required the preparation and endorsement of a Remediation Action Plan (RAP) which has been undertaken.

Pursuant to Sydney Regional Environmental Plan No. 26 – City West the land is zoned Residential – Business. The proposed development is permissible in the zone and is considered to satisfy the requirements of the policy.

The land is also identified on the map for State Environmental Planning Policy No. 56 – Sydney Harbour Foreshores and Tributaries. The site however is not identified as being strategically significant. It is considered the proposed development satisfies the ‘Guiding Principles’ prescribed in the plan.

The application complies with the intent of the Jacksons Landing Master Plan in terms of ultimately creating an environment which is of a high quality whilst capturing and enhancing the qualities of the locality with a diverse range of activities.

It is also considered the proposed development satisfies the provisions of the Ultimo-Pyrmont Urban Development Plan in terms of creating ultimately a high quality urban environment whilst responding to issues associated with the locality’s heritage, views and traffic network.

The application was referred to Sydney City Council, Sydney Harbour Foreshore Authority, Waterways Authority and the Environmental Protection Authority (EPA) for comment. No objections were raised by these agencies. Conditions of consent have been imposed as per their recommendations.

The application was placed on public exhibition for a period of 32 days, from 20 February 2003 to 24 March 2003. A total of three (3) submissions together with a consultants report “*Survey of Dust and Noise*” were received.

The submissions raised concerns regarding noise, dust, traffic and the role which various government agencies and Sydney City Council have in enforcing conditions of consent. A copy of the draft conditions were referred to three (3) parties representing local community groups. One (1) response was received which supported the manner in which the conditions responded to concerns raised.

It is considered the application satisfies the requirements of the *Environmental Planning & Assessment Act, 1979*, notably Section 79c – Matters for Consideration.

Accordingly, it is recommended the application be approved by the Minister of Infrastructure and Planning, Minister for Natural Resources subject to the attached conditions.

2. Proposed Development

The application seeks approval for the following development:

1. The reshaping of Distillery Hill including the demolition of retaining walls, excavation of rock and bulk earthworks, to:
 - Accommodate Distillery Hill Stages 2, 3 and 4 apartments and associated underground car parking and service areas;
 - Accommodate the planned extension of John Street west of Refinery Drive; and
 - Allow for the future widening of Bowman Street from Refinery Drive West to the Bank Street intersection.
2. The completion of miscellaneous demolition and site clearing in preparation for building works to Distillery Hill Stages 2, 3, 4 and 5, including works in the Waterfront West precinct; and
3. The creation of infrastructure and infrastructure services for Distillery Hill.

3. Assessment

Section 79C(1) – Matters for consideration

- a). *The provision of any EPI, Draft EPI, DCPs or any other prescribed matter;*

Sydney Regional Environmental Plan No. 26 – City West

The land is identified on the map for Sydney Regional Environmental Plan No. 26 – City West. The site is identified as being strategically significant. Consideration of the policy's aims and guiding principles is required and provided below.

Part 1 Introduction

Aims of this plan

4. *“The aims of this plan are:*
- *to establish planning principles of regional significance for City West as a whole with which development in City West should be consistent; and*
 - *to establish planning principles and development controls of regional significance for development in each Precinct created within City West by this plan and by subsequent amendment of this plan; and*
 - *to promote the orderly and economic use and development of land within City West.”*

Part 2 – City West

Planning principles of regional significance for City West

11. *“Before granting consent to a development application relating to land within City West (whether or not within a Precinct), the consent authority must take into consideration the aim of this plan that development within City West should be consistent with the planning principles for City West set out in the Table to this clause.”*

Table - Planning Principles for City West

Regional Role

- *“Development in City West is to promote urban consolidation in the Sydney Region and consequently contribute to Sydney’s status as a financial, commercial, residential and tourist city of world standing.*
- *Development in City West is to provide benefits to the people of the Sydney Region and New South Wales.*
- *The types and intensities of development in City West are to reflect its central location and accessibility to public transport and are to support and to complement development in the city centre.*

Land Use Activities

- *Development in City West is to contribute to an integrated mixed-use development pattern containing a wide range of housing and employment opportunities, and educational, recreation and cultural activities.*

Mixed Living and Working Environment

- *Development in City West is to house an increased population and to provide an increased quantity and range of employment opportunities which are compatible with the achievement of a high-quality mixed living and working environment.*
- *Development in City West is to promote and retain close to the city centre a socially diverse residential population representative of all income groups.*
- *Development in City West is to promote and retain close to the city centre a socially diverse residential population representative of all income groups.*
- *Development in City West is to provide different kinds of housing, including affordable housing, to ensure that low to moderate income households may continue to be able to live in City West.*
- *Development in City West is to provide opportunities for people to live and work at places in close proximity.*

Education

- *Development relating to educational establishments should be based on strategies for their growth and response to technological and other changes, and their integration with surrounding development.*

Leisure and Recreation

- *Full advantage is to be taken of the leisure and recreation facilities and the public open space in the city centre and in surrounding areas (particularly in City West) and the use of Sydney Harbour for leisure and recreation.*
- *Public access to the entire foreshore in City West is to be provided. Opportunities for waterfront and water-based recreation and tourism activities, compatible with adjoining land uses, are to be provided.*

Port Functions

- *The operation, concentration and rationalisation of commercial shipping facilities is to be supported to meet the changing needs of Sydney Harbour as a commercial port.*

Social Issues

- *The needs of existing and future communities, including needs for social facilities and services are to be accommodated.*

Environmental Issues

- *Development in City West is to ensure a high level of environmental quality by addressing issues of air quality, noise levels, wind conditions, access to light and sunshine, privacy, soil conditions and water quality.*
- *Development in City West is to have regard to the principles of ecologically sustainable development (namely, the precautionary principle, inter-generational equity, conservation of biological diversity and ecological integrity, and improved valuation, pricing and incentive mechanisms).*
- *Development in City West is to:*

incorporate measures to minimise waste, including (where practicable) utilising recycled materials and renewable building resources, recycling building and demolition wastes, and providing facilities for recycling and composting, and implement total water cycle management, including (where practicable) reducing consumption of potable water, treating and recycling waste water for re-use, minimising site run-off and stormwater generation, and reusing stormwater, and,

incorporate measures to conserve energy, including (where practicable) reducing energy consumption, and increasing inherent energy efficiency through design and materials selection, and

promote biological diversity by measures that include (where practicable) increasing habitat through appropriate retention, planting and maintenance of native flora considered representative of the locality, and

complement and reinforce the development and use of the existing and planned integrated public transport, pedestrian and cycling networks in City West.

Urban Design and Public Domain

- *Development in City West is to enhance, complement and contribute to the development of the public domain in order to create a high-quality physical environment for access, enjoyment and recreation for residents and workers.*
- *Development in City West is to contribute to a high level of residential amenity and convenience.*

Heritage

- *The items and areas of heritage significance in City West are to be conserved and enhanced. New development is to respect the character of heritage items and conservation areas. The re-use of heritage buildings through adaptation and modification is to be encouraged.*

Movement and Parking

- *A range of housing and work, leisure and service facilities is to be provided in City West so that the need for travel is minimised.*
- *A high degree of accessibility is to be provided to places in and outside City West for both able and disabled persons. Walking, cycling and use of public transport are to be encouraged as the means of movement.*
- *Development in City West is to facilitate the provision and operation of a comprehensive regional public transport network.*
- *Development, particularly that which is employment related, is to be within the capacities of existing and proposed public transport and arterial road systems.*
- *The provision for vehicular movement is to be consistent with the development of a high-quality pedestrian environment within the street system.*
- *Parking controls are to be support public transport strategies of the Government and to reflect road network capacities.*

Implementation and Phasing

- *Development is to contribute towards the efficient use of City West's existing infrastructure and towards the provision of physical*

and social infrastructure as part of the development process, in accordance with the provisions of the Act.”

Comment

It is considered the proposed development satisfies the ‘Guiding Principles’ prescribed in the plan. This development application relates to site preparation civil works. Once completed, progress towards creating an urban environment will proceed. It is envisaged that by employing the site’s master plan and urban development plan this environment will satisfy the principles of the policy in terms of achieving a highly liveable, functional neighbourhood on the fringe of Sydney’s central business district.

Division 3 – Planning principles for Precincts

Planning principles of regional significance for Precincts

“15. *Before granting consent to a development application relating to land within a Precinct, the consent authority must take into consideration the aim of this plan that development within the Precinct should be consistent with the planning principles set out for the Precinct in the Table to this clause.”*

Table - Planning Principles for Precincts

Part 1 – Ultimo-Pyrmont Precinct

Role and Land Use Activities

- *Development in the Precinct is to provide for a significant increase in residential population in a mixed use development pattern also accommodating employment, educational and other uses.*
- *Because land values in the Precinct may reasonably be expected to increase when land in the Precinct is developed in accordance with this plan, development in the Precinct is to provide affordable housing to ensure that low to moderate income households may continue to be able to live in the Precinct.*
- *Where possible, development is to make use of existing under-utilised buildings and large areas of land which is either vacant or occupied by out of date facilities.*
- *Development is to take full advantage of the Precinct’s existing facilities, proximity to Darling Harbour, Central Station and other facilities of the city centre, and the extensive Pyrmont waterfront.*
- *Retail development providing for the full range of neighbourhood needs is to be encouraged.*
- *Uses at the ground level of buildings fronting the public domain should complement the functions of the public domain.*

Residential Development

- *A diverse housing stock is to be developed in the Ultimo-Pyrmont Precinct to cater for all households, including singles, couples, families, groups, the elderly, the disabled and lower income earners.*
- *A mixture of dwelling types and sizes should be provided to enable a diverse community and promote housing choice.*
- *High quality housing with adequate facilities and sustainable design is to be developed to encourage long-term residents and achieve urban consolidation.*

Social Issues

- *A range of services and facilities should be provided to meet the needs of the existing and new residents and workers, including retail, leisure, recreational and welfare facilities that promote the health and well-being of the community and recognise its cultural and ethnic diversity.*
- *Urban design is to enhance the conviviality and sense of place of the Ultimo-Pyrmont Precinct and reflect the character and heritage of the Precinct.*
- *Development is to enable surveillance and to enhance street level activity to increase actual and perceived security.*
- *Development is to enhance the creation of a diverse resident community through the provision of a range of dwelling unit types and sizes.*

Urban Design

- *Building heights are to reflect and emphasis the topography of the Precinct by increasing in height as distance increases from the nearest waterfront. Building heights should allow a reasonable sharing of distant views from buildings by their occupants.*
- *The height and scale of buildings are to form a transition between the high-rise buildings in the city and low-rise buildings in the suburbs adjoining the Precinct.*
- *The heights and scale of new buildings are to respect existing buildings in the locality, particularly heritage items and buildings in conservation areas.*
- *The heights and form of buildings are to take account of visual impact, solar access, wind impact and, where appropriate, the privacy of residences, in order to contribute to a high quality of environmental amenity in intensively used parts of the public domain and in residential areas.*
- *Buildings fronting the public domain should have appropriate height, bulk, finish and street alignment so as to enhance its quality by representing its character. In general the scale of street facades*

must respect the width of adjoining streets or lanes, adjoining heritage items or other contextual elements.

- *Higher buildings may be accommodated:*

If they emphasis existing or former high points in natural ground level on Distillery Hill, Pymont Point, Darling Island and adjoining the C.S.R. Stables, they will reflect the former vertical smoke-stack elements of the Pymont Point Power Station, or they will provide a suitable axial focal point in the vista down Liverpool Street; and

If they will not compromise the environmental amenity and general scale of development in their locality.

- *Development on the waterfront and on adjoining land is to maximise the environmental quality of those parts of the peninsula for all users.*

Public Domain

- *Public recreation areas are to provide for a range of recreational opportunities for the residents of and workers within the Precinct.*
- *Coordinated pedestrian and cycling networks are to be provided throughout the Precinct and to link with the city centre and suburbs adjoining the Precinct. Access to major natural features such as foreshores and escarpments is to be included.*
- *The passage of through motor traffic in residential areas and areas of pedestrian and cycling priority is to be discouraged.”*

Comment

It is considered the proposed development satisfies the planning principles for the Ultimo-Pymont Precinct. This development application relates to site preparation civil works. Once completed, progress towards creating an urban environment will proceed. It is envisaged that by employing the site's master plan and urban development plan this environment will satisfy the principles of the policy in terms of achieving a highly liveable, functional neighbourhood on the fringe of Sydney's central business district.

State Environmental Planning Policy No. 56 – Sydney Harbour Foreshores and Tributaries

The land is also identified on the map for State Environmental Planning Policy No. 56 – Sydney Harbour Foreshores and Tributaries. The site however is not listed in Schedule 1 (State significant development) or Schedule 2 (sites of strategic significance). Consideration of the policy's aims and guiding principles is required and provided below.

Part 1 Preliminary

2. Aims of Policy

“This policy aims to co-ordinate the planning and development of land comprising the foreshores of Sydney Harbour and its tributaries:

- (a) by establishing a clear set of guiding principles for the development of all land on those parts of the foreshores to which this policy applies, and*
- (b) by requiring the preparation of master plans for strategic foreshore sites to ensure that the guiding principles for the foreshores are met, and*
- (c) by establishing clear consultation procedures for the planning and development of all strategic foreshore sites, and*
- (a) by declaring development on certain strategic foreshore sites to be State significant development and so providing that the Minister is to be the sole consent authority under the provisions of Part 4 of the Environmental Planning and Assessment Act 1979 for that development, and*
- (b) through possible future amendment of this Policy:*
 - (i) by enabling additional foreshore land to be brought within the provisions of this Policy, and*
 - (ii) by enabling additional sites to be identified as strategic foreshore sites and brought within the provisions of this Policy, or*
 - (iii) by enabling the permissible land uses for that land and those sites to be changed, or*
 - (iv) by enabling the Minister to be made the consent authority in relation to the development of that land or those sites,*

or by any combination of them.

Part 2 Guiding principles (for all land to which this policy applies)

6. Objectives

- “(1) The objective of this Part is to provide a set of clear principles for the development of all land to which this Policy applies.*
- (2) These principles are to be taken into consideration and, where possible, achieved in the preparation of environmental studies, environmental planning instruments, development control plans, master plans and any other environmental planning codes or guidelines, and in the assessment and determination of development application.”*

7. Guiding Principles

“All decisions made in the administration of the Act or an instrument under the Act relating to the planning and development of land to which this policy applies are to take the following matters into consideration:

- (c) increasing public access to, and use of, land on the foreshore,*

- (d) *the fundamental importance of the need for land made available for public access, or use, on the foreshore to be in public ownership wherever possible, particularly land that is within the foreshore area as defined area as defined in the Sydney Harbour Foreshore Authority Act 1998.*
- (b1) *if public ownership of foreshore land is not possible, the use of appropriate tenure mechanisms to safeguard to safeguard public access to, and public use of, that land and to ensure the rights of public authorities to determine the design of, use of, and amenities on, the land over time,*
- (e) *the retention and enhancement of public access links between existing foreshore open space areas,*
- (f) *the conservation of significant bushland and other natural features along the foreshore, where consistent with conservation principles, and their availability for public use and enjoyment,*
- (g) *the suitability of the site or part of the site for significant open space that will enhance the open space network existing along the harbour foreshores,*
- (h) *the protection of significant natural and cultural heritage values, including marine ecological values,*
- (i) *the protection and improvement of unique visual qualities of the Harbour, its foreshores and tributaries,*
- (j) *the relationship between the water and foreshore activities,*
- (k) *the conservation of items of heritage significance identified in an environmental planning instrument or subject to an order under the Heritage Act 1977,*
- (l) *the scale and character of any development, derived from the analysis of the context of the site,*
- (m) *the character of any development as viewed from the water and its compatibility and sympathy with the character of the surrounding foreshores,*
- (n) *the application of ecologically sustainable development principles,*
- (o) *the maintenance of a working-harbour character and functions by the retention of key waterfront industrial sites or, at a minimum, the integration of facilities for maritime activities into development and, wherever possible, the provision of public access through these sites to the foreshore,*
- (p) *the feasibility and compatibility of uses and, if necessary, appropriate measures to ensure coexistence of different land uses,*

(q) *increasing opportunities for water-based public transport.”*

Comment

It is considered the proposed development satisfies the planning principles for the Ultimo-Pyrmont Precinct. This development application relates to site preparation civil works. Once completed, progress towards creating an urban environment will proceed. It is envisaged that by employing the site's master plan and urban development plan this environment will satisfy the principles of the policy in terms of achieving a highly liveable, functional neighbourhood on the fringe of Sydney's central business district.

State Environmental Planning Policy No. 55 – Remediation of Contaminated Land

Comment

On 28 April 1998, Development Approval No. 73/97 was granted for the remediation of contaminated land in Zone B (Waterfront Precinct). On 2 February 2000, Development Approval No. 43-03-99 was granted for the remediation of Zone C (Distillery Hill). The extent of the contaminants found in the subject areas required the preparation and endorsement of a Remediation Action Plan (RAP) which has been undertaken.

Jacksons Landing Master Plan

In summary, the intent of the Jacksons Landing Master Plan is:

- to develop a high quality functional urban environment;
- to develop a diverse, active urban environment;
- to capture the essential qualities of Pyrmont to create a sense of place;
- to build on “what is there” in terms of the natural and man-made features of the locality;
- to add value to the city in terms of creating new residential and business choice.

Comment

The application complies with the intent of the Jacksons Landing Master Plan in terms of ultimately creating an urban environment which is of a high quality (both built form and open space) whilst capturing and enhancing the qualities of the locality with a diverse range of activities.

Ultimo-Pyrmont Urban Development Plan

In summary, the following provisions of the Ultimo-Pyrmont Urban Development Plan are:

- Objectives of the plan

Indicate where development can contribute to the amenity of and the provision or embellishment of the public domain.

The applicant has responded to this provision by stating that the widening of Bowman Street will facilitate an improved public domain and that the Distillery Hill Knoll will be retained and developed as open space.

- Heritage

Early investigations of the likelihood that archaeological material will be found should be undertaken.

The applicant has responded to this provision by engaging a suitably qualified and experienced professional in the field should archaeological materials be found.

- View, vistas and siting

The siting and form of the development must have regard to the creation, retention and enhancement of significant views and vistas from public places. This includes into, out of and within the precinct and to significant buildings.

The western and north western slopes of Distillery Hill and the upper part of Pymont Point should be maintained and enhanced as an important viewing area and for public recreation.

The applicant has responded to this provision by stating the retention of the Distillery Hill Knoll will provide a viewing area for the public and the northern and north western slopes will be retained and enhanced.

- Vehicular Circulation

Bowman Street west is identified as a 'major street' for vehicular circulation.

The application seeks approval for the widening of Bowman Street which will reinforce its role in the street network.

- Access for people with disabilities

Bowman Street West is identified as a 'major route for people with disabilities'.

The applicant has responded to this provision by stating the widening of Bowman Street will improve access for persons with a disability.

Comment

It is considered the proposed development satisfies the provisions of the Ultimo-Pymont Urban Development Plan in terms of creating ultimately a high quality urban environment whilst responding to issues associated with the locality's heritage, views and traffic network.

b). Other impacts of the development;

Dust

Methods proposed in the application to mitigate this impact are as follows:

- *exposed surfaces to be kept moist by spraying with water or dust suppressant;*
- *exposed surfaces and stockpiles left for no longer than 4 weeks to be stabilised by sealing, seeding or spraying with water or dust suppressant;*
- *all parking areas to be sealed or constructed from gravel;*
- *temporary roads to be constructed of non dust generating materials;*
- *record and schedule of approved equipment to be kept including type, noise compliance certificate, time and duration of use and noise mitigation measures employed;*
- *plant and equipment to be fitted with standard pollution control devices;*
- *truck wheel wash facility to be installed near access gate;*
- *excavated material (including stockpiles) to be kept in a damp state;*
- *dust generating activities to cease when wind speed exceed 10m/s, dust emissions from construction are visible and moving towards properties not controlled by Sydney Water.*

It is considered this is an adequate response. Conditions have been incorporated in the consent to ensure the mitigation methods proposed are employed.

Noise

Methods proposed in the application (Construction Management Plan) to mitigate this impact are as follows:

- *residents likely to be affected by noise to be notified a minimum of 5 days in advance;*
- *prior to commencement of construction plant shall be fitted with engine covers and residential class mufflers – compliance certificates to be made available upon request.*
- *record and schedule of approved equipment to be kept including type, noise compliance certificate, time and duration of use and noise mitigation measures employed.*

It is considered this is an adequate response. Conditions have been incorporated in the consent to ensure the mitigation methods proposed are employed.

Stormwater Runoff

Methods proposed in the application (Construction Management Plan) to mitigate this impact are as follows:

- *divert up slope runoff around disturbed areas;*
- *limit land disturbance to the area needed, especially in the vicinity of wetlands or existing stormwater drainage;*
- *site access will be limited to the minimum number of entry and exit points required;*

- *all approved access points shall be marked prior to the commencement of construction within that area;*
- *dissipate uncontrolled flow by sediment fencing/straw bales placed across the line of water flow;*
- *reduce the erosive energy (concentrated flow and velocity) of water using measures such as temporary storage, dissipaters, level spreaders and drain grass planting's,*
- *where practicable maintain vegetation in and adjacent to drainage lines to improve the quality of runoff before water body or stormwater inlets and protect the drainage line from erosion;*
- *direct runoff from disturbed areas through sediment traps and filters;*
- *loss of soil from stockpiles is minimised using filter barriers and temporary covering or revegetation with hydro-mulching where stockpiles are to be stored for an appropriate period of time to allow native seeding to occur;*
- *direct all surface water flows through grass lined channels and pipelines before discharge.*

It is considered this is an adequate response. Conditions have been incorporated in the consent to ensure the mitigation methods proposed are employed.

Traffic Generation – Heavy Vehicles

Methods proposed in the application to mitigate this impact are as follows:

- *all construction traffic to use construction access;*
- *parking, visitor and delivery areas to be clearly marked;*
- *construction equipment to be stored on site overnight,*
- *a road dilapidation report to be submitted to Local Authority if required,*
- *truck movements to be restricted to specified routes. Local roads to be avoided.*

It is considered this is an adequate response. Conditions have been incorporated in the consent to ensure the mitigation methods proposed are employed.

Heritage

The application's heritage consultant made the following conclusions:

“The proposed development does not involve the demolition of any listed heritage item. It will involve the reshaping of the topography of Distillery Hill, continuing the changes to this part of Pymont that have progressively over the last 150 years. The subsequent completion of the low scale development along Bowman Street will reinstate the cliff edge which gives Distillery Hill its distinctive visual quality when viewed from below. The new work when completed will allow the significant buildings and landscape items to remain visually prominent. The heritage impact of the proposal is therefore acceptable.”

Consideration of the potential impact on heritage items is considered negligible.

c). Suitability of the site for the development;

Comment

The subject site is located within the Distillery Hill and Waterfront West Precincts in Jacksons Landing, an 11.73 hectare urban renewal project located on the north-western tip of the Pymont Peninsula.

The site where the works are proposed is irregular in shape and divided by Bowman Street into two (2) portions. The Distillery Hill portion is to the south of Bowman Street, between Refinery Drive and Bank Street. The Waterfront West portion is situated to the north of Bowman Street, west of Bank Street.

The Distillery Hill portion contains no significant improvements. An asphalt driveway is located on the northern side of the Distillery Hill Knoll (which will be demolished as part of the demolition process). One (1) underground storage tank on the top of the Knoll which will be demolished and backfilled in accordance with the remediation consent. The Waterfront West portion consists of concrete ground slabs from the demolished Cane-ite factory.

Flora

It is believed that the site was cleared of native vegetation during the nineteenth century. No remnant native vegetation remains with all trees and shrubs representing invasive weed species. Vegetation planted in this area has developed into a narrow strip of open forest, dominated by several tree species including Narrow-leaved Peppermint, Sydney blue gum, Broad-leaved Paperbark, Chinese Nettle and Brush Box, as well as introduced shrub species such as Lantana and Oleander. Other tree species found on or adjacent to the site include Black Mulberry, English Oak, Hill's Weeping Fig, Jacaranda Lemon Scented Gum, Norfolk Island Pine and Tallow-wood. The applicant's consultant has stated that there are no threatened flora species located on the site.

A number of trees are required to be removed (approximately between 42 and 54 of the existing 72) to facilitate the subject works. In response, the consultant's report makes the following justification:

"As a consequence of the age and poor performance of the planted trees on this site and the dominance of self sown weed species, the majority of trees requiring removal as part of the Distillery Hill Stage 2 Civil Works are of little visual or horticultural value to the site. The poor site conditions together with, in some cases, inappropriate species selection and no maintenance have resulted in a number of trees having significant structural defects and/or entering a stage of premature decline. The few exceptions to this general observation are trees that will require removal to accommodate the proposed redevelopments and, in two locations, the trees are recommended to be transplanted where feasible."

It is considered the removal of the identified trees is required to accommodate the subject works. The retention and relocation of other trees is also endorsed.

Fauna

Australian Museum Business Services (AMBS) was engaged to carry out a flora and fauna investigation in 1996. The survey found no Threatened species of reptiles, amphibians or birds, nor that any such species would be likely to be present. One Threatened bat species (Large Bent wing Bat) was found in the north eastern portion of Jacksons Landing known as the Melting House, which has since been redeveloped.

The habitat of a number of common reptiles, including wall lizard, grass skink, garden skink, weasel skink, and blue tongued lizard, will be impacted upon. Each species is considered common and widespread and can in all likelihood relocate to other vegetated areas in the locality.

It is considered the proposed works will not have a significant adverse affect on native fauna and does not pose a risk to any Threatened or Endangered species.

It is considered the site is suitable to accommodate the proposed development and is in accordance with the Jacksons Landing Master Plan.

d). *Any submissions made in accordance with the Act;*

Referrals to other agencies

Comment

The application was referred to Sydney City Council, Sydney Harbour Foreshore Authority (SHFA), Waterways Authority and the Environmental Protection Authority (EPA) for comment. No objections were raised by these agencies. Conditions recommended in correspondence have been incorporated in the consent.

Public Notification

Comment

The application was placed on public exhibition for a period of 32 days, from 20 February 2003 to 24 March 2003. A total of three (3) submissions together with a consultants report "*Survey of Dust and Noise*" were received.

The submissions raised concerns regarding noise, dust, traffic and the role which various government agencies and Sydney City Council have in enforcing conditions of consent. A copy of the draft conditions were referred to three (3) parties representing local community groups. One (1) response was received which sought the reworking of some of the conditions. Where considered appropriate this has been undertaken.

The issues raised in the submissions are as follows:

Dust

It is acknowledged that works of the scale and nature proposed will generate dust. It is however considered conditions of consent, together with the construction management plan will effectively reduce these impacts.

Noise

It is acknowledged that works of the scale and nature proposed will generate noise. It is however considered conditions of consent, together with the construction management plan will effectively reduce these impacts.

Monitoring and enforcement program

Those agencies which may have a role in the enforcement of the impacts associated with the activities, Sydney City Council and the Environmental Protection Agency (EPA) were notified of the development application and provided an opportunity to comment. No response was received from the EPA. Sydney City Council recommended the inclusion of various conditions which were incorporated in the consent. It is considered that adequate provision has been made to ensure the impacts associated with the activities will be minimised.

No drilling on Saturdays

Consent is granted for drilling on Saturday's. Work however is limited to the hours of between 7.30am and 3.00pm. This enables the project to be completed within an appropriate timeframe thus reducing the period of the works.

e). *The public interest;*

Comment

It is acknowledged there will be an impact on the public during the civil earthworks phase of the development. The applicant has indicated the estimated timeframe for completion of works is approximately 6 months (depending on whether conditions). Conditions have been imposed to mitigate these impacts.

Local community groups have been extensively involved during the assessment of the application and will continue to be active through regular meetings with the developer during the works phase.

Once the works are completed, it is not envisaged the final landform will have an adverse effect on the interests of the public.

4. Recommendation

It is recommended the Minister for Infrastructure and Planning, for Natural Resources:

- a). in accordance with section 80(1)(a) of the *Environmental Planning and Assessment Act, 1979* and clause 14 of Sydney Regional Environmental

Plan No. 26 – City West grant conditional consent to Development Application No. 371-11-2002 for the reshaping of Distillery Hill including the demolition of retaining walls, excavation of rock and bulk earthworks, the completion of miscellaneous demolition and site clearing in preparation for building works to Distillery Hill Stages 2, 3, 4 and 5, including works in the Waterfront West precinct, and the creation of infrastructure and infrastructure services for Distillery Hill.

- b). sign and date the 'Notice of Determination of Development Application' for DA No. 371-11-2002; and
- c). notify the applicant, those parties who made submissions, and the Sydney Harbour Foreshore Authority and Sydney City Council of the determination.

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Urban Assessments

Michael Brown
Acting Team Leader
Urban Assessments

APPROVED:

Robert Black
Director
Urban Assessments