

Item 4.**Development Application: 20-26 Bourke Road, Alexandria - D/2023/691**

File No.: D/2023/691

Summary

Date of Submission:	3 August 2023, amended plans and documentation received up until 7 May 2024
Applicant:	Addenbrooke Pty Ltd
Architect/Designer:	SJB Architects
Developer:	Addenbrooke Pty Ltd
Owner:	City West Housing Pty Ltd
Planning Consultant:	Ethos Urban
Cost of Works:	\$30,300,000
Zoning:	The site is zoned E3 Productivity Support. The application proposes indicative uses including commercial office, food and drink premises and artisan food and drink industry which are permissible uses with consent in the E3 zone.

Proposal Summary:**Proposal**

The subject development application (DA) seeks consent for:

- a concept building envelope for a commercial development at 22-26 Bourke Road;
- the retention of and alterations to the existing brick warehouse building at 20 Bourke Road;
- a trafficable laneway through the site connecting Bourke Road to the rear;
- vehicular access from Bourke Road and future access via the rear boundary; and
- indicative uses including:

- three levels of basement car parking;
- ground floor retail, commercial, food and drink premises and an industrial coffee roastery; and
- commercial uses on the upper floors.

Assessment

Over the course of the assessment the proposal has been amended to comply with the City's Flood Risk Management Policy and increase the provision of deep soil and canopy tree planting.

Additional information has been submitted including an amended Traffic Report, a Landscape Concept Plan, an amended Design Excellence Strategy and an amended Public Art Strategy.

Notification

The application was notified for a period of 21 days between 14 August 2023 and 5 September 2023. One submission was received objecting to the proposed vehicular access arrangements.

Voluntary Planning Agreement

The owner of the site has made a formal offer to enter into a Voluntary Planning Agreement (VPA) with the City.

The VPA will provide for the delivery of community infrastructure as follows:

- dedication and embellishment of 2.4m of land fronting Bourke Road (approximately 84sqm);
- dedication of 3m of land at the rear of the site for a future street (approximately 135sqm); and
- Payment of \$898,062 as a monetary contribution towards the provision of community infrastructure in Green Square.

The draft VPA is required to be publicly exhibited for 28 days in accordance with the requirements of the Environmental Planning and Assessment Act 1979.

Consent Authority

The proposed development comprises sensitive development as the developer has offered to enter into a planning agreement and is therefore required to be determined by the Local Planning Panel (LPP).

Summary Recommendation: It is recommended that authority be delegated to the Chief Executive Officer to determine the application, following the conclusion of the public exhibition of the Voluntary Planning Agreement, and considering any public submissions received in response.

Consideration should be given to granting deferred commencement consent requiring the Voluntary Planning Agreement to be executed prior to the consent becoming operative and subject to the recommended conditions contained in this report.

Development Controls:

- (i) Sydney Local Environmental Plan 2012
- (ii) Sydney Development Control Plan 2012
- (iii) SEPP (Resilience and Hazards) 2021
- (iv) SEPP (Industry and Employment) 2021
- (v) SEPP (Transport and Infrastructure) 2021
- (vi) SEPP (Biodiversity and Conservation) 2021
- (vii) City of Sydney Interim Floodplain Management Policy 2023
- (viii) Sydney Landscape Code Volume 2: All Developments Except for Single Dwellings 2012
- (ix) City of Sydney Guidelines for Waste Management in New Developments
- (x) City of Sydney Public Art Policy 2011 and City of Sydney Public Art Strategy 2011
- (xi) City of Sydney Community Engagement Strategy and Participation Plan 2023

Attachments:

- A. Recommended Conditions of Consent
- B. Building Envelope Drawings
- C. Indicative Reference Design Drawings
- D. Design Excellence Strategy
- E. Public Benefit Offer
- F. Submissions

Recommendation

It is resolved that:

- (A) authority be delegated to the Chief Executive Officer to determine Development Application No. D/2023/691, after the completion of the public exhibition period of the draft Voluntary Planning Agreement and after considering any public submissions received;
- (B) authority be delegated to the Chief Executive Officer to determine whether the Design Excellence Strategy for 20-26 Bourke Road, Alexandria prepared by Ethos Urban and dated 1 May 2024, as shown in Attachment D to the subject report, ought to be approved pursuant to Section 3.3.1 of the Sydney Development Control Plan 2012 and Section 1.2 of the Competitive Design Policy; and
- (C) if the Chief Executive Officer determines to approve Development Application No. D/2023/691, then consideration be given to granting a deferred commencement consent, pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, subject to the conditions set out in Attachment A of the subject report.

Reasons for Recommendation

The application is recommended for deferred commencement approval for the following reasons:

- (A) The proposal satisfies the objectives of the Environmental Planning and Assessment Act, 1979, in that subject to the imposition of the recommended conditions of consent, it is generally consistent with the planning controls applicable to the site, and where variances are proposed these are acceptable for the reasons outlined in the report to the Local Planning Panel.
- (B) The proposal satisfies the objectives and provisions of State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, the SLEP 2012, and the Sydney Development Control Plan 2012.
- (C) The proposal is consistent with the objectives of the E3 'Productivity Support' zone.
- (D) The building envelope complies with the maximum height of buildings development standard in clause 4.3 of the SLEP 2012 and provides capacity for an additional 10 per cent of additional floorspace available under clause 6.21D(3)(b) of the SLEP 2012 for any subsequent detailed design resulting from a design competition process and demonstrating design excellence.
- (E) The indicative reference design accompanying the application demonstrates that the envelope can accommodate a building which complies with the maximum floor space ratio development standard in clause 4.4 of the SLEP 2012.

- (F) Subject to compliance with the Design Excellence Strategy, the undertaking of a competitive design process and the recommended conditions of consent, the proposed development provides building envelopes capable of accommodating future buildings which can exhibit design excellence in accordance with clause 6.21C of the SLEP 2012.

Background

The Site and Surrounding Development

1. The site comprises four separate allotments known as 20 Bourke Road (Lot 1 in DP 333175), 22 Bourke Road (Lot 2 in DP 230211), 24 Bourke Road (Lot 3 in DP 232011) and 26 Bourke Road (Lot 14 in 536846). It is rectangular in shape with an area of approximately 3,307sqm.
2. The site has a street frontage of 45m to Bourke Road to the north. The site is located close to the intersection of Wyndham Street and Bourke Road. Levels on the site fall by approximately two metres from north to south.
3. The site contains four separate buildings comprising the following:
 - 20 Bourke Road is a single storey brick workshop building currently used as a vehicle repair station.
 - 22 Bourke Road is a two storey brick workshop building currently used as a vehicle repair station. This allotment is separated from 20 Bourke Road by a concrete driveway which forms part of 24 Bourke Road.
 - 24 Bourke Road is a two storey brick building currently used as a vehicle repair station. The first floor was formerly used as a brothel.
 - 26 Bourke Road is a single storey brick building currently used as a coffee roasting warehouse and distribution centre. This allotment is separated from 20 Bourke Road by a 3.6m wide concrete driveway which forms part of 24 Bourke Road and is used to provide access to at-grade car parking at the rear of the site.
4. The surrounding area is characterised by a mixture of land uses, primarily comprising light industrial and retail uses. The surrounding context is summarised below:
 - To the east, adjoining the site, is 16-18 Bourke Road, comprising a single storey warehouse building used for car wheel repairs. Beyond this is a large industrial complex comprising single storage warehouse buildings and car parking areas.
 - To the south, adjoining the site, is 9-13 O'Riordan Street, comprising a large two storey building used for the storage of taxi vehicles and ancillary offices.
 - To the west, adjoining the site, is 28-32 Bourke Road, comprising a single storey warehouse building currently used for car parking and vehicle servicing and repairs. A state significant development application (SSDA) has been approved for a concept proposal for the redevelopment of this site to provide a mental health hospital and medical centre known as the Alexandria Health Centre. A DA is currently under assessment by the Department of Planning and Environment for the detailed design of the Centre.
 - To the north, on the opposite side of Bourke Road, are a variety of one to three storey light industrial buildings.
5. The site is located within the North Alexandria locality and is identified as being subject to flooding.

- 6. A site visit was carried out on 4 August 2023. Photos of the site and surrounds are provided below:
- 7. Photos of the site and surrounds are provided below.



Figure 1: Aerial view of site and surrounds



Figure 2: View of site looking east along Bourke Road, site extent outlined with white arrow



Figure 3: View of 26 Bourke Road currently used as a coffee roastery (right-hand side) and 24 Bourke Road used as a vehicle repairs station (left-hand side)



Figure 4: View of 20, 22 and 24 Bourke Road currently used as separate vehicle repair stations



Figure 5: View looking east down Bourke Road showing 22 and 20 Bourke Road and the adjoining Sydney City Tyres building at 16-18 Bourke Road



Figure 6: Development to the east of the site, beyond the Sydney City Tyres building at 2-14 Bourke Road comprising a large industrial complex



Figure 7: View looking west down Bourke Road showing 24 and 26 Bourke Road and 28-32 Bourke Road beyond



Figure 8: Adjoining development to the immediate west at 28-32 Bourke Road



Figure 9: Adjoining development to the west at 28-32 Bourke Road



Figure 10: Existing warehouse development opposite the site at 9-13 Bourke Road



Figure 11: Existing warehouse development opposite the site at 5-7 Bourke Road

History Relevant to the Development Application

Development Applications

8. The following applications are relevant to the current proposal:

24 Bourke Road, Alexandria

- **D/2013/2029** – Development consent was granted on 15 May 2014 for the fit out and use of the first floor for a brothel. The consent has been subsequently modified by modifications A and B.

26 Bourke Road, Alexandria

- **D/2008/1247** - Development consent was granted on 1 September 2008 for continuation of the use of the premises as a commercial brothel containing six working rooms.
- **D/2010/1115** - Development consent was granted on 19 October 2010 for the continuation of the use of the premises as a commercial brothel containing six working rooms.
- **D/2011/1348** - Development consent was granted for the use of Unit 2 as a coffee roasting warehouse and distribution centre.
- **D/2012/769** - Development consent was granted on 14 August 2012 for the continued use of the premises as a commercial brothel. This consent was surrendered on 24 September 2014 as required by Condition 2 of D/2013/2029.

- **D/2014/548** - Development consent was granted on 8 July 2014 for the fitout of an existing warehouse tenancy for the use as a licensed cafe with associated ancillary office space and connection with the existing approved coffee roastery to the rear.

Amendments

9. Following a preliminary assessment of the proposed development by Council Officers, a request for additional information and amendments was sent on 19 October 2023. The request identified the following:
 - **Flooding** - The basement car parking was not supported and amendments were requested to maintain compliance with the City's Flood Risk Management Policy without reliance on flood gates.
 - **Transport** - Further clarification regarding whether the proposal will incorporate future vehicular access from the rear and how this will operate in an interim and final stage. Further information was also requested in relation to loading, car parking design, bicycle parking and end of trip facilities.
 - **Landscaping** - Provision of 10% deep soil planting required. Reference scheme to demonstrate canopy tree planting can be provided to 15% of the site. Landscape Concept Plan to be provided which can be incorporated into a future competitive design process brief.
 - **Design Excellence Strategy** - Updates were requested to the Design Excellence Strategy to incorporate target benchmarks for ecologically sustainable development.
 - **Public Art** - A Public Art Strategy was requested to be submitted.
 - **Amendments to Plans** - Amendments to plans were requested to fix up minor errors.
 - **Surveying** - A current title(s) plus any affectations noted on the title(s) was requested.
10. The applicant responded to the request between 19 February 2024 and 7 May 2024 and submitted updated plans and documentation responding to the request.

Proposed Development

11. The application seeks consent for the following:
 - (a) A concept building envelope for a commercial development at 20-24 Bourke Road.
 - (b) The retention of the existing two storey brick building at 26 Bourke Road.
 - (c) A through-site link (to remain in private ownership) between 24 and 26 Bourke Road connecting Bourke Road through to the rear of the site.
 - (d) Indicative future land uses comprising:

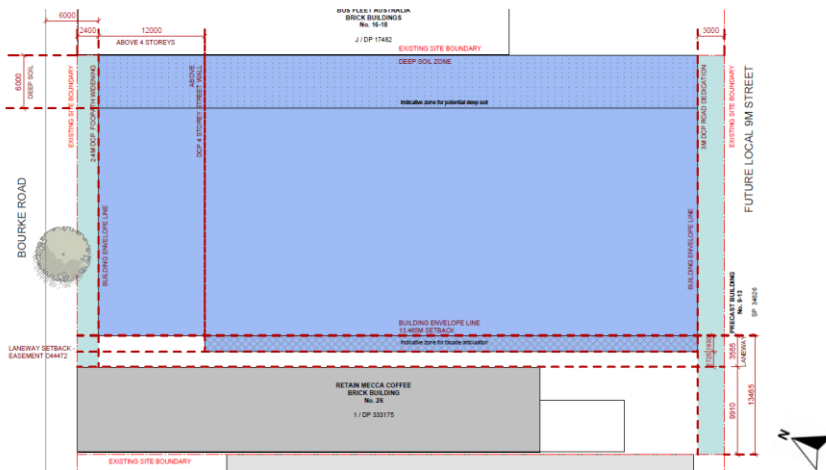


Figure 13: Envelope Plan - Levels 2 and 3

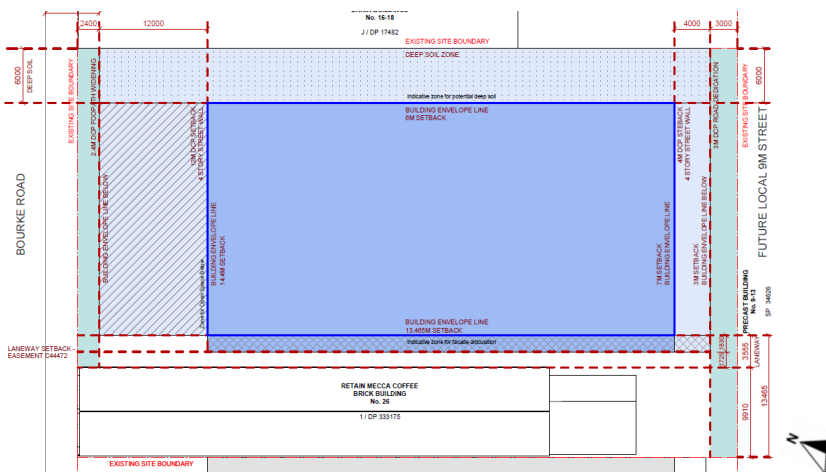


Figure 14: Envelope Plan - Level 4

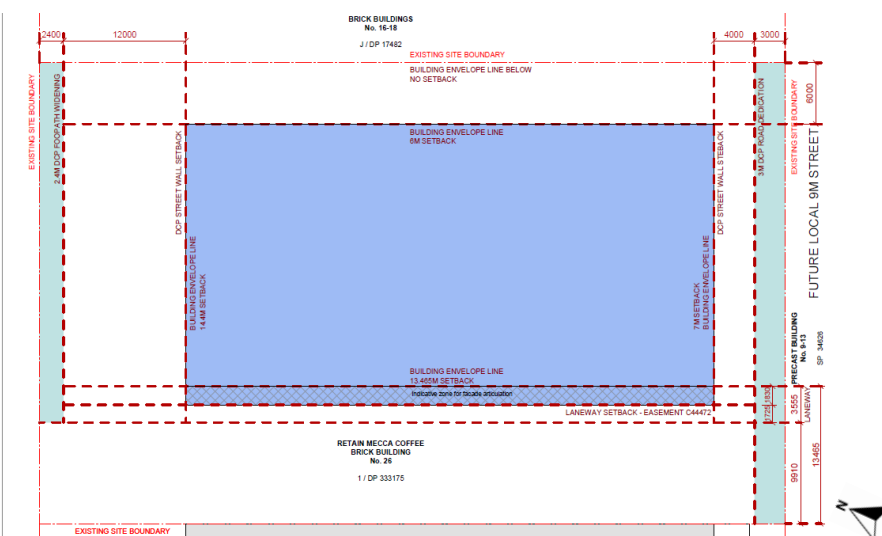


Figure 15: Envelope Plan - Level 5/6/7/8/9/10/11

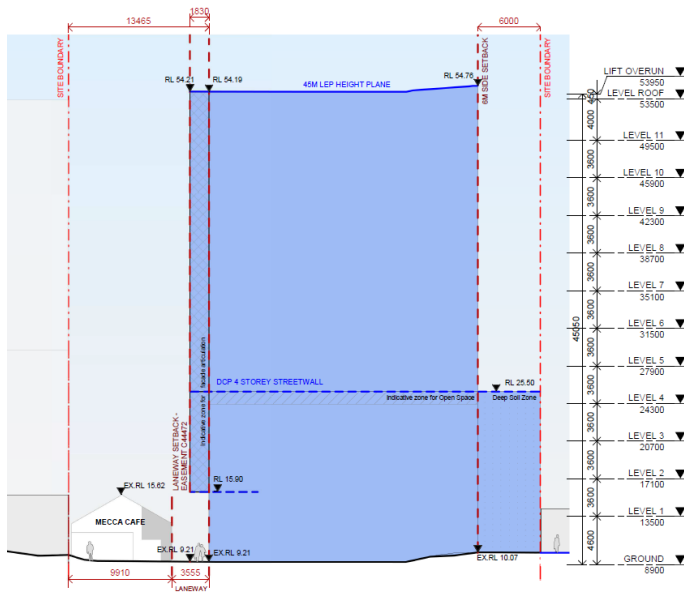


Figure 19: Envelope Plan - South Elevation

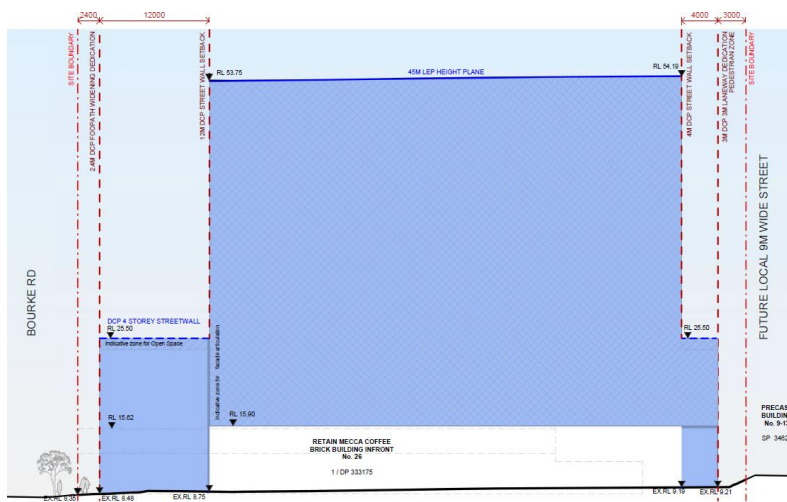


Figure 20: Envelope Plan - West Elevation

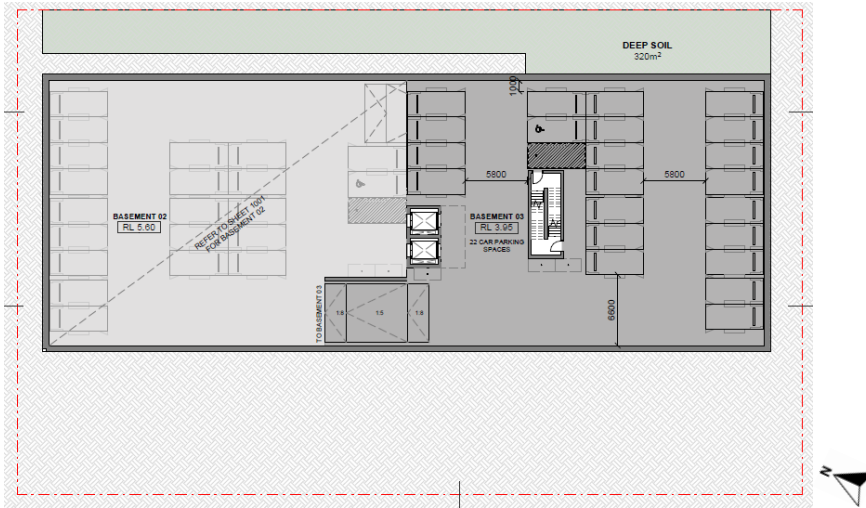


Figure 21: Reference Scheme - Basement Level 3

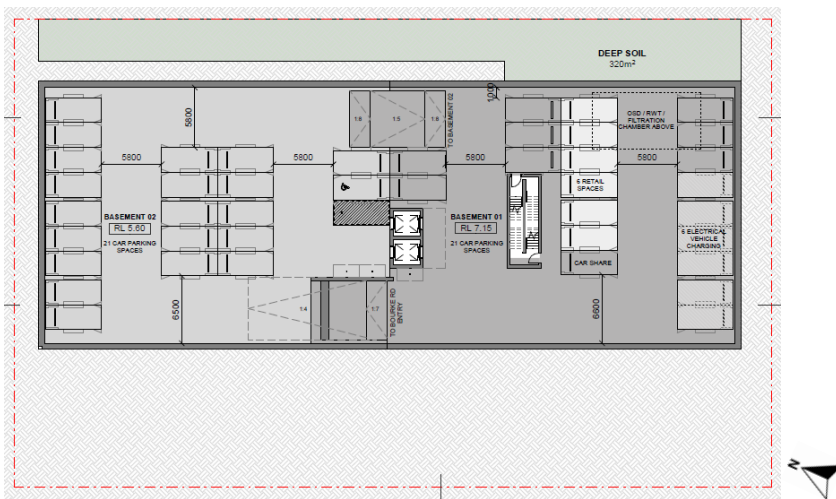


Figure 22: Reference Scheme - Basement Levels 1 and 2

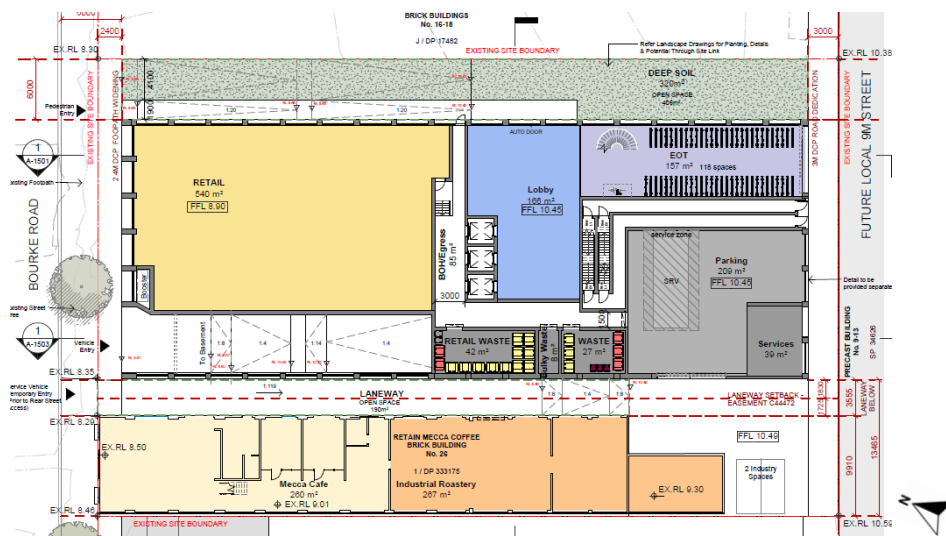


Figure 23: Reference Scheme - Ground Floor

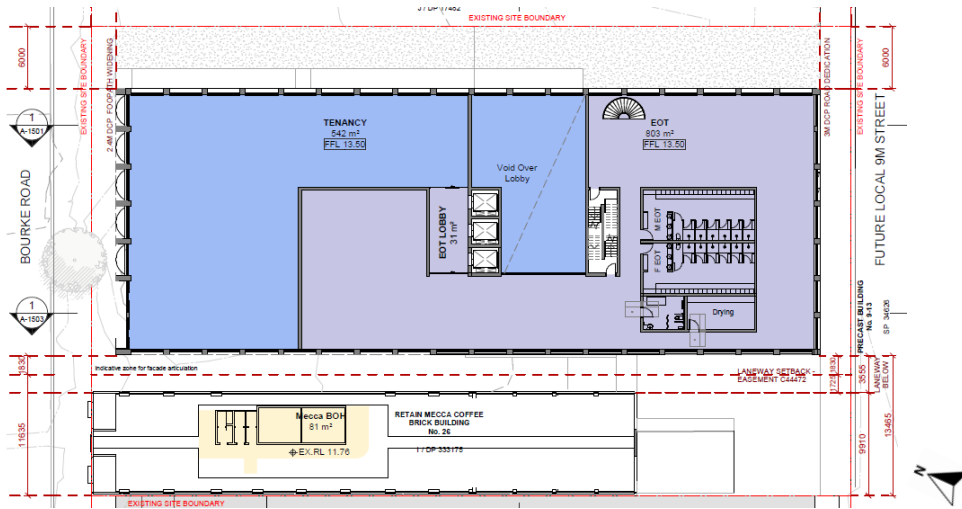


Figure 24: Reference Scheme - Level 1

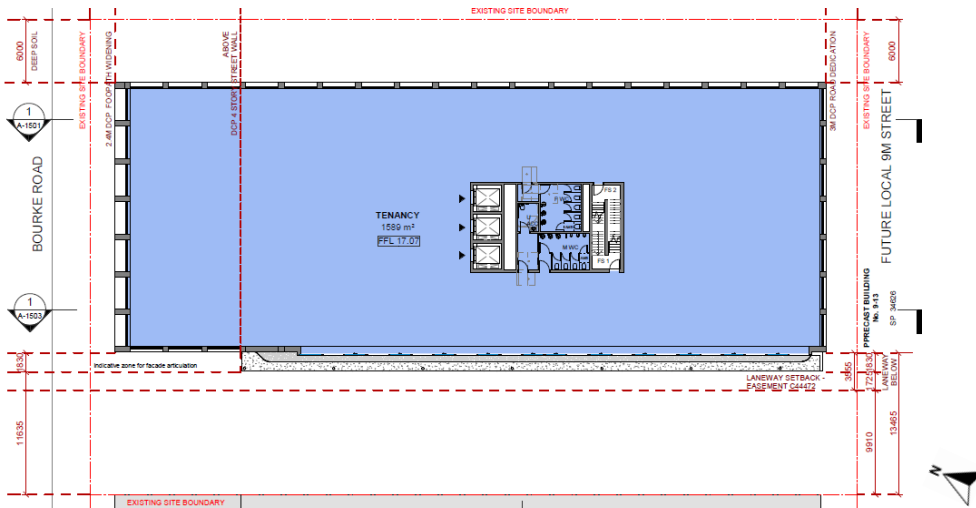


Figure 25: Reference Scheme - Levels 2 and 3

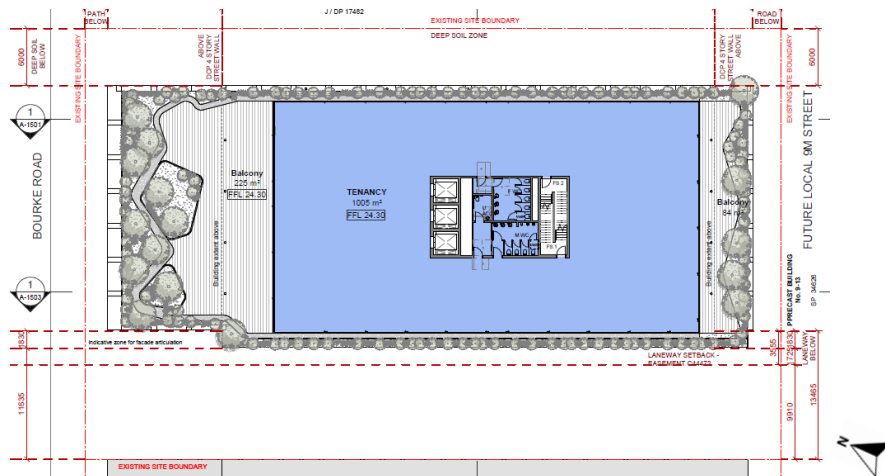


Figure 26: Reference Scheme - Level 4

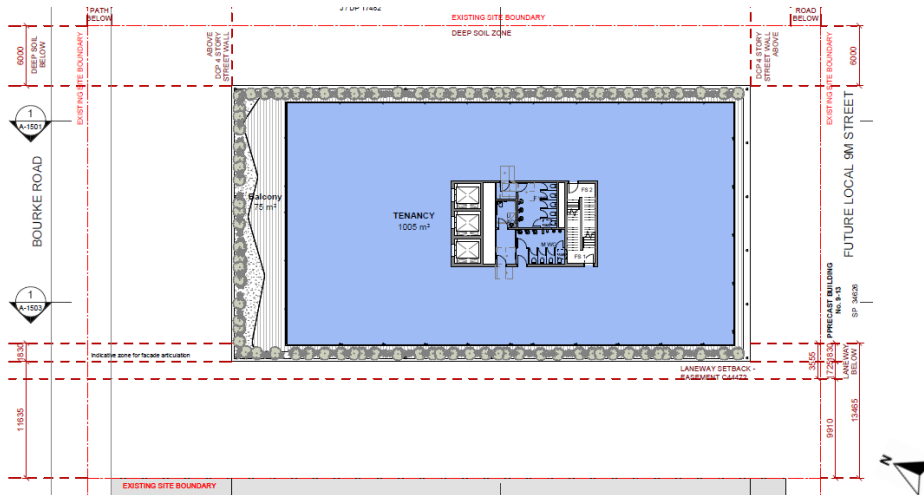


Figure 27: Reference Scheme - Levels 5 - 10

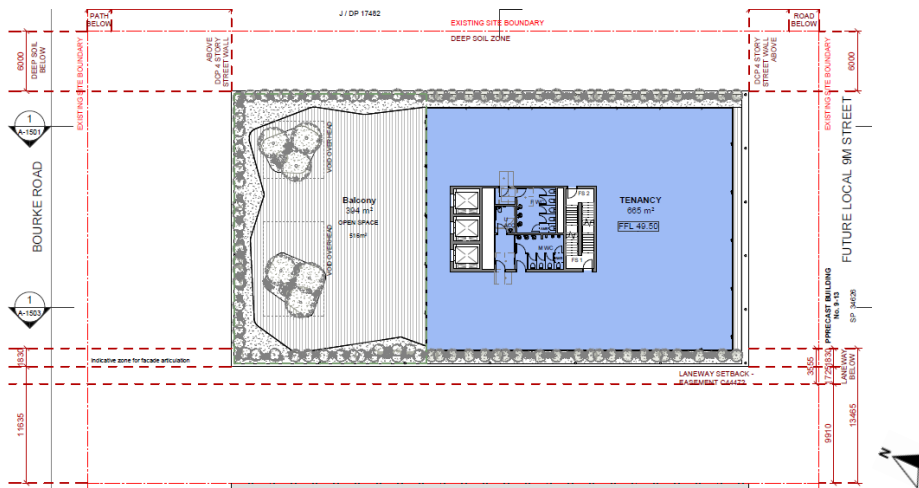


Figure 28: Reference Scheme - Level 11

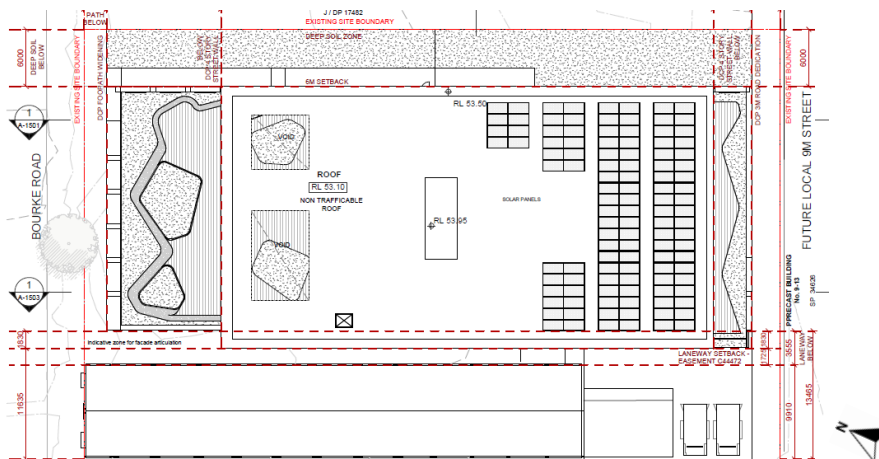


Figure 29: Reference Scheme - Roof Plan

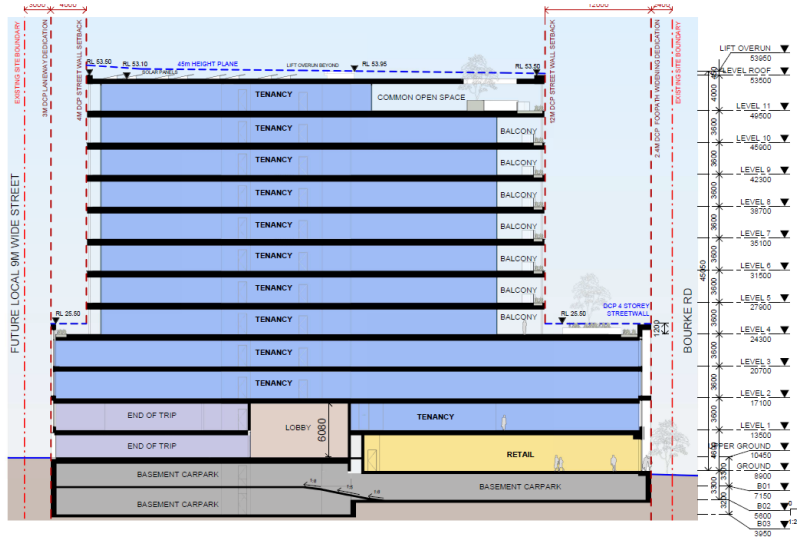


Figure 30: Reference Scheme - Section A

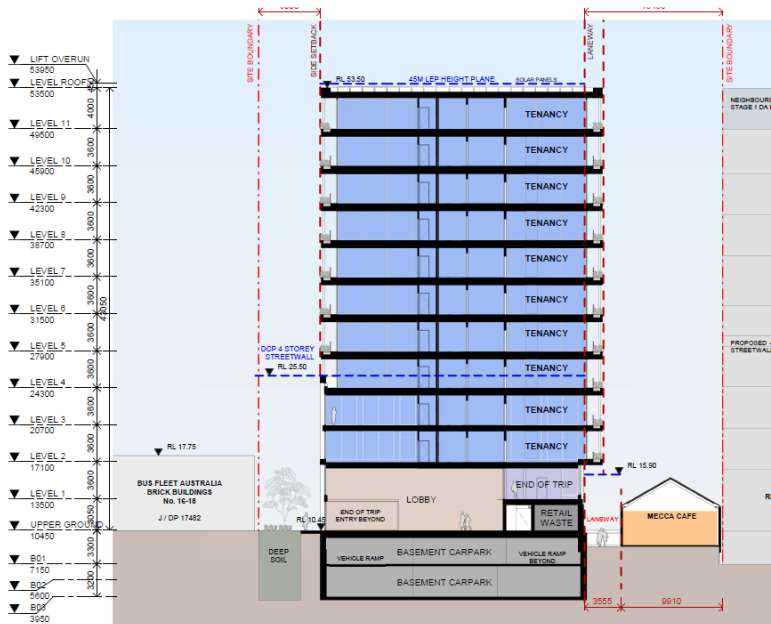


Figure 31: Reference Scheme - Section B

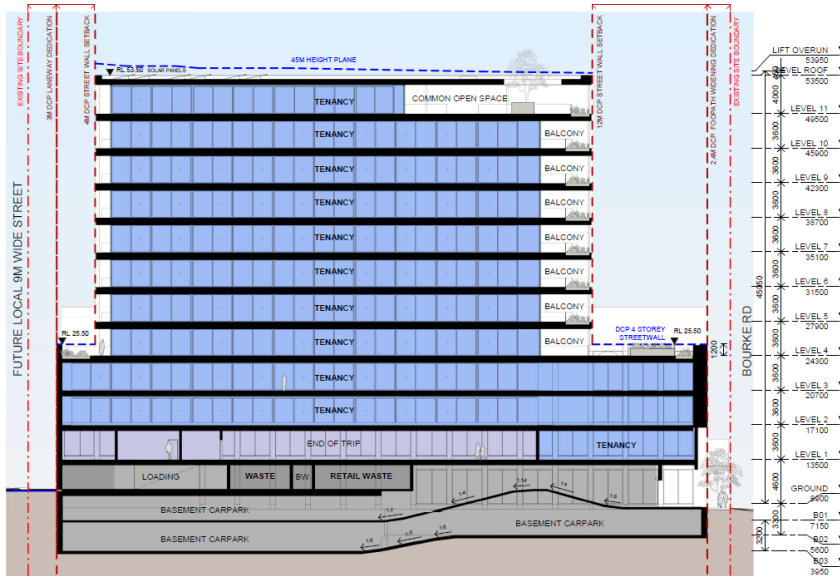


Figure 32: Reference Scheme - Section C



Figure 33: Photomontage of Reference Scheme looking west along Bourke Road



Figure 34: Photomontage of Reference Scheme looking south from Bourke Road



Figure 35: Photomontage of Reference Scheme fronting Bourke Road

Assessment

14. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

State Environmental Planning Policies

State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4

Remediation of Land

32. The aim of SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.
33. Site investigations found that contaminant concentrations in representative fill and natural soil samples were below the adopted human health and ecological criteria applicable to commercial/industrial settings with the exception of lead in two bore hole locations.
34. The Detailed Site Investigation concludes that the site can be made suitable for the proposed future use subject to recommendations.
35. The Council's Health Unit has reviewed the information provided and has recommended conditions of consent. The Council's Health Unit is satisfied that, subject to conditions, the site can be made suitable for the proposed use.

State Environmental Planning Policy (Transport and Infrastructure) 2021

36. The provisions of SEPP (Transport and Infrastructure) 2021 have been considered in the assessment of the development application.

Division 5, Subdivision 2: Development likely to affect an electricity transmission or distribution network

Division 17, Subdivision 2: Development in or adjacent to road corridors and road reservations

Clause 2.122 - Traffic-generating development

37. The application is subject to Clause 2.122 of the SEPP as the development comprises over 10,000sqm of commercial floorspace with access to a road.
38. Comments were received on 6 September 2023 confirming that TfNSW raises no objection given the proposed development is unlikely to have a significant impact on the classified road network.

Local Environmental Plans

Sydney Local Environmental Plan 2012

39. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided in the following sections.

Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	The site is located in the E3 Productivity Support zone. The proposal is for a mixed-use development containing retail uses, artisan food and drink industry uses and commercial uses. The proposal generally meets the objectives of the zone.

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	Yes	A maximum building height of 45m is permitted. The concept envelope has a maximum height of 45m and complies.
4.4 Floor space ratio 6.13 End of journey floor space 6.14 Community infrastructure floor space at Green Square 6.21D Competitive design process	Yes	Clause 4.4 of the SLEP 2012 stipulates a base floor space ratio (FSR) of 2:1 (6,614sqm). Clause 6.14 of the LEP permits an additional 1.5:1 FSR where community infrastructure is provided. As part of the subject application, the owner has made a formal offer to enter into a VPA with Council.

Provision	Compliance	Comment
		<p>This VPA is for dedication of a 2.4m wide strip of land along part of the site's frontage to Bourke Road for footpath widening and the construction of a widened footpath on that land. Land dedication is not proposed along the extent of 26 Bourke Road given the DA seeks to retain the existing brick building which is built to the street's boundary and is located within the 2.4m wide setback extent.</p> <p>In addition, the VPA includes dedication of land (3m wide) along the site's full southern extent which is to be provided as a future street.</p> <p>Payment of a monetary contribution of \$898,062 is proposed for the provision of community infrastructure.</p> <p>In accordance with clause 6.21D of the SLEP 2012, up to 10% additional FSR may be approved subject to a competitive design process being carried out and the subsequent detailed design scheme exhibiting design excellence.</p> <p>Having regard to the above, the maximum permitted FSR for the development is 3.85:1.</p> <p>Notwithstanding, in accordance with clause 6.13 of the SLEP 2012, a building used as a commercial premises containing end of journey space together in one area of the building is eligible for end of journey floorspace of up to 0.3:1. Subject to the land use proposed, a FSR of up to 4.15:1 may be permitted at the detailed design DA stage.</p> <p>The reference scheme has an FSR of 4.15:1 (inclusive of end of journey floorspace) and demonstrates a scheme can be accommodated that complies with the maximum permissible FSR.</p>

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 4 Design excellence		
6.21 Design excellence	Able to comply	<p>A Design Excellence Strategy (DEX Strategy) has been submitted with the application. This establishes a design excellence process for the development of the site.</p> <p>Conditions are recommended to approve the DEX Strategy and ESD targets, and for design requirements to be addressed in any future competitive design process brief and subsequent DA for the detailed design of the building.</p> <p>A competitive design process is to be undertaken prior to lodgement of any future DA for the detailed design of the building. This competitive design process must adhere to the DEX Strategy and conditions of consent for the development to be eligible for up to 10% additional FSR.</p>

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development		
<p>7.6 Office premises and business premises</p> <p>7.7 Retail premises</p>	Able to comply	<p>The reference scheme indicates car parking could be provided within three levels of basement.</p> <p>Car parking numbers for future uses can only be assessed as part of a subsequent DA for the detailed design of the buildings.</p> <p>The permissible number of car parking spaces are determined by the amount and type of proposed non-residential uses and the residential dwelling mix which is only indicative at this concept stage.</p>

Provision	Compliance	Comment
Division 4 Miscellaneous		
7.14 Acid Sulfate Soils	Able to comply	The site is located on land with class 3 Acid Sulfate Soils. No physical works are proposed by this application and a detailed design DA will need to determine whether the proposed works require the preparation of an Acid Sulfate Soils Management Plan.
7.15 Flood planning	Able to comply	<p>The site is identified as being subject to flooding from the Alexandra Canal Catchment. The conceptual application notes that the 1% AEP flood level affecting the site is approximately 8.77m AHD whilst the PMF level is approximately 10.45m AHD.</p> <p>A site-specific flood study has been submitted with the application and recommends flood planning levels (FPLs) for the development.</p> <p>Council's Public Domain Unit has reviewed the proposal. The recommendations of the site-specific flood study are supported, and conditions are recommended for the endorsed FPLs to be incorporated into any detailed building design submitted as part of any future DA for the site.</p>
7.16 Airspace operations	Yes	<p>The proposed development will penetrate the Obstacle Limitation Surface as shown on the Obstacle Limitation Surface Map for Sydney Airport by approximately 2.95m.</p> <p>The concurrence of Sydney Airport Corporation, as a proxy for the Civil Aviation Safety Authority, has been received subject to conditions of consent.</p>
7.20 Development requiring or authorising preparation of a development control plan	Yes	<p>The proposed development will result in a building with a height greater than 25m above ground level (existing).</p> <p>A site specific DCP is required in accordance with this clause. Alternatively, a concept development</p>

Provision	Compliance	Comment
		<p>application can be prepared pursuant to Section 4.23 of the EP&A Act.</p> <p>This application comprises a concept development application and satisfies this clause.</p>
7.26 Public Art	Able to comply	<p>The Public Art team have reviewed and are supportive of the Public Art Strategy lodged with the application.</p> <p>Any future detailed design development application and competitive design process will be required to demonstrate compliance.</p>

Development Control Plans

Sydney Development Control Plan 2012

40. An assessment of the proposed development against the relevant provisions within the Sydney Development Control Plan 2012 is provided in the following sections.

Section 2 – Locality Statements

41. The site is located within the North Alexandria locality. The locality is expected to diversify from an area characterised by predominantly light industrial uses to a thriving employment neighbourhood incorporating a broad range of uses including higher density commercial.
42. The proposed concept envelope is capable of providing employment land uses which will support the locality and will provide a diverse range of business uses. The proposed public domain is consistent with the DCP and allows the streets to integrate with those in the surrounding neighbourhoods to provide permeability and to maximise pedestrian movement.
43. The reference scheme illustrates commercial, retail and artisan food and drink uses which will contribute to the locality in supporting employment uses.
44. The proposed development is in keeping with the unique character and the design principles of the locality.

Section 3 – General Provisions

Provision	Compliance	Comment
3.1 Public Domain Elements	Able to comply	The proposed concept plan is in accordance with the DCP's public domain requirements and is considered capable of facilitating a detailed design

Provision	Compliance	Comment
		<p>DA that will make a positive contribution in that regard.</p> <p>In particular:</p> <ul style="list-style-type: none"> • The concept envelope includes the required 2.4m dedication to Bourke Road to part of the site's frontage, noting dedication is not provided along the 26 Bourke Road frontage due to the retention of the existing building; • The concept envelope includes the required 3m road dedication at the rear of the site to facilitate a future 9m wide local street; and • A Public Art Strategy has been submitted to the satisfaction of Council officers. <p>The application is accompanied by a VPA to deliver and dedicate the public domain works to the City. The VPA outlines the works will be in accordance with the City's requirements and specifications, as required by the DCP.</p>
3.2. Defining the Public Domain	Able to comply	<p>The proposal will contribute to the activity, safety, amenity and quality of new and existing streets and the public domain.</p> <p>The proposal was referred to the City's Public Domain Unit who have recommended appropriate conditions.</p>
3.3 Design Excellence and Competitive Design Processes	Able to comply	Any future detailed design DA associated with the proposed development will be the subject of a competitive design process and a condition of consent is recommended accordingly.
3.5 Urban Ecology	Able to comply	<p>No trees are proposed to be removed as part of this concept DA.</p> <p>The proposed development does not involve the removal of any trees and will</p>

Provision	Compliance	Comment
		<p>not have an adverse impact on the local urban ecology.</p> <p>Conditions of consent are recommended requiring an Arboricultural Impact Assessment to be submitted with each individual detailed design DA.</p> <p>Conditions are recommended for the street trees surrounding the perimeter of the street to be retained.</p> <p>New tree planting and landscaping works proposed as part of any future detailed design DA must be in accordance with DCP requirements and will be assessed accordingly.</p>
3.6 Ecologically Sustainable Development	Able to comply	<p>The City's Environmental Sustainability Advisor has reviewed the targets within the DEX Strategy.</p> <p>Conditions are recommended to ensure that the proposed ESD commitments will be carried through the competitive design process to the detailed design DA.</p> <p>It is acknowledged that any future detailed design DA would be required to comply with the requirement of the Sustainable Buildings SEPP and the City's net zero controls.</p>
3.7 Water and Flood Management	Able to comply	The site is identified as being on flood prone land. See discussion under section 7.15 above.
3.8 Subdivision, Strata Subdivision and Consolidation	Able to comply	Consideration to subdivision, strata subdivision associated with residential lots and lot consolidation will be considered in any future detailed design DA for the site.
3.11 Transport and Parking	Able to comply	<p>The reference scheme demonstrates that car parking, servicing, bicycle parking and end of trip facilities can be accommodated within three basement levels.</p> <p>It is noted that parking numbers or rates are not approved as part of a concept proposal and would form part of a future</p>

Provision	Compliance	Comment
		<p>detailed design when the exact land uses are known.</p> <p>A Traffic Impact Assessment was submitted with the application and was reviewed by Council's Transport Planner.</p> <p>Subject to conditions of consent, the proposed development will not have an unacceptable impact on the surrounding road network. Detailed consideration to this matter will form part of any future detailed DA.</p>
3.12 Accessible Design	Able to comply	An appropriate condition is recommended to require an Access Report to be submitted with any future detailed design DA to ensure that the future buildings on the site incorporate accessible design.
3.13 Social and Environmental Responsibilities	Able to comply	Any future detailed design DA would be required to demonstrate compliance with the CPTED principles.
3.16 Signage and Advertising	Able to comply	A condition is recommended to require a signage strategy to be submitted with any subsequent detailed design DA in accordance with the requirements of Section 3.16.1 of the SDCP 2012.
3.14 Waste	Able to comply	<p>Council's Waste Management Specialists have reviewed the submitted Waste Management Plan and reference scheme design. In summary, the reference scheme indicates an adequately sized waste storage area has been provided for the proposed indicative uses.</p> <p>A condition has been recommended to ensure the detailed design DA complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.</p>
3.17 Contamination	Able to comply	The application includes suitable information for its assessment against

Provision	Compliance	Comment
		the provisions of the SEPP Resilience and Hazards 2021.

Section 4 – Development Types

4.2 Residential Flat, Commercial and Mixed Use Developments

Provision	Compliance	Comment
4.2.1 Building height		
4.2.1.1 Height in storeys and street frontage height in storeys	Able to comply	<p>The site is permitted a maximum street frontage height of four storeys to both Bourke Road and to the future street at the rear of the site.</p> <p>The concept envelope provides a four storey street frontage height to both Bourke Road and to the rear of the site in accordance with the control.</p>
4.2.1.2 Floor to ceiling heights and floor to floor heights	Able to comply	The indicative reference scheme drawings demonstrate that the proposed envelopes can accommodate compliant floor to floor heights of 4.6m on the ground level and 3.6m on the upper floors.
4.2.3 Amenity		
4.2.3.1 Solar access	Able to comply	<p>The application is accompanied by solar diagrams of the concept envelope showing the impact of the proposal on surrounding sites.</p> <p>The DCP controls protect solar access to residential uses only.</p> <p>The site is located within a commercial precinct with no residential uses within the vicinity of the site. Given this context, the solar impacts caused by the proposal are acceptable.</p>
4.2.3.5 Landscaping	Able to comply	This provision specifies the matters to be addressed by a landscape plan submitted as part of a DA for the detailed design of a building.

Provision	Compliance	Comment
4.2.3.6 Deep Soil	Able to comply	<p>The SDCP requires a minimum of 10% of the site area (3,307sqm) is to be provided as consolidated deep soil areas with a minimum dimension of 10 metres.</p> <p>The concept plan identifies a deep soil zone of 10% which complies with the SDCP.</p>
4.2.3.11 Acoustic privacy	Able to comply	<p>There are no residential receivers within the vicinity of the site.</p> <p>Notwithstanding, an Acoustic Report has been submitted with the concept application. The Acoustic Report confirms the development can comply with the relevant noise criteria and acceptable internal noise levels can be achieved.</p> <p>The City's Health Unit has reviewed the proposal and supports the proposed development, subject to recommended conditions of consent.</p>
4.2.6 Waste and recycling Management	Able to comply	<p>A condition has been recommended to ensure that any future detailed design DA complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.</p>

Section 5 – Specific Areas

5.2 Green Square

Provision	Compliance	Comment
5.2.3 Community infrastructure	Yes	<p>The applicant has submitted a public benefit offer, and a draft VPA has been prepared on this basis.</p> <p>The draft VPA is for the construction and dedication of a new street and footpath widening and the provision of a monetary contribution for community infrastructure to be delivered in Green Square in accordance with Clause 6.14 of the SLEP 2012.</p>

Provision	Compliance	Comment
		In this instance, the proposed public domain works, and monetary contribution are considered acceptable with regard to the provisions of Section 5.2.3 of the SDCP2012.
5.2.4 Local infrastructure	Yes	<p>The SDCP 2012 requires that a new 9m wide local street is provided at the rear of the site and a 2.4m wide public domain setback is provided along the Bourke Road frontage.</p> <p>The applicant will dedicate a 3m wide strip of land along the full extent of the site's southern frontage to Council to assist with the delivery of the new street.</p> <p>The applicant will undertake footpath widening to Bourke Road along part of the site's frontage (with the exception of 26 Bourke Road due to the location of the existing building which is to be retained) and similarly dedicate this land to Council through a VPA in accordance with clause 6.14 of the LEP.</p>
5.2.5 Pedestrian and bike networks	Yes	<p>Indicative ground level drawings for the reference scheme show bike parking being provided (118 spaces), consistent with the objective of encouraging cycling for local trips to promote community interaction, increase health benefits and reduce local vehicle traffic generation.</p> <p>Any future detailed design development application will be required to demonstrate suitable facilities are being provided for future occupants.</p>
5.2.7.3 Flood risk management 5.2.7.4 Flood management	Yes	Council's Public Domain Unit has reviewed the proposal. The recommendations of the site-specific flood study are supported, and conditions recommended for the endorsed FPLs to be incorporated into any detailed building design submitted as part of any future DA for the site.
5.2.9 Building design		The proposal is for a concept building envelope only. The detailed design of the building will be investigated during

Provision	Compliance	Comment
		the competitive design process and assessed at the detailed DA stage.

5.8 Southern Enterprise Area

Provision	Compliance	Comment
5.8.2 Land Use	Yes	Future land uses will be determined at the detailed DA stage. The indicative reference scheme proposes uses including commercial office, food and drink premises and artisan food and drink industry which are permissible with consent and would ensure the long term economic, operational viability of employment generating uses.
5.8.3.1 Subdivision	N/A	The application does not seek consent for any subdivision.
5.8.3.2 Building height	Yes	<p>Consistent with the applicable planning controls, the proposed building envelope complies with the height in storeys and street frontage height controls. The envelope provides a four storey street wall height to both the site's frontages to Bourke Road and to the future local street at the rear of the site.</p> <p>The concept building envelope is of a height and scale which is consistent with the desired future character of the area.</p>
5.8.3.3 Building alignment and setbacks	Yes	<p>The proposed building envelope complies with the building setback and alignment and street frontage height controls. At the upper levels, the concept envelope includes a 12m northern setback to Bourke Road and a 4m southern setback to the future local street at the rear.</p> <p>The compliant building envelope establishes the parameters for the future building design which will be subject to the outcome of a competitive design process.</p>
5.8.3.4 Active frontages and street level design 5.8.3.5 Building layout and design	Yes	The site is not required to provide an active frontage or an awning or colonnade.

Provision	Compliance	Comment
		The competitive design process and future detailed DA will need to establish appropriate building frontages and the building layout and design.
5.8.3.6 Landscape and fencing	Yes	The SDCP 2012 requires 10% deep soil planting. The concept plans identify an area equating to 10% of the site's area for deep soil planting.
5.8.3.7 Parking, access and loading and servicing	Yes	Refer to discussion in 3.11 above. As discussed, the concept consent does not approve parking design, car parking numbers, vehicular access, loading or servicing. The design of parking and servicing areas will be determined at the detailed design DA.
5.8.4.2 Street, pedestrian and cycle network	Yes	As required by the SDCP, the concept envelope drawings identify: <ul style="list-style-type: none"> • 2.4m wide footpath widening to Bourke Road along part of the site's extent; and • 3m wide dedication of land along the site's southern boundary to facilitate the future local street at the rear. <p>The proposed development will facilitate the delivery of essential infrastructure within the locality which will improve permeability and walkability and will support the growing worker population.</p>
5.8.4.2.2 Street network - North Alexandria	Yes	Vehicular and pedestrian ingress and egress is not approved as part of this application. Circulation and access points will need to be established during the design competition and detailed DA.
5.8.5 Managing transport demand	Yes	The application is accompanied by a Traffic and Parking Report which confirms the traffic generation of the development, specifically the reference scheme, will be satisfactorily accommodated on the road system without any adverse traffic implications.

Provision	Compliance	Comment
5.8.6.1 Stormwater management and waterways	Yes	Refer discussion at 5.2.7.3 and 5.2.7.4 above.

Consultation

Internal Referrals

45. The application was discussed with Council's:
- (a) Design Excellence Team;
 - (b) Environmental Health Unit;
 - (c) Heritage and Urban Design Unit;
 - (d) Public Domain Unit;
 - (e) Surveyors;
 - (f) Transport and Access Unit;
 - (g) Public Art Team;
 - (h) Environmental Sustainability Advisor;
 - (i) Planning Agreements Team;
 - (j) Landscape Assessment Officer;
 - (k) Tree Management Unit; and
 - (l) Waste Management Unit.
46. The revised concept proposal has addressed the issues raised initially and is considered acceptable, subject to the recommended conditions. Where appropriate, conditions recommended in the received referral advice have been included in Attachment A of this report.

External Referrals

Ausgrid

47. Pursuant to Section 2.48 of the SEPP (Transport and Infrastructure) 2021, the application was referred to Ausgrid for comment.
48. A response was received raising no objections to the proposed development.

Sydney Airport

49. Section 182 of the Commonwealth Airports Act 1996 specifies that, amongst other things, constructing a building or other structure that intrudes into a prescribed airspace is a controlled activity.
50. Schedules 2 and 5 of the Civil Aviation (Building Control) Regulations 1988 identify that the site is subject to a prohibition of the construction of buildings more than 51m AHD above existing ground level.
51. Section 183 of the Commonwealth Airports Act 1996 specifies that controlled activities may not be carried out in relation to prescribed airspace unless an approval has been granted. The relevant approval body is the Civil Aviation Safety Authority (CASA).
52. The Sydney Airport Airfield Design Manager, as an authorised person of the CASA, provided approval for the controlled activity on 25 October 2024.

Transport for NSW

53. Pursuant to Clause 2.122 of the SEPP (Transport and infrastructure) 2021, the application was referred to TfNSW for comment.
54. Comments were received on 6 September 2023 confirming that TfNSW raises no objection given the proposed development is unlikely to have a significant impact on the classified road network.

Advertising and Notification

55. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified for a period of 21 days between 14 August 2023 and 5 September 2023. A total of 32 properties were notified and one submission was received.

56. The submission raised the following issues:

- (a) **Issue:** The proposed design removes the current driveway to 26 Bourke Road and removes a large extent of car parking at its rear.
- (b) **Response:** No physical works are approved as part of this concept application. The concept application seeks approval of a building envelope on the site at 20-24 Bourke Road to accommodate a future detailed building design and the retention of the existing warehouse building at 26 Bourke Road. The reference scheme has been lodged with the application to demonstrate how a detailed building design may be able to be configured within the proposed concept envelopes. The reference scheme drawings are not approved as part of any consent granted and are for assessment purposes only.

Details regarding vehicular access and car parking to 26 Bourke Road will be determined at the subsequent detailed design DA stage.

- (c) **Issue:** Delivery trucks will require a turning bay to safely exit 26 Bourke Road in a forward direction. The laneway is long and includes an internal dog leg which makes access and manoeuvrability extremely difficult. Concerns regarding the ongoing serviceability of 26 Bourke Road.

Response: As per the above, details regarding site servicing, site access and manoeuvrability will be determined at the subsequent detailed design DA stage.

- (d) **Issue:** Provision for waste storage and details regarding waste collection for 26 Bourke Road have not been adequately addressed.

Response: A condition is recommended relating to waste infrastructure and servicing. The condition requires any detailed design DA incorporates waste management facilities, vehicle access and loading in accordance with the relevant requirements of the SDCP 2012 and the City's Guidelines for Waste Management in New Developments. The design of the waste storage and collection will be determined at the subsequent detailed design DA stage.

Financial Contributions

Contribution under Section 7.11 of the EP&A Act 1979

57. Section 7.11 contributions will be levied by conditions of consent to be imposed upon any subsequent development consent for the detailed design of the development.

Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

58. The site is located in the Green Square Urban Renewal Area and affordable housing contributions will be levied by conditions of consent to be imposed upon any subsequent development consent for the detail design of the development.

Relevant Legislation

59. Environmental Planning and Assessment Act 1979.

Conclusion

60. The subject DA seeks consent for a concept building envelope for a commercial development at 22-26 Bourke Road and the retention of and alterations to the existing brick warehouse building at 20 Bourke Road. Vehicular access is proposed from Bourke Road and future access is proposed via the rear of the site. A trafficable laneway is provided through the site connecting Bourke Road to the rear of the site. The concept DA is accompanied by a reference scheme which includes the following indicative uses:

- Three levels of basement car parking;
- Ground floor retail, commercial, food and drink premises and an industrial coffee roastery;
- Commercial uses on the upper floors.

61. The Public Benefit Offer has informed a draft VPA associated with the application which has commenced its 28 day public exhibition period in accordance with the requirements of section 7.5 of the Environmental Planning and Assessment Act 1979. A deferred commencement condition is recommended to enable the draft VPA to be executed and registered on title.
62. The concept proposal and DEX Strategy establish a concept building envelope and suitable parameters for the competitive design process. Subject to the recommended conditions, the proposed envelope is able to generally accommodate a detailed building design of an appropriate bulk and scale, which responds to the character of the area and which are capable of achieving design excellence.
63. For these reasons it is recommended that authority be delegated to the CEO to determine the application, following the conclusion of the public exhibition of the draft VPA and considering any public submissions received in response. It is recommended that the CEO consider granting deferred commencement development consent subject to the recommended conditions requiring the VPA to be executed and registered on title prior to the consent becoming operative.

ANDREW THOMAS

Executive Manager Planning and Development

Lotti Wilkinson, Senior Planner