

**ITEM 8. DEVELOPMENT APPLICATION: 620-632 BOTANY ROAD
ALEXANDRIA**

FILE NO: D/2015/364

DEVELOPMENT APPLICATION NO: D/2015/364

SUMMARY

Date of Submission: 20 March 2015

Amended plans received on 12 June 2015, 1 July 2015 and 9 July 2015

Applicant: SGS Projects Pty Ltd

Architect: Burton Architecture

Developer: SGS Projects Pty Ltd

Owner: The Owners – Strata Plan No 36073

Cost of Works: \$60,387,178.50

Proposal Summary: Demolition of existing buildings and Stage 1 DA for a 6-storey mixed-use development with residential apartments, ground floor retail uses and parking, and basement parking with an FSR of 2:1 (15,184sqm).

The application is Integrated Development requiring the approval of the NSW Office of Water under the Water Management Act 2000.

The application was exhibited for a period of 30 days and three submissions were received, with the main concerns being in relation to the height, scale and setbacks of the proposal, amenity of adjoining properties including overshadowing, privacy and view loss, and traffic impacts.

The proposed building envelope sits within the 22m height limit which applies to the site, and should consent be granted, it is recommended that a condition be attached limiting the floor space ratio to the maximum permissible on the site. It is considered that the proposed building envelope will be able to accommodate a development which complies with relevant planning controls for the site.

**Proposal Summary:
(continued)**

A competitive design process will need to be undertaken prior to the submission of a Stage 2 Development Application.

The application was accompanied by a public benefit offer for the provision of an easement to secure public access for a new through-site link and to dedicate a 1.4 metre strip of land adjacent to Botany Road for footpath widening.

Summary Recommendation:

The determination of the application is recommended to be delegated to the Chief Executive Officer (CEO) to determine subject to the exhibition of a Voluntary Planning Agreement and the consideration of any submissions received.

Development Controls:

- (i) State Environmental Planning Policy No. 32 – Urban Consolidation
- (ii) State Environmental Planning Policy No. 55 – Remediation of Land
- (iii) State Environmental Planning Policy No. 65 – Design Quality of Residential Development
 - a. SEPP 65 (Amendment No. 3) published on 19 June 2015, commencement on 17 July 2015
- (iv) State Environmental Planning Policy No. 70 (Affordable Housing) Revised Schemes
- (v) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- (vi) State Environmental Planning Policy (Infrastructure) 2007
- (vii) Sydney Local Environmental Plan 2012
- (viii) Sydney Development Control Plan 2012

Developer Contributions

- (ix) City of Sydney Development Contributions Plan 2006

Attachments:

- A - Stage 1 Envelope Drawings
- B - Selected Indicative Detailed Drawings
- C - Public Benefit Offer

RECOMMENDATION

It is resolved that:

- (A) authority be delegated to the Chief Executive Officer (CEO) to determine Development Application No. D/2015/364, subject to the submission of a Public Benefit Offer and the public exhibition of a Voluntary Planning Agreement with any submissions considered; and
- (B) if the CEO determines to approve Development Application D/2015/364, then consideration be given to granting a deferred commencement consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, subject to the conditions set out in Part A below; and
- (C) in determining the application, the CEO consider the draft conditions of consent, as shown in Part A and Part B below, and any other relevant conditions:

PART A – DEFERRED COMMENCEMENT CONDITIONS**(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)**

The consent is not to operate until the following conditions are satisfied, within **24 months** of the date of this determination.

(1) VOLUNTARY PLANNING AGREEMENT

- (a) That a Voluntary Planning Agreement be executed and submitted to Council in accordance with the Public Benefit Offer by SGS Projects Pty Ltd and dated 02/09/2015; and
 - (b) The Voluntary Planning Agreement, as executed, must be registered on the title of land in accordance with the Voluntary Planning Agreement.
- evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within **24 months** of the date of this deferred commencement consent, failing which this deferred commencement will lapse pursuant to section 95(6) of the Environmental Planning and Assessment Act 1979.
 - the consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied.
 - upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the following conditions of consent and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions.

PART B - CONDITIONS OF CONSENT**(ONCE THE CONSENT IS IN OPERATION)**

Upon written confirmation from Council that the deferred commencement conditions contained in Part A above have been satisfied, the consent will become operative from the date of that written confirmation, subject to the following conditions of consent and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions.

SCHEDULE 1**Approved Development/Design Modifications/Covenants and Contributions/Use and Operation****(1) STAGED DEVELOPMENT APPLICATION**

Pursuant to Clause 100 of the Environmental Planning and Assessment Regulation 2000, this Notice of Determination relates to a Stage 1 development application and a subsequent development application (Stage 2) or applications are required for any work on the site.

(2) APPROVED STAGE 1 DEVELOPMENT

- (a) Development consent is limited to a Stage 1 concept plan building envelope and indicative land uses within this envelope, in accordance with Development Application D/2015/364, dated 20 March 2015 (as amended) and the following drawings:

Drawing Number	Architect	Date
MP/010 / E	Burton Architecture	08/07/2015
MP/011 / D	Burton Architecture	08/07/2015
MP/012 / C	Burton Architecture	08/07/2015
MP/013 / C	Burton Architecture	26/06/2015

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.
- (c) Any future Stage 2 development must be in accordance with the concept plans approved via this Stage 1 development consent.

(3) MATTERS NOT APPROVED IN STAGE 1 DEVELOPMENT CONSENT

The following matters are not approved as part of this Stage 1 development consent:

- (a) any works, including demolition, excavation, construction and public domain improvements;
- (b) subdivision;

- (c) layout, mix and number of residential units;
- (d) the precise quantum of commercial and residential floor space;
- (e) any additional 10% design excellence floorspace allowable under *Clause 6.21 of the Sydney Local Environmental Plan 2012*;
- (f) the number of basement parking levels and the configuration and layout of the basement levels;
- (g) the location of ramp access into the basement parking level(s);
- (h) the number of on-site car parking spaces, bicycle spaces, car share or loading spaces/zones;
- (i) the part of the building over the through-site link.

(4) STAGE 2 TO BE CONTAINED WITHIN APPROVED ENVELOPE

The detailed Stage 2 design, including services, must be contained within the building footprint and envelope approved as part of this consent and comply with relevant planning controls.

(5) BUILDING HEIGHT

The maximum height of any future building on the site must not exceed RL 34.00 (AHD).

(6) FLOOR SPACE RATIO

The following applies to floor space ratio:

- (a) The floor space ratio for the proposal must not exceed the maximum 2:1 calculated in accordance with Clauses 4.4, 4.5 and 6.14 of Sydney Local Environmental Plan 2012 (as amended).
- (b) Notwithstanding clause (a) above, the maximum floor space ratio may be increased up to 2.2:1 only if the consent authority is satisfied that the resulting Stage 2 development exhibits design excellence and is the result of a competitive design process which satisfies the requirements of any relevant local environmental plan and/or development control plan.

(7) SETBACKS

The entire building envelope shall be setback a minimum of 5 metres from the south-western side boundary. Approval is not granted for a cantilevered built form to this boundary.

(8) DESIGN EXCELLENCE AND COMPETITIVE DESIGN PROCESS

A competitive design process in accordance with the provisions of Sydney Local Environmental Plan 2012 shall be:

- (a) Conducted prior to lodgement of a Stage 2 Development Application.

- (b) A design excellence strategy is to be prepared in accordance with the requirements of Sydney Development Control Plan 2012 and is to be approved by the Director City Planning, Development and Transport prior to the commencement of the design competition.
- (c) The detailed design of the development must exhibit design excellence, as per Clause 6.21 of Sydney Local Environmental Plan 2012.

(9) ACTIVATION ALONG EXISTING AND FUTURE STREET FRONTAGES

The detailed design of the development should have particular regard to the ground floor interfaces with the public domain along the Botany Road and Ralph Street frontages, including the corners of Botany Road and Ralph Street with the through-site link. These site frontages are to be designed to achieve activation.

(10) INTERFACE WITH THROUGH-SITE LINK

The interface of the ground level of the building with the through-site link is to have a high quality architectural design.

(11) STAGE 2 DEVELOPMENT APPLICATION TO COMPLY WITH RELEVANT PLANNING CONTROLS

The Stage 2 development must be designed to comply with “State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development” (as amended), the Apartment Design Guide (ADG), and the provisions of Sydney Local Environmental Plan 2012 (Sydney LEP 2012) and Sydney Development Control Plan 2012 (Sydney DCP 2012).

In particular, attention is drawn to the following:

- (a) The building separation distances specified within the ADG relating to visual privacy;
- (b) The minimum floor to floor and floor to ceiling heights within the ADG and Sydney DCP 2012;
- (c) Apartment sizes and room dimensions, and private open space sizes and dimensions within the ADG and Sydney DCP 2012;
- (d) The apartment and room depths specified within the ADG to ensure adequate natural ventilation, natural cross ventilation, solar and daylight access;
- (e) The ADG specification for at least 70% of apartments within a development to receive a minimum of 2 hours of direct solar access between 9am and 3pm on 21 June;
- (f) The ADG specification for at least 60% of apartments within a development to be naturally cross ventilated;
- (g) The ADG specifications relating to residential storage size volumes and characteristics;

- (h) Provisions relating to car parking and bicycle parking contained within Sydney LEP 2012 and Sydney DCP 2012;
- (i) The six (6) storey height control which applies to the site as per section 4.2.1.1 of Sydney DCP 2012;
- (j) The dwelling mix requirements of Section 4.2.3.12 of Sydney DCP 2012;
- (k) The adaptable dwelling mix requirements of Section 3.12.2 of the Sydney DCP 2012;
- (l) The requirements of the ADG and Sydney DCP 2012 regarding the on-site provision of an area or areas of communal open space;
- (m) The provisions of Section 3.11.10 of the Sydney DCP 2012 which apply in relation to vehicle access for developments greater than 1,000 sq.m;
- (n) The requirement for the provision of through-site links on sites greater than 5,000 sq.m as per Section 3.1.2.2 of the Sydney DCP 2012;
- (o) The requirements of Section 3.1.6 of the Sydney DCP 2012 relating to sites greater than 5,000 sq.m, which ask for a range of complimentary uses and housing types, including single storey apartments, garden apartments and maisonette apartments or terrace houses be provided; and at least 5% of the total dwellings on the site are to be terrace houses or maisonette apartments; and
- (p) The requirements of Section 4.2.5.2 of the Sydney DCP 2012 relating to courtyard buildings, including provision of a visual connection to the public domain through breaks in the building.

(12) ACOUSTIC REPORT

The Stage 2 Development Application is to be accompanied by an acoustic report prepared by a suitably qualified acoustic consultant* which demonstrates that the development will be capable of achieving adequate levels of acoustic amenity for future occupants. The acoustic report must consider the following:

- (a) Council's Standard Condition "Noise – General";
- (b) Clause 102 (Impact of road noise or vibration on non-road development) of State Environmental Planning Policy (Infrastructure) 2007; and
- (c) Control 4.2.3.11 (Acoustic Privacy) of the Sydney DCP 2012.

*Note: "Suitably qualified acoustic consultant" means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian.

(13) ACID SULFATE SOILS MANAGEMENT PLAN

An Acid Sulfate Soils Management Plan is to be submitted with the Stage 2 development application.

(14) FLOOD MANAGEMENT

- (a) The approved flood planning level for the Stage 1 is RL12.5 for the ground floor and RL12.7 for the driveway crest.
- (b) Entrances to the basement (including stairwells, lift shafts and basement vents) are to be above the peak PMF flood level.
- (c) The following documents are to be considered in relation to flood management as part of the Stage 2 Development Application:
 - (i) Pre and Post development site specific flood study involving 100 year ARI and PMF;
 - (ii) Council's Interim Floodplain Management Policy (May 2014).

(15) ACCESS AND FACILITIES FOR PERSONS WITH DISABILITIES

The building(s) proposed in the Stage 2 Development Application must be designed and constructed to provide access and facilities for people with a disability in accordance with the Building Code of Australia.

(16) EXISTING STRATA SCHEME

Any future Stage 2 Development Application which proposes demolition of the existing buildings on the site will require termination and extinguishment of the existing Strata Scheme (SP36073) prior to the demolition of the buildings. Registration of the termination instrument is subject to approval and endorsement by Council under Section 28 of the Strata Schemes (Freehold Development) Act 1973.

(17) DETAILED ENVIRONMENTAL SITE INVESTIGATION

A Detailed Environmental Site Investigation (DESI) is to be submitted with the Stage 2 Development Application and is to be carried out by a suitably qualified and competent environmental consultant and submitted to Council's Area Planning Manager for further review in accordance with the NSW Government Office of Environment and Heritage, Guidelines for Consultants Reporting on Contaminated Sites, EPA Sampling Design Guidelines 1995, Contaminated Land Management Act 1997 and SEPP 55 Remediation of Land" confirming that the site is suitable (or will be suitable, after remediation) for the proposed use.

Where the DESI states that the site requires remediation, a Remediation Action Plan (RAP) is to be prepared by a suitably qualified and competent environmental consultant in accordance with the NSW Government Office of Environment and Heritage, Guidelines for Consultants Reporting on Contaminated Sites and the Contaminated land Management Act 1997 and submitted to the Council's Area Planning Manager for approval.

Note: SITE AUDITOR REVIEW

Where a site is subject to significant contamination or past contaminating activities the City may additionally request that the DESI and any subsequent Remediation Action Plan be peer reviewed by a Site Auditor and a Section B Site Audit Statement provided to Council prior to consent being given from the Auditor confirming that the extent of contamination has been appropriately determined and that the site can be made suitable if the site is remediated in accordance with the proposed sand referenced RAP.

Where the DESI concludes that the site is suitable for the proposed use the City may request that a Section A Site Audit Statement be obtained from a Site Auditor to confirm site suitability.

(18) BASIX CERTIFICATE

With respect to the proposed residential building works, a BASIX Certificate which demonstrates compliance with the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 must be submitted with the Stage 2 Development Application.

(19) PUBLIC ART

- (a) A Public Art Strategy is to be developed for the site/development in accordance with Sydney Development Control Plan 2012 and the Public Art Policy. This Strategy shall form part of the documentation lodged as part of a future Stage 2 Development Application.
- (b) The requirement to accommodate public art as part of the redevelopment of the site must form part of the competitive design process brief and the nominated location should be included as part of any future Stage 2 Development Application.

(20) WASTE MANAGEMENT FACILITIES

The Stage 2 Development Application shall demonstrate:

- (a) compliance with Council's requirements for waste management facilities as per Council's "Policy for Waste Minimisation in New Developments 2005";
- (b) that adequate provision has been made within the site for the storage and on-site collection of commercial and residential waste.

(21) TREES APPROVED FOR REMOVAL

- (a) Trees numbered 5, 6, 7 and 12 in the Arboricultural Impact Assessment prepared by 'TALC' dated 18 March 2015 are approved for removal.
- (b) The trees must not be removed until commencement of demolition works on the subject site.

(22) STREET TREES

The proposed removal of any street trees as part of the Stage 2 Development Application must be justified by an Arborist Report.

(23) TREE PRUNING WORKS

Consent from the City's Tree Management team must be obtained prior to any pruning works being undertaken on any existing trees which are to be retained as part of the Stage 2 design. There shall be no canopy pruning of these trees without prior approval from the City's Tree Management team.

(24) SITE LANDSCAPING

Detailed landscape plans are to be submitted with any future Stage 2 Development Application and are to show:

- (a) Deep soil planting (as defined within the Sydney DCP 2012) of a minimum of 759.2sq.m;
- (b) The provision of communal open space in the podium level is to be a minimum of 1,898sq.m.

(25) TRAFFIC WORKS

Any proposal for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with RMS Technical Directives and must be referred to and agreed to by the Local Pedestrian, Cycling and Traffic Calming Committee prior to any works commencing on site.

(26) PARKING DESIGN

As per Condition (3), approval is not granted for the configuration and layout of car parking levels nor the number of on-site car parking spaces, bicycle spaces, car share or loading spaces/zones as part of this Stage 1 consent.

The number of car parking spaces, bicycle spaces, car share and loading spaces/zones on site is to be determined as part of the Stage 2 Development Application.

The design, layout, signage, line marking, lighting and physical controls of all off-street parking facilities must comply with the minimum requirements of Australian Standard AS/NZS 2890.1 Parking facilities Part 1: Off-street car parking, AS/NZS 2890.2 Parking facilities Part 2: Off-commercial vehicle facilities and AS/NZS 2890.6 Parking facilities Part 6: Off-street parking for people with disabilities.

(27) VEHICLE ACCESS

A consolidated driveway entry is to be provided for use by both standard vehicles and service vehicles to access the site.

The width of the driveway crossover is to be minimised as far as practical whilst still enabling access for Council's standard waste vehicle, or the largest vehicle entering the site should it be larger than Council's standard waste vehicle.

A splay on the south west corner of the vehicle access point may need to be incorporated into the design of the car park access to open up sightlines for vehicles exiting the site. This can be in the form of painting or landscaping works.

(28) SERVICE VEHICLES

As part of the Stage 2 Development Application, adequate space must be provided to allow manoeuvring and turning of different sized vehicles. The Stage 2 application must include swept paths of the largest vehicle to access the proposed loading area(s).

The design, layout, signage, line marking, lighting and physical controls for all service vehicles must comply with the minimum requirements of Australian Standard AS 2890.2 – 2002 Off- Street Parking Part 2: Commercial vehicle facilities.

(29) LOADING WITHIN SITE

The Stage 2 Development Application is to demonstrate that all loading and unloading operations associated with servicing the site can be carried out within the confines of the site at all times, and must not obstruct other properties / units or the public way.

(30) VEHICLES TO ENTER AND LEAVE SITE IN A FORWARD DIRECTION

The Stage 2 Development Application is to demonstrate that development on the site has been configured to allow all vehicles to be driven onto and off the site in a forward direction.

(31) SECURITY GATES

Where a car park is accessed by a security gate, that gate must be located at least 6 metres within the site from the street front property boundary.

(32) CAR SHARE SPACES

The Stage 2 Development Application is to make provision for car share spaces as follows:

- (a) Car share parking spaces are to be provided in accordance with Sydney Development Control Plan 2012. A minimum of 1 car share space per 50 car spaces for the exclusive use of car share scheme vehicles are to be provided. The Stage 2 basement plans must show where these spaces are to be located.
- (b) The spaces must be retained as common property of the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time.
- (c) The spaces must be made available to car share operators without a fee or charge.
- (d) The spaces must be sign posted for use only by car share vehicles and well lit.
- (e) The spaces must be publicly accessible at all times.
- (f) The car share spaces are to be available at the same time that the car park commences operation.

[Note: It is recommended that the Applicant discuss the proposed location of car share parking spaces with car share operators to ensure the commercial requirements of the operator can be accommodated.]

(33) BICYCLE PARKING AND END OF TRIP FACILITIES

Details of the location, number and class of bicycle parking must be included in the Stage 2 Development Application.

Bicycle parking for residents and employees is to be provided in the uppermost basement parking level. Class 2 facilities, or a combination of Class 1 and Class 2 facilities, are considered acceptable for residents. Employee bicycle parking is to be provided in close proximity to end-of-trip facilities.

All visitor bicycle parking is to be provided at-grade in an easily accessible and visible location.

Note: Council supports the provision of innovative bicycle parking solutions in new development. Should the applicant wish to discuss bicycle parking options, please contact the City Access and Transport Unit.

(34) PROMOTING SUSTAINABLE TRANSPORT

Information demonstrating how sustainable transport modes and reduced private vehicle use will be promoted must be provided with the Stage 2 Development Application.

A Transport Impact Statement should be submitted, including a transport assessment of the site (i.e. accessibility by sustainable transport modes to essential facilities such as supermarkets/chemists/newsagent, schools, employment centres, leisure/sports facilities, etc) and supported by means to promote sustainable transport such as on-site car share provision, easily accessible bike parking, etc.

(35) ELECTRICITY SUBSTATION

The Applicant is advised to discuss requirements relating to the relocation of the existing substation with Ausgrid prior to the submission of the Stage 2 Development Application.

If required by the applicable energy supplier, the owner must dedicate to the applicable energy supplier, free of cost, an area of land or appropriate easement within the development site, but not in any landscaped area or in any area visible from the public domain, to enable an electricity substation to be installed. The size and location of the substation is to be submitted for approval of Council and Energy Australia, prior to a Stage 2 Development Application.

SCHEDULE 2**PRESCRIBED CONDITIONS**

The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2000* apply to the development.

- Clause 98 Compliance with *Building Code of Australia* and insurance requirements under the *Home Building Act 1989*
- Clause 98A Erection of signs
- Clause 98B Notification of *Home Building Act 1989* requirements
- Clause 98C Conditions relating to entertainment venues
- Clause 98D Conditions relating to maximum capacity signage
- Clause 98E Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 8A of the *Environmental Planning and Assessment Regulation 2000*. This can be accessed at: <http://www.legislation.nsw.gov.au>

SCHEDULE 3**Terms of Approval**

The Terms of Approval for Integrated Development as advised by the NSW Office of Water are as follows:

General

1. An authorisation shall be obtained from NSW Office of Water for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified in the authorisation.
2. The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be in contact with groundwater watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for reasonably foreseeable high water table elevations to prevent potential future inundation.
3. Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.

Prior to excavation

4. Measurements of groundwater levels beneath the site from a minimum of three monitoring bores shall be taken. These measurements should be included in a report provided to the NSW Office of Water in support of the dewatering licence application, along with a schedule and indicative level predictions for the proposed ongoing water level monitoring from the date of consent until at least two months after the cessation of pumping shall be included in the report.
5. A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and a report provided to the NSW Office of Water. Details of the parameters (e.g. permeability predicted by slug-testing, pump-testing or other means) and calculation method shall be included in the report submitted to the NSW Office of Water in support of the dewatering licence.
6. A copy of a valid development consent for the project shall be provided in the report to the NSW Office of Water.
7. Groundwater quality testing shall be conducted on a suitable number of samples using a suitable suite of analytes and completed by a NATA-certified laboratory, with the results collated and certificates appended to a report supplied to the NSW Office of Water. Samples must be taken prior to the substantial commencement of dewatering, and a schedule of the ongoing testing throughout the dewatering activity shall be included in the report. Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.
8. The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided to the NSW Office of Water. The disposal of any contaminated pumped groundwater (sometimes referred to as "tailwater") must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.
9. Contaminated groundwater (i.e. above appropriate NEPM 2013 investigation thresholds) shall not be reinjected into any aquifer without the specific authorisation of the NSW Environment Protection Authority (any such discharge would be regulated through a licence issued under the Protection of the Environment Operations Act 1997 [POEO Act]). The reinjection system design and treatment methods to remove contaminants shall be nominated and a report provided to the NSW Office of Water. The quality of any pumped water that is to be reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site.

During excavation

10. Engineering measures designed to transfer groundwater around the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.

11. Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
12. Measurement and monitoring arrangements to the satisfaction of the NSW Office of Water are to be implemented. Monthly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a report provided to the NSW Office of Water after dewatering has ceased. Daily records of groundwater levels are to be kept and a report provided to the NSW Office of Water after dewatering has ceased.
13. Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.
14. Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.
15. The location and construction of groundwater extraction works that are abandoned are to be recorded and a report provided to the NSW Office of Water after dewatering has ceased. The method of abandonment is to be identified in the documentation.
16. Access to groundwater management works used in the activity is to be provided to permit inspection when required by the NSW Office of Water under appropriate safety procedures.

Following excavation

17. All monitoring records must be provided to the NSW Office of Water after the required monitoring period has ended together with a detailed interpreted hydrogeological report identifying all actual resource and third party impacts.

BACKGROUND

The Site and Surrounding Development

1. The site is legally identified as Lot 1, DP 771191 and Lots 1-18, SP 36073 and has a street address of No. 620-632 Botany Road, Alexandria (“the site”).
2. The site is located on the western side of Botany Road and on the eastern side of Ralph Street. The site is approximately 1.3km south of the Green Square railway station and 350m north of Gardeners Road.
3. The site is irregular in shape, with an area of 7592sq.m, with a curved frontage to Botany Road of approximately 108m in length and a frontage to Ralph Street of approximately 58m in length.
4. The site is occupied by a strata titled industrial unit complex that consists of two storey buildings adjacent to the northern and south western boundary and an island of units in the middle separated by internal driveways.
5. The site is not a heritage item and not located within a heritage conservation area.
6. A total of 17 trees will be impacted upon by the proposed redevelopment of the site. There are 4 trees within the site, 8 street trees of Botany Road, and 5 street trees on Ralph Street.
7. Adjacent to the south-western boundary of the site is an open stormwater channel of approximately 1.5m in width which is a draft heritage item. Industrial and showroom uses are to the north and south of the site. A shop top housing development is further south on the corner of Botany Road and Gillespie Avenue. The opposite side of Botany Road contains a mixture of industrial uses and shop top housing, whilst the opposite side of Ralph Street contains industrial uses.
8. Photos of the site and surrounds are provided below:

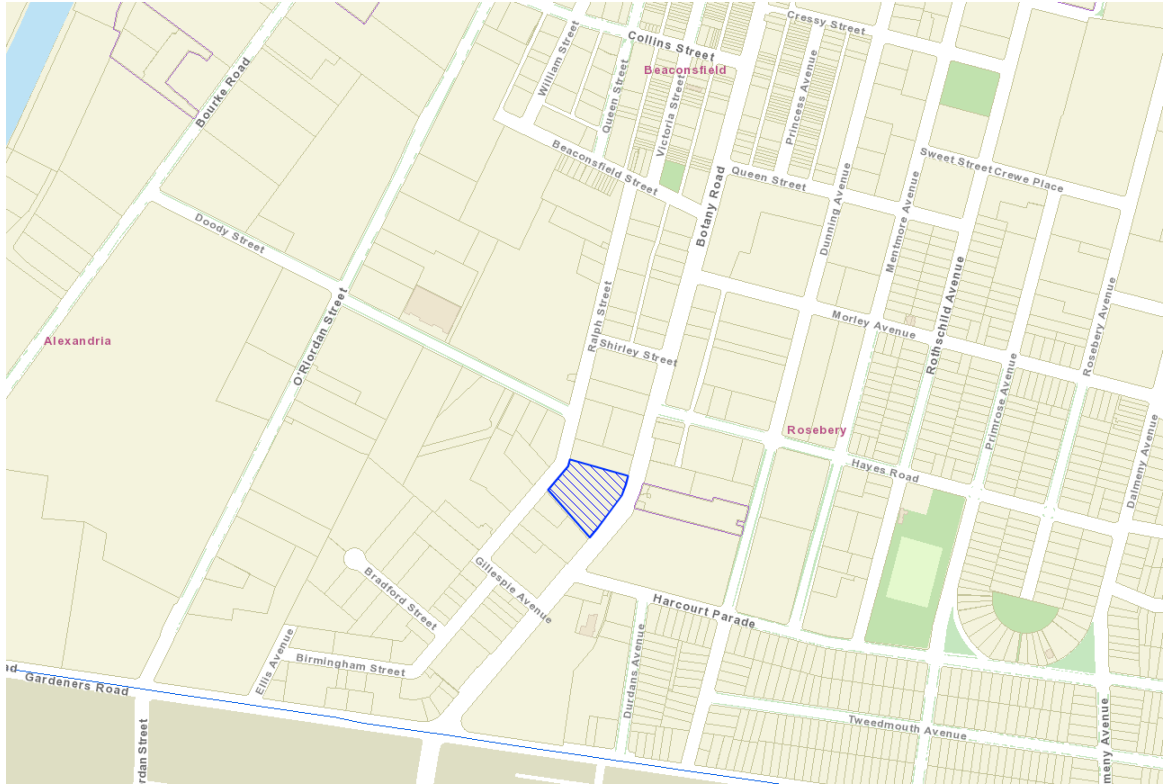


Figure 1: Site location plan.

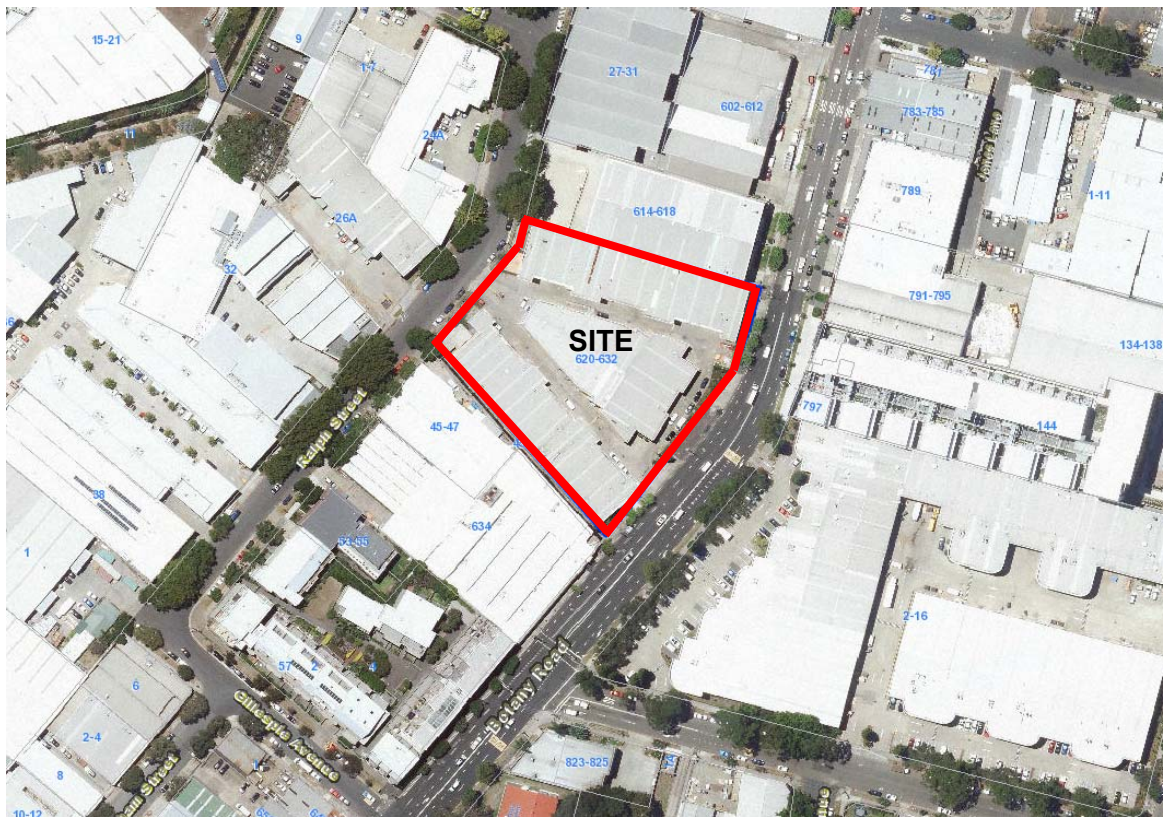


Figure 2: Aerial image of subject site and surrounding area



Figure 3: Aerial image of subject site and surrounding area



Figure 4: Site viewed from Botany Road looking north.



Figure 5: Site viewed from Botany Road.



Figure 6: Site viewed from Botany Road looking south.



Figure 7: Site viewed from Ralph Street.



Figure 8: The neighbouring sites to the south as viewed from Botany Road.



Figure 9: The neighbouring sites to the north as viewed from Botany Road.



Figure 10: Shop top housing under construction on the opposite side of Botany Road.



Figure 11: Existing heritage item on the opposite side of Botany Road.



Figure 12: Existing industrial development on the opposite side of Botany Road.



Figure 13: Neighbouring stormwater channel viewed from Botany Road.



Figure 14: Neighbouring stormwater channel viewed from Ralph Street.



Figure 15: Neighbouring site to the south as viewed from Ralph Street.



Figure 16: Neighbouring site to the north as viewed from Ralph Street.

PROPOSAL

9. The Stage 1 Development Application seeks consent for the following:
 - (a) a building envelope which facilitates the construction of a shop top housing development, including:
 - (i) a maximum building height of RL34.00 AHD (22 metres);
 - (ii) a FSR of 2:1 and up to 2.2:1 (which includes a bonus FSR provision for a development exhibiting design excellence);
 - (iii) a 1.4 metre setback from the Botany Road boundary;
 - (iv) no setback to the Ralph Street boundary;
 - (v) a 6 metre setback from the northern boundary;
 - (vi) a predominant 5 metre setback from the southern-western boundary, except for a wing adjacent to Ralph Street which is setback 1 metres from the boundary;
 - (vii) provision of a central area within the building envelope which will accommodate communal open space.
 - (b) provision of driveway access off Ralph Street; and
 - (c) a through site link adjacent to the south-western boundary.
10. Amended plans and additional supporting information were received during the assessment. The amended plans relocated the through-site link from the northern boundary to the south-western boundary and provided a minimum 1 metre setback to the building wing from the south-western boundary.
11. The proposal includes a public benefit offer (PBO) which states that the Applicant is willing to enter into a Voluntary Planning Agreement with the Council for the provision of an easement that relates to the through-site link.
12. While a full set of indicative drawings has not been submitted, documentation submitted with the application indicates that the future development on the site is likely to accommodate:
 - (a) a ground level retail tenancy with frontage to Botany Road;
 - (b) approximately 200 residential apartments;
 - (c) ground level and basement parking for around 196 cars; and
 - (d) provision for a loading bay, storage, and bicycle parking.
13. Key Stage 1 development application envelope drawings and massing diagrams are provided in **Figures 17 to 21** below. A full set of Stage 1 development application plans and elevations are provided in **Attachment A**.

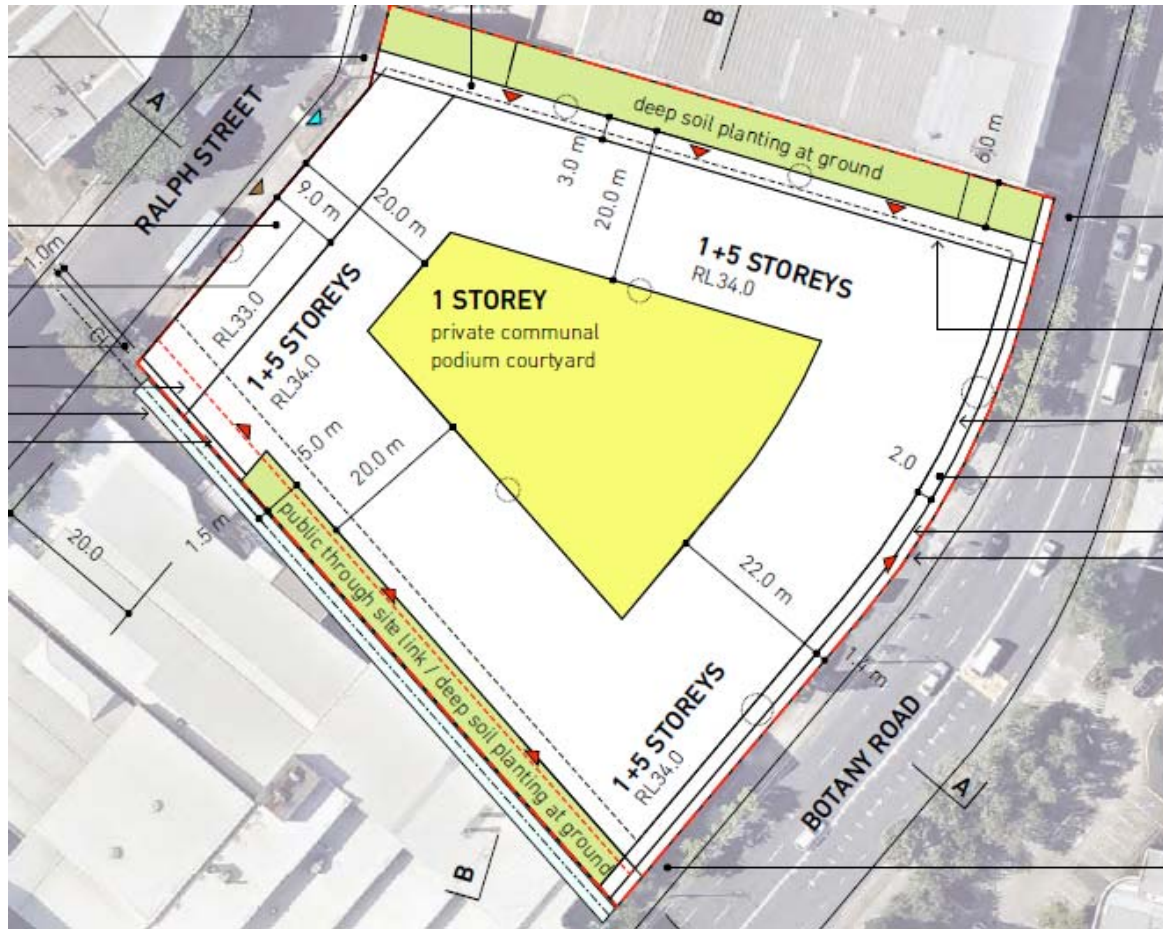


Figure 17: Proposed site layout.

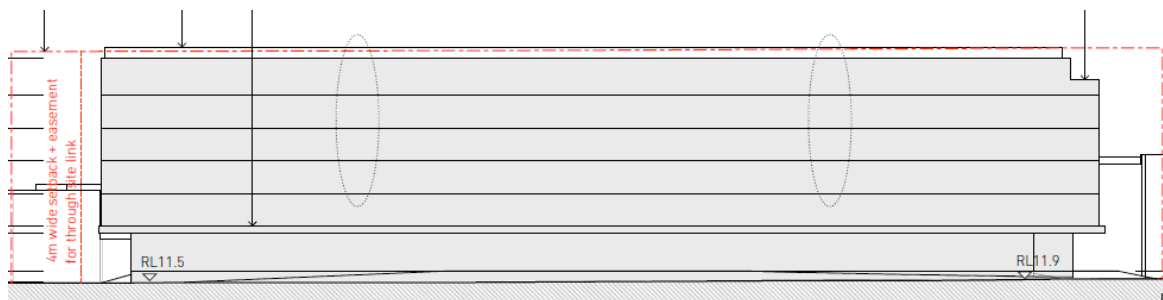


Figure 18: The building envelope viewed from Botany Road.

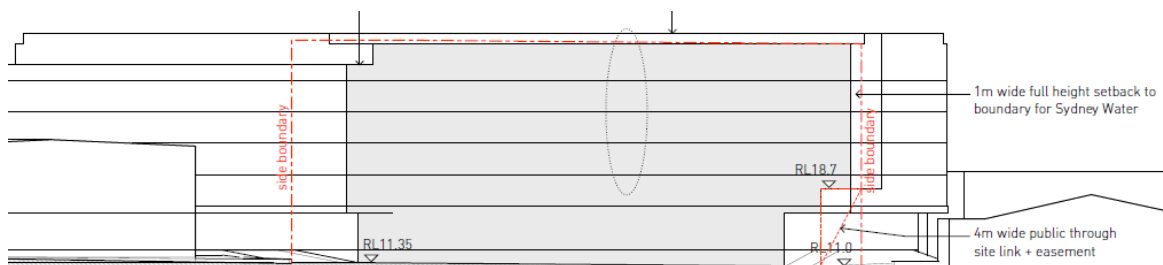


Figure 19: The building envelope viewed from Ralph Street.

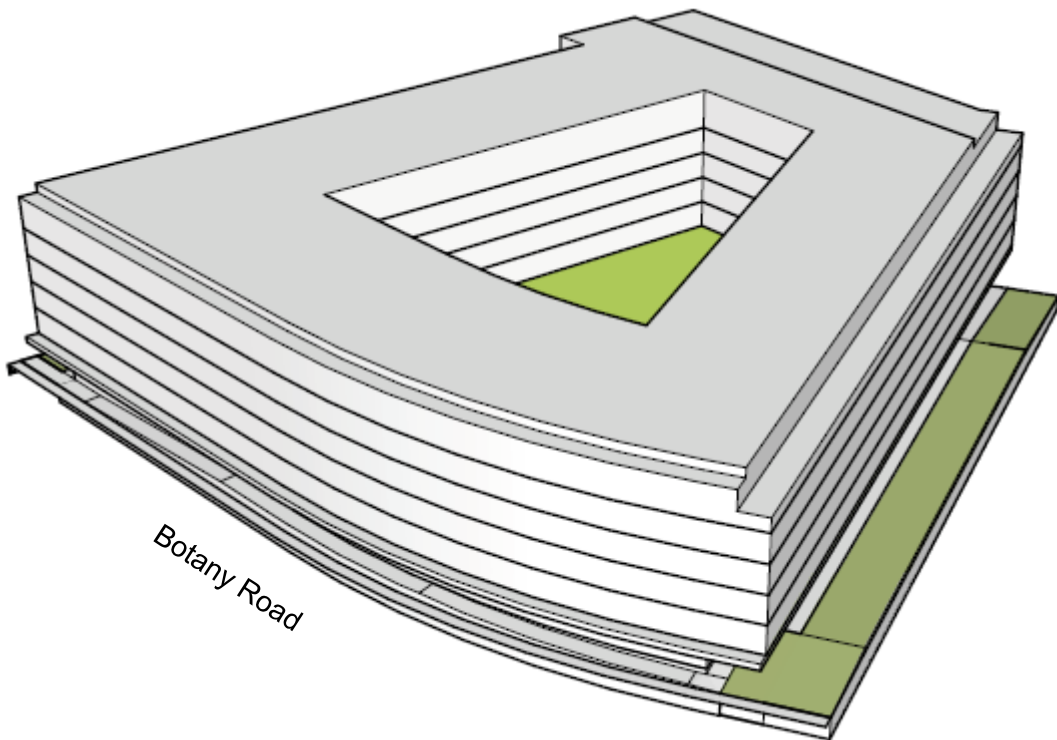


Figure 20: 3D Massing of the proposal viewed from Botany Road and the northern elevation.

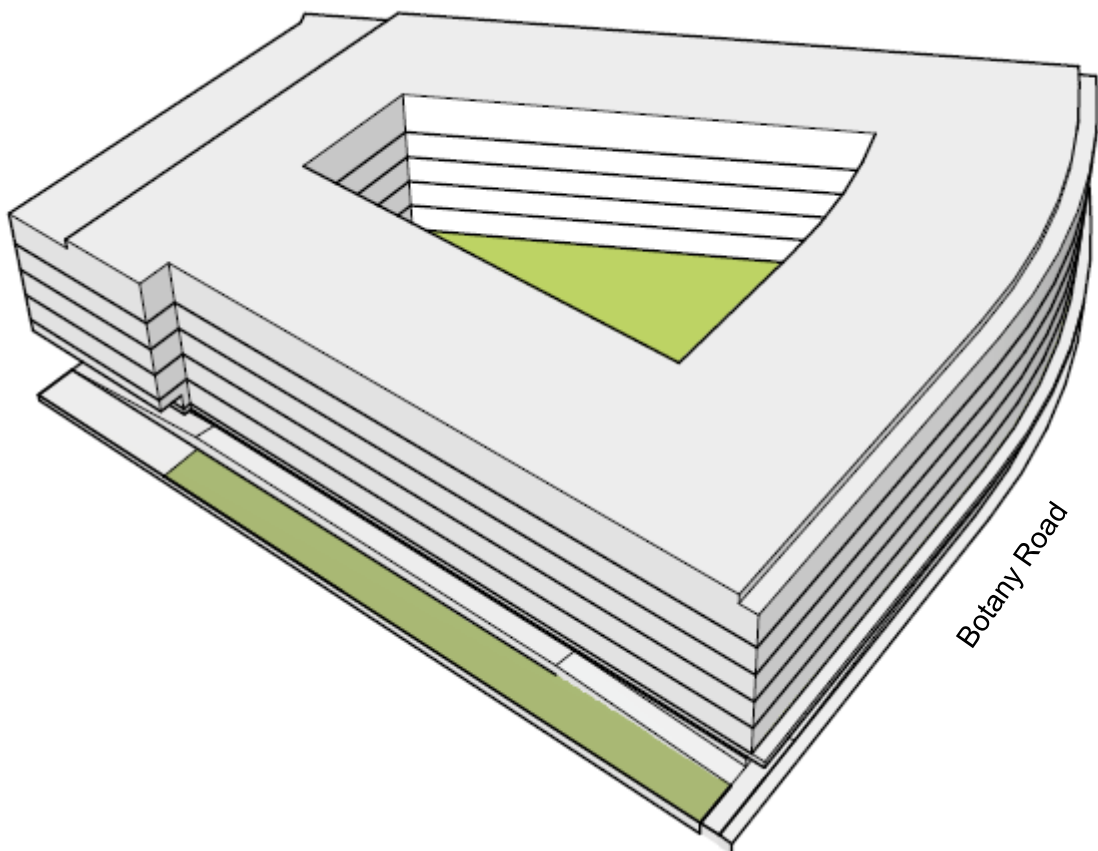


Figure 21: 3D Massing of the proposal viewed from Botany Road and the southern elevation.

HISTORY RELEVANT TO THE DEVELOPMENT APPLICATION

14. Council's records show that the tenancies in the existing buildings on the site have been used for various commercial uses over a number of years. No previous development consents for the site relate directly to the current proposal.

ECONOMIC/SOCIAL/ENVIRONMENTAL IMPACTS

15. The application has been assessed under Section 79C of the Environmental Planning and Assessment Act 1979, including consideration of the following matters:

- (a) Staged Development Applications – Section 83A – 83D EP&A Act 1979

Staged Development Applications – Section 83A – 83D Environmental Planning & Assessment Act 1979.

16. Sydney Local Environmental Plan 2012 ("Sydney LEP 2012") requires the preparation of a site specific development control plan for land with a site area of over 5000sq.m (other than land in Central Sydney or in Zone IN1) where the following is proposed:

- (a) development for the purposes of a new building; and
(b) development that increases the gross floor area of an existing building.

17. With a site area of 7592sq.m, this requirement applies to the proposal to redevelop the site. Section 83C of the EP&A Act provides that this obligation can be satisfied by the making and approval of a staged development application in respect of the land.
18. The application has been made as a Stage 1 Development Application to establish the concept for the redevelopment of the site. The application does not seek consent for any detailed aspect of the development. Pursuant to Section 83B of the EP&A Act, it is recommended that a condition of consent be imposed providing that the Stage 1 consent does not authorise the carrying out of development on any part of the site.
19. Pursuant to Section 83D of the EP&A Act 1979, any subsequent Stage 2 development determination cannot be inconsistent with the Stage 1 consent.

Integrated Development – Section 91 EP&A Act

20. The application was referred to the NSW Office of Water as the proposal involves a concept for redevelopment that would be classified as Integrated Development under Section 91 of the EP&A Act.
21. Preliminary assessment indicates that the groundwater table will be intercepted as a result of excavation for the proposed basement car park. The construction dewatering proposed for the project is deemed to be an aquifer interference activity. The future excavation and construction of the development will need to be conducted in accordance with the principles of the *Aquifer Interference Policy* as set out by the NSW Office of Water.

22. An authorisation for the take of groundwater as part of the proposed dewatering and remediation of the site is required. The NSW Office of Water have provided General Terms of Approval (“GTA”) appropriate to the proposed aquifer interference activity, and these have been incorporated into Schedule 3 of the recommended conditions as General Terms of Approval.

Environmental Planning Instruments and DCPs

State Environmental Planning Policy No 55—Remediation of Land

23. The aim of SEPP 55 is promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.
24. SEPP 55 requires the consent authority to consider whether the land is contaminated prior to consenting to the carrying out of development. If the land is contaminated, the consent authority must be satisfied that the land is suitable for its intended use in its present state, or that it will be suitable after remediation, for the purpose for which the development is proposed to be carried out. If the land requires remediation for the purpose for which the development is proposed to be carried out, the consent authority must also be satisfied that the land will be remediated before the land is used for that purpose.
25. The site appears to have been used for commercial/industrial purposes since around the 1940s. The proposal (mixed use commercial/residential use) is for a more sensitive land use than that currently on the site. As the consent authority, Council must be satisfied that the site is capable of being made suitable for the proposed use.
26. A Preliminary Site Investigation (“PSI”) was performed and found that the concentrations of heavy metals and asbestos fibres. As the majority of the site is proposed to be bulk excavated for a basement car park, the PSI report concluded that it is likely that the site could be made suitable for the proposed residential uses by developing the land in accordance with the current concept proposal.
27. Council’s Environmental Health Officers have reviewed the proposal and the PSI, and consider that further investigation in the form of a Detailed Environmental Site Investigation (“DESI”) and possibly a Remediation Action Plan (“RAP”) (depending on the results of the DESI) will need to be submitted as part of a Stage 2 Development Application. Furthermore, depending on the results of the DESI (and any required RAP), the Council may additionally request that the DESI (and RAP) be peer reviewed by a Site Auditor and appropriate Site Audit Statements be prepared by the Site Auditor and submitted to Council.
28. As the subject application is for concept approval only, and no physical works will be permitted as part of any Stage 1 consent, Council’s Environmental Health Officers are satisfied that sufficient information can be submitted as part of a Stage 2 Development Application so that the Council can be satisfied that the site can be made suitable for the proposed uses, and that the requirements of SEPP 55 can be satisfied. An appropriate condition of consent is recommended.

State Environmental Planning Policy No 65—Design Quality of Residential Flat Development

29. State Environmental Planning Policy No 65 (“SEPP 65”) applies to the proposal as any future Stage 2 Development Application will comprise of residential flat development of three or more floors and containing four or more apartments.
30. Clause 70B of the Environmental Planning and Assessment Regulation 2000 provides that design verification required under Clause 50(1A) is not required for Stage 1 Development Applications unless the development application contains detailed proposals for a residential flat development or part of that development. Detailed proposals have not been submitted for approval. Nonetheless, a design verification statement was submitted to support the proposal confirming that a registered architect directed the design of the Stage 1 Development Application.
31. The Stage 1 Development Application requires assessment under the current SEPP 65 and the associated NSW Residential Flat Design Code 2002 (“RFDC”). Regard is to be had to the recent SEPP 65 amendment which commenced on 17 July 2015 and the associated Apartment Design Guide (“ADG”). The Stage 2 development application will be submitted after 17 July 2015, after the SEPP 65 amendment and the new ADG have come into force. Given this, it is considered appropriate that the future detailed design of the development in the Stage 2 Development Application to be assessed against the amended SEPP 65 and the new ADG.
32. The proposed development is for conceptual building envelope and indicative land uses only, and no physical building works are sought, or recommended for approval, as part of this application. In the event that the subject application is approved, the detailed design of the development will be the subject of both a competitive design process and Stage 2 Development Application.
33. SEPP 65 requires the consent authority to take into consideration a number of matters relating to design quality. Consideration has been given to whether the proposed building envelope and indicative land uses have the ability to achieve the 10 design quality principles set out in SEPP 65. A further, more detailed, assessment against the SEPP 65 principles (as amended) and the new ADG will occur with the Stage 2 Development Application.

(a) **Principles 1, 2 and 3: Context, Scale and Built Form**

The site is located within the Employment Lands area and a part of Botany Road that permits shop top housing developments. This stretch of Botany Road which is diverse in terms of built form and scale, architectural building styles and land uses.

There are residential properties in the form of shop top housing along Botany Road. There are commercial premises near the site varying from low rise trade stores/showrooms, to multi-storey self-storage facilities.

The proposed building envelope adopts a quadrant form with a courtyard core. It adopts the same height across the whole envelope, which sits just below the 22m height limit which applies to the site under the Sydney LEP 2012. The proposal respects the applicable setback controls and a condition of consent is recommended to ensure compliance with the applicable Floor Space Ratio (“FSR”) control.

Given the diversity of built form and scale in the immediate area, the proposed scale and massing of the building envelope is considered acceptable in its context.

The building envelope provides an appropriate form to accommodate the intended future commercial and residential uses. However, it is recommended that the specifications of the ADG with regard to apartment and room depth be taken into account in the detailed design process to improve residential amenity. This is discussed in more detail under “Principle 7: Amenity” below.

The Stage 2 detailed design of the proposal will need to consider the fine grain built form, architectural diversity and articulation, as well as maximising and activating existing and future street frontages to ensure an appropriate response to the site context.

(b) **Principle 4: Density**

The proposed building envelope can accommodate a density of development envisaged by the applicable planning controls. The proposed building envelope has been tested and it is considered that it will be able to accommodate a development with an FSR of 2:1, as well as a development which achieves an FSR of 2.2:1 (if, following a competitive design process, the Stage 2 development application scheme exhibits design excellence).

The proposed density of development is considered acceptable given the site’s context.

(c) **Principle 5: Resource, energy and water efficiency**

The proposed building envelope will benefit from having two street frontages and with a central courtyard, which together will assist in creating opportunities for cross ventilation and solar access penetration into future residential apartments.

The energy and water efficiency, along with sustainability of the design will form part of the future detailed design. Conditions of consent are recommended to require that the Stage 2 development application comply with SEPP 65 and BASIX requirements.

(d) **Principle 6: Landscape**

The concept plan indicates that landscaped areas will be provided at ground level through the provision of:

- (i) a central courtyard on a podium level within the building; and
- (ii) a landscaped strip on the northern and south-western sides of the site.

Council’s Landscape Assessment Officer has assessed the proposal and is supportive of the provision of deep soil planting within the landscaped strip on the northern and south-western sides of the site. The landscaping of this area with large scale tree planting would benefit both the development itself and any adjoining buildings.

(e) **Principle 7: Amenity**

As the application is for a Stage 1 concept proposal only, a more rigorous assessment of amenity for future residents will occur as part of the Stage 2 detailed design development application. However, as part of the subject application, indicative floor plans have been submitted to demonstrate that the building envelope is capable of accommodating a SEPP 65 compliant design (See **Attachment B**). It is considered that the proposed building envelope is capable of accommodating a development that is able to comply with SEPP 65.

Floor to Floor / Floor to Ceiling heights

The proposed building envelope sits just below the 22m height limit and a 6 storey height control applies to the site. Given this, it is considered that there is sufficient height for floor to floor/floor to ceiling heights to achieve the required minimums for commercial and residential uses to enable compliance with the RFDC and the ADG. A condition of consent is recommended requiring the Stage 2 detailed design to provide a floor to floor and floor to ceiling heights which comply with the minimums specified in the ADG and Sydney DCP 2012, as relevant.

Apartments sizes and private open space

It is considered that the proposed building envelope is of sufficient dimensions to accommodate apartment sizes and areas of private open space which can comply with the requirements of the RFDC. It is recommended that a condition of consent be attached to ensure that the Stage 2 detailed design development application satisfies the ADG in terms of apartment sizes and private open space sizes and dimensions.

Solar Access & Cross Ventilation

It is considered that the proposed building envelope will be able to accommodate a building design that is capable of meeting the solar access requirements and the natural cross ventilation requirements of the RFDC.

Access and Circulation

The indicative drawings show that ground level pedestrian access can be achieved through the site from Botany Road and Ralph Street.

Separation and Privacy

The proposed building envelope's setbacks from the property boundaries reflect the existing and future site context.

The proposed building envelope's quadrant form has a central courtyard with a minimum building separation of 18m, which is the minimum separation between habitable rooms/balconies required under the RFDC for buildings between 5 to 8 storeys in height.

With the separation distances achievable with the proposed building envelope, it is considered that adequate levels of privacy can be achieved between the site and adjoining sites, as well as between apartments within the site itself, subject to appropriate planning at the detailed design stage.

It is recommended that a condition of consent be attached requiring the Stage 2 Development Application to comply with the minimum separation requirements within the ADG to ensure appropriate visual privacy is afforded.

With regard to acoustic privacy, it is recommended that the Stage 2 Development Application be accompanied by appropriate acoustic reports which demonstrate that the development will be capable of achieving adequate levels of acoustic amenity for future occupants.

Storage

The provision of storage facilities for each residential apartment within the development can be addressed as part of the Stage 2 development application. It is recommended that a condition of consent be attached to ensure that the Stage 2 detailed design development application satisfies the ADG requirements in terms of provision of storage facilities for each apartment.

(f) **Principle 8: Safety and Security**

The proposal is for a Stage 1 conceptual building envelope, with the detailed design of the building to be the subject of a competitive design process prior to the lodgement of a Stage 2 Development Application. It is considered that the building is able to be designed with consideration of the principles of Crime Prevention through Environmental Design and the safety provisions contained within the ADG.

The indicative floor plans provided with the Stage 1 Development Application show balconies and corridors which provide views out over Botany Road and Ralph Street, as well as into the central courtyard area. These balconies and corridors will allow opportunities for casual surveillance of the streets and communal areas.

(g) **Principle 9: Social Dimensions**

As the proposal is for a concept design, the residential dwelling mix of the development has not been determined. Given the scale of the development, it is considered that it will be possible to provide a compliant dwelling mix within the building envelope. The indicative drawings demonstrate that a range of apartment types (eg. 1, 2 and 3 bedroom apartments) can be achieved within the building envelope.

It is recommended that a condition of consent be attached requiring the Stage 2 Development Application to provide a dwelling mix compliant with the Sydney DCP 2012 dwelling mix provisions. It is also recommended a condition of consent be attached requiring the Stage 2 Development Application to provide an adaptable dwelling mix compliant with the Sydney DCP 2012 provisions.

(h) **Principle 10: Aesthetics**

The proposal is for a conceptual building envelope, with the detailed design and aesthetics of the building to be the subject of a competitive design process prior to the submission of a Stage 2 Development Application.

34. The development is considered generally acceptable when assessed against the above stated principles and the SEPP generally (and amendments), which are replicated in large part within Council's planning controls.

State Environmental Planning Policy (Infrastructure) 2007

35. The provisions of SEPP (Infrastructure) 2007 ("ISEPP") have been considered in the assessment of the development application.

Clause 45

36. The application is subject to Clause 45 (Subdivision 2 Development likely to affect an electricity transmission or distribution network) of the SEPP as the development is immediately adjacent to an existing substation.
37. In accordance with the Clause, the application was referred to Ausgrid for a period of 21 days. Ausgrid have advised that a NECF03 application is required to initiate the relocation of the substation, and to indicate the proposed load of the new development.

Clause 101

38. The application is subject to Clause 101 of the SEPP as the site has frontage to Botany Road, which is a classified road. The application is considered to satisfy Clause 101 of the Infrastructure SEPP subject to conditions of consent, as it does not provide access to the site from the classified road and acoustic conditions have been included within the recommended Conditions of Consent.

Clause 102

39. The application is subject to Clause 102 of the SEPP as the average daily traffic volume of Botany Road is more than 40,000 vehicles. The application is considered to be capable of satisfying Clause 102 of the Infrastructure SEPP subject to conditions of consent.

Clause 104

40. The application is subject to Clause 104 of the SEPP as the proposal is classified as traffic generating development. In accordance with the Clause, the application was referred to RMS for a period of 21 days, and no response was received. The application is considered to be capable of satisfying Clause 104 of the Infrastructure SEPP as the proposed vehicle entry is from Ralph Street and not from Botany Road which is a classified road.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

41. The Stage 2 Development Application will be required to satisfy State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ("BASIX") requirements. A condition of consent is recommended to advise that any future residential scheme must comply with SEPP (Building Sustainability Index: BASIX) 2004, and that a BASIX Certificate must be submitted with the Stage 2 Development Application.

State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land)

42. State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land) ("SEPP 32") provides for the increased availability of housing within the inner city and to assist in meeting the demand for housing close to employment, leisure and retail opportunities.
43. The proposed development of the site is consistent with the aims and objectives of SEPP 32.

State Environmental Planning Policy No 70 Affordable Housing (Revised Schemes)

44. State Environmental Planning Policy No 70 Affordable Housing (Revised Schemes) ("SEPP 70") relates to Section 94F of the EP&A Act and provides that where the consent authority is satisfied that the development meets certain criteria and a Local Environmental Plan authorises an affordable housing condition to be imposed, such a condition should be imposed so that mixed and balanced communities are created.
45. Clause 7.13 of the Sydney Local Environmental Plan 2012 allows for an affordable housing contribution to be levied for development on land within the southern employment lands.
46. The Stage 2 development application will be subject to an affordable housing contribution calculated in accordance with Clause 7.13 of the Sydney Local Environmental Plan 2012.

Sydney LEP 2012

47. The site is located within the B7 Business Park zone. The proposed use is defined as shop top housing and is permissible in accordance with Clause 1AA of Schedule 1 which permits shop top housing in certain locations along the southern part of Botany Road.
48. The relevant matters to be considered under Sydney Local Environmental Plan 2012 for the proposed development are outlined below.

Compliance Table		
Development Control	Compliance	Comment
4.3 Height of Buildings	Yes	<p>A maximum height of 22m is permitted.</p> <p>The maximum height of the proposed building envelope is RL34.0. The proposed building envelope sits within the 22m height limit, therefore complying with the control.</p>
4.4 Floor Space Ratio ("FSR")	Able to comply	<p>A maximum FSR of 2:1 is permitted.</p> <p>A FSR of 2:1 is proposed.</p> <p>The FSR figure above is exclusive of any additional bonus FSR (up to 10%) that may be awarded to a scheme that has been subject to a competitive design process and is deemed to exhibit design excellence.</p> <p>The proposed building envelope has been tested to arrive at an estimation of the achievable Gross Floor Area ("GFA"). It is considered that the proposed envelope will be able to accommodate a development with an FSR of 2:1, as well as a development which achieves design excellence with an FSR of 2.2:1.</p> <p>As the detailed design of the development has not yet been determined, it would be premature to approve a precise GFA or FSR as part of the subject application. However, it is recommended that a condition be attached requiring compliance with the applicable FSR controls.</p>
5.9 Preservation of trees or vegetation	Yes	<p>The application proposes the removal of 4 trees within the site.</p> <p>Council's Tree Management unit have raised no objection to the removal of these trees as part of the future redevelopment of the site.</p>
5.10 Heritage conservation	Yes	<p>The subject site is not a heritage item and not located within a heritage conservation area.</p> <p>The site is adjacent to an open stormwater channel which is a draft heritage item. It is considered that the proposal will not impact upon the significance of the draft heritage item.</p>

Compliance Table		
Development Control	Compliance	Comment
6.21 Design excellence	Able to comply	<p>In accordance with Clause 6.21(7) of Sydney LEP 2012, an additional 10% FSR or height may be approved if a competitive design process has been undertaken, and the consent authority is satisfied that the development exhibits design excellence.</p> <p>The applicant has demonstrated through the provision of drawings that an additional 10% FSR for design excellence can be accommodated within the proposed building envelope.</p> <p>As the proposal is for a Stage 1 concept design, it would be premature to award any additional FSR for design excellence at this stage.</p> <p>A competitive design process will need to be undertaken, and the detailed design of the proposal will need to exhibit design excellence in order for additional FSR to be awarded through the Stage 2 development application.</p>
Part 7, Division 1 Car parking ancillary to other development	Able to comply	<p>Car parking numbers for commercial and residential uses can only be assessed as part of a Stage 2 development application. Parking numbers are determined having regard to the proposed residential unit mix and commercial tenancy size/use. Further details of this will need to be provided for assessment as part of any future Stage 2 application, to allow parking provision to be determined.</p> <p>It is recommended that a condition of consent makes clear that no approval is granted as part of the Stage 1 consent for the number of basement levels, particular parking numbers, basement design/ configuration etc.</p>

Compliance Table		
Development Control	Compliance	Comment
7.13 Affordable housing	Able to comply	Given the site's location on land within the southern employment lands and the amount of additional floor space which will be created, any future detailed Stage 2 application will be subject to an affordable housing contribution.
7.14 Acid Sulphate Soils	Able to comply	<p>The site is identified as containing class 5 Acid Sulphate Soil, and is located within 500m of Class 3 land. The excavation proposed to accommodate the basement carpark is likely to impact on the water table.</p> <p>Given that the proposal is for concept approval, it is noted that acid sulfate soils will need to be addressed in more detail as part of the Stage 2 development application. The Stage 2 development application will require the submission of an Acid Sulfate Soils Management Plan.</p>
7.15 Flood planning	Able to comply	The site is identified by Council as being flood affected. Council's Development Engineers note that the submitted flood report provides preliminary flood levels which are based on the Alexandra Canal Flood Model. Based on the information submitted with the application the flood planning level is RL12.5 and the driveway crest is RL12.7. It is noted that the proposed floor levels are not in accordance with the City's Interim Floodplain Management Policy and therefore additional flooding information will be required as part of the Stage 2 application.
7.16 Airspace operations	Yes	The proposed development will not penetrate the Obstacle Limitation Surface as shown on the Obstacle Limitation Surface Map for the Sydney Airport.

Compliance Table		
Development Control	Compliance	Comment
7.19 Demolition must not result in long term adverse visual impact	Yes	Any future Stage 2 development application which proposes the demolition of the existing buildings on the site will require the termination and extinguishment of the existing Strata Scheme, and the extinguishment of the existing strata scheme requires Council's endorsement. A condition of consent is recommended to ensure correct procedure is followed.
7.20 Development requiring preparation of a development control plan	Yes	As the site is over 5000 sq.m in area, the proposed redevelopment triggers the requirement for a development control plan to be prepared in relation to the land. Pursuant to the provisions of Section 83C(2) of the EP&A Act 1979, the lodgement of a Stage 1 development application may be considered by the consent authority as satisfying this obligation.
7.23 Large retail development near Green Square Town Centre	Able to comply	The precise GFA of the proposed commercial component of the development will not be approved as part of this Stage 1 development application.
7.25 Sustainable transport on southern employment land	Able to comply	A Transport Impact Statement is to be provided as part of the Stage 2 development application that demonstrates how the use of sustainable transport modes will be encouraged.

Sydney DCP 2012

49. The relevant matters to be considered under Sydney Development Control Plan 2012 for the proposed development are outlined below.

2. Locality Statements – Rosebery West

The subject site is located in the Rosebery West locality. The proposal is considered to be in keeping with the unique character of the area and design principles in that it provides a mix of non-residential and residential uses and provides an appropriate setback to Botany Road.

3. General Provisions		
Development Control	Compliance	Comment
3.1 Public Domain Elements 3.1.2.2 Through-site links	Able to comply	The provision of a through-site link is discussed in the Issues section below.
3.1.5 Public Art	Able to comply	<p>A Public Art Strategy is to be developed for the site in accordance with the Sydney DCP 2012, the City of Sydney Guidelines for Public Art in Private Development and the Public Art Policy.</p> <p>The requirement to accommodate public art as part of the redevelopment of the site shall form part of the competitive design process brief, so that a location or location(s) on the site can be nominated to accommodate the art.</p> <p>The nominated location on the site of the proposed public art, along with the required Public Art Strategy, should be included as part of the Stage 2 development application documentation.</p>
3.1.6 Sites greater than 5,000 sq.m	Able to comply	<p>Fine grain built form, architectural diversity and building expression and articulation are all matters to be considered as part of a Stage 2 development application.</p> <p>For development on sites greater than 5,000 sq.m, the Sydney DCP 2012 asks that:</p> <ul style="list-style-type: none"> • a range of complementary uses and housing types, including single storey apartments, garden apartments, and maisonette apartments or terrace houses be provided, and • at least 5% of the total dwellings are to be terrace houses or maisonette apartments.

3. General Provisions		
Development Control	Compliance	Comment
		While these controls have not been fully accounted for in the indicative drawings submitted, it is noted that the proposed building envelope provides enough flexibility to enable compliance with these controls as part of a Stage 2 development application. It is recommended that a condition of consent be attached requiring compliance with these Sydney DCP 2012 controls.
3.2.2 Addressing the street and public domain	Able to comply – conditions of consent required	<p>Vehicle access is proposed to be provided from Ralph Street.</p> <p>The indicative drawings submitted for consideration show access to the carpark adjacent to a separate service and loading dock. When combined with the plant areas 35m of the Ralph Street frontage is inactive. This would be an undesirable urban design outcome for the Ralph Street frontage.</p> <p>While consent will not be granted through this Stage 1 for the detailed ground floor design, a condition of consent is recommended that the vehicle access from Ralph Street be consolidated into one entry and the length of plant be minimised.</p>
3.3 Design Excellence and Competitive Design Processes	Able to comply	<p>The requirement for a competitive design process is triggered because such a process is needed where the requirements of Clause 7.20 (Development requiring the preparation of a development control plan) of Sydney LEP 2012 apply. Prior to the submission of a Stage 2 development application, a competitive design process will need to be undertaken.</p> <p>A design excellence strategy will need to be prepared in accordance with the requirements of Sections 3.3.2 and 3.3.8 of the Sydney DCP 2012 will need to be approved by Council Officers prior to the commencement of the design competition.</p>

3. General Provisions		
Development Control	Compliance	Comment
		The applicant has demonstrated through drawings that an additional 10% FSR for design excellence can be accommodated within the proposed building envelope. However, the award of this additional FSR is subject to the Stage 2 detailed design of the proposal exhibiting design excellence.
3.4 Hierarchy of Centres, City South	Able to comply	<p>The site is located within the Green Square Primary Trade Area but not within the Green Square Town Centre or other identified villages and neighbourhood centres.</p> <p>A commercial premises is proposed with frontage to Botany Road.</p> <p>It is considered that the proposed commercial use would not result in negative impacts on the viability or economic role of the planned centres within the southern areas of the City.</p>
3.5 Urban Ecology	Able to comply	<p>The application proposes the removal of 4 trees within the site.</p> <p>Council's Tree Management unit have raised no objection to the removal of these trees as part of the future redevelopment of the site.</p>
3.6 Ecologically Sustainable Development	Able to comply	<p>Compliance with the requirements of BASIX will be assessed as part of a Stage 2 development application.</p> <p>It is expected that principles of ecologically sustainable development will be implemented through the detailed design process. Further assessment of how the proposal performs in terms of energy and water efficiency, as well as sustainability, will be undertaken with the Stage 2 development application.</p>

3. General Provisions		
Development Control	Compliance	Comment
3.7 Water and Flood Management	Able to comply	The site is identified by Council as being flood affected. Council's Development Engineers note that the submitted flood report provides preliminary flood levels which are based on the Alexandra Canal Flood Model. Based on the information submitted with the application the flood planning level is RL12.5 and the driveway crest is RL12.7. It is noted that the proposed floor levels are not in accordance with the City's Interim Floodplain Management Policy and therefore additional flooding information will be required as part of the Stage 2 application.
3.8 Subdivision, Strata Subdivision and Consolidation	Able to comply	The site is currently owned by Strata Plan No. 36073. The site's redevelopment will involve the demolition of all existing buildings. Council's land surveyor has advised that any future Stage 2 development application which proposes demolition will require termination and extinguishment of the existing Strata Plan scheme prior to demolition of the buildings.
3.9 Heritage	Able to comply	The subject site is not a heritage item and not located within a heritage conservation area. The site is adjacent to an open stormwater channel which is a draft heritage item. It is considered that the proposal will not impact upon the significance of the draft heritage item.
3.10 Significant Architectural Building Types	Yes	The existing buildings on the site have no heritage significance. Council's Heritage Officer has raised no objection to their demolition to facilitate redevelopment of the site.

3. General Provisions		
Development Control	Compliance	Comment
3.11 Transport and Parking	Able to comply	<p><u>Vehicular access</u></p> <p>The indicative drawings submitted for consideration show access to the carpark adjacent to a separate service and loading dock. Concerns have been raised by Council's Access and Transport unit regarding this proposed vehicular access arrangements and have recommended that the two access points be consolidated.</p> <p>While consent will not be granted through this Stage 1 for the detailed ground floor design, a condition of consent is recommended that the vehicle access from Ralph Street be consolidated into one entry</p> <p><u>Servicing</u></p> <p>Based on the indicative drawings submitted for consideration, Council's Access and Transport Team have raised concerns about the servicing of the site for on-site garbage collection. As these drawings are only indicative, consent will not be granted through this Stage 1 development application on-site servicing arrangements.</p> <p>The proposed arrangements for on-site garbage collection are a matter for further assessment as part of the Stage 2 development application.</p> <p><u>Car and bicycle parking</u></p> <p>Consent will not be granted through the Stage 1 development application for on-site car and bicycle parking numbers or configuration. A condition of consent is recommended requiring car and bicycle parking to be provided as per the Sydney LEP 2012 and Sydney DCP 2012 rates and requirements.</p>

3. General Provisions		
Development Control	Compliance	Comment
		<p><u>Sustainable Transport</u> Council's Access and Transport Team have requested that a Green Travel Plan be prepared for the site to encourage the use of sustainable transport. This can be required as part of the Stage 2 development application, once the precise nature and density of development on the site is known.</p>
3.12 Accessible Design	Able to comply	It is recommended that a condition of consent be attached requiring the detailed design of the development to provide appropriate access and facilities for persons with disabilities in accordance with the DCP and the BCA.
3.13 Social and Environmental Responsibilities	Able to comply	Details will need to be submitted with the Stage 2 development application to demonstrate that the proposal is consistent with the principles of Crime Prevention through Environmental Design (CPTED).
3.14 Waste	Able to comply	The Stage 2 development application will need to demonstrate compliance with requirements for waste management facilities as per Council's <i>"Policy for Waste Minimisation in New Developments 2005"</i> .

4. Development Types		
4.2 Residential Flat, Commercial and Mixed Use Developments		
Development Control	Compliance	Comment
4.2.1 Building height	Able to comply	<p><u>Height in storeys</u> A 6 storey height control applies to the site.</p> <p>The indicative drawings submitted for consideration suggest that 6 storeys can be accommodated within the building envelope.</p> <p><u>Floor to ceiling heights and floor to floor heights</u> It is considered that there is sufficient room within the proposed building envelope to accommodate a 6 storey building which can achieve the floor to ceiling heights and floor to floor heights specified in the Sydney DCP 2012 and the ADG, as relevant. Details will need to be provided with the Stage 2 development application to demonstrate compliance with these controls.</p>
4.2.2 Building setbacks	Able to comply	<p>As per the building setback and alignment map in the Sydney DCP 2012, a 1.4m setback is required along the Botany Street frontage of the site. This has been reflected in the proposed building envelope.</p> <p>The Sydney DCP 2012 does not specify a street frontage height in storeys control for the site.</p>

4. Development Types		
4.2 Residential Flat, Commercial and Mixed Use Developments		
Development Control	Compliance	Comment
4.2.3 Amenity	Able to comply	<p><u>Solar access and ventilation</u> It is considered that the proposed building envelope will be able to accommodate a building design that is capable of meeting the solar access and ventilation requirements of the Sydney DCP 2012, subject to conditions regarding apartment and room depth. The detailed design process can also have regard to the provision of design features to manage solar access.</p> <p><u>Internal common areas</u> It is considered that the proposed building envelope is capable of accommodating buildings which can achieve access to daylight and an outlook from internal common areas, corridors and lift lobbies.</p> <p><u>Landscaping</u> The application proposes landscaped areas on the northern and south-western boundaries and a common open space area that is central within the site. Detailed landscape plans will be required to be submitted for assessment with the Stage 2 development application.</p> <p><u>Deep Soil</u> A minimum amount of 10% of the site is to be deep soil area, with a minimum dimension of 10m. The application proposes areas of deep soil adjacent to both side boundaries to total 10% of the site area. An area with a minimum dimension of 10m is provided adjacent to the northern boundary, however this is partly located under the proposed building envelope. A condition is recommended to ensure that the minimum amount of deep soil area is provided in accordance with the definition of the DCP.</p>

4. Development Types		
4.2 Residential Flat, Commercial and Mixed Use Developments		
Development Control	Compliance	Comment
		<p><u>Private open space and balconies</u> It is considered that the proposed building envelope will be able to accommodate a building design that is capable of meeting the private open space and balcony provisions of the Sydney DCP 2012 and the ADG, as relevant.</p> <p><u>Common Open Space</u> An area of common open space that is 25% of the total site area and has a minimum dimension of 6m is to be provided. At least 30% of the common open space area is to receive 2 hours of direct sunlight at midwinter. The application proposes a common open space area on the podium level that is 1,900sq.m which is 25% of the site area.</p> <p><u>Outlook</u> The detailed design process will need to take into account both the existing and future outlook from residential apartments.</p> <p><u>Acoustic privacy</u> The acoustic performance of detailed development is a matter for consideration as part of the assessment of the Stage 2 development application. This development application will need to be supported by appropriate acoustic reports.</p> <p><u>Flexible housing and dwelling mix</u> A condition of consent is recommended requiring the Stage 2 development application to provide a dwelling mix compliant with the Sydney DCP 2012 dwelling mix provisions.</p>
4.2.4 Fine grain, architectural diversity and articulation	Able to comply	The fine grain built form, architectural diversity and articulation of development within the building envelope are matters for consideration as part of the design competition process and the Stage 2 development application.

4. Development Types		
4.2 Residential Flat, Commercial and Mixed Use Developments		
Development Control	Compliance	Comment
4.2.5 Types of development	Able to comply	<p><u>Courtyard buildings</u> The building envelope is designed in a quadrant form with a central courtyard.</p> <p>Section 4.2.5.2 of the Sydney DCP 2012 asks for private communal courtyards to have a visual connection with the public domain through entrances and breaks in the building. The provisions of Section 4.2.5.2 of the Sydney DCP 2012 can be taken into account at the detailed design stage of the development.</p> <p><u>Development on busy roads and active frontages</u> The proposal fronts onto Botany Road which is defined as a busy road. The detailed design of the proposal will need to have consideration of relevant Sydney DCP 2012 provisions relating to residential uses at first floor levels.</p> <p><u>Residential uses on the ground and first floor</u> The proposed building envelope indicates residential uses will be accommodated at first floor levels of the development. The detailed design of the proposal will need to have consideration of relevant Sydney DCP 2012 provisions relating to residential uses at first floor levels.</p>
4.2.6 Waste minimisation	Able to comply	It is recommended that a condition of consent be attached requiring the Stage 2 development application to demonstrate compliance with requirements for waste management facilities as per Council's <i>"Policy for Waste Minimisation in New Developments 2005"</i> and to ensure that adequate provision is made within the site for the storage and collection of both commercial and residential waste.

5. Specific areas – Southern Employment Lands		
Development Control	Compliance	Comment
5.8.1 General	Noted	As the development application was lodged prior to the commencement of Amendment 17 of the DCP the Southern Employment Lands controls are to be considered as if they have been exhibited but not commenced.
5.8.2.2 Building Setbacks	Yes	A front setback of 1.4 metre setback to Botany Road is achieved in accordance with the building setback and alignment map.
5.8.2.3 Building Height	Able to comply	A 6 storey height control applies to the site. The indicative drawings submitted for consideration suggest that 6 storeys can be accommodated within the building envelope.
5.8.2.4 Building Layout and Design	Able to comply	The DCP required that building frontages are to comprise building entries and large windows to offices and showrooms at least every 20m and a minimum of 50% of the length of a frontage to a local street. A condition is recommended to ensure that the Ralph Street frontage complies with the DCP requirements.
5.8.2.5 Landscaping	Yes	A minimum of 10% of deep soil area is to be achieved. The application proposes areas of deep soil adjacent to both side boundaries to total 10% of the site area. A condition is recommended requiring the submission of a detailed landscape plan.
5.8.2.6 Parking, access, loading and servicing	Able to comply	Conditions are recommended to ensure that the proposal complies with the parking, access, loading and servicing requirements.

5. Specific areas – Southern Employment Lands		
Development Control	Compliance	Comment
5.8.3 Public Domain	No	<p><u>Through-site links</u></p> <p>The control requires through-site links to be a minimum width of 6m. As these controls did not commence until after the lodgement of the DA, and as the proposal complies with the through-site link controls in section 3.1.2.2 of the DCP (which require a minimum 4m through site link) then the proposal is considered to be acceptable.</p> <p><u>Liveable Green Network</u></p> <p>The liveable green network extends along the tributaries of the Alexandra Canal. It is noted that the adjoining stormwater channel is not identified as part of the liveable green network and therefore the controls do not apply to the proposal.</p>
5.8.5 Managing Transport Demand	Yes	<p>A Transport Impact Statement is to be provided as part of the Stage 2 development application that demonstrates how the use of sustainable transport modes will be encouraged.</p>
5.8.6 Land use interface and building design	Able to comply	<p>These controls relate to sensitive land uses within the southern employment lands area. Buildings that contain residential uses are a sensitive land use.</p> <p><u>Air Quality</u></p> <p>The acoustic performance of detailed development is a matter for consideration as part of the assessment of the Stage 2 development application. This development application will need to be supported by appropriate air quality assessment report.</p> <p><u>Noise Management</u></p> <p>The acoustic performance of detailed development is a matter for consideration as part of the assessment of the Stage 2 development application. This development application will need to be supported by appropriate acoustic reports.</p>

5. Specific areas – Southern Employment Lands		
Development Control	Compliance	Comment
5.8.7 Environment	Able to comply	The proposal is able to satisfy the provisions relating to storm water management, urban ecology and contamination as part of the Stage 2 development application.

ISSUES

Through-site link

50. As the site is over 5,000sq.m part 3.1.2.2 of the Sydney Development Control Plan (DCP) 2012 requires the provision of a through-site link on the site.
51. It is noted that the DCP requires a through-site link on the site to the south which contains a stormwater channel. It is considered an appropriate planning outcome that the through-site link be adjacent to the channel rather than over the channel as the channel is a draft heritage item.
52. The application proposed a through-site link adjacent to the northern boundary of the site, and the location was amended to provide a through-site link adjacent to the southern boundary of the site to connect Botany Road and Ralph Street. A letter of offer has been submitted relating to the provision of an easement for the through-site link.
53. The application also proposes a wing extension above the through-site link for a length of 20 metres at the Ralph Street end of the south-western side boundary. This is setback 1 metre from the boundary in accordance with Sydney Water requirements for a setback from the adjoining channel. This is shown in Figure 22 below.

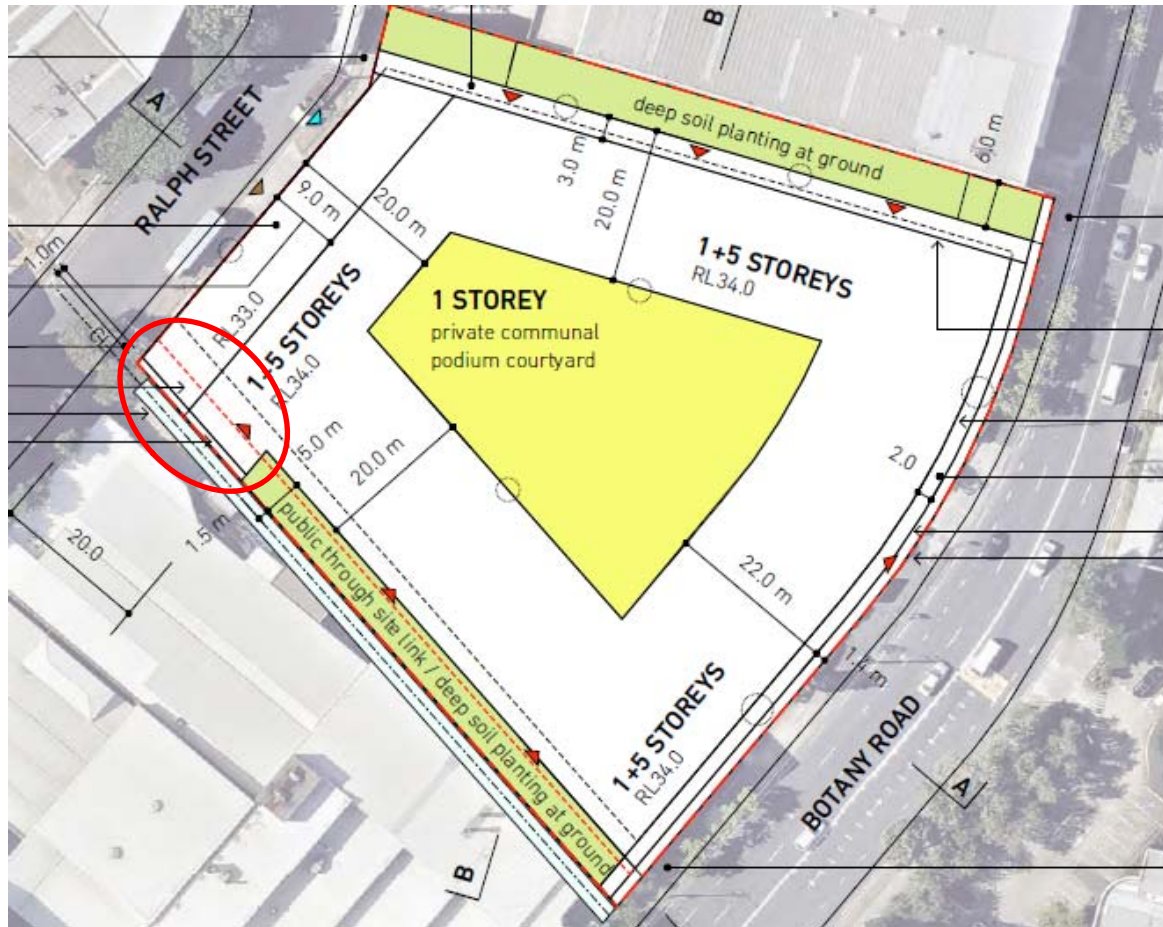


Figure 22: Proposed site layout.

54. The ground floor level is setback 7.5 metres from the boundary and the wing extension is proposed to be cantilevered 6.5 metres in total, comprising of:
- (a) a 3 metre wide section over the through-site link, with a 7.7 metre vertical clearance to the through site link; and
 - (b) a further 3.5 metre wide section with a 5 metre vertical clearance.
55. This is shown in Figures 23 and 24 below.

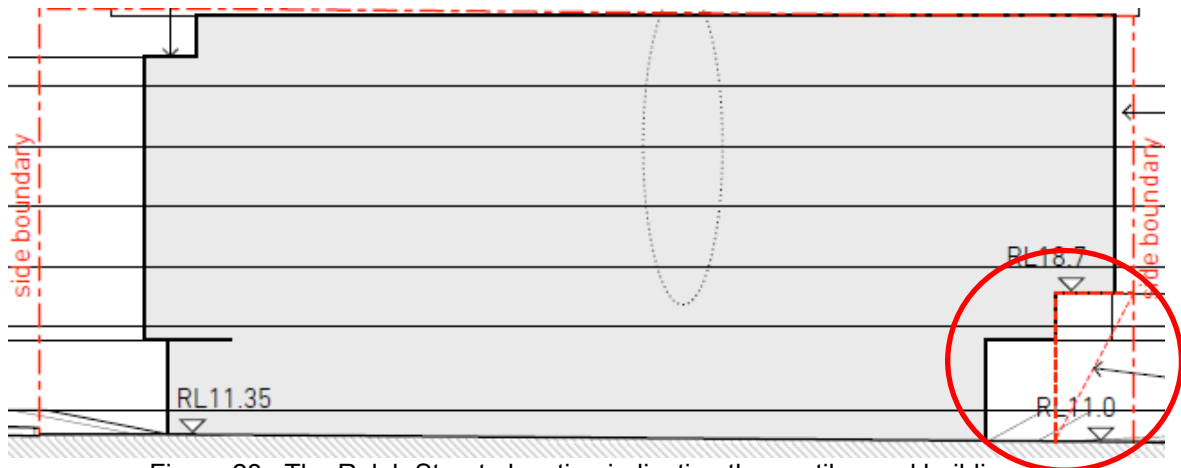


Figure 23: The Ralph Street elevation indicating the cantilevered building.

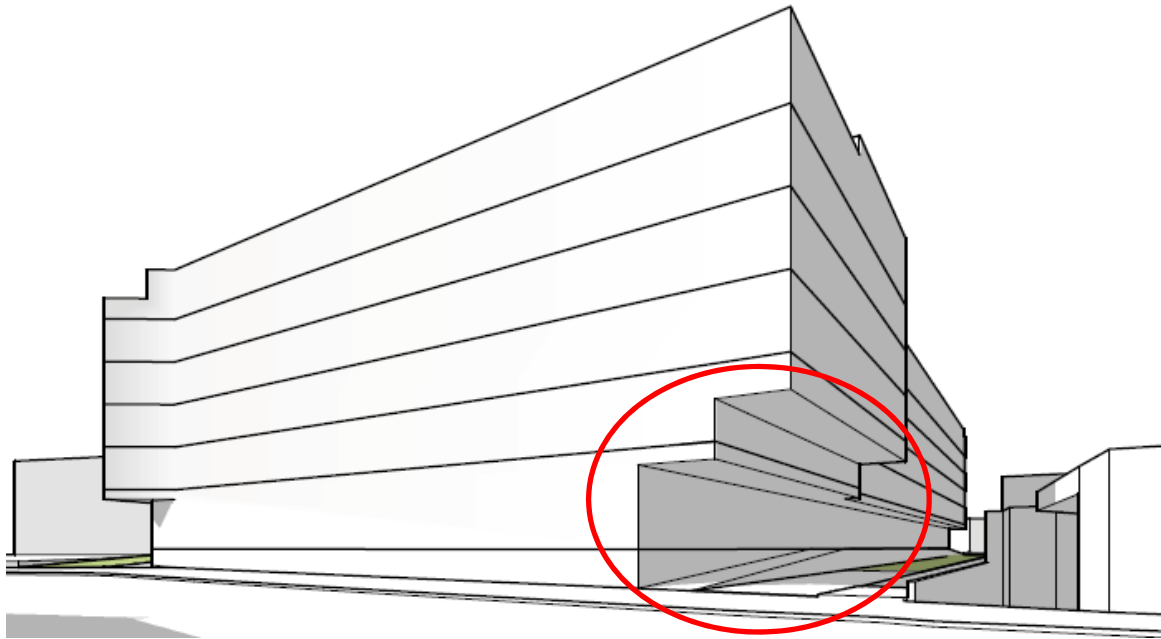


Figure 24: A 3D massing of the view from Ralph Street of the cantilevered building.

56. In this instance it is considered that a cantilevered building design of 6.5 metres in width is not acceptable and an inefficient building design due to the slab thickness required to successfully cantilever a building of this size. Columns that would be required to support the structure would be intrusive elements within the through-site link.
57. Therefore a condition is recommended that the building be setback 5 metres from the side boundary which will ensure that the side setback is consistent for the length of the building. This condition will also ensure that the through-site link is open to the sky as much as practicable in accordance with Section 3.1.2.2(4) of the Sydney DCP 2012.

Building Separation

58. The site is located next to existing warehouse buildings, and therefore the future development potential of these adjoining sites is a consideration when considering building separation and side setbacks.
59. The Apartment Design Guide (ADG) recommends a minimum separation distance for buildings of:
 - (a) 12 metres between habitable rooms/balconies for buildings up to four storeys, and reduced to 9 metres between habitable and non-habitable rooms or 6 metres between non-habitable rooms; and
 - (b) 18 metres between habitable rooms/balconies for buildings of five to eight storeys, and reduced to 12 metres between habitable and non-habitable rooms or 9 metres between non-habitable rooms.
60. The application proposes a 6 storey building with side setbacks of 6 metres to the northern side and 5 metres south-western boundary. A further setback of 3 metres is proposed on the uppermost level on the northern boundary. A stormwater channel approximately 3 metres wide runs adjacent to the south-western boundary of the site.

61. The application has considered the potential future development of neighbouring sites as indicated by the dotted lines in Figure 25 below.
62. If the proposed side setbacks are mirrored on the neighbouring developments a 12 metre setback will be achieved with the site to the north, and a 13 metre setback achieved with the site to the south. Whilst levels 5 and 6 will not achieve the building separations between habitable rooms recommended by the ADG, this is considered to be acceptable as this can be addressed through the location of non-habitable rooms and other privacy measures at the detailed design stage.

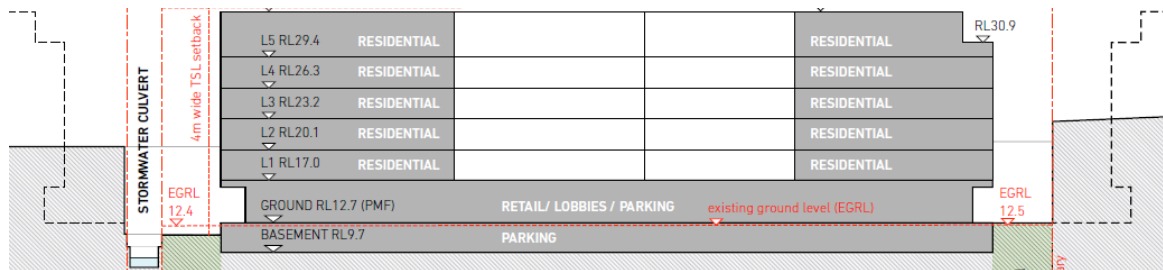


Figure 25: A section through the proposal which indicates the potential development of neighbouring properties (indicated by a dotted line).

Solar Access

63. The site adjoins existing warehouse buildings, and therefore the impacts to solar access are considered in the context of the potential future development of adjoining sites.
64. The Apartment Design Guide (ADG) recommends that 70% of apartments receive a minimum of 2 hours direct sunlight between 9am and 3pm. Additionally, a maximum of 15% of apartments in a building are to receive no sunlight between 9am and 3pm at midwinter.
65. Part 4.2.3.1 of the Sydney DCP 2012 requires that proposed apartments in a development and neighbouring developments must achieve a minimum of 2 hours direct sunlight between 9am and 3pm on 21 June onto at least 1sqm of living room windows and a minimum 50% of the required minimum area of private open space area.
66. The application has demonstrated that the proposed envelopes will be capable of achieving solar access for 2 hours to 70% of the apartments on the site.
67. The impact on solar access to possible future residential developments to the neighbouring properties to the south (634 Botany Road and 45-47 Ralph Street) is considered to be mitigated through the provision of a 5 metre setback from the boundary and due to compliance with the height and floor space controls and is therefore considered to be acceptable.

Communal Open Space

68. The Apartment Design Guide (ADG) recommends that communal open space has a minimum area equal to 25% of the site, co-located with deep soil areas, and that it achieves a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June. The ADG permits communal open space on a podium or roof where it cannot be located at ground level.

69. The application proposes communal open space located on a podium level above the ground floor level and is capable of achieving compliance with the requirement for a minimum area of 25% of the site area.
70. The level of solar access achieved to the communal open space from the proposed building envelopes is to a maximum of 30% of the communal open space at 12:00 midday and therefore does not comply with the requirement for a minimum of 50% for 2 hours at midwinter. A design that achieves compliance with the control is able to be achieved at the Stage 2 Development Application stage through the provision of building breaks or setbacks.
71. Deep soil is proposed adjacent to the northern and south-western side boundaries. Whilst the communal open space is not co-located with the deep soil areas it is considered that the communal open space will be able to achieve an appropriate landscape design as part of a detailed landscape plan to be provided with the Stage 2 Development Application.

Other Impacts of the Development

72. It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

Suitability of the site for the Development

73. The proposal is of a nature in keeping with the overall function of the site. The premises are in a commercial/residential surrounding and amongst similar uses to that proposed.

INTERNAL REFERRALS

74. The application was discussed with Council's Heritage and Urban Design Specialists, Land Surveyor, Health and Building Team (Environmental Health), Public Domain Team, Transport and Access Unit, Landscape Assessment Officer, Tree Management Team and Waste Management Officer.
75. Where relevant, the conditions recommended by other sections of Council are included in the proposed conditions.

EXTERNAL REFERRALS

NSW Office of Water

76. The application was referred to the NSW Office of Water for assessment as preliminary assessment indicates that the groundwater table will be intercepted as a result of excavation for the proposed basement car park. The NSW Office of Water issued General Terms of Approval (GTAs) relevant to a groundwater authorisation on 20 April 2015. Given that this proposal is for a Stage 1 Development Application, these have been incorporated as advisory GTAs in Schedule 3 of the conditions of consent.

Ausgrid

77. The application was referred to Ausgrid. There is an existing substation located adjacent to Ralph Street within the western corner of the site. Ausgrid have advised that a NECF03 application is required to initiate the relocation of the substation, and to indicate the proposed load of the new development. A condition has been recommended that outlines the Ausgrid requirements.

Sydney Water

78. The application was referred to Sydney Water. Sydney Water responded on 3 July 2015, advising that the building was not to be constructed within 1 metre of the adjoining stormwater channel. The applicant has subsequently amended the application to setback the building envelope to provide a 1 metre clearance from the south-western boundary.
79. Sydney Water has also advised that detailed requirements in relation to both water and waste water will be provided at the Section 73 application phase. Further consideration of the requirement for a Section 73 compliance certificate is appropriate at the Stage 2 Development Application.

Roads and Maritime Services

80. The application was referred to the Roads and Maritime Services. No comments were received in response.

NSW Police

81. The NSW Police have made recommendations relating to surveillance, lighting, and access to private areas. These are matters to be considered as part of the Stage 2 Development Application.

Notification, Advertising and Delegation (Submissions Received)

82. The application constitutes integrated development and as such the application was notified and advertised for 30 days in accordance with the provisions of Environmental Planning and Assessment Regulations 2000. As a result of this four submissions were received.

83. The issues raised in the submissions are as follows:

- (a) Impact on on-street parking
- (b) Impact on bus services

Response - The proposal is able to accommodate on-site car parking as part of the Stage 2 Development Application.

- (c) The proposed height and scale.
- (d) Non-compliance with the height limit.

Response - The proposal has been amended to comply with the 22 metre height limit.

- (e) Impact on flooding

Response – The Stage 2 Development Application will be required to address the appropriate flood level and stormwater requirements.

- (f) Loss of views of the city skyline.

Response - The proposal has been designed within the permitted building envelope and is therefore considered to be acceptable.

- (g) Privacy impacts

Response - The Stage 2 Development Application will be required to consider privacy impacts as part of the detailed design.

- (h) Overshadowing impacts on future and existing residential developments to the south.

Response - The proposal has provided appropriate setbacks from the south-western boundary.

- (i) Lack of setback of the top storey on the south-western side.

Response - The proposed top storey is within the 22 metre height limit and is considered to be acceptable.

- (j) The deep soil does not have a 10m dimension as prescribed within the DCP.

- (k) Further setbacks for landscaped area should be provided within the southern setback.

Response - The proposed landscaped and deep soil areas are considered to be acceptable in accordance with the controls.

- (l) The location of the through-site link on the northern side of the site should be relocated to the southern side of the site and a 6m landscape setback be provided.

Response - The application has been amended to provide a through-site link adjacent to the south-western boundary of the site.

- (m) Impact on the development potential of the site to the south due to impacts of the development.

Response – It is considered that the proposal will not unreasonably impact upon the ability of the neighbouring site to the south to achieve a future development.

PUBLIC INTEREST

84. It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

FINANCIAL IMPLICATIONS/S94 CONTRIBUTION**Affordable Housing Contributions**

85. The site is located on southern employment land and the Stage 2 Development Application will be subject to an affordable housing contribution under Clause 7.13 of the Sydney LEP 2012.

Section 94 Contributions

86. The Stage 2 development will be subject to developer contributions under the City of Sydney Development Contributions Plan 2006.

RELEVANT LEGISLATION

87. The Environmental Planning and Assessment Act 1979.
88. Water Management Act 2000.

CONCLUSION

89. The proposed Stage 1 concept for the redevelopment of the site is considered to be acceptable and consistent with the B7 – Business Park Zone objectives of Sydney LEP 2012.
90. It is considered that the proposed building envelope is capable of delivering a development that can comply with relevant built form and amenity controls in SEPP 65 (including amendments), the RFDC, the ADG, Sydney LEP 2012 and Sydney DCP 2012. The proposed building envelope also provides sufficient flexibility for a range of design options to be explored in order to achieve a development scheme which exhibits design excellence.
91. A competitive design process will need to be undertaken prior to the submission of a Stage 2 Development Application. Conditions of consent are recommended to ensure that the Stage 2 development is contained within the Stage 1 building footprint and envelope, and complies with all relevant planning controls.
92. The applicant has provided a public benefit offer to secure an easement for a right of public access to the through-site link. A Voluntary Planning Agreement (VPA) is currently being prepared but is yet to be finalised at the time of preparing this report.
93. It is recommended the determination of the application be delegated to the Chief Executive Officer subject to the exhibition of a VPA and the consideration of any submissions received.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

(Matthew Girvan, Specialist Planner)