

Item 4.**Development Application: 20-26 Bourke Road, Alexandria - D/2025/1070****File Number: D/2025/1070****Summary****Date of Submission:** 5 November 2025**Applicant:** City West Housing**Architect:** Bates Smart**Developer:** City West Housing**Owner:** City West Housing**Planning Consultant:** Beam Planning**Cost of Works:** \$116,832,000

Zoning: The site is zoned E3 Productivity Support and the proposal is for a mixed-use development that is comprised of ground floor commercial and community facility uses with residential accommodation (shop top housing) above for affordable housing. The proposal is permissible.

Proposal Summary: Development consent is sought for:

- early works and site preparation including the demolition of existing structures, and retention of existing Mecca Coffee building at 26 Bourke Road, and
- construction of a new 15 storey mixed-use development comprising of ground floor commercial and community facility uses and 14 stories above for the purpose of 161 affordable housing units, and
- associated landscape and public domain works, and
- dedication of land to the City of Sydney via a Voluntary Planning Agreement.

The proposed development triggers the requirement for a competitive design process because it is over 25m in height outside Central Sydney and an estimated cost of works greater than \$100M.

Pursuant to Clause 6.21D(2), this assessment recommends that a Competitive Design Process is unreasonable and unnecessary in the circumstances. This affordable housing project is a 'pilot' for the incoming LEP amendment which allows an optional alternate design excellence pathway for social and affordable housing through design review rather than design competition. This LEP amendment, endorsed by Council and Central Sydney Planning Committee is in parliamentary drafting, and is regarded as certain and imminent.

The proposed development also triggers the requirement for the preparation of a site-specific development control plan. Pursuant to Clause 7.20(3), this assessment recommends that the preparation of such a plan is both unreasonable and unnecessary in the circumstances.

The proposal seeks a variation to Clause 4.3 Height of Building under the Sydney Local Environmental Plan 2012. The applicant has submitted a Clause 4.6 variation with this application to justify the 51.4m height (6.4m exceedance / 14.2% variation) to the development standard. The proposed variation is supported.

The proposal also seeks a variation to Clause 4.4 Floor Space Ratio under the Sydney Local Environmental Plan 2012. The applicant has submitted a Clause 4.6 variation with this application to justify the 3.81:1 FSR (0.31:1/ 8.9% variation) to development standard. The proposed variation is supported.

The application was notified for a period of 28 days, between 10 November 2025 and 9 December 2025. One submission in support and one other submission was received during this period. This submission questioned whether the proposed development has considered the delivery of the rear future lane, impacts on vehicular access, swept paths, and flood risk.

The proposed development largely complies with the applicable controls and design criteria within the Housing SEPP, including Chapter 4 Design of Residential Apartment Development, the Apartment Design Guide and the Sydney Development Control Plan 2012. Where there are non-compliances, they have been discussed within the 'discussion' section of this report.

Under the City of Sydney Act 1988, this application is referred to the Central Sydney Planning Committee (CSPC) for determination as the proposed development is defined as a 'major development' with an estimated cost of works exceeding \$50,000,000.

Summary Recommendation: The development application is recommended for deferred commencement approval.

Development Controls

- (i) Environmental Planning & Assessment Act NSW 1979
- (ii) Environmental Planning & Assessment Regulations 2021
- (iii) City of Sydney Act 1988
- (iv) Airports (Protection of Airspace) Regulations 1996
- (v) Airports Act 1996
- (vi) State Environmental Planning Policy (Housing) 2021
- (vii) State Environmental Planning Policy (Resilience and Hazards) 2021
- (viii) State Environmental Planning Policy (Transport and Infrastructure) 2021
- (ix) State Environmental Planning Policy (Sustainable Buildings) 2022
- (x) Sydney Local Environmental Plan 2012 (SLEP 2012)
- (xi) Sydney Development Control Plan 2012 (SDCP 2012)
- (xii) Planning Proposal PP-2024-709 - Policy and Housekeeping Amendments 2023 to the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Clause 4.6 Variation Request - Height of Building
- D. Clause 4.6 Variation Request - Floor Space Ratio
- E. Design Statement - Alternative Design Review Process
- F. Draft Voluntary Planning Agreement
- G. Submissions.

Recommendation

It is resolved that:

- (A) pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application Number D/2025/1070 subject to the conditions set out in Attachment A to the subject report;
- (B) the requirement under Clause 6.21D of the Sydney Local Environmental Plan 2012 requiring a competitive design process be waived as it is unreasonable or unnecessary in the circumstances;
- (C) the requirement under Clause 7.20(3) of the Sydney Local Environmental Plan 2012 requiring the preparation of a development control plan is unreasonable or unnecessary in the circumstances;
- (D) the variation requested (Attachment C) to Clause 4.3 Height of Buildings, is in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld; and
- (E) the variation requested (Attachment D) to Clause 4.4 Floor Space Ratio, is in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The proposed development satisfies the objectives of the Environmental Planning and Assessment Act 1979 in that, subject to conditions of consent, it achieves the objectives of the planning controls for the site for the reasons outlined in this report.
- (B) Based upon the material available to the Committee at the time of determining this application, the Committee is satisfied that:
 - (i) the proposed development exhibits design excellence pursuant to Clause 6.21C of the Sydney Local Environmental Plan 2012;
 - (ii) the applicant has demonstrated that compliance with the Clause 4.3 Height of Buildings and Clause 4.4 Floor Space Ratio development standards of the SLEP 2012 is unreasonable or unnecessary in the circumstances and that there are sufficient environmental planning grounds to justify the contravention of the development standard in accordance with the requirements of clause 4.6(3) of the Sydney LEP 2012;
 - (iii) the proposed development has been assessed against the aims and objectives of the relevant planning controls including; SLEP 2012, SDCP 2012, the Planning Proposal amendments to the SLEP and the SDCP, and the State Environmental Planning Policy (Housing) 2021. Where non-compliances exist, they have been demonstrated in this report to be acceptable in the circumstances of the case; and

- (iv) the proposed development is in the public interest because it is consistent with the objectives of the E3 Productivity Support zone; and
- (v) the proposed development will provide affordable housing in perpetuity, managed by a registered Tier 1 Community Housing Provider under the National Regulatory System for Community Housing.

Background

The Site and Surrounding Development

1. The site is comprised of 4 allotments, known as 20, 22, 24 and 26 Bourke Road Alexandria. 20 Bourke Road is legally described as Lot 3 in Deposited Plan 230211, 22 Bourke Road is legally described as Lot 2 in Deposited Plan 230211, 24 Bourke Road is legally described as Lot 14 in Deposited Plan 546846 and 26 Bourke Road is legally described as Lot 1 in Deposited Plan 333175.
2. The site is rectangular in shape with a combined land area of 3,306sqm, with a northern Bourke Road frontage and southern rear boundary width of 45.16m and eastern and western side boundary depth of 73.22m.
3. The site is approximately 135m east of the intersection of Bourke Road and Bowden Street and is approximately 153m west of the intersection of Bourke Road and Wyndham Street. Green Square train station is located approximately 218m walking distance eastward of the site.
4. The site is currently occupied by 4 individual industrial and commercial warehouse buildings varying between 1-2 storeys.
 - 20 Bourke Road is occupied by a single storey brick workshop building currently used as a vehicle repair station.
 - 22 Bourke Road is occupied a 2-storey brick workshop building being used as a vehicle repair station. This building is separated from 20 Bourke Road by a concrete driveway which forms part of 24 Bourke Road.
 - 24 Bourke Road is occupied by a 2-storey brick building currently used as a vehicle repair station. The first floor was formerly used as a brothel under **D/2008/1247** and **D/2012/679** and is currently vacant.
 - 26 Bourke Road is occupied by a single storey brick building currently used as a coffee roasting warehouse and distribution centre, with a licenced café fronting Bourke Road (approved by **D/2023/691**). This premises and its operation is subject to a 40-year lease which requires any redevelopment at the site, to allow the retention and ongoing operation of the business. This site is currently under the ownership of City West Housing as are the other lots subject to the development. This allotment is separated from 24 Bourke Road by a 3.6m wide concrete driveway which forms part of 24 Bourke Road and is used to provide access to at-grade carparking at the rear of the site.
5. The surrounding area is predominantly characterised by a mix of commercial and industrial land uses with a scattering of residential uses. Notably, 2 other affordable housing developments have been recently approved at 330 Botany Road (under **D/2024/581**) and 20 O'Riordan Street (under **D/2024/273**).
6. The immediately adjoining site to the south is 9-13 O'Riordan Street, which is occupied by a 2-storey commercial building operated by *13 Cabs*.
7. The immediately adjoining site to the east is 16-18 Bourke Road, which is occupied by a vehicle repair station and not subject to any development applications for redevelopment.

8. The immediately adjoining site to the west is 28-32 Bourke Road, which is occupied by a single storey warehouse building. This site is subject to State Significant Development concept approval (**SSD-38600121**) for a health facility and hospital building which is 9-storey / 45m in height. The detailed development design (**SSD-59006709**) is under assessment by the Department of Planning, Housing and Infrastructure.
9. Opposite the subject site, is 9-13 Bourke Road which is subject to development approval **D/2024/782** for demolition of existing structures and construction of a 7-storey mixed-use development comprising a variety of self-storage units, ancillary offices, standalone office space, retail tenancies, and improvements to the public domain.
10. The site is not identified as a heritage item and is not located within a heritage conservation area.
11. The site is identified as being flood affected, within the North Alexandria locality under Clause 6.60A of the SLEP 2012 and within the Green Square and Southern Enterprise Area specific area under Section 5 of the SDCP 2012.
12. A site visit was carried out on 18 March 2026. Photos of the site and surrounds are provided below.

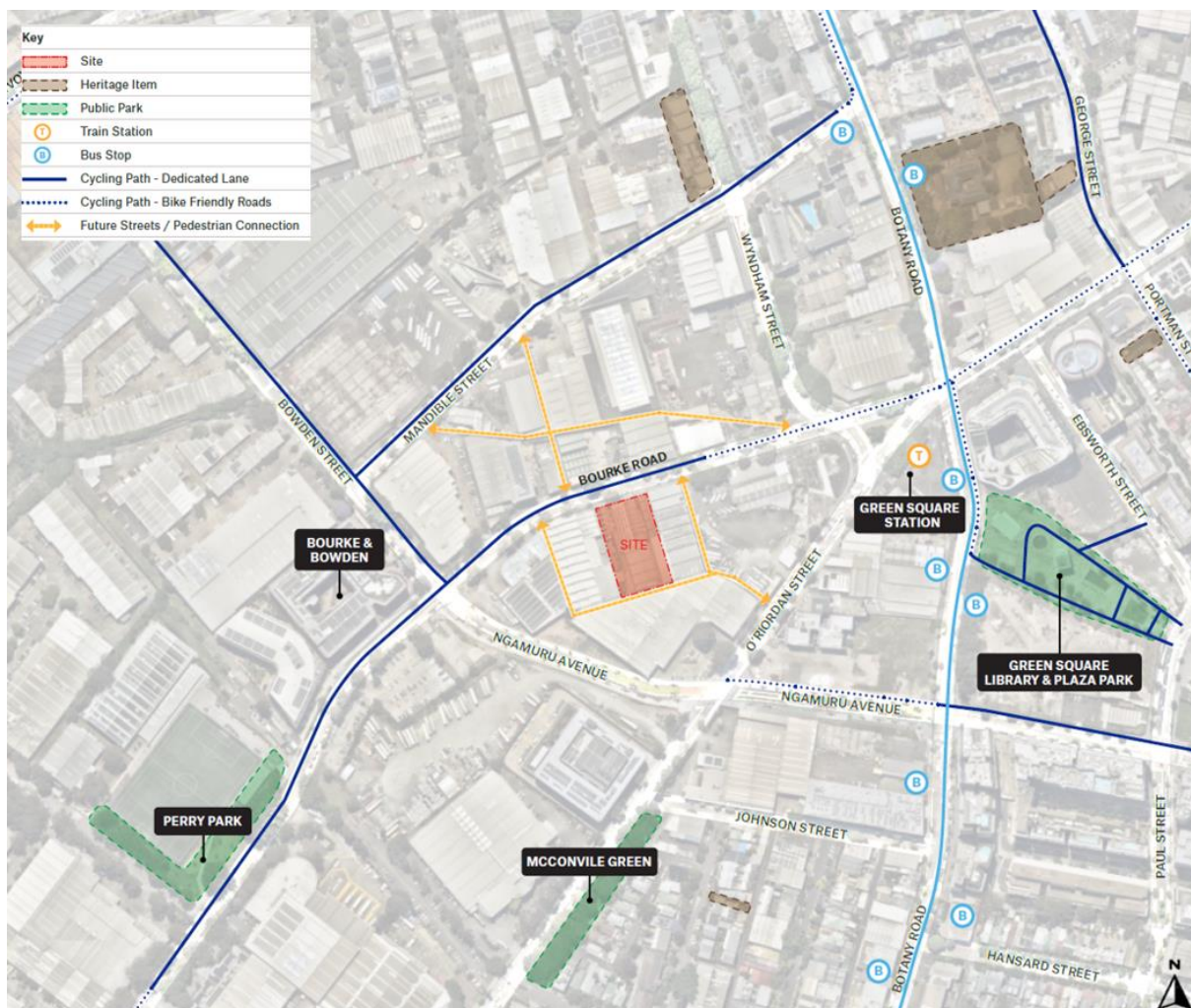


Figure 1: Contextual map of site and surrounding area

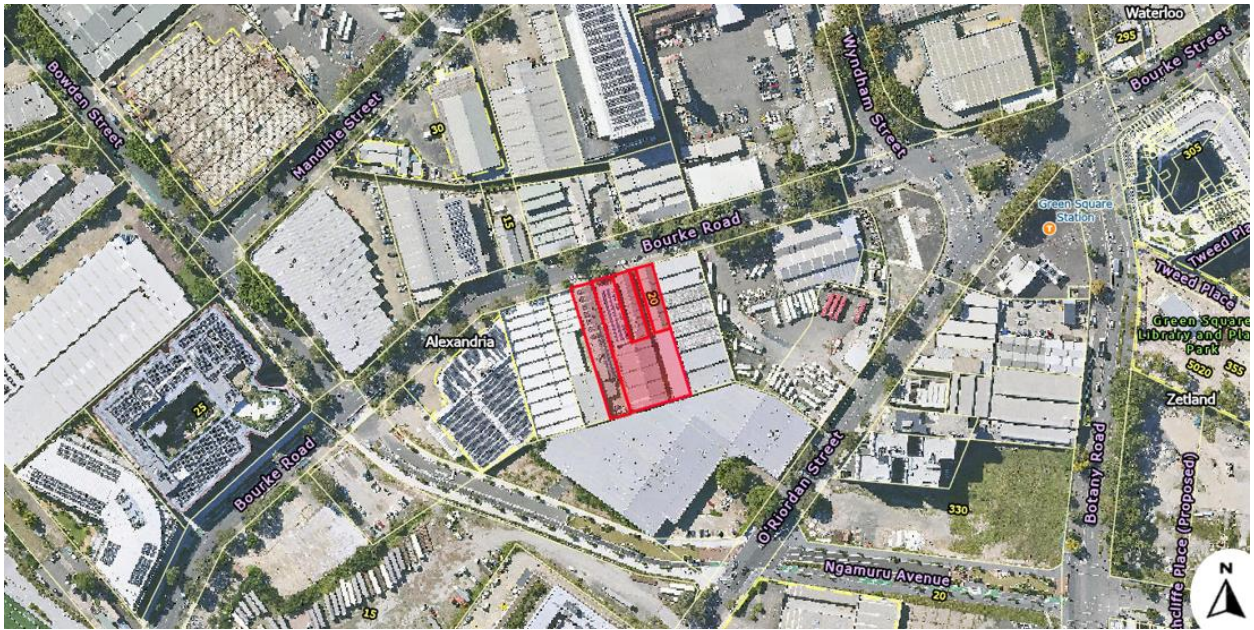


Figure 2: Aerial view of site and surrounds



Figure 3: Contextual development and height map of immediately surrounding area



Figure 4: Subject site viewed from Bourke Road



Figure 5: Eastern adjoining site at 16-18 Bourke Road



Figure 6: Western adjoining site at 28-32 Bourke Road



Figure 7: Rear car parking area Mecca Coffee building at 26 Bourke Road

History Relevant to the Development Application

Development Applications

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

- **D/2011/1348** – Development consent was granted on 2 November 2011 for the use of Unit 2 at 26 Bourke Road Alexandria as a coffee roasting warehouse and distribution centre.
- **D/2014/548** – Development consent was granted on 8 July 2014 for the use of Unit 2 at 26 Bourke Road Alexandria for the fitout of an existing warehouse tenancy for the use as a licensed cafe with associated ancillary office space and connection with the existing approved coffee roastery to the rear.
- **D/2023/691** – Development consent was granted on 20 September 2024 for a concept development application at 20, 22, 24 and 26 Bourke Road Alexandria for a 45m tall (12 storey) commercial building with a single basement level at 20-24 Bourke Road and alterations and additions to existing Mecca Coffee building at 26 Bourke Road.

In association with this approval was Voluntary Planning Agreement **VPA/2023/23** for dedication of; 84sqm of land at Bourke Road, 135sqm at the rear for a future street and a monetary contribution of \$898,062 towards the provision of Community Infrastructure in Green Square. **VPA/2023/23** was exhibited for 28 days between 15 August 2024 to 13 September 2024.

- **PDA/2025/57** – Pre-development application was lodged with the City on 31 March 2025 for demolition of existing structure, redevelopment of affordable rental housing, retention of 26 Bourke Road (Mecca Coffee Cafe). Pre-DA advice was issued by the City on 5 June 2025.

- Draft Voluntary Planning Agreement (VPA/2025/15) (**Attachment F**) for the dedication of land and public benefits is on exhibition from 2 April 2026 to 1 May 2026.

Amendments

14. Following a preliminary assessment of the proposed development by Council officers, a request for additional information and amendments was sent to the applicant on 18 December 2025. The request related the following matters:
 - Vertical circulation - the 15-storey building with 161 affordable units must increase the proposed lifts from two to three lifts.
 - Residential amenity - to units, common areas, bathrooms window operability details, privacy screening needs to be improved and better documented.
 - Vehicular access - swept path diagrams for the City's waste truck and B99 vehicles is to be provided, clarification on the proposed driveway crossover at Bourke Road.
 - Future adaption plans - for egress via the rear future lane needs to be submitted.
 - Waste bin - design needs to be suitable for future residents via use of 240L and 660L bins, not 1,100L bins.
15. The applicant responded to the request by submitting amended plans and information on; 4 February 2026, 25 February 2026, 10 March 2026, 19 March 2026 and 20 March 2026.

Proposed Development

16. The application seeks consent for the following:
 - Demolition of existing structures at 20, 22 and 24 Bourke Road and retention of the existing Mecca Coffee building at 26 Bourke Road
 - Site preparation, earthworks, tree removal and remediation of land - approach of a mix of on-site capping and removal off site
 - Construction of a new 15-storey mixed-used development, comprising commercial and community facility uses at the ground level and 14-storeys of affordable housing above
 - The mixed-use building is to be a maximum height of 60.3m AHD measured to the lift overrun, and comprised of 12,596sqm of gross floor area, of which 129sqm will be for commercial uses and 70sqm will be for community uses. The existing Mecca Coffee building's gross floor area of 564sqm will be unaffected by the proposed development
 - The residential component will be entirely allocated as affordable housing units managed by a Tier 1 registered not-for-profit community housing provider. A total of 161 affordable housing units will be delivered with 98 x 1 bedroom units, 48 x 2 bedroom units, and 15 x 3 bedroom units

- At grade car parking at the rear for 14 residential car spaces, 2 service vehicle bays, 2 motorcycle spaces and a dedicated bicycle storage area for 182 bicycles bays
- Vehicular access will be consolidated from the four existing crossings to one 7.2m wide crossing to be located between the proposed new mixed-use building and the Mecca Coffee building at 26 Bourke Road
- Associated landscaping and public domain works, including footpath, laneway and public art
- Lot consolidation of the existing four lots and re-subdivision to facilitate dedication of land to Council. A 2.4m wide setback will be provided along Bourke Road for footpath widening. This extends the width of the frontage aside from land that is occupied by the existing Mecca Coffee Building. This area of dedication equates to 84sqm. At the rear is a 3m wide setback which runs the width of 20, 22, 24 and 26 Bourke Road and equates to a 135sqm dedication for future road delivery.

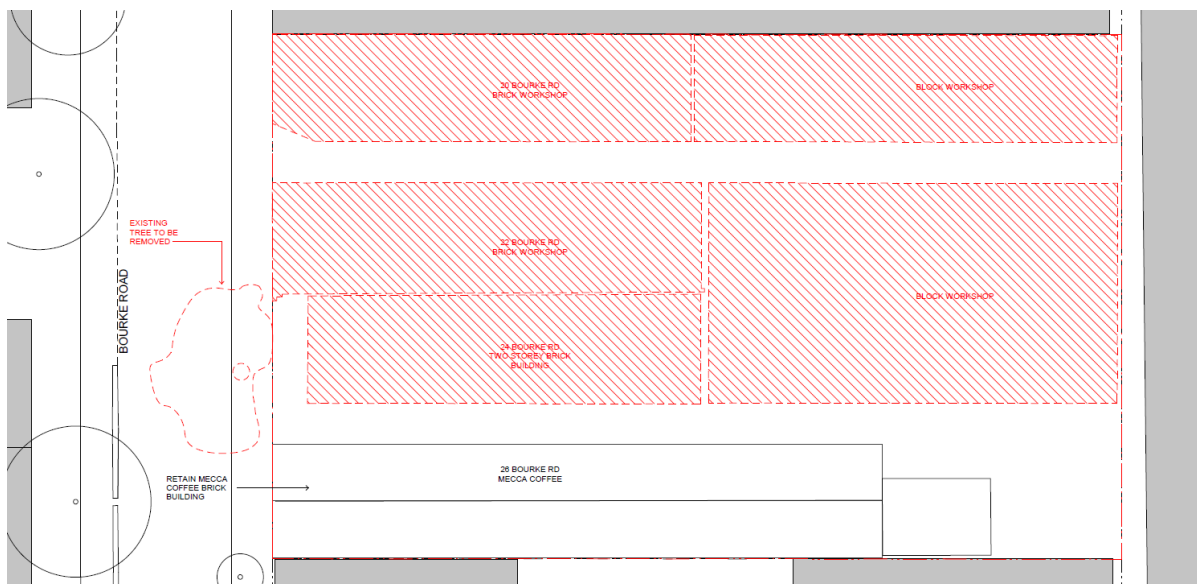


Figure 8: Proposed demolition plan



Figure 9: Proposed ground floor plan



Figure 10: Proposed level 1 floor plan



Figure 13: Proposed level 4 - 14 floor plan

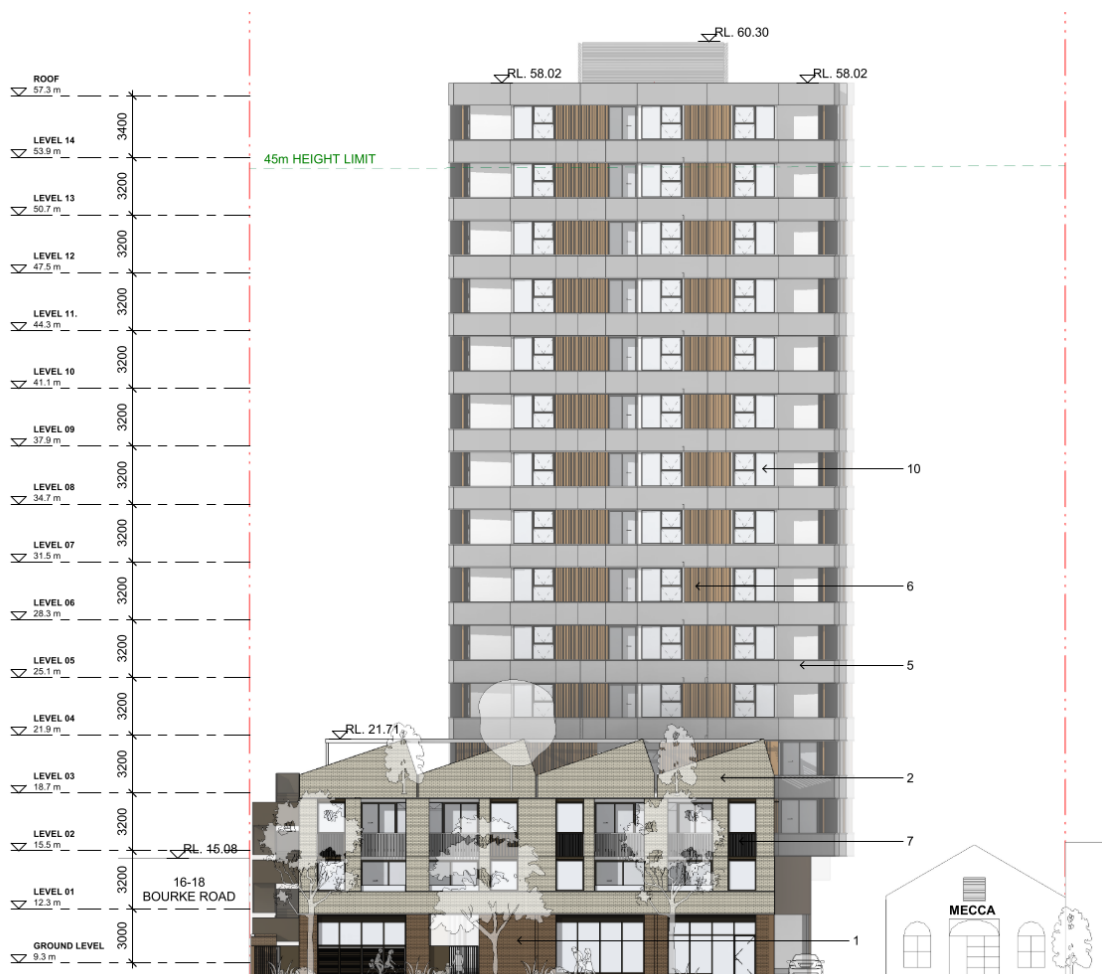


Figure 14: Proposed northern elevation (Bourke Road)



Figure 15: Proposed western elevation

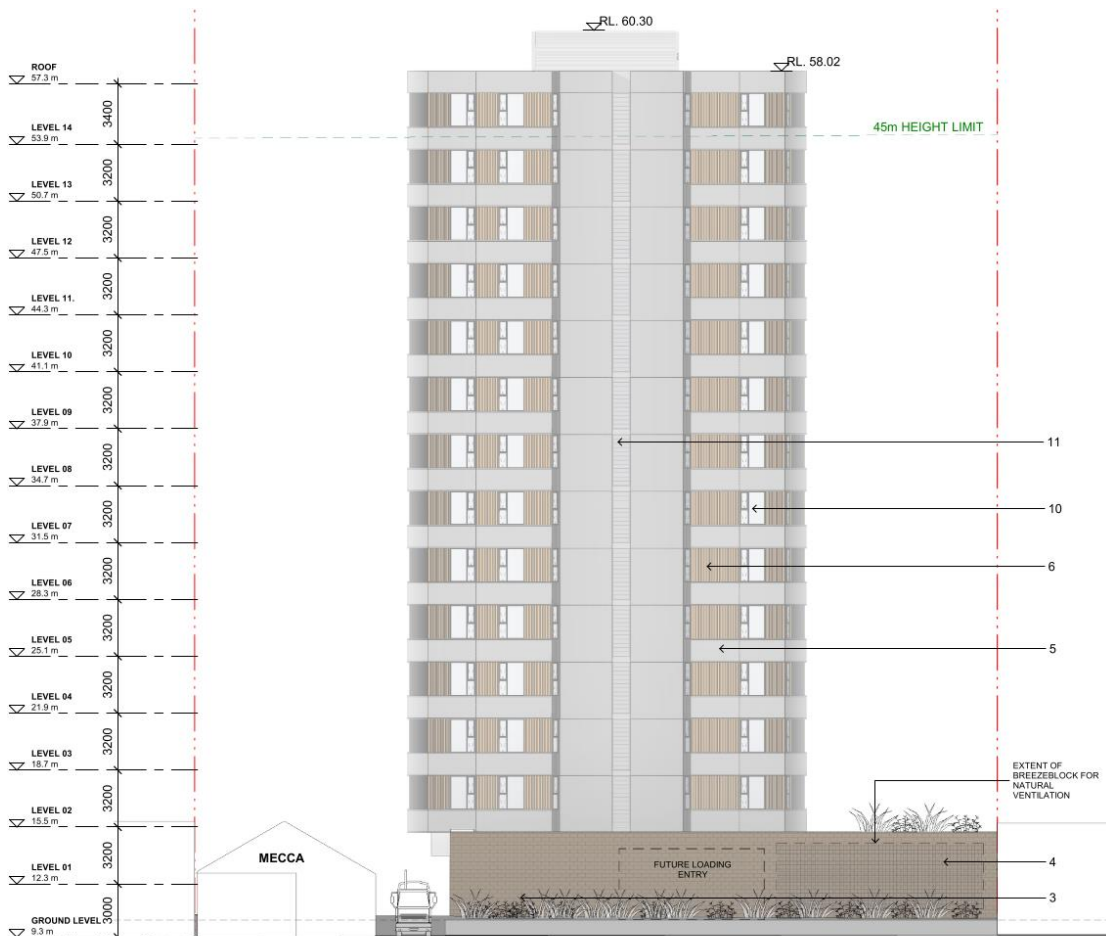


Figure 16: Proposed southern elevation - to future laneway

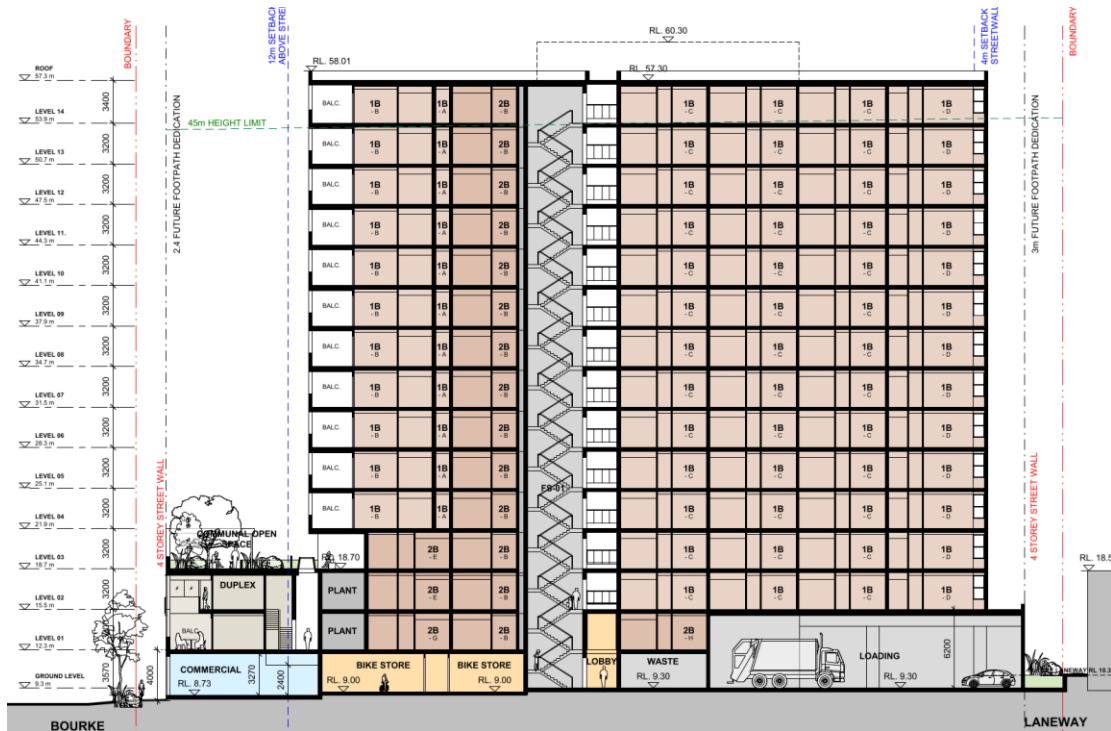


Figure 19: Proposed long section



Figure 20: Proposed photomontage - viewed from Bourke Road

Assessment

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

State Environmental Planning Policies

State Environmental Planning Policy (Housing) 2021

18. The aim of SEPP (Housing) 2021 is to provide a consistent planning regime for the provision and maintenance of affordable rental housing and to facilitate the delivery of new affordable rental housing.
19. Section 7.32 of the EP&A Act and states 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.
20. Clause 7.13 (Contribution for purpose of affordable housing) of the Sydney Local Environmental Plan 2012 allows for circumstances where an affordable housing contribution may be levied for development of land in Green Square. As the development is development for the purposes of residential accommodation that is used to provide affordable housing or public housing, the development is excluded and is not subject to a Section 7.13 affordable housing contribution.

Chapter 2 - Affordable Housing

21. As per Section 1.9 of the SLEP 2012, the State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1 - In-fill Affordable Housing and Division 5 - Residential Flat Buildings - social housing providers, does not apply to land within Green Square. An assessment against Chapter 4 is provided below.

Chapter 4 - Design of Residential Apartment Development

22. The aim of Chapter 4 is to improve the design quality of residential apartment development in New South Wales.
23. When determining an application for a residential flat development of 3 or more floors and containing 4 or more apartments, the SEPP requires the consent authority take into consideration a number of matters relating to design quality, including the design quality principles as set out in Schedule 9.
24. The applicant has submitted a design verification statement and design report prepared by *Bates Smart* - (nominated architects - registration numbers: Kellie Payne - 6454, Philip Vivian - 6696, Guy Lake - 7119, and Matthew Allen - 8498) with the application, addressing the design quality principles and the objectives of parts 3 and 4 of the Apartment Design Guide. The statement is deemed to satisfy Clause 29 of the Environmental Planning and Assessment Regulation 2021.
25. An assessment of the proposal against the design quality is provided as follows:

Principle 1: Context and Neighbourhood Character

26. The site is located at 20-26 Bourke Road, Alexandria within the Sydney Local Government Area (LGA). It is located within the Northern Alexandria precinct and is approximately 250m west of Green Square Town Centre and Station and 4km south of Sydney CBD. Located within a few hundred metres of Green Square Station and buses on Botany Road, the site is well served by public transport. Cycling paths on Bourke Road and Bowden Street provide cycle access to surrounding suburbs. The site also benefits from close proximity to Perry Park and Green Square Town Centre.

27. The proposed design responds to the planned future character of the precinct, recently approved developments and the existing character of the area. The well sited location will place future affordable and social housing tenants within an area of high accessibility given the range of public transport options.

Principle 2: Built Form and Scale

28. Ground level active uses, commercial and community rooms, face the street with services tucked into the laneway. Above ground on level 1, two storey duplexes offer an alternative housing type and present an articulated facade with double height balconies punctuating the street wall. The roof of the street wall building is used for a north facing landscaped space for residents. Residential entry is through a landscaped courtyard providing a transition and community connection space before entering the lobby.
29. Services and storages for bikes as well as the residential lobby are located on the ground floor of the tower with a loading area and carpark at the rear with access strategies considered for both the current condition from Mecca laneway and the future condition of access from the rear laneway.
30. After two unique floorplates on L01 and L02 the residential floorplate is repeated to provide a highly efficient residential tower which is generally in keep with the intended built forms envisaged by the apartment design guide and development control plan.

Principle 3: Density

31. 11,833sqm of gross floor area for 161 affordable housing units is proposed along with 70sqm of communal area and 129sqm of commercial floor space, in addition to the existing 564sqm Mecca Coffee building.

Principle 4: Sustainability

32. The building proposes several key features to deliver sustainable design excellence in a climate responsive approach, including:
 - A well shaded facade promoting indoor comfort and maintaining views to outside, balancing fixed and operable shading, solid façade panels and transparent glazing to effectively ensure comfort, energy efficiency and natural light performance.
 - A natural ventilation solution with passive acoustic treatment for most rooms avoiding less efficient acoustic plenums.
 - A sustainable materials approach which provides, subject to final selections and procurement, reduced embodied emissions, healthy indoor environment and enhanced circularity.
 - Passive design and planning consistent with our experience in delivering the enhanced thermal comfort targets under BASIX.
 - A fully electrified energy cycle concept, incorporating Photovoltaic panels on the roof and using efficient fixtures and fittings, consistent with our experience in delivering enhanced BASIX energy.
 - Clotheslines provided for drying to reduce reliance on electric dryer.

- A highly efficient structural grid and uniformly reducing the amount of concrete and embodied carbon.
- An efficient and compact floorplate which enables sharing of walls and floors.

Principle 5: Landscape

33. The proposed landscape design is integrated with the building and communal open spaces. The ground floor entry courtyard is directly access from Bourke Road and connects the community space, residential foyer and permeable and deep soil areas for social interaction. The podium roof top that fronts Bourke Road is a communal open space with deep soil planting and shading pergolas for passive use and social interaction.

Principle 6: Amenity

34. The typical floor has 12 apartments of varying types, delivering the desired mix of unit types and a high level of amenity. The apartments have been designed and planned accordingly with consideration of Apartment Design Guide. The breezeway divides the building into 2 zones separated by glazed doors so that no more than 7 apartments share a corridor. The breezeway floor is extended, and high balustrades protect the lift zone from rain and wind.
35. The building exceeds the minimum standards for solar access and natural cross ventilation as set be the Apartment Design Guide.

Principle 7: Safety

36. At the ground floor commercial and community spaces front Bourke Road, adding to the activation provided by the Mecca coffee warehouse. Behind the entry gate, a landscaped courtyard is the centre of the ground floor providing a transition space for residents from the street to their secure lobby. Necessary services and loading are located to the rear of the site to minimise their visibility.

Principle 8: Housing Diversity and Social Interaction

37. The development is 100% affordable housing with a diversified dwelling mix of 1, 2 and 3 bedroom dwellings, configurations and mix that responds to City West Housing's tenant's requirements. The 161 unit development is comprised of:
- 98 x 1 bedroom apartments (61%),
 - 48 x 2 bedroom apartments (30%),
 - 15 x 3 bedroom apartments (9%).
38. The proposal is designed to be indistinguishable from privately developed housing and be well integrated within the neighbourhood. Various communal spaces are proposed throughout the site. These include a wide range of uses to support opportunities to bring people together and promote a sense of community.

Principle 9: Aesthetics

39. In selecting the primary facade material, City West and the design team have considered three options - brick, precast and aluminium cladding - with consideration of cost, carbon footprint, durability and on-going maintenance. Brick was selected as the best in all three categories: most durable, lowest carbon and lowest cost.
40. The material strategy proposes a palette of neutral grey brickwork complemented by terracotta toned louvres and infill panels. The ground level interface proposes orange/brown toned brickwork facing the street and terracotta coloured blockwork and breezeblocks to secondary spaces.
41. The development is acceptable when assessed against the SEPP including the above stated principles and the associated Apartment Design Guide (ADG). These controls are generally replicated within the apartment design controls under the Sydney Development Control Plan 2012. Consequently compliance with the SEPP generally implies compliance with Council's own controls. A detailed assessment of the proposal against the ADG is provided below.

2E Building Depth	Consistency	Comment
12-18m (glass to glass)	Yes	Build depth does not exceed 18m and appropriate articulation through the breezeway and façade design promotes good amenity for future occupants.

2F Building Separation	Consistency	Comment
Up to 4 storeys (approximately 12 metres): <ul style="list-style-type: none"> • 12m between habitable rooms / balconies • 9m between habitable and non-habitable rooms • 6m between non-habitable rooms 	Yes	Floor level; ground, 1, 2, 3 (up to 4-storeys) achieves the minimum 12m separation, by providing a >6m side boundary setback.
5 to 8 storeys (approximately 25 metres): <ul style="list-style-type: none"> • 18m between habitable rooms / balconies • 12m between habitable and non-habitable rooms 	Yes	Floor level; 4,5,6,7 (up to 8-storey) of the building achieves the minimum 18m building separation by providing a >9m side boundary setback.

2F Building Separation	Consistency	Comment
<ul style="list-style-type: none"> 9m between non-habitable rooms 		
<p>9 storeys and above (over 25m):</p> <ul style="list-style-type: none"> 24m between habitable rooms / balconies 18m between habitable and non-habitable rooms 12m between non-habitable rooms 	Partial	<p>Floor levels 8,9,10,11,12,13,14,15 (9-storey and above), largely complies with the minimum 24m separation by providing a >12m setback to the western boundary, however point encroachments are proposed which are of negligible impact on privacy to the SSD health facility project at 28-32 Bourke Road.</p> <p>The development does have a greater encroachment by up to 900mm into the eastern side boundary setback, as a minimum 11.1m side setback is proposed and elements of balconies, bedrooms and living spaces make up the encroachment. The inclusion of angled façade windows and privacy screens will negate adverse privacy impacts to a future residential development at 16-18 Bourke Road. The façade articulation is a positive design to create visual interest and improve residential amenity.</p> <p>Refer to discussion section of this report.</p>

3D Communal and Public Open Space	Consistency	Comment
Communal open space has a minimum area equal to 25% of the site.	Yes	851sqm (26%) of communal open space is provided across the ground floor eastern courtyard and the northern podium rooftop.
Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of two (2) hours between 9am and 3pm on 21 June (midwinter).	Yes	The main communal open space is located on the northern podium rooftop. During the Alternative Design Review process, the degree of solar access to COS was explored at length and this proposed design is the superior option. 72% of the proposed COS achieves at least 2 hours under current adjoining site conditions and predicted modelling of a future envelope at 16-18 Bourke Road, would still maintain 69% solar access to the COS for at least 2 hours.

3E Deep Soil Zones	Consistency	Comment
Deep soil zones are to have a minimum area equivalent to 7% of the site and have a minimum dimension of 6m	Yes	395sqm (12%) deep soil is achieved with a minimum 6m dimension.

3F Visual Privacy	Consistency	Comment
Up to 4 storeys (12 metres): <ul style="list-style-type: none"> 6m between habitable rooms / balconies 3m between non-habitable rooms 	Yes	Floor levels ground, 1, 2, 3 (up to 4-storeys) achieves the minimum 12m separation, by providing a >6m side boundary setback.
5 to 8 storeys (25 metres): <ul style="list-style-type: none"> 9m between habitable rooms / balconies 4.5m between non-habitable rooms 	Yes	Floor levels 4,5,6,7 (up to 8-storey) of the building achieves the minimum 18m building separation by providing a >9m side boundary setback.

3F Visual Privacy	Consistency	Comment
<p>9 storeys and above (over 25m):</p> <ul style="list-style-type: none"> • 12m between habitable rooms / balconies • 6m between non-habitable rooms 	<p>Partial</p>	<p>Floor levels 8,9,10,11,12,13,14,15 (9-storey and above), largely complies with the minimum 24m separation by providing a >12m setback to the western boundary, however, point encroachments are proposed which are of negligible impact on privacy to the SSD health facility project at 28-32 Bourke Road.</p> <p>The development does have a greater encroachment by up to 900mm into the eastern side boundary setback, as a minimum 11.1m side setback is proposed and elements of balconies, bedrooms and living spaces make up the encroachment. The inclusion of angled façade windows and privacy screens will negate adverse privacy impacts to a future residential development at 16-18 Bourke Road. The façade articulation is a positive design to create visual interest and improve residential amenity.</p> <p>Refer to discussion section of this report.</p>
<p>Bedrooms, living spaces and other habitable rooms should be separated from gallery access and other open circulation space by the apartment's service areas.</p>	<p>Yes</p>	<p>Development is design accordingly.</p>

4A Solar and Daylight Access	Consistency	Comment
<p>70% of units to receive a minimum of 2 hours of direct sunlight in midwinter to living rooms and private open spaces.</p>	<p>Yes</p>	<p>78.3% of apartments (126 of 161) achieved at least 2 hours solar access to living rooms and private open space.</p>
<p>Maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at midwinter.</p>	<p>Yes</p>	<p>All apartments will received direct solar access.</p>

4B Natural Ventilation	Consistency	Comment
All habitable rooms are naturally ventilated.	Yes	Windows are provided to all habitable rooms. A mix of slider, single awning, louvres and double awning windows are proposed.
Minimum 60% of apartments in the first 9 storeys of the building are naturally cross ventilated.	Yes	For floor levels ground, 1, 2, 3, 4, 5, 6, 7, 8 (first 9 storeys) of the building, 60.6% of units (54 of 89) achieve natural cross ventilation.
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	Yes	Maximum of 11m depth for cross through apartments.

4C Ceiling Heights	Consistency	Comment
Habitable rooms: 2.7m	Yes	3.2m floor to floor and 2.7m floor to ceiling is provided for residential unit habitable areas.
Non-habitable rooms: 2.4m	Yes	2.7m to 2.4m is provided for non-habitable rooms.
2-storey apartments: 2.7m for main living area floor, 2.4m for second floor, where it does not exceed 50% of the apartment area.	Yes	Two-storey terraces are fronting Bourke Road which have 3.2m floor to floor and 2.7m floor to ceiling is provided.

4D Apartment Size and Layout	Consistency	Comment
Minimum unit sizes: <ul style="list-style-type: none"> • 1 bed: 50sqm • 2 bed: 70sqm • 3 bed: 90sqm 	Yes	1 bedroom units are a minimum of 50sqm. 2 bedroom units are a minimum of 70sqm. 3 bedroom units are a minimum of 90sqm.

4D Apartment Size and Layout	Consistency	Comment
Every habitable room is to have a window in an external wall with a minimum glass area of 10% of the floor area of the room.	Yes	Development is designed accordingly.
Habitable room depths are to be no more than 2.5 x the ceiling height.	Yes	Achieved for rooms aside from larger combined living/dining areas which have secondary windows or sliding doors.
8m maximum depth for open plan layouts.	Yes	Open plan living, dining, kitchens are generally 7m to 8m in depth from a window face.
<p>Minimum area for bedrooms (excluding wardrobes):</p> <ul style="list-style-type: none"> • master bedroom: 10sqm • all other bedrooms: 9sqm <p>Minimum dimension of any bedroom is 3m (excluding wardrobes).</p>	Partial	<p>Master bedrooms are 10sqm in area with other bedrooms being 9sqm.</p> <p>Unit 2B-H, is a minimum of 2.4m in dimension due to the articulated façade.</p> <p>Refer to discussion section of this report.</p>
<p>Living and living/dining rooms minimum widths:</p> <ul style="list-style-type: none"> • Studio and one-bedroom: 3.6m • 2-bedroom or more: 4m 	Partial	<p>All units aside from 2B-G on level 1 and level 2 are 3.6m and 4m in width as required.</p> <p>Unit 2B-G are 2 bedroom units that are 3.8m in width.</p> <p>Refer to discussion section of this report.</p>
4m minimum width for cross over and cross through apartments.	Yes	All cross through apartments are approximately 6m in width.

4E Private Open Space and Balconies	Consistency	Comment
One bed apartments are to have a minimum balcony area of 8sqm with a minimum depth of 2m.	Partial	<p>1 bedroom units achieve 8sqm with a 2m depth.</p> <p>Several 2 bedroom units do not achieve 10sqm with a 2m depth, being; unit type</p>

4E Private Open Space and Balconies	Consistency	Comment
<p>2 bed apartments are to have a minimum balcony area of 10sqm with a minimum depth of 2m.</p> <p>3 bed apartments are to have a minimum balcony area of 12sqm with a minimum depth of 2.4m.</p>		<p>2B-B, 2B-E, and 2B-H which a 1sqm undersized. Refer to discussion section of this report.</p> <p>3 bedroom units achieve the 12sqm and 2.4m depth.</p>

4F Common Circulation and Spaces	Consistency	Comment
The maximum number of apartments off a circulation core on a single level is 8.	Yes	Level 3 have 11 units accessed via a triple lift core and Levels 4 - 14 have 12 units access via a triple lift core. The breezeway design effectively creates the separation in building wings so that no more than 8 is at a wing.
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	No	At lodgement, 2 lifts were proposed. This design did not follow the recommendations of the Alternative Design Review process and Panel's advice. Following amendments during the assessment of this application, three lifts are proposed to service 161 units. This equates to 53.6 units per lift. Refer to discussion section of this report.
Primary living room or bedroom windows should not open directly onto common circulation spaces, whether open or enclosed. Visual and acoustic privacy from common circulation spaces to any other rooms should be carefully controlled.	Yes	Development is designed accordingly.
Daylight and natural ventilation are provided to all common circulation spaces.	Yes	Development is designed accordingly.

4G Storage	Consistency	Comment
Minimum storage provision facilities: <ul style="list-style-type: none"> • Studio: 4m³ • 1 bed: 6m³ • 2 bed: 8m³ • 3 bed: 10m³ (Minimum 50% storage area located within unit)	Yes	All units are provided with adequate storage entirely within the units.

4J Noise and Pollution	Consistency	Comment
Have noise and pollution been adequately considered and addressed through careful siting and layout of buildings?	Yes	Subject to the recommendations contained within Noise and Natural Ventilation Impact Assessment report prepared by E-Lab Consulting, all units are provided with adequate noise attenuation measures.

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

42. The aim of SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.
43. Section 4.6(1)(b) requires the consent authority to be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.
44. A Detailed Site Investigation (DSI) was undertaken by JBS&G, which found potential for contamination on the site. The DSI assessed contamination from past and present land uses, suitability for the proposed future use, and recommended further investigation, including a Human Health Risk Assessment (HHRA) and Remedial Action Plan (RAP), which have been undertaken and reporting submitted with this development application. The DSI identified the following:
 - The site is currently used as a mechanic, panel beater and café/roaster with an extensive manufacturing and industrial use history;
 - Fill materials are present on the site to a typical depth of 1.7m;

- Soil contamination has been identified in the central, southern and northeastern portions of the site, reported as strong hydrocarbon odours between 0.5 to 1.5m below the surface;
 - High levels of lead have been reported as present in fill based soils and was widespread across the site fill;
 - Significant levels of polychlorinated biphenyls (PCBs) have been reported as present in site soils at two nearby soil borehole locations - in the central and eastern portion;
 - Detection of semi and non-volatile petroleum hydrocarbons have been reported as present as fill based soils;
 - Significant levels of PFAS contamination and hydrocarbon-based contamination have been reported in site groundwater in the northeast corner of the site;
45. The RAP, prepared by JBS&G, outlines the preferred remedial approach for the site, specifically on-site management by long-term containment of heavy metal, asbestos, PCB and PAH impacted fill materials by retention under hardstand, or where landscaping and plantings are proposed, a sufficient depth of capping soils and growing media in limited open space areas. Any imported materials will be assessed to determine its suitability, and it is fit for purpose.
46. All land that is to be dedicated to the City will be remediated through off site disposal, so that the land dedicated is not subject to a Long Term Environmental Management Plan (EMP).
47. The final condition of the site will be assessed and documented following the completion of all works. As such, the RAP confirms that the proposed remediation works are appropriate and that subject to the recommended works, the land can be successfully remediated and suitable for the proposed land use. Appropriate conditions have been recommended in Attachment A.

State Environmental Planning Policy (Sustainable Buildings) 2022

48. The aims of this Policy are as follows—
- (a) to encourage the design and delivery of sustainable buildings,
 - (b) to ensure consistent assessment of the sustainability of buildings,
 - (c) to record accurate data about the sustainability of buildings, to enable improvements to be monitored,
 - (d) to monitor the embodied emissions of materials used in construction of buildings,
 - (e) to minimise the consumption of energy,
 - (f) to reduce greenhouse gas emissions,
 - (g) to minimise the consumption of mains-supplied potable water,
 - (h) to ensure good thermal performance of buildings.

Chapter 2 Standards for residential development - BASIX

49. A BASIX Certificate has been submitted with the development application 1813736M dated 19 September 2025.
50. The BASIX certificate lists measures to satisfy BASIX requirements which have been incorporated in the proposal. A condition of consent is recommended ensuring the measures detailed in the BASIX certificate are implemented.

State Environmental Planning Policy (Transport and Infrastructure) 2021

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

Division 15, Subdivision 2: Development in or adjacent to rail corridors and interim rail corridors**Clause 2.98 – Development adjacent to rail corridors**

52. The application is adjacent to the train rail corridor and was subsequently referred to Sydney Trains for comment. Sydney Trains have raised no objections subject to the recommended conditions which are included at Schedule 3 of the recommended conditions at Attachment A.

Clause 2.99 – Excavation in, above, below or adjacent to rail corridors

53. The application is adjacent to the train rail corridor and was subsequently referred to Sydney Trains for comment. Sydney Trains have raised no objections subject to the recommended conditions which are included at Schedule 3 of the recommended conditions at Attachment A.

Division 17, Subdivision 2: Development in or adjacent to road corridors and road reservations**Clause 2.120 – Impact of road noise or vibration on non-road development**

54. The application is subject to Clause 2.120 of the SEPP as the site is adjacent to Bourke Road which is a Local Road that is expected to experience an annual average daily traffic volume of more than 20,000 vehicles and the development is likely to be adversely affected by road noise or vibration.
55. A Noise and Natural Ventilation Impact Assessment report prepared by E-Lab Consulting has been submitted with this development application. The reporting concludes that subject to acoustically lined soffits and/or solid balustrading and/or high-level windows, for several units that front Bourke Road, the proposed development is satisfactory when assessed against Clause 2.120. Relevant conditions of consent have been recommended to ensure that that noise affected units are designed and constructed with appropriate noise attenuation measures.

Local Environmental Plans**Sydney Local Environmental Plan 2012**

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

Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	<p>The site is located in the E3 Productivity Support zone. The proposed development is defined as a mixed-use development comprised of a commercial premises, community facility, and residential accommodation (shop top housing) above for the purpose of affordable housing.</p> <p>Residential accommodation is a use that is prohibited within the E3 Productivity Support Zone.</p> <p>However, subject to Clause 7.13A of the SLEP 2012, development for the purposes of a residential flat building or a mixed-use development that contains shop top housing may be carried out with development consent on land identified as "Business Area", subject to particular criteria being satisfied. This is achieved - refer to Clause 7.13A as discussed below.</p> <p>Therefore, the proposed use is permitted with consent.</p>

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	No	<p>Under the current LEP, a maximum building height of 45m is permitted.</p> <p>A maximum height of 51.4m (RL.60.30mAHD) is proposed. This is a variation of 6.4m (14.2%) to the development standard.</p> <p>A variation to the height of buildings development standard in accordance with Clause 4.6 has been submitted. See further details in the 'Discussion' section below.</p>

Provision	Compliance	Comment
4.4 Floor space ratio	No	<p>The site is 3306 sqm in area inclusive of the area of land to be dedicated to the City via a Voluntary Planning Agreement.</p> <p>The site is permitted a base FSR of 2:1, and is eligible for additional bonus FSR of 1.5:1 under Clause 6.14 Community Infrastructure Floor Space at Green Square - Area 9.</p> <p>Therefore the maximum permitted FSR that the development is eligible for is 3.5:1 (11,571 sqm).</p> <p>A floor space ratio of 3.81:1 (12,596sqm) is proposed.</p> <p>This is a variation of 0.31:1 (8.9%) to the development standard.</p> <p>A variation to the FSR development standard in accordance with Clause 4.6 has been submitted.</p> <p>See further details in the 'Discussion' section below.</p>
4.6 Exceptions to development standards	Yes	<p>The proposed development seeks to vary the development standard prescribed under Clause 4.3 Height of Buildings and Clause 4.4 Floor Space Ratio. Clause 4.6 variation requests have been submitted with the application, refer to Attachment C and Attachment D.</p> <p>See further details in the 'Discussion' section below.</p>

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.21 Flood planning	Yes	<p>The site is identified as being subject to flooding. The development application has been accompanied by a Flood Risk Assessment report prepared by BG&E.</p> <p>The proposed development is subject to a Flood Planning Level of RL.8.73mAHD.</p> <p>The proposed development has a minimum finished floor level of; 8.80mAHD for the community facility, 8.73mAHD for the commercial tenancy and 9.30mAHD for the residential lobby.</p> <p>The submitted Flood Risk Assessment report prepared by BG&E demonstrates that the development is able to comply with the City's Interim Floodplain Management Policy and satisfies the provisions of the standard.</p>

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 2 Additional floor space outside Central Sydney		
6.14 Community infrastructure floor space at Green Square	Yes	<p>The proposed development is eligible for an additional floor space ratio of 1.5:1, as the land is located within Area 9 under this Clause. The proposed development provides community infrastructure in the form affordable housing and dedication of land and is eligible for this bonus FSR.</p> <p>As reported under Clause 4.4 Floor Space Ratio on the above page, the maximum permitted FSR that the development is eligible for is 3.5:1 (11,571 sqm).</p> <p>A floor space ratio of 3.81:1 (12,596sqm) is proposed. The proposed development seeks a variation to the maximum permitted floor space ratio under Clause 4.4 of the SLEP 2012.</p>

Provision	Compliance	Comment
		The applicant has submitted a Clause 4.6 variation - refer to Attachment D and the discussion section further below in this report.
Division 4 Design excellence		
6.21 Design excellence	Yes	<p>6.21C - Design Excellence</p> <p>The proposed development is of a high standard, design and form, that utilises materials and detailing which are compatible with the intended future character of the area. The development achieves the principle of ecologically sustainable development and has an acceptable environmental impact with regard to the amenity of the surrounding area and future occupants.</p> <p>6.21D - Competitive Design Process</p> <p>This clause is applicable as the development will have a height greater than 25m outside of the Central Sydney, and an estimated cost of works greater than \$100,000,000 and is subject to Clause 7.20 requiring a development control plan.</p> <p>Pursuant to Cl.6.21D(2), the competitive design process is not required if the consent authority considers that it would be unreasonable or unnecessary in the circumstance. The proposed development has not undergone a competitive design process under the this Clause. It has however undergone an in depth alternative Design Review process consistent with the endorsed design excellence amendment to the Sydney LEP when those controls are made.</p> <p>This amendment introduces the optional Alternative Design Review process for social and affordable housing by a Tier 1 Community Housing Providers. The amendment sets out an optional design review process in lieu of a design competition process.</p>

Provision	Compliance	Comment
		<p>In anticipation of the gazettal of this amendment, the applicant has undergone the design review pathway. As per Attachment E, four DRP meetings took place, on; 11 February 2025, 27 May 2025, 3 July 2025 and 5 August 2025.</p> <p>The required Design Statement was issued on 19 August 2025 which identified the development has the potential to achieve design excellence in accordance with Clause 6.21C of the Sydney LEP 2012.</p> <p>Given the above, the requirement to undertake a Competitive Design Process under clause 6.21D is considered unreasonable and unnecessary in this instance, as an extensive Design Review process has been conducted and states that the proposed building will achieve design excellence.</p>
6.60A North Alexandria	No	<p>The site is on land that is identified as 'North Alexandria' on the Locality and Site Identification Map. As such, Clause 6.21D(3)(a) does not apply to the site, meaning that a 10% height of building bonus cannot be granted to the development site.</p> <p>The proposed development seeks a variation to the maximum permitted height under Clause 4.3 of the SLEP 2012. The applicant has submitted a Clause 4.6 variation - refer to Attachment C and the discussion section further below in this report.</p>

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development		
7.5 Residential flat buildings, dual occupancies and multi dwelling housing	Yes	<p>The site is identified as Category B on the Land Use and Transport Integration (LUTI) Map, which means that the following maximum carparking rates apply:</p> <ul style="list-style-type: none"> • for each 1 bedroom dwelling—0.4 spaces, and • for each 2 bedroom dwelling—0.8 spaces, and • for each 3 or more bedroom dwelling—1.1 spaces, and • for each dwelling up to 30 dwellings—0.167 spaces, and • for each dwelling more than 30 and up to 70 dwellings—0.1 spaces, and • for each dwelling more than 70 dwellings—0.05 spaces. <p>A total of 161 units are proposed in the following mix:</p> <ul style="list-style-type: none"> • 98 x 1 bedroom apartments (61%), • 48 x 2 bedroom apartments (30%), • 15 x 3 bedroom apartments (9%). <p>14 car parking spaces are proposed, which complies with the relevant development standard for residential car parking.</p>
7.6 Office premises and business premises	Yes	The proposed development includes one commercial tenancy. No car parking is proposed for this tenancy and therefore complies with the maximum rate.

Provision	Compliance	Comment
Division 3 Affordable housing		
7.13 Contribution for purpose of affordable housing	Yes	<p>The affordable housing levy contribution for development on land at Green Square is 3% of the total floor area of the development that is intended to be used for residential purposes, and 1% for non-residential purposes.</p> <p>Notwithstanding this, the City of Sydney Affordable Housing Program states that “where social/affordable housing floor space is being provided, in accordance with the Principles of this Program, a contribution requirement will not be applied to that floor space”.</p> <p>The proposal also includes a 129sqm of new commercial floor area and 70sqm of a community facility area. Given that these components make up a very small area in the entire 12,596sqm development and that they are ancillary to the main affordable housing use, and that the development is by a not-for-profit community housing provider, it is considered that a contribution is not warranted in this instance.</p>
7.13A Affordable housing in Business Area	Yes	<p>Development for the purposes of a residential flat building or a mixed-use development that contains shop top housing may be carried out with development consent on land identified as “Business Area”, subject to particular criteria being to the satisfaction of the consent authority.</p> <p>(1)(a), (b) and (c) is satisfied as the proposed development relates to the purpose of affordable housing and will be managed by a Community Housing Provider and will be delivered in accordance with the City's Affordable Housing Program.</p> <p>(1)(d) is satisfied as the proposed development is compatible with the existing and future uses, and building forms for the locality.</p>

Provision	Compliance	Comment
		<p>(1)(e) is satisfied as no residential units at the ground floor front Bourke Road.</p> <p>(1)(f) is satisfied as the proposed development will not have adverse impact on the environment or create unacceptable environmental risk.</p>
Division 4 Miscellaneous		
7.14 Acid Sulfate Soils	Yes	The site is located on land with 'Class 3' Acid Sulfate Soils. An Acid Sulfate Management Plan has been prepared by JBS&G, which outlines measures to manage the environmental risks associated with the disturbance of the acid sulfate soils.
7.16 Airspace operations	Yes	The proposed development will penetrate the Obstacle Limitation Surface (OLS) as shown on the Obstacle Limitation Surface Map for Sydney Airport. An Aeronautical Impact Assessment has been prepared by Strategic Airspace and the concurrence of Sydney Airport Corporation, as a proxy for the Civil Aviation Safety Authority, has been received which is approving of the proposed development.
7.20 Development requiring or authorising preparation of a development control plan	No	<p>Clause 7.20(2)(d) would be triggered as the proposed development is a new building in land identified as Business Area, where the development is for the purpose of a residential flat building or a mixed-use development that contains shop top housing (proposed to be used for the purposes of affordable housing in accordance with clause 7.13A).</p> <p>The applicant has not prepared a site specific development control plan and given the site history where a concept approval consent has been issued and the Alternative Design Review process has been undertaken, the City accepts that pursuant to 7.20(3) it is unreasonable and unnecessary in the circumstances to prepare one.</p>

Provision	Compliance	Comment
		Refer to the discussion section of this report.
7.25 Sustainable transport on Southern Employment Land	Yes	<p>The site is located within land mapped as Southern Employment Land.</p> <p>Development consent must not be granted to development to which this clause applies unless the consent authority is satisfied that the development will promote sustainable transport nodes and minimise traffic congestion. The proposed development promotes sustainable transport and addresses the relevant matters as:</p> <ul style="list-style-type: none"> • it provides carparking at a significantly lower rate than the required by the Sydney LEP 2012, which will reduce the private vehicle use. • the site is well serviced with access to sustainable active and public transport nodes, such as bicycle, bus, train and walking.
7.26 Public art	Yes	A Public Art Plan has been prepared and lodged with this development application. The City's Public Art Officer has reviewed and is satisfied with the plan subject to the recommended conditions.

Development Control Plans

Sydney Development Control Plan 2012

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

Section 2 – Locality Statements

58. The site is located within North Alexandria locality, falling under both the Section 2.5 Green Square and Section 2.10 Southern Enterprise Area within the SDCP 2012. The proposed development aligns with the principles of this locality by:
- delivering high quality affordable housing within walking distance to key amenities and public transport options in the Green Square Town Centre.

- enhancing the public domain and pedestrian amenity through the dedication of land for footpath widening and public domain improvements.
- offering a high-quality urban design and built form that is responsive to the surrounding development context, particularly in relation to the saw tooth roof that reflects the existing industrial character.
- activating the public domain through ground level retail uses that encourage street level activation.
- supporting the ongoing transformation of the area from traditional industrial uses to higher-density residential development.

Section 3 – General Provisions

Provision	Compliance	Comment
3.1 Public Domain Elements	Yes	The proposed development includes the dedication of land to accommodate a future laneway to the rear of the site and footpath widening along Bourke Road. The proposed public domain improvements will enhance pedestrian access and activity, and the siting of the building will for pedestrian permeability.
3.2. Defining the Public Domain	Yes	The proposed development has been carefully designed to positively address the street and the public domain. The development features a podium with a sawtooth roof form, which is separated into four distinct bays. This design approach reduces the overall massing of the building and reflects the pitched roof profile of the existing Mecca Coffee building on site. The result is a cohesive and visually integrated streetscape that establishes a strong, active interface with the public domain. A pedestrian wind study has been undertaken by RWDI which confirms that wind conditions within and around the development site are acceptable.
3.3 Design Excellence and Competitive Design Processes	Yes	As previously discussed. Pursuant to the Planning Proposal PP-2024-709 - Sydney Local Environmental Plans - Policy and Housekeeping Amendments 2023, an alternative pathway to a Competitive Design Process is for consideration. The amendment introduces an Alternative Design Review pathway for Tier 1

Provision	Compliance	Comment
		<p>Community Housing Providers as an alternative to a Design Competition.</p> <p>In anticipation of the gazettal of this amendment, the applicant has undergone an extensive design review process. As per Attachment E, four DRP meetings took place, on; 11 February 2025, 27 May 2025, 3 July 2025 and 5 August 2025.</p> <p>A Design Statement was issued on 19 August 2025 which identified the development has the potential of achieving design excellence accordance with Clause 6.21C of the SLEP 2012.</p>
3.5 Urban Ecology	Yes	<p>The proposed development involves the removal of one street tree at the Bourke Road frontage to accommodate the new driveway crossing. Removal of this tree is accepted given the new Bourke Road street tree planting and new tree canopy planting on site which will achieve a 18.5% canopy coverage.</p>
3.6 Ecologically Sustainable Development	Yes	<p>The proposal satisfies BASIX and environmental requirements. Refer to SEPP (Sustainable Buildings) section.</p> <p>Furthermore, a Design for Environmental Performance report has been submitted with the development application and is acceptable.</p>
3.7 Water and Flood Management	Yes	<p>The site is identified as being on flood prone land. See discussion under Clause 5.21 of the SLEP 2012.</p>
3.8 Subdivision, Strata Subdivision and Consolidation	Yes	<p>The proposed development involves lot consolidation of 20, 22, 24 and 26 Bourke Road, land dedication to the City via a Voluntary Planning Agreement and subdivision of land to accommodate the development.</p> <p>The application was referred to Council's Specialist Surveyor, who supported the proposal, subject to conditions of consent.</p>

Provision	Compliance	Comment
3.11 Transport and Parking	Yes	<p>Bicycle parking provision of 182 spaces (161 residential, 16 residential visitor, 1 commercial staff, 1 commercial visitor, 1 community staff, 2 community visitor) complies with DCP rates.</p> <p>Car parking provisions of 14 spaces complies with the maximum LEP rates.</p>
3.12 Accessible Design	Yes	<p>The development application is accompanied by an Accessibility Report and BCA Report. The development has been designed to promote equitable access.</p> <p>The DCP requires 15% adaptable dwellings. However, given the proposal is for the purposes of affordable housing, the development does not include any adaptable dwellings. Notwithstanding this, the proposal delivers 90% of dwellings to Silver Level and 10% to Gold Level under the ABCB Liveable Housing Design Standard.</p> <p>A Liveable Housing Report prepared by DC Partnership has been submitted with this application, confirming that this significantly exceeds the actual demand of City West Housing residents, with only 4% of residents reporting mobility needs and just 0.21% using a wheelchair.</p>
3.13 Social and Environmental Responsibilities	Yes	<p>The proposed development seeks to activate the ground level through the inclusion of commercial and community facilities. It will result in an improvement from the existing industrial and brothel development on the site.</p> <p>The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.</p>

Provision	Compliance	Comment
3.14 Waste	Yes	A condition has been recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.

Section 4 – Development Types

4.1 Residential Flat, Commercial and Mixed-Use Developments

Provision	Compliance	Comment
4.2.1 Building height		
4.2.1.1 Height in storeys and street frontage height in storeys	Yes	The proposed 3-storey street wall to Bourke Road complies with the maximum 4-storey street wall height.
4.2.1.2 Floor to ceiling heights and floor to floor heights	Yes	The proposed development achieves the minimum floor to floor heights under this section of the DCP and the Apartment Design Guide.
4.2.2 Building setbacks	Partial compliance	<p>The proposed development largely complies with the Building Setback Alignment Map which requires the 12m setback to Bourke Road and a 4m setback to the rear future lane boundary. There are however, minor point encroachments due to the articulation of the building. These encroaches are limited to a maximum depth of 1.3m.</p> <p>Eastern and western side boundary setback generally comply with the Apartment Design Guide aside from several minor point encroachments.</p>
4.2.3 Amenity		
4.2.3.1 Solar access	Yes	<p>The proposed development does not adversely impact on overshadowing to other residential units.</p> <p>The proposed affordable housing units will achieve 2 hours solar access to living rooms and private open space areas for 78.3% (126 of 161) of the development under the existing development scenario. Modelling has</p>

Provision	Compliance	Comment
		been undertaken based on a possible building envelope at 16-18 Bourke Road to the east of the site, and it is reported that the proposed development will maintain a compliant level of solar access, being 70.8% (114 of 161) of the development.
4.2.3.3 Internal common areas	Yes	The proposed development breaks up the building form in two distinct forms, which is separated by a breezeway. This approach ensures that all common areas have access to daylight and are naturally ventilated.
4.2.3.5 Landscaping	Yes	New high quality landscaped areas are provided on site in common areas.
4.2.3.6 Deep Soil	Yes	12% (386sqm) of the site is deep soil area.
4.2.3.7 Private open space and balconies	Partial compliance	<p>Private open space is intended to achieve the areas set out by the Apartment Design Guide.</p> <p>1 bedroom units achieve 8sqm with a 2m depth.</p> <p>Several 2 bedroom units do not achieve 10sqm with a 2m depth, being; unit type 2B-B, 2B-E, and 2B-H which a 1sqm undersized.</p> <p>3 bedroom units achieve the 12sqm and 2.4m depth.</p>
4.2.3.8 Common open space	Yes	<p>851sqm (26%) of communal open space is provided across the ground floor eastern courtyard and the northern podium rooftop. The main communal open space is located on the northern podium rooftop.</p> <p>During the Alternative Design Review process, the degree of solar access to communal open space was explored at length and this proposed design is the superior option. 72% of the proposed communal open space achieves at least 2 hours under current adjoining site</p>

Provision	Compliance	Comment
		<p>conditions and predicted modelling of a future envelope at 16-18 Bourke Road, would still maintain 69% solar access to the communal open space for at least 2 hours.</p> <p>This complies with the Apartment Design Guide and the DCP.</p>
4.2.3.9 Ventilation	Yes	<p>For floor level; ground, 1, 2, 3, 4, 5, 6, 7, 8 (first 9 storeys) of the building, 60.6% of units (54 of 89) achieve natural cross ventilation.</p> <p>This complies with the Apartment Design Guide and the DCP.</p>
4.2.3.10 Outlook	Yes	Affordable housing units are provided with pleasant outlooks.
4.2.3.11 Acoustic privacy	Yes	Subject to the recommendations contained within Noise and Natural Ventilation Impact Assessment report prepared by E-Lab Consulting, all units are provided with adequate noise attenuation measures.
4.2.3.12 Flexible housing and dwelling mix	No	<p>For developments greater than 20 dwellings, the following percentage mix is stipulated:</p> <ul style="list-style-type: none"> • 1 beds 10% to 30%, and • 2 beds 40% to 75%, and • 3+ beds 10% to 100%. <p>The proposed unit mix is:</p> <ul style="list-style-type: none"> • 1 beds 61%, • 2 beds 30%, • 3 beds 9%. <p>The proposed unit mix is designed to the tenant cohort of City West Housing.</p>

Provision	Compliance	Comment
4.2.6 Waste and recycling Management	Yes	A condition has been recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.

Section 5 – Specific Areas

Provision	Compliance	Comment
5.2 Green Square		
5.2.3 Community Infrastructure	Yes	The proposed development will deliver community infrastructure in accordance with clause 6.14 of the Sydney LEP 2012. The proposed development has been designed to contribute and enhance the local area, including the Green Square Precinct and will greatly benefit the local amenity and its evolving character.
5.2.9 Building design	Yes	The proposed development has been designed to create a defined street edge with a seamless transition between the public and private domain from Bourke Road. As documented within the Design Report prepared by <i>Bates Smart</i> the proposed development is of a high quality and will contribute the evolving character of the Green Square precinct and public domain and will enhance the quality of streetscape.
5.2.10 Setbacks	Yes	The proposed development aligns with the public domain setbacks required by the DCP in that it includes the dedication of land for community infrastructure, including 2.4m along Bourke Road for the purposes of footpath widening and 3m along the southern boundary for the future laneway. The land will be dedicated via a Voluntary Planning Agreement.

Provision	Compliance	Comment
5.2.12 Above ground parking spaces and adaptable car parking spaces	Yes	The proposed development includes car parking spaces at the ground floor plane and at the rear of the site. The location of the car parking at the rear of the site will not be visible from Bourke Road and not contribute to any adverse impacts to the visual appearance or quality of the building.
5.8 Southern Enterprise Area		
5.8.2.3 Affordable housing	Yes	<p>The proposed affordable housing development is within an appropriate and well-situated location. The site is located within walking distance to the Green Square Town Centre.</p> <p>The built form of the proposed development has carefully been designed to consider all relevant policies and guidelines. The proposed built form will seamlessly integrate within the public domain and will further contribute to the objectives of the E3 zone, in addition to Clause 7.13A of the Sydney LEP 2012, which permits shop top housing within the E3 zone.</p>
5.8.2.4 Addressing land use conflict	Yes	The proposed development has been sited and designed to minimise impacts to adjoining commercial and industrial land uses. The Noise Impact Assessment report prepared by E-LAB confirms that subject to appropriate noise attenuation design features the affordable housing units will be provided with acceptable noise levels within units.
5.8.3.2 Building height	No	<p>The proposed development exceeds the maximum permitted height of building development standard and a Clause 4.6 variation request has been submitted.</p> <p>The 4-storey street wall height has been designed appropriately.</p>
5.8.3.3 Building alignment and setbacks	Partial compliance	The proposed development is largely designed to comply with the relevant building setbacks and separation distances required by the Apartment

Provision	Compliance	Comment
		Design Guide, with the exception of the minor point encroachment of up to 1.3m into the setback area.
5.8.3.4 Active frontages and street level design	Yes	The proposal is not mapped as requiring an active frontage, however the inclusion of a new commercial tenancy at the ground floor and the retention of the existing Mecca Coffee building will assist in creating a vibrant and active Bourke Road frontage.
5.8.3.5 Building layout and design	Yes	The proposed development massing has considered how design, orientation, windows, and articulation can be refined to provide a high level of amenity to future residents and minimise impacts to the streetscape and adjoining property.
5.8.3.6 Landscaping	Yes	New high quality landscaped areas are provided on site in common areas.
5.8.3.7 Parking, access and loading and servicing	Yes	On site car parking, loading and egress has been designed appropriately to accommodate the number of units / tenancies at the site and their on-going use.
5.8.3.8 Adaptable parking	Yes	Adaptable car parking has been provided consistent with the DCP rates.
5.8.3.9 Storage areas	Yes	100% of residential storage is within the unit and achieves the volumes required by the Apartment Design Guide.
5.8.4.2 Street, pedestrian and cycle network	Yes	The proposed development has been designed in accordance with the public domain setbacks map and the street hierarchy and layout map under the DCP in that it will deliver the 2.4m front setback for footpath widening along Bourke Road and the 3m rear street setback to facilitate a future laneway.
5.3.5 Managing transport demand	Yes	The proposed development comprises reduced car parking and provides a significant amount of bicycle parking spaces to promote sustainable transport modes. Additionally, the site's location

Provision	Compliance	Comment
		and walking distance to Green Square Station encourages future residents and users of the site to rely on public transport.
5.3.6.1 Stormwater management and waterways	Yes	The development has been designed with consideration of flood risk and appropriate stormwater management infrastructure.

Planning Proposal - Sydney Local Environmental Plan - Policy and Housekeeping Amendments 2023

59. In December 2023, the City of Sydney resolved to endorse the draft 'Housekeeping Amendments' to the Sydney LEP 2012 and Sydney DCP 2012, with a Gateway Determination being issued in October 2024.
60. In accordance with Planning Circular PS-24-007, weight should be given to a proposed EPI depending on the likely or unlikely certainty and imminence of the relevant provisions of a proposed EPI coming into force. The planning proposal and LEP amendments were approved by Council and CSPP in June 2025. In accordance with the Gateway determination issue by DPHI, the gazettal of the Draft LEP was estimated to occur in November 2025, now making the adoption overdue.
61. Council's Strategic Planning and Urban Design unit has advised that the adoption of the controls has a moderate level of certainty and imminence given the public exhibition, consideration of public submissions and consideration of proposed amendments recommended by DPHI.
62. The proposal is generally consistent with the amendments to the SLEP 2012, in terms of deep soil, design excellence processes and car parking rates.

Discussion

Contravention of a development standard pursuant to clause 4.6 of the Sydney LEP - Height of Building

63. The site is subject to a maximum height control on the site is 45m. The proposed development is 51.4m in height (RL.60.30mAHD). This presents a variation of 6.4m (14.2%) to the development standard. The extent of the building which contributes to the height of building variation is the upper most floor, lift over run and parapets as shown below shaded in yellow.

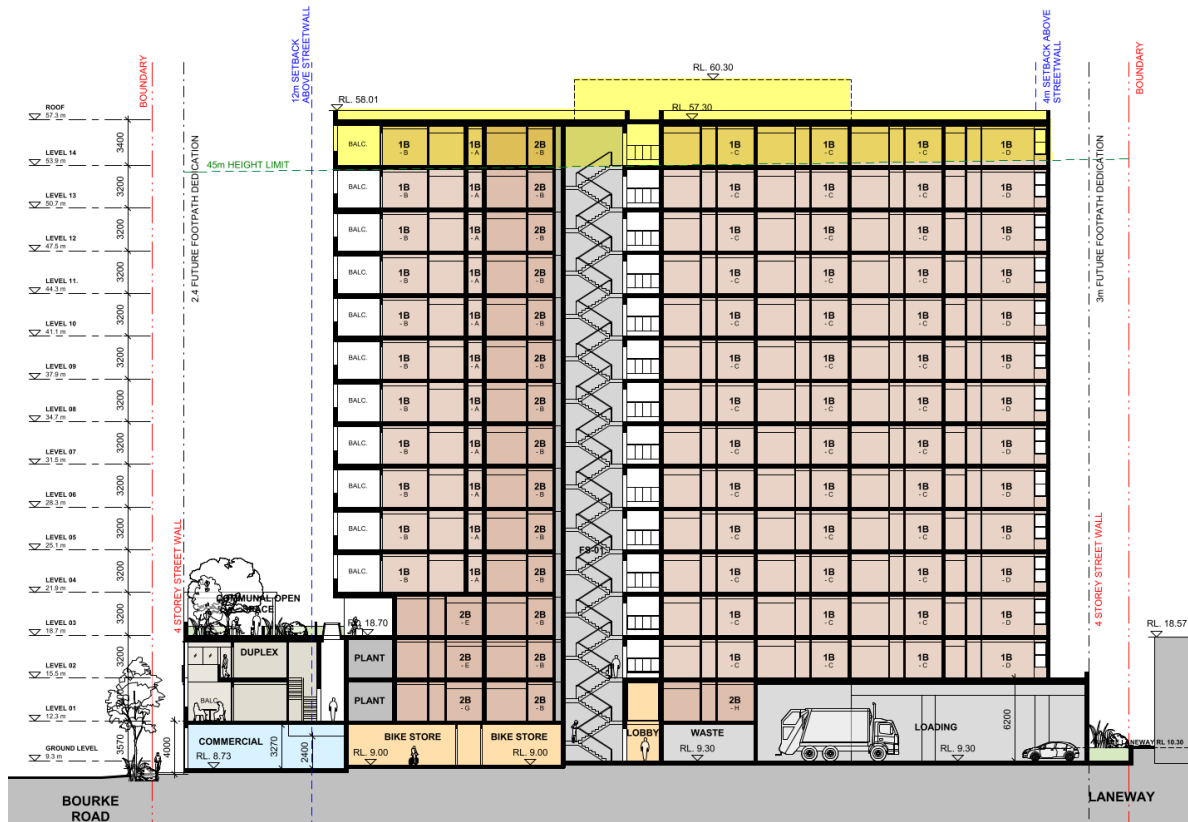


Figure 21: Height of Building variation extend

64. Pursuant to the requirements of Regulation 35B of the Environmental Planning and Assessment Regulation 2021, the application has been accompanied by a document setting out the grounds on which the applicant seeks to demonstrate:

- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
- (b) That there are sufficient environmental planning grounds to justify contravening the standard;

65. The applicant seeks to justify the contravention of the Clause 4.3 Height of Buildings development standard on the following basis:
- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) the proposed development achieves the objectives of Clause 4.3 of the Sydney LEP 2012 notwithstanding the numerical height exceedance; and
 - (ii) the proposed height is appropriate to the site and its context within the North Alexandria precinct and the broader Green Square Urban Renewal Area; and
 - (iii) permissible building heights within the surrounding area range from 29 to 60m (as seen at **Figure 3** within this report); and
 - (iv) the development achieves appropriate height transition relative to surrounding development; and
 - (v) the additional height is limited in extent, being largely confined to one additional storey and roof-level elements including a lift overrun and localised plant which will largely be imperceptible from the street level; and
 - (vi) the exceedance does not result in unreasonable impacts on the public domain, streetscape, surrounding properties or residential amenity; and
 - (vii) the building establishes a street wall along Bourke Road that conforms with the street wall height required by the development control plan. The podium design is articulated into 4 distinct bays with a sawtooth roof form that references the surrounding industrial character; and
 - (viii) the tower above the podium features a distinct angled façade to create articulation in facades which reduces the perceived bulk and scale and enhance visual interest of the site; and
 - (ix) that strict compliance with the 45m height limit would result in an inferior built form outcome and would reduce the number of affordable housing dwellings delivered on the site.
 - (b) That there are sufficient environmental planning grounds to justify contravention of the standard:
 - (i) The delivery of a high-quality built form outcome that has been subject to detailed architectural design and review - refer to Design Statement issued at Attachment E.
 - (ii) The provision of 161 dwellings comprising 100% social and affordable housing in a highly accessible location close to public transport, employment and services.
 - (iii) The additional height facilitates the delivery of one additional storey comprised of 12 units / 17 bedrooms, which would otherwise not be delivered if strict compliance with the height standard was required.

- (iv) The absence of unacceptable environmental impacts arising from the additional height, including overshadowing, visual impacts and impacts on the public domain.
 - (v) The Planning Proposal amendment which introduces that where development exhibits design excellence, up to a 10% bonus to height and floor space is eligible, is indicative of the City's direction on future form and massing.
66. Development consent must not be granted unless the consent authority is satisfied that that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard.
67. The applicant has demonstrated that compliance with the standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the standard for the following reasons:
- (i) The applicant has demonstrated that, in the specific circumstances of this site and this proposal, strict compliance with the maximum height of 45 metres would be unreasonable and unnecessary.
 - (ii) The assessment confirms that the objectives of Clause 4.3 are achieved notwithstanding the non-compliance. The proposed building height is appropriate to the site's context, which is characterised by transition from traditional industrial development to denser mixed-use and residential forms associated with the Green Square. The proposed height contributes to a logical height transition from the Green Square Town Centre and is consistent with the emerging character envisaged for the locality.
 - (iii) The variation does not result in an unacceptable built form outcome. The additional height does not give rise to excessive bulk or scale when viewed in the context of surrounding and approved developments. The built form has been carefully articulated through podium and tower massing, setbacks and façade articulation to reduce visual impact and protect amenity.
 - (iv) Having regard to these matters, and noting that strict compliance would constrain the design outcome and number of affordable housing dwellings and without delivering a commensurate environmental benefit, compliance with the height of building development standard is unreasonable or unnecessary in the circumstances of the case.
 - (v) The proposed variation facilitates the delivery of a significant quantum of social and affordable housing on a strategically located site within the Green Square area. The provision of 100% affordable housing represents a substantial public benefit and aligns with Planning Proposal amendment which creates eligibility for a bonus to both floor space and height, where a development exhibits design excellence.

- (vi) While the site is not eligible for a design excellence height bonus due to the operation of Clause 6.60A, it is acknowledged that there is a strategic intention to support affordable and community housing projects through incentives where appropriate. This policy direction provides relevant context in understanding the planning merits of development proposals that seek modest variations to development standards in order to achieve significant public benefits, including the delivery of social outcomes.
- (vii) Importantly, the proposed height exceedance does not result in unacceptable environmental impacts. Detailed assessment demonstrates that the proposal will not give rise to unreasonable overshadowing, visual intrusion or loss of amenity, and the development remains compliant with the applicable floor space ratio control. This confirms that the overall bulk, scale and intensity of development are consistent with the planning framework envisaged for the site.
- (viii) When considered cumulatively, the site-specific design outcomes, the absence of adverse environmental impacts, and the significant public benefit associated with the delivery of affordable housing constitute sufficient environmental planning grounds to justify the proposed variation to the height of building development standard.

68. For the reasons provided above the variation to the height of buildings development standard is supported as the applicant has demonstrated the matters required to be addressed by Clause 4.6 of the Sydney Local Environmental Plan 2012.

Contravention of a development standard pursuant to clause 4.6 of the Sydney LEP - Floor Space Ratio

69. The site has a base FSR of 2:1 and is eligible for an additional community infrastructure floor area bonus of 1.5:1, resulting in a maximum permitted FSR of 3.5:1.
70. The proposed development has a maximum FSR of 3.81:1, which represents a 0.31:1 (8.9%) variation.
71. Pursuant to the requirements of Regulation 35B of the Environmental Planning and Assessment Regulation 2021, the application has been accompanied by a document setting out the grounds on which the applicant seeks to demonstrate:
- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
 - (b) That there are sufficient environmental planning grounds to justify contravening the standard;
72. The applicant seeks to justify the contravention of the Clause 4.3 Floor Space Ratio development standard on the following basis:
- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) The proposed FSR is appropriate to the condition of the site and its context and will assist in meeting housing demand.

- (ii) The development has been designed accordingly to reflect the desired character of the precinct and minimises adverse impacts on the amenity of the locality.
 - (iii) The proposal will not result in any unreasonable traffic impacts and remains consistent with the envisaged density of development, built form and land uses for the precinct.
 - (b) That there are sufficient environmental planning grounds to justify contravention of the standard:
 - (i) There are imminent changes to the LEP that would allow the additional 10% FSR bonus to be achieved on the site through an alternative design excellence process for social and affordable housing.
 - (ii) The FSR variation will not result in any adverse environmental impacts, particularly in terms of visual impact and overshadowing.
 - (iii) Strict compliance with the FSR control will reduce the number of affordable dwellings on the site by 24 dwellings, which would otherwise provide affordable housing for 34-68 people.
- 73. Development consent must not be granted unless the consent authority is satisfied that that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard.
- 74. In this instance, the applicant has demonstrated that these requirements are satisfied for the following reasons:
 - (a) The proposed variation facilitates a modest increase in floor space that directly supports the delivery of additional affordable housing within a highly accessible and strategically located site. The uplift enables a more efficient use of well-located land, ensuring that the development responds to current and projected housing demand, particularly for affordable housing.
 - (b) The imminent changes to the LEP (approved by Council and CSPC in June 2025) will allow an additional 10% FSR bonus on the site through an alternative design excellence process for social and affordable housing. The design is a direct result of a rigorous and comprehensive design excellence process undertaken in collaboration with Council and the Design Advisory Panel, who have ultimately confirmed in a Design Statement that the project demonstrates the potential to achieve design excellence.
 - (c) The proposed variation facilitates the delivery of a significant quantum of social and affordable housing on a strategically located site within the Green Square area. The proposed development maintains an appropriate density and built form that is consistent with the emerging character of the Green Square precinct. The additional floor space does not result in excessive bulk or scale and has been carefully designed to integrate with surrounding developments.
- 75. For the reasons provided above the variation to the FSR development standard is supported as the applicant has demonstrated the matters required to be addressed by Clause 4.6 of the Sydney Local Environmental Plan 2012.

Alternative Design Review and Design Excellence

76. Pursuant to Cl.6.21D(2), the competitive design process under the SLEP 2012 is not required if the consent authority considers that it would be unreasonable or unnecessary in the circumstance. The proposed development has not undergone a competitive design process under this Clause. It has however undergone the optional Alternative Design Review process that is to be implemented through the Planning Proposal PP-2024-709 - Sydney Local Environmental Plans - Policy and Housekeeping Amendments 2023.
77. This amendment introduces the optional Alternative Design Review process for Tier 1 Community Housing Providers, negating the need for a Design Competition and the associated costs.
78. In anticipation of the gazettal of this amendment, this was regarded as a 'pilot' development. The applicant has undergone an extensive design review process. As per **Attachment E**, four DRP meetings took place, on; 11 February 2025, 27 May 2025, 3 July 2025 and 5 August 2025.
79. A Design Statement was issued on 19 August 2025 which identified the development has the potential of achieving design excellence accordance with Clause 6.21C of the Sydney LEP 2012.

Green Square Community Infrastructure

80. Pursuant to Clause 6.14 of the SLEP 2012, the site is identified as being located in Area 9 on the floor space ratio map and therefore, is eligible for an additional 1.5:1 floor space ratio if the development includes Green Square community infrastructure, which under Clause 6.14(5) is defined as:

'Green square community infrastructure means development at Green Square for the purposes of recreation areas, recreation facilities (indoor), recreation facilities (outdoor), public roads, drainage or flood mitigation works.'
81. The development seeks to provide community infrastructure and access the additional 1.5:1 floor space ratio under Clause 6.14 of the SLEP 2012. The proposed development will provide on-site community infrastructure in the form of public domain improvements including the dedication and embellishment of 2.4m of land fronting Bourke Road for footpath widening, and dedication and embellishment of 3m of land at the rear of the site for a future laneway. Furthermore, a monetary contribution to the City will also be made. These benefits are documented within the Draft Voluntary Planning Agreement at **Attachment F**.

Site-Specific Development Control Plan

82. Clause 7.20 of the Sydney LEP 2012 requires the preparation of a DCP for development on this site. This is because the site is identified as "Business Area" and the proposal is for the purpose of a shop top housing development comprising affordable housing.
83. Despite this, Clause 7.20(3) provides an exemption from the requirement to prepare a DCP where the consent authority is satisfied that the preparation of such a plan would be unreasonable or unnecessary in the circumstances, or where the development-
 - (a) involves only alternations or additions to an existing building, and
 - (b) does not significantly increase the height or gross floor area of the building, and

(c) does not have significantly adverse impacts on adjoining buildings or the public domain, and

(d) does not significantly alter any aspect of the building when viewed from public places.

84. The proposed development involves the construction of a new building and therefore, does not satisfy the exemption criteria outlined above.
85. Notwithstanding this, given the site history as documented under the section titled 'History Relevant to the Development Application' of this report, and the below the City concludes that the preparation of a DCP in this instance is both unreasonable and unnecessary, for the following reasons:
- A Stage 1 Concept Plan (**D/2023/691**) has already been approved for a commercial development on the site. The proposed affordable housing development whilst increases in height, largely maintains the approved building footprint from the Concept Plan. The departure from the approved concept plan is attributed to the increased building height.
 - The development has undergone the Alternative Design Review process in accordance with the Planning Proposal housekeeping amendments. The Design Statement issued by the Panel demonstrates the potential to achieve design excellence, and therefore a formal competitive design process is not required. This process demonstrates that the development has been designed with respect to the site's context and surrounding environment and can deliver a high standard of residential and environmental amenity.
 - Clause 7.20(3) of the SLEP 2012 and the Planning Proposal PP-2024-709 - Sydney Local Environmental Plans - Policy and Housekeeping Amendments 2023, Amendment 8 clarifies that the City can provide exemption from needing to prepare a site specific development control plan.
 - The proposal will deliver 161 affordable housing dwellings, which is a direct response to the growing demand for housing Sydney. By proceeding without the need to prepare a site-specific DCP, the development can be delivered in a timely and efficient manner, with City West Housing expecting completion by 2030.
 - The intent of Clause 7.20 to prepare a DCP has been achieved through the approved Concept Plan (**D/2023/691**) and the Alternative Design Review pathway.

Apartment Design Guide

Building Separation

86. The proposed building setbacks are generally consistent with the relevant DCP controls for the site, including the 2.4m setback to Bourke Road and a 3m setback to the rear boundary to be dedicated to Council for public domain upgrades and a new road.

87. The proposed built form is generally compliant with Part 2F and 3F relating to building separation and visual privacy as tabulated within this report. Specifically, the minimum 12m building separation for the first 4-storeys is achieved by providing a minimum 6m side setback for habitable rooms. However it is recognised that one 3 bedroom split level unit (DU1) at the Bourke Road frontage includes a blank wall to the eastern boundary with a 3m setback. As this is a blank wall at the podium level of the building, this reduced 6m building separation (3m on the subject site and minimum 3m for a future building at 16-18 Bourke Road) is accepted.
88. For storeys 5 to 8 of the building, the minimum 18m building separation, 9m on the subject site is achieved to all building elevations/boundaries.
89. For 9-storeys plus, a minimum 24m building separation is required, 12m on the subject site and 12m on adjoining sites. The proposed development is generally compliant with this dimension, however there are minor point encroachment due to the articulation of the building façade. These points of encroachment are indicated in blue in the below **Figure 22**. Balconies, bedrooms and living spaces make up the area encroachment.
90. The proposed floor plate for floor level 8-15 (9-storey and above), has a minimum setback of 11.1m to the eastern side boundary, a departure by 900mm from the minimum required 12m. Whilst there is an encroachment of 1m into the building separation control under the ADG Part 2F, the design criteria under Part 3F is achieved as impacts from the encroachment are minimised. The angled façade windows and privacy screens will negate adverse privacy impacts to a future residential development at 16-18 Bourke Road. The façade articulation is a positive design to create visual interest and improve residential amenity.
91. Furthermore, the minor point encroachments at the western façade are of no impact as the western adjoining site is occupied by a single storey warehouse building and is subject to the State Significant Development for a Health Facility that is not for a residential purpose or applicable under the Housing SEPP / ADG. The minor 400mm would not contribute to any adverse privacy or amenity impacts to this western adjoining property under the current site conditions or the proposed State Significant Development.
92. The minor 700mm encroachments to the Bourke Road frontage are of no consequence. The rear lane encroachment of 900mm to 1.3m at the rear southern boundary is also of little consequence given that once the future lane is delivered, the proposed building will have a separation distance of 11.2m to the centre line of the road pavement.



Figure 22: Point encroachments into the ADG Part 2F building separation distances - typical floor plate 4-14

Private Open Space

- 93. The proposed development achieves the minimum private open space areas for each unit type aside from 3 x 2 bedroom units; 2B-B and 2B-H at Level 1 and 2B-E at Level 3.
- 94. These 3 units have a 9sqm private open space were 10sqm is required as per Part 4E of the ADG. Whilst these 3 units are deficient by 1sqm (10%) when assessed against the ADG, Unit 2B-B and 2B-H are located at Level 1 of the building and can easily access the large communal open space is that is below and Unit 2B-E at Level 3 is located directly adjacent to the podium level communal open space and the internal area of this unit is also 75sqm, 5sqm greater than the minimum internal area.

Bedroom and Living Area Dimensions

- 95. One unit in the development has a bedroom that does not comply with the minimum 3m depth dimension. Unit 2B-H also has a reduce bedroom dimension of 2.4m with only a small portion of the room being 3m in depth - extract of unit 2B-H is below at Figure 23 (left). This reduced dimension is due to the fire stairs adjacent to the western and the articulated eastern façade. To compensate for the reduced depth, a 5m bedroom width is provided. The configuration of this second bedroom is accepted despite not providing a minimum 3m dimension for the room as a whole.

96. Two units in the development have a living area that does not comply with the minimum living room depth of 4m for 2 bedroom units. 2B-G at Level 1 and Level 2 - extract at Figure 23 (right). These two units at Level 1 and Level 2 are 3.8m in width, and the minor 200mm variation is inconsequential and does not significantly impact on the usability or amenity of the living space.

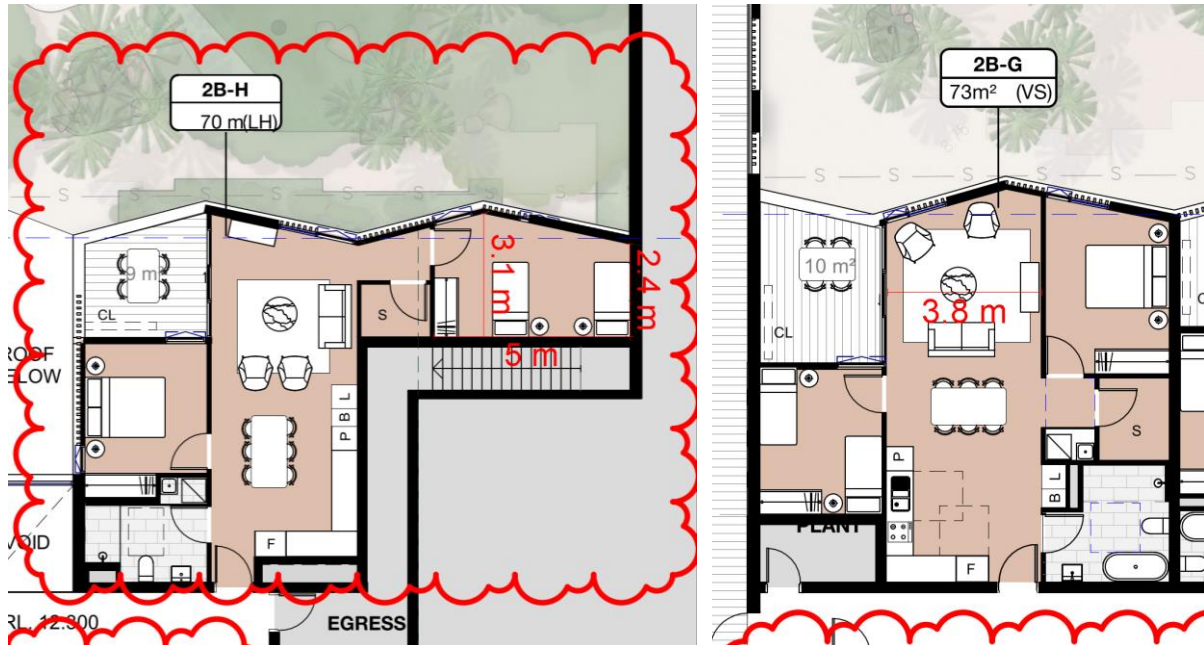


Figure 23: Unit 2B-H second bedroom dimensions (left) & 2B-G living area dimension (right)

Vertical Circulation

97. During the Alternative Design Review process, the vertical circulation strategy and serviceability was discussed with the proponent - as documented in Attachment E. During the pre-DA process, 3 lifts were initially proposed, however later the proponent chose to reduce the lifts from 3 to 2. This was not accepted by the Panel or the City staff and during the process the developer was requested to reinstate the third lift.
98. Whilst the 3 proposed lifts equates to approximately 53 units per lift and does not strictly comply the ADG Part 4F of 40 units per lift for buildings over 10-storey, the City is accepting of this ratio and that the 3 lifts can adequately service the proposed development.

Subdivision

99. The proposed development involves the subdivision of 20, 22, 24 and 26 Bourke Road, including land dedication to the City. Five new lots will be created, extract of the proposed subdivision plan and associated easements is provided below at Figure 24, along with a description of each newly proposed lot. The City's Specialist Surveyor has reviewed the proposal and provided recommended conditions in Attachment A.
100. Lot 1 (yellow): 2.4m setback along Bourke Road, extending from the eastern boundary of 20 Bourke Road to the façade line of the existing Mecca Building. This lot will have a total site area of 84sqm and will be dedicated to Council for footpath widening.

101. Lot 2 (green): 3m rear setback at 20-24 Bourke Road, with a total area of 100sqm, which will be dedicated to Council for a future road. City West Housing is proposing interim landscaping and leveling of this area until the future road is dedicated.
102. Lot 3 (blue): 3m rear setback for 26 Bourke Road, with a total area of 35sqm which will also be dedicated to Council for the future road. Landscaping and make good works are proposed to this area in the interim scenario until the future road to the rear is constructed.
103. Lot 4 (orange): The development site, which will comprise the remainder of 20-24 Bourke Road (excluding the 2.4m front and 3m rear setbacks (i.e. new Lots 1 and 2)). This lot will have a total site area of 2,272sqm.
104. Lot 5 (pink): The Mecca site, which includes the remainder of 26 Bourke Road, excluding the 3m rear setback (new Lot 3), and a portion of the 2.4m front setback (from the façade line to the eastern boundary), which now forms part of the new Lot 1). This will have a total site area of 813sqm. As the affordable housing development on proposed Lot 4 harvests site area from proposed Lot 5 for the purpose of gross floor area, this Lot 5 will be subject to a condition that requires a restriction to user to be registered on title that prohibits the creation of any new gross floor area at the site.
105. In accordance with Clause 4.5(9) of the SLEP 2012, a condition is imposed that a covenant be registered on title of 26 Bourke Road to prevent "double dipping" in relation to gross floor area, as the proposed affordable housing component at 20-24 Bourke Road is benefiting from the site area of 26 Bourke Road. This covenant will prevent a further increase in gross floor area at 26 Bourke Road, as there would be potential for the exceedance of the development standard.

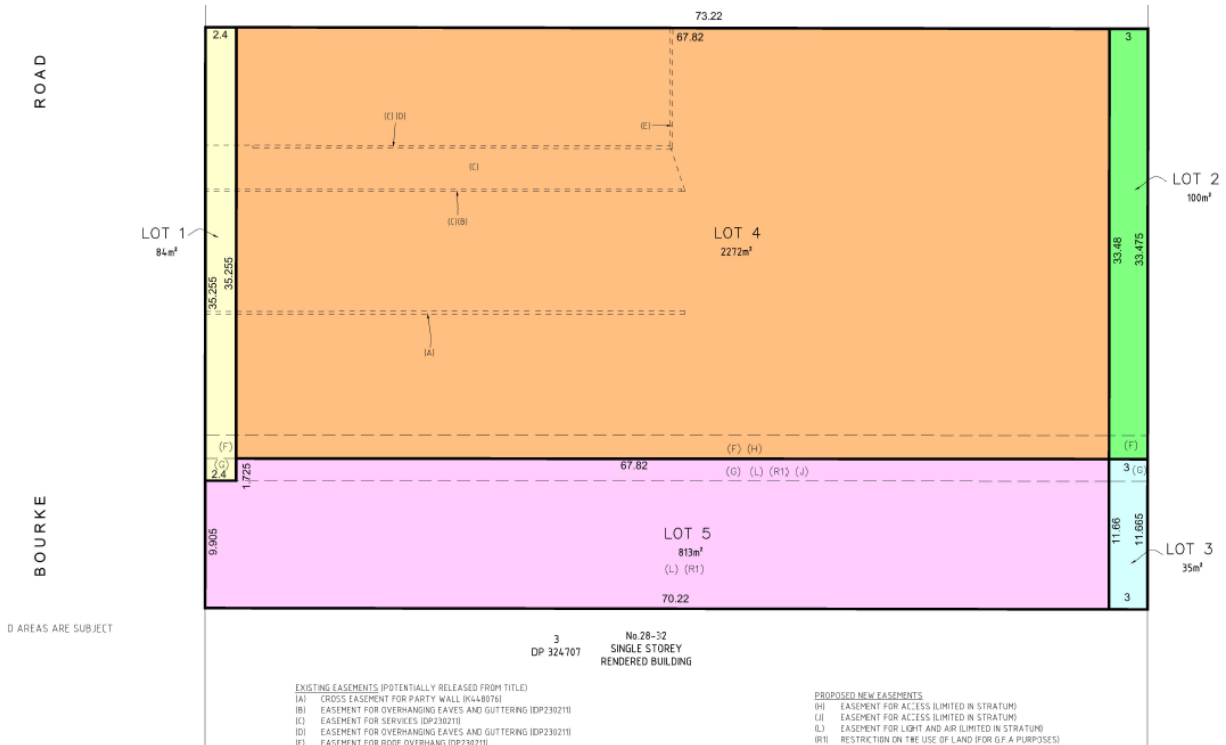


Figure 24: Proposed subdivision pattern and easements

Future Laneway Adaption

106. Figure 5.199 of the SDCP 2012 - extract below at Figure 25, requires the future lane delivery - Local Street 9m wide, at the rear of the subject site.

107. As part of this application, the proposal has demonstrated that:

- The rear lane as indicated by Figure 5.199 of the SDCP 2012, can be facilitated by the dedication of land and the Voluntary Planning Agreement (Attachment F) and once other adjoining land is also developed and land dedicated to the City, and
- The proposed building is provided with adequate setbacks to manage residential amenity impacts to adjoining sites,
- Amended Appendix C - Traffic Impact Assessment, demonstrates through swept path analysis that the City's 10.6m long waste truck can enter and exit the site in a forward direction,
- Figure 26-27 provides a concept scenario to indicate the subject site's levels and vehicular access arrangement pre and post laneway delivery. The City's Waste officer and Access & Transport officers are satisfied with this arrangement and head heights within the car park area.

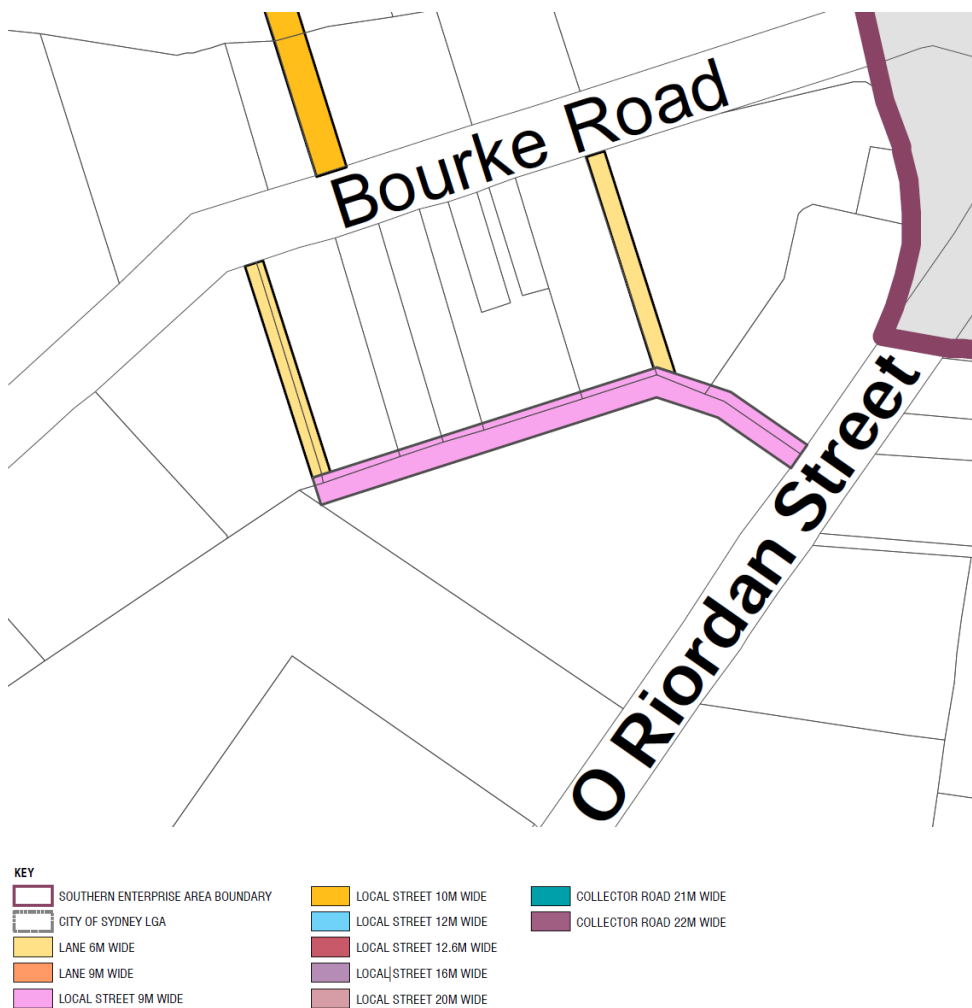


Figure 25: Extract of 5.199 SDCP 2012

Future Service Access

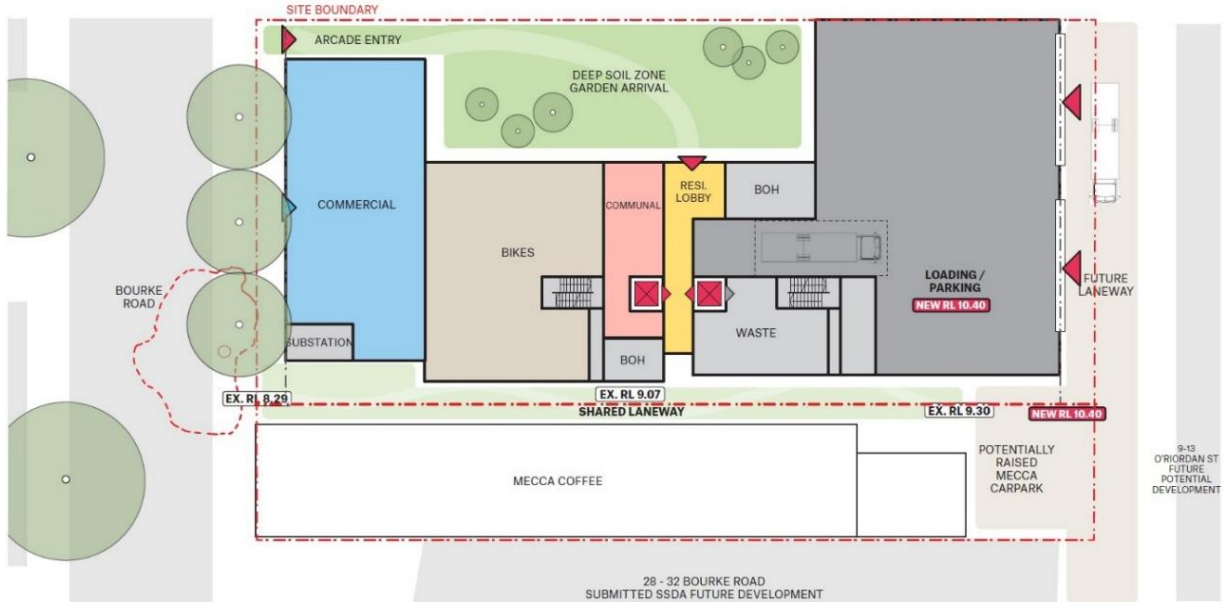
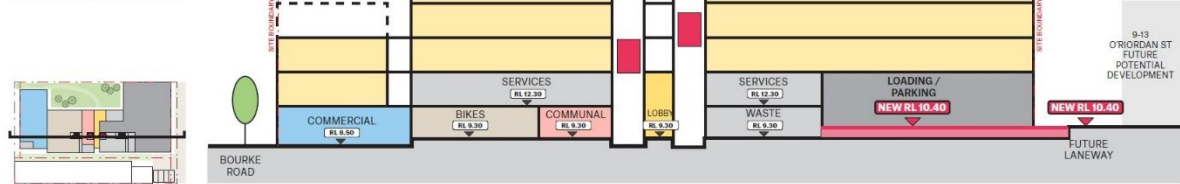


Figure 26: Ground floor plan - post laneway delivery and site access arrangements

Future Service Access



Section AA
Loading dock and waste raised to new RL 10.40 via installation of a new slab, loading access from proposed future laneway.



Section BB
Future Laneway raised to new RL 10.40. Reduced traffic along easement provides opportunity for shared laneway.

Figure 27: Section plan - post laneway delivery and site access arrangements

Tree Removal

108. One street tree (Melaleuca Quinquenervia - Broad Leaved Paperbark) at the Bourke Road frontage is proposed for removal. This tree is located adjacent to the driveway crossing that services 24 Bouke Road and 26 Bourke Road - refer to Figure 4 within this report.
109. The removal of this street tree was identified as risk at the very first Alternative Design Review meeting held on 11 February 2025. Following design exploration regarding vehicular access and Arboricultural advice, there is no practical means to retain this tree and any repair works to the existing driveway crossing or new driveway crossing in this location, would require the trees removal.

110. With the removal of this existing street tree, new street tree planting is proposed by this application. As detailed on the proposed landscape plans, four new *Lophostemon Confertus* - Queensland Brush Box trees are proposed at the Bourke Road frontage.
111. Subject to this new street tree planting, the proposed tree removal is supported.

Dwelling Mix

112. The proposed development does not comply with the City's current or proposed amendment controls in relation to dwelling mix. The proposed amended dwelling mix under the housekeeping Planning Proposal is for at least 30% as 1-beds, up to 50% as 2-beds and at least 20% as 3-beds. The proposed mix is 61% as 1-beds, 30% as 2-beds and 9% as 3-beds.
113. This proposed dwelling mix is accepted as it conforms with the preferred dwelling mix and tenant cohort as required by Tier 1 Community Housing provider City West Housing waiting list and that Amendment 2 in the draft SDCP 2012 excludes social and affordable housing providers from needing to comply with the imposed rates.

Consultation

Alternative Design Review Panel 'Pilot'

114. Pursuant to Planning Proposal PP-2024-709, for Local Environmental Plan - Amendment 8 and Development Control Plan - Amendment 11, the proposed development has undergone the Alternative Design Review process instead of a Design Competition. This future optional pathway is considered certain and imminent.
115. Independent Members appointed to the Panel were of Ken Maher (chair of the City's DAP), Kerry Clare (chair of the City's DAP residential subcommittee), Matthew Pullinger (urban designer and former NSW President AIA).
116. As per Attachment E, four DRP meetings took place on; 11 February 2025, 27 May 2025, 3 July 2025 and 5 August 2025. The Panel provided written design advice to the applicant regarding the design of the affordable housing development.
117. The Panel issued the required Design Statement on 19 August 2025 which identified the development has the potential of achieving design excellence accordance with Clause 6.21C of the Sydney LEP 2012.
118. Submitted with this development application, is the Design Report prepared by *Bates Smart*, which reports on how the Panel's design advice has been responded to and the design evolved through each of the above referenced meeting dates.

Internal Referrals

119. The application was discussed with the following internal Council specialists and the development application is supported subject to conditions of consent which have been recommended in the recommended conditions at Attachment A:
 - (a) Access and Transport
 - (b) Cleansing and Waste
 - (c) Design Excellence

- (d) Environmental Health - noise and land contamination
- (e) Environmental Projects
- (f) Landscaping
- (g) Planning Agreements
- (h) Public Art
- (i) Public Domain
- (j) Specialist Surveyor
- (k) Tree Management

External Referrals

Sydney Airport

120. Section 182 of the Commonwealth Airports Act 1996 specifies that, amongst other things, constructing a building or other structure that intrudes into a prescribed airspace is a controlled activity. The proposed development encroaches 10m into the Obstacle Limitation Surface (OLS).
121. Section 183 of the Commonwealth Airports Act 1996 specifies that controlled activities may not be carried out in relation to prescribed airspace unless an approval has been granted. The relevant approval body is the Civil Aviation Safety Authority (CASA).
122. The Sydney Airport Acting Director Airspace Protection and Airport Safeguarding, as an authorised person of the CASA, provided to the City on 10 March 2026, a letter dated 24 November 2025 confirming approval for the controlled activity. Those recommended conditions provided have been included in the recommended conditions at **Attachment A**.

Sydney Trains

123. Pursuant to Section 2.99 of the SEPP (Transport and infrastructure) 2021, the application was referred to Sydney Trains for concurrence.
124. Concurrence was received on 12 December 2025. Conditions of consent were recommended which are included in the recommended conditions at **Attachment A**.

Advertising and Notification

125. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified for a period of 28 days between 10 November 2025 and 9 December 2025. A total of 44 properties were notified and 2 submissions were received, one in support and one as comment.
126. The submission in support of the proposed development was from an individual living in Darlington which is approximately 2km-3km north-west of the subject site.

127. The submission as comment, was made on behalf of the immediately southern adjoining property at 28-32 Bourke Road. This submission made comment on the below matters:

- (a) **Issue:** Future laneway vehicular access, traffic flow and floodwater impact is unclear in the proposal

Response: The applicant has provided adequate information to demonstrate that; the proposed pre and post laneway delivery complies with the minimum flood planning level and that the post laneway delivery swept path access is achievable.

Financial Contributions

Contribution under Section 7.11 of the EP&A Act 1979

128. The City of Sydney Development Contributions Plan 2015 applies to the site.
129. The site is currently occupied by four individual industrial and commercial warehouse buildings varying between 1-2 storeys. 20 Bourke Road, 22 Bourke Road and 24 Bourke Road are occupied by vehicle repair stations and 26 Bourke Road is occupied by a coffee roasting warehouse and distribution centre, with a licenced café.
130. The buildings at 20, 22 and 24 Bourke Road are proposed for demolition. These three buildings that are used for general industrial uses are greater than 2,000sqm in gross floor area and will offset contributions for the proposed 129sqm commercial tenancy and the 70sqm community facility. Therefore, no Section 7.11 contribution is levied for the proposed commercial or community facility component of the development.
131. Furthermore, Table 2 within the plan outlines development that is excluded from the need to pay a Section 7.11 contribution. Item 7 in Table 2 list development that is for the purpose of "affordable housing or social housing by a social housing provider". The residential component of the proposed development is entirely for the purpose of affordable housing and to be managed by a Tier 1 Community Housing Provider - City West Housing. Therefore, this residential component of the development is excluded from the need to pay a Section 7.11 contribution.
132. Given the above offset credits for non-residential uses and that the residential use is for affordable housing, no Section 7.11 contributions are levied.

Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

133. Section 2.2 of the City of Sydney Affordable Housing Program, states: "where a building is predominantly affordable housing (with a small proportion of floorspace dedicated to ancillary non-residential uses), provided in accordance with the Principles of this Program, and does not include any market housing, a contribution requirement will not be applied to the entirety of the floor space in that building".
134. Therefore, as the development is development for the purposes of residential accommodation that is used to provide affordable housing or public housing, the development is excluded and is not subject to a Section 7.13 affordable housing contribution.

Housing and Productivity Contribution

135. The development is not subject to a Housing and Productivity Contribution under the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023, as it constitutes an affordable housing development and is listed as exempt under Schedule 2 of the Order.

Relevant Legislation

136. Environmental Planning and Assessment Act NSW 1979
137. Environmental Planning and Assessment Regulations 2021
138. City of Sydney Act 1988
139. Airports (Protection of Airspace) Regulations 1996
140. Airports Act 1996
141. State Environmental Planning Policy (Housing) 2021
142. State Environmental Planning Policy (Resilience and Hazards) 2021
143. State Environmental Planning Policy (Transport and Infrastructure) 2021
144. State Environmental Planning Policy (Sustainable Buildings) 2022
145. Sydney Local Environmental Plan 2012 (SLEP 2012)
146. Sydney Development Control Plan 2012 (SDCP 2012)
147. Planning Proposal PP-2024-709 - Policy and Housekeeping Amendments 2023 to the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012

Conclusion

148. The proposed development comprises the construction of a new 15 storey mixed-use building at 20-24 Bourke Road. The proposed residential component will be used for the purposes of affordable housing, providing 161 units and be managed by City West Housing, a not-for-profit Tier 1 Community Housing Provider.

149. Subject to conditions, the proposal is generally consistent with the applicable planning provisions including Chapter 4 of the Housing SEPP 2021, Sydney LEP 2012, Sydney DCP 2012 and the housekeeping amendments that are subject to Planning Proposal 2024-709. Where non-compliances exist, they have been demonstrated in this report to be acceptable in the circumstances of the case; and
150. The proposal exhibits design excellence, with a high standard of architectural design, materials, finishes and a built form that is consistent with the future desired character of the area.
151. The development is in the public interest and is recommended for approval subject to the conditions in Attachment A.

GRAHAM JAHN AM

Chief Planner / Executive Director City Planning, Development and Transport

Gavin Ho, Senior Planner

Georgia Martin, Senior Planner