

Item 5.**Development Application: 216-220 Wyndham Street, Alexandria - D/2025/920****File Number:** D/2025/920**Summary**

Date of Submission: 1 October 2025. Amended plans and additional information were submitted on 30 April 2026.

Applicant/ Owner/ Developer: City West Housing Pty Ltd

Architect: EM BE CE Studio

Planning Consultant: Colliers Urban Planning

Heritage Consultant: Curio Projects

Cost of Works: \$76,478,601.00

Zoning: The site is located within the MU1 - Mixed Use zone under the Sydney Local Environmental Plan 2012 (SLEP). The proposed development comprises commercial premises and affordable housing which are permissible with consent in the zone.

Proposal Summary: Approval is sought for a mixed-use development comprising:

- site preparation including demolition of existing structures and tree removal
- construction of an 11 storey mixed use building including commercial uses on ground and level 1 and 111 affordable housing units on the levels above
- construction of part of a new through-site link
- landscaping, public domain works and subdivision

The application is referred to the Central Sydney Planning Committee (CSPC) for determination as the cost of works exceeds \$50 million.

Voluntary Planning Agreement

The site is subject to a Planning Agreement that captures public benefits including embellishment and dedication of 3m wide footpath widening on McEvoy Street, transfer of land for a 6m wide shared zone laneway off Wyndham Street and a monetary contribution towards other community infrastructure in Green Square. The Planning Agreement has been publicly exhibited, executed and registered on title as required by the Concept DA (D/2023/883).

Competitive design process

A competitive design process was held for the site in accordance with clause 6.21D of the SLEP. EM BE CE Studio was selected as the winning scheme. The proposal is generally consistent with the overall design intent of the winning scheme and the recommendations of the selection panel.

Notification

The application was notified for a period of 28 days between 3 October and 1 November 2025. A total of 39 submissions were received, including 36 in support and 3 in objection. The objections raised issues relating to insufficient car parking, traffic congestion and height and bulk impacts.

Clause 4.6 variation

A written statement has been submitted to vary the height of buildings development standard pursuant to Clause 4.6 of the SLEP. The proposal seeks to vary the height of the building by 4.03m (11.5% variation). The proposed variation is supported.

Assessment

The proposal was reviewed by the Design Advisory Panel (DAP) on 29 May 2025 as part of the Pre-DA consultation.

Amended plans were submitted on 30 April 2026 to address outstanding issues raised by Council, the DAP and the competition selection panel. The amended proposal adequately addresses the issues raised, as detailed in this report.

The proposal is consistent with the desired future character of the Botany Road Precinct and provides an affordable housing development to the locality. The development achieves a standard of architectural design that demonstrates design excellence in accordance with clause 6.21C of the SLEP and will contribute significant public benefits captured in the Planning Agreement.

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 (ADG) and the SLEP. Where there are non-compliances, they have been discussed within the 'discussion' section of this report.

Summary Recommendation: The development application is recommended for approval, subject to conditions.

Development Controls:

- (i) Environmental Planning and Assessment Act 1979
- (ii) Sydney Local Environmental Plan 2012
- (iii) Sydney Development Control Plan 2012
- (iv) SEPP (Housing) 2021
- (v) SEPP (Resilience and Hazards) 2021
- (vi) SEPP (Transport and Infrastructure) 2021
- (vii) SEPP (Biodiversity and Conservation) 2021
- (viii) SEPP (Sustainable Buildings) 2022

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Clause 4.6 Variation - Height of Buildings
- D. Submissions

Recommendation

It is resolved that:

- (A) the variation requested (Attachment C) to Clause 4.3 Height of Buildings in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld; and
- (B) development consent be granted to Development Application Number D/2025/920 subject to the conditions set out in Attachment A to the subject report.

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 applicant has demonstrated that compliance with the height of buildings development standard in clause 4.3 of the SLEP 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 SLEP;
 - (ii) the proposed development has been assessed against the aims and objectives of the relevant planning controls including; SLEP, Sydney Development Control Plan 2012 (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;
 - (iii) the development achieves a high standard of architectural design, materials and detailing, and will contribute positively to the public domain. The development achieves the principles of ecologically sustainable development and has an acceptable environmental impact with regard to the amenity of the surrounding area and future occupants. The development therefore exhibits design excellence in accordance with Clause 6.21C of the SLEP;
 - (iv) the proposal is in the public interest because it is consistent with the objectives of the MU1 Mixed Use 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 has a legal description of Lot 1 in Deposited Plan 126288 and is known as 216-220 Wyndham Street, Alexandria. It is generally rectangular in shape with an area of 2,735sqm. The site is located on the north-eastern corner of McEvoy Street and Wyndham Street, with frontages of 37.5m to McEvoy Street and 42.6m to Wyndham Street.
2. The site contains a 2-storey warehouse comprising a pet store and an indoor recreation facility. An at-grade car park is located on the western side of the site with vehicular access provided via Wyndham Street. There is a landscaped area along the McEvoy Street frontage and there are a number of large mature trees along the McEvoy and Wyndham Street frontages.
3. The surrounding area is undergoing significant change within the Green Square urban renewal area and Botany Road Precinct and contains a mix of residential, industrial, retail and commercial uses. Surrounding development includes:
 - North: The site adjoins a local heritage item known as the 'Former Electric Light Substation No. 89' (I2240) located at 212-214 Wyndham Street. Further north along Wyndham Street is a 2 storey brick warehouse building and car parking associated with a storage hire facility at 186-202 Botany Road. A 4 storey residential flat building is located further north at 196-202 Wyndham Street.
 - East: Directly east of the site is a 2 storey warehouse building containing retail and commercial uses. Further east across Botany Road are predominantly warehouse/ commercial uses.
 - South: Across McEvoy Street is a 9 storey residential flat building with ground floor commercial uses at 222 Wyndham Street. The Iron Duke Hotel is located to the south-east.
 - West: To the west of the site is a concrete facility at 131 Wyndham Street. Further west along McEvoy Street is a 6 storey residential flat building with ground floor commercial tenancies. Alexandria Park is located to the north-west of the site.
4. The site is located within the Botany Road Precinct, which is subject to planning controls that encourage commercial development and affordable housing due to public and private investment in the area including the Waterloo Metro.
5. Photos of the site and surrounds are provided below.



Figure 1: Aerial view of site and surrounds



Figure 2: Site viewed from McEvoy Street looking north



History Relevant to the Development Application

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

- **D/2023/884** – Development consent was granted on 22 May 2024 for a concept development application for a mixed-use development comprising affordable rental housing and commercial uses at the site. An assessment against the relevant conditions of the concept consent is provided in the 'Discussion' section.
- **VPA/2023/13** – A VPA has been executed and registered on title between City West Housing and the City. The VPA secures the provision of public domain setbacks and a monetary contribution to Council for community facilities and allows for additional floor space. The contribution has 5 elements:
 - dedication of 126 sqm of land for 3m wide footpath-landscape widening to McEvoy Street
 - developer's works (soft landscaping) to the dedicated land
 - transfer of 318 sqm of land to the City for future east-west laneway
 - developer's works to the future laneway

- a monetary contribution of \$268,563 towards other community infrastructure
- **CMP/2024/6** – A Competitive Design Alternatives Process was held in August 2024. Architectus, Bates Smart and EM BE CE Studio were the 3 competitors. The selection panel identified EM BE CE Studio as the winning scheme on 19 September 2024.
- **PDA/2025/86** – was submitted on 9 May 2025 to discuss the competition scheme and further design refinements since the design competition. Council issued the pre-DA advice letter on 10 June 2025.

Amendments

7. Following a preliminary assessment of the proposed development by Council Officers, a request for additional information and amendments was sent to the applicant on 17 December 2025. The following information/ amendments were requested:
 - provision of a draft plan of subdivision that captures the proposed land dedication and subdivision works
 - further resolution of facade design, including buildability and natural cross ventilation, maintenance access behind screening elements, and clarification of material detailing such as brick slips
 - amendments to the ground floor commercial tenancies to improve functionality and accessibility, including provision of adequate amenities and detailed resolution of the awning design
 - general design refinements, including balcony drainage, privacy and maintenance access to skylights, internal layout clarity, and optimisation of communal open space
 - amendments to increase and better justify deep soil provision and improve landscape outcomes, including reduction of paved areas and alignment of boundary treatments
 - further information and updates to supporting documentation, including heritage impacts, through-site link design, transport and servicing arrangements, contamination and remediation measures, waste management provisions, and the public art plan
8. The applicant responded to the request on 30 April 2026, and submitted the following information:
 - RFI response letter and detailed matrix of changes
 - amended architectural drawings and design report
 - an amended landscape and public domain plans
 - an amended civil and stormwater drawings
 - a draft subdivision plan

- an amended heritage impact statement, traffic report and waste management plan
- an amended remediation action plan and interim audit advice letter

Proposed Development

9. The application seeks consent for the following:

- Site preparation works, including demolition of existing structures and tree removal
- Construction and operation of an 11 storey mixed-use building for affordable rental housing, including:
 - Commercial/ retail tenancies at the ground floor and level 1 facing Wyndham and McEvoy Street (1,368 sqm of commercial floor space).
 - 111 affordable rental units, comprising:
 - 75 x 1 bedroom units
 - 31 x 2 bedroom units
 - 5 x 3 bedroom units.
 - Construction of part of a new east-west through site link to be dedicated to Council in the future that will connect Wyndham Street to the adjacent eastern site at 214- 218 Botany Road.
 - Construction of an at-grade parking and servicing area with vehicle access from the new through-site link connected at Wyndham Street, comprising:
 - 12 car parking spaces (including 2 accessible spaces).
 - 1 service vehicle space
 - 144 bicycle parking spaces.
 - Landscaping and public domain works, including:
 - landscaped setback to McEvoy Street, public domain land dedication and enhancements.
 - communal open space at Level 2

10. Plans and elevations of the proposed development are provided below.



Figure 4: Photomontage of the proposal viewed from the corner of Wyndham and McEvoy Street

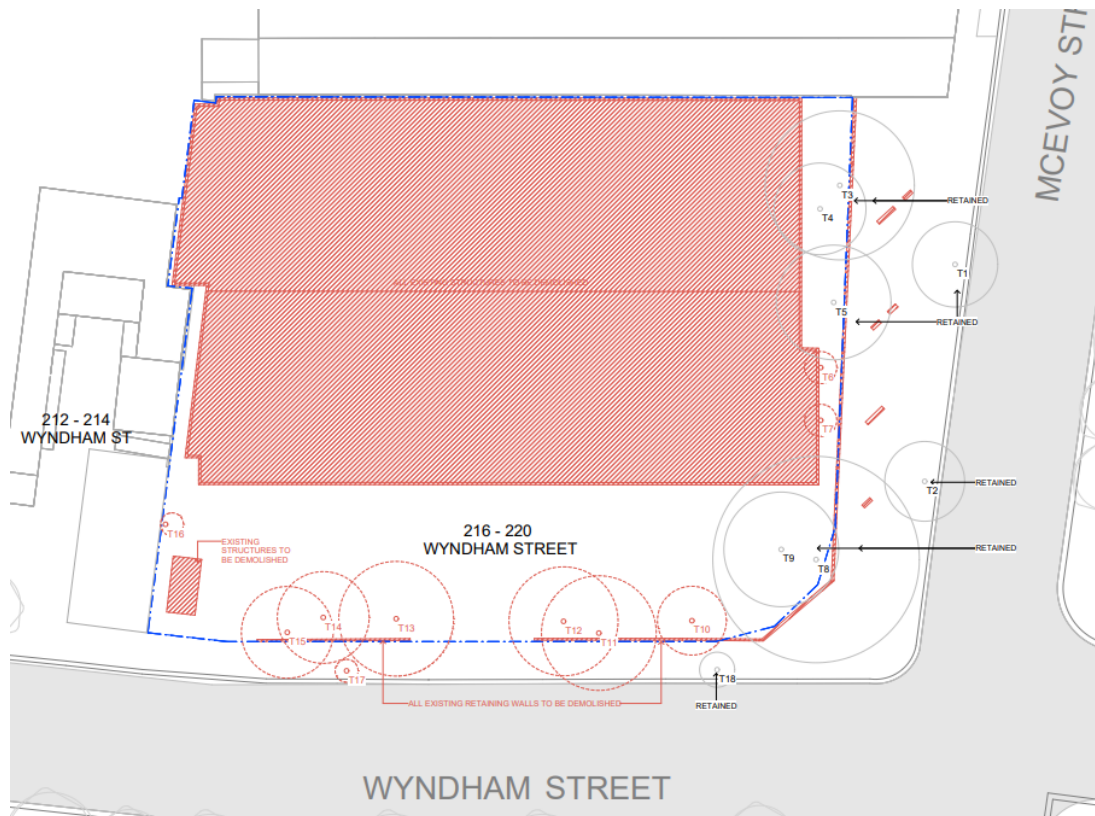
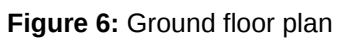


Figure 5: Demolition plan



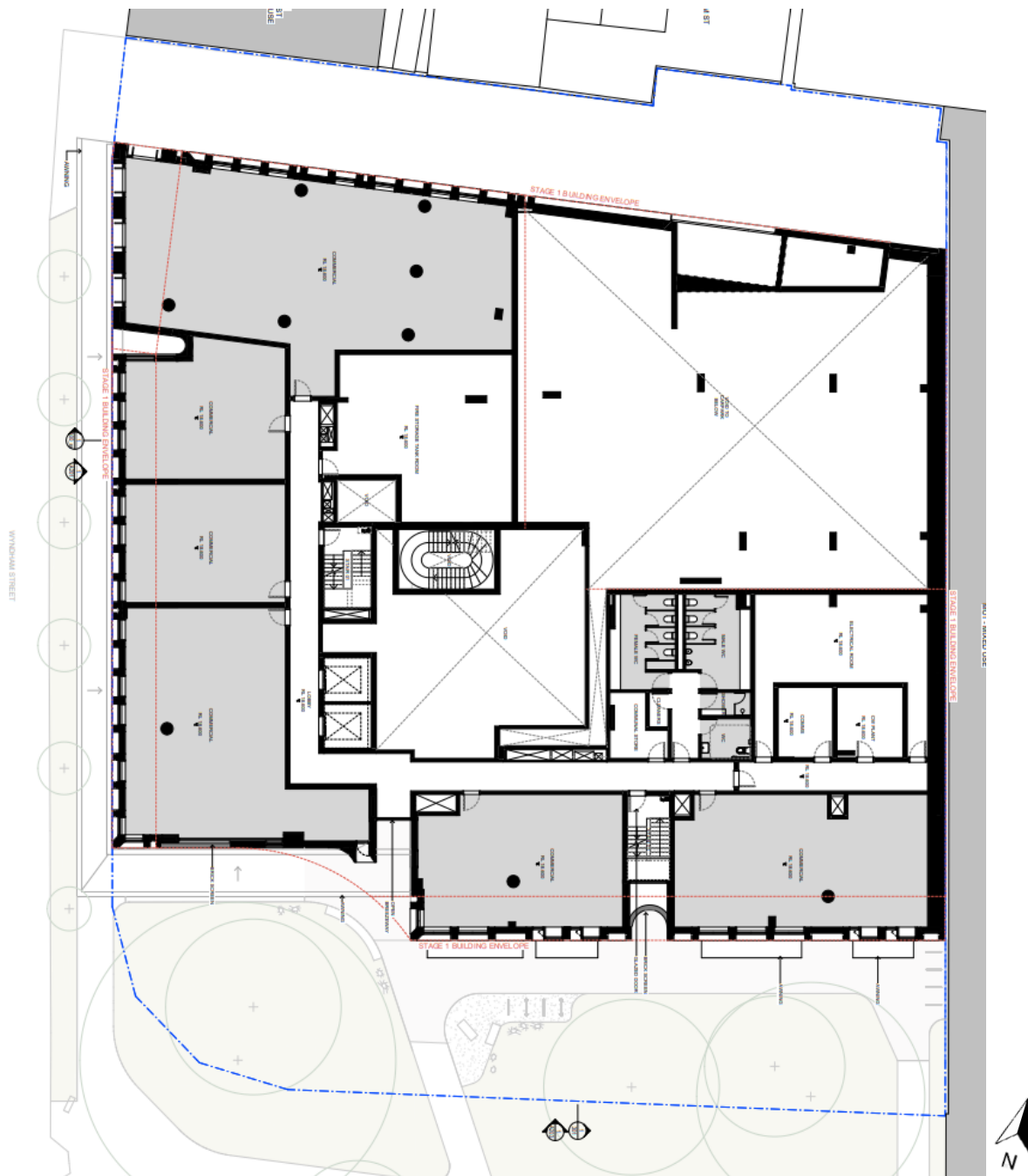
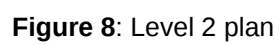


Figure 7: Level 1 plan



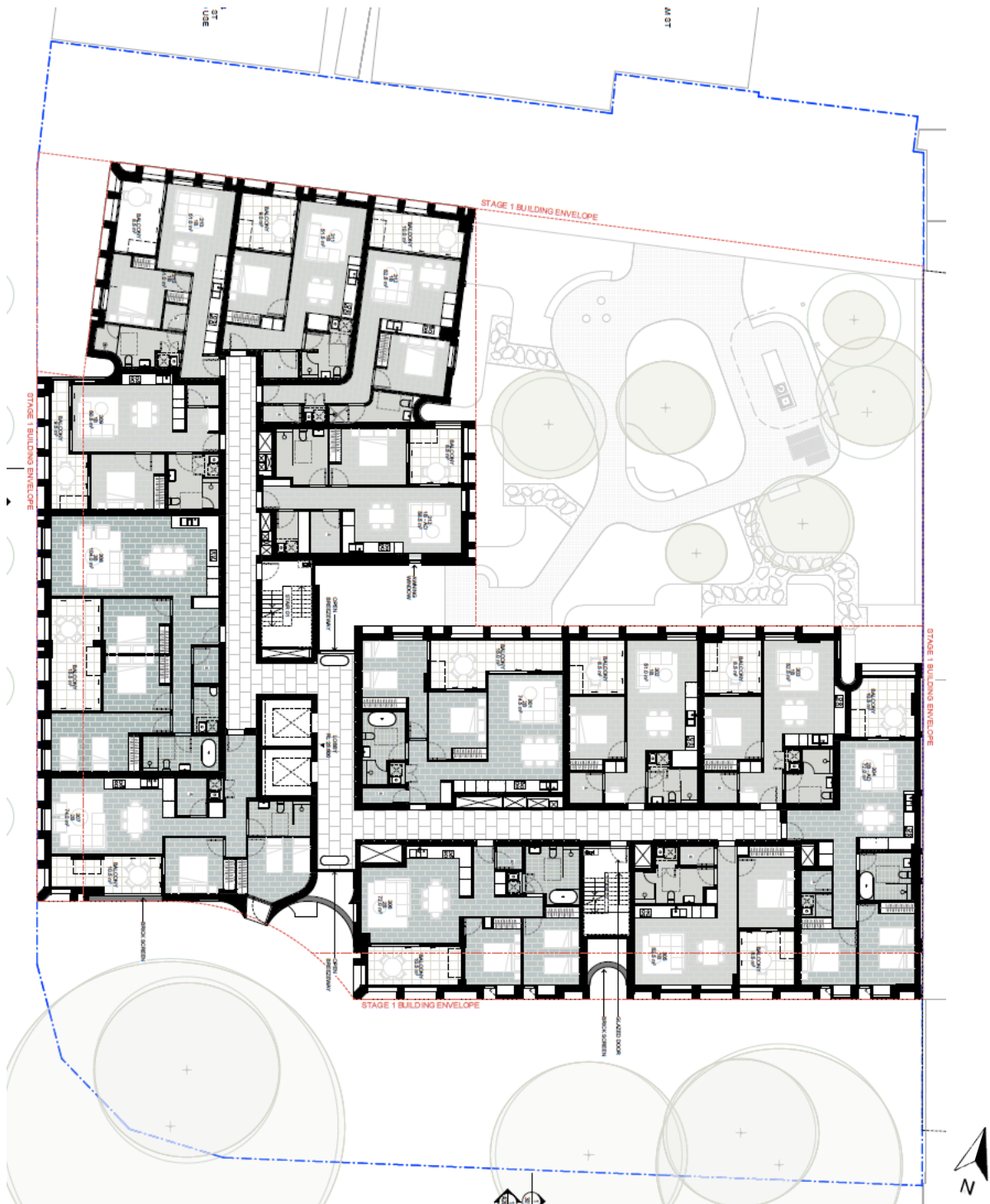


Figure 9: Level 3 plan



Figure 10: Level 4-6 plan



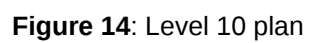
Figure 11: Level 7 plan



Figure 12: Level 8 plan



Figure 13: Level 9 plan



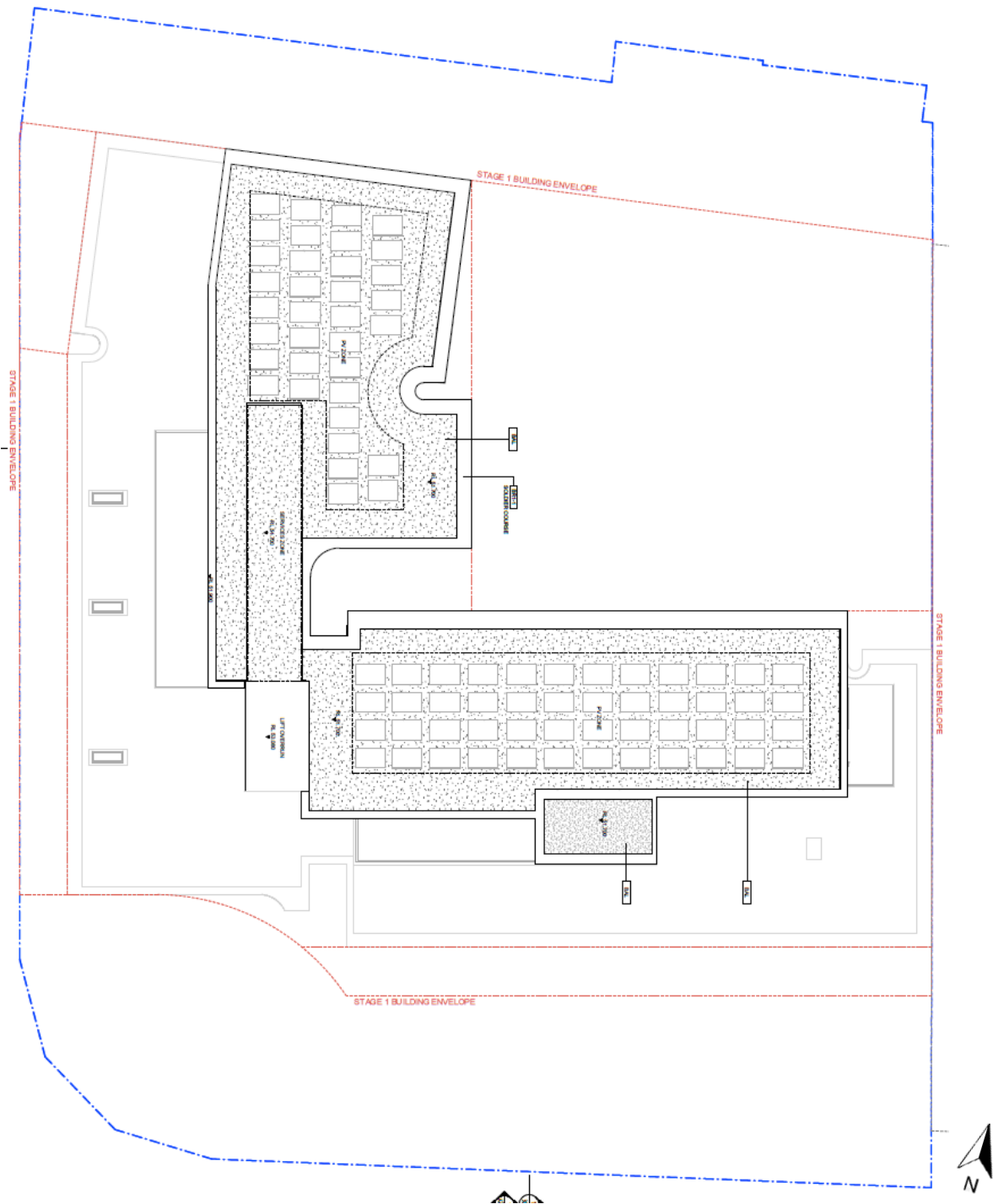


Figure 15: Roof plan

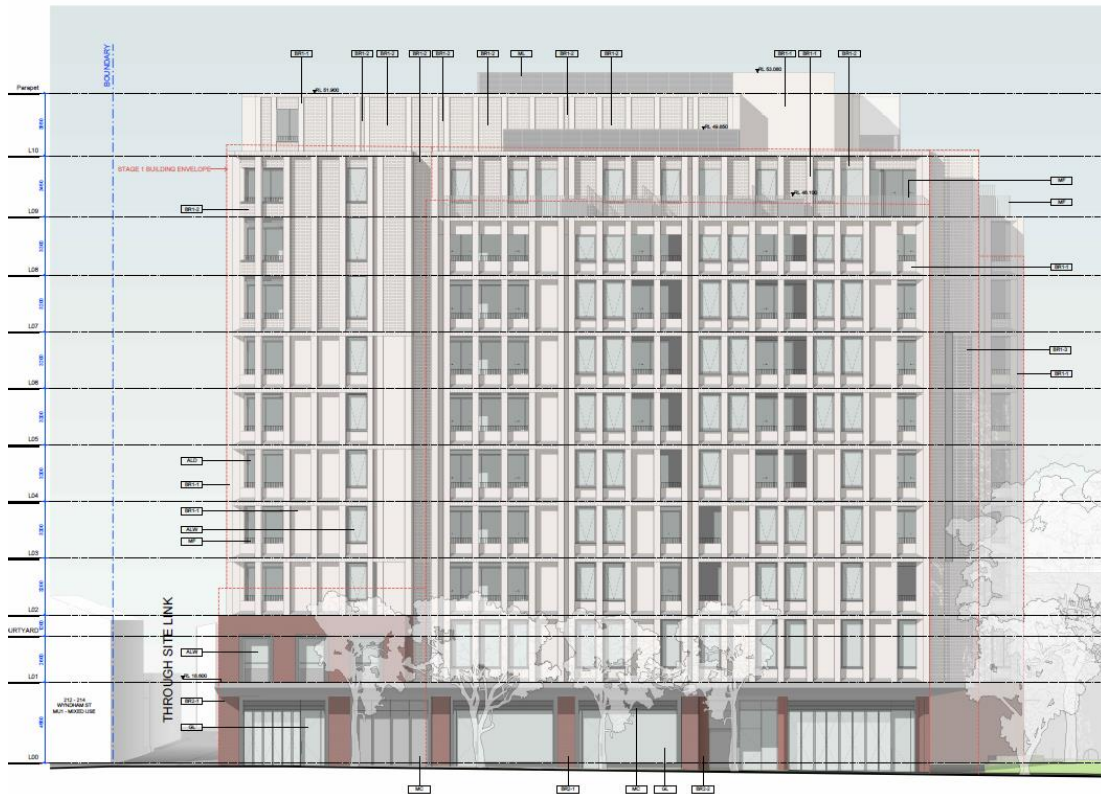


Figure 16: South-west elevation (Wyndham Street)

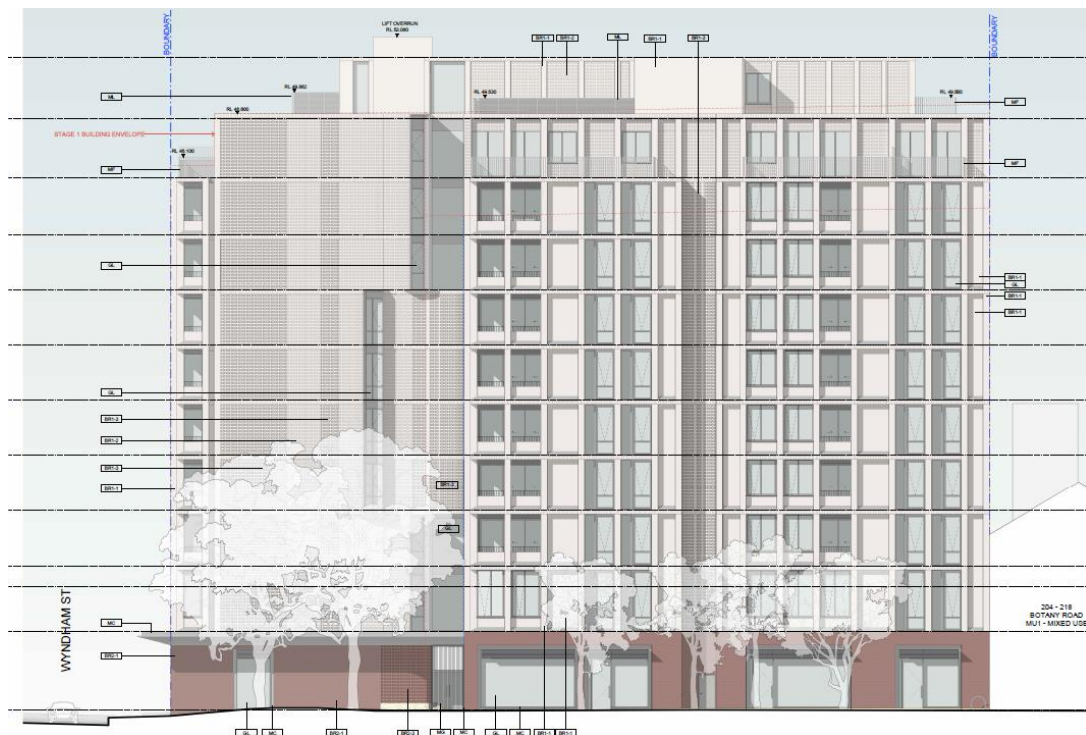
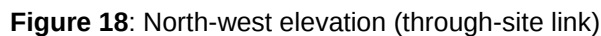


Figure 17: South-east elevation (McEvoy Street)



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

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

- 22

36. The material is proposed to be relocated from the Council dedication land to a long-term containment area, with the dedicated land validated as suitable for its intended use and not subject to ongoing contamination management controls.
37. The interim audit advice confirms the above approach is appropriate, subject to the preparation of a Sampling, Analysis and Quality Plan and validation report.
38. Council's Health and Building team have reviewed the submitted information and have recommended conditions of consent to ensure compliance with the remediation measures outlined, and for Council to be notified should there be any changes to the strategy for remediation. Council's Health Unit is satisfied that, subject to conditions, the site can be made suitable for the proposed use.

State Environmental Planning Policy (Housing) 2021

39. The proposed development is for the purpose of affordable housing to be under the management and operation of a registered Tier 1 Community Housing Provider - City West Housing.
40. 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.
41. The proposal does not constitute State Significant Development (SSD) as under clause 1.9 (2A)(a) of the Sydney LEP, the Green Square Urban Renewal Area is specifically excluded from the application of Division 1 of Part 2 of Chapter 2 of the Housing SEPP. This means the elements of section 26A of Schedule 1 to the Planning Systems SEPP are not satisfied, and this development is not declared to be SSD under the in-fill affordable housing threshold.
42. 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. Clause 7.13 (Contribution for purpose of affordable housing) of the SLEP 2012 allows for circumstances where an affordable housing contribution may be levied for development of land in Green Square.
43. Clause 7.13(6) of SLEP 2012 excludes the floor area of a building (including balconies) used to provide affordable housing in the calculation of a contribution. Accordingly, a contribution is not applied in this instance.

Chapter 4 - Design of Residential Apartment Development

44. The aim of Chapter 4 is to improve the design quality of residential apartment development in New South Wales.
45. 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.

46. The applicant has submitted a design verification statement and design report prepared by Ben Green Reg:7066 and Chi Melhem Reg:7754 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.

47. An assessment of the proposal against the design quality is provided as follows:

(a) Principle 1: Context and Neighbourhood Character

The proposal responds appropriately to the character and planned transition of the Botany Road Corridor by providing a mixed-use affordable housing development consistent with the emerging urban form. The retention of existing trees along McEvoy Street, landscaped setbacks, active ground floor uses and future through-site link contribute positively to the public domain and local connectivity. The material palette and built form respond to the industrial character of the locality and adjoining heritage item.

(b) Principle 2: Built Form and Scale

The proposal demonstrates an appropriate built form and scale consistent with the approved Stage 1 envelope and the emerging development context. Building articulation, setbacks and facade treatment reduce visual bulk and provide an appropriate street wall presentation while maintaining acceptable amenity outcomes for residents and adjoining properties.

(c) Principle 3: Density

The proposal achieves a density consistent with the Concept DA and permissible floor space controls and is appropriate for the site's location within the Botany Road precinct. The proposal will deliver 111 affordable housing units within walking distance of Waterloo Metro Station.

(d) Principle 4: Sustainability

The proposal incorporates sustainable design measures including passive solar design, cross ventilation, deep soil planting, reduced car parking and 144 bicycle parking spaces. The submitted ESD Report demonstrates that the proposal exceeds the minimum BASIX requirements by 10 points for energy and 5 points for water.

(e) Principle 5: Landscape

The proposal includes a 10m landscaped setback to McEvoy Street and the retention of significant mature trees. The central communal courtyard, deep soil zones and native planting contribute to biodiversity, microclimate and amenity. Landscaped communal spaces and connections between street, courtyard and breezeways create a cohesive and attractive environment that supports social interaction and long-term sustainability.

(f) Principle 6: Amenity

The proposal provides an appropriate level of residential amenity through compliant apartment layouts, access to natural light, ventilation, outlook and private open space. Shared communal spaces further support residential amenity and the development achieves the relevant ADG performance targets.

(g) Principle 7: Safety

The proposal promotes safety through active street frontages, clear building entries, passive surveillance and legible pedestrian and internal circulation. The ground floor layout and through-site connections contribute to a safe and accessible environment.

(h) Principle 8: Housing Diversity and Social Interaction

The development is for 100% affordable rental housing. The proposal provides a mix of 1, 2 and 3-bedroom apartments, including adaptable dwellings, suitable for a range of household types. Communal spaces are provided throughout the development to support resident interaction and social connection.

(i) Principle 9: Aesthetics

The design has been subject to a Competitive Design Process. The proposal achieves an appropriate architectural outcome through a consistent material palette, articulated facade treatment and a built form that responds to the site context. The development will make a positive contribution to the streetscape.

48. 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 and the Design Report and Design Verification Statement prepared by EM BE CE dated September 2025.

2E Building Depth	Consistency	Comment
12-18m (glass to glass)	Yes	The apartments are designed appropriately with unit depths typically being less than 12m.

2F Building Separation	Consistency	Comment
Up to 4 storeys (approximately 12 metres): • 12m between habitable rooms / balconies • 9m between habitable and non-habitable rooms • 6m between non-habitable rooms 5 to 8 storeys (approximately 25 metres): • 18m between habitable rooms / balconies • 12m between habitable and non-habitable rooms • 9m between non-habitable rooms 9 storeys and above (over 25m): • 24m between habitable rooms / balconies • 18m between habitable and non-habitable rooms • 12m between non-habitable rooms	Partial	The proposed setbacks are consistent with the approved Concept envelope (D/2023/884). • Southern boundary (McEvoy Street): 42m separation to the existing residential flat building at 222 Wyndham Street, across McEvoy Street. From the 10th storey, an approximate 51m building separation is provided. • Western boundary (Wyndham Street): approximately 20m separation across Wyndham Street to the concrete facility at 131 Wyndham Street. From the 10th storey, an approximate 30m building separation is provided. • Northern boundary: A 6m setback is provided to the heritage listed substation. The northern boundary setback was reviewed during the assessment of the Concept DA (D/2023/884). During the assessment, it was noted the substation site does not benefit from uplift controls within the Botany Road Precinct as it is a heritage item. Therefore, despite the numerical non-compliance, the 6m setback to any likely future development on this site is considered adequate. • Eastern boundary (adjacent to 204-218 Botany Road): A blank wall (no windows) with nil setback is provided for part of the eastern boundary which is in accordance with the Botany Road Precinct DCP provisions and is acceptable.

3D Communal and Public Open Space	Consistency	Comment
Communal open space has a minimum area equal to 25% of the site.	Yes	The proposal includes 500sqm of publicly accessible open space along the McEvoy frontage, and 437sqm of communal open space at the level 2, which equates to 34% of the site area.
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 submitted solar access diagrams (Drawing 810) demonstrate that the Level 2 communal courtyard receives a minimum of 2 hours of direct sunlight to a substantial portion of its area between 9am and 3pm on 21 June.

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	The deep soil zone along the McEvoy Street frontage has an area of 287sqm, which equates to 10.5% of site area.

3F Visual Privacy	Consistency	Comment
Up to 4 storeys (12 metres): 6m between habitable rooms / balconies 3m between non-habitable rooms 5 to 8 storeys (25 metres): 9m between habitable rooms / balconies 4.5m between non-habitable rooms 9 storeys and above (over 25m): 12m between habitable rooms / balconies	Partial	The proposed setbacks are within the approved Concept envelope (D/2023/884). - Southern boundary (McEvoy Street): 42m separation to the existing residential flat building at 222 Wyndham Street, across McEvoy Street. - Western boundary (Wyndham Street): approximately 20m separation across Wyndham Street to the concrete facility at 131 Wyndham Street. - Northern boundary: A 6m setback is provided to the northern boundary (to the heritage listed substation site). The northern boundary setback was reviewed during the assessment of the

3F Visual Privacy	Consistency	Comment
6m between non-habitable rooms		Concept DA (D/2023/884). During the assessment, it was noted the substation site does not benefit from uplift controls within the Botany Road Precinct as it is a heritage item. Therefore despite the numerical noncompliance, the 6m setback to any likely future development on this site is considered adequate. Eastern boundary (adjacent to 204-218 Botany Road): A blank wall (no windows) with nil setback is provided for part of the eastern boundary which is in accordance with the Botany Road Precinct DCP provisions and is acceptable.

4A Solar and Daylight Access	Consistency	Comment
70% of units to receive a minimum of 2 hours of direct sunlight in midwinter to living rooms and private open spaces.	Yes	78 of the 111 units (70%) receive at least 2 hours of solar access.
Maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at midwinter.	Yes	25 of the 111 units (14%) receive no direct sunlight.

4B Natural Ventilation	Consistency	Comment
All habitable rooms are naturally ventilated.	Yes	All habitable rooms are naturally ventilated with windows.
Minimum 60% of apartments in the first 9 storeys of the building are naturally cross ventilated.	Yes	The floorplate has been designed to meet cross-ventilation requirements. 56 of the 94 apartments in the first 9 storeys (60%) achieve natural cross ventilation.

4B Natural Ventilation	Consistency	Comment
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	Yes	The depth of cross-through apartments does not exceed 18m.

4C Ceiling Heights	Consistency	Comment
Habitable rooms: 2.7m	Yes	The habitable room floor to ceiling heights are 2.8m.
If located in mixed use areas – 3.3m for ground and first floor to promote future flexibility of use.	Yes	The floor to ceiling heights for the ground floor is 4.2m and the first floor is 3.4m.

4D Apartment Size and Layout	Consistency	Comment
Minimum unit sizes: 1 bed: 50sqm 2 bed: 70sqm 3 bed: 90sqm	Yes	- Typical 1-bedroom apartments range from approximately 50.5sqm to 56.5sqm, exceeding the 50sqm requirement. - Typical 2-bedroom apartments range from approximately 70sqm to 74.5sqm meeting the requirement. - Typical 3-bedroom apartments range from 96sqm to 104sqm, exceeding the minimum 90sqm requirement.
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	All habitable rooms are provided with sufficient windows.
Habitable room depths are to be no more than 2.5 x the ceiling height.	Yes	The maximum habitable room depth is 7m. The apartment layouts do not exceed this requirement.

4D Apartment Size and Layout	Consistency	Comment
8m maximum depth for open plan layouts.	Yes	The apartment layouts do not exceed this requirement.
Minimum area for bedrooms: • master bedroom: 10sqm • all other bedrooms: 9sqm Minimum dimension of any bedroom is 3m (excluding wardrobes).	Yes	The master bedrooms have an area of 10sqm. All other bedrooms comply with minimum dimensions.
Living and living/dining rooms minimum widths: • One-bedroom: 3.6m • 2-bedroom or more: 4m	Yes	• One bedroom apartments have a living room minimum width of 3.6m. • 2 and 3 bedroom apartments have a living room minimum width of 4m.

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. • 2 bed apartments are to have a minimum balcony area of 10sqm with a minimum depth of 2m. • 3 bed apartments are to have a minimum balcony area of 12sqm with a minimum depth of 2.4m.	Yes	• Typical 1-bedroom apartment balconies range from 8.5- 14 sqm and complies. • Typical 2-bedroom apartment balconies range from 10.5- 18 sqm and complies. • Typical 3-bedroom apartment balconies range from 14- 22.5 sqm and complies.

4F Common Circulation and Spaces	Consistency	Comment
The maximum number of apartments off a circulation core on a single level is 8.	No	There are 14 apartments sharing a circulation core, which is inconsistent with this guidance. The lift core is centrally located, servicing 6 apartments in one direction and eight in the other. This is considered acceptable as it results in no adverse impacts on circulation efficiency or residential amenity.
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	No	The development is 11 storeys, with 111 dwellings sharing 2 lifts, which is inconsistent with the guidance. However, given the location and number of units served, it is considered adequate to service the building and will not result in unreasonable wait times or operational issues.
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	The apartments that look onto the Level 2 courtyard area are separated by a stairway and generous balcony for visual and acoustic privacy.
Daylight and natural ventilation are provided to all common circulation spaces.	Yes	Internal corridors have access to open breezeways and windows.

4G Storage	Consistency	Comment
Minimum storage provision facilities: 1 bed: 6m³ 2 bed: 8m³ 3 bed: 10m³	Yes	- Typical 1-bedroom apartments range from 6 -10m³ of storage and complies. - Typical 2-bedroom apartments range from 8-14m³ of storage and complies.

4G Storage	Consistency	Comment
(Minimum 50% storage area located within unit)		Typical 3-bedroom apartments have 11m³ of storage and complies.

4J Noise and Pollution	Consistency	Comment
Have noise and pollution been adequately considered and addressed through careful siting and layout of buildings?	Yes	The site is located on McEvoy Street which is identified as a busy road. A Noise and Natural Ventilation Impact Assessment has been prepared by E-Lab Consulting. The report concludes the dwellings achieve natural ventilation to habitable spaces while meeting the internal noise requirements. Conditions of consent have been provided by Council's Environmental Health team. Noise and ventilation is further discussed in detail in the 'Discussion' section below.

State Environmental Planning Policy (Sustainable Buildings) 2022

49. 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

50. A BASIX Certificate has been submitted with the development application no. 1814218M.

51. The BASIX certificate lists measures to satisfy BASIX requirements which have been incorporated into 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

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

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

Section 2.119 – Development with frontage to classified road

53. The application is subject to Section 2.119 of the SEPP as the site has frontage to McEvoy Street which is a classified road.
54. The proposed development satisfies the provisions of Clause 2.119 subject to conditions of consent, as access to the site is provided via Wyndham Street (not McEvoy Street).
55. The safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development, subject to the recommended conditions of consent.

Section 2.120 – Impact of road noise or vibration on non-road development

56. The application is subject to Clause 2.120 of the SEPP as the site is adjacent to McEvoy Street and the development is likely to be adversely affected by road noise or vibration.
57. The submitted Noise and Natural Ventilation Impact Assessment considers the relevant noise levels within its assessment and achieving natural ventilation in habitable spaces and concludes that the development is compliant with the relevant noise and vibration criteria controls and is expected to comply with the applicable regulations.

Section 2.122 – Traffic-generating development

58. The proposed development is defined as traffic-generating development in accordance with Schedule 3 of the Transport and Infrastructure SEPP, as the site has access to a classified road and the development proposes more the 75 dwellings.
59. The application was referred to Transport for NSW for comment. Transport for NSW responded on 26 October 2025 and did not object to the proposal.

Local Environmental Plans

Sydney Local Environmental Plan 2012

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

Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	The site is located in the MU1 Mixed Use zone. The proposed development is defined as 'shop top housing' and is permissible with consent in the zone. The proposal generally meets the objectives of the zone.

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings 6.60B Botany Road Precinct Opportunity Land	No	The site is subject to a base maximum building height of 15m. However, the site is subject to the provisions of Clause 6.60B(3) for Botany Road Precinct Opportunity land, as the proposal is for non-residential purposes and to provide affordable housing. The site is therefore subject to a maximum building height of 35m. A height of 39.03m is proposed, which is a 4.03m (11.5%) variation. Therefore, the proposal does not comply with the maximum height of buildings development standard. A Clause 4.6 variation to the height of buildings development standard has been submitted. See further details in the 'Discussion' section below.
4.4 Floor space ratio 6.60B Botany Road Precinct Opportunity Land	Yes	The site is subject to a base FSR of 1:1. However, the site also benefits from bonus FSR permitted by: - Clause 6.60B Botany Road Precinct Opportunity Land: 2.75:1 - Clause 6.14 Green Square Community Infrastructure: additional 0.5:1 FSR.

Provision	Compliance	Comment
		Clause 6.21D Competitive Design Process: additional 10% FSR. Accordingly, a total FSR of 3.575:1 applies to the site. The proposal has a total GFA of 9,664 sqm, which equates to an FSR of 3.53:1 and complies with the maximum FSR development standard.
4.6 Exceptions to development standards	Yes	The proposed development seeks to vary the maximum building height development standard prescribed under Clause 4.3 and Clause 6.60B, refer above. A Clause 4.6 variation has been submitted with the application. See further details in the 'Discussion' section below.

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	The site is not identified as a heritage item or within a heritage conservation area. The site is adjacent to a local heritage item I2240, known as 'Former Electric Light Substation No 89 including interiors'. The proposed development will not have detrimental impact on the heritage significance of the adjacent heritage item.
5.21 Flood planning	Yes	The site is identified as being located on flood prone land and Condition 25 of the Concept DA (D/2023/884) requires that the detailed design development application demonstrate compliance with the minimum required flood planning levels. The ground floor levels are above the 1% AEP flood level and complies with

Provision	Compliance	Comment
		the requirements of Council's Interim Flood Risk Management Policy. Council's Public Domain team have reviewed the submitted flood information is satisfied that the development achieves compliances with the minimum required flood planning levels and the objectives of Clause 5.21 of Sydney LEP 2012.

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	The proposed development is eligible for an additional floor space ratio of 0.5:1 for community infrastructure, being within Area 6. The concept DA (D/2023/884) and the associated VPA include the public benefit in the form of: • dedication of soft landscaping works for a 3mwide footpath landscape widening to McEvoy Street. • transfer of land to the City for a future east-west laneway and associated works. • monetary contribution. The proposed development satisfies the objectives of this clause.
Division 4 Design excellence		
6.21C Design excellence	Yes	The proposed 11-storey mixed-use development is of a high architectural standard, with materials and detailing that complement the existing streetscape and positively contribute to local character. The development demonstrates ecologically sustainable design and will

Provision	Compliance	Comment
		have an acceptable environmental impact, maintaining amenity for surrounding properties and future occupants. Accordingly, it achieves design excellence.
6.21D Competitive Design Process		The site has been subject to a Competitive Design Alternatives Process (CMP/2024/6), which was held in August 2024. The selection panel identified EM BE CE Studio as the winning scheme on 19 September 2024. The design has been refined in accordance with the selection panel feedback.
Division 5 Site specific provisions		
6.60B Botany Road Precinct Opportunity Land	Yes	The alternative FSR can only be granted if the consent authority is satisfied that: (a) the development provides, or will provide, appropriate public access and laneways, and (b) if the development is BASIX affected development—the building is capable of exceeding the BASIX commitments by at least— (i) for energy—10 points, and (ii) for water—5 points. As outlined above, the concept DA (D/2023/884) and the associated VPA include the public benefit in the form of land dedication and footpaths along McEvoy Street and the dedication of land for an east-west laneway and associated works. The submitted ESD Report demonstrates that the proposal can exceed the minimum BASIX requirements by 10 points for energy and 5 points for water. The ESD Report has been reviewed by the City's Environmental Sustainability Advisor and appropriate conditions of consent have been included.

Provision	Compliance	Comment
		Therefore, the requirements of Clause 6.60B have been satisfied.

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 Clause 7.7 Retail premises	Yes	A maximum of 60 car parking spaces are permitted for the affordable housing component. A maximum of 27 car parking spaces are permitted for the retail/ commercial component. The proposed development includes 8 car parking spaces for the residential component and 3 commercial car parking spaces. The proposal therefore complies with the maximum car parking rates.
Division 3 Affordable housing		
7.13 Contribution for the purpose of affordable housing	Yes	This provision allows for circumstances where an affordable housing contribution may be levied for development of land in Green Square. However, GFA used for the provision of affordable housing is excluded. The proposal includes retail / commercial uses which has an area of 1,368 sqm for which an affordable housing contribution could be levied. Given that this retail / commercial GFA is minor and ancillary to the main affordable housing use, and that the development is by a community housing provider, it is considered that a contribution is not warranted in this instance.
Division 4 Miscellaneous		
7.14 Acid Sulfate Soils	Yes	The site is located on land with class 5 Acid Sulfate Soils. The application does not propose works requiring the

Provision	Compliance	Comment
		preparation of an Acid Sulfate Soils Management Plan.
7.16 Airspace operations	Yes	The proposed development will penetrate the Obstacle Limitation Surface as shown on the Obstacle Limitation Surface Map for Sydney Airport. The concurrence of Sydney Airport Corporation, as a proxy for the Civil Aviation Safety Authority, has been received subject to conditions of consent.
7.25 Sustainable transport of southern employment land	Yes	The applicant has submitted a Transport Impact Assessment which includes a Preliminary Green Travel Plan. The Transport Impact Assessment and Preliminary Green Travel Plan has been submitted with the application and are both considered acceptable. The proposal includes minimal car parking and is considered to promote sustainable transport modes with sufficient bicycle parking provided on site. This is acceptable given the close proximity of the site to the Waterloo Metro Station.
7.26 Public art	Yes	The preliminary public art plan prepared by UAP has been reviewed by Council's Public Art team who have confirmed the plan satisfies requirements of the City's Interim Guidelines for Public Art in Private Development, subject to conditions.

Development Control Plans

Sydney Development Control Plan 2012

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

Section 2 – Locality Statements

62. The site is located within the Botany Road Precinct locality. The proposal responds appropriately to the character and planned transition of the Botany Road Precinct locality by providing a mixed-use affordable housing development consistent with the emerging urban form.

Section 3 – General Provisions

Provision	Compliance	Comment
3.1 Public Domain Elements	Yes	The proposed development will make a positive contribution to the public domain. The preservation of existing trees along McEvoy Street, combined with landscaped setbacks, active ground floor uses, and a proposed through-site link, enhances the quality of the public domain and improves local connectivity. The proposed building articulation, setbacks and facade treatment reduce visual bulk and provide an appropriate street wall presentation.
3.2. Defining the Public Domain	Yes	The proposal has been designed to address both McEvoy and Wyndham Streets. Appropriate materials and finishes are proposed to clearly identify the separation from public and private. All external lighting will comply with the relevant Australian Standard and be subject to a public domain lighting strategy plan condition.
3.3 Design Excellence and Competitive Design Processes	Yes	The design has been subject to a Competitive Design Alternatives Process. The winners of the process (EM BE CE) have further refined the proposal in accordance with Selection Panel feedback. Council is satisfied that the proposed development achieves the objectives and intentions of this section and demonstrates Design Excellence.
3.4 Hierarchy of Centres, City South	Yes	The proposed commercial/ retail tenancies have a total area of 1,368sqm and would not negatively impact the

Provision	Compliance	Comment
		viability or economic role of the planned centres within the southern areas of the City.
3.5 Urban Ecology	Yes	The applicant has submitted an Arboricultural Impact Assessment Report. The proposed development seeks to remove 10 trees to facilitate the development. The proposal seeks to retain significant tree planting along the McEvoy Street setback. The submitted landscape plans detail generous replacement tree planting along Wyndham Street. The proposal provides 437sqm (16%) canopy which exceeds the 15% requirement. Council's Tree Management Officer has reviewed the arborist report and plans, and no objection is raised with those trees sought for removal. The proposed development will not have any adverse detrimental ecological impacts on the site or locality.
3.6 Ecologically Sustainable Development	Yes	The proposal satisfies BASIX and environmental requirements. Refer to SEPP (Sustainable Buildings) section above.
3.7 Water and Flood Management	Yes	The site is affected by the 1%AEP and PMF flood events. The site is also located within the Alexandra Canal catchment. Council's Public Domain officers have reviewed this information, and no objection is raised subject to the recommended conditions of consent.
3.8 Subdivision, Strata Subdivision and Consolidation	Yes	The proposed development involves subdivision of the site into 3 lots. The submitted draft plan of subdivision aligns with the requirements of the executed VPA as it: Creates Lot 201 for the new future laneway.

Provision	Compliance	Comment
		Creates Lot 202 for the widening of the footpath along McEvoy Street. The application was referred to Council's Surveyor and Planning Agreements teams, who supported the proposal, subject to conditions of consent.
3.9 Heritage	Yes	The site is not identified as a heritage item or within a heritage conservation area. The site is adjacent to a local heritage item I2240, known as 'Former Electric Light Substation No 89 including interiors'. The proposed development will not have detrimental impact on the heritage significance of the adjacent heritage item.
3.11 Transport and Parking	Yes	The proposed development includes the provision of 12 car parking spaces (including 2 accessible spaces) and 1 service vehicle space which complies with the maximum car parking rates in the Sydney LEP 2012. Furthermore, the development provides a total of 144 bicycle parking spaces, comprised of 119 residential, 12 residential visitors and 13 commercial spaces. The proposal has been reviewed by Council's Transport Planner and is supported subject to conditions of consent.
3.12 Accessible Design	Yes	The submitted Accessibility Report concludes that the proposal has a high level of compliance with the Disability (Access to Premises – Buildings) 2010, the National Construction Code 2022 addressing Access and Egress, Lift services, Sanitary facilities and the Australian Standards referenced by the National Construction Code.

Provision	Compliance	Comment
		15% of the proposed affordable rental housing dwellings (17 apartments) are identified as adaptable dwellings in accordance with AS.4299 - Adaptable Housing.
3.13 Social and Environmental Responsibilities	Yes	The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.
3.14 Waste	Yes	The submitted Operational Waste Management Plan states residents are responsible to take their waste to the bin room located on the ground floor. Commercial waste will be collected by private cleaning contractors from the retail bin storage area. The application was referred to Council's Cleansing and Waste team, who supported the proposal. Conditions 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.
3.17 Contamination	Yes	A Remediation Action Plan and letter of interim advice has been submitted with the development application. The interim audit advice confirms the proposed remediation approach is appropriate, subject to the preparation of a Sampling, Analysis and Quality Plan and validation report. Council's Health Unit has reviewed the information provided and has recommended conditions of consent to ensure compliance with the remediation measures.

Section 4 – Development Types

4.2 Residential Flat, Commercial and Mixed Use Developments

Provision	Compliance	Comment
4.2.1 Building height		
4.2.1.1 Height in storeys and street frontage height in storeys	No	The DCP building heights are superseded by the concept approval (D/2023/884) building envelope. However, the proposed detailed design proposes to exceed the approved envelope by adding an additional storey to the street wall on McEvoy Street and an additional 11th storey to the building. See further details under the 'Discussion' section below.
4.2.1.2 Floor to ceiling heights and floor to floor heights	Yes	The proposal complies with the required floor to ceiling and floor to floor heights, summarised below: • Ground floor retail - floor to floor: 4.55m • Commercial first floor: 3.8m • Ground floor car parking: 5.25m • Residential component floor to floor: 3.2m.
4.2.2 Building setbacks	Yes	The DCP building setbacks are superseded by the Concept approval (D/2023/884) building envelope. The proposed detailed design is consistent with the setbacks approved by the Concept DA (D/2023/884).
4.2.3 Amenity		
4.2.3.1 Solar access	Yes	Solar access: the submitted solar access plans show that 78 of the 111 units (70%) receive at least 2 hours of solar access and 25 of the 111 units (14%) receive no direct sunlight which complies.

Provision	Compliance	Comment
		Overshadowing: the submitted overshadowing plans show there are some overshadowing impacts to the existing residential flat building at 222 Wyndham Street to the south of the site. The sunlight study shows the development to the south of the site receives sufficient solar access. This is in part due to the increased setback from McEvoy Street.
4.2.3.3 Internal common areas	Yes	Internal corridors have access to open breezeways and windows.
4.2.3.4 Design features to manage solar access	Yes	The design of the facade incorporates a series of brick blades, recessed spandrels and spills. Two modules are proposed to provide increased shading and privacy. The vertical facade blades provide for solar protection east and west.
4.2.3.5 Landscaping	Yes	The proposed development includes ground floor landscaping including McEvoy Street setback and new laneway for residents and visitors and the Level 2 communal courtyard. The submitted landscape plans have been reviewed by Council's Landscape Officers and is supported. A condition of consent is provided that requires the submission of a construction level detail landscape plan prior to the issue of a construction certificate.
4.2.3.6 Deep Soil	Yes	The deep soil zone along the McEvoy Street frontage has an area of 287sqm, which equates to 10.5% of site area.
4.2.3.7 Private open space and balconies	Partial compliance	All apartments have been provided with a balcony. The 1-bedroom units have balconies 8.5m², which is inconsistent with the DCP provision, however meets the ADG minimum provisions.

Provision	Compliance	Comment
4.2.3.8 Common open space	Yes	The submitted plans demonstrate that 993 sqm (36.5%) of the site area is provided as common and public open space as part of the development, which exceeds the 25% requirement.
4.2.3.9 Ventilation	Yes	The floorplate has been designed to meet cross-ventilation requirements. 56 of the 94 apartments in the first 9 storeys (60%) achieve natural cross ventilation.
4.2.3.10 Outlook	Yes	Each apartment has access to a pleasant outlook.
4.2.3.11 Acoustic privacy	Yes	A Noise Impact Assessment has been submitted which confirms the proposal meets the relevant noise criteria controls for residential flat buildings. Refer to 'Discussion' section below for further assessment.
4.2.3.12 Flexible housing and dwelling mix	No	The proposed dwelling mix is: • 75 x 1 bedroom (67.5%) • 31 x 2 bedroom (28%) • 5 x 3 bedroom (4.5%) This is inconsistent with the Sydney DCP provisions: • 1 bedroom: 10- 30% • 2 bedroom: 40- 75% • 3+ bedroom: 10 - 100% The proposed dwelling mix is based on City West Housing's eligible wait list and is appropriate for the proposed affordable housing uses. A flexible approach to this provision is considered appropriate in this circumstance.
4.2.6 Waste and recycling Management	Yes	The submitted Operational Waste Management Plan states residents are

Provision	Compliance	Comment
		responsible to take their waste to the bin room located on the ground floor. Residential waste will be collected by Council's 10.6m waste vehicle entering the laneway via Wyndham Street. Commercial waste will be collected by private cleaning contractors from the retail bin storage area. The application was referred to Council's Cleansing and Waste team, who supported the proposal. 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.
4.2.8 Letterboxes	Yes	The letterboxes are provided within the residential lobby and a condition has been recommended to ensure that they are installed with non-master key locks for security.
4.2.9 Non-residential development in the B4 Mixed Uses Zone	Yes	Subject to conditions, the development will not adversely impact the amenity of neighbouring residential properties.

Section 5 – Specific Areas

5.10 Botany Road Precinct

Provision	Compliance	Comment
5.10.2.1 Land use diversity	Yes	The proposed development does not undermine the employment generating function of the precinct. Affordable housing is encouraged in the area.
5.10.2.2 Mixed-use development	Yes	A Noise and Natural Ventilation Impact Assessment has been. The report concludes the dwellings achieve natural ventilation to habitable spaces while meeting the internal noise requirements.

Provision	Compliance	Comment
		Conditions of consent have been provided by Council's Environmental Health team. Noise and ventilation are further discussed in detail in the 'Discussion' section below.
5.10.2.2.2 Affordable housing	Yes	The proposal is for 100% affordable housing to be developed and managed by a registered community housing provider - City West Housing.
5.10.2.3 Ground and first floor uses, active frontages and awnings	Partial	Commercial uses are proposed at ground level and Level 1. These uses will provide employment opportunities, activate the site and contribute to the vibrancy of the surrounding area. An active frontage is required along McEvoy Street. To support the retention of mature trees, the design introduces an increased setback from the street. Although active uses are provided beyond this setback, they are not located directly at the street edge. The Wyndham Street frontage is built to the boundary, creating a continuous active edge that strengthens interaction with the public domain. Continuous awnings are required along both Wyndham and McEvoy Street. An awning is provided along the Wyndham Street frontage. Individual awnings are provided at ground floor commercial entrances along McEvoy Street.
5.10.2.4 Managing change	Yes	The proposed affordable housing development does not impact on the potential of adjoining sites to be developed for a non-residential purpose. The proposed design does not rely on an existing or future form of development adjoining the site.
5.10.3.1 Laneway network	Yes	The design proposes a through-site link at the northern boundary in accordance with the Streets and lanes map.

Provision	Compliance	Comment
5.10.3.2 Vehicle access and car parking	Yes	Vehicular access is provided off Wyndham Street via the through-site link. No on-street parking is proposed.
5.10.4.1 Building heights	Yes	The proposal was approved for an alternative L-shaped arrangement in the Concept DA that achieves the objectives of the clause. As outlined above, the proposal does not comply with the maximum building height permitted at the site. A Clause 4.6 variation request has been submitted. Refer to 'Discussion' section below.
5.10.4.2 Building alignment and setbacks	Yes	The site is subject to a variable setback for solar access. A variable setback has been provided to the upper levels to respond to the low-scale heritage substation building to the north of the site. A 3m setback for footpath widening is provided along McEvoy Road in accordance with the provisions.
5.10.4.3 Materiality and design	Yes	The proposed building meets the objectives and provisions of a preferable materials and finishes design scheme that is responsive to the neighbouring heritage site.
5.10.4.4 On-structure planting	Yes	The proposal includes generous on-structure planting on the Level 2 outdoor courtyard.
5.10.4.5 Public art	Yes	A Public Art Strategy has been submitted and reviewed by Council's Public Art team. Conditions of consent have been recommended requiring the installation of the artwork prior to issue of an Occupation Certificate.
5.10.4.6 Visual and acoustic privacy	Yes	The development of the concept DA envelope ensured the building orientation, layout and design managed potential visual and acoustic privacy.
5.10.4.7 Energy and water efficiency	Yes	The proposal demonstrates the potential to meet the BASIX requirements as detailed in the submitted ESD Report.

Provision	Compliance	Comment
5.10.5 Connecting with Country	Yes	The applicant has ongoing consultation with tenants and interested groups by City West Housing. City West Housing proposed to incorporate a Designing with Country Approach with Yerrabingin involving other local aboriginal community stakeholders.
5.10.5.2 Connecting with Country – Major development (over \$50 million)	Yes	A Connecting with Country report has been prepared by Yerrabingin.
5.10.5.3 Aboriginal archaeology	Yes	The applicant consulted with Registered Aboriginal Parties to inform the Aboriginal Cultural Heritage Assessment (submitted with the DA).

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

63. 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.
64. In accordance with Planning Circular PS-24-007, weight should be given to a proposed Environmental Planning Instrument (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 CSPC 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.
65. 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.

66. As the draft LEP provisions are a matter for consideration, the proposed development has been assessed against the relevant provisions. 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

67. The site is subject to a base maximum building height of 15m. However, the site is subject to the provisions of Clause 6.60B(3) for Botany Road Precinct Opportunity land, as the proposal is for non-residential purposes and to provide affordable housing. The site is therefore subject to a maximum building height of 35m.
68. A height of 39.03m is proposed, which is a 4.03m (11.5%) variation. Therefore, the proposal does not comply with the maximum height of buildings development standard.
69. The proposed massing with non-compliant built form is provided in the figure below.

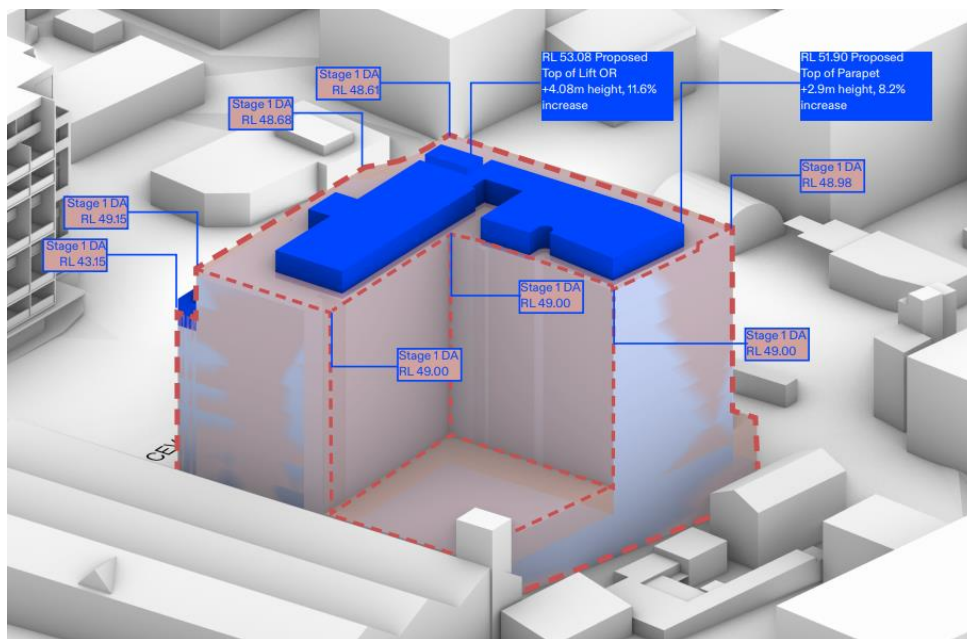


Figure 19: Proposed massing, with elements exceeding the Stage 1 Concept Envelope shown in blue

70. 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;

Applicant's regulation 35B document

71. The applicant seeks to justify the contravention of the maximum building height 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 objectives of the clause 4.3 standard are achieved notwithstanding non-compliance with the standard:

- Objective (a): To ensure the height of development is appropriate to the condition of the site and its context.

The site is located within the Botany Road Precinct and the design is compatible with the future residential and non-residential land uses intended to be developed throughout the Botany Road Corridor. The proposed additional storey is setback from the site boundary and imperceptible from McEvoy Street.

- Objective (b): To ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas.

The site is not heritage listed and is not within a heritage conservation area. The adjoining site to the north (212-214 Wyndham Street) is identified as a local heritage item (I2240). The design includes a 2 storey brick podium that references the height of the adjoining substation, with the tower setback above. Architectural detailing, including variation in brickwork, modulation of bays, and recessive treatments, resolves the built form to ensure an appropriate articulation and massing strategy.

- Objective (c): to promote the sharing of views outside Central Sydney.

The additional storey will not impact any significant views. The additional massing related to the variation is setback from the edges of levels below and will not impact views north and south along Botany Road.

- Objective (d): to ensure appropriate height transitions from Central Sydney and Green Square Town Centre to adjoining areas.

The site is not located in proximity to Central Sydney or Green Square Town Centre. Notwithstanding the height variation, the building is lower than existing building heights in Green Square Town Centre and Central Sydney and is of a commensurate height to the future vision for Botany Road Corridor.

(ii) The objectives of the Clause 6.60B are also achieved notwithstanding non-compliance with the standard:

- Objective (a): Create incentives for carrying out development for employment generating uses. The proposal includes 1,368sqm of commercial and retail tenancies which will provide services and employment opportunities that benefit local residents, workers, and visitors.

- Objective (b): Create incentives for carrying out development if compatible with existing non-residential land uses to provide affordable housing. The proposal provides 111 affordable housing dwellings that are compatible with non-residential land uses.
 - Objective (c): Create incentives for carrying out development to provide community infrastructure. The applicant has executed a VPA to deliver new community infrastructure in the form of a publicly accessible laneway and public domain dedications for footpath widening.
 - Objective (d): Create incentives for carrying out development resulting in buildings with high environmental performance. The proposed development seeks a high environmental performance and complies with the BASIX targets.
- (b) That there are sufficient environmental planning grounds to justify contravention of the standard:
- (i) The maximum extent of variation sought is 4.03m (11.5%) to the 35m height of buildings control and the breach is constrained to the setback 11th storey.
 - (ii) The variation allows for affordable housing and apartment amenity, consistent with the National Housing Accord. The additional proposed height will utilise this urban context to support additional provision of affordable housing dwellings.
 - (iii) Notwithstanding the height variation, the proposal maintains compliance with the maximum FSR control (an FSR of 3.53:1 is proposed). The proposal remains consistent with the bulk and scale of the site envisaged through the development standards under the Sydney LEP 2012.

The additional storey has been designed so that there are negligible impacts to the surrounding public domain and nearby residential dwellings. The additional storey is sufficiently set back from the southern edge to minimise overshadowing impacts.

The submitted solar access diagrams demonstrate the additional level has a negligible impact on hours of sunlight for dwellings at 222 Wyndham Street when compared to the approved Concept DA maximum building envelope. A majority of the key windows and private open space will continue to receive more than 2hrs sunlight mid-winter as required by the NSW Apartment Design Guidelines and the Sydney DCP. Refer to the figures below.

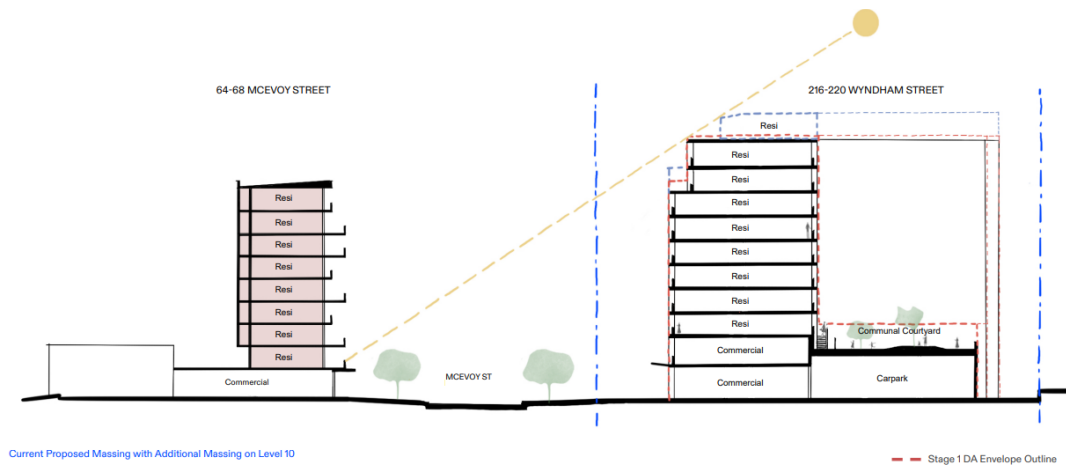


Figure 20: Solar access to 222 Wyndham Street diagram

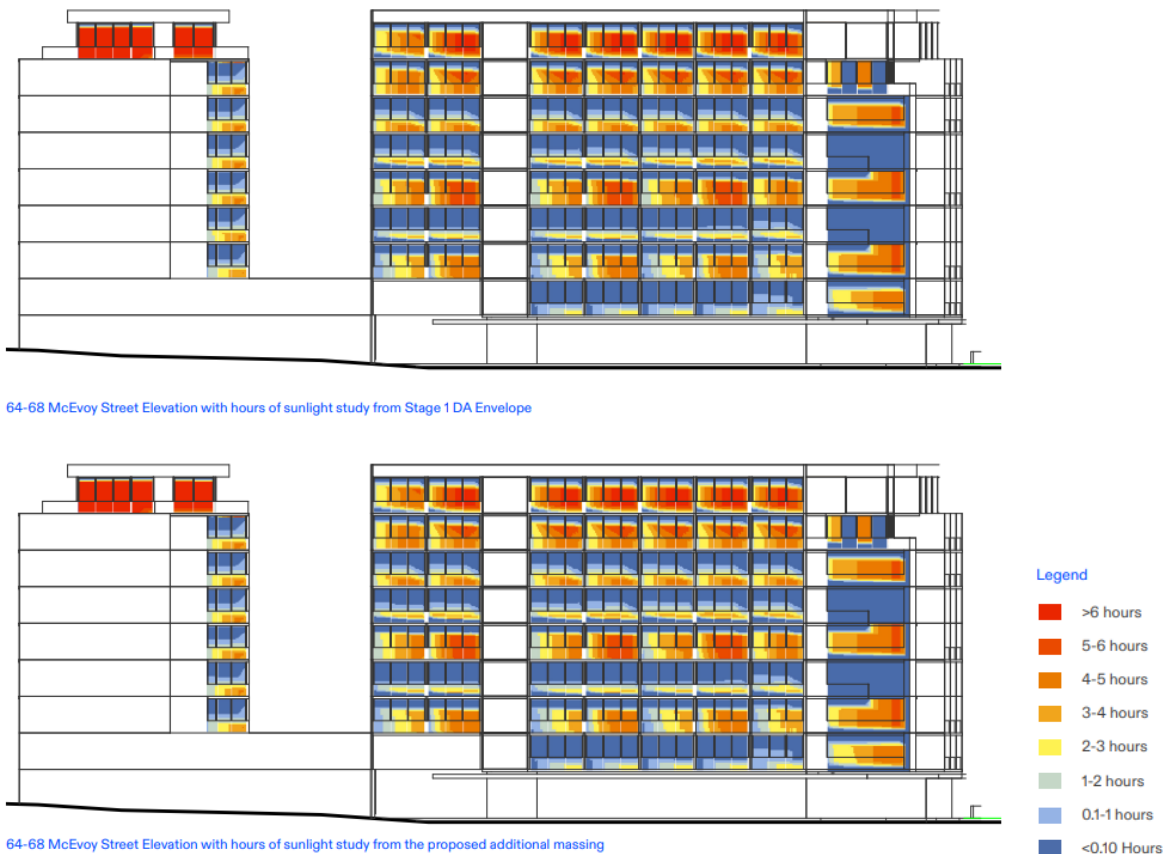


Figure 21: Solar access diagram to 222 Wyndham Street northern elevation

- (iv) The proposed variation will not have any adverse visual impacts when viewed from public domain areas surrounding the site. As the additional 11th storey is setback, the portion of the development exceeding the height limit is indiscernible from the public domain.

Precondition to granting consent where a development standard has been contravened

72. 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.
73. 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:
 - (a) The proposed variation facilitates a modest increase in building height 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 proposed development maintains an appropriate density and built form that is consistent with the emerging character of the Botany Road Precinct. The proposal complies with the maximum FSR development standard. The additional 4.03m of building height does not result in excessive bulk or scale and has been carefully designed to integrate with surrounding developments.
 - (c) The additional storey has been designed so that there are negligible impacts to the surrounding public domain and nearby residential dwellings. The additional storey is sufficiently set back from the southern edge to minimise overshadowing impacts.

For the reasons provided above the variation to the height development standard is supported as the applicant has demonstrated the matters required to be addressed by cl 4.6 of the SLEP 2012.

Consistency with concept approval D/2023/884

74. Pursuant to Section 4.24(2) of the EP&A Act 1979, where a concept development application for a site remains in force, a determination of any further development application in respect to that site cannot be inconsistent with the concept development consent.
75. The concept approval relating to this proposal is D/2023/884.

76. As outlined below, the detailed design proposal is consistent with the conditions imposed on the concept approval and the Council officers are satisfied that the development is substantially the same.

Condition No.	Concept Approval Condition	Compliance
1	STAGED DEVELOPMENT APPLICATION A subsequent development application (DA) is required for any works to be carried out on the site.	Yes - subject application (D/2025/920) for assessment.
2	APPROVED DEVELOPMENT Development must be in accordance with Bates Smart envelope plans.	Partial compliance - refer to the 'Amendments to the Approved Concept Envelope' section of the discussion below.
3	MATTERS NOT APPROVED (a) any demolition, tree removal, excavation, remediation and/or construction; (b) the height in storeys or street frontage height in storeys of the development; (c) the layout and number of residential apartments or non-residential tenancies; (d) the depth, extent, number, layout and design of basement levels and/or configuration of car parking; (e) the number of car parking spaces, bicycle spaces, car share or loading spaces/zones; (f) the precise quantum of floor space; and (g) up to 10% design excellence uplift in floor space.	Yes - subject to assessment in this application (D/2025/920).

Condition No.	Concept Approval Condition	Compliance
4	COMPLIANCE WITH VOLUNTARY PLANNING AGREEMENT The terms of the planning agreement entered into in accordance with the VOLUNTARY PLANNING AGREEMENT condition contained in the Deferred Commencement Conditions at Part A of this consent must be complied with.	Yes - the deferred commencement condition is satisfied, the D/2023/884 consent is active and the VPA is registered on title.
5	BUILDING HEIGHT The building heights proposed as part of any subsequent Development Application for the detailed design of the building must not exceed the heights expressed as RLs (AHD) shown on the drawings listed in the 'Approved Development' condition of this consent.	No - refer to 'Amendments to the Approved Concept Envelope' section of the discussion below.
6	FLOOR SPACE RATIO (a) The Floor Space Ratio (FSR) of development contained within the site must not exceed the maximum permitted FSR calculated in accordance with the Sydney Local Environmental Plan 2012. (b) Notwithstanding (a) above, the development contained within the site may be eligible for up to 10% additional floor space pursuant to the provisions of Clause 6.21D(3) of the Sydney Local Environmental Plan 2012 if the consent authority is satisfied that the subsequent Development Application for the detailed design of the building exhibits design excellence and is the result of a competitive design process.	Yes - proposal complies with maximum FSR permissible (3.575:1). The proposed FSR is 3.53:1.

Condition No.	Concept Approval Condition	Compliance
7	DEVELOPMENT TO BE CONTAINED WITHIN ENVELOPE The detailed design of the building must be contained within the approved envelope except for footpath awnings and/or projections beyond private property boundaries over or into the public road/footpath in accordance with the requirements of Schedule 4 of the Sydney DCP 2012.	No - refer to 'Amendments to the Approved Concept Envelope' section of the discussion below.
8	DISTRIBUTION OF FLOOR SPACE WITHIN ENVELOPE The approved concept proposal envelope establishes the maximum parameters for the competitive design process and the future built form on the site. The maximum permissible floor space of the detailed design must be consistent with the relevant provisions of the Sydney LEP 2012, the Sydney DCP 2012 and the conditions of this consent.	Yes - proposal complies with maximum FSR permissible (3.575:1). The proposed FSR is 3.53:1.
9	COMPETITIVE DESIGN PROCESS A competitive design process shall be conducted in accordance with the provisions of the Sydney Local Environmental Plan 2012 and: (a) in accordance with 'Design Excellence Strategy for 216-220 Wyndham Street, Alexandria prepared by Ethos Urban on behalf of City West Housing, dated 16 April 2024 (Council ref. 2024/239664); and (b) prior to the lodgement of a detailed (Stage 2) development application for the site. The detailed design of the building must exhibit design excellence, in accordance with Clause 6.21C of Sydney Local Environmental Plan 2012.	Yes - a Competitive Design Alternatives Process was held in August 2024. Architectus, Bates Smart and EM BE CE Studio were the 3 competitors. The selection panel identified EM BE CE Studio as the winning scheme on 19 September 2024.

Condition No.	Concept Approval Condition	Compliance
10 DETAILED DESIGN OF THE BUILDING		
10(a)	Any additional storeys beyond the height in storeys permitted in the SDCP 2012 are to be appropriately setback and/ or treated to minimise visual impact;	Yes - the additional storeys have been setback to reduce any bulk and scale impacts.
10(b)	The street walls to McEvoy Street and Wyndham Street required by the SDCP 2012 are to be articulated, with any additional storeys setback to minimise visual impact;	Yes - the street wall to McEvoy and Wyndham Street have been visually separated through variation in materiality and colour.
10(c)	The design of the building must minimise impacts to the heritage item at 212- 214 Wyndham Street	Yes - the design includes a 2 storey brick podium that references the height of the adjoining heritage substation and the tower form is setback above to minimise impacts.
10(d)	Any blank wall on the eastern elevation must be treated so that it does not present as a blank shear wall	Yes - the blank wall on the eastern boundary has been treated with light coloured solid brick and simple facade detailing so it does not present as a blank wall.
10(e)	The western facade is to provide adequate solar control through passive external shading	Yes - the design of the facade incorporates a series of brick blades, recessed spandrels and spills. The vertical facade blades provide for solar protection east and west.
10(f)	Apartments facing McEvoy Street and Wyndham Street must address acoustic impacts from traffic noise	Yes - apartments facing McEvoy Street and Wyndham Street incorporate additional acoustic treatments to achieve compliance. Potential noise impacts are further discussed in the 'Noise and Ventilation' discussion below.

Condition No.	Concept Approval Condition	Compliance
10(g)	Commercial uses at the ground plane are to promote passive surveillance and street activation. Both McEvoy and Wyndham Street frontages are to be activated, including the entrance of the through-site link	Yes - the proposed ground floor tenancies facing Wyndham and McEvoy Street will promote passive surveillance and street activation.
10(h)	Continuous footpath awnings are to be provided to McEvoy and Wyndham Streets;	Partial - a continuous awning is provided along Wyndham Street. Along McEvoy Street, awnings are provided to individual tenancies rather than as a continuous element. This approach is considered appropriate given the substantial setback of the tenancies from the McEvoy Street frontage, which reduces the need for a continuous awning.
10(i)	Visual privacy and overlooking are to be addressed, including the pinch-point in the L-shaped built form	Yes - the orientation of windows in the L-shaped built form has ensured no visual privacy impacts.
10(j)	Communal open space is to be provided in an area of useable size and configuration, directly and equitably accessed from common circulation areas, entries and lobbies, and designed so that the principal communal open space area achieves minimum solar access requirements as per provision 4.2.3.8 of the SDCP 2012	Yes - the Level 2 courtyard communal open space is well designed and achieves solar access requirements as required by the Sydney DCP 2012.
10(k)	The materiality and design of the building is to satisfy the objectives and provisions of section 5.10.4.3 of the SDCP 2012	Yes - as outlined in the DCP section above, the proposed materiality and design is consistent with the objectives.
10(l)	All services including any required fire hydrants and substations must be integrated into the building	Yes - building services have been integrated into the building.

Condition No.	Concept Approval Condition	Compliance
10(m)	Rooftop structures such as plant rooms, solar panels, air conditioning and ventilation systems are to be incorporated into the design of the building and concealed within the roof form or located within a well-designed, integrated roof top element; and	Yes - the rooftop structures are located towards the centre of the roof and are concealed.
10(n)	The design of the through site link and any adjoining buildings must prioritise pedestrian safety, passive surveillance and pedestrian amenity at the ground plane, utilising high quality materials and finishes.	Yes - the through-site link has been well designed and is supported by Council's Public Domain team. Conditions have been included for detailed design requirements.
11	DETAILED LANDSCAPE PLAN Any subsequent DA for the detailed design of the building must include a detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer.	Yes - a detailed landscape plan was submitted with the DA package and has been reviewed by Council's Landscape Officer and is supported.
12	CONNECTING WITH COUNTRY Development Application must address the Connecting with Country objectives in Section 5.10.5 of the SDCP 2012 and expand on the opportunities and framework identified in the 'Aboriginal Consultation Report' prepared by City West Housing dated November 2023	Yes - a Connecting with Country Research Report has been prepared by Yerrabingin.
13	ABORIGINAL ARCHAEOLOGY An Aboriginal Cultural Heritage Assessment is to be submitted with any Development Application for the detailed design of the building involving any ground disturbing works, in accordance with the recommendations of the 'Aboriginal Objects Due Diligence Assessment' prepared by Curio Projects dated 9 November 2023.	Yes - An ACHAR has been prepared by Curio Projects and submitted with the DA.

Condition No.	Concept Approval Condition	Compliance
14	DEEP SOIL Deep soil must be provided in the locations illustrated on the drawings titled 'Envelope Setout Plan' and 'Landscape Concept Plan' specified in the 'Approved Development' condition of this consent. Deep soil zones must be unencumbered by structures within, above or below the zone except those constructed of lightweight materials such as timber decking or water permeable paving that allow for filtration of rainwater into the ground.	Yes - deep soil has been provided in accordance with the requirements.
15	WASTE AND RECYCLING MANAGEMENT Prior to the commencement of any competitive design process for the site, a Waste Management Strategy (WMS) must be submitted to and approved by Council's Area Planning Manager / Coordinator and which once approved, may be appended to the design brief for the competitive design process.	Yes - and amended WMS was submitted and reviewed by the Cleansing and Waste team. The condition was satisfied on 26 June 2024.
16	ECOLOGICALLY SUSTAINABLE DEVELOPMENT Details are to be provided with the subsequent development application for the detailed design of the building to confirm that the building will deliver the sustainability targets: (a) Meeting the legislated benchmarks in line with the State Environmental Planning Policy (Sustainable Buildings) 2022 for mid/high rise residential buildings at the time of delivery, including: (i) BASIX energy score of 60%; (ii) BASIX water score of 40%;	Yes - the submitted ESD Report and stamped BASIX and NatHERs plans confirm compliance with the relevant scores.

Condition No.	Concept Approval Condition	Compliance
	(iii) High level of NatHERS thermal performance rating – minimum 7 NatHERS Star average rating for the whole development and minimum 6 NatHERS star rating for individual apartments.	
17	RESIDENTIAL LAND USE The residential component of the development must be designed to comply with the principles of State Environmental Planning Policy (Housing) 2021, the guidelines of the Apartment Design Guide (the ADG), and the provisions of the Sydney DCP 2012.	Yes - as outlined in the assessment above, the proposal complies with the relevant provisions of the Housing SEPP, ADG and Sydney DCP.
18	SUBMISSION OF ELECTRONIC CAD MODELS PRIOR TO COMPETITIVE DESIGN PROCESS Prior to the commencement of any competitive design process for the site, an accurate 1:1 electronic CAD model of the envelope approved by this consent must be submitted to and approved by Council's City Model Unit.	Yes - a 3D CAD Model was submitted to the City on 11 July 2024.
19	PUBLIC ART The Preliminary Public Art Plan prepared by Amanda Sharrad, dated November 2023, has not been approved and is to be modified.	Yes - the Preliminary Public Art Plan was amended and the condition satisfied on 10 July 2024.
20	TREES IDENTIFIED FOR REMOVAL The following trees are identified for removal as shown on the 'Envelope Setout Plan' approved under the 'Approved Development' condition of this consent and as identified in the Preliminary Arboricultural Assessment prepared by Arterra dated 21/04/2023: (i) T6, T7, T10, T11, T12, T13, T14, T15, T16.	Yes - The applicant has submitted an Arboricultural Impact Assessment Report. The proposed development seeks to remove 10 trees to facilitate the development.

Condition No.	Concept Approval Condition	Compliance
21	TREES IDENTIFIED FOR RETENTION The following trees are identified for retention as shown on the 'Envelope Setout Plan' approved under the 'Approved Development' condition of this consent and as identified in the Preliminary Arboricultural Assessment prepared by Arterra dated 21/04/2023: (i) T1, T2, T3, T4, T5, T8, T9.	Yes - The proposal seeks to retain significant tree planting along the McEvoy Street setback.
22	STREET TREES All street trees surrounding the site must be included for retention in any detailed design DA.	Yes - street trees surrounding the site are proposed for retention.
23	ACOUSTIC REPORT An Acoustic Impact Assessment must be undertaken by a suitably qualified acoustic consultant and submitted with any detailed design DA.	Yes - an Acoustic Impact Assessment has been submitted with application.
24	LAND DEDICATION - NO LONG-TERM ENVIRONMENTAL MANAGEMENT PLAN Any land that is to be dedicated to the City as part of the associated Voluntary Planning Agreement must not be encumbered by an Environmental Management Plan or Long-Term Environmental Management Plan.	Yes - the executed VPA has been registered on title in accordance with Council's requirements. As discussed in the Resilience and Hazards SEPP assessment above, the land to be dedicated to Council under the VPA will be remediated and not be burdened by a LTEMP.

Condition No.	Concept Approval Condition	Compliance
25	FLOOD PLANNING LEVELS Any future detailed design development application must demonstrate compliance with the recommended flood planning levels indicated in Table 32 of the report titled 'Flood Risk Assessment 216-220 Wyndham Street, Alexandria' prepared by BG&E consulting engineers dated September 2023.	Yes - The ground floor levels are above the 1% AEP flood level and complies.
26	LAND CONTAMINATION Any subsequent DA for the detailed design of the building must include reports and documentation to address the requirements of State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land.	Yes - the submitted RAP and interim audit advice has been reviewed by Council's Health Unit. The recommended conditions of consent ensure compliance with the proposed remediation measures.
27	ADAPTABLE HOUSING The subsequent DA for the detailed design of the building is to provide the required number of residential units that are able to be adapted for people with a disability in accordance with provision 3.12.2 of the Sydney DCP 2012, the Building Code of Australia and Australian Standard AS4299.	Yes - 15% of the proposed affordable rental housing dwellings (17 apartments) are identified as adaptable dwellings in accordance with AS.4299 - Adaptable Housing.
28	SIGNAGE STRATEGY A detailed signage strategy must be submitted with any subsequent DA for the detailed design of the building.	No - justified. No signage is proposed in this DA. A condition of consent has been included in the Recommended conditions (Attachment A) requiring a separate development application for a signage strategy.

Condition No.	Concept Approval Condition	Compliance
29	REDEFINITION PLAN A Redefinition Plan prepared by a registered surveyor is to be lodged with the office of NSW Land Registry Services prior to the lodgement of any subsequent DA for the detailed design of the building. The boundaries of the registered Redefinition Plan must be used for the architectural design of the building.	Yes - a Redefinition plan was submitted with the DA package.

Amendments to the approved concept envelope

77. The proposed detailed design seeks to exceed the approved building envelope under D/2023/884 at 2 locations:

- (a) additional level to the street wall along McEvoy Street
- (b) additional 11th storey to the tower

Additional street wall storey to McEvoy Street:

78. The Concept DA incorporated an 8-storey street wall height on McEvoy Street in accordance with the Sydney DCP 2012 height in storeys control for the street wall.

79. Since the design competition, EM BE CE has identified that, having regard to adjoining development potential and the site's rising topography towards Botany Road, an additional storey can be added to the street wall along McEvoy Street. This will deliver a more coherent street wall with future development and additional affordable housing dwellings within the maximum floor space ratio control at the site.

80. As shown in the figure below, the proposed additional street wall storey will have negligible impacts to the public domain and will be more coherent with the development to the east, due to the rising site topography to Botany Road.

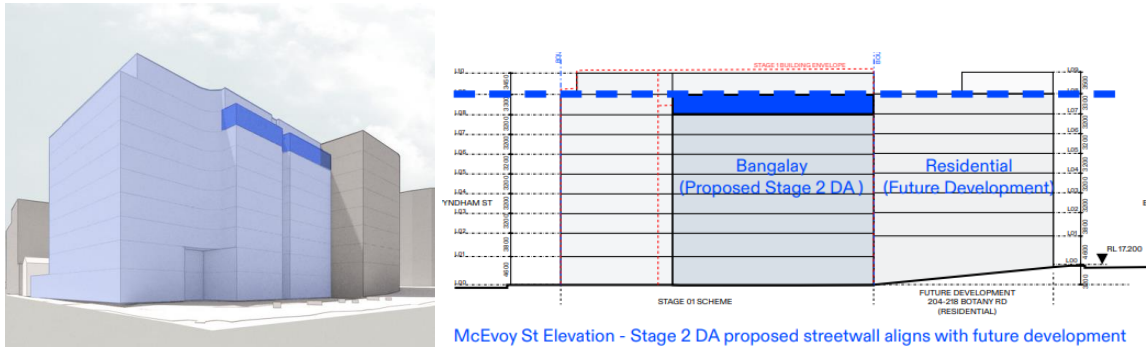


Figure 22: Proposed additional street wall storey (in dark blue) to McEvoy Street

Additional 11th storey to the tower:

81. The proposal includes an additional 11th storey which exceeds the concept DA envelope. This additional storey was discussed during the pre-lodgement discussions with the applicant in June 2025 and at the Design Advisory Panel meeting in May 2025.
82. In the pre-DA meeting, the City noted that an additional 11th storey could be supported, subject to lodgement of a Clause 4.6 variation and detailed solar analysis and visual impact analysis.

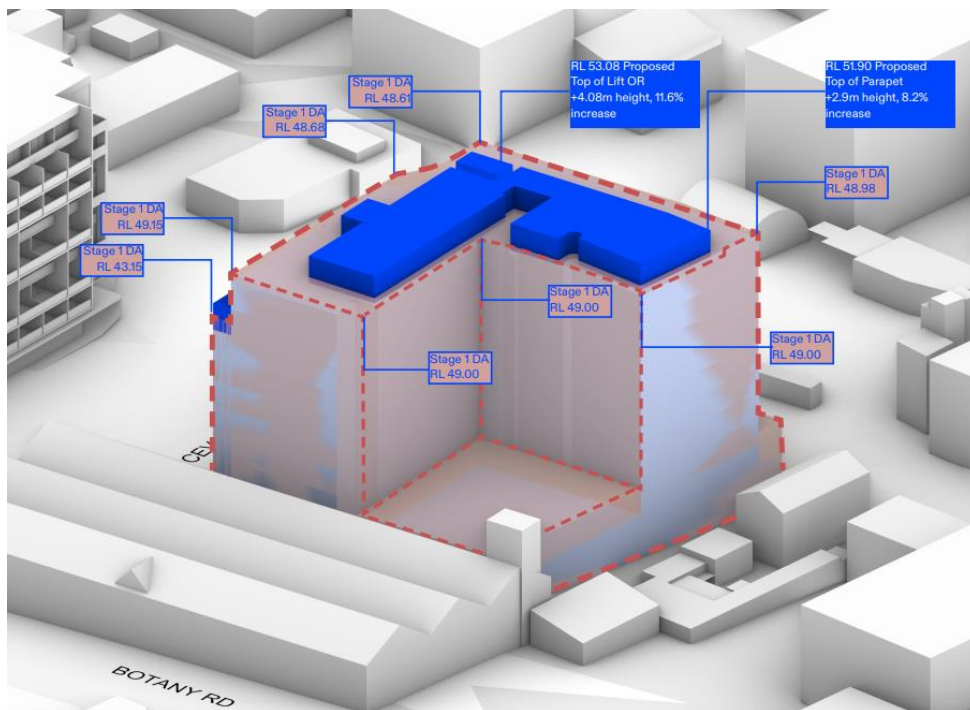


Figure 23: Proposed additional 11th storey (in blue)

83. As outlined in the Clause 4.6 variation discussion above, the variation to the maximum building height is supported for the following reasons:
- (a) The additional storey is setback from Wyndham and McEvoy Street, which will reduce any bulk and scale impacts.
 - (b) The submitted solar access diagrams demonstrate the additional storey has a negligible impact on solar access to the residential flat building to the south when compared to the approved Concept DA maximum building envelope.
84. In order to ensure consistency between the detailed design DA and the concept envelope, a condition of consent has been recommended that requires a Notice of Modification to the Concept consent in accordance with Section 4.24(4) of the EP&A Act 1979.

Design Excellence

85. Clause 6.21C provides that consent cannot be granted to a development to the erection of a new building unless the consent authority considers that the proposed development exhibits design excellence having regard to the matters outlined in Clause 6.21C(2) of the SLEP.
86. The development has undergone a Competitive Design Alternatives Process in response to an approved Concept Development Application and remains consistent with the endorsed Selection Panel Report, resulting in a high-quality design.
87. As outlined throughout this assessment report it is considered that the proposed building represents design excellence notably having regard to the bulk, massing and modulation of the building, environmental impacts, amenity, landscape design and the achievement of ESD.
88. The proposed development will provide 111 new affordable rental housing dwellings in a highly accessible location, will provide good amenity to the future residents and is of a suitable form, density and character to fit within the desired future character of the locality.
89. It is therefore considered that the proposal achieves design excellence in accordance with the Clause 6.21C of Sydney LEP 2012.

Noise and Ventilation

90. The site is located on the corner of McEvoy and Wyndham Street, within a high traffic environment. Facade and ventilation design is required to manage traffic-related noise impacts to future residents.
91. A key design move in the EM BE CE design competition submission was the prioritisation of residential floor space facing north and minimisation of south-facing apartments away from the noise of McEvoy and Wyndham Street.
92. The submitted Design Report outlines that the building facade has been designed with acoustic performance as a primary consideration. Measures include the use of deep masonry blades, solid spandrel panels, and acoustic linings, which collectively contribute to reducing external noise intrusion.

93. Bedrooms with an aspect toward McEvoy Street incorporate additional acoustic treatments to achieve compliance. These are provided through a double-window system comprising an operable inner casement window (with a sill height of approximately 1 metre above finished floor level) and a secondary external glazed layer. This arrangement is also applied to corner bedrooms.

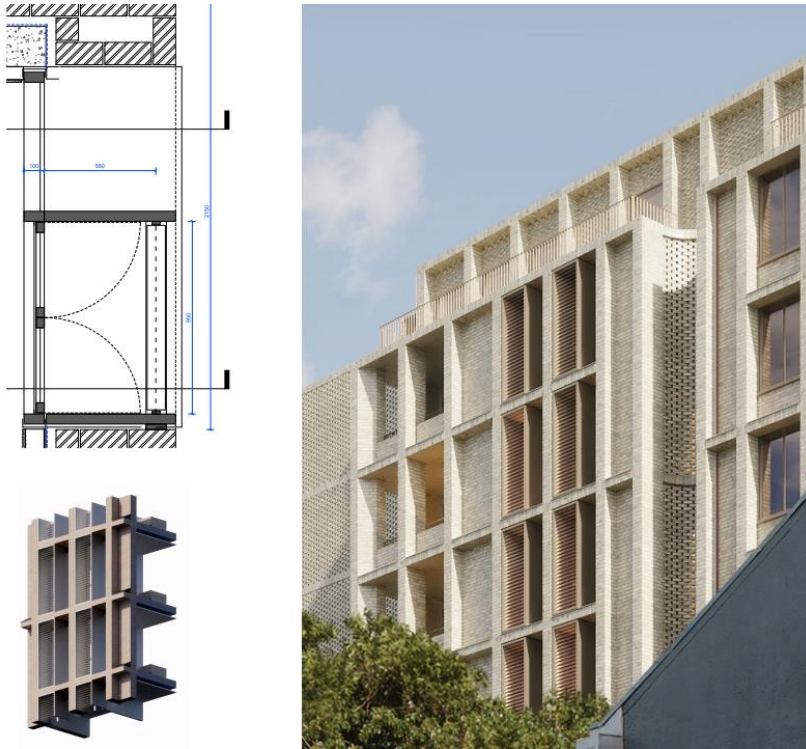


Figure 24: Acoustic treatment to windows (Source: EM BE CE Design Report)

94. This facade strategy enables residents to achieve acoustic comfort while maintaining access to natural ventilation and daylight. It provides flexibility in operation and supports acceptable residential amenity outcomes despite the site's exposure to traffic noise.
95. A Noise and Natural Ventilation Impact Assessment has been prepared by E-Lab Consulting. The report establishes project noise criteria in accordance with Section 4.2.3.11 of the Sydney DCP 2012. The report confirms that compliance can be achieved subject to the implementation of the following mitigation measures:
- (a) Glazing systems incorporating double glazing, with solid facade elements achieving a minimum acoustic performance of $R_w 45$;
 - (b) Acoustically treated balconies, including soffits with sound-absorptive finishes and solid balustrades with a minimum height of 800mm; and
 - (c) Acoustic offset openings (double-window system) to apartments facing McEvoy Street to facilitate natural ventilation and controlling noise impacts.

96. The proposal has been assessed by Council's Environmental Health Officers and is supported. Appropriate conditions of consent are recommended requiring certification by a suitably qualified acoustic consultant at detailed design stage to ensure that the final construction documentation remains consistent with the endorsed acoustic report and mitigation measures.

Construction Staging

97. The proposed development is to be constructed in 5 stages, as follows:
- Construction Certificate 1: earthworks, excavation, and shoring
 - Construction Certificate 2: structures above ground
 - Construction Certificate 3: future through site link
 - Construction Certificate 4: façade, fitout, finishes, and services
 - Construction Certificate 5: external works and public domain works.
98. The proposed staging strategy is considered appropriate having regard to the scale and complexity of the development. It provides a logical and orderly framework for the delivery of key components of the project, including the integration of the through-site link and public domain works. The approach is also consistent with staging arrangements approved under recent development consents for nearby sites delivered by City West Housing (D/2025/1070 and D/2024/581).
99. Accordingly, a condition for Construction Staging has been included in the recommended conditions at Attachment A.

Suitability of the Site for the Development

100. In accordance with Section 4.15(1)(c) of the EP&A Act 1979, the site is considered to be suitable for the proposed development for the following reasons:
- The site is appropriately zoned to accommodate affordable housing and is well located within walking distance of the Waterloo Metro Station, which provides frequent and convenient access to key destinations and employment centres across Sydney.
 - The scale, height and built form of the proposed development is consistent with the applicable planning controls and align with the desired future character of the locality as set out in the Botany Road Precinct provisions in the Sydney DCP 2012.
 - The proposal is capable of achieving acceptable residential amenity outcomes and demonstrates consistency with the relevant provisions of the Housing SEPP and Apartment Design Guide.
 - The site has access to essential services and infrastructure, and is able to support the demands generated by the proposed development.
 - The surrounding road network and key intersections have capacity to accommodate the additional traffic generated by the development, without adverse impacts on traffic performance or safety.

- The proposal will not result in any unreasonable or adverse environmental impacts on adjoining or nearby properties, including with respect to overshadowing, privacy, views, and solar access.

Public Interest

101. In accordance with Section 4.15(1)(e) of the EP&A Act 1979, the proposed development is considered to be in the public interest for the following reasons:

- The proposal facilitates the delivery of 111 affordable housing dwellings, supporting a socially diverse residential community and contributing to the provision of housing for a range of income groups within a well-connected inner-city location.
- The inclusion of commercial floor space will provide services and retail opportunities that benefit local residents, workers, and visitors, thereby enhancing the amenity and vibrancy of the surrounding area.
- The proposal improves the site's interface with the public domain, particularly along the northern portion of the Botany Road corridor. This will be achieved through the provision of active uses at the ground and first floors, upgrades to the public domain, and the integration of public art, contributing to a more engaging and pedestrian-friendly environment.

Consultation

Design Advisory Panel

102. The application was presented to the Design Advisory Panel on 29 May 2025.

103. A summary of the comments as recorded in the meeting minutes is as below:

- The Panel commended the architectural proposition.
- The Panel noted that the proposed 11th storey is above the LEP and concept height, however has minimal impacts to views and overshadowing. The Panel supported the additional storey.
- There is some concern with the arrangement of a single lift core and long corridors. It is noted that the proposal is not compliant on cross-ventilation and that there is low light access to the long corridors.
- The Panel recommended that compliant cross-ventilation and light to corridors be achieved.
- The Panel suggested that the south-eastern fire stairs may be used to improve light to corridors.
- The Panel recommended that the western wing arrangement be refined to provide daylight at the end of the corridor and cross ventilation to corridors.
- The Panel recommended more windows be provided to the north-eastern apartments.

- The proposal to add a split level to improve the connection between the level 1 courtyard and the ground plane may add too much complexity and inequitable residential access.
- The Panel suggested that the second-floor eastern commercial space be amended to residential uses. The additional floorspace may be used in replanning to improve cross ventilation to apartments.
- The Panel supported the City's recommendation that AC units are acceptable, contingent on the enlarging and screening balconies.

Internal Referrals

104. The application was discussed with Council's:

- (a) Cleansing and Waste
- (b) City Access and Transport
- (c) Environmental Health - Contamination
- (d) Environmental Health - Noise
- (e) Heritage and Urban Design Unit
- (f) Public Art
- (g) Public Domain Unit
- (h) Surveyors
- (i) Transport and Access Unit
- (j) Tree Management Unit
- (k) Waste Management Unit

105. The above advised that the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the Recommended Conditions of Consent.

External Referrals

Ausgrid

106. Pursuant to Section 2.48 of the SEPP (Transport and Infrastructure) 2021, the application was referred to Ausgrid for comment.
107. A response was received raising no objections to the proposed development. Conditions of consent have been included.

Sydney Airport

108. 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.

109. 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).
110. The Director of Airspace Protection and Airport Safeguarding, as an authorised person of the CASA, provided approval for the controlled activity on 12 June 2026.

Transport for NSW

111. Pursuant to Section 2.122 of the SEPP (Transport and Infrastructure) 2021, the application was referred to Transport for NSW (TfNSW) for comment and concurrence under Section 138 of the Roads Act 1993.
112. Transport for NSW provided concurrence to the proposed civil works on the McEvoy Street frontage under Section 138 of the Roads Act 1993 on 26 October 2025. Conditions of consent have been included in Attachment A - Recommended Conditions of Consent.

Advertising and Notification

113. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified for a period of 28 days between 3 October 2025 and 3 November 2025. A total of 422 properties were notified and 36 submissions were received. Of these submissions, 33 were in support, 2 objected and 1 was a comment.
114. The submissions raised the following issues:
 - (a) **Issue:** the proposed 11-storey development is an overdevelopment of the site, inconsistent with the character of Alexandria and Wyndham Street. It is suggested the development should be limited to 4-5 storeys.

Response: The proposed height, bulk and scale are consistent with the floor space ratio controls applicable under the Sydney LEP 2012. The proposal incorporates appropriate setbacks, articulation and facade modulation to reduce visual bulk and achieve an acceptable streetscape presentation. The proposal is consistent with the desired future character envisaged by the Botany Road Precinct DCP.
 - (b) **Issue:** Increased traffic at the intersection of Wyndham Street and McEvoy Street, as well as potential safety risks, particularly in relation to nearby schools. Lack of parking provided on site will increase demand for on-street car parking

Response: The proposal includes 12 car parking spaces and is not expected to generate unreasonable traffic impacts to the existing traffic conditions at the site. The site is located within a highly accessible urban area, within walking distance of Waterloo Metro Station. The proposal provides 144 bicycle parking spaces to reduce reliance on private vehicle use.

- (c) **Issue:** Overshadowing impacts on surrounding properties and the public domain arising from the proposed building height.

Response: The submitted overshadowing plans demonstrate that the proposal will result in acceptable overshadowing impacts to the southern residential building at 222 Wyndham Street, with no overshadowing impacts to Alexandria Park. Due to the site's corner location at Wyndham and McEvoy Streets, the development generates minimal additional overshadowing to neighbouring properties and the public domain.

- (d) **Issue:** Loss of landscaping, green space and urban tree canopy.

Response: The proposal includes 500sqm of publicly accessible landscaping along the McEvoy Street frontage and the retention of existing mature trees, which is considered to be a suitable landscaping outcome.

Financial Contributions

Contribution under Section 7.11 of the EP&A Act 1979

115. The City of Sydney Development Contributions Plan 2015 applies to the site. Section 1.3 of the Contributions Plan excludes a contribution being applicable for affordable housing provided by a social housing provider.
116. A social housing provider is defined under the Housing SEPP and includes City West Housing, who is the Applicant for this application. Accordingly, no contribution is applicable in this instance.

Contribution under Clause 7.13 of the SLEP 2012

117. 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.
118. Clause 7.13 (Contribution for purpose of affordable housing) of the SLEP 2012 allows for circumstances where an affordable housing contribution may be levied for development of land in Green Square.
119. Clause 7.13(6)(e) of SLEP 2012 excludes the floor area of a building (including balconies) used to provide affordable housing in the calculation of a contribution. Accordingly, a contribution is not applied in this instance.

Housing and Productivity Contribution

120. The development is not subject to a Housing and Productivity Contribution under the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.
121. While the site is located with the Greater Sydney region, the development is of a type listed in Schedule 2 of the Order as being exempt from the Housing and Productivity Contribution.

Conclusion

122. The application proposes construction of a new 11-storey mixed-use building at 216-220 Wyndham Street, Alexandria. The proposed residential component will be used for the purposes of affordable housing, providing 111 units and be managed by City West Housing, a not-for-profit Tier 1 Community Housing Provider.
123. 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. The proposed maximum building height non-compliance has been demonstrated to be acceptable in the circumstance of the case.
124. The proposal presents 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.
125. 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

Georgia Martin, Senior Planner