

Item 7.**Development Application: 132-138 McEvoy Street, Alexandria**

File No.: D/2017/1073

Summary**Date of Submission:** 8 August 2017

Amended plans and additional information were submitted on 17 November 2017, 11 December 2017 and 17 January 2018.

Applicant: Thomas Whalan of Stormac Pty Ltd**Architect:** SJB Architects**Owner:** Stormac Pty Ltd**Cost of Works:** \$9,680,000

Proposal Summary: The application seeks consent for demolition of existing structures and the construction of a three storey mixed-use building (9,155sqm) to accommodate a self-storage unit facility and 6 ground floor shops that front McEvoy Street. The proposal includes vehicular access from Bowden Street and egress to McEvoy Street and accommodates 11 on-site car parking spaces.

The proposal relies on additional community infrastructure floor space of 0.48:1 (2,212sqm) in accordance with Section 6.14 of the Sydney LEP 2012.

The subject application has been accompanied by a public benefit offer for the dedication of a 1.4m wide strip of land along the McEvoy Street frontage of the site (a total of 108sqm) to facilitate widening of the shared path, associated embellishments, and a monetary contribution of \$36,936 towards the provision of infrastructure for Green Square. A draft Voluntary Planning Agreement (VPA) has been prepared, and has been publicly exhibited for a 28-day period between 14 May and 11 June 2018.

The application is referred to the Local Planning Panel for determination as the developer has offered to enter into a planning agreement.

Proposal Summary:**(continued)**

The development application was notified for a 30 day period between 23 August and 23 September 2017. The notification of the application resulted in one submission being received. This submission suggested that the McEvoy Street facade should be offset to enable a 3m wide shared path.

The proposal has been amended during the assessment period to address preliminary concerns raised relating to: the buildings setbacks, retention of street trees, vehicle and pedestrian movement, vehicle access and egress and materiality.

The amended proposal has been assessed as having a built form, height and setbacks that satisfactorily address the context of the site including neighbouring development and the streetscape.

The development is considered to exhibit design excellence, and is an appropriate form, scale, use and materiality for the locality.

Summary Recommendation:

The application is recommended for a deferred commencement consent to allow the execution of the Voluntary Planning Agreement and submission of a Swept Path Analysis.

Development Controls:

- (i) Environmental Planning and Assessment Act 1979
- (ii) Civil Aviation (Building Control) Regulations 1988
- (iii) State Environmental Planning Policy No 64 - Advertising and Signage
- (iv) State Environmental Planning Policy (Infrastructure) 2007
- (v) State Environmental Planning Policy No 55—Remediation of Land.
- (vi) Sydney Local Environmental Plan 2012
- (vii) Sydney Development Control Plan 2012
- (viii) City of Sydney Development Contribution Plan 2015
- (ix) Green Square Affordable Housing Program

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Drawings

Recommendation

It is resolved that, pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2017/1073, subject to the conditions set out in **Attachment A** to the subject report.

Reasons for Recommendation

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

- (A) The development, subject to the imposition of appropriate conditions as recommended in Attachment A, is consistent with the objectives of the planning controls for the site for the reasons outlined in the report to the Local Planning Panel.
- (B) The built form, height and setbacks addresses the context of the site and are appropriate within the streetscape.
- (C) The use is appropriate for the Southern Employment Lands.
- (D) The development is considered to exhibit design excellence, through its architecture, materiality and contribution to the public domain.
- (E) The proposed development contributes to the delivery of community infrastructure for Green Square through the dedication of land and embellishment works for a widened shared path along the McEvoy Street frontage, as well as a monetary contribution. These are included in the Voluntary Planning Agreement associated with the development application. The imposition of a deferred commencement is to allow execution of the Voluntary Planning Agreement and registration on title.

Background

The Site and Surrounding Development

1. The site has a legal description of Lot 2 DP 243107, and is commonly known as 132-138 McEvoy Street, Alexandria.
2. The site is located on the southern side of McEvoy Street, at its intersection of McEvoy Street and Bowden Street. The site is irregular in shape with an area of 4,610sqm. It has a frontage of 77.01m to McEvoy Street and 67.88m to Bowden Street.
3. Currently on the site is a single storey warehouse building (refer to Figures 2 and 3, below). Vehicular access to the site is currently from driveways off both McEvoy Street and Bowden Street.
4. The site is not a heritage item or located within a heritage conservation area.
5. The site is located within the boundaries of both the Green Square urban renewal area and the Southern Employment Lands. Currently, the surrounding context is largely characterised by large warehouse development, however, many sites are undergoing redevelopment.
6. To the south of the site, at 9 Bowden Street, is an open-air carpark. Further south at 11 Bowden Street is a recently developed four storey educational establishment (refer to Figure 4).
7. To the east of the site, on the opposite side of Bowden Street, at 128-130 McEvoy Street and 4-6 Bowden Street is a single storey vehicle repair station.
8. To the north of the site, on the opposite side of McEvoy Street, at 147-161 McEvoy Street are two five storey residential flat buildings.
9. It is noted that to the north of the site, on the opposite side of McEvoy Street, at 163-173 McEvoy Street, there is a currently a Concept development application under assessment to redevelop the existing two storey industrial building to a part four, part six storey mixed-use building. The application is currently the subject of an appeal to the Land and Environment Court.
10. Directly to the west of the site at 140-142 McEvoy Street is a single storey warehouse building that is currently occupied by a food and drink premises known as 'Grandmas'.
11. Figures 1 to 6 below, illustrate the site context and photos of the site and surrounds.



Figure 3: Looking south-east at the Bowden Street frontage of the site.



Figure 4: Looking south from Bowden Street at the neighbouring sites to the south-east of the subject site (Nos. 9 and 11 Bowden Street).



Figure 5: Looking south-east from McEvoy Street at the sites existing vehicle access and car park.



Figure 6: Looking south-west from McEvoy Street at the neighbouring site (No. 140-142 McEvoy Street)

Proposal

12. The application seeks consent for the construction of a three storey mixed-use development, including the following works:
 - (a) Demolition of the existing warehouse on site.
 - (b) Site preparation works.
 - (c) Construction of three storey mixed use development to be used a self-storage facility, accommodating:
 - (i) 79 storage units across ground level to level 2.
 - (ii) Ancillary office space and call centre at ground level and level 1.
 - (iii) Six (6) shop tenancies are proposed at ground level fronting McEvoy Street.
 - (d) The proposed gross floor area is comprised of the following:
 - (i) 7,849sqm of self-storage units across all floors.
 - (ii) 942sqm of shops on the ground floor.
 - (iii) 305sqm of offices on the ground and first floors.
 - (e) Vehicular access is proposed from Bowden Street and egress to McEvoy Street.
 - (f) On-site car parking for 11 vehicles at ground floor level.
 - (g) Business identification signage on the McEvoy Street elevation.
 - (h) Landscaping and public domain improvements, including land dedication.
13. The proposed hours of operation are of the office/call centre are 8.00am - 5.30pm, Mondays to Sundays.
14. The proposed hours of operation of the self-storage units are 6.00am - 9.00pm, Mondays to Sundays.
15. No hours of operation are specified for the shop tenancies.
16. The Development Application is accompanied by a public benefit offer for the dedication of a 1.4 metre wide strip of land along the McEvoy Street frontage for the purposes of shared path widening.
17. Plans of the proposed development are provided at Figures 7 to 16, below, and a full set of the plans is provided at Attachment B.



Figure 9: First floor plan

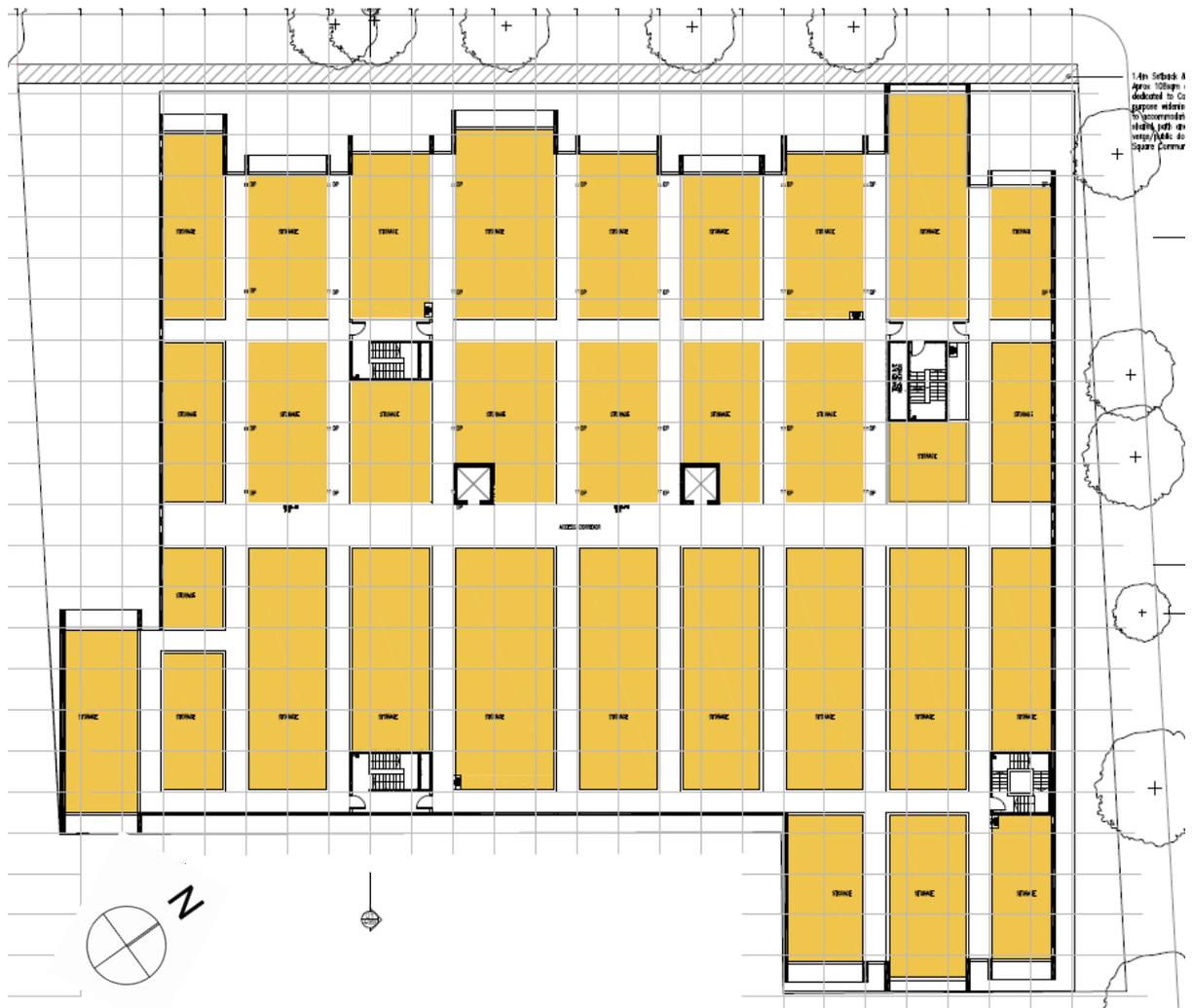


Figure 10: Second floor plan

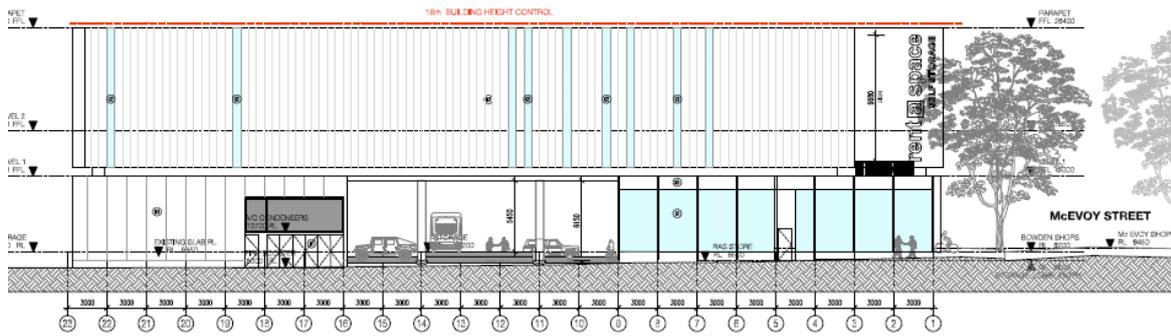


Figure 13: East elevation (Bowden Street frontage)

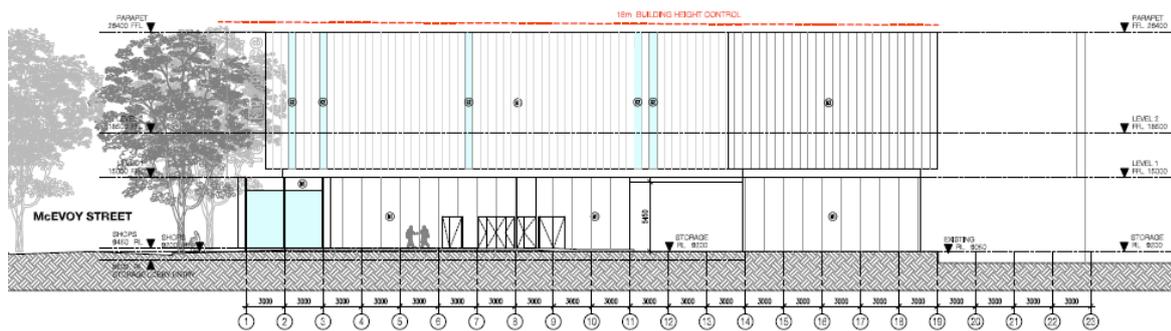


Figure 14: West elevation

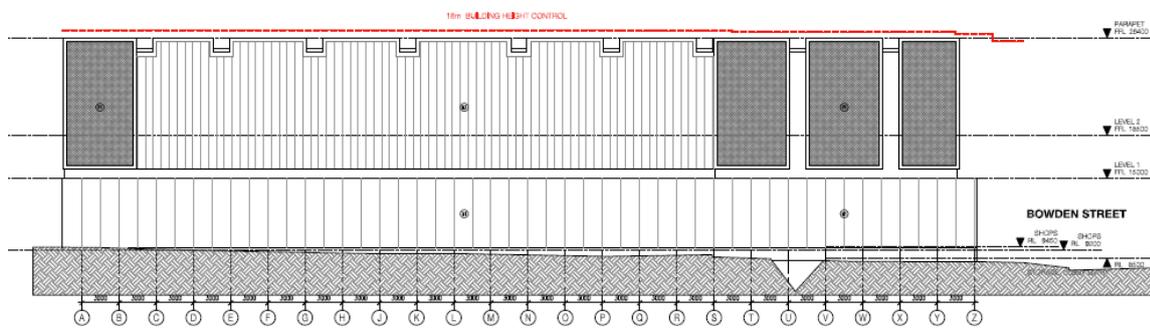


Figure 15: South elevation (rear elevation)

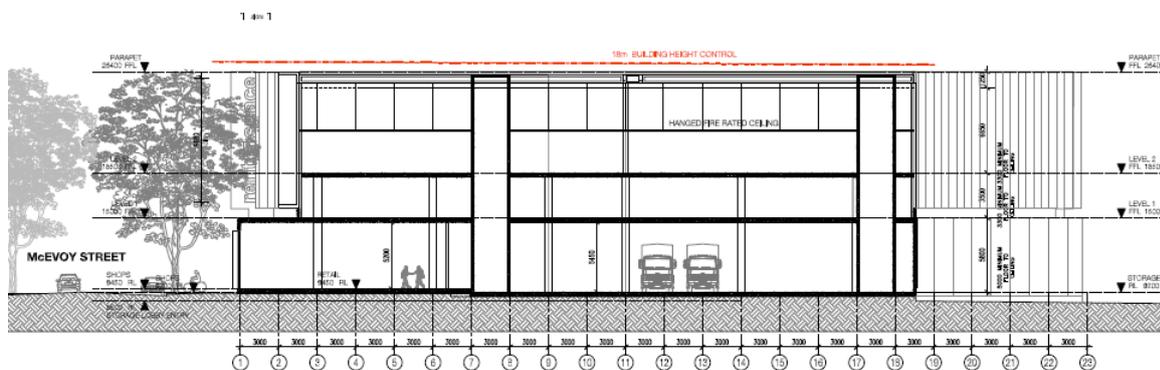


Figure 16: Cross-section

History Relevant to the Development Application

18. Following a preliminary assessment of the application, City staff requested the following information/amendments in correspondence dated 10 October 2017:
 - (a) Roads and Maritime Services

The Road and Maritime Services (RMS) were not supportive of the encroachment over the McEvoy Street road corridor. The proposed buildings and structures were required to be setback wholly within the boundaries of the property.
 - (b) McEvoy Street Setback

As lodged, the proposal accommodated a setback along Bowden Street in accordance with the DCP. It was determined through consultation with other units with Council that there was a greater strategic value in relocating the setback and dedication zone to the McEvoy Street frontage to allow for the delivery of a shared path. This shared path is part of the strategically important regional bicycle network, connecting Bowden Street separated cycleway to Harley Street.
 - (c) Vehicle Movements / Pedestrian Safety

The proposal resulted in an opening of approximately 20 metres in the Bowden Street elevation associated with the vehicle access and parking area. The design proposed a split driveway with a total width of 9m and the removal of an existing street tree.

This arrangement was not supported, and it was requested that the design of the opening be amended to a single vehicle entrance width and include the retention of the existing street tree.
 - (d) Further information was requested on Acid Sulphate Soils and Land Contamination.
 - (e) Further information was requested regarding the extent of soil disturbance/removal during any proposed remedial and piling works and a Site Remedial Action Plan (RAP).
19. Amended plans and additional information was submitted by the applicant on 17 November 2017. The amendments included:
 - (a) A building setback of 1.4m from the McEvoy Street frontage and reduced the Bowden Street setback.
 - (b) The deletion of the first floor overhang of McEvoy Street.
 - (c) A reduced width of the Bowden Street vehicle opening.
 - (d) The retention of the street trees on Bowden Street.
20. Further information was requested on 24 November 2017, regarding a Root Map Investigation to determine the proposed driveways impact on the street trees in Bowden Street. This information was provided by the applicant on 11 December 2017.

21. In correspondence dated 12 December 2017, the applicant made a public benefits offer to enter into a planning agreement regarding the dedication of land along the McEvoy Street frontage of the site.
22. On 17 January 2018, a Site Audit Statement and revised Remediation Action Plan (RAP) were provided to the satisfaction of the City's Health and Building Unit.
23. On 1 May 2018, the applicant replaced the 'tensile fabric cladding' with 'translucent opaque white glass'.

Economic/Social/Environmental Impacts

24. The application has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979, including consideration of the following matters:
 - (a) Environmental Planning Instruments and DCPs.

Roads Act 1993

25. The application was lodged as an Integrated Development Application requiring the approval of the Roads and Maritime Services (RMS) under Section 138 of the Roads Act 1993. On 16 August 2017, the RMS confirmed that it was not an Integrated Development Application.
26. In correspondence, dated 21 December 2017, the RMS provided a response to this referral and that made under SEPP (Infrastructure) 2007 (ISEPP) to advise that they had no objection to the proposal, subject to the imposition of conditions of consent.

Water Management Act 2000

27. The application was lodged as an Integrated Development Application requiring the approval of the Department Primary Industries (DPI) under the Water Management Act 2000. On 12 April 2018, the DPI confirmed that it was not an Integrated Development Application. No conditions of consent were recommended.
28. The application was referred to the DPI under the provisions of the Water Management Act 2000 due to its proximity to Sydney Water assets (Shea's Creek Stormwater Channel). No objection was raised.

Sydney Water Act 1994

29. On 12 September 2017, Sydney Water provided their comments on the proposed development, raising no objection to the proposal subject to the imposition of conditions of consent.

Civil Aviation (Building Control) Regulations 1988

30. 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.
31. Schedules 2 and 5 of the Civil Aviation (Building Control) Regulations 1988 identify the subject site is subject to a prohibition of the construction of buildings more than 50 feet in height (15.24m) above existing ground height.

32. 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).
33. The application was referred to Sydney Airport on 17 August 2017, under the provisions of the Civil Aviation (Building Control) Regulations 1988, as the development on the site exceeds 15.24m. The development does not penetrate the prescribed airspace.
34. The Sydney Airport Airfield Design Manager, as an authorised person of the CASA, provided approval for the controlled activity on 4 September 2017.

State Environmental Planning Policy No 55—Remediation of Land

35. The aim of SEPP 55 is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.
36. A Remediation Action Plan and Site Audit Statement were submitted with the development applicant. These documents have been reviewed by the City's Environmental Health Officer, who has confirmed that they are satisfied that subject to conditions, the site can be made suitable for the proposed use.

State Environmental Planning Policy No 64—Advertising and Signage

37. The application proposes two illuminated top of building business identification signs, both with the dimensions 9680mm (h) x 2100mm (w), stating 'Rent a space self storage'. The signs are located on the McEvoy Street (north) elevation.
38. No business identification signage is proposed for the ground floor shops as part of this application. Further discussion on this matter is provided in the DCP compliance table.
39. SEPP 64 aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.
40. Clause 8 of SEPP64 states that:

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and
 - (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.
41. The following table outlines the manner in which the proposed signage addresses the assessment criteria of SEPP64.

1. Character of the area	Comment
<p>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</p>	<p>The area is characterised by industrial, commercial and residential uses.</p> <p>The southern side of McEvoy Street to the west of Bowden Street is zoned B6 - Enterprise Corridor. The southern side of McEvoy Street to the east of Bowden Street is zoned B7 - Business Park. The northern side of McEvoy Street is zoned B4 - Mixed Use.</p> <p>The objectives of the B6 - Enterprise Corridor zone in which the subject site is located promotes businesses along main roads and provide employment, amongst other things. The signage reflects the commercial use of the building and reinforces the desired business use of McEvoy Street.</p>
<p>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</p>	<p>Signage in the area is characterised by top hamper, top of building and wall signs of varying quality.</p> <p>The proposed top of building signage is generally consistent with the type and scale of existing signage in the area.</p>
2. Special areas	Comment
<p>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</p>	<p>The site adjoins Shea's Creek Stormwater Channel and is adjacent to a number of residential flat buildings on the north of McEvoy Street. The proposed signage will not detract from the amenity of visual quality of these 'special areas'.</p>
3. Views and vistas	Comment
<p>Does the proposal obscure or compromise important views?</p>	<p>No.</p>
<p>Does the proposal dominate the skyline and reduce the quality of vistas?</p>	<p>The proposed signage is wholly contained within the architectural projection boxes on the McEvoy Street frontage of the site. The location and style of signage does not dominate the skyline or negatively impact on vistas.</p>

3. Views and vistas	Comment
Does the proposal respect the viewing rights of other advertisers?	Yes. The signage is wholly within the boundaries of the site and contained within the architectural projection boxes. The viewing rights of other advertisers will therefore be respected.

4. Streetscape, setting or landscape	Comment
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes, the signage reinforces the commercial nature of the building in accordance with the objectives of the 'B6 - Enterprise Corridor' zone as a business and employment hub.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The signage is appropriately sited on the facades to integrate with the architecture, achieves its purpose of identifying the use and does not detract from the streetscape and setting of the site.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The existing building has approximately twenty low-quality wall signs of varying sizes and colours. The proposed signage will significantly reduce clutter.
Does the proposal screen unsightliness?	Not applicable.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	Yes, the signage will protrude above the street trees on McEvoy Street which are roughly 9m in height. However, this has been assessed as acceptable as it is wholly contained within the building.
Does the proposal require ongoing vegetation management?	No.

5. Site and building	Comment
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Yes, the signage responds to the vertical proportions of the McEvoy Street facade.

5. Site and building	Comment
Does the proposal respect important features of the site or building, or both?	The signage does not affect any important features on the site.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Yes, the signage responds to the vertical proportions of the McEvoy Street façade.

6. Associated devices & logos with advertisements & advertising structures	Comment
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	No.

7. Illumination	Comment
Would illumination result in unacceptable glare?	To ensure the illumination of the signs does not affect safety, amenity or result in unreasonable glare, it is a recommended condition of consent that the illuminated signs must not flash, have reduced luminance at night, and are only permitted to be illuminated during approved operating hours (6.00am - 9.00pm, Mondays to Sundays).
Would illumination affect safety for pedestrians, vehicles or aircraft?	
Would illumination detract from the amenity of any residence or other form of accommodation?	
Can the intensity of the illumination be adjusted, if necessary?	
Is the illumination subject to a curfew?	

8. Safety	Comment
Would the proposal reduce the safety for any public road?	No, subject to the imposition of conditions of consent.
Would the proposal reduce the safety for pedestrians or bicyclists?	No.

8. Safety	Comment
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No.

42. Based on the RMS concurrence, and the assessment of the proposed signage against the aims and objectives of Clause 3 and the assessment criteria of schedule 1 of SEPP64, it is considered that the proposal is consistent with the SEPP.

State Environmental Planning Policy - Infrastructure 2007 (ISEPP)

Clause 45

43. On 21 August 2017, the application was referred to Ausgrid in accordance with Clause 45(2) (Determination of development applications - other development) of ISEPP. On 14 September 2017, Ausgrid provided a response and raised no objections to the proposal subject to the imposition of recommended conditions of consent.

Clause 101

44. The application is subject to Clause 101 of the ISEPP as the site has frontage to McEvoy Street, which is a classified road. The application is considered to satisfy Clause 101 of the ISEPP subject to conditions of consent, as it does not provide access to the site from the classified road (only egress), and the use is not sensitive to traffic noise or vehicle emissions.

Clause 104

45. As the proposal involves the erection of a new commercial premises over 1,000sqm with access to a classified road, it is considered 'traffic generating development' under the provisions of Clause 104 of the ISEPP.
46. On 30 November 2017, the application was referred to NSW Roads and Maritime Services (RMS) for comment in accordance with Schedule 3. In correspondence dated 21 December 2017, the RMS responded to advise that they have no objection to the proposal, subject to the imposition of recommended conditions of consent. These conditions have been included in the recommended conditions contained at Attachment A.

Sydney LEP 2012

47. The site is located within the B6 - Enterprise Corridor zone. The proposed land uses are defined as "shops", "self-storage units" and an "office premises", all of which are permissible in the zone. The applicant has stated that the 6 ground floor tenancies fronting McEvoy Street will be used as either 'shops' or 'food/drink premises'. The applicant has not specified which tenancies will be approved as 'shops' and which will be approved as 'food/drinks premises'. As such, the tenancies are only approved as 'shops', not as 'food/drinks premises'. A future application can be lodged to change the use of these tenancies.
48. The relevant matters to be considered under Sydney Local Environmental Plan 2012 for the proposed development are outlined below.

Compliance Tables

Development Control	Compliance	Comment
4.3 Height of Buildings	Yes	<p>A maximum height of 18m is permitted.</p> <p>A maximum height of 17.5m is proposed.</p>
<p>4.4 Floor Space Ratio</p> <p>6.14 Community infrastructure floor space at Green Square</p>	Yes	<p>The site has a base FSR of 1.5:1 under clause 4.4 of SLEP 2012.</p> <p>The site is located in Area 6 and under the provisions of clause 6.14 of SLEP 2012 is eligible for a further 0.5:1 of community infrastructure floor space.</p> <p>As such a combined FSR of 2:1 is permitted.</p> <p>A total FSR of 1.98:1 (9,155sqm) is proposed. To achieve this, the proposal relies on the additional community infrastructure floor space of 0.48:1 (2,212sqm).</p> <p>The applicant has made a public benefit offer for land dedication and embellishment works along the McEvoy Street frontage and a monetary contribution towards community infrastructure in Green Square, in accordance with these provisions.</p>

Part 6 Local Provisions - Height and Floor Space	Compliance	Comment
Clause 6.13 End of journey floor space	Yes	<p>As the development is wholly commercial in use, it is eligible for an amount of additional floor space equal to the floor space occupied by end of journey facilities. To be eligible, the end of journey facilities must be located together in one area of the building, and must not exceed a floor space ratio of 0.3:1</p> <p>The proposal includes 23sqm of end of journey facilities, located in one area of a building and represents 0.0025:1 of the proposed FSR.</p>

Part 6 Local Provisions - Height and Floor Space	Compliance	Comment
6.21 Design excellence	Yes	The proposed development satisfies the requirements of this provision. The design achieves a high standard of architectural design, with materials, detailing, bulk and massing appropriate to the building type and area.
6.28 Development on certain land in Zone B6 Enterprise Corridor	N/A	The development does not rely on the floor space or height bonuses in this part of the plan. The development relies on additional community infrastructure floor space in Clause 6.14 of the plan.

Part 7 Local Provisions - General	Compliance	Comment
Division 1 Car parking ancillary to other development 7.6 Office premises and business premises 7.7 Retail premises	Yes	Based on 8,190sqm of office and business floor space and 942sqm of retail floor space, a maximum of 76 car parking spaces are permitted. 11 car parking spaces are proposed.
7.13 Contribution for purpose of affordable housing	Yes	The site is located within the boundaries of Green Square as detailed in the Green Square Affordable Housing Program. Under the provisions of Clause 7.13, the application is subject to an affordable housing contribution. The development has a total floor area of 9,323sqm as defined by this part of the plan. The corridors on the upper floors have been included in the calculation as they are not used exclusively for the 'loading and unloading of goods', however some of the ground floor corridors have been excluded from the calculations as they provide 'internal...pedestrian access to [the] carpark'.

Part 7 Local Provisions - General	Compliance	Comment
		Based on the non-residential rate of \$81.63/sqm for the indexation period 1 March 2018 to 28 February 2019, an affordable housing contribution of \$761,036.49 applies to the development.
7.14 Acid Sulphate Soils	Yes	<p>The site is identified as containing class 3 Acid Sulphate Soil. Subject to the recommendations in the revised Remediation Action Plan (RAP) and Site Audit Statement, it has been demonstrated to the satisfaction of the City's Health and Building Unit that the proposal will not disturb, expose or drain acid sulphate soils and cause environmental damage.</p> <p>A condition has been recommended to address acid sulphate soils on site.</p>
7.15 Flood planning	Yes	<p>The site is identified as being on flood prone land.</p> <p>The proposal is supported by a Flood Level Assessment. The flood planning levels proposed are supported by the City's Water Assets specialist and satisfy the objectives of this part of the plan.</p>
7.16 Airspace operations	Yes	<p>The proposed development will not penetrate the Obstacle Limitation Surface as shown on the Obstacle Limitation Surface Map for the Sydney Airport.</p> <p>Notwithstanding this, the proposal does trigger a requirement for referral to Sydney Airport under the Civil Aviation (Building Control) Regulations 1988. Refer to discussion elsewhere within this report.</p>
7.20 Development requiring preparation of a development control plan	Yes	The site is zoned B6 - Enterprise Corridor and has a site area of less than 5,000sqm, therefore the preparation of a site specific Development Control Plan is not required.

Part 7 Local Provisions - General	Compliance	Comment
7.23 Large retail development near Green Square Town Centre	Yes	The proposal includes 942sqm of floor space for shops. As the proposal includes less than 1,000sqm of floor area for shops, the provisions in this part of the plan do not apply.
7.25 Sustainable transport on southern employment land	Yes	<p>The proposal includes staff and customer bicycle spaces as well as an end of journey facility.</p> <p>The site is easily accessible by public transport, being approximately 1km away from Green Square train station and McEvoy Street is serviced by two bus routes.</p> <p>Due to the nature of the uses, the proposal is not anticipated to create significant additional demand on the transport network.</p>

Sydney DCP 2012

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

2. Locality Statements – 2.10.2 Enterprise Corridor

The subject site is located in the Enterprise Corridor locality. The proposal is considered to be in keeping with the unique character of the area and design principles in that it reflects the diversification from industrial uses to a wider economic activities, supports employment activity and services the local working population.

3. General Provisions	Compliance	Comment
3.1.1 Streets, lanes and footpaths	Yes	A 1.4m setback to McEvoy Street is proposed in order to widen the existing shared path and provide sufficient space for pedestrians and cyclists.
3.2 Defining the Public Domain 3.2.2 Addressing the street and public domain 3.2.3 Active frontages	Yes	The ground floor shops fronting McEvoy Street have individual entries and large display windows, activating the street frontage, encouraging pedestrian and customer interaction and promoting passive surveillance.

3. General Provisions	Compliance	Comment
		<p>The Bowden Street frontage also includes extensive glazing servicing the corner shop tenancy and the showroom/reception.</p> <p>The site is not identified in the DCP as requiring active frontages along either McEvoy or Bowden Streets.</p>
3.2.4 Footpath awnings	Yes	The site is not identified in the DCP as requiring the provision of a footpath awning or colonnade. The proposed development has not included an awning in its design.
3.2.7 Reflectivity	Able to comply	<p>The application is supported by a Reflectivity Statement which states that the design targets a glass reflectance below 20%.</p> <p>In accordance with this part of the plan, it is a recommended condition of consent that the visible light reflectivity from building materials used on the façade of the building does not exceed 20% in accordance with this part of the plan.</p>
3.2.8 External lighting	Yes	No external lighting is proposed. It is a recommended condition of consent that any external floodlighting or illumination of the building or site landscaping be subject to a separate development application.
3.4 Hierarchy of Centres, City South	Yes	The site is not identified as a retail centre. The proposal includes 942sqm of 'shop' floor area which will not detract from the economic viability of any of the identified retail centres.

3. General Provisions	Compliance	Comment
3.5 Urban Ecology	Yes	<p>The site is adjacent to six existing street trees on the McEvoy Street frontage and the six existing street trees on the Bowden Street frontage.</p> <p>The proposal is supported by a Root Mapping Assessment which has demonstrated to the satisfaction of the City's Tree Specialist that subject to the imposition of conditions, that the proposal will not adversely impact on the 12 street trees.</p>
3.6 Ecologically Sustainable Development	Yes	<p>The proposal includes photovoltaic panels on the ground floor roof fronting McEvoy Street.</p> <p>In accordance with this part of the plan, it is a recommended condition consent that dual flush toilets, water efficient taps and water efficient urinals be installed in order to contribute to ecologically sustainable development and reduce its impact on the environment.</p>
3.7 Water and Flood Management	Yes	<p>The site is identified as being on flood prone land. Refer to discussion in the LEP compliance table.</p>
<p>3.11 Transport and Parking</p> <p>3.11.3 Bike parking and associated facilities</p>	Yes	<p>The shop and office uses generate the requirement of 6 bicycle spaces for staff and 2 spaces for customers. The self-storage units would best be defined as a 'warehouse' for the purposes of calculating bicycle parking rates. It is anticipated that the self-storage use will not require 10 or more staff and as such there is no requirement to provide bicycle spaces for this use.</p> <p>The development includes 6 Class B bicycle spaces for staff and 12 Class C bicycle spaces for customers which complies with the requirements of this part of the plan.</p> <p>It is a recommended condition of consent that the proposed end of journey facilities be designed in accordance with this part of the plan.</p>

3. General Provisions	Compliance	Comment
3.11.4 Vehicle parking	Yes	Refer to discussion elsewhere in DCP compliance table.
3.11.11 Vehicles access and footpaths		<p>The development includes a ground level car park with access from Bowden Street and egress to McEvoy Street.</p> <p>The application is supported by a Traffic Impact Assessment which has been reviewed and supported by the City's Traffic Engineer.</p>
3.12 Accessible Design	Yes	<p>The 6 shop tenancies have accessible entrances from McEvoy Street.</p> <p>The self-storage showroom and ground level self-storage rooms have at-grade entrances from Bowden Street. The self-storage rooms and associated office/call centre on the upper levels have lift access from the ground level.</p> <p>A condition has been recommended for the proposed development to provide appropriate access and facilities for persons with disabilities in accordance with the DCP and the BCA.</p>
3.13 Social and Environmental Responsibilities	Yes	The development includes extensive ground floor glazing which will facilitate surveillance of the public domain generally designed in accordance with the CPTED principles.
3.14 Waste	Yes	<p>The development has an on-site ground floor level waste storage room.</p> <p>Adjoining the waste storage room is an on-site designated 3.5m (w) x 8.8 (d) garbage collection zone. Access to the garbage collection zone is from Bowden Street, with egress to McEvoy Street.</p> <p>The waste storage area and supplied Waste Management Plan have been reviewed and supported by the City's Waste Management Specialist.</p>

3. General Provisions	Compliance	Comment
		<p>A condition has been recommended for the proposed development to comply with the relevant provisions of the City of Sydney Code for Waste Minimisation in New Developments 2005.</p>
<p>3.15 Late Night Trading Management</p>	<p>Yes</p>	<p>The development includes six ground floor shop tenancies fronting McEvoy Street. Associated with the self-storage use is a ground floor showroom/ reception area fronting Bowden Street and a first floor office/call centre.</p> <p>The self-storage use office/call centre has proposed hours of operation of 8.00am - 5.30pm, Mondays to Sundays.</p> <p>The self-storage unit facility has proposed hours of operation of 6.00am - 9.00pm, Mondays to Sundays.</p> <p>The site is not located in a 'late night trading area' and as such no hours of operation are prescribed. Hours of operation are assessed their individual merit.</p> <p>No objection is raised to the proposed hours of operation of the self-storage unit facility or its ancillary offices, as these are generally consistent with business hours in this locality and based on the nature of the use is not considered to give rise to adverse amenity impacts.</p> <p>No hours of operation are specified for the six shop tenancies. As the specific uses of the tenancies are currently unknown, it is a recommended condition of consent that the shop tenancies have base hours of operation of 7.00am - 7.00pm, Mondays to Sundays, consistent with the hours of operation for complying development in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. Further applications can be lodged to change the hours of operation once the specific uses of the shop tenancies is known.</p>

3. General Provisions	Compliance	Comment
3.16 Signage and Advertising	Partial compliance	The proposal includes two illuminated top of building business identification signs. See discussion under the heading Issues.
3.16.1 Signage Strategy	Yes	A waiver to the signage strategy has been sought as it is considered the proposal is minor in nature, and satisfies the objectives of the DCP in relation to signage. See discussion under the heading Issues.
3.17 Contamination	Yes	Refer to discussion under SEPP 55.

4. Development Types	Compliance	Comment
4.2 Residential flat, commercial and mixed use developments		
4.2.1 Building height	Partial compliance	<p>The site has a maximum allowable height of four storeys.</p> <p>The proposal is three storeys in height.</p> <p>The ground level has a floor to ceiling height of 5.2m, complying with the 4.5m requirement.</p> <p>The upper levels have floor to ceiling heights of 3.3m, which are below the required 3.6m. With the exception of the office/call centre on the first floor, the upper levels are wholly occupied by self-storage units and associated hallways and vertical circulation. Given the nature of the use, the self-storage units will not have high levels of activity and do not require a high quality amenity. As such, the proposed 3.3m floor to ceiling height for the self-storage units is considered acceptable.</p>

4. Development Types 4.2 Residential flat, commercial and mixed use developments	Compliance	Comment
		All of the rooms in the office/call centre have access to natural light from either glazing or translucent tensile fabric cladding and have use of an adjoining open air terrace fronting McEvoy Street. Given the acceptable level of internal amenity and the relatively small size of the office/call centre, the 3.3m floor to ceiling height is considered acceptable in this instance.
4.2.3 Amenity	Yes	The site is not directly adjoined by any residential uses and the nature of the development is not considered to adversely affect the residential amenity of properties on the opposite side of McEvoy Street.
4.2.4 Fine grain, architectural diversity and articulation	Yes	The building design incorporates an articulated façade, innovative fenestration and high quality materials which promotes fine grain and respond to the context.
4.2.5.3 Development on busy road and active frontages	Yes	McEvoy Street is identified by the RMS as carrying more than 20,000 vehicles a day, and therefore is considered to be a 'busy road'. The proposed development does not include any sensitive land uses, and as such, the provisions of this part of the plan do not apply.

4. Development Types 4.2 Residential flat, commercial and mixed use developments	Compliance	Comment
4.2.6 Waste minimisation	Yes	<p>The proposal is supported by a Waste Management Plan (WMP) which has been reviewed and supported by the City's Waste Specialist. The development includes a dedicated waste storage room and adjacent waste collection area.</p> <p>It is a recommended condition of consent that all commercial tenancies have waste contracts in place prior to trading and that all commercial waste service collection services and waste storage arrangements must be conducted in accordance with the City's Waste Management Local Approvals Policy.</p>

5. Specific Areas 5.2 Green Square	Compliance	Comment
5.2.3 Community infrastructure	Yes	Refer to LEP compliance table and discussion on VPA in the issues section.
5.2.5 Pedestrian and bike networks	Yes	<p>The proposal includes the dedication of 108sqm of land along the McEvoy Street frontage of the site, This land is to contribute to the delivery of a 1.4m widening to the existing shared path for pedestrians and cyclists.</p> <p>McEvoy Street/Euston Road were identified in the City's Cycle Strategy and Action Plan 2007-2017 as part of a network route.</p>
5.2.7 Stormwater and management and waterways	Yes	The site is located over the Shea's Creek Stormwater Channel, however this part of the channel is not identified as being part of the Liveable Green Network (LGN).

5. Specific Areas 5.2 Green Square	Compliance	Comment
		The proposal is supported by a Flood Level Assessment. The flood planning levels proposed are supported by the City's Water Assets specialist and satisfy the relevant flood management requirements of this part of the plan.
5.2.9 Building design	Yes	The building has been designed to address the street frontages, align with the street and incorporate a variety of materials and textures in accordance with this part of the plan.
5.2.10 Setbacks	Yes	<p>The proposed development has a variable side setback to the western boundary of between a nil setback to 10m. The western elevation is blank and would not preclude the redevelopment of the adjacent site, which is also zoned B6 Enterprise Corridor.</p> <p>The development has a setback to Bowden Street ranging from a nil setback at the northern corner to 3.6m at the eastern corner. The existing building has a nil setback for the length of the Bowden Street frontage. The proposed setback for the length of the Bowden Street frontage is greater than the existing building and is considered acceptable.</p> <p>The development has a variable setback between 1.3m - 1.4m to the rear boundary. This is consistent with the existing building's setbacks. The development has a nil setback to the north-eastern portion of the rear boundary which is acceptable given that the neighbouring property (No. 9 Bowden Street) has limited development potential next to this portion of the boundary due to Shea's Creek Stormwater Channel.</p>

5. Specific Areas 5.8.2 Southern Employment Lands	Compliance	Comment
5.8.2.4 Building layout and design	Yes	<p>The building provides at least one entry and large windows every 20m and occupies the entirety of both street frontages.</p> <p>The facade treatments along both street frontages is articulated and utilises a variety of materials and finishes to break down the massing and provide visual interest.</p> <p>The development includes two lift overruns on the roof. A condition of consent is recommended that any plant equipment is to be within the approved envelope of the building.</p>
5.8.2.5 Landscaping and fencing	Partial compliance	<p>The proposal includes 1.59% (73sqm) of deep soil planting at the north-eastern edge of the Bowden Street setback and along the south-western (side) boundary.</p> <p>Although this does not comply the 15% required in Provision 5.8.2.5.1(1)(a) of the Sydney DCP 2012, it is noted that the site currently provides no landscaping or deep soil planting and that the proposal retains the existing ground floor slab as a method of capping and containing contaminants below.</p> <p>A concept landscape plan has been submitted with the application. Further detailed plans are required on landscape design prior to the issue of a Construction Certificate.</p>
5.8.2.6 Parking, access and loading services	Yes	<p>The parking and loading areas are located at the ground level of the building and is accessed via Bowden Street.</p> <p>At the request of the City, the vehicle crossover on Bowden Street was reduced from 9m to 6m.</p>

5. Specific Areas 5.8.2 Southern Employment Lands	Compliance	Comment
		<p>The McEvoy Street vehicle opening is to be used for egress only, ensuring that traffic moves in one direction and enters and leaves in a forward direction.</p> <p>A 1m wide pedestrian zone is demarcated on both sides of the trafficable lane, providing adequate pedestrian safety.</p> <p>All loading and unloading for the self-storage units is proposed to occur on the trafficable lane. The lane is 7m wide which will ensure traffic circulation is not obstructed and will allow for a standard size car to pass through concurrently with loading/unloading operations.</p> <p>A 3.5m x 8.8m space adjacent to the waste storage area is provided for waste collection vehicles and shop deliveries.</p> <p>The development has a 20m wide and 6.4m high opening to Bowden Street. Although the opening is large in size, it is broken up into three components, a 6m wide vehicle access and two roughly 7m wide spaces on either side dedicated for visitor/customer car and bicycle parking.</p> <p>It is a recommended condition of consent that details of any garage roller door or gate be included on the inside of the Bowden Street opening be provided.</p> <p>Council's Transport Specialist a swept path analysis be provided as a deferred commencement condition in order to demonstrate the maximum size vehicle that will enter and exit to the site in a forward direction. No objections have been raised to the proposed configuration and operation of the parking, access and loading services.</p>

Issues

McEvoy and Bowden Street Setbacks

50. Section 5.2.10 of SDCP 2012 identified this site as requiring a 1.4m public domain setback for footpath widening along the Bowden Street frontage of the site. The DCP does not identify a requirement for a setback along the McEvoy Street frontage of the site.
51. The application as originally lodged proposed a 1.4 metre setback along the Bowden Street frontage in accordance with the DCP provisions.
52. As detailed in the relevant history section of this report, during the preliminary assessment of the application, including the review of the proposal by other internal units of the Council, it was determined that the setback and dedication of land would better serve the City's Strategic vision if it was located on the McEvoy Street frontage. The reasons for this were:
 - (a) that the public domain setback along Bowden Street was implemented in the SDCP 2012 to create shared paths. Since 2012, the City has created a separated bicycle lane on Bowden Street, thus negating the need to upgrade the footpaths to be a shared path;
 - (b) since the public domain setback was implemented, the Roads and Maritime Services (RMS) have proposed the Alexandria to Moore Park Connectivity Upgrade (the Upgrade) to facilitate WestConnex which will involve a number of significant changes to the road network in Alexandria, most notably the widening of McEvoy Street. The Upgrade proposes to retain both existing shared paths on the northern and southern (subject) sides of McEvoy Street;
 - (c) the City's Cycling Specialist has identified that the existing shared path on the southern side of McEvoy Street is not wide enough to allow for bicycle and pedestrian traffic to pass safely. It is anticipated that this path will be increasingly used due to it being on the link between the growth areas of Ashmore Estate and Green Square; and
 - (d) McEvoy Street/Euston Road were identified in the City's Cycle Strategy and Action Plan 2007-2017 as part of a network route. In order to widen the shared path to 3.5m and include a 1.5m wide verge/public domain furniture zone, a further 1.4m of land dedication along McEvoy Street is required.
53. In correspondence, dated 13 October 2017, the City requested that the proposal be setback 1.4m from McEvoy Street, and that the 1.4m setback to Bowden Street be deleted.
54. The applicant amended their scheme to incorporate this setback to McEvoy Street in the submission of amended plans on 4 December 2017 (see Figure 17). The 108sqm of land along the McEvoy Street frontage has been included in the public benefit offer to dedicate this land for the shared path widening. Refer to further detail on the voluntary planning agreement, below.

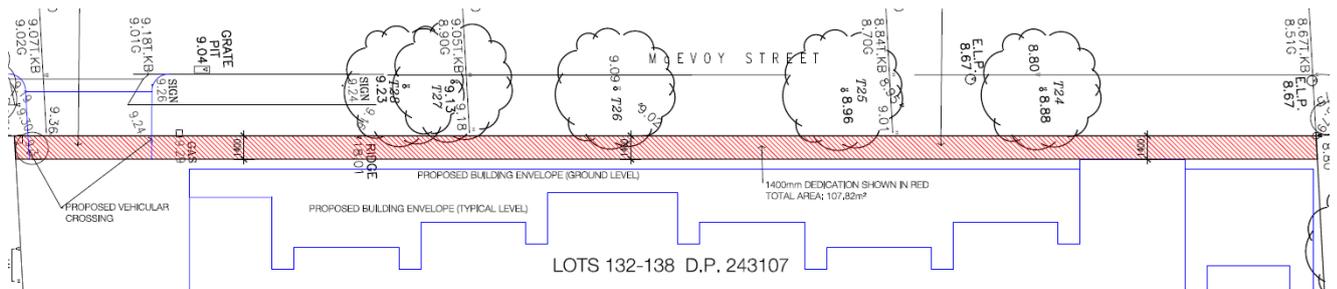


Figure 17: McEvoy Street setback. The red hatched area shows the land to be dedicated which is 1.4m in width and has a total area of 108sqm.

55. The dedication of the 1.4m setback to McEvoy Street to the City would result in the subject development having a nil setback to McEvoy Street. The setback is consistent with the predominant alignment of existing buildings along this side of McEvoy Street in accordance with the objectives of Section 4.2.2 and Section 5.8.2.2(3)(a) of the Sydney DCP 2012.

Public Benefit Offer

56. As part of the amended scheme and in accordance with the community infrastructure floor space provisions of the SLEP 2012, the applicant has submitted a public benefit offer for:

- (a) dedication of a 1.4m wide strip of land along the McEvoy Street frontage of the site (a total of 108sqm) to facilitate widening of the shared path;
- (b) associated embellishment works including a 1.4m wide footway and driveway crossover of new in-situ concrete and shared path regulatory surface markings, signs and posts; and
- (c) a monetary contribution for \$36,936 towards the provision of infrastructure for Green Square.

57. The draft Voluntary Planning Agreement is to be publicly exhibited for a 28-day period between 14 May and 11 June 2018. At the time of writing this report, the exhibition period had not concluded. On this basis, it is recommended that a deferred commencement condition be imposed for activating the Voluntary Planning Agreement. It is noted that the content of the agreement may change based on any significant issues raised during the notification period.

Signage and Signage Strategy

58. The application proposes two x 9680mm (h) x 2100mm (w) illuminated business identification signs on the McEvoy Street facade (see Figures 18 and 19).

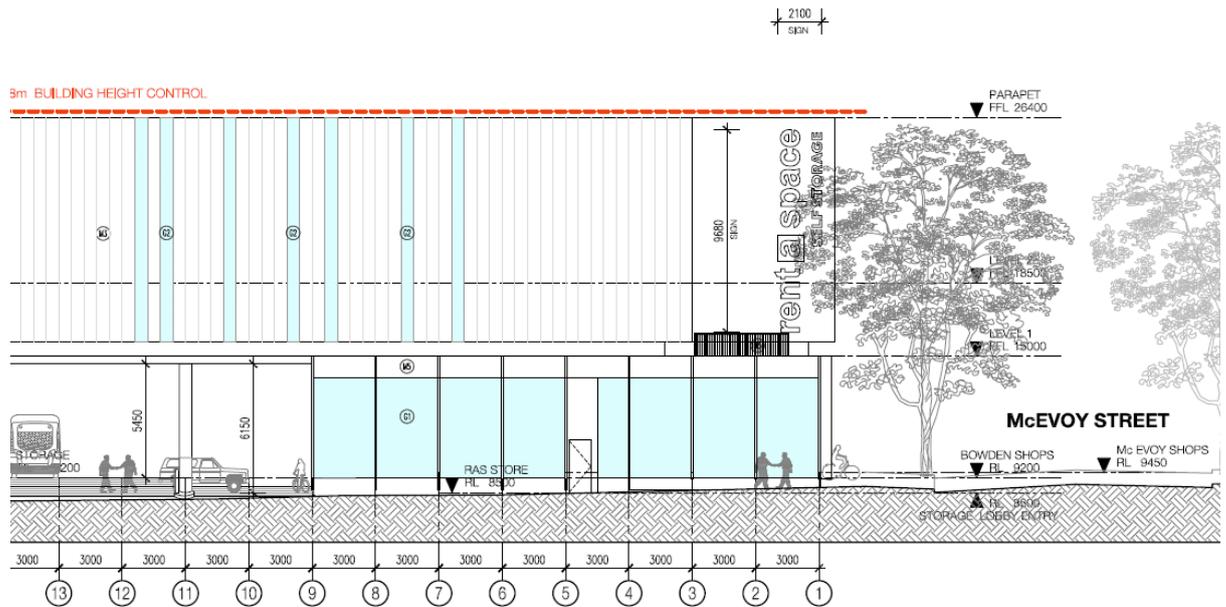


Figure 18: Elevational detail of signage. The other sign is identical and on the opposite side of the protruding element.



Figure 19: Photomontage of signage. The other sign is on the other side of the protruding element.

59. The signs are vertically proportioned and have heights ranging from 7.2m to 16.8m above existing ground level.

60. Provision 3.16.5.2(1) of the Sydney DCP 2012 restricts top of building signs to no more than 15m above existing ground level and Provision 3.16.5.2(9) of the Sydney DCP 2012 stipulates that top of building signs are to have a maximum vertical height equivalent to one typical floor of the building.
61. Due to the vertical proportions of the signs, the majority of both signs are less than 15m above existing ground level. The signs are located on the vertically proportioned panels on the McEvoy Street facade and demonstrate design excellence through a high degree of integration and compatibility with the architectural design of the building in accordance with Section 6.21 of the Sydney LEP 2012 and Provision 3.16.5.2(8) of the Sydney DCP 2012.
62. The signage will not adversely affect residential amenity, safety, views, quality of the public domain or the pedestrian experience, thus satisfying the objectives of Section 3.16 of the Sydney DCP 2012.
63. Given the signage satisfies the relevant objectives Part 3.16 of the Sydney DCP 2012, the requirement for the application to be supported by a Signage Strategy has been waived in accordance with Provision 3.16.1(2) of the Sydney DCP 2012.

condition of consent that a Signage Strategy be prepared for the entire building to the satisfaction of Council prior to the issue of a Construction Certificate.

Building Projection

64. The building has a 750mm projection over the proposed land dedication on McEvoy Street (see Figure 19). The plans must be amended to ensure this projection does not extend more than 450mm over the footpath alignment in accordance with Provision (1)(a) of Schedule 4 of the Sydney DCP 2012.

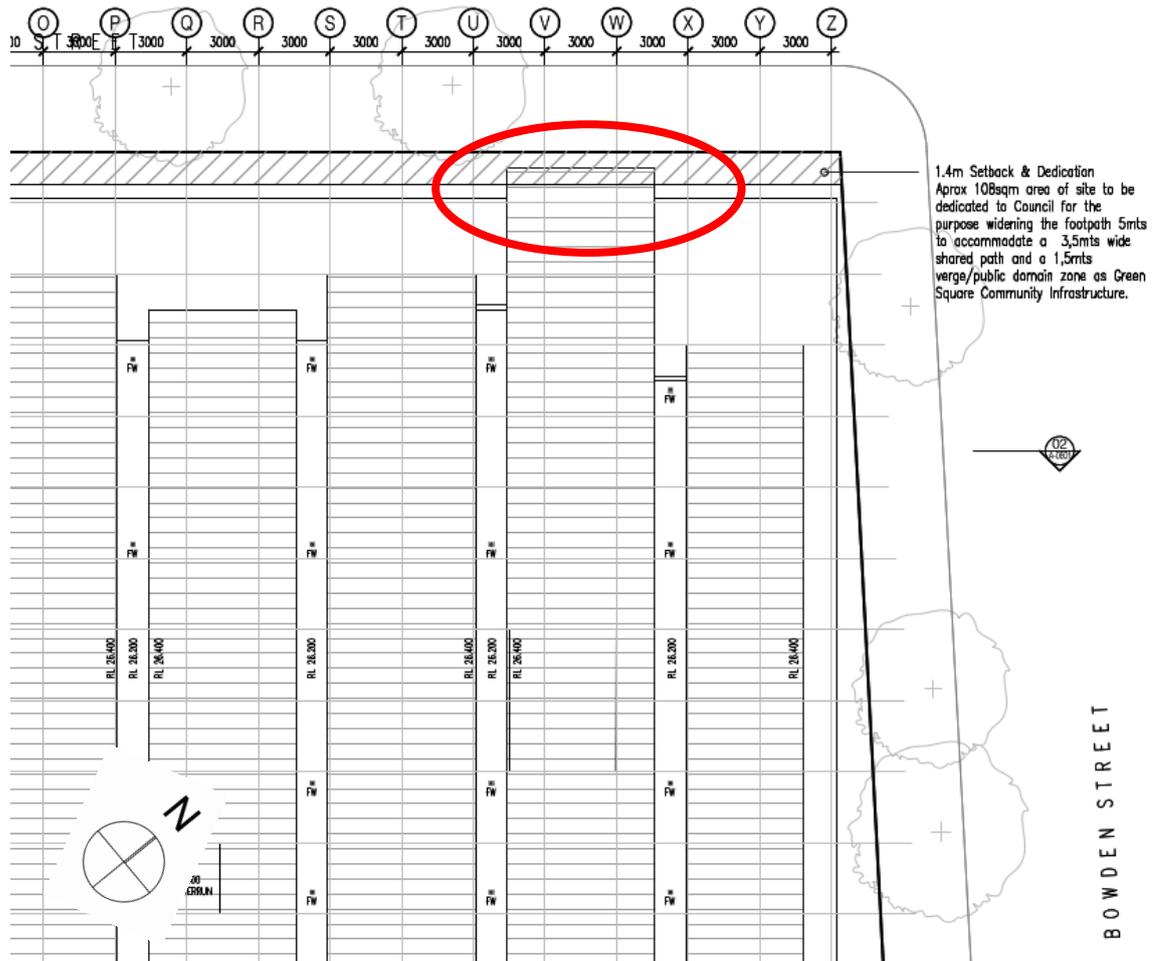


Figure 20: Roof plan showing building element projecting over McEvoy Street land dedication.

Other Impacts of the Development

65. The proposed development is capable of complying with the BCA.
66. It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

Suitability of the site for the Development

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

Internal Referrals

68. The application was discussed with the City's Urban Design Specialist, Landscape Unit, Environmental Health, Building and Compliance, Public Domain, Transport and Access, Tree Management, Surveyors and Waste Management.

69. The conditions of other sections of Council have been included in the proposed conditions.

External Referrals

Notification, Advertising and Delegation (Submission(s) Received)

70. As the application was lodged as integrated development, the application was notified and advertised for 30 days between 23 August 2017 and 23 September 2017 in accordance with the provisions of Environmental Planning and Assessment Regulations 2000. As a result of this notification, one (1) submission was received:

- (a) As the RMS is upgrading the McEvoy Street corridor, the McEvoy Street facade should be offset to enable a 3m wide shared path.

Response - As discussed elsewhere in this report, at the request of the City the applicant revised the proposal to include a 1.4m setback to the McEvoy Street frontage for shared path widening.

Public Interest

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

S7.11 Contribution

72. The development is subject of a S7.11 contribution under the provisions of the City of Sydney Development Contributions Plan 2015.
73. The self-storage units are not a land use that is specified in Table 7 of the Contributions Plan. The most similarly defined land usage is considered 'Bulky goods premises'. As such, the contribution of the 7,849sqm of self-storage unit floor space is calculated as a 'Bulky goods premises'.
74. The contribution for the 341sqm of office space was calculated as an 'Office premises (3 storeys or less)'.
75. The contribution of the 942sqm of shops was calculated as a 'Shops including neighbourhood shops (excluding supermarkets)'.
76. The existing building has a floor space of 3,976sqm and was approved as a 'discount variety store' which is defined as a 'shop' in the Sydney LEP 2012. As such a credit of 3,976sqm of 'Shops including neighbourhood shops (excluding supermarkets)' floor space was applied to the contribution.

77. The following monetary contribution is required towards the cost of public amenities:

(a) Open Space	\$30,807.09
(b) Community Facilities	\$4,789.51
(c) Traffic and Transport	\$39,107.55
(d) Stormwater Drainage	\$15,464.43
Total	\$90,168.57

Relevant Legislation

78. Environmental Planning and Assessment Act 1979

Conclusion

79. The subject application seeks consent for demolition of existing structures and the construction of a three storey mixed-use building to accommodate a self-storage unit facility and ground floor shops that front McEvoy Street. The proposal includes vehicular access from Bowden Street and egress to McEvoy Street and accommodates 11 on-site car parking spaces.
80. The proposal relies on additional community infrastructure floor space of 0.48:1 (2,212sqm) in accordance with Section 6.14 of the Sydney LEP 2012.
81. The subject application has been accompanied by a public benefit offer for the dedication of a 1.4m wide strip of land along the McEvoy Street frontage of the site (a total of 108sqm) to facilitate widening of the shared path, associated embellishments, and a monetary contribution of \$36,936 towards the provision of infrastructure for Green Square.
82. The application was notified for a 30 day period between 23 August and 23 September 2017. The notification of the application resulted in one submission being received which suggested that the McEvoy Street façade should be offset to enable a 3m wide shared path.
83. The proposal has been amended during the assessment period to address concerns raised relating to the buildings setbacks, retention of street trees, vehicle and pedestrian movement, vehicle access and egress and materiality.
84. The amended proposal has been assessed as having a built form, height and setbacks that satisfactorily address the context of the site.
85. The development is considered to exhibit design excellence, and is an appropriate form, scale, use and materiality for the locality.

86. The development, subject to the imposition of appropriate conditions as recommended in Attachment A, is consistent with the objectives of the planning controls for the site for the reasons outlined to the Local Planning Panel.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

Tom Irons, Planner