

**Item 11.**

**Development Application: 20 O' Riordan Street, 330-332 Botany Road, 334-336 Botany Road and 338 Botany Road, Alexandria**

**File No.: D/2017/1341**

**Summary**

**Date of Submission:** 29 September 2017.

Amended plans submitted 8 February 2018

**Applicant:** City of Sydney

**Developer:** City of Sydney

**Owner:** City of Sydney

**Cost of Works:** \$0

**Proposal Summary:** The subject application seeks consent for the consolidation and subdivision of the site into four lots. These lots are for the delivery of a new east/west connector road (as part of the Green Square to Ashmore Connector Road Project), with two new lots intended to be sold to community housing providers for the redevelopment into affordable housing projects (subject to separate application) and a small residual lot to be transferred to an adjacent property. A second stage of the subdivision is for the dedication of new Lot 11 as a public road. No works are proposed with this DA.

The application was notified for a 21-day period between 14 February 2018 and 8 March 2018. Two (2) submissions were received. One of these submissions was in support of the proposal and future redevelopment for affordable housing. The second required further clarification on an existing right of way and right of carriageway along part of the northern boundary of the site.

The application is reported to the Local Planning Panel for determination as the City of Sydney is both the applicant and land owner.

The application has been assessed as being generally consistent with the relevant provisions of the Sydney LEP 2012 and Sydney DCP 2012.

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

- Development Controls:**
- (i) Sydney Local Environmental Plan 2012
  - (ii) Sydney Development Control Plan 2012
  - (iii) State Environmental Planning Policy No 55 — Remediation of Land
  - (iv) State Environmental Planning Policy (Infrastructure) 2007
  - (v) State Environmental Planning Policy (Affordable Rental Housing) 2009

- Attachments:**
- A - Draft Conditions of Consent
  - B - Plan of Proposed Subdivision

## Recommendation

It is resolved that consent be granted to Development Application No. D/2017/1341, subject to the conditions set out in **Attachment A** to the subject report.

As the site is over 5,000 sqm, Clause 7.20(2)(c) of the Sydney Local Environmental Plan 2012 requires the development control plan to provide for a range of requirements listed under subclause (4); however, a waiver is requested as there is no strategic planning merit in preparing a site-specific development control plan for the subdivision. This requirement will have a greater degree of relevance for the future development applications for affordable housing apartments on the lots. Clause 6.21 applies to development involving the erection of a new building or alterations to an existing building, and will apply to the future development applications for affordable housing apartments.

## Reasons for Recommendation

The reasons for the Recommendation are as follows:

- (A) The development satisfies the relevant strategy, objectives and provisions of both the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.
- (B) The proposal creates the required allotment to allow for the future delivery and dedication of a public road to form part of the Green Square to Ashmore Connector Road project.
- (C) The development provides new lots to be sold to community housing providers to facilitate the delivery of affordable housing developments.

## Background

### The Site and Surrounding Development

1. A site visit was carried out by Council staff on 28 March 2018.
2. The site has a legal description of Lots 7, 9, 10, 11 and 12 in DP 214410, Lots 5 and 6 in DP 16475, Lot 1 in DP 739598, and Lot 101 in DP 569709, and is commonly known as 20 O'Riordan Street, and 330-332, 334-336 and 338 Botany Road, Alexandria.
3. The site is irregular in form, with an area of approximately 12,645sqm. It has a street frontage to both O'Riordan Street and Botany Road.
4. A right of way 3.66 wide (C579905), right of carriageway 3.66 wide (T853324), right of light 3.66 wide (C579905), easement for roof 0.115m wide (C581993), and easement to drain water (T853324) burdens an area 3.66 metres wide, along the northern boundary of the subject site. The right of carriageway 3.66 wide (T853324) benefits the adjoining No. 18 O'Riordan Street.
5. Existing development on site is one and two storey brick and concrete industrial buildings that are vacant and in disrepair.
6. The site is located 75.86 metres to the north of the intersection of Johnson Street and O'Riordan Street. The Green Square Town Centre is located directly opposite the site, on the eastern side of Botany Road. Surrounding land uses are residential and commercial. The site is not a heritage item nor located within a Heritage Conservation Area.
7. A location plan and photos of the site and surrounds are provided below at Figures 1 to 6.



Figure 1: Location plan, with the site outlined in yellow/red



Figure 2: Aerial view of the site



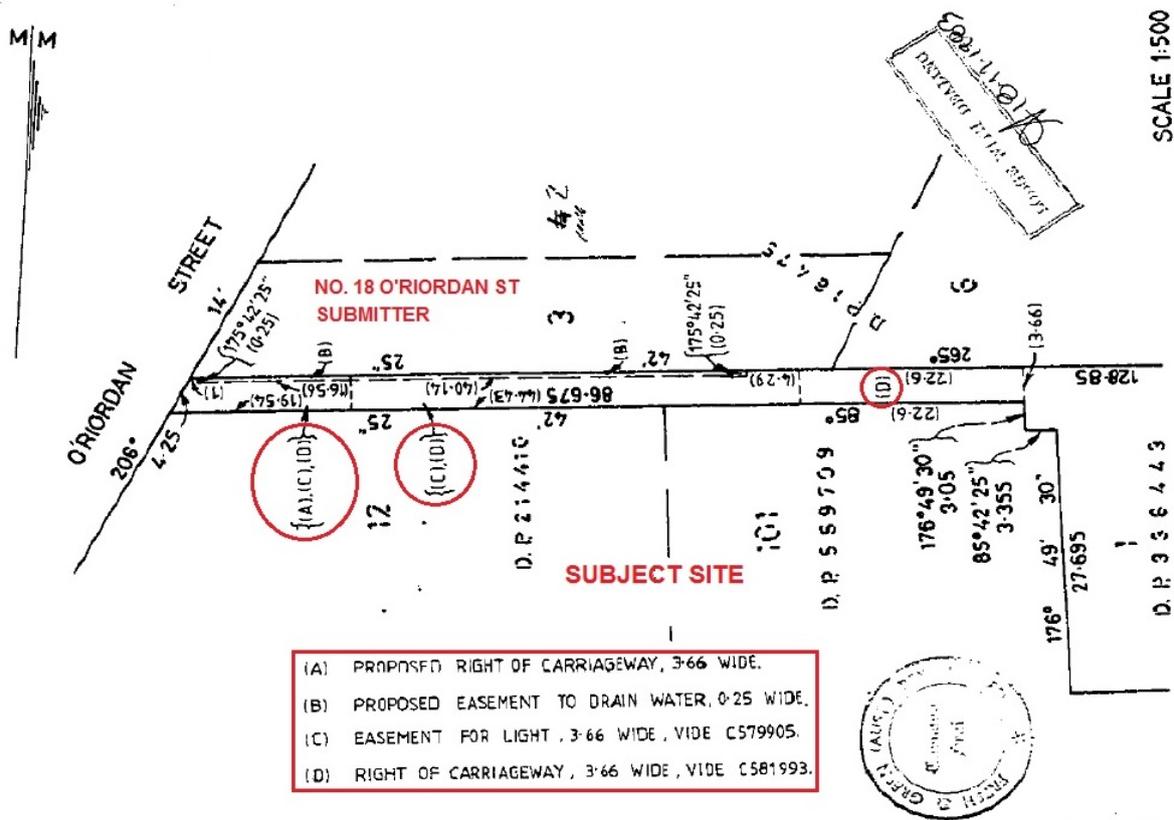
Figure 3: View of the site from O'Riordan Street



Figure 4: View of the subject site from the opposite side of Botany Road



**Figure 5:** Internal view within the site looking east from O'Riordan Street. This area is burdened by existing right of way 3.66 metres wide for total length of 61.99 metres. A right of carriageway 3.66 metres wide burdens this area for a length of 84.59 metres from O'Riordan Street, as per the plan below:



**Figure 6: Plan annexed to dealing T853324 showing right of carriage way, easement to drain water, and easement for light and air. There is also a right of way burdening the same area.**

## Proposal

8. The subject application seeks consent for the consolidation and subdivision of existing lots into four (4) new lots in two stages. No physical works are proposed.
9. Stage 1 is seeking to consolidate the existing lots and subdivide the site to create four new lots. These are proposed to be:
  - (a) proposed Lot 11, with an area of 3,673sqm, to create a new lot to facilitate a future road that connects Botany Road and O'Riordan Street as part of the Green Square to Ashmore Connector road project - see more detailed information below under the heading "History Relevant to the Development Application";
  - (b) proposed Lots 10 and 13, with an area of 6,683sqm and 2,252sqm respectively, to create two development sites that are proposed to be redeveloped as part of future separate applications for affordable housing developments; and
  - (c) proposed Lot 12, with an area of approximately 37sqm, which is a small residue lot that is proposed to be transferred to an adjacent land owner as part of the Green Square to Ashmore Connector road project.

10. Stage 2 is seeking the dedication of proposed Lot 11 as a public road. Dedication will occur at the point the second stage subdivision is registered. The road and associated public domain works will need to be completed to the satisfaction of the Public Domain team prior to the release of the subdivision certificate.
11. Figure 7, below, illustrates the proposed lots to be created by the subdivision of the site.

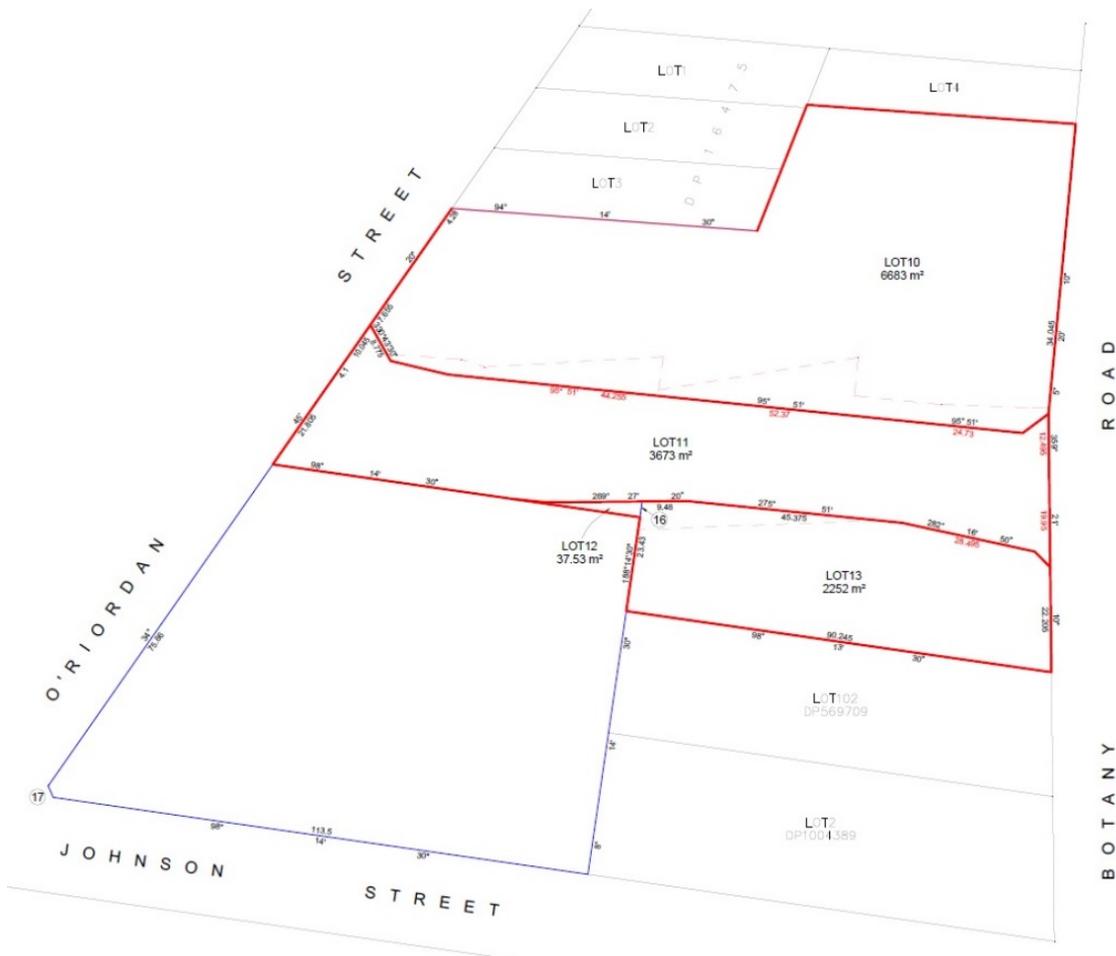


Figure 7: Draft Plan of Proposed Subdivision - Stage 1

### History Relevant to the Development Application

12. The Green Square to Ashmore Connector Project is a 380m proposed road connecting Geddes Avenue in the Green Square Town Centre with Bowden Street in Alexandria. It will also link to Botany Road, O'Riordan Street and Bourke Road (refer Figures 8 and 9 below). The future road has long been considered as a transport solution to improve access to the Green Square Town Centre for pedestrians, cyclists, buses and vehicles.
13. The subdivision DA the subject of this report only relates to the eastern part of the future road (ie. between Botany Road and O'Riordan Street).



Figure 8: Proposed Green Square to Ashmore Connector



**Figure 9:** Street Network and Hierarchy Extract from the Green Square Town Centre DCP 2012

14. Separately, a Review of Environmental Factors (REF) has been prepared for the construction of the new road under the provisions of Part 5 of the Environmental Planning and Assessment Act 1979 and the State Environmental Planning Policy (Infrastructure) 2007. At the time of preparation of this report, the REF had not been determined.

### **Economic/Social/Environmental Impacts**

15. 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.

**State Environmental Planning Policy No 55—Remediation of Land**

16. 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.
17. The subject application does not propose any works or formal change of use of the lots. As such, further consideration of SEPP 55 is not required as part of the assessment of the subdivision application.
18. The potential contamination and remediation of sites to make them suitable for their future intended use will need to occur as part of the relevant approval process for both the road construction and the change of use of residual lots for affordable housing.

**State Environmental Planning Policy (Infrastructure) 2007**

19. The future construction of the road is the subject of a separate Part 5 assessment under the Environmental Planning and Assessment Act 1979. This separate assessment will need to examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity.
20. The DA the subject of this report is only for subdivision of the land with no works proposed. Nevertheless, in considering the provisions of the SEPP, the following matters are noted:
  - (a) The site is not adjacent to a rail corridor.
  - (b) As no works are proposed under this consent, there will be no immediate impact on Botany Road or O'Riordan Street, which are both classified roads. It is noted that the REF proposes that both intersections of the road will be signalised when constructed.
  - (c) As part of the REF, consultation with Transport for NSW, the Roads and Maritime Services and Sydney Water has occurred.

**State Environmental Planning Policy (Affordable Rental Housing) 2009**

21. It is noted that the subdivision will create lots that are proposed to be sold by the City for the redevelopment by community housing providers for affordable housing developments. The provisions of this SEPP will be required to be considered as part of any future development applications for the redevelopment of those sites.

**Sydney LEP 2012**

22. The site is located within the B7 - Business Park zone. Pursuant to Clause 2.6 of the Sydney Local Environmental Plan 2012 (SLEP 2012), subdivision is permissible, but only with consent.
23. The relevant matters to be considered under SLEP 2012 for the proposed development are outlined below.

## Compliance Tables

<b>Development Control</b>	<b>Compliance</b>	<b>Comment</b>
5.10 Heritage conservation	Yes	The site does not contain any heritage items and is not located within a heritage conservation area.  No demolition or other works are proposed with this application.
6.21 Design Excellence	N/A	Clauses 6.21(2) excludes this application, as it does not involve the erection of a new building or amendment to an existing one.
7.20 Development requiring or authorising preparation of a development control plan	Yes	A site specific DCP (or Concept Plan DA) is required for sites with an area more than 5000sqm. In this instance, given that the application is for subdivision only with no physical works, there is no strategic planning and/or urban design merit in requiring preparation of a DCP (or Concept Plan DA). Under the provisions of subclause (3), it is considered that a development control plan is not necessary in the circumstances.

<b>Part 7 Local Provisions - General</b>	<b>Compliance</b>	<b>Comment</b>
7.13A Affordable housing in Zone B7	Yes	The subdivision of the site will facilitate the likely redevelopment of two proposed lots for affordable housing developments. The development of sites within the B7 zone for residential flat buildings or mixed use buildings are permissible for the purposes of affordable housing where it is provided on behalf of a public authority or social housing provider. This will be a matter for consideration in future development applications for the redevelopment of those sites.
7.15 Flood planning	Yes	Flooding issues will be separately considered with the detailed design of the future road and affordable housing developments.

<b>Part 7 Local Provisions - General</b>	<b>Compliance</b>	<b>Comment</b>
7.19 Demolition must not result in long term adverse visual impact	Yes	No demolition works are proposed as part of the subject application.

### Sydney DCP 2012

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

#### 2. Locality Statements – East Alexandria

The subject site is located in the East Alexandria locality, however is also located within both the Green Square Urban Renewal Area and the Southern Employment Lands. The proposed subdivision is considered to be in keeping with the unique character of these areas and design principles in that the creation of the new lots will facilitate the delivery of the new road and the redevelopment of residual sites by affordable housing providers, assisting workers within the Southern Employment Lands.

<b>3. General Provisions</b>	<b>Compliance</b>	<b>Comment</b>
3.1 Public Domain Elements 5.2.4 Local infrastructure 5.8.3.2 Proposed streets and through-site links	Yes	The DCP identifies a new 22 metre wide collector road running in an east/west direction across the site, connecting Botany Road and O'Riordan Street.  The proposed subdivision assists in the delivery of this road through the subdivision to create the new lot for the road.
3.1.6 Sites greater than 5,000sqm		The site has an area in excess of 5,000sqm. The proposed subdivision provides for the delivery of the new road dissecting the site, which achieves the aim of this section of the DCP to improve connectivity across the site.
3.7 Water and Flood Management 5.2.7 Stormwater management and waterways 5.8.7.1 Stormwater management and waterways	Yes	The site is identified as being partly on flood prone land. Stormwater and flood management will need to be addressed as part of the detailed design of the future road and affordable housing developments.

3. General Provisions	Compliance	Comment
3.8 Subdivision, Strata Subdivision and Consolidation 5.8.2.1 Subdivision	Yes	The proposed new allotments are orderly in shape and alignment to facilitate the development of the new future road. The remaining lots are acceptable with regard to lot size, orientation and street frontage length.
3.9 Heritage	Yes	No demolition or works are proposed with this application.
3.10 Significant Architectural Building Types	Yes	No demolition or works are proposed with this application.
5.8.6.1 Affordable Housing in the B7 Business Development zone		Refer to LEP compliance table. This clause will be a matter for consideration in any future development applications for the redevelopment of the residual lots for affordable housing purposes.

#### Other Impacts of the Development

25. 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

26. The proposal is consistent with the strategic vision for the Green Square urban renewal area and is suitable for the site.

#### Internal Referrals

27. The application was referred to Council's Heritage and Urban Design Specialists; Environmental Health, and Public Domain, who advised that the proposal is acceptable subject to conditions. Where relevant to the scope of this development application, these conditions have been imposed.

## External Referrals

### Notification, Advertising and Delegation

28. In accordance with Schedule 1 the Sydney DCP 2012, the proposed development is required to be notified and advertised. As such, the application was notified and advertised for a period of 21 days between 14 February 2018 and 8 March 2018. As a result of this notification, there were two submissions received.

- (a) Impact of the proposed subdivision on the existing rights of footway located along the northern side boundary towards O'Riordan Street.

**Response** - This matter will be considered as part of any future development application on the subject site. It is noted that concept plans with the Review of Environmental Factors show no buildings in the existing location of the right of way and other easements. The only easement benefiting No. 18 O'Riordan Street (Lots 2 and 3 in DP 16475) is a right of carriageway 3.66 wide. The site of this right of carriageway includes the site of the other easements shown above. The rights to this easement are not impacted by the proposed subdivision. Any future proposal must ensure that any structures are clear of the site of this right of carriageway. The consent of The Trust Company (Australia) Ltd and FDC Construction and Fitout (NSW) Pty Ltd as mortgagees under mortgage number AM992742 will be necessary for the release of this right of carriageway.

- (b) Submission in support of the application, advising that redevelopment of the site for the purposes of affordable housing is a positive contribution to the area and would benefit the local workforce and would allow them to remain living in the area.

**Response** - Noted.

### Public Interest

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

### S7.11 Contribution

30. This development application is excluded from the need to pay a contribution under the Section 1.3 of the City of Sydney Development Contributions Plan 2015 as the development is subdivision that does not involve building works and as the development is undertaken by Council. It is also noted that the development in itself does not result in a net population increase.

### Relevant Legislation

31. The Environmental Planning and Assessment Act 1979.

## **Conclusion**

32. The proposed development application seeks consent for consolidation of existing lots and subdivision of the site into four new allotments for the purposes of future delivery of a new road and provision of affordable housing developments.
33. The proposal has been assessed as being generally consistent with the objectives and provisions of the Sydney LEP 2012 and the Sydney DCP 2012.
34. Subject to the imposition of conditions, the proposal has been assessed as being acceptable and is recommended for approval.

## **GRAHAM JAHN, AM**

Director City Planning, Development and Transport

Michael Parkinson, Specialist Surveyor