

Item 3.**Development Application: 132-138 McEvoy Street, Alexandria - D/2018/1615**

File No.: D/2018/1615

Summary**Date of Submission:** 24 December 2018

Amended plans and additional information were submitted to the City on 29 March 2019, 17 May 2019, 29 May 2019, 6 June 2019, 24 June 2019 and 1 July 2019.

Applicant: Thomas Whalan of Stormac Pty Ltd**Architect/Designer:** SJB Architects**Owner:** Stormac Pty Ltd**Cost of Works:** \$16,915,297**Zoning:** The site is located in the B6 Enterprise Corridor zone. The proposal is defined as a 'mixed use development' comprising 'shops', 'food and drink premises' and 'office premises', which are all permissible in the subject zone with development consent.**Proposal Summary:** The subject development application (DA) seeks consent for the demolition of the existing buildings on the site and the construction of a new four storey mixed use development, comprising two shops and two food and drink premises at the ground floor level, with office premises on the three levels above, ground floor loading and parking facilities, signage and landscaping. The proposal includes vehicular access and egress to Bowden Street and accommodates 47 at-grade car parking spaces.

The proposal relies on additional community infrastructure floor space of 0.49:1 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 1.4 metre wide strip of land along the McEvoy Street frontage of the site (a total of approximately 108 square metres) to facilitate widening of the existing shared path, associated embellishments, and a monetary contribution of \$412,639 towards the provision of infrastructure for Green Square.

**Proposal Summary
(continued):**

A draft voluntary planning agreement (VPA) has been prepared and has been publicly exhibited for a 28-day period between 19 June 2019 and 17 July 2019.

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

The development application was notified for a 21 day period between 16 January 2019 and 7 February 2019. The notification of the application resulted in two submissions being received by the City. These submissions raised concerns with the proposed land uses, ceiling heights, traffic and parking impacts and air quality.

The proposal has been amended during the assessment period to address preliminary concerns raised relating to vehicle egress to McEvoy Street, the height of rooftop plant, building expression and structure, passive shading, materials and finishes, design excellence, access, deep soil, landscape treatment, street tree retention, land contamination, acid sulphate soils, the public benefit offer and other minor assorted design details.

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. This is subject to minor design modifications to delete proposed building encroachments over a Sydney Water stormwater channel culvert and the public domain, require a photovoltaic solar panel array and additional passive shading devices to the development and provision of a green roof and additional areas of deep soil and tree plantings.

The development is therefore 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 for the execution of the VPA, require the surrender of a previously applicable development consent and a range of minor design modifications.

Development Controls:

- (i) Environmental Planning and Assessment Act 1979 No 203
- (ii) Roads Act 1993 No 33
- (iii) Sydney Water Act 1994 No 88

- (iv) State Environmental Planning Policy No 55—
Remediation of Land
- (v) State Environmental Planning Policy (Infrastructure)
2007
- (vi) Sydney Local Environmental Plan 2012
- (vii) Sydney Development Control Plan 2012
- (viii) City of Sydney Development Contributions Plan 2015
- (ix) Green Square Affordable Housing Program

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Draft Voluntary Planning Agreement
- D. Draft Voluntary Planning Agreement Explanatory
Note

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/2018/1615 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 is consistent with Section 4.15 of the Environmental Planning and Assessment Act 1979, in that it achieves the objectives of the planning provisions for the site and does not result in any unreasonable environmental impacts for the reasons outlined in the report.
- (B) The development is consistent with the objectives of the B6 Enterprise Corridor zone pursuant to the Sydney Local Environmental Plan 2012.
- (C) The development is consistent with the maximum permitted Height of Buildings under Clause 4.3 of the Sydney Local Environmental Plan 2012.
- (D) The development is consistent with the maximum permitted Floor Space Ratio (FSR) under Clause 4.4 of the Sydney Local Environmental Plan 2012, pursuant to the End of journey floor space and Community infrastructure floor space at Green Square provisions under Clause 6.13 and Clause 6.14 of the Sydney Local Environmental Plan 2012.
- (E) The built form, height and setbacks addresses the context of the site and are appropriate within the streetscape.
- (F) The proposed mix of land uses are appropriate for the Southern Employment Lands.
- (G) The development exhibits design excellence pursuant to Clause 6.21 of the Sydney Local Environmental Plan 2012 through its architecture, materiality and contribution to the public domain. In particular, the development is capable of achieving a 5.5 star NABERS Energy rating.
- (H) The development is generally consistent with the objectives of the Sydney Development Control Plan 2012, specifically the Green Square and Southern Employment Lands provisions which apply to the site
- (I) 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.
- (J) For the reasons above and as outlined in this report, the proposed development is in the public interest, subject to conditions.

Background

The Site and Surrounding Development

1. A site visit was carried out by City planning staff on 10 June 2019.
2. The site has a legal description of Lot 2 DP 243107, and is commonly known as 132-138 McEvoy Street, Alexandria.
3. The site is located on the southern side of McEvoy Street, a State classified road, at its intersection with Bowden Street. The site is irregular in shape with an area of 4,610 square metres. It has a frontage of 77.01 metres to McEvoy Street and 67.88 metres to Bowden Street.
4. Currently the site accommodates a single storey warehouse building (refer to Figures 2, 3 and 4 below), currently used as a retail premises, trading as 'The Base Warehouse'. Vehicular access to the site is currently from driveways serving both McEvoy Street and Bowden Street.
5. A stormwater channel culvert is located under the eastern corner of the building on the site, which forms part of the local stormwater infrastructure for Shea's Creek and the Alexandra Canal catchment.
6. The site is not listed as a heritage item or identified as being located within a heritage conservation area in Schedule 5 of the Sydney Local Environmental Plan 2012.
7. The site is located within the boundaries of both the broader Green Square urban renewal area and the Southern Employment Lands. Currently, the surrounding context is largely characterised by large format warehouse development, however many nearby sites are undergoing redevelopment.
8. To the south of the site, at 9 Bowden Street, is an open-air at-grade carpark. Further south at 11 Bowden Street is a recently developed four storey educational establishment (refer to Figure 5 below).
9. 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 (refer to Figure 7 below).
10. To the north of the site, on the opposite side of McEvoy Street, at 147-161 McEvoy Street is a five and six storey residential flat building development (refer to Figure 10 below).
11. To the north-east of the site at 163-173 McEvoy Street, is a two storey industrial building, which is the subject of a concept development consent for development and a part four, part six storey mixed use development (refer to Figure 9 below).
12. Directly to the west of the site at 140-142 McEvoy Street is a vacant single storey warehouse building, formerly used as a food and drink premises (refer to Figure 8 below).
13. Figures 1 to 10 below, illustrate the site context and photos of the site and surrounds.



Figure 1: Aerial image of subject site and surrounding area



Figure 2: Site viewed from the northern side of McEvoy Street, looking south



Figure 3: Site viewed from the northern side of McEvoy Street, looking east



Figure 4: Site viewed from the eastern side of Bowden Street, looking north-west



Figure 5: Looking south-west from Bowden Street at the neighbouring sites (Nos 9 and 11 Bowden Street)



Figure 6: Looking east from Bowden Street at the site opposite (No 8-22 Bowden Street)



Figure 7: Looking south-east from McEvoy Street at the site opposite (No 128-130 McEvoy Street)



Figure 8: Looking south-west from McEvoy Street at the neighbouring site (No 140-142 McEvoy Street)



Figure 9: Looking north-west from McEvoy Street at the site opposite (No 163-173 McEvoy Street)



Figure 10: Looking north from McEvoy Street at the site opposite (No 147-161 McEvoy Street)

Proposal

14. The application seeks consent for the construction of a four storey mixed use development on the subject site, including the following:
 - (a) demolition of the existing warehouse and associated structures on the site;
 - (b) site preparation works;
 - (c) construction of a four storey mixed use development accommodating:
 - (i) two ground floor shops and two ground floor food and drink premises tenancies fronting McEvoy Street;
 - (ii) ground floor building entries and lobby to McEvoy Street and Bowden Street;
 - (iii) ground floor end of journey facilities, including change rooms and a staff bicycle store for 60 bicycles;
 - (iv) 32 visitor bicycle parking spaces;
 - (v) ancillary ground floor waste, plant and services facilities;
 - (vi) three levels of office premises at levels 1, 2 and 3, with ancillary entry lobbies, balconies, sanitary and waste facilities;
 - (vii) rooftop plant and equipment; and
 - (viii) building and business identification signage to the McEvoy Street elevation.
 - (d) At grade parking facilities with vehicle access and egress to Bowden Street, including:
 - (i) 44 car parking spaces;
 - (ii) a loading zone for a Medium Rigid Vehicle (MRV);
 - (iii) two accessible car parking spaces;
 - (iv) one car share parking space; and
 - (v) four motorcycle parking spaces.
 - (e) Landscaping and public domain improvements.
15. The proposed hours of operation of the premises are 9.00am - 5.30pm, Friday to Wednesday and 9.00am - 8.00pm, Thursday.
16. The 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, associated embellishment works and a monetary contribution toward the provision of infrastructure in Green Square.

17. Drawings of the proposed development are provided at Figures 11 to 25 below and a full set of the drawings is provided at Attachment B.



Figure 11: Photomontage of the proposed development as viewed from the corner of McEvoy Street and Bowden Street looking south



Figure 12: Photomontage of the proposed development as viewed from McEvoy Street looking south-east



Figure 13: Photomontage of the proposed development as viewed from Bowden Street looking west

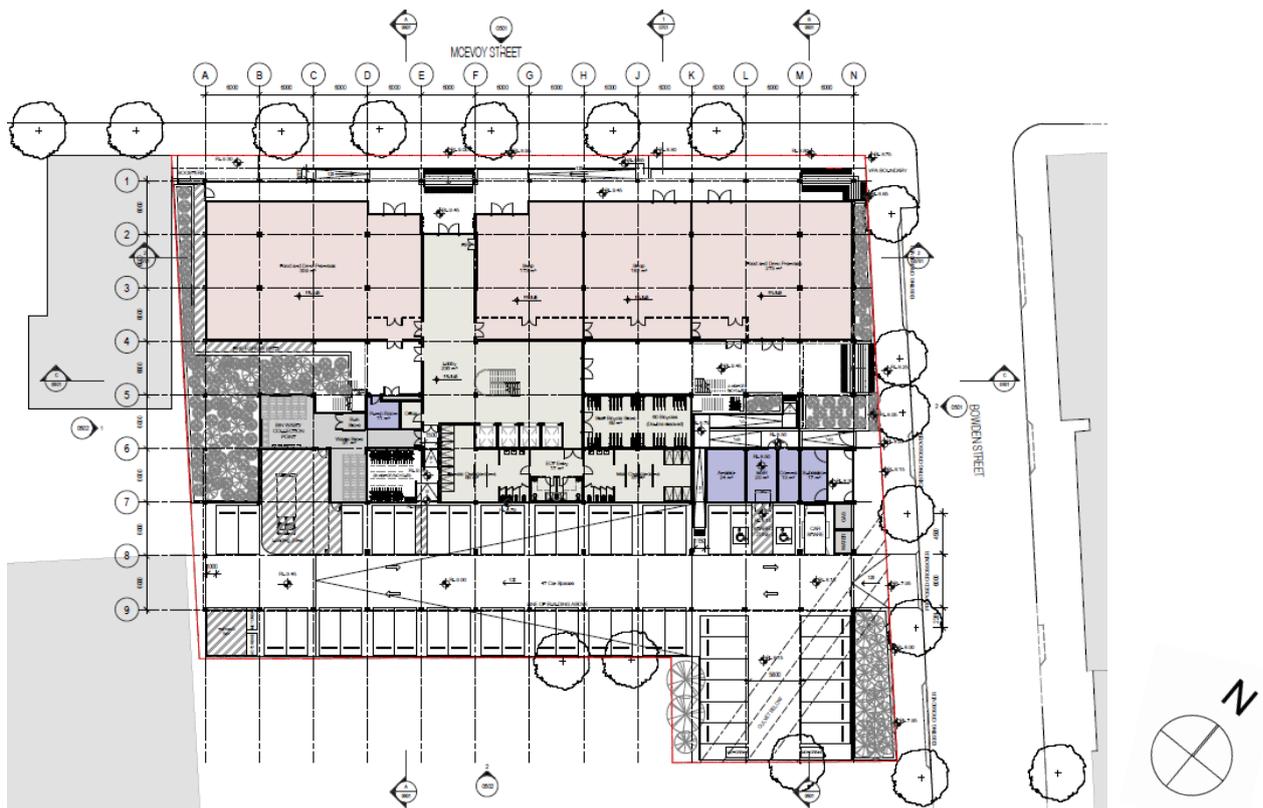


Figure 14: Ground floor plan

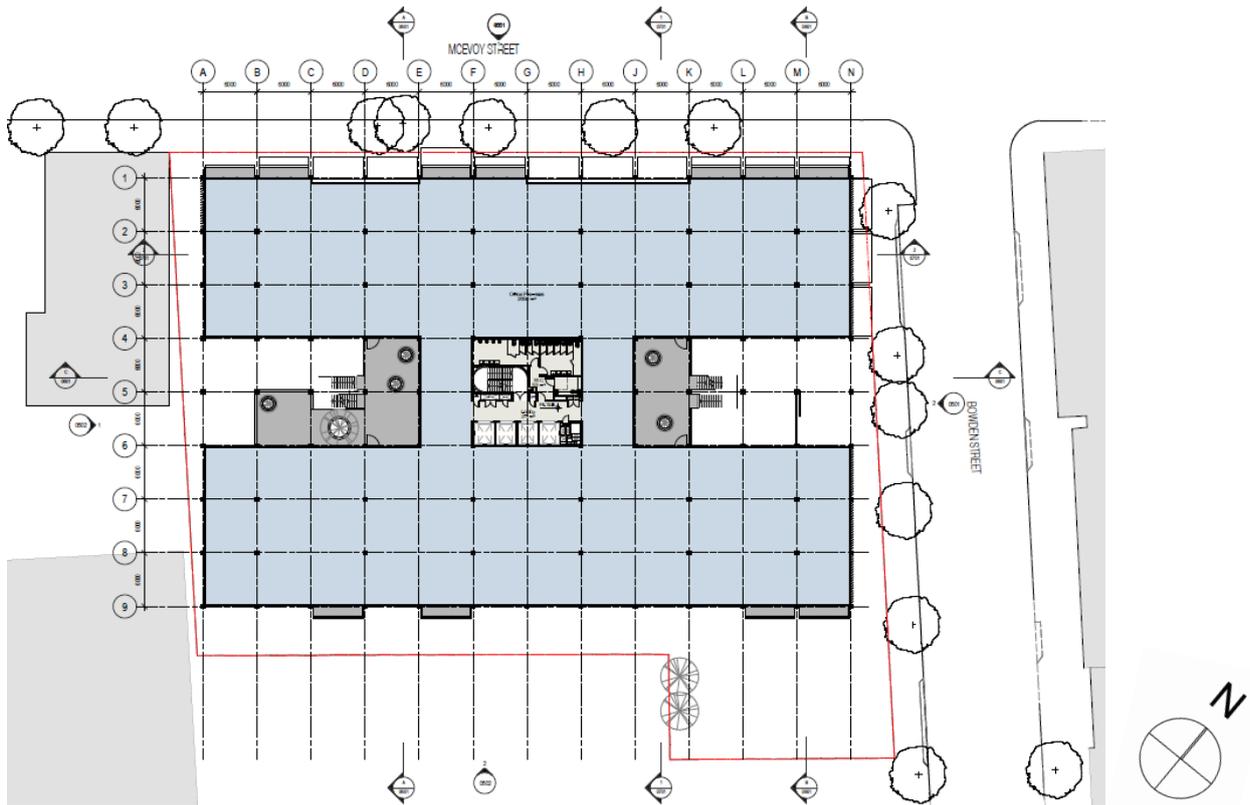


Figure 15: Level 1 floor plan

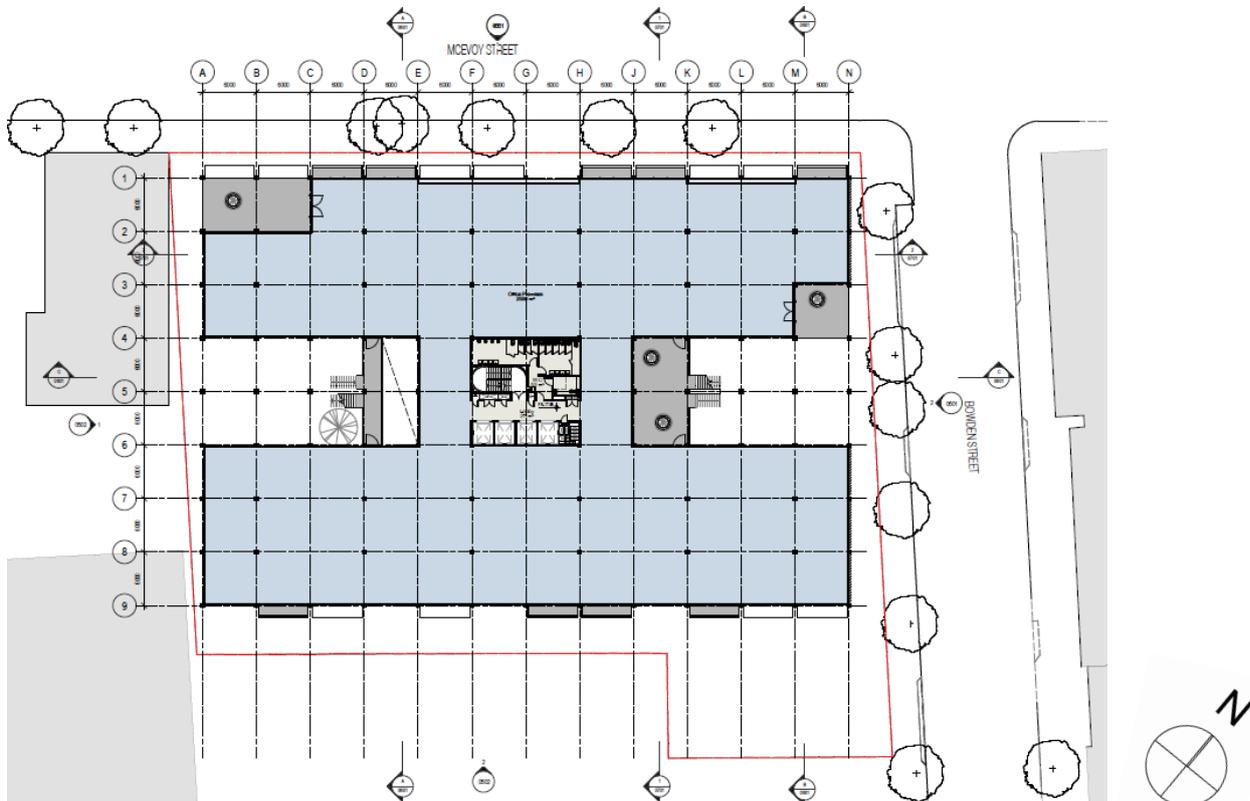


Figure 16: Level 2 floor plan

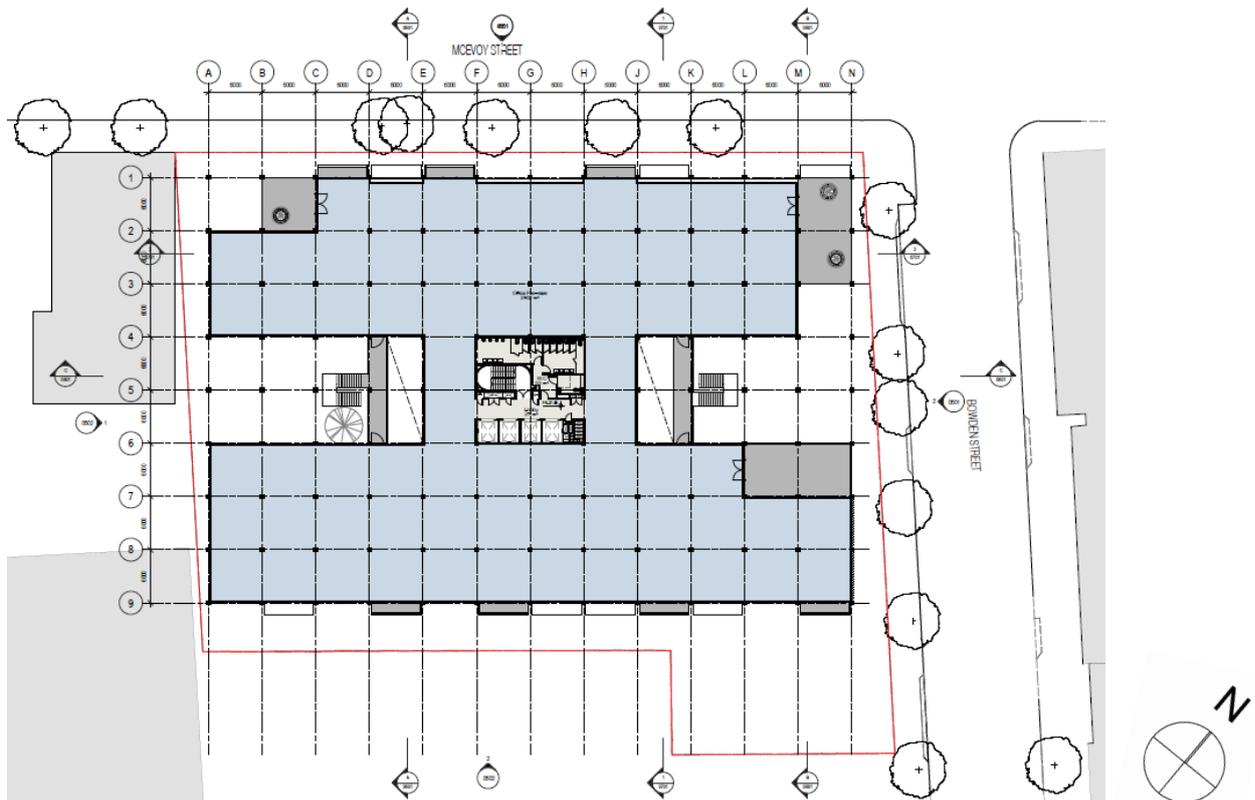


Figure 17: Level 3 floor plan

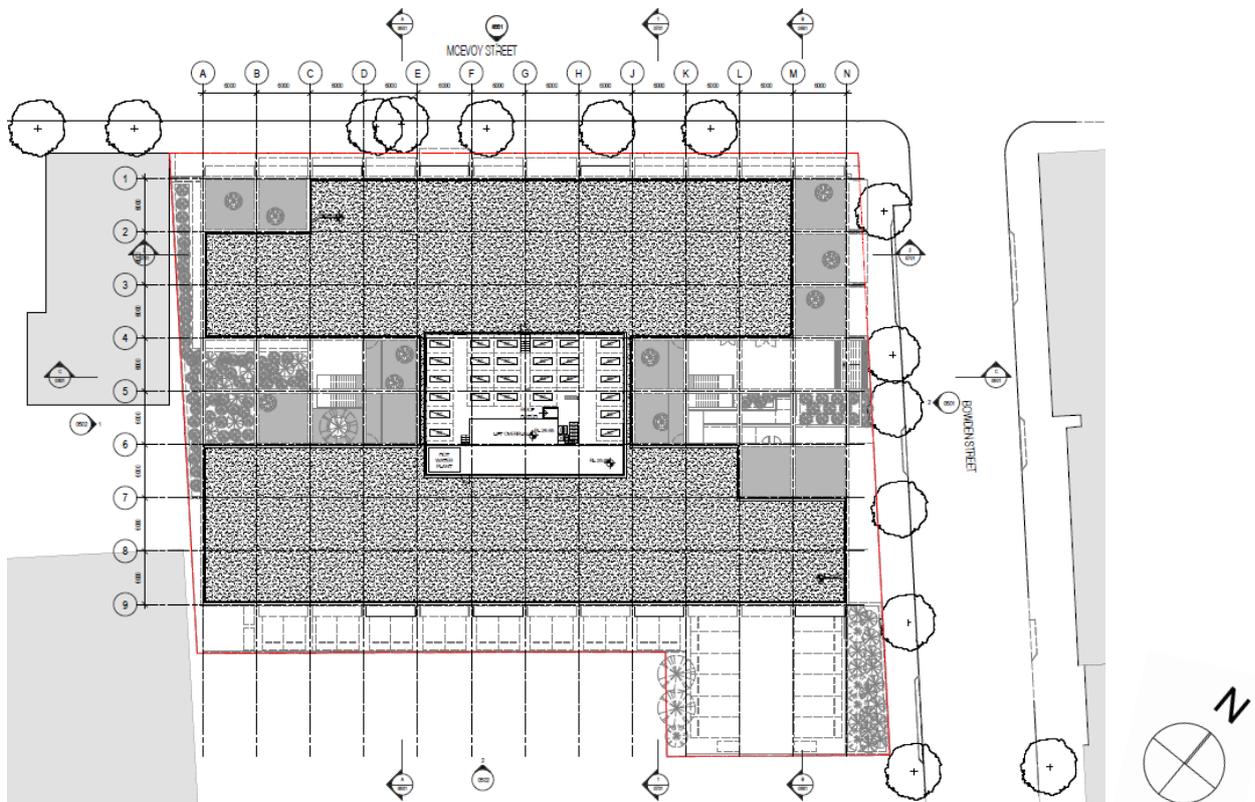


Figure 18: Roof plan



Figure 19: North-west (McEvoy Street) elevation



Figure 20: North-east (Bowden Street) elevation



Figure 21: South-east elevation

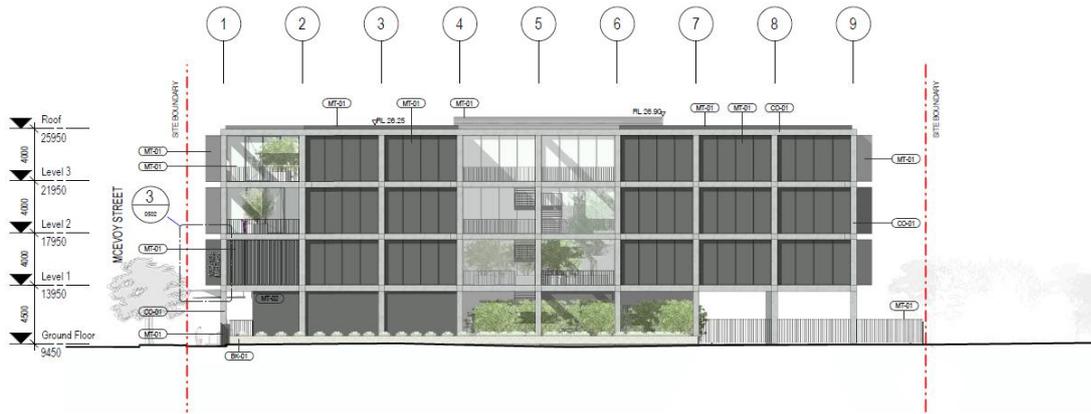


Figure 22: South-west elevation

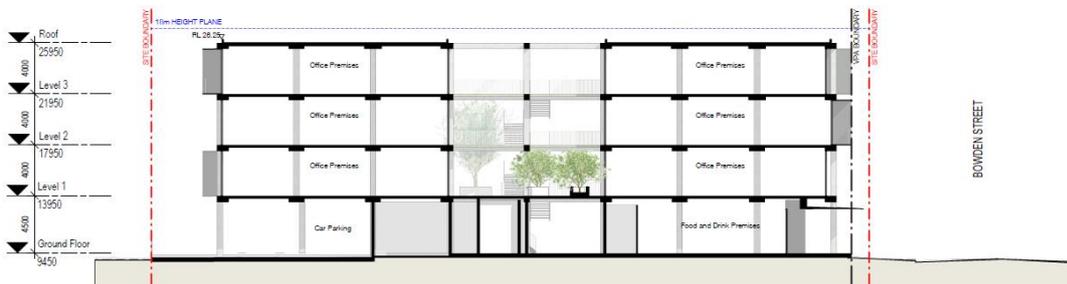


Figure 23: Section A



Figure 24: Section B



Figure 25: Section C

History Relevant to the Site and to the Development Application

18. The Local Planning Panel granted a deferred commencement approval to development application (DA) D/2017/1073 on 13 June 2018 for demolition of existing structures and construction of a three storey mixed use building comprises shop/food and beverage tenancies and a self-storage premises with associated office, car parking and loading facilities, building identification signage, landscaping and public domain improvements (refer to Figure 26 below).



Figure 26: Photomontage of the approved development under development consent D/2017/1073

19. A deferred commencement condition is recommended in Attachment A to require the surrender of development consent D/2017/1073 prior to the operation of any development consent granted by the Local Planning Panel to the current development application D/2018/1615, as the two consents cannot operate in tandem.
20. A request for pre-DA advice was made in respect of the subject application to the City on 9 July 2018 for a four storey, mixed use development, with ground floor retail premises and three floors of commercial premises above. Pre-DA advice was provided to the applicant on 14 August 2018, raising concerns relating to passive shading to the building, access ramps and deep soil provision.
21. It was also recommended that the proposal was discussed with Roads and Maritime Services (RMS) and Transport for NSW prior to lodgement of a DA.
22. Following lodgement of development application D/2018/1615 and the completion of a preliminary assessment of the proposed development, City planning staff requested information and amendments in correspondence dated 21 February 2019 relating to:
 - (a) deletion of the vehicle egress point to McEvoy Street, following refusal by RMS to grant concurrence to this driveway;
 - (b) details of the height of the proposed rooftop plant;
 - (c) an architectural design statement relating to the proposed building expression and structural system and detailed building facade section drawings;

- (d) details of passive shading devices to minimise heat load;
 - (e) revised materials details;
 - (f) revised widened ramp widths;
 - (g) provision of additional deep soil areas;
 - (h) revised landscape treatment, including additional tree plantings;
 - (i) additional tree protection documentation, including an arboricultural assessment report;
 - (j) additional contamination and acid sulphate soils information and documentation;
 - (k) a revised public benefit offer;
 - (l) reduction of encroachments into the public domain; and
 - (m) other assorted design details, including rooftop planting, hydrant boosters and the substation recess.
23. An amended application was received by the City on 29 March 2019, including information addressing each of the requests referred to above.
24. Following an assessment of the amended application, City planning staff made further requests for additional information and further clarification on 29 April 2019, 6 June 2019, 7 June 2019 and 30 June 2019. These requests included the following:
- (a) additional acid sulphate soils information and documentation;
 - (b) additional tree protection documentation, including an amended arboricultural assessment report;
 - (c) amendments to the design and location of the proposed driveway crossing to Bowden Street;
 - (d) provision of additional deep soil areas;
 - (e) provision of reports relating to Ecologically Sustainable Development (ESD) measures within the development; and
 - (f) Gross Floor Area (GFA) and Total Floor Area (TFA) calculations.
25. Additional information addressing each of the requests referred to above was received on 17 May 2019, 29 May 2019, 6 June 2019, 24 June 2019 and 1 July 2019.
26. Where the information or required changes were not made, these are discussed in the Issues section below and are able to be addressed by the conditions included in Attachment A.

Economic, Social and Environmental Impacts

27. The application has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979, including consideration of the following matters.

Legislation

Roads Act 1993

28. The original application was lodged with a vehicle egress point to McEvoy Street at the western corner of the site. As such, the application was referred to the Roads and Maritime Services (RMS) on 16 January 2019.
29. The RMS advised the City on 13 February 2019 that concurrence would not be granted to the development under the Roads Act 1993, given that the site has alternative vehicle access available to the local road network via Bowden Street.
30. The vehicle egress point to McEvoy Street was subsequently deleted in the amended application submitted to the City on 29 March 2019 and the RMS provided advice on 1 July 2019 that the proposal, as amended, is acceptable subject to conditions included in Attachment A to this report.

Sydney Water Act 1994

31. A stormwater channel culvert is located under the eastern corner of the building on the site, which is owned by Sydney Water. As such, the application was referred to Sydney Water on 22 February 2019.
32. Sydney Water provided advice on 28 February 2019 that, due to the proximity of the development to its assets, they recommended a number of conditions to be imposed on any development consent granted to the proposal, including design modifications to prohibit any structures over the stormwater channel or within one metre from the outside wall of the culvert.
33. Further clarification was provided to the City by Sydney Water on 7 June 2019, confirming that this condition would be required as a part of a future Section 73 application in accordance with Sydney Water's 'Building Over and Adjacent to Stormwater Assets Policy'.
34. In order to comply with the requirements of Sydney Water's condition, the development would be required to be modified to delete the cantilevered element over the culvert. As such, appropriate deferred commencement design modification conditions have been included in Attachment A to this report to ensure that Sydney Water's requirements are met in this regard.

Commonwealth Airports Act 1996

35. 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.
36. 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 (15.24 metres) above existing ground height.

37. 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).
38. The application was referred to Sydney Airport on 17 January 2019, under the provisions of the Civil Aviation (Building Control) Regulations 1988, as the development on the site exceeds 15.24 metres in height. The development does not penetrate the prescribed airspace.
39. No response was received by the City in relation to this correspondence. An appropriate condition has been included in Attachment A to ensure that approval is granted for the controlled activity prior to the issue of any Construction Certificate.

Environmental Planning Instruments and Development Control Plans

State Environmental Planning Policy No 55—Remediation of Land (SEPP 55)

40. 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.
41. A Remediation Action Plan (RAP) and a letter of interim advice from a New South Wales accredited Site Auditor including an endorsement of the RAP, were submitted with the development application.
42. These documents have been reviewed by the City's Senior 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 (SEPP 64)

43. The application proposes the following signage:
 - (a) Three flat mounted wall signs including:
 - (i) two building identification signs, measuring 1.825 metres in width by 3.7 metres in height, with the text '132-138 McEvoy Street', located on the south-west elevation (addressing McEvoy Street) and the Bowden Street elevation at levels 1 and 2 respectively; and
 - (ii) a business identification signage zone for a future tenant, measuring 1.125 metres in width by 3.7 metres in height located on the Bowden Street elevation at level 1.
44. SEPP 64 was gazetted on 16 March 2001 and 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.
45. Clause 8 of SEPP 64 states the following:
 - (a) A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:
 - (i) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and

- (ii) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.

46. The proposed signage is consistent with the aims and objectives in Clause 3 of SEPP 64, subject to the City's standard signage conditions included in Attachment A.
47. Clause 9(1)(a) and(b) of SEPP 64 states that Part 3 of the SEPP does not apply to business identification signs and building identification signs. As such, referral to the Roads and Maritime Services (RMS) was not required under Clause 17 of SEPP 64.
48. The following table outlines the manner in which the proposed signage addresses the assessment criteria in Schedule 1 of SEPP 64.

1. Character of the area	Comment
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>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>
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	<p>Signage in the area is characterised by top hamper, top of building and wall signs of varying quality.</p> <p>The proposed signage is generally consistent with the type and scale of existing signage in the area.</p>

2. Special areas	Comment
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>The site adjoins the Shea's Creek stormwater channel and is proximate to a number of residential flat buildings on the northern side of McEvoy Street.</p> <p>The proposed signage will not detract from the amenity or visual quality of these areas.</p>

3. Views and vistas	Comment
Does the proposal obscure or compromise important views?	The proposed signage does not obscure or compromise any important views.
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage is wholly contained within the projecting balconies on the McEvoy Street frontage of the site. The location and style of the signage does not dominate the skyline or negatively impact on vistas.
Does the proposal respect the viewing rights of other advertisers?	The signage is proposed to be located wholly within the boundaries of the site and contained within the projecting balconies on the McEvoy frontage of the site. 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?	The scale, proportion and form of the signage is appropriate for the locality, as it 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 building facades to integrate with the architecture, achieves its purpose of identifying the use and does not significantly 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?	The proposed signage is not designed to screen any unsightliness.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	<p>The signage will protrude above the street trees on McEvoy Street which are roughly 9 metres in height.</p> <p>This is considered acceptable however as the signage is wholly contained within the site and proposed building envelope.</p>

4. Streetscape, setting or landscape	Comment
Does the proposal require ongoing vegetation management?	The proposed signage will not require ongoing vegetation management.
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?	The signage is satisfactorily responsive to the proposed proportions of the McEvoy Street and Bowden Street building facades.
Does the proposal respect important features of the site or building, or both?	The signage does not affect any important features of the site or the proposed building.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The signage is satisfactorily responsive to the proposed proportions of the McEvoy Street and Bowden Street building facades.
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?	There are no safety devices, platforms, lighting devices or logos proposed as a part of the signage or the projecting balconies.
7. Illumination	Comment
Would illumination result in unacceptable glare?	The signage is not proposed to be illuminated.
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?	

7. Illumination	Comment
Is the illumination subject to a curfew?	The signage is not proposed to be illuminated.

8. Safety	Comment
Would the proposal reduce the safety for any public road?	The proposed signage will not result in reduced road safety, subject to the City's standard signage conditions included in Attachment A.
Would the proposal reduce the safety for pedestrians or bicyclists?	
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	

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

49. The provisions of the SEPP Infrastructure have been considered in the assessment of the development application. The relevant Clauses have been addressed below

Clause 45

50. On 16 January 2019, the application was referred to Ausgrid in accordance with Clause 45(2) of the SEPP Infrastructure.

51. At the time of the preparation of this assessment report, no correspondence from Ausgrid had been received by the City in response to the referral.

Clause 101

52. The application is subject to Clause 101 of the SEPP Infrastructure as the site has frontage to McEvoy Street, which is a State classified road.

53. The amended application is considered to satisfy Clause 101 of the SEPP Infrastructure, subject to the conditions in Attachment A, as it does not provide access to or egress from the site to the classified road and the proposed land uses are not sensitive to traffic noise or vehicle emissions.

Clause 104

54. The application is subject to Clause 104 of the SEPP Infrastructure as it has access to a road which connects to a classified road within 90 metres of the connection and comprises commercial premises and food and drink premises exceeding 2500 square metres and 300 square metres of gross floor area respectively.

55. As such, both the original and amended applications were referred to RMS for comment in accordance with Clause 104 of the SEPP Infrastructure. As discussed elsewhere in this report, the RMS advised the City that the originally proposed vehicle egress to McEvoy Street was not supported.

56. The vehicle egress point to McEvoy Street was subsequently deleted in the amended application submitted to the City on 29 March 2019. The RMS has provided subsequent advice on 1 July 2019 that the proposal, as amended, is acceptable subject to conditions included in Attachment A to this report.

Sydney Local Environmental Plan 2012

57. The site is located within the B6 - Enterprise Corridor zone.
58. The proposed use is defined as a 'mixed use development', comprising 'shops', 'food and drink premises' and 'office premises', all of which are permissible in the subject zone with development consent.
59. The relevant matters to be considered under the Sydney LEP 2012 for the proposed development are outlined below.

Development Control	Compliance	Comment
4.3 Height of Buildings	Yes	A maximum height of 18 metres is permitted. A height of 17.9 metres is proposed.
4.4 Floor Space Ratio (FSR) 6.13 End of journey floor space 6.14 Community infrastructure floor space at Green Square	Yes	The site has a base FSR of 1.5:1 under Clause 4.4 of the Sydney LEP 2012. An additional 0.3:1 FSR is available to buildings used only for commercial premises with end of journey floor space proposed under Clause 6.13 of the Sydney LEP 2012. The site is identified on Sheet FSR_010 of the Floor Space Ratio Map in the Sydney LEP 2012 as being located in Area 6. Under the provisions of Clause 6.14 of the Sydney LEP 2012, the site is eligible for a further 0.5:1 of community infrastructure floor space. As such, a total FSR of 2.3:1 is permissible on the site. An FSR of 2.04:1 (9,433 square metres of Gross Floor Area or GFA) is proposed, relying on both end of journey floor space of 0.05:1 (219 square metres of GFA) and community infrastructure floor space of 0.49:1 (2,259 square metres of GFA). The proposal is for commercial premises and provides end of journey floor space in accordance with the requirements of Clause 6.13 of the Sydney LEP 2012.

Development Control	Compliance	Comment
		Further, 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 Clause 6.14 of the Sydney LEP 2012.
5.10 Heritage conservation	Not applicable	The site is not listed as a heritage item or identified as being located within a heritage conservation area in Schedule 5 of the Sydney LEP 2012.

Part 6 Local Provisions - Height and Floor Space	Compliance	Comment
6.21 Design excellence	Yes, subject to conditions	<p>The proposed development satisfies the requirements of this provision. The design achieves a high standard of architectural design.</p> <p>The proposed materials, detailing, bulk and massing are considered appropriate to the building type and locality, subject to the minor design modification deferred commencement conditions in Attachment A of this report.</p>
6.28 Development on certain land in Zone B6 Enterprise Corridor	Not applicable	<p>The development does not rely on the floor space or height bonuses in this Clause of the Sydney LEP 2012.</p> <p>The development relies instead on end of journey and community infrastructure floor space under Clause 6.13 and Clause 6.14 of the Sydney LEP 2012.</p>

Part 7 Local Provisions - General	Compliance	Comment
Division 1 Car parking ancillary to other development 7.6 Office premises and business premises	Yes	Based upon 8,136 square metres of office floor space and 999 square metres of retail floor space, a maximum of 99 car parking spaces are permitted.

Part 7 Local Provisions - General	Compliance	Comment
7.7 Retail premises		47 car parking spaces are proposed.
7.13 Contribution for purpose of affordable housing	Yes	<p>The site is located within the boundaries of Green Square as detailed in the Green Square Affordable Housing Program.</p> <p>Under the provisions of Clause 7.13, the application is subject to an affordable housing contribution.</p> <p>The development has a total floor area of 10813.3 square metres as defined by this part of the Sydney LEP 2012.</p> <p>Based on the non-residential rate of \$77.92 per square metre for the indexation period from 1 March 2019 to 29 February 2019, an affordable housing contribution of \$842,572.37 applies to the development.</p>
7.14 Acid Sulphate Soils	Yes	<p>The site is identified as containing class 3 Acid Sulphate Soil.</p> <p>An Acid Sulphate Soils Management Plan has been submitted with the application and has been reviewed and deemed acceptable by the City's Senior Environmental Health Officer, subject to appropriate conditions included in Attachment A.</p>
7.15 Flood planning	Yes	<p>The site is identified as being on flood prone land.</p> <p>The application is supported by a Flood Level Assessment. The flood planning levels proposed are supported by the City's Water Assets Unit and satisfy the objectives of this part of the Sydney LEP 2012.</p>
7.16 Airspace operations	Yes	The proposed development will not penetrate the Obstacle Limitation Surface as shown on the Obstacle Limitation Surface Map for the Sydney Airport.

Part 7 Local Provisions - General	Compliance	Comment
		Notwithstanding this, the proposal triggers a requirement for referral to Sydney Airport under the Civil Aviation (Building Control) Regulations 1988, as discussed elsewhere in this assessment report.
7.20 Development requiring preparation of a development control plan	Not applicable	<p>The site is located in the B6 Enterprise Corridor zone with a site area of less than 5,000 square metres.</p> <p>The preparation of a site specific development control plan is not required in these circumstances.</p>
7.23 Large retail development near Green Square Town Centre	Not applicable	<p>The proposal includes 362 square metres of floor space for shops.</p> <p>As the proposal includes less than 1,000 square metres of floor area for shops, the provisions in this part of the Sydney LEP 2012 do not apply to the development as proposed.</p>
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 one kilometre from Green Square train station and with McEvoy Street serviced by two bus routes.</p> <p>Due to the nature of the proposed land uses, the development is not anticipated to create significant additional demand on the transport network.</p>

Sydney Development Control Plan 2012

60. The relevant matters to be considered under the Sydney DCP 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 character of the area and design principles in in that it facilitates the diversification from existing industrial uses to wider economic activities, supports employment activity and serves the local working population.

3. General Provisions	Compliance	Comment
3.1 Public Domain Elements 3.1.1 Streets, lanes and footpaths	Yes	The proposed development will make a positive contribution to the public domain through the provision of a 1.4 metre public domain setback to McEvoy Street to widen the existing shared path and provide sufficient space for pedestrians and cyclists.
3.2 Defining the Public Domain 3.2.1 Improving the public domain 3.2.2 Addressing the street and public domain	Yes	<p>The proposed development will enhance the public domain by ensuring adequate sun access to publicly accessible spaces and considering public views.</p> <p>The ground floor shops and food and drink premises fronting McEvoy Street have individual entries and large display windows, activating the street frontage, encouraging pedestrian and customer interaction and promoting passive surveillance.</p> <p>The Bowden Street frontage also includes extensive glazing servicing the corner food and drink premises tenancy.</p>
3.2.3 Active frontages	Not applicable	The site is not identified in this part of the Sydney DCP 2012 as requiring active frontages along either McEvoy or Bowden Streets.

3. General Provisions	Compliance	Comment
3.2.4 Footpath awnings	Not applicable	<p>The site is not identified in this part of the Sydney DCP 2012 as requiring the provision of a continuous footpath awning.</p> <p>The proposed development has not included a continuous footpath awning in its design but does include awnings which extend into the public domain.</p> <p>These proposed awnings are generally in accordance with the requirements in this part of the Sydney DCP 2012 relating to awning height, width and design.</p>
3.2.7 Reflectivity	Yes, subject to conditions	<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 Sydney DCP 2012, a condition has been recommended in Attachment A which limits the visible light reflectivity from building materials used on the facades of the building to not exceed 20%.</p>
3.2.8 External lighting	Yes	<p>No external lighting is proposed.</p> <p>A condition has been recommended in Attachment A which requires that any external floodlighting, illumination of the building or lighting of site landscaping be subject to a separate development application.</p>

3. General Provisions	Compliance	Comment
3.4 Hierarchy of Centres, City South	Yes	<p>The site is located outside the Green Square Town Centre major retail area. The proposed retail premises comprise a total area of 999 square metres.</p> <p>The development is 'minor retail development' under this part of the Sydney DCP 2012.</p> <p>Minor retail development is permissible outside retail centres provided it does not have a negative impact on the viability of the planned centres.</p> <p>The predominant proposed use of the site is as office premises.</p> <p>The size of the proposed retail premises is not considered to undermine the economic strategy of the Green Square Town Centre major retail centre or result in an adverse impact on its viability.</p>
3.5 Urban Ecology	Yes, subject to conditions	<p>The site is adjacent to six existing street trees on the McEvoy Street frontage and six existing street trees on the Bowden Street frontage.</p> <p>The proposal is supported by an arboricultural assessment report, including a root mapping assessment, which has demonstrated that, subject to the appropriate conditions included in Attachment A, the proposal will not significantly adversely impact on the subject street trees.</p> <p>The proposal does not provide one new tree per four proposed car spaces and it is unclear as to whether it will achieve 15% canopy site coverage.</p> <p>Further discussion and assessment regarding this matter is provided below under the heading Issues.</p>

3. General Provisions	Compliance	Comment
3.6 Ecologically Sustainable Development (ESD)	Yes, subject to conditions	<p>The application is supported by a report prepared by a qualified ESD engineer which estimates that the current design of the development can achieve 4.5 Star NABERS Energy rating and that a 5.5 Star NABERS Energy rating can be readily achieved with minor amendments, including the provision of roof-mounted solar panels and additional facade shading.</p> <p>Appropriate conditions have been included in Attachment A to satisfactorily address this matter, including the provision of a photovoltaic solar panel array to the roof, additional external shading to the building facades and a requirement for the building to achieve a 5.5 Star NABERS Energy rating via a Commitment Agreement with the NSW Office of Environment and Heritage.</p>
3.7 Water and Flood Management	Yes, subject to conditions	<p>As discussed elsewhere in this report, the site is identified as being on flood prone land. The application is supported by a Flood Level Assessment.</p> <p>The flood planning levels proposed are supported by the City's Water Assets Unit and satisfy the objectives of this part of the Sydney DCP 2012.</p> <p>The application was also supported by a stormwater quality assessment. Subject to the City's standard stormwater and drainage condition, the proposed management of stormwater on the site is also considered to be acceptable.</p>
3.8 Subdivision, Strata Subdivision and Consolidation	Yes, subject to conditions	<p>The proposal involves the subdivision and dedication of a 1.4 metre wide strip of land along the McEvoy frontage of the site for shared path widening.</p> <p>Appropriate conditions have been included in Attachment A to satisfactorily address this matter.</p>

3. General Provisions	Compliance	Comment
3.9 Heritage	Not applicable	<p>As discussed elsewhere in this report, the site is not listed as a heritage item or as identified as being located within a heritage conservation area.</p> <p>The demolition of the existing building and ancillary structures on the site has been previously granted consent under development application D/2017/1073.</p>
<p>3.10 Significant Architectural Building Types</p> <p>3.10.1 Warehouses and industrial buildings older than 50 years</p>	Not applicable	<p>The subject warehouse building is older than 50 years but is not:</p> <ul style="list-style-type: none"> • listed in Schedule 5 of the Sydney LEP 2012 as a heritage item; • a draft heritage item; or • located within a heritage conservation area. <p>The provisions in 3.10.1 do not apply to the site as a result.</p>
<p>3.11 Transport and Parking</p> <p>3.11.1 Managing transport demand</p>	Yes, subject to conditions	<p>The application was supported by a Traffic Impact Assessment and Transport Access Guide prepared by an appropriately qualified traffic consultant.</p> <p>These documents have been reviewed by the City's Transport Planning Unit and are deemed to be generally satisfactory, subject to the City's standard transport and parking conditions included in Attachment A.</p>
3.11.2 Car share scheme parking spaces	Yes	<p>The proposed land uses generate a requirement for one car share scheme parking space to be provided on the site.</p> <p>One car share scheme parking space is provided as a part of the car parking facilities proposed on the site.</p>

3. General Provisions	Compliance	Comment
3.11.3 Bike parking	Yes	<p>The shop, food and drink premises and office uses generate a requirement for 59 staff bike parking spaces and 32 visitor bike parking spaces.</p> <p>The application proposes 60 staff bicycle parking spaces in a secure Class B bike parking facility at the ground floor level and 32 visitor bicycle parking spaces, split between a facility adjacent to the main entrance lobby and the Bowden Street entry.</p>
3.11.6 Service vehicle parking	Acceptable, subject to conditions	<p>Schedule 7.8 of the Sydney DCP 2012 requires the provision of six service vehicle parking spaces for the proposed land uses.</p> <p>The proposal includes a single loading bay capable of accommodating an 8.8 metre Medium Rigid Vehicle. This has been reviewed by the City's Transport Planning Unit and is deemed acceptable, subject to a condition included in Attachment A which requires a management plan to be submitted for the operation of the loading dock area.</p>
3.11.7 Motorbike parking	Yes	<p>Schedule 7.8 of the Sydney DCP 2012 requires the provision of four motorbike parking spaces.</p> <p>The proposal includes four motorbike parking spaces as a part of the parking facilities provided on the site.</p>
3.11.9 Accessible parking	Acceptable, subject to conditions	<p>Schedule 7.8 of the Sydney DCP 2012 requires the provision of three accessible car parking spaces.</p> <p>Two accessible car parking spaces are provided as a part of the car parking facilities proposed on the site.</p> <p>An appropriate condition has been recommended to ensure that a third accessible space is provided in compliance with these provisions.</p>

3. General Provisions	Compliance	Comment
3.11.10 Vehicle access for developments greater than 1000sqm GFA	No, but assessed as acceptable	<p>The provision at Section 3.11.10(1)(c) of the Sydney DCP 2012 requires that for developments proposing more than 1,000 square metres of GFA, vehicle access is not to be located within 60 metres of the approach side of an intersection on a state road.</p> <p>The proposed vehicle driveway to the development is located on the approach (western) side of Bowden Street, approximately 48 metres from the intersection with McEvoy Street, a State classified road.</p> <p>This is considered acceptable however, given that the driveway is located as far south of the intersection as practicable, while seeking to retain all existing street trees and provide for a functional vehicle access and egress point.</p> <p>Further, the City's Transport Planning Unit and the RMS have raised no objection to the proposed vehicle access point, subject to the relevant conditions included in Attachment A to this report.</p>

3. General Provisions	Compliance	Comment
3.11.11 Vehicle access and footpaths	Yes, subject to conditions	<p>The site is not identified as being a place of high pedestrian activity on the Pedestrian priority map in the Sydney DCP 2012.</p> <p>An arboricultural assessment report, including a root mapping assessment, has been submitted in support of the application.</p> <p>Subject to the City's standard street tree protection and pruning conditions, the design of the driveway crossing will be required to minimise impacts on the two adjacent street trees.</p> <p>The provision at Section 3.11.11(7) requires that driveways are limited to a maximum width of 3.6 metres, where practicable.</p> <p>In the circumstances of the subject site, a 3.6 metre wide driveway is not considered to be practicable, given that:</p> <ul style="list-style-type: none"> • the proposed parking facilities result in a trip generation rate which trigger a requirement for a double width driveway; • a six metre width driveway crossing is required for MRV access and egress to and from the site; and • the proposal will result in the removal of four redundant vehicle crossings (three to Bowden Street and one to McEvoy Street) and replacement with a single consolidated vehicle access and egress point.

3. General Provisions	Compliance	Comment
3.11.13 Design and location waste collection points and loading areas	Yes, subject to conditions	<p>The proposal includes a waste collection point, waste store and bulk waste store adjacent to the MRV loading bay at the rear of the ground floor level of the new building.</p> <p>The application is also supported by a Waste Management Plan which details the proposed operational waste management of the development.</p> <p>This arrangement has been reviewed by the City's Cleansing and Waste Services Unit and is considered generally acceptable, subject to a condition included in Attachment A requiring the provision of an amended Waste Management Plan which:</p> <ul style="list-style-type: none"> • clearly identifies user and collection vehicle access paths; • includes a swept path analysis; and • provides for four collections per week.
3.11.14 Parking area design	Yes, subject to conditions	<p>The design of the ground level parking facilities is located at the rear of the proposed new building and is screened by the built form of the development and new plantings proposed to along the Bowden Street frontage of the site.</p> <p>As discussed elsewhere in this report, conditions have been included in Attachment A requiring the planting of additional trees which will assist to screen the parking area to the adjoining sites.</p>

3. General Provisions	Compliance	Comment
3.12 Accessible Design	Yes, subject to conditions	<p>The shops, food and drink premises and office lobby have accessible entrances from McEvoy Street, Bowden Street and the rear parking facilities. The office premises on the upper levels have lift access from the ground level.</p> <p>The accessible ramp at the McEvoy Street frontage is considered too long and too narrow for two people to comfortably pass.</p> <p>A deferred commencement design modification condition is recommended for a minimum width of 1.2 metres to be provided to this ramp.</p> <p>A further condition has been recommended for the development to provide appropriate access and facilities for persons with disabilities in accordance with Section 3.12 of the Sydney DCP 2012 and the Building Code of Australia.</p>
3.13 Social and Environmental Responsibilities	Yes	<p>The development includes extensive ground floor glazing which will facilitate casual surveillance of the public domain surrounding the site.</p> <p>The proposal is generally designed in accordance with the 'Crime Prevention Through Environmental Design' (CPTED) principles and is considered generally acceptable.</p>

3. General Provisions	Compliance	Comment
3.14 Waste	Yes, subject to conditions	<p>The development provides for a 91 square metre ground floor level waste store room and bulk waste store.</p> <p>Adjoining the waste storage room is bin wash and collection point. Access to and egress from the collection point is from Bowden Street.</p> <p>The waste storage area and Waste Management Plan submitted with the application have been reviewed by the City's Cleansing and Waste Services Unit and is considered generally acceptable, subject to a condition included in Attachment A requiring the provision of an amended Waste Management Plan which:</p> <ul style="list-style-type: none"> • clearly details the size of the bulk waste store room and bin wash / collection point; • provides sufficient door width for bin storage rooms at levels 1, 2 and 3; • clearly identifies user and collection vehicle access paths; • includes a swept path analysis; and • provides for four collections per week. <p>A further condition has been recommended to ensure that the proposal achieves general compliance with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.</p>

3. General Provisions	Compliance	Comment
3.16 Signage and Advertising	Yes, subject to conditions	<p>The proposed development includes two building identification signs and a single tenancy signage zone, as discussed elsewhere in this report.</p> <p>The proposed signage is generally acceptable with regard to the provisions in Section 3.16 of the Sydney DCP 2012, subject to the City's standard signage conditions which have been included in Attachment A.</p>
3.16.1 Signage Strategy	Yes, subject to conditions	<p>A condition is included in Attachment A which requires a separate application for a signage strategy for signage additional to that proposed under the current application to be submitted for the development.</p> <p>This will serve to ensure the design quality of the development is not diminished by the potential for future ad-hoc signage.</p>
3.17 Contamination	Yes, subject to conditions	As discussed elsewhere in this report, matters relating to land contamination have been addressed in accordance with the relevant requirements of SEPP 55.

4. Development Types	Compliance	Comment
4.2 Residential flat, commercial and mixed use developments 4.2.1 Building height 4.2.1.1 Height in storeys	Yes	<p>The maximum height in storeys permissible on the site is four storeys.</p> <p>The proposed development is four storeys in height.</p> <p>The site is not subject to any street frontage height requirements</p>

4. Development Types 4.2 Residential flat, commercial and mixed use developments	Compliance	Comment
4.2.1.2 Floor to ceiling heights and floor to floor heights	Yes	<p>The provisions in Section 4.2.1.2 of the Sydney DCP 2012 require a 4.5 metre floor to floor height at the ground floor level and 3.6 metre floor to floor heights for the levels above, for all commercial and retail development.</p> <p>The proposal provides a 4.5 metre floor to floor height at the ground floor level and 4 metre floor to floor heights for the levels above.</p>
4.2.3 Amenity	Yes	<p>The site does not directly adjoin any residential uses and the nature of the proposed development is not considered to significantly adversely affect the residential amenity of properties on the opposite side of McEvoy Street.</p>
4.2.3.4 Design features to manage solar access	Yes, subject to conditions	<p>While some fixed horizontal and vertical passive shading devices have been provided, insufficient shading has been provided to the McEvoy Street frontage and south-eastern elevation of the development.</p> <p>The proposal is considered acceptable subject to appropriate deferred commencement design modification conditions in Attachment A to ensure additional operable shading is provided to the north-western and south-eastern elevations of the development.</p> <p>Further discussion and assessment regarding this matter is provided below under the heading Issues.</p>

4. Development Types 4.2 Residential flat, commercial and mixed use developments	Compliance	Comment
4.2.3.5 Landscaping	Yes, subject to condition	<p>The application was accompanied by a landscape plan and details prepared by a landscape architect.</p> <p>An appropriate condition has been included in Attachment A to require the landscape plan to be updated to be consistent with the deferred commencement design modification conditions, including those requiring a green roof to be provided and additional tree plantings and deep soil areas.</p>
4.2.4 Fine grain, architectural diversity and articulation	Assessed as acceptable	<p>The length of the proposed building to McEvoy Street is approximately 72 metres, which exceeds the maximum street frontage length provision of 65 metres in Section 4.2.4(1)(a) of the Sydney DCP 2012.</p> <p>The variation of the control is considered to be acceptable however given that:</p> <ul style="list-style-type: none"> • the design incorporates a well-articulated facade to the primary street frontage; • subject to conditions requiring additional passive shading devices, the development provides for a positive sustainable design outcome for the site; • the materials and finishes proposed are generally of a high quality, subject to a condition requiring manufacturer's specification for the proposed masonry; and • the facade composition and proposed structural grid framework promotes a fine grain design response to the locality context.

4. Development Types 4.2 Residential flat, commercial and mixed use developments	Compliance	Comment
4.2.5 Types of development 4.2.5.3 Development on busy roads and active frontages	Not applicable	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 Sydney DCP 2012 do not apply.
4.2.6 Waste and Recycling Management	Yes, subject to conditions	Refer to the discussion and assessment provided above in relation to Section 3.14 of the Sydney DCP 2012.
4.2.7 Heating and Cooling Infrastructure	Yes, subject to conditions	Services are centrally located on the roof and screened by an acoustic enclosure. Appropriate conditions have been recommended to ensure noise from rooftop plant is appropriately managed.

5. Specific Areas 5.2 Green Square	Compliance	Comment
5.2.1 Green Square Urban Strategy	Yes	The proposal is consistent with the Green Square Urban Strategy, given that the provision of a mix of commercial land uses on the site and new employment opportunities aligns with the objectives for the broader Green Square Urban Renewal Area.
5.2.2 Objectives for Green Square	Yes	The proposed development is consistent with the objectives for Green Square subject to the conditions recommended in Attachment A, as it provides for an improved public domain to McEvoy Street, comprises a sensitively designed in-fill development and provides for additional local employment opportunities within the area.

5. Specific Areas 5.2 Green Square	Compliance	Comment
5.2.3 Community infrastructure	Yes	Refer to the discussion provided in relation to Clause 4.4 of the Sydney LEP 2012 in the table above and the further discussion and assessment provided under the heading Issues below relating to the setbacks to McEvoy Street and Bowden Street and the public benefit offer.
5.2.5 Pedestrian and bike networks	Yes	<p>As discussed elsewhere in this report, the proposal includes the dedication of 108 square metres of land along the McEvoy Street frontage of the site.</p> <p>This land is to contribute to the delivery of a 1.4 metre widening to the existing shared path for pedestrians and cyclists.</p> <p>McEvoy Street and Euston Road were identified in the City's Cycle Strategy and Action Plan 2018-2030 as part of a network route.</p>
5.2.7 Stormwater management and waterways	Yes, subject to conditions	<p>As discussed elsewhere in this report, the site is identified as being on flood prone land. The application is supported by a Flood Level Assessment prepared by an appropriately qualified flooding engineer.</p> <p>The flood planning levels proposed are supported by the City's Water Assets Unit and satisfy the objectives of this part of the Sydney DCP 2012.</p> <p>The application was also supported by a stormwater quality assessment prepared by an appropriately qualified hydraulic engineer.</p> <p>Subject to the City's standard stormwater and drainage condition, the proposed management of stormwater on the site is also considered to be acceptable.</p>

5. Specific Areas 5.2 Green Square	Compliance	Comment
5.2.9 Building design	Yes	The building has been designed to positively address both street frontages, align with the street and incorporate a variety of materials and finishes in accordance with the requirements in Section 5.2.9 of the Sydney DCP 2012.

5.2.10 Setbacks	Assessed as acceptable, subject to conditions	<p>The setback of the development to the primary frontage to McEvoy Street includes a 1.4 metre public domain setback, with a further setback of 1.025 metres to the main building facade.</p> <p>The land dedication area is encroached by a number of awnings and the additional setback is not provided as a landscaped area, in accordance with the provision at Section 5.2.10 of the Sydney DCP 2012. It is instead occupied by access ramps and other building features.</p> <p>This is considered to be acceptable on balance, given the constraints of the site in relation to flooding and subject to a condition to modify the design of the ramps and delete the awning encroachments.</p> <p>The proposed development has a variable side setback to the western boundary of between an approximately 0.75 to 3.3 metres.</p> <p>The western elevation is generally blank, with office tenancy balconies and associated window and door openings well set back from the side boundary. The proposal 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 approximately 1.1 to 3.7 metres. The existing building has a nil setback for the full length of the Bowden Street frontage.</p> <p>The proposed setback for the length of the Bowden Street frontage is greater than the existing building, generally consistent with the predominant alignment of existing buildings along the street and is provided with a satisfactory landscape treatment.</p> <p>The development has a variable setback of between approximately 5.2 and 16.8 metres to the rear boundary. This is considered to be acceptable with regard to the neighbouring site to the south and would not preclude its future redevelopment in any significant fashion.</p>
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5. Specific Areas 5.2 Green Square	Compliance	Comment
5.2.12 Above ground parking spaces and adaptable car parking spaces	Assessed as acceptable	<p>The site is considerably constrained with regard to excavation for basement parking, given its location on contaminated land, where the water table is high, where the land is prone to flooding and where there is a significant existing piece of stormwater infrastructure, in the form of Sydney Water's culvert.</p> <p>The proposed car parking spaces are considered to be acceptable, given that they do not exceed 50% of that permissible under Clause 7.6 and Clause 7.7 of the Sydney LEP 2012, are all provided at grade and with appropriate landscape screening along the Bowden Street frontage.</p>

5. Specific Areas 5.8 Southern Employment Lands	Compliance	Comment
5.8.1 General	Yes	The proposal achieves the objectives and provisions of Section 5.8.1 of the Sydney DCP 2012 relating to the Southern Employment Lands Strategy, given that it provides a mix of compatible commercial land uses and employment opportunities.
5.8.2 Development 5.8.2.2 Building setbacks	Assessed as acceptable, subject to conditions	As discussed elsewhere in this report, the proposed setbacks are compatible with those of the existing development on the site and adjoining sites and are acceptable with regard to the broader development pattern in the locality, subject to the conditions included in Attachment A.
5.8.2.3 Building height	Yes	The proposal does not exceed the maximum storeys permissible on the site.

5. Specific Areas 5.8 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 to each street frontage and occupies more than 50% of both street frontages.</p> <p>The facade treatments along both street frontages are provided with a satisfactory degree of articulation, reinforce the corner to McEvoy and Bowden Streets and utilise a variety of materials and finishes to break down the massing of the building and provide visual interest.</p> <p>The main building foyer is oriented to McEvoy Street and the ground floor shop and food and drink tenancies are provided with sufficient floor space for a fine grain active frontage.</p> <p>Awnings are provided over the building entrances and ramps and the proposed loading dock is not visible from the primary frontage to McEvoy Street.</p>

5. Specific Areas 5.8 Southern Employment Lands	Compliance	Comment
5.8.2.5 Landscaping and fencing 5.8.2.5.1 Landscaping	Acceptable, subject to conditions	<p>The relevant provisions in Section 5.8.2.5.1 of the Sydney DCP 2012 require deep soil to be provided to a minimum of 15% (691.5 square metres) of the site area, where sites are located in the B6 Enterprise Corridor zone, with a minimum dimension of 3 metres.</p> <p>The proposal provides 5.8% (268 square metres) of the site area as deep soil with dimensions of more than 3 metres, with an additional 1.9% (87 square metres) having a dimension of less than 3 metres and 0.1% (37 square metres) located in an undercroft area.</p> <p>The proposed variation of the control is considered acceptable only subject to appropriate deferred commencement design modification conditions in Attachment A to ensure additional deep soil area, permeable paving and additional tree plantings are provided along the southern edge of the site and a green roof is provided over the northern wing of the building.</p> <p>Further discussion and assessment regarding this matter is provided below under the heading Issues.</p>
5.8.2.5.2 Fences	Yes, subject to conditions	<p>The proposed fencing to the development is palisade in style, with a dark colour to reduce its visual impact.</p> <p>An appropriate condition has been recommended to ensure that the maximum height of the side and rear fences does not exceed a height of 1.8 metres.</p>

5. Specific Areas 5.8 Southern Employment Lands	Compliance	Comment
5.8.2.5.3 Private communal open space	Assessed as acceptable	<p>The proposal is provided with areas of private communal open space to each of the office premises components at levels 1, 2 and 3, in the form of open balconies and terraces which are provided with direct access from each tenancy.</p> <p>While these areas do not all comply with the requirement in Section 5.8.2.5.3(2)(d) in that they have a minimum contiguous area of 100 square metres and minimum dimension of 8 metres, they are considered to be of a sufficiently adequate size and capacity for future office tenant use.</p>
5.8.2.6 Parking, access and loading and servicing	Yes	As discussed elsewhere in this report, the parking and loading areas are located at the ground level of the development and are accessed from Bowden Street.
5.8.2.7 Storage areas	Yes	Storage areas have been located within the primary building envelope.
5.8.4 Adaptable parking	Yes, subject to conditions	<p>The site is considerably constrained with regard to excavation for basement parking, given its location on contaminated land, where the water table is high, where the land is prone to flooding and where there is a significant existing piece of stormwater infrastructure, in the form of Sydney Water's culvert.</p> <p>The proposed car parking spaces are considered to be acceptable, given that they do not exceed 50% of that permissible under Clause 7.6 and Clause 7.7 of the Sydney LEP 2012, are all provided at grade and with appropriate landscape screening along the Bowden Street frontage.</p>

5. Specific Areas 5.8 Southern Employment Lands	Compliance	Comment
5.8.5 Managing transport demand	Yes	<p>As discussed elsewhere in this report, the application was supported by a Traffic Impact Assessment and Transport Access Guide prepared by an appropriately qualified traffic consultant.</p> <p>These documents have been reviewed by the City's Transport Planning Unit and are deemed to be generally satisfactory, subject to the City's standard transport and parking conditions included in Attachment A.</p>
5.8.7 Environment 5.8.7.1 Storm water management and waterways	Yes	<p>The site is identified as being on flood prone land. The application is supported by a Flood Level Assessment.</p> <p>The flood planning levels proposed are supported by the City's Water Assets Unit and satisfy the objectives of this part of the Sydney DCP 2012.</p>
5.8.7.2 Urban ecology	Yes, subject to conditions	<p>As discussed elsewhere in this report, an arboricultural assessment report, including a root mapping assessment, has been submitted in support of the application.</p> <p>Subject to the City's standard street tree protection and pruning conditions, potential impacts to the street trees adjacent to the site will be minimised. Landscaped areas with new plantings are proposed along the side boundary and street frontages of the site.</p> <p>Conditions have been included in Attachment A requiring additional deep soil areas and planting of additional trees.</p>
5.8.7.3 Contamination	Yes, subject to conditions	<p>As discussed elsewhere in this report, matters relating to land contamination have been addressed in accordance with the relevant requirements of SEPP 55.</p>

5. Specific Areas 5.8 Southern Employment Lands	Compliance	Comment
5.8.8 Social infrastructure	Yes	<p>The proposed development contributes to the social sustainability requirements for the Southern Employment Lands through the provision of:</p> <ul style="list-style-type: none"> • an improved public domain to McEvoy Street via land dedication for widening of the existing shared path; • employment opportunities for local residents; and • staff and visitor bike parking facilities within the development.

Issues

McEvoy and Bowden Street Setbacks

61. Section 5.2.10 of the Sydney DCP 2012 identifies the site as requiring a 1.4 metre 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.
62. 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 during the assessment of both the previous application (D/2017/1073) and the current proposal.
63. The reasons for this were:
 - (a) that the public domain setback along Bowden Street was implemented in the Sydney DCP 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 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 Transport Planning Unit 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 2018-2030 as part of a network route. In order to widen the shared path to 3.5 metres and include a 1.5 metre wide verge/public domain furniture zone, a further 1.4 metres of land dedication along McEvoy Street is required.
64. The applicant has incorporated this setback to McEvoy Street in the current proposal (as indicated in Figure 27 below). The 108 square metres of land along the McEvoy Street frontage has been included in the public benefit offer to dedicate this land for the shared path widening.

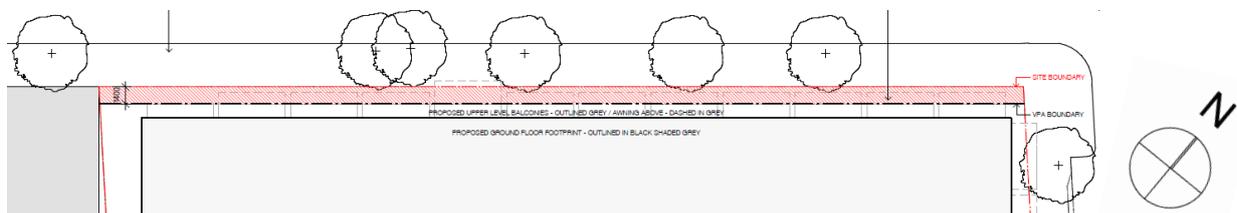


Figure 27: McEvoy Street setback. The red hatched area shows the land to be dedicated which is 1.4 metres in width and has a total area of 108 square metres.

Public Benefit Offer

65. As part of the application, and in accordance with the community infrastructure floor space provisions of the Sydney LEP 2012, the applicant has submitted a public benefit offer for:
- dedication of a 1.4 metre wide strip of land along the McEvoy Street frontage of the site (a total of 108 square metres) to facilitate widening of the shared path;
 - associated embellishment works including a 1.4 metre wide footway of new in-situ concrete and shared path regulatory surface markings, signs and posts; and
 - a monetary contribution for \$412,639 towards the provision of infrastructure for Green Square.
66. The draft Voluntary Planning Agreement has been publicly exhibited for a 28 day period between 19 June 2019 and 17 July 2019, during which time no submissions were received by the City.
67. On this basis, it is recommended that a deferred commencement condition be imposed for execution and registration of the Voluntary Planning Agreement on the title of the land.

Passive Shading

68. The north facade section drawings submitted with the amended application show that the uppermost level is affected by the midsummer midday sun (as indicated in Figure 28 below).

69. As this detail relates to the McEvoy Street facade, passive shading must be provided to respond to the north-west orientation of the building, including the provision of adjustable, vertical louvres to deal with low altitude sunlight in the afternoon, rather than just at midday. Similarly, the south eastern elevation, which is provided with substantial glazing has no protection from low altitude early morning sunlight.
70. In order to address this, a deferred commencement design modification condition is recommended to ensure additional operable shading is provided to the north-western, north-eastern and south-eastern elevations of the development.

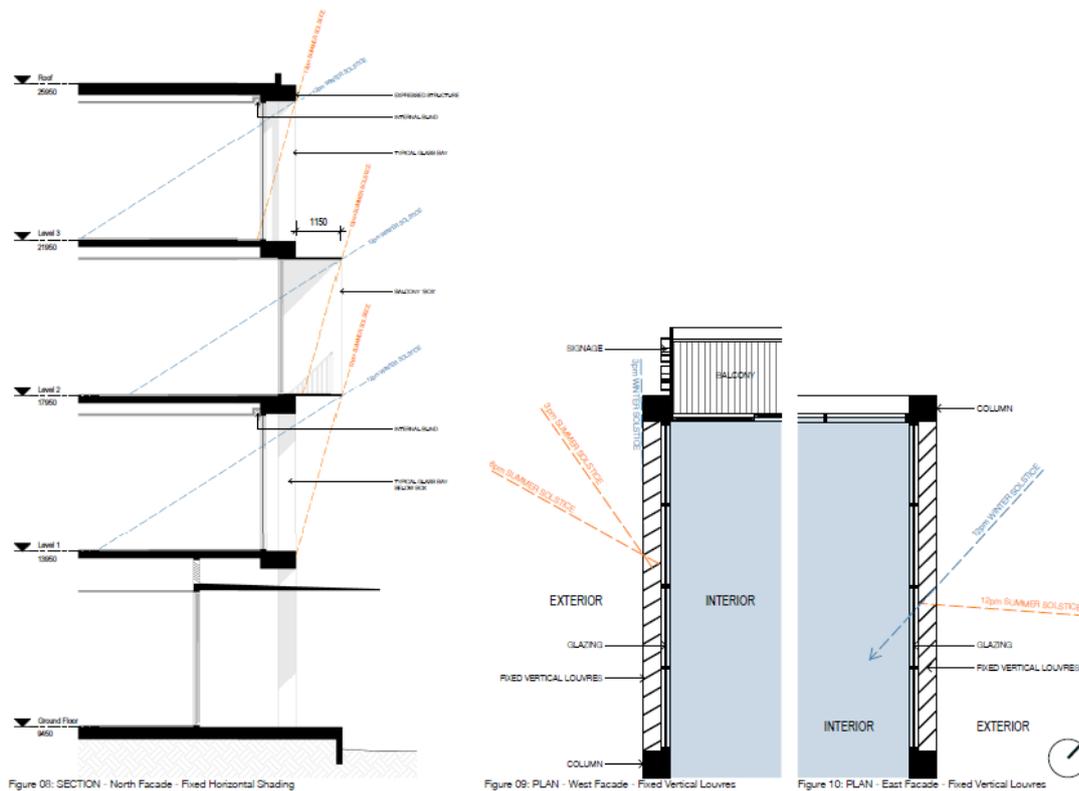


Figure 28: Facade section and plan details showing fixed horizontal and vertical shading.

Deep Soil and Tree Plantings

71. The relevant provisions in Section 5.8.2.5.1 of the Sydney DCP 2012 require deep soil to be provided to a minimum of 15% (691.5 square metres) of the site area, where sites are located in the B6 Enterprise Corridor zone, with a minimum dimension of 3 metres.
72. The proposal provides 5.8% (268 square metres) of the site area as deep soil which has a dimension of more than 3 metres. An additional 1.9% (87 square metres) is provided on site, which has a dimension of less than 3 metres. An area of 0.1% (37 square metres) is also located in an undercroft area (as indicated in Figure 29 below).
73. It is considered that there is an opportunity for the proposal to meet the objective of the above control in Section 5.8.2.5(a) of the Sydney DCP 2012 by enhancing visual amenity through the provision of a green roof and high quality landscaped setbacks along the southern boundary of the site.

74. The proposal is acceptable in this respect, subject to a deferred commencement design modification condition to ensure that a green roof is provided over the northern wing of the building, that additional deep soil areas and tree plantings are provided in between the proposed car parking spaces along the southern edge of the site, and that the parking spaces within the setback area are provided with permeable paving.

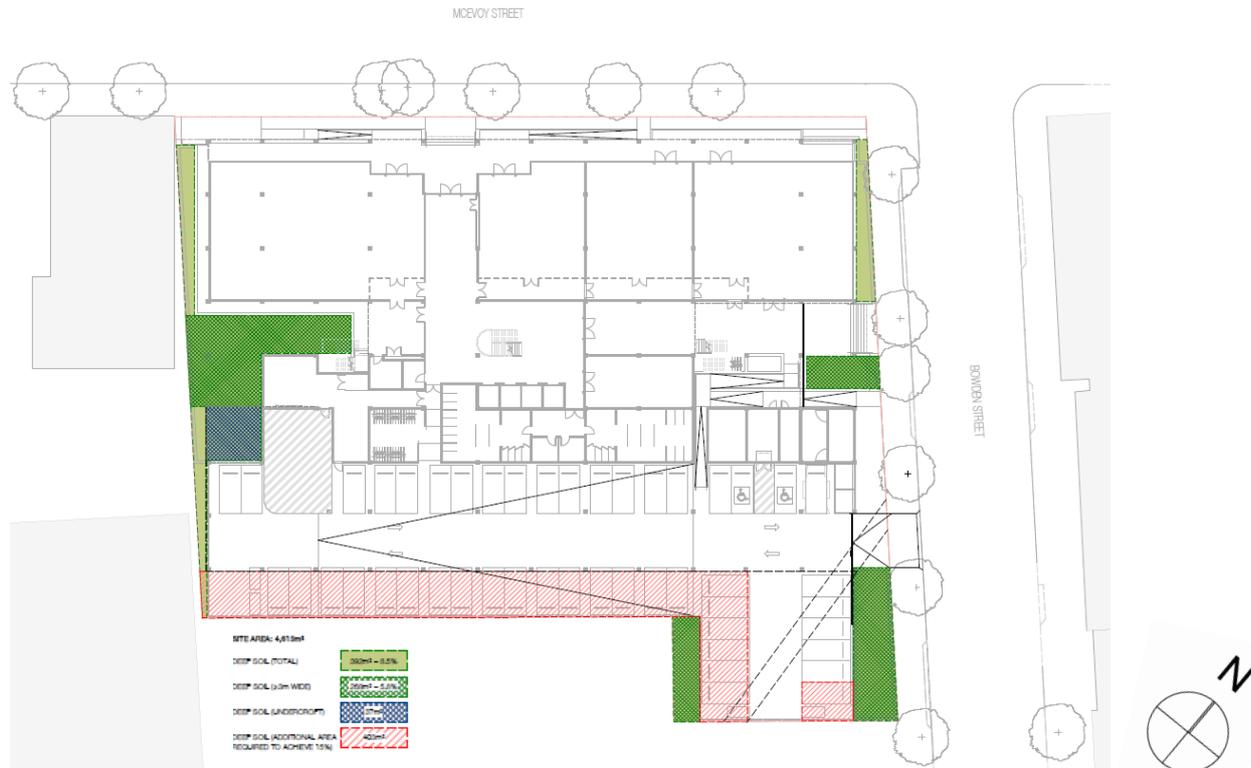


Figure 29: Deep soil plan showing compliant deep soil hatched in green, undercroft deep soil area hatched in blue, overall deep soil in light green and the requisite area for compliance hatched in red.

Other Impacts of the Development

75. The proposed development is capable of complying with the Building Code of Australia.
76. 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

77. The site is considered to be suitable for the proposed development, given that it is of a nature in keeping with the overall function of the site.
78. The premises are in a commercial surrounding and amongst similar uses to that proposed.

Internal Referrals

79. The application was discussed with the City's:

- (a) Design Advisory Panel;
 - (b) Planning Agreements Unit;
 - (c) Sustainability Unit;
 - (d) Landscape Assessment Officer;
 - (e) Heritage and Urban Design Specialists;
 - (f) Building Approvals Unit;
 - (g) Environmental Health Unit;
 - (h) Public Domain Unit;
 - (i) Specialist Surveyor;
 - (j) Transport Planning Unit;
 - (k) Tree Management Unit; and
 - (l) Cleansing and Waste Unit.
80. The amended proposal has satisfactorily addressed issues raised by referral officers and is considered acceptable, subject to the recommended conditions included in Attachment A.

External Referrals

81. In addition to the external referrals discussed above under the headings Roads Act 1993, Sydney Water Act 1994, Commonwealth Airports Act 1996 and State Environmental Planning Policy (Infrastructure) 2007, the application was also referred to Transport for New South Wales (TfNSW) and the NSW Police Force.
82. TfNSW raised concern in relation to the freight and servicing demand, and advised that the applicant should provide a detailed Loading and Servicing Management Plan, a Construction Pedestrian and Traffic Management Plan and undertake consultation with TfNSW prior to the issue of any construction certificate.
83. The NSW Police Force provided a referral response which recommended the installation of CCTV cameras, additional security and lighting measures, in accordance with the CPTED principles.
84. All the relevant external referral requirements have been addressed or included in the recommended conditions of consent in Attachment A, where deemed relevant.

Notification, Advertising and Delegation

85. 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 16 January 2019 and 7 February 2019. As a result of this notification a total of 154 properties were notified and there were two submissions received. The content of these submissions is summarised and addressed below.

- (a) The site would be more suitable for bulky goods retail and light industry.

Response -The proposed mix of land uses on the site are permissible within the B6 Enterprise Corridor zone and are aligned with the objectives of the Southern Employment Lands. The proposal is considered to be acceptable with regard to land use.

- (b) Six metre ceiling heights should be provided to ensure a variety of future uses.

Response -The proposed floor to floor heights comply with the relevant provisions in Section 4.2.1.2 of the Sydney DCP 2012. The proposal is considered acceptable with regard to ceiling heights.

- (c) Local businesses and people need somewhere to work as more apartments are built, forcing them out of the area.

Response - The proposed development does not include any residential component and will provide additional employment opportunities for the existing and future resident population of the locality.

- (d) The traffic impact assessment submitted with the application does not refer to the widening of McEvoy Street and the associated increase in traffic.

Response -The traffic impact assessment submitted in support of the proposal has been reviewed by Transport Planning staff and is considered to be acceptable, subject to the City's standard transport and parking conditions included in Attachment A.

- (e) Air quality does not appear to have been addressed in the proposal and given the existing research evidence on health and vehicle pollution, new development should face away from McEvoy Street, not towards it.

Response - The proposal does not include any sensitive land uses and, as such, no air quality assessment is required.

Public Interest

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

Section 7.11 Contributions

87. The development is subject of Section 7.11 contributions under the provisions of the City of Sydney Development Contributions Plan 2015. This contribution is calculated on the basis of the development's net increase in worker population of 358.1, based upon 8214 square metres of office premises GFA (four storeys in height), 362 square metres of shops GFA and 637 square metres of food and drink premises GFA.
88. Credits have been applied for the current use of the site, comprising 3,952 square metres of shops GFA.
89. The following monetary contribution is required towards the cost of public amenities:
- | | |
|---------------------------|----------------|
| (a) Open Space | \$578,362.61 |
| (b) Community Facilities | \$89,916.72 |
| (c) Traffic and Transport | \$734,192.85 |
| (d) Stormwater Drainage | \$290,324.31 |
| Total | \$1,692,796.49 |

Affordable Housing Contributions

90. Pursuant to Clause 7.13 of Sydney LEP 2012 and the Green Square affordable housing program, the development is subject to affordable housing contributions (to be indexed at the time of payment) of \$842,572.34. This figure is calculated from a non-residential total floor area of 10813.30 square metres.

Relevant Legislation

91. The Environmental Planning and Assessment Act 1979 No 203, Roads Act 1993 No 33 and the Sydney Water Act 1994 No 88.

Conclusion

92. The subject application seeks consent for the demolition of the existing buildings on the site and the construction of a new four storey mixed use development, comprising two shops and two food and drink premises at the ground floor level, with office premises on the three levels above, ground floor loading and parking facilities, signage and landscaping. The proposal includes vehicular access and egress to Bowden Street and accommodates 47 at-grade car parking spaces.
93. The proposal relies on additional community infrastructure floor space of 0.49:1 (2,259 square metres of GFA) in accordance with Section 6.14 of the Sydney LEP 2012.

94. The subject application has been accompanied by a public benefit offer for the dedication of a 1.4 metre wide strip of land along the McEvoy Street frontage of the site (a total of approximately 108 square metres) to facilitate widening of the shared path, associated embellishments, and a monetary contribution of \$412,639 towards the provision of infrastructure for Green Square.
95. The proposal has been amended during the course of the assessment to address concerns relating to vehicle access, the height of rooftop plant, building expression and structure, passive shading, materials and finishes, design excellence, access, deep soil, landscape treatment, street tree retention, land contamination, acid sulphate soils, the public benefit offer and other minor assorted design details.
96. Subject to the implementation of conditions, including deferred commencement design modification conditions, it is considered that the proposed development is generally compliant with the relevant planning controls for the site. These include those provisions contained in the Sydney LEP 2012 and Sydney DCP 2012, particularly the Green Square and Southern Employment Lands controls. In the instance where the controls are not achieved, for example deep soil, there is considered to be reasonable justification to support the variation of the controls, subject to conditions.
97. A high level of amenity will be provided for future occupants and visitors and the proposal will provide a positive contribution to the public domain through the land dedication and the active ground floor uses. The proposed design and external materials and finishes are generally of a high standard and consistent with the character of the locality. The proposal satisfies the design excellence criteria contained in Clause 6.21 of SLEP 2012.
98. The development is recommended to be granted a deferred commencement consent, subject to the recommended conditions included in Attachment A.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

David Reynolds, Senior Planner