

# **Attachment A**

**External Consultant's Assessment Report**

**Development Application: 338 Botany Road, Alexandria****File No.:** DA/2019/87**Summary**

<b>Date of Submission:</b>	4 February 2019, amended plans submitted 3 June, 16 July and 25 September 2019
<b>Applicant:</b>	St George Community Housing
<b>Architect/Designer:</b>	DKO Architecture
<b>Developer:</b>	St George Community Housing
<b>Owner:</b>	City of Sydney - to be purchased by SGCH when the subdivision is finalised.
<b>Cost of Works:</b>	\$57m (Original application), \$50m (as amended)
<b>Zoning:</b>	B7 (Business Park) - Affordable housing is permissible with consent in the zone by virtue of Clause 7.13A which operates to allow affordable housing in the B7 zone notwithstanding the land use table
<b>Proposal Summary:</b>	<p>The subject application is a concept development proposal for the following:</p> <ul style="list-style-type: none"><li>• A building envelope with a maximum height of 33m (or 9 storeys) and maximum FSR of 4:1 with potential for an additional 10% (within an additional storey) subject to future Design excellence process</li><li>• Indicative future commercial and residential uses for the purposes of affordable housing, and</li><li>• Minimum building setbacks of 1.4 metres (footpath widening) to Botany Road and 1.5 metres (0.5m footpath widening plus 1.0m landscape zone) to the new Green Square to Ashmore Connector road and variable setbacks to the south and west boundaries.</li></ul>

The applicant has submitted a public benefit offer (dated 17 October 2019) and a draft Voluntary Planning Agreement (VPA) has been prepared. The draft VPA includes a monetary contribution towards community infrastructure, land dedication for road widening and footpath construction. The draft VPA is currently on public exhibition.

Following lodgement the proposal was amended to address concerns raised by assessment officers, City staff and the City's Design Advisory Panel. These concerns related to maximum height and FSR, design quality and internal amenity, lack of sunlight, natural cross ventilation, deep soil, accessible parking provision, the design excellence strategy and public art provision.

The original proposal was notified and advertised for a period of 28 days between 14 February 2019 and 16 March 2019. The amended proposal was not renotified as it was considered that the amendments were minor and reductions only in the scale of the proposal to address concerns raised.

As a result of the notification of the original proposal, one (1) submission was received in the form of an objection.

The submission raised issues in relation to lack of car and bicycle parking and the resultant impact on on-street parking in the area, lack of public transport provision with trains and buses already overcrowded and slow, inadequate loading facilities, traffic congestion, and the height of the development and associated shadow impacts. The issues raised have been addressed within this report.

The proposal conforms to the maximum height of buildings development standard and is capable of conforming to the maximum floor space ratio development standard prescribed by the Sydney Local Environmental Plan 2012 for the site. The proposal is acceptable in terms of compliance with requirements of SEPP 65 and the ADG. The concept proposal presents a generally acceptable outcome in terms of compliance with requirements of SEPP 65 and the ADG.

The amended proposal is generally compliant with the relevant planning controls, and results in a form and scale that achieves the desired future character of the area.

It is recommended that authority be delegated to the Chief Executive Officer (CEO) to determine the application subject to deferred commencement requiring the execution and registration of a VPA on the title of the land and payment of the applicable monetary contribution.

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

**Development Controls:**

- (i) Environmental Planning and Assessment Act 1979
- (ii) Environmental Planning and Assessment Regulation 2000
- (iii) City of Sydney Act 1988
- (iv) State Environmental Planning Policy No 55 - Remediation of Land (SEPP 55) and Managing Land Contamination Planning Guidelines (SEPP 55 Guidelines)
- (v) State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development (SEPP 65) and Apartment Design Guide (ADG)
- (vi) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX)
- (vii) State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure)
- (viii) Sydney Local Environmental Plan 2012
- (ix) Sydney Development Control Plan 2012
- (x) Sydney Landscape Code Volume 2: All Development Except for Single Dwellings
- (xi) City of Sydney Policy for Waste Minimisation in New Developments 2018
- (xii) City of Sydney Public Art Policy and Interim
- (xiii) Guidelines for Public Art in Private Developments
- (xiv) City of Sydney Competitive Design Policy
- (xv) City of Sydney Contributions Plan 2015
- (xvi) Green Square Affordable Housing Program

## Recommendation

It is resolved that:

- (A) authority be delegated to the Chief Executive Officer (CEO) to determine Development Application No. D/2019/87, after the completion of the public exhibition period of the draft Voluntary Planning Agreement between St George Community Housing and the City of Sydney and consideration of any submissions
- (B) the Design Excellence Strategy for 338 Botany Road, Alexandria, dated May 2018 prepared by BBC Consulting on behalf of St George Community Housing, as set out in Attachment E to the subject report, be approved pursuant to Section 3.3 of the Sydney Development Control Plan 2012 and Section 1.2 of the City of Sydney Competitive Design Policy; and
- (C) if the Chief Executive Officer determines to approve Development Application No. D/2019/87, then consideration be given to granting deferred consent, pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, subject to the conditions set out in Attachment B 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, subject to the imposition of appropriate conditions as recommended, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Central Sydney Planning Committee.
- (B) The proposed development complies with the permitted height for the site under the Sydney Local Environmental Plan 2012 and has a height and form which is considered to be generally suitable for the condition of the site and its context.
- (C) The proposed building envelope is capable of accommodating a future building which can exhibit design excellence in accordance with Clause 6.21 of the Sydney Local Environmental Plan 2012
- (D) The proposed envelope is capable of being consistent with the provisions of the State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development and the Apartment Design Guide in that, subject to the recommended conditions it will provide a building envelope which is capable of accommodating a future building which can achieve high amenity for future residents with regard to communal open space, solar access, natural ventilation, private open space, building separation and privacy.
- (E) The public interest is served by the approval of the proposal, subject to recommended conditions imposed.

## Background

### The Site and Surrounding Development

1. A site visit was carried out by the independent assessment planner on 23 April 2019.
2. The subject site is located at 338 Botany Road, Alexandria and is legally described as Lot 13 in the proposed plan of subdivision of Lot 101 in Deposited Plan 569709.
3. The site was created by the City of Sydney following the consolidation and subdivision of land known as 20 O'Riordan Street, 330-332 Botany Road, 334-336 Botany Road and 338 Botany Road, Alexandria. The subdivision application was approved by the Local Planning Panel on 13 June 2018 (D/2017/1341). The approval created four new lots comprising one lot for the east/west connector road (as part of the Green Square to Ashmore Connector Road project), two lots to be sold to community housing providers (to facilitate delivery of affordable housing developments including the subject lot) and one residual lot to be transferred to an adjacent property.
4. The proposed lot is to be purchased by the St George Community Housing for the purpose of affordable housing following finalisation of the subdivision.
5. The proposed lot is irregularly rectangular in shape, with a total area of 2,252 square metres and boundary dimensions of 83 metres to the new Green Square to Ashmore Connector road to the north, 23 metres to Botany Road to the east, 29m to the west and 90 metres to the south.
6. The site is located at the junction of the new Green Square to Ashmore Connector road to the north and Botany Road to the east
7. The gradient of the site is relatively gentle, with a gradual fall from east to west. It has a level at Botany Road of approximately RL15.33 at the eastern boundary (Botany Road), grading up to above RL15.4 in the middle of the site then back down to RL14.66 at the north western boundary.
8. The site is identified on the plan in Figure 1 and aerial photographs in Figure 2 and Figure 3 below.

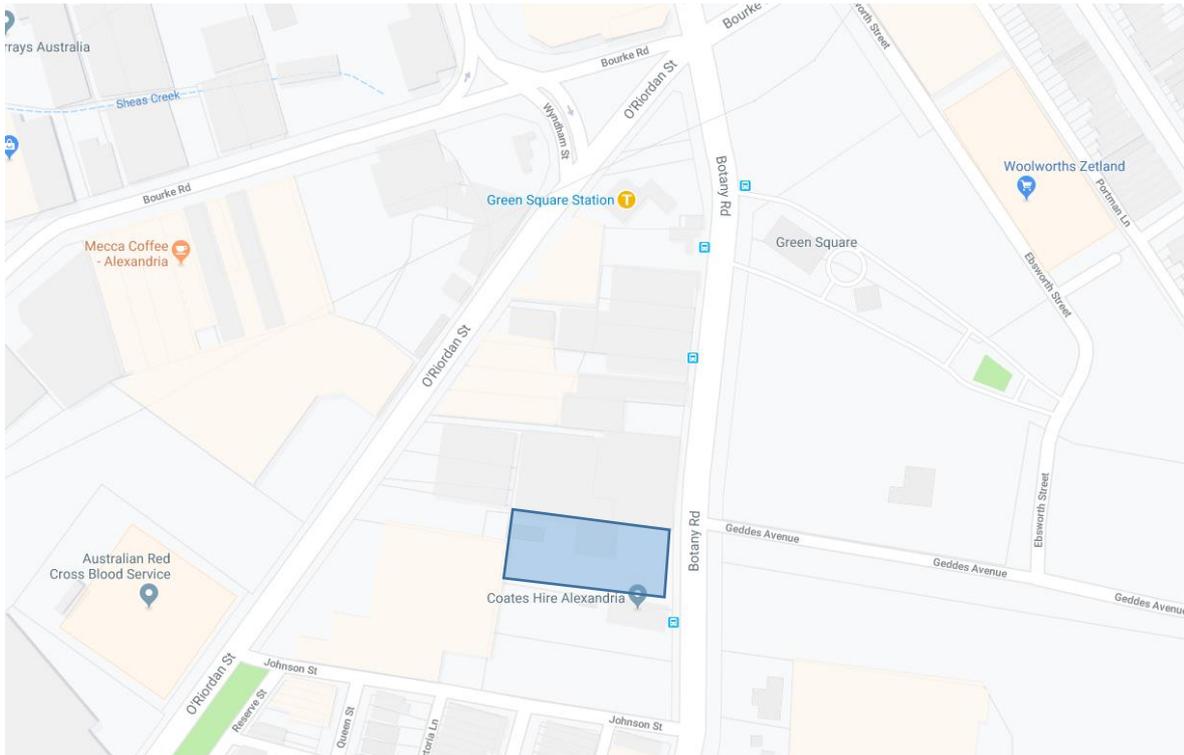


Figure 1: Subject site location and surrounding area (site shown in blue).



Figure 2: Plan image of site and surrounding area (approximate site shown blue)



**Figure 3:** New Green Square to Ashmore Connector Road (site shown with red boundary)

9. The site is currently vacant and fenced pending construction of the new Green Square to Ashmore Connector Road project. It formerly accommodated outdoor storage areas on a concrete slab partly covered by an awning and some retaining walls and storage enclosures. No vegetation currently exists on site.
10. The site is located within the Green Square urban renewal precinct which is currently in a state of transition with the area being transformed from light industrial uses to a mixed use precinct comprising commercial, industrial and high density residential development.
11. The Green Square Town Centre which is currently being transformed with community facilities to support the development of the area including the provision of a new library and associated plaza, aquatic centre, parks and playground spaces, a childcare centre, and creative hub. It is approximately 150 metres to the south of Green Square Station located on the intersection of O'Riordan Street and Botany Road.
12. The site immediately to the north across the new Green Square to Ashmore Connector Road (refer Figure 3 above) is similarly identified for redevelopment for affordable housing.
13. Land immediately to the east on the eastern side of Botany Road has been approved for a 16 storey residential flat building (comprising 130 dwellings) with ground floor commercial uses and five retail tenancies (499 Botany Road - DA/2015/294).
14. Immediately adjoining the site to the south is a construction equipment hire business (Coates Hire) and further to the south is a mix of light industrial, commercial and residential developments.

15. To the west the site is adjoined by a two-storey Mercedes motor vehicle showroom and vehicle repair premises however a development application is currently lodged and is under assessment for a commercial development 5 storeys in height (maximum 22m).
16. Further to the west of the site are various light industrial and commercial land uses extending along O’Riordan Street and further west, Bourke Street.
17. The site is not a heritage item nor is it located in a heritage conservation area.
18. Photos of the site and the surrounding sites are provided below at Figures 4 to 8, inclusive.



Figure 4: Site facing west on Botany Road



Figure 5: Site facing west on Botany Road

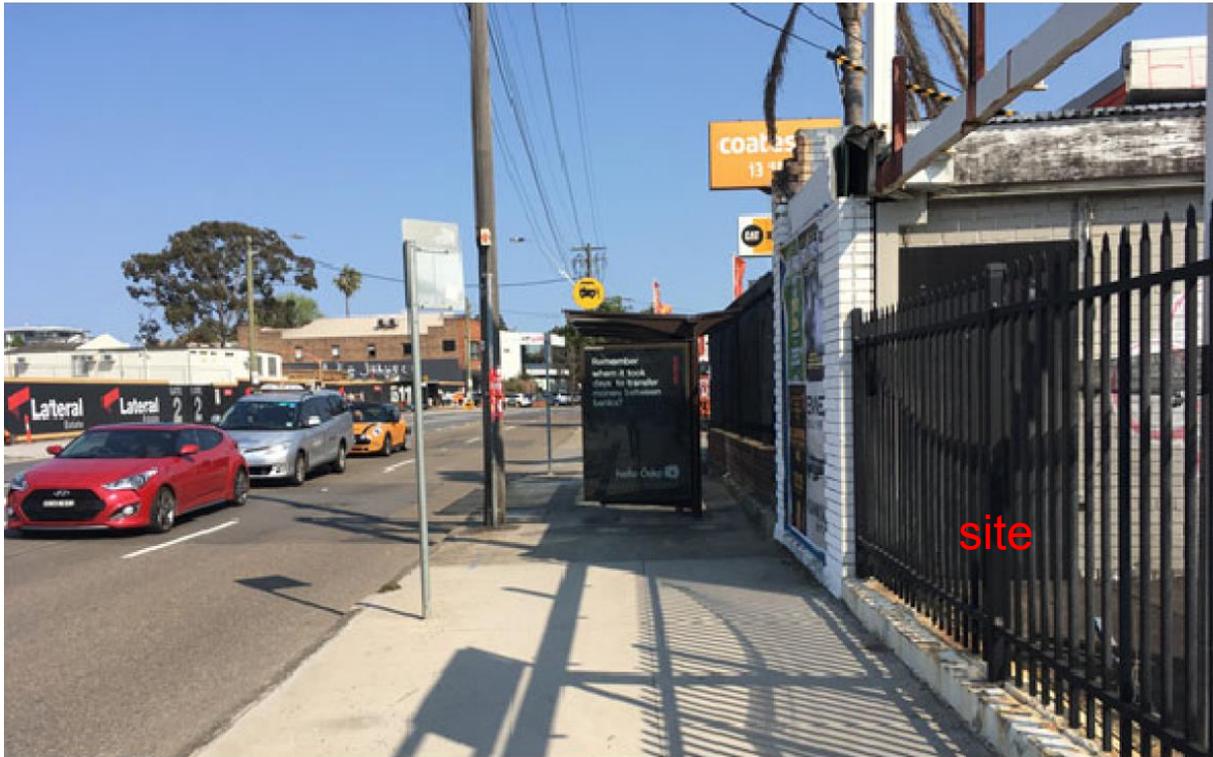


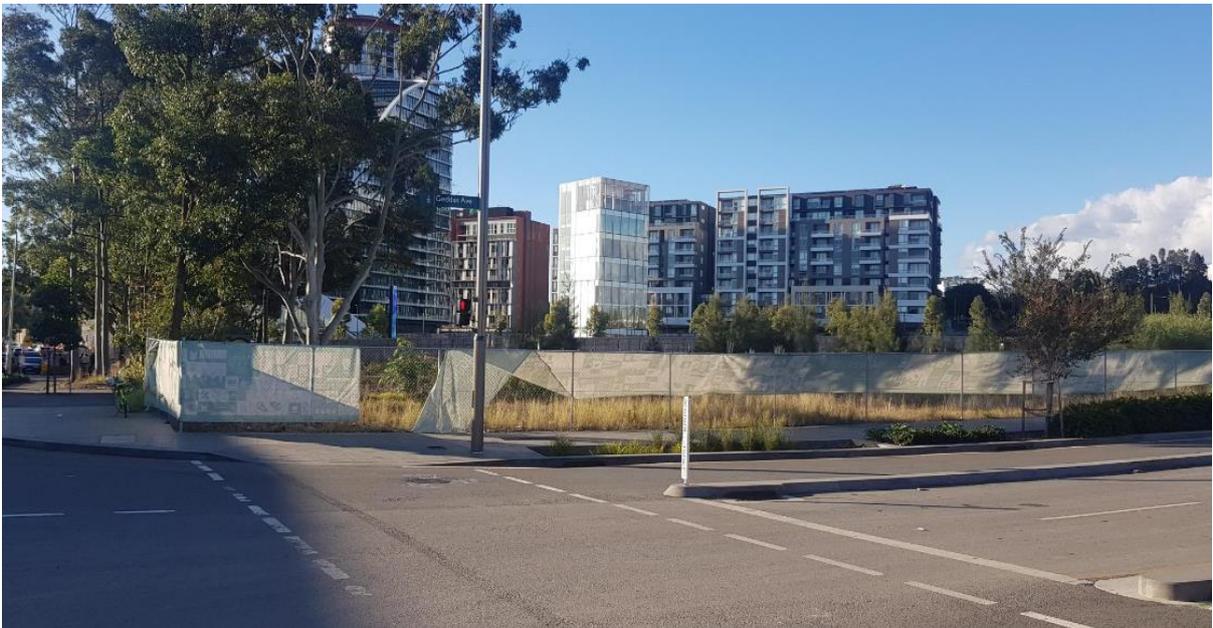
Figure 6: Looking south along Botany Road



Figure 7: Looking north on Botany Road



**Figure 8:** Looking east across Botany Road to Geddes Avenue



**Figure 9:** Vacant site on north eastern corner of Botany Road and Geddes Avenue (approved development at 499 Botany Road)



**Figure 10:** Site on south eastern corner of Botany Road and Geddes Avenue opposite site (499 Botany Road)

## Proposal

19. The application seeks development consent for a concept proposal comprising the following:
  - (a) Building envelope with a maximum height of 33m (9 storeys) and maximum FSR of 4:1 (total gross floor area of 9,000m<sup>2</sup>)
  - (b) Indicative future commercial and residential (affordable housing) uses, and
  - (c) minimum building setbacks of 1.4 metres to Botany Road (for footpath widening) and 1.5 metres to the Green Square to Ashmore Connector road (0.5m footpath widening plus 1.0m landscape setback) and variable setbacks to the south and west boundaries consistent with SEPP 65 requirements.
20. A draft public benefit offer has been submitted as part of the application which includes:
  - (a) Dedication of 33.6m<sup>2</sup> of land along the Botany Road frontage and 40.6m<sup>2</sup> of land on the new Green Square to Ashmore Connector Road frontage of road widening and footpath purposes;
  - (b) The construction of public footpaths on the land to be dedicated;
  - (c) A monetary contribution of \$996,945.54 towards community infrastructure in Green Square.

21. Plans of the proposed building envelope are provided in Figures 11 to 15 below.

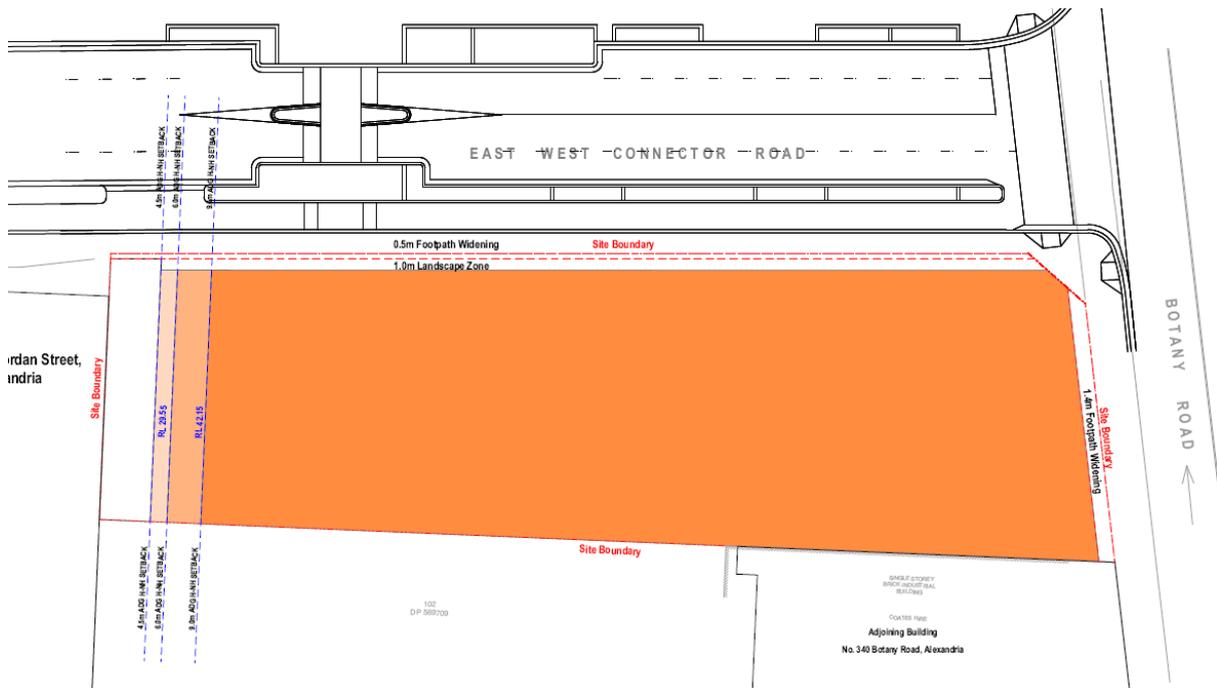


Figure 11: Building envelope plan

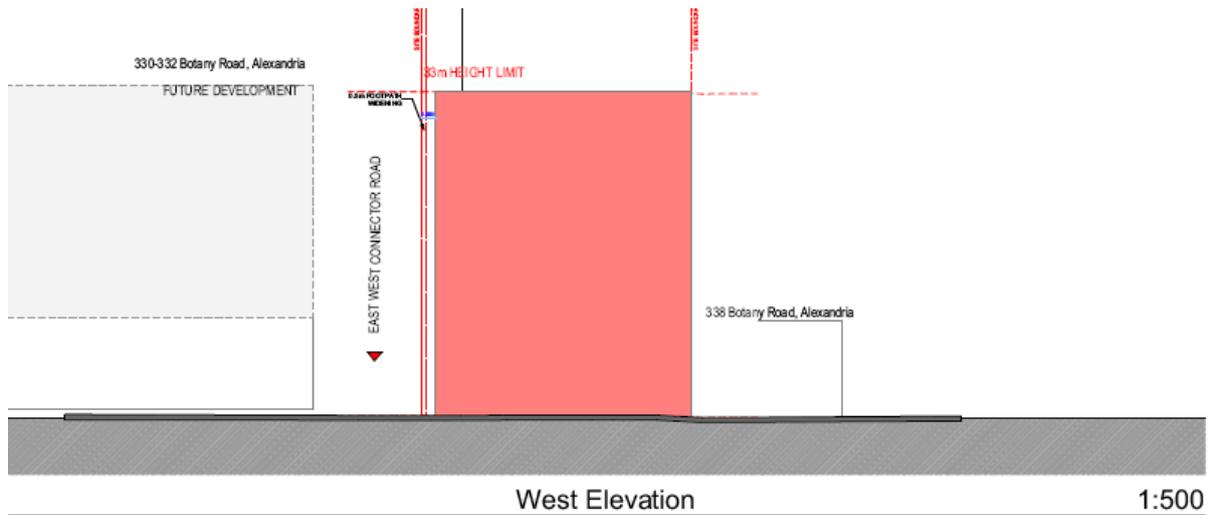


Figure 12: Building envelope - west elevation

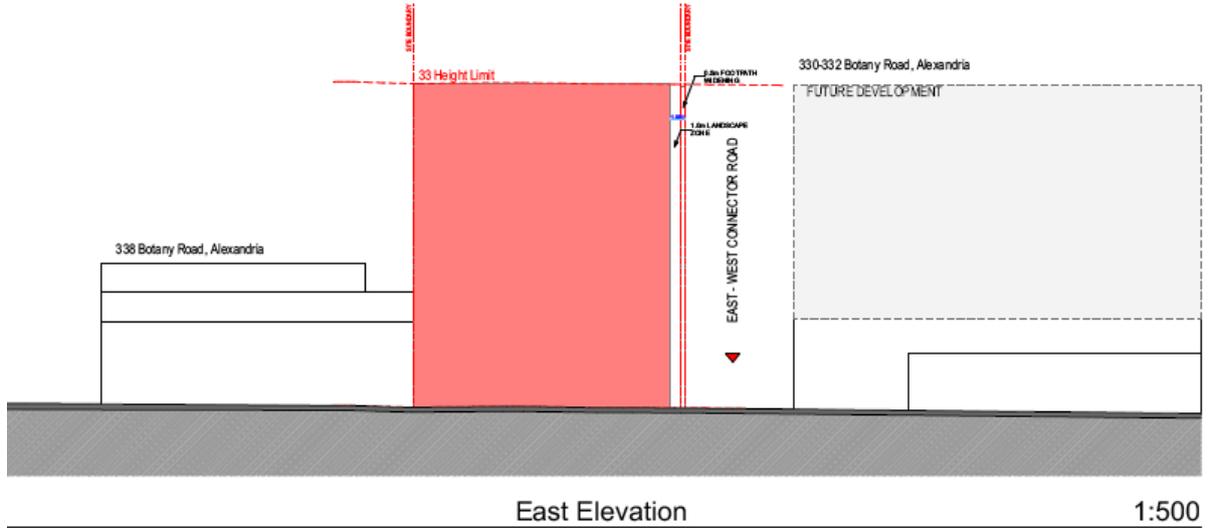


Figure 13: Building envelope - east elevation

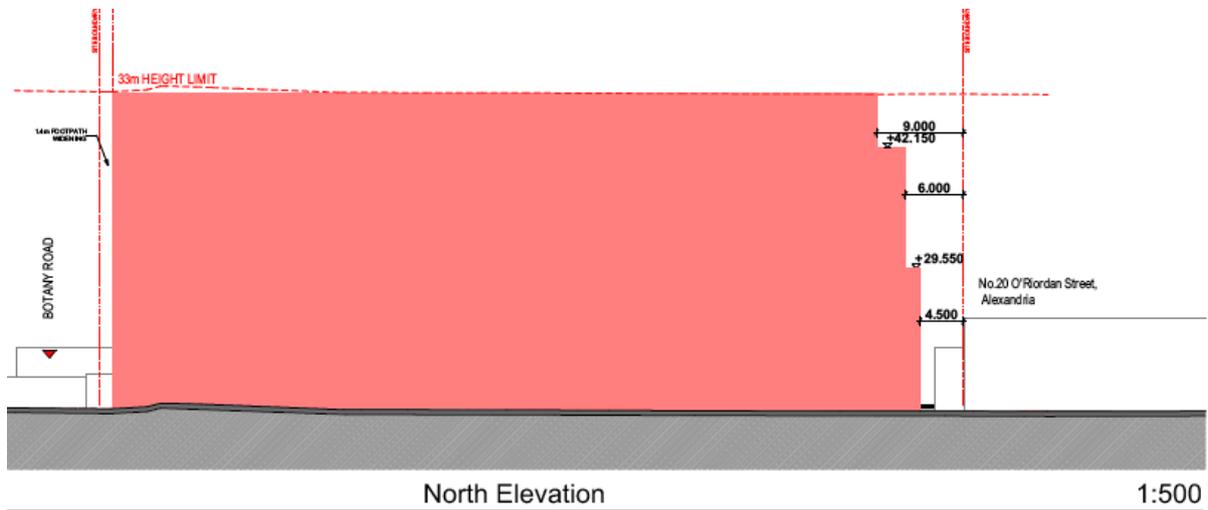


Figure 14: Building envelope - north elevation

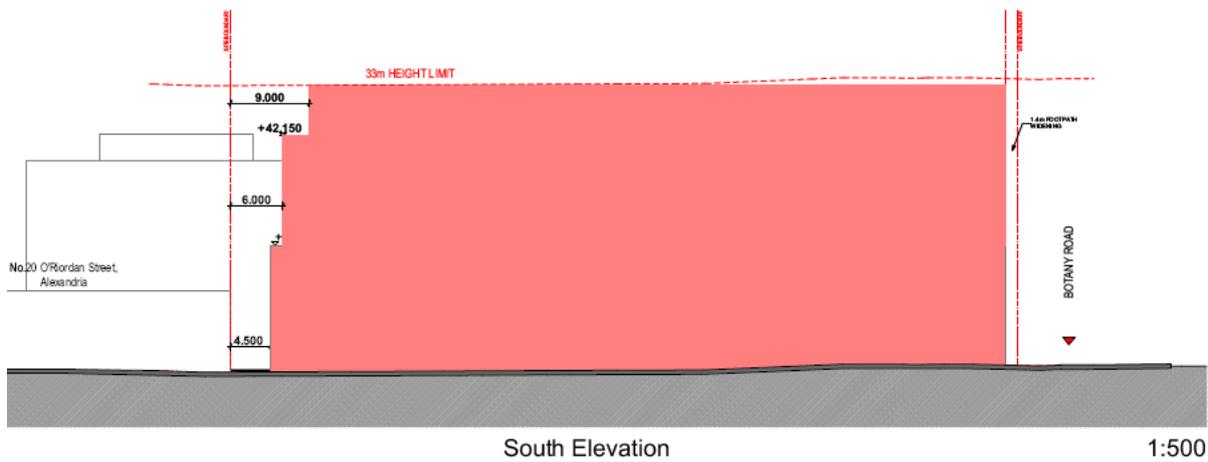


Figure 15: Building envelope - south elevation

22. No physical demolition or other development works are proposed as part of the concept plan. The future detailed DA will include the demolition of all structures, excavation, site remediation and public domain improvement works on the site.
23. The application is accompanied by indicative reference design drawings and documentation, demonstrating that a building can be provided within the proposed building envelope.
24. The indicative reference design provides for:
  - (a) A mixed use development comprising commercial uses on the ground floor and a residential flat building above comprising 106 affordable housing units.
  - (b) A maximum building height of 33.0m allowing for a development of 9 storeys.
  - (c) An FSR of up to 4.0:1 (with potential for an additional 10% where the future detailed design development exhibits design excellence within an additional storey).
  - (d) Rooftop and ground level communal open space with deep soil planting on the ground level, and
  - (e) Parking and loading facilities within the ground level with access from the new Connector Road (total of 8 parking spaces / 8 DDA spaces and bicycle parking for 122 bicycles).

No subdivision is proposed as part of the subject Concept application.

25. The indicative reference design provides for two tower elements east and west connected in the middle at the lower levels. This built form massing was conceived to address concerns regarding building mass, amenity, solar access and natural ventilation issues identified by Council's Design Advisory Panel (DAP) following its review of the original reference scheme. The reference scheme is illustrated in Figure 16 and 17 below:

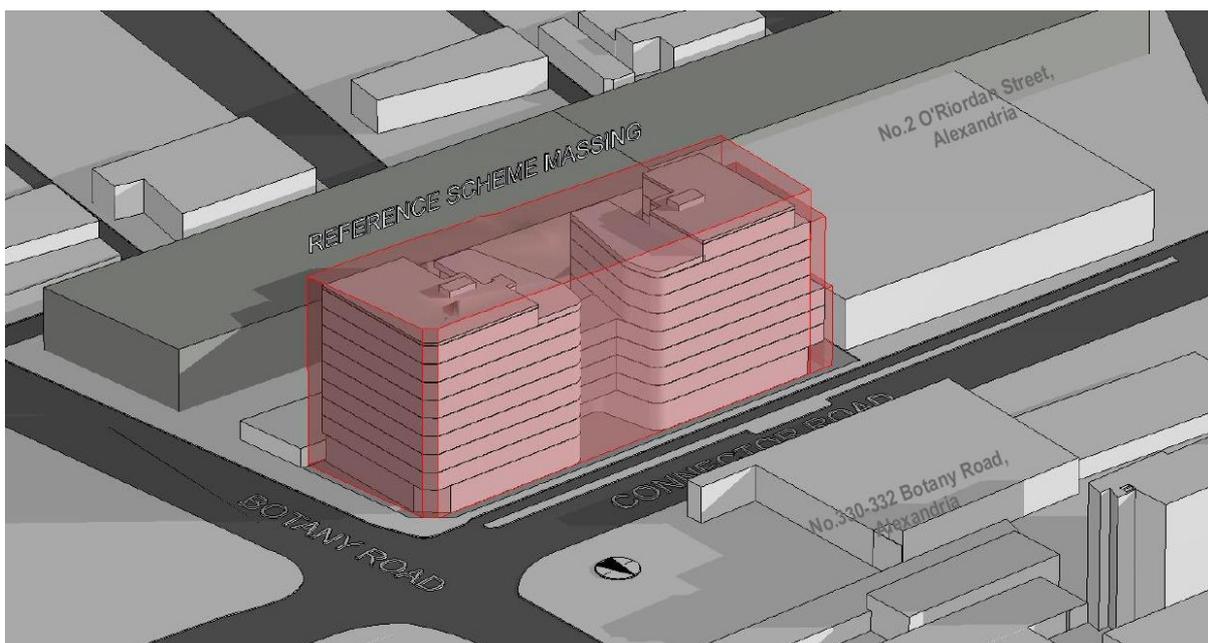


Figure 16: Indicative reference design massing within proposed building envelope



Figure 17: Indicative reference design - sketch

### History Relevant to the Development Application

26. The original application was lodged with the City on 4 February 2019.
27. Following lodgement that application was reviewed and a number of issues / omissions were identified. Amended plans were then submitted by the applicant on 3 June and 16 July 2019.
28. The amended concept proposal (reference scheme) was then presented to the City's Design Advisory Panel ('DAP') on 1 August 2019.
29. The Panel indicated that it did not support the design resolution of the application noting and recommending the following:
  - (a) The Panel commended the proposal's no car parking provision and provision of two lifts in each core.
  - (b) The reference scheme does not meet the objectives of SEPP 65/ ADG controls for solar access and cross ventilation. It was noted that cross ventilation could be achieved with the introduction of plenums. The Panel indicated reliance on plenums for apartment cross ventilation was not a good design outcome and recommended adjustment of unit layouts so that controls are met with natural cross-ventilation.
  - (c) The reference scheme does not meet the DCP controls for landscape setback requirements to the new east-west connector road. The Panel does not support waiving the 1m landscape set-back requirement to the east-west connector.
  - (d) South facing apartments receive no sunlight and have a poor outlook. South facing units overlook the vehicle loading dock and an unusable deep soil planting area with no access to sunlight.
  - (e) Corridors accessing apartments are considered too long.

- (f) The Panel noted that the reference scheme's impact on neighbouring properties is problematic, particularly the adjoining site to the south. The Panel rejected that overshadowing to the southern site was acceptable because the site is zoned commercial. The Panel suggested further design investigations such as providing a through site link or splitting the building in two; to break up the reference scheme's excessively long façade and improve solar access to apartments, adjacent properties and public domain to the south.
  - (g) A more rigorous site analysis of the wider urban context is required, taking into account existing and future uses of adjacent properties and public domain.
  - (h) The site is owned by the City and one of the first affordable housing schemes in the City's southern employment lands and should therefore set an exemplary precedent.
  - (i) The Panel noted that the reference scheme currently does not include the design excellence floor space bonus. At competition, schemes could see an increase in floor space of up to 10%. The Panel is concerned that apartment yield cannot be achieved with the current floor space allowance without sacrificing apartment amenity. Yield expectations may need to be reassessed.
  - (j) Concerned that the Stage 1 envelope will not encourage a good design outcome, the Panel does not support approval of the proposed Stage 1 envelope or the current reference design.
30. The key reasons that DAP did not support the reference scheme were: departures from the ADG in respect of ventilation, lack of landscape setback on new connector road, south facing apartments with poor outlook and lack of solar access, length of corridors, need to address site context and apartment amenity. It concluded that the reference scheme did not demonstrate a good design outcome and that this could be exacerbated at design competition stage with a potential 10% uplift in floor space.
31. DAP's concerns were referred to the applicant and amended plans were submitted on 25 September 2019. The amended plans address all the issues raised by DAP and provide for a reduction in indicative apartment yield (from 115 to 106 apartments). Other major changes to the design include:
- (a) breaking up of the built form to improve natural cross ventilation and solar access
  - (b) setting building back from new connector road to provide for required landscape setback in addition to footpath widening
  - (c) design amendments to ensure no single aspect south facing units and to provide an improved outlook for units with south facing rooms
  - (d) relocation of deep soil and ground floor communal open space to the north of the building
  - (e) reduction in corridor lengths, and
  - (f) improvements to solar access to properties to the south due to breaking up of built form massing.

32. It is considered that the revised reference design addresses all issues raised by the DAP and demonstrates that a scheme which represents design excellence and complies with relevant controls, as far as practical given site constraints, can be achieved within the proposed Stage 1 envelope. Accordingly it was not considered necessary for DAP to reconsider the amended scheme.
33. The assessment provided below is therefore based on the amended drawings and is considered to be consistent with the DAP comments / recommendations.

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

34. 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**

35. The aim of SEPP 55 is to ensure that a change of land use will not increase the risk to health, particularly in circumstances where a more sensitive land use is proposed.
36. A remediation action plan was submitted with the development application which summarises the findings of a detailed site investigation carried out in accordance with the contaminated land planning guidelines. The Remediation Action Plan (RAP) identifies site contamination issues associated with the presence of underground storage tanks, site fill material impacted with lead and hydrocarbon contamination and groundwater requiring remediation/management. Subject to the implementation of the RAP, it concludes that the site can be made suitable for the intended uses and that the risks posed by contamination can be managed in such a way as to be adequately protective of human health and the environment.
37. The City's Health and Building Unit requested that a Site Auditor be engaged to peer review the RAP and provide either a letter of Interim Advice or Part B Site Audit Statement indicating that they are satisfied that the land is capable of being made suitable for the proposed residential use. An interim site audit statement has been submitted which confirms that the site can be made suitable for the proposed use, subject to further testing being undertaken and the RAP being updated accordingly. A condition of consent is recommended requiring an amended RAP to be provided at the detailed DA stage. The City's Health and Building Unit has confirmed that having regard to the interim site audit statement submitted is satisfied that the proposal is acceptable.

### **State Environmental Planning Policy No 65—Design Quality of Residential Flat Development**

38. The proposed development is for a conceptual building envelope only and no physical building works are sought as part of this application. In the event that the subject proposal is approved, the design of the development will be the subject of both a competitive design process and detailed DA.
39. As the proposal seeks consent for indicative land uses on the site, consideration has been given to State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development (SEPP 65).

40. SEPP 65 provides that in determining an application for a residential flat development of three or more floors and containing four or more apartments, that the consent authority take into consideration advice from a Design Review Panel, the design quality of the development and the Apartment Design Guide (ADG).
41. Consideration has been given to whether the proposed building envelope and indicative land use have the ability to achieve the 9 design quality principles set out in Schedule 1 of SEPP 65. A further more detailed assessment of SEPP 65 will be undertaken in relation to any subsequent development application for the detailed design of the proposal.
42. The principles are summarised and addressed with regard to the concept building envelopes as follows:
  - (a) **Principle 1: Context and Neighbourhood Character**
    - (i) The site is located within the Green Square Urban Renewal Area, within close proximity of the Green Square Town Centre (GSTC), the Green Square railway station and bus routes along Botany Road and O'Riordan Street. The proposal will contribute to the vitality of the nearby centre and the broader Green Square redevelopment area. It is within the B7 Business Park zone in which affordable housing is explicitly allowed under clause 7.13A of SLEP 2012. More generally the proposal is in accordance with the objectives of the SLEP 2012 and the SDCP 2012. Further subject to the recommended conditions, the proposal is considered to be consistent with the existing and desired future character of the locality.
  - (b) **Principle 2: Built Form and Scale**
    - (i) The immediate locality along Botany Road and O'Riordan Street (and the future east west connector road) is diverse in terms of existing built form and scale, architectural building styles and land uses being an area currently transitioning from industrial, warehousing and commercial uses to a mixed use locality. The form and scale of development anticipated within the area is consistent with the height and typology of the proposal.
    - (ii) The proposed building envelope adheres to the provisions of the SLEP 2012, with the proposal responding satisfactorily to the surrounding urban renewal context, while achieving a suitable form and scale subject to the recommended conditions and future design excellence requirements.
  - (c) **Principle 3: Density**
    - (i) The proposed density of development outlined in the indicative reference design complies with the maximum Floor Space Ratio development standard in Clauses 4.4 and 6.14 of the SLEP 2012 and is consistent with the desired future character envisaged within the East Alexandria locality and the broader redevelopment area. In this regard it is noted that the locality statement expressly provides for affordable housing within the precinct where within walking distance of the facilities and public transport options of the Green Square Town Centre. The subject site meets this principle.

- (d) **Principle 4: Sustainability**
- (i) The competitive design process phase for the detailed design of the development will be required to achieve sustainable development targets and to optimise opportunities for ecologically sustainable development (ESD) and best practice environmental performance. The proposed measures are outlined in the ESD template submitted with the application and included in the design excellence strategy submitted. Council's ESD Advisor has indicated that the measures outlined in the ESD template represent a good response and should be included in conditions of consent. A condition to this effect is recommended.
- (e) **Principle 5: Landscape**
- (i) The proposed development is capable of providing areas of landscaped deep soil zones that comprise 7% of the total site area with minimum dimensions greater than 6 metres as illustrated in the reference design (Note - non compliant with DCP as discussed below).
- (ii) The future detailed design development application will have to provide areas of deep soil and communal open space in accordance with the ADG requirements.
- (f) **Principle 6: Amenity**
- (i) The proposal is accompanied by an indicative reference design which indicates that the minimum requirements of SEPP 65 and the Apartment Design Guide in terms of solar access and natural cross ventilation could be achieved. It should however be noted that vertical plenums are required to meeting natural ventilation requirements. Information has been submitted which supports that this approach will deliver an acceptable outcome. Refer to the Issues section below for further discussion and assessment relating to solar access and natural cross ventilation.
- (g) **Principle 7: Safety**
- (i) The proposal is for a conceptual building envelope only, with the detailed design to be the subject of a competitive design process prior to the lodgement of a detailed DA. Subject to appropriate design, it is considered that the building is able to be designed to maximise opportunities for passive surveillance of the public domain and communal areas.
- (h) **Principle 8: Housing Diversity and Social Interaction**
- (i) The site benefits from its proximity to existing and future retail and commercial premises, public transport and recreational and entertainment facilities in the wider locality. The site is therefore considered to be suitable for the proposed (primarily) affordable housing use.
- (ii) The indicative reference design demonstrates that there will be a suitable mix of affordable housing dwellings provided within the proposed building envelope and that the future building can be provided with adequate areas of communal open space. This will be required to be demonstrated within the future detailed design development application.

(i) **Principle 9: Aesthetics**

- (i) The proposal is for a conceptual building envelope only, with the detailed design and aesthetics of the building to be the subject of a competitive design process prior to the lodgement of a detailed DA.

43. The concept development is considered generally acceptable when assessed against the above stated principles and the SEPP generally, which are replicated in large part within Council's planning controls.

**Apartment Design Guide**

44. Clause 28 of SEPP 65 requires consideration of the ADG, which provides additional detail and guidance for applying the design quality principles outlined in SEPP 65 to residential apartment developments.
45. Adherence to the guidelines within the ADG, wherever relevant to a concept development application, is addressed in the table below.
46. Further discussion and assessment is provided in the Issues section of this assessment report in relation to specific areas of non-compliance, where necessary.

2E Building Depth	Compliance	Comment
12-18m (glass to glass)	Able to comply	The proposed building envelope has a maximum depth of approximately 25 metres north south and 77.5m east west. While this envelope exceeds the maximum 18 metre requirement for a building, it allows for flexibility in terms of building position and articulation when designing the future detailed design. The indicative scheme submitted to support the application shows a maximum building depth of 25m (north - south) accommodating two lift cores with access to natural light and units with an acceptable depth and orientation. Given the long narrow site it is considered that the proposed envelope is acceptable in the circumstance.

2F Building Separation	Compliance	Comment
<p>Up to four storeys (approximately 12 metres):</p> <ul style="list-style-type: none"> <li>• 12m between habitable rooms / balconies</li> <li>• 9m between habitable and non-habitable rooms</li> <li>• 6m between non-habitable rooms</li> </ul>	<p>Able to comply</p>	<p>The proposed building envelope provides for a 4.5m setback from the western site boundary at Ground and Levels 1 to 3 (up to 4 storeys) which provides for a habitable room to non-habitable room interface consistent with the ADG. This is appropriate as 22 O'Riordan Street to the west is currently commercial and it is noted that a development application is under assessment for redevelopment for commercial purposes.</p> <p>No setback is proposed to the south as it is anticipated that development on the adjacent site would remain commercial not residential given the prevailing B7 zoning and applicable height and FSR controls (refer issues section below).</p> <p>The reference design illustrates that increased setbacks can be achieved in accordance with ADG requirements. Further where a nil setback is proposed (south) no windows are proposed within walls.</p>
<p>Five to eight storeys (approximately 25 metres):</p> <ul style="list-style-type: none"> <li>• 18m between habitable rooms / balconies</li> <li>• 12m between habitable and non-habitable rooms</li> <li>• 9m between non-habitable rooms</li> </ul>	<p>Able to comply</p>	<p>The proposed building envelope provides for a 6m setback from the western site boundary at Levels 4 to 7 (5th to 8th storeys) which provides for a habitable room to non-habitable room interface consistent with the ADG. As noted above this is considered appropriate as 22 O'Riordan Street to the west is currently and is proposed to be developed for commercial purposes.</p> <p>Consistent with lower levels no setback is proposed to the south as it is anticipated that development on the adjacent site would remain commercial not residential given the prevailing B7 zoning and applicable height and FSR controls.</p>

2F Building Separation	Compliance	Comment
		<p>The reference design illustrates that increased setbacks can be achieved in accordance with ADG requirements. Further where a nil setback is proposed (south) no windows are proposed within walls.</p>
<p>Nine storeys and above (over 25m):</p> <ul style="list-style-type: none"> <li>• 24m between habitable rooms / balconies</li> <li>• 18m between habitable and non-habitable rooms</li> <li>• 12m between non-habitable rooms</li> </ul>	<p>Able to comply</p>	<p>The proposed building envelope provides for a 9m setback from the western site boundary at Levels 8 to 9 (9th to 10th storeys) which provides for a habitable room to non-habitable room interface consistent with the ADG. As noted above this is considered appropriate as 22 O’Riordan Street to the west is currently and is proposed to be developed for commercial purposes.</p> <p>No setback is proposed to the south as it is anticipated that development on the adjacent site would be commercial not residential given the prevailing B7 zoning and height and FSR controls.</p> <p>The reference design illustrates that increased setbacks can be achieved in accordance with ADG requirements.</p>

3B Orientation	Compliance	Comment
Overshadowing of neighbouring properties is minimised during midwinter.	Able to comply	Shadow diagrams submitted illustrate that shadowing from the proposed building envelope will not impact any land developed or to be developed for residential purposes prior to approximately 1.30pm in Mid-winter. After this time some shadow would occur on the eastern side of Botany Road. However the reference design does not impact these properties. It is therefore recommended that a condition be imposed requiring that the future detailed design demonstrate nil shadow impact to properties to the east across Botany Road. Refer to the Issues section below for further discussion.

3D Communal and Public Open Space	Compliance	Comment
Communal open space has a minimum area equal to 25% of the site.	Able to comply	<p>The indicative reference design submitted with the application demonstrates that communal open space of 26% (589m<sup>2</sup>) of the site area can be provided on site. This includes communal open space on the rooftops of the future buildings and ground level communal open space (incorporating deep soil area).</p> <p>Any future detailed design development application will be required to demonstrate compliance.</p>

3D Communal and Public Open Space	Compliance	Comment
<p>Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of two (2) hours between 9am and 3pm on 21 June (midwinter).</p>	<p>Able to comply</p>	<p>The indicative reference design provides for the communal open space to be located at ground level on the northern side of the building and on the rooftop. The submitted sun's eye view diagrams demonstrate that the proposed communal open space can achieve compliance with this requirement.</p> <p>Any future detailed design development application will be required to demonstrate compliance.</p>

3E Deep Soil Zones	Compliance	Comment
<p>Deep soil zones are to have a minimum area equivalent to 7% of the site and have a minimum dimension of 6m</p>	<p>Able to comply</p>	<p>The reference design illustrates that a deep soil area of 7% (158m<sup>2</sup>) of the site can be achieved with the proposed building envelope with a minimum dimension exceeding 6 metres.</p> <p>The site area includes the area to be dedicated for footpath widening.</p> <p>Any future detailed design development application will be required to demonstrate compliance.</p>

Separation between windows and balconies is required to ensure visual privacy is achieved. Minimum separation distances from buildings to the side and rear boundaries are outlined below.

3F Visual Privacy	Compliance	Comment
<p>Up to four storeys (12 metres):</p> <ul style="list-style-type: none"> <li>• 6m between habitable rooms / balconies</li> <li>• 3m between non-habitable rooms</li> </ul>	<p>Able to comply</p>	<p>As outlined above minimum distances applicable to habitable room to non-habitable interface are included in the proposed envelope on the western boundary. The reference design however illustrates appropriate setbacks are possible where habitable rooms / balconies are proposed. This is however considered unlikely given the proposed continued commercial use of the property to the west at 22 O’Riordan Street.</p> <p>No setbacks are proposed to the south given the future continued commercial use and that no windows are proposed in the building wall.</p>
<p>Five to eight storeys (25 metres):</p> <ul style="list-style-type: none"> <li>• 9m between habitable rooms / balconies</li> <li>• 4.5m between non-habitable rooms</li> </ul>	<p>Able to comply</p>	<p>As outlined above minimum distances applicable to habitable room to non-habitable interface are included in the proposed envelope on the western boundary. The reference design however illustrates appropriate setbacks are possible where habitable rooms / balconies are proposed. This is however considered unlikely given the proposed continued commercial use of the property to the west at 22 O’Riordan Street.</p> <p>No setbacks are proposed to the south given the future continued commercial use and that no windows are proposed in the building wall.</p>

3F Visual Privacy	Compliance	Comment
<p>Nine storeys and above (over 25m):</p> <ul style="list-style-type: none"> <li>• 12m between habitable rooms / balconies</li> <li>• 6m between non-habitable rooms</li> </ul>	Able to comply	<p>As outlined above minimum distances applicable to habitable room to non-habitable interface are included in the proposed envelope on the western boundary. The reference design however illustrates appropriate setbacks are possible where habitable rooms / balconies are proposed. This is however considered unlikely given the proposed continued commercial use of the property to the west at 22 O'Riordan Street.</p> <p>No setbacks are proposed to the south given the future continued commercial use and that no windows are proposed in the building wall.</p>
Bedrooms, living spaces and other habitable rooms should be separated from gallery access and other open circulation space by the apartment's service areas.	Able to comply	Can be addressed in detailed design.

4A Solar and Daylight Access	Compliance	Comment
70% of units to receive a minimum of 2 hours of direct sunlight in midwinter to living rooms and private open spaces.	Able to comply	<p>The indicative reference design submitted with the application includes 106 units with 70% of the units (74 units) receiving 2 hours or more of direct sunlight to apartment living rooms and private open spaces in mid-winter.</p> <p>Refer to the Issues section below for further discussion and assessment relating to solar access to adjoining developments.</p>
Maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at midwinter.	Able to comply	The indicative reference design provides for 8% of units (9 units) receiving no direct sunlight at midwinter.

4B Natural Ventilation	Compliance	Comment
All habitable rooms are naturally ventilated.	Able to comply	All apartments within the reference design are able to be naturally ventilated albeit using vertical plenums (refer Issues section of the report for further detail).
Minimum 60% of apartments in the first nine (9) storeys of the building are naturally cross ventilated.	Non compliance	The indicative reference design submitted with the application achieves cross ventilation for 100% of units however only 20% of apartments (21 out of 106 units) within the first 9 storeys of the buildings will be naturally cross ventilated in accordance with the ADG. This is due to the location of the site on two busy roadways which will generate significant noise impacts. Vertical plenums will be used to ensure that the remaining 85 units (80%) are able to be naturally ventilated (refer Issues section of the report for further detail).

Measured from finished floor level to finished ceiling level, minimum ceiling heights are as follows in the table below.

4C Ceiling Heights	Compliance	Comment
Habitable rooms: 2.7m	Able to comply	<p>The proposed building envelopes assume indicative 4500mm for the ground floor (floor to floor height) and 3150mm (floor to floor height) for the upper residential levels of the building.</p> <p>This allowance is sufficient to provide a floor to ceiling height of 2.7 metres for residential habitable rooms as required and 3.3m for ground floor commercial uses.</p>

4D Apartment Size and Layout	Compliance	Comment
<p>Minimum unit sizes:</p> <ul style="list-style-type: none"> <li>• Studio: 35m<sup>2</sup></li> <li>• 1 bed: 50m<sup>2</sup></li> <li>• 2 bed: 70m<sup>2</sup></li> <li>• 3 bed: 90m<sup>2</sup></li> </ul> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m<sup>2</sup> each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m<sup>2</sup> each.</p>	<p>Able to comply</p>	<p>The indicative reference design submitted with the application provides for studios ranging in size from 35-43m<sup>2</sup>, 1 bedroom apartments from 50- 64m<sup>2</sup>, 2 bedroom apartments from 70-91m<sup>2</sup> and 3 bedroom apartments from 97 - 99m<sup>2</sup> which complies with minimum unit sizes.</p> <p>Any future detailed design development application will be required to demonstrate compliance.</p>

4E Private Open Space and Balconies	Compliance	Comment
<p>Studio apartments are to have a minimum balcony area of 4m<sup>2</sup> with a minimum depth of 1m.</p> <p>One bed apartments are to have a minimum balcony area of 8m<sup>2</sup> with a minimum depth of 2m.</p> <p>Two bed apartments are to have a minimum balcony area of 10m<sup>2</sup> with a minimum depth of 2m.</p> <p>Three bed apartments are to have a minimum balcony area of 12m<sup>2</sup> with a minimum depth of 2.4m.</p>	<p>Able to comply</p>	<p>The indicative reference design submitted with the application provides for balconies to all units complying with minimum sizes as specified (studios - 4-8m<sup>2</sup>, 1 bed - 8m<sup>2</sup>, 2bed - 10-16m<sup>2</sup> and 3 bed - 17-18m<sup>2</sup>). Minimum dimensions also comply.</p> <p>Any future detailed design development application will be required to demonstrate compliance.</p>

<b>4F Common Circulation and Spaces</b>	<b>Compliance</b>	<b>Comment</b>
The maximum number of apartments off a circulation core on a single level is eight (8).	Able to comply	<p>The indicative reference design complies with this requirement with a maximum of 7 units accessed off a circulation core.</p> <p>Any future detailed design development application will be required to demonstrate compliance.</p>
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	Able to comply	<p>The indicative reference design submitted with the application allows for two lifts in the western and eastern core providing access to 53 units each (i.e. 26.5 units per lift). Although less than 10 storeys as currently proposed any future DA based on the reference scheme layout could comply with this requirement.</p> <p>Any future detailed design development application will be required to demonstrate compliance.</p>
Primary living room or bedroom windows should not open directly onto common circulation spaces, whether open or enclosed. Visual and acoustic privacy from common circulation spaces to any other rooms should be carefully controlled.	Able to comply	<p>The indicative reference design submitted with the application does not provide for windows of apartments opening to common circulation space.</p> <p>Any future detailed design development application will be required to demonstrate compliance.</p>
Daylight and natural ventilation are provided to all common circulation spaces.	Able to comply	<p>The indicative reference design submitted with the application provides for windows to the common circulation areas throughout the building.</p> <p>Any future detailed design development application will be required to demonstrate compliance.</p>

4J Noise and Pollution	Compliance	Comment
Have noise and pollution been adequately considered and addressed through careful siting and layout of buildings?	Able to comply	<p>The indicative reference design submitted with the application takes appropriate account (as far as possible) of potential noise and pollution issues associated with adjacent roadways. Plenums are proposed to units to ensure appropriate noise levels and natural ventilation (refer Issues section of the report for further detail).</p> <p>Any future detailed design development application will be required to demonstrate compliance.</p>

### State Environmental Planning Policy (Infrastructure) 2007

47. The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.

#### Clause 45

48. The application is subject to Clause 45 of the SEPP Infrastructure therefore the application was referred to Ausgrid and in particular advice was sought as to whether a sub-station would be required. At the time of writing no written response has been received. Accordingly standard conditions of consent in this respect are proposed.

#### Clause 101

49. The application is subject to Clauses 101, 102 and 104 of the SEPP Infrastructure given that:
- (a) The site has frontage to Botany Road which is an RMS regional classified road with a traffic volume in excess of 20,000 vehicles AADT.
  - (b) The proposal involves an indicative traffic generating development with a vehicle access point to a future local street connection within proximity to the classified road.
50. In accordance with the requirements of the above Clauses, the application was referred to Roads and Maritime Services (RMS) for comment. The RMS raised no objection to the concept proposal and provided concurrence conditions, which have been included in the recommended conditions in Attachment A to this report.
51. RMS also raised the following matters for the consent authority's consideration:
- (a) sight distances from the proposed driveway to vehicles on Ashmore Connector Road are to be in accordance with Austroads 'Guide to Traffic Engineering Practice, Part 5 Intersections at Grade, Section 6.2 – Sight Distance and AS 2890. Vegetation and proposed landscaping must not hinder sight lines to and from the vehicular crossings to pedestrians, cyclists, and general traffic, and

- (b) The proposed development will generate additional pedestrian movements in the area. Pedestrian safety is to be considered in the vicinity.

Further consideration of these issues will be undertaken at the detailed development application stage. Conditions of consent to this effect are therefore proposed.

**State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

52. Any subsequent detailed design development application will be required to satisfy the SEPP BASIX requirements.

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

53. State Environmental Planning Policy (Affordable Rental Housing) 2009 does not apply to the subject land being land within Green Square in accordance with clause 1.9 of SLEP 2012.

**Sydney LEP 2012**

54. The site is located within the B7 Business Park zone. The proposed use is defined as a mixed use development comprising shops and residential accommodation (affordable housing). Shops are permissible with consent under the land use table however the proposed affordable housing is permissible by virtue of specific clause 7.13A Affordable Housing in zone B7.
55. The relevant matters to be considered under Sydney Local Environmental Plan 2012 for the proposed development are outlined below.

Compliance Tables

Development Control	Compliance	Comment
4.3 Height of Buildings	Yes	A maximum height of 33m is permitted.  A maximum height of 33 metres is proposed to the concept building envelope.

Development Control	Compliance	Comment
<p>4.4 Floor Space Ratio</p> <p>6.14 Community infrastructure floor space at Green Square</p>	<p>Able to comply</p>	<p>Clause 4.4 stipulates a base maximum FSR of 3:1 is permitted for the site.</p> <p>Clause 6.14 allows an additional 1:1 FSR for this site (Area 8) where a development includes community infrastructure floor space.</p> <p>The proposal includes a public benefit offer for the provision of land dedication for Botany Road and the new east roadway (Green Square to Ashmore Connector Road) footpath construction as well as a monetary contribution towards community infrastructure in accordance with Clause 6.14.</p> <p>The indicative reference design accompanying the application demonstrates that the proposed building envelope is capable of accommodating this 1:1 additional community infrastructure floor space.</p> <p>The indicative reference scheme demonstrates that the proposed envelope can accommodate 4:1 FSR (which equates to a GFA of 8981m<sup>2</sup>) permitted under these Clauses of the LEP. Further an addition 10% design excellence bonus can be accommodated within the envelope.</p> <p>Refer to the issues section for further discussion on the VPA and design excellence floor space provisions.</p>

Part 6 Local Provisions - Height and Floor Space	Compliance	Comment
<p>Division 2 Additional floor space outside Central Sydney</p>	<p>Able to comply</p>	<p>Additional floor space is proposed under clause 6.14 Community infrastructure floor space at Green Square as outlined above. See discussion under the heading Issues.</p>
<p>Division 4 Design excellence</p>	<p>Able to comply</p>	<p>The concept application, indicative reference scheme and the design excellence strategy has demonstrated</p>

Part 6 Local Provisions - Height and Floor Space	Compliance	Comment
		<p>that design excellence can be achieved in accordance with Clause 6.21(4).</p> <p>The envelope as proposed can accommodate a future building with a high standard of architectural design, a form and appearance that will improve the amenity of the public domain and will not result in any unreasonable impact on any view corridors.</p> <p>The concept application and indicative reference scheme submitted has demonstrated that the land is suitable for the proposed affordable housing use subject to conditions recommended.</p> <p>The building envelope will ensure that any future building will have an appropriate bulk and mass for the following reasons:</p> <ul style="list-style-type: none"> <li>• The envelope complies with the relevant height control and setbacks from surrounding streets.</li> <li>• The envelope is compliant with ADG separation distances from adjacent properties and can provide for compliant separation distances from adjoining buildings.</li> <li>• The envelope will allow for compliance with ADG building depths.</li> </ul> <p>The detailed design, form and modulation of the future building will be explored through the design competition process and assessed as part of the detailed development application.</p> <p>The proposed concept envelope will ensure that the future building does not cause unreasonable overshadowing or visual impact on any adjoining or nearby residential buildings.</p>

Part 6 Local Provisions - Height and Floor Space	Compliance	Comment
		<p>The application provides for a future new road in accordance with the DCP and through the Public Benefit Offer / VPA the future detailed DA will deliver new public domain works.</p> <p>Recommended conditions will ensure aspects including ecologically sustainable design and the interface of the building and public domain will be investigated through the competitive design process and assessed in detail as part of the detailed DA.</p> <p>In accordance with Clause 6.21(7) of SLEP 2012, up to an additional 10% FSR or height may be awarded if a competitive design process has been undertaken, and the detailed design is considered by the consent authority to exhibit design excellence. The indicative reference design illustrates that an additional 10% FSR can be accommodated within the envelope in this case.</p> <p>A design excellence strategy has been submitted as part of this development application and is recommended to be endorsed as part this consent, in accordance with clause 6.21(5) of the Sydney LEP 2012 and the City of Sydney Design Competitive Design Policy.</p> <p>This is discussed further in the Issues section.</p>

<b>Part 7 Local Provisions - General</b>	<b>Compliance</b>	<b>Comment</b>
Division 1 Car parking ancillary to other development	Able to comply	<p>The subject site is on land in LUTI Category B. A maximum of 83 car parking spaces (including visitor spaces) are permitted for the residential component based on the indicative reference scheme. A further 2 spaces are allowed for the commercial component with the land being in PTAL Category E. Total allowable max. 85 spaces.</p> <p>The indicative reference scheme provides for 8 accessible car parking spaces for the affordable housing units only. No parking is proposed for the commercial use.</p>
Division 3 Affordable housing 7.13A Affordable housing in B7 zone	Able to comply	<p>As noted above the indicative proposal provides for 106 affordable housing units by a public housing provider St George Community Housing. The proposed use is permissible with consent under this clause. It is proposed to be undertaken by a public housing provider and in accordance with the Employment Lands Affordable Housing Program. It is also compatible with the existing uses and approved uses of land in the vicinity of the development having regard to the matters specified. Further no residential development is proposed on the ground floor and the development is not likely to have an adverse effect on the environment or cause any unacceptable environmental risks.</p>

Part 7 Local Provisions - General	Compliance	Comment
7.14 Acid Sulfate Soils	Able to comply	<p>The site is located on land identified as Class 5 Acid Sulfate Soils. The concept proposal does not involve works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres AHD by which the water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</p> <p>It will be determined at the detailed design development application stage if the Acid Sulfate Soil provisions of the SLEP 2012 are triggered by any proposed excavation works.</p>
7.15 Flood planning	Able to comply	<p>The concept plans submitted indicate that the flood planning levels are achievable.</p> <p>A condition is recommended requiring any future detailed design development application to demonstrate that the ground floor levels and planning levels comply with Council's Interim Floodplain Management Policy (May 2014).</p>
7.16 Airspace operations	Yes	<p>At a maximum height of 33m (52.65m AHD) the proposed concept envelope would penetrate the Obstacle Limitation Surface as shown on the Obstacle Limitation Surface Map for Sydney Airport by 1.65m. Sydney Airport Civil Aviation Safety Authority's (CASA's) approval is therefore required. Approval has been received and relevant conditions recommended for inclusion in any consent. See discussion under the heading External Referrals.</p>
7.20 Development requiring preparation of a development control plan	Yes	<p>In accordance with Clause 7.20(2)(d), as the site is zoned B7 Business Park and proposes a mixed use development that contains shop top housing (proposed to be used for the purposes of affordable housing in accordance with clause 7.13A). The consent authority must therefore consider whether the development may have a significant</p>

Part 7 Local Provisions - General	Compliance	Comment
		<p>adverse impact on non-residential uses in, or in the vicinity of the proposed redevelopment. If so a DCP is required to be prepared for the land. However Section 4.23 of the Environmental Planning and Assessment Act, 1979, provides that the lodgement of a concept development application may be considered by the consent authority as satisfying this obligation.</p> <p>The concept application is therefore considered to satisfy the requirements of Clause 7.20(4) which sets out the matters that a DCP must provide for under the clause.</p> <p>The envelope as proposed can accommodate a future building with a high standard of architectural design, a form and appearance that will improve the amenity of the public domain and will not unreasonably impact any significant view corridors.</p> <p>Further the concept application and indicative reference scheme submitted has demonstrated that the land is suitable for residential development subject to recommended conditions.</p> <p>The building envelope will ensure that any future building will have an appropriate bulk and mass as:</p> <ul style="list-style-type: none"> <li>• the envelope complies with the relevant height control and setbacks from surrounding streets</li> <li>• the envelope is compliant with ADG separation distances from adjoining buildings, and</li> <li>• the detailed design, form and modulation of the future building will be explored through the design competition process and assessed as part of the detailed</li> </ul>

Part 7 Local Provisions - General	Compliance	Comment
		<p>development application.</p> <p>Further the envelope will allow for a future building that does not cause unreasonable overshadowing or visual impact on adjoining or nearby residential buildings.</p> <p>The application provides for a future new road in accordance with the DCP and through the Public Benefit Offer / VPA the future detailed DA will deliver upgraded public domain works.</p> <p>Recommended conditions will ensure that aspects including ecologically sustainable design and the interface of the building and public domain will be investigated through the competitive design process and assessed in detail as part of the detailed DA.</p>

**Sydney DCP 2012**

56. 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. The immediate area has a diversity of built forms and scale, architectural building styles and land uses and is in a state of transition from industrial to mixed use town centre. The proposed concept development is considered to be in keeping with the existing and future character of the area and design principles in that it:

- provides for a building envelope which respond to the applicable planning controls for the site and will provide high amenity to future residents.
- provides for affordable housing in close proximity to public transport services and the developing Green Square Town Centre
- is capable of providing an active frontage and well-designed entry on both Botany Road and the new Green Square to Ashmore Connector road frontage.
- provides public domain improvements along the Botany Road frontage and a new public domain on the new Green Square to Ashmore Connector road frontage including widened / new footpaths and setback areas to enhance the public domain. It will also generate additional pedestrian activity and casual surveillance.

3. General Provisions	Compliance	Comment
3.1 Public Domain Elements	Able to comply	The location and configuration for the new street (Green Square to Ashmore Connector Road) and footpath widening along Botany Road is in accordance with the DCP. Further the proposed development will make a positive contribution to the public domain with footpath widening, landscaping and active uses at the ground level.
3.1.5 Public Art	Able to comply	A concept Public Art Strategy has been submitted with the DA. A recommended condition will require that a detailed public art strategy be submitted and approved as part of the future detailed DA.

3. General Provisions	Compliance	Comment
3.2 Defining the Public Domain	Able to comply	<p>The proposed building envelope does not impact solar access to any public open spaces. The proposed building envelope provides for activation of both street frontages. Ground level parking would be screened behind active uses as shown in the reference design.</p> <p>The relationship between the public domain and the subject site will need to be further developed as part of the competitive design process and the detailed DA.</p> <p>An awning is required over building entries on Botany Road. A recommended condition will require that an awning be provided and approved as part of the future detailed DA.</p> <p>This is discussed further in the Issues section below.</p>
3.3 Design Excellence and Competitive Design Processes	Able to comply	<p>The requirement for a competitive design process is triggered in accordance with the requirements of Clause 7.20 of the SLEP 2012 as the proposed building envelope exceeds 25m in height (33m proposed).</p> <p>Refer to the Issues section below for further discussion and assessment relating to this process.</p>
3.4 Hierarchy of Centres, City South	Able to comply	<p>The site is located within the Green Square Primary Trade Area but not within the Green Square Town Centre or other identified villages and neighbourhood centres.</p> <p>It is not considered that any future commercial use would result in negative impacts on the viability or economic role of the planned centres within the southern areas of the City being minor only.</p>

3. General Provisions	Compliance	Comment
3.5 Urban Ecology	Yes	The proposed development does not involve the removal of any trees and will not adversely impact on the local urban ecology.
3.6 Ecologically Sustainable Development	Able to comply	<p>Compliance with the requirements of the SEPP BASIX will be assessed as part of a future detailed design development application.</p> <p>Conditions have been recommended to ensure that the relevant ESD commitments included in the Design Excellence Strategy will be carried through the competitive design process to the detailed design development application.</p>
3.7 Water and Flood Management	Able to comply	<p>The site is not identified as being flood affected.</p> <p>A site based stormwater management plan and flood level assessment report have been submitted which set out concept stormwater management measures and flood planning levels that accord with the City's Interim Floodplain Management Policy.</p> <p>Given that the proposal is for a concept building envelope only and no consent will be granted for specific floor levels, these will be confirmed in any future detailed design development application in accordance with the City's Interim Floodplain Management Policy.</p>
3.8 Subdivision, Strata Subdivision and Consolidation	Not applicable	No subdivision is proposed as part of the subject concept DA.
<p>3.11 Transport and Parking</p> <p>3.11.1 Managing transport demand</p> <p>3.11.2 Car share scheme parking spaces</p>	Able to comply	<p>The traffic report submitted to support the indicative reference scheme is considered acceptable in principle.</p> <p>No issues have been raised regarding the indicative access point to the site off the new connector road.</p>

3. General Provisions	Compliance	Comment
<p>3.11.3 Bike parking and associated facilities</p> <p>3.11.4 Vehicle parking</p> <p>3.11.5 Car parks under the public domain</p> <p>3.11.6 Service vehicle parking</p>		<p>Compliance with parking numbers and service requirements will be a matter to be assessed as part of the detailed DA however it is noted that reduced parking provision is proposed given the affordable housing use and access to public transport. 8 adaptable parking spaces only are proposed reduced from the previously proposed 10 spaces to comply with deep soil requirements. This is considered appropriate in the circumstances.</p> <p>Green Travel Plan</p> <p>A Green Travel Plan is recommended to be required as part of any subsequent detailed design development application, once the precise nature and density of development on the site has been determined.</p> <p>Car share scheme parking spaces</p> <p>Given the proposed affordable housing use and proximity to public transport, in this case a condition has not been recommended for the provision of car share spaces with a future detailed design development application for the site.</p> <p>Bicycle parking</p> <p>The indicative reference design includes provision for 122 bicycle parking spaces. This is considered acceptable.</p> <p>Vehicle parking</p> <p>The detailed design of the proposed vehicle parking areas will be assessed for compliance with relevant Australian Standards as part of any subsequent detailed design development application.</p> <p>Service vehicle parking</p> <p>A Loading Dock Management Plan will need to be provided with any subsequent detailed design development application.</p>

3. General Provisions	Compliance	Comment
3.12 Accessible Design	Able to comply	<p>A condition has been recommended for the proposed development to provide appropriate access and facilities for persons with disabilities in accordance with the DCP and the BCA.</p> <p>It is noted that accessible parking is proposed for 8 rather than 10 cars. This is considered acceptable in the circumstances given access to public transport.</p>
3.13 Social and Environmental Responsibilities	Able to comply	<p>The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles. Compliance will be further assessed as part of any subsequent detailed design development application.</p>
3.14 Waste	Able to comply	<p>The indicative reference scheme floor plans show that waste collection will take place within the building via a dedicated loading dock.</p> <p>A Waste Management Plan will need to be submitted with any subsequent detailed design development application in accordance with the controls in Section 3.14 of the SDCP 2012</p>
3.17 Contamination	Able to comply	<p>A RAP and interim site audit statement has been submitted with the concept application. These confirm that the land is able to be made suitable for the proposed residential use subject to recommended conditions of consent.</p>

4. Development Types  4.2 Residential flat, commercial and mixed use developments	Compliance	Comment
4.2.1 Building height	Able to comply	<p>Height in storeys</p> <p>A 10 storey height control applies to the site. No street frontage height in storeys is applicable to the site.</p> <p>There is sufficient space within the proposed building envelope to accommodate a building which can achieve the requisite floor to floor and floor to ceiling heights specified in the ADG and SDCP 2012, as relevant. The concept proposal does not approve the number of storeys. Appropriate conditions have been recommended to ensure that details are provided with a future detailed design development application to demonstrate compliance with these provisions.</p>
4.2.2 Building setbacks	Able to comply	<p>The proposed envelope provides for appropriate setbacks to achieve required footpath widening / construction, required landscape setbacks and to comply with ADG setback requirements from the western boundary assuming a habitable to non-habitable room interface. Increased setbacks can be achieved should this be required as part of the detailed development application in accordance with ADG requirements.</p>

4. Development Types  4.2 Residential flat, commercial and mixed use developments	Compliance	Comment
4.2.3 Amenity	<p>Able to comply</p> <p>Non-compliance - deep soil 10%</p>	<p>The proposed envelope and indicative reference scheme floor plans show that a reasonable level of amenity for the subject site is able to be achieved and that the proposed building envelope should not unreasonably impact on surrounding development, subject to the recommended conditions.</p> <p>The indicative reference design does not comply with the DCP 10% requirement for deep soil however meets the ADG requirement of 7%. The site is very constrained being long and narrow. The indicative reference scheme provides for at grade parking and access arrangements. Once this is provided for and a reasonable building footprint defined, it is not possible to meet the DCP requirement of 10%. A 1m wide strip of deep soil area is provided in addition to the formal deep soil calculation. Although not formally able to be counted this will assist with site runoff and landscape treatment. Notwithstanding this matter can be further addressed at the detailed design DA following the Design excellence process.</p> <p>Adequate natural ventilation is to be provided given the location of the site immediately adjacent to two significant roads. Vertical plenums will be used for units that cannot achieve natural cross ventilation and compliance with acoustic criteria. The reference scheme establishes that such plenums can be achieved within the building envelope and indicative design.</p> <p>Notwithstanding this, a number of recommendations are required to be included in the design competition brief and must be addressed as part of the detailed design DA. This is discussed further in the Issue section.</p>

4. Development Types  4.2 Residential flat, commercial and mixed use developments	Compliance	Comment
4.2.4 Fine grain, architectural diversity and articulation	Able to comply	<p>The fine grain built form, architectural diversity and articulation of development within the building envelope are matters for consideration as part of the design competition process and any subsequent detailed design development application.</p> <p>Appropriate recommendations for the design brief and future detailed DA have been suggested regarding articulation and building facades in accordance with the provisions of Section 4.2.4 of the SDCP 2012.</p>
4.2.5.3 Development on busy roads and active frontages	Able to comply	<p>The indicative reference design illustrates that compliance can be achieved using a combination of natural cross ventilation and vertical plenums for units generally fronting Botany Road and the new connector road. A requirement to address noise and air quality mitigation measures will be included in the design competition brief.</p> <p>Compliance with the DCP provisions will be further assessed as part of any detailed design DA.</p>
4.2.6 Waste minimisation	Able to comply	<p>A requirement to address waste minimisation measures will be included in the design competition brief.</p> <p>Compliance with the DCP provisions will be further assessed as part of any detailed design DA.</p>
4.2.7 Heating and Cooling Infrastructure	Able to comply	Heating and cooling infrastructure will be assessed as part of any further detailed design development application.

4. Development Types  4.2 Residential flat, commercial and mixed use developments	Compliance	Comment
4.2.8 Letterboxes	Able to comply	Provision of appropriate letterboxes with direct street access and complying with Australia Post requirements will be assessed as part of any further detailed design development application.

5.2 Green Square	Compliance	Comment
5.2.3 Community infrastructure  5.2.10 Setbacks	Able to comply	<p>The applicant has submitted a public benefit offer, and a draft Voluntary Planning Agreement (VPA) has been prepared on this basis. The draft VPA is for the dedication of land for the proposed footpath widening on both Botany Road and the new connector road and the provision of a monetary contribution for community infrastructure to be delivered in Green Square in accordance with Clause 6.14 of the SLEP 2012.</p> <p>In this instance, the proposed public domain works and monetary contribution are considered acceptable with regard to the provisions of Section 5.2.3 of the SDCP 2012.</p> <p>In accordance with section 5.2.3 of the DCP, a 1.4m wide public domain setback for footpath widening is provided for along the Botany Road frontage and 0.5m wide footpath widening setback along the new Green Square to Ashmore Connector Road frontage.</p> <p>The applicant will undertake the footpath widening works and dedicate this land to Council through a Voluntary Planning Agreement in accordance with Clause 6.14 of the LEP.</p> <p>Refer to the Issues section below for further discussion and assessment relating to the VPA.</p>

5.2 Green Square	Compliance	Comment
5.2.4 Local infrastructure 5.2.4.1 Street network	Able to comply	<p>The location proposed for the future collector road (22m wide) adjacent to the site (Green Square to Ashmore Connector Road) is in accordance with Figure 5.35 of the DCP for the Green Square street hierarchy and layout. The road is to be provided by Council.</p> <p>The detailed design of footpaths will be a matter for the detailed design DA.</p>
5.2.7 Stormwater management and waterways	Able to comply	<p>As discussed above, the site is not identified as being flood affected.</p> <p>The proposal is for a concept building envelope only and no consent will be granted in relation to stormwater management and water sensitive urban design. These matters will be considered as part of the detailed design DA.</p>
5.2.8 Highly visible sites	Not applicable	The site is not identified in Figure 5.34 of the SDCP 2012 as being a highly visible site.
5.2.9 Building Design	Able to comply	<p>The proposal is for concept building envelope only. Notwithstanding the indicative reference scheme illustrates that the envelope provides for compliance with relevant requirements including alignment to the street edge and clear delineation between the public and private domain, appropriate building facades, multiple entries etc.</p> <p>The detailed design of the building will be investigated during the competitive design process and assessed at the detailed DA stage.</p>

5.2 Green Square	Compliance	Comment
5.2.10 Setbacks	Able to comply	The public domain setbacks map provides for 1.4m footpath widening on Botany Road. This is provided for in proposed building envelope. A 1m landscape setback is also required to new streets (5.2.10(2)). This is provided for with a 0.5m footpath widening setback and 1m landscape setback proposed to the new connector road.

5.8 Southern Employment Lands	Compliance	Comment
5.8.2 Development 5.8.2.2 Building Setbacks	Non compliance	No setback is specified on the building setback and alignment plan for the subject site. A 6m setback otherwise applies (however not to Botany Road which is identified for active frontage). It is also not considered to be appropriate to the future Green Square to Ashmore Connector Road as the site is only 26m in depth and provision of a 6m setback from the future road would unreasonably limit the development of the site. The proposed envelope complies with the landscape setback requirement of 1.0m and further provides for 0.5m footpath widening which is considered sufficient in the circumstances.
5.8.2.3 Building Height	Able to comply	The site is located within an area with a maximum building height of 10 storeys. The indicative reference design complies with this maximum. No street frontage height applies.
5.8.2.4 Building Layout and Design	Able to comply	<p>The indicative reference design illustrates that compliance with relevant requirements can be achieved including building orientation to maximise natural lighting and ventilation, activation of Botany Road frontage, foyers to be oriented to the street, awnings over entrances façade articulation etc.</p> <p>Compliance with the DCP provisions will be further assessed as part of any detailed design DA.</p>

5.8 Southern Employment Lands	Compliance	Comment
5.2.8.5 Landscaping and fencing	Able to comply / partial compliance	<p>Deep Soil planting only provided for 7% of site area in the indicative reference design in accordance with the ADG requirement and not 10% as per DCP. This is considered appropriate given the affordable housing use however compliance with the DCP requirement can be considered further at the design competition and detailed design DA stages. A condition to this effect is recommended. The reference design otherwise illustrates compliance with DCP requirements in respect of private communal open space, access, storage etc. can be achieved</p> <p>Compliance with the DCP provisions will be further assessed as part of any detailed design DA.</p>
5.8.3 Public Domain 5.8.3.2 Proposed streets and through site links	Yes	<p>The proposed new Green Square to Ashmore Connector Road is in accordance with the DCP requirements and will form a new 22m wide collector road. Vehicular access is proposed off this new street rather than Botany Road as required. Incorporating works within the roadway, a 3.5m wide footpath will be provided as required in the DCP including the 0.5m footpath widening proposed as part of the subject proposal.</p>
5.8.4 Adaptable Parking	Able to comply	<p>Above ground parking is to be screened along the street frontages and 80% is to be able to be adapted. The proposal provides for all spaces to be adaptable parking.</p> <p>Compliance with the DCP provisions will be further assessed as part of any detailed design DA.</p>

5.8 Southern Employment Lands	Compliance	Comment
5.8.5 Managing Transport Demand	Able to comply	<p>Requires that 40% of workers in land zoned B7 arrive at work by public or active transport. Indicative reference design provides nil parking for commercial uses. Generous bicycle parking is also indicated (122 spaces). A green travel plan would also be required as a condition of consent.</p> <p>Compliance with the DCP provisions will be further assessed as part of any detailed design DA.</p>
5.8.6.1 Affordable Housing in the B7 Business Park Zone	Able to comply	<p>Proposed affordable housing not considered likely to unreasonably restrict existing or planned employment uses in the zone. The site is surrounded by a range of residential and employment uses. The amenity of dwellings is also not likely to be adversely affected by employment uses and can achieve compliance with SEPP 65 requirements (as assessed above). It will not adversely impact on the public domain and the site is considered to be suitable for the proposed use. The proposed envelope allows for compliance with setbacks as required and will allow for the delivery of a high degree of residential amenity to future residents subject to detailed design.</p> <p>Compliance with the DCP provisions will be further assessed as part of any detailed design DA.</p>
5.8.6.2 Air Quality	Able to comply	<p>A requirement to address air quality measures will be included in the design competition brief.</p> <p>Compliance with the DCP provisions will be further assessed as part of any detailed design DA.</p>

5.8 Southern Employment Lands	Compliance	Comment
5.8.6.3 Noise management	Able to comply	<p>A requirement to address noise management measures will be included in the design competition brief. As noted above plenums for natural ventilation will be required due to noise impacts. This is considered acceptable in the circumstances. Noise related to plant will be assessed as part of the detailed DA.</p> <p>Compliance with the DCP provisions will be further assessed as part of any detailed design DA.</p>
5.8.7 Environment	Able to comply	<p>The indicative reference design illustrates that compliance with relevant matters can be achieved.</p> <p>Compliance with the DCP provisions will be further assessed as part of any detailed design DA.</p>
5.8.7.3 Contamination	Able to comply	<p>The RAP and interim site audit statement submitted with concept application demonstrates that the land can be made suitable for the proposed residential use subject to recommended conditions of consent.</p>
5.8.7.4 Green roof and walls	Able to comply	<p>The indicative reference design provides for communal open space and landscaping on the rooftop.</p> <p>Compliance with the DCP provisions will be further assessed as part of any detailed design DA.</p>
5.8.7.5 Social infrastructure	Yes	<p>Proposal provides for affordable housing close to public transport and services as required.</p>

## Issues

### Height, Scale and Bulk

57. The proposed envelope complies with the permitted 33m height limit specified in the LEP.
58. The indicative scheme as shown accommodates a maximum of 9 storeys within the envelope. This is on the assumption of floor to floor heights of 4800mm for ground level and 3150mm for the residential levels. These are consistent with the floor to floor height allowable under the Sydney DCP 2012 and the ADG.

59. The indicative scheme includes rooftop communal open space and demonstrates how lift access or overruns, roof top plant and associated structures can all be accommodated within the 33m LEP height limit. The proposed communal open space will also be compliant in relation to solar access.
60. Subject to design excellence an addition 10% bonus height or floor space may be approved at the detailed DA stage. The applicant has indicated that an additional 10% of floor space will be sought. The proposed envelope can readily accommodate this additional floor space (refer Figure 18 below - note blue line denotes building envelope)



Figure 18: Indicative reference scheme within building envelope

61. The proposed bulk and scale of the proposed envelope and indicative reference design is considered to be consistent with recent approvals within the locality and the location on the intersection of two busy roads and within walking distance of the Green Square Town Centre and railway station.
62. It is therefore considered that the proposed height, bulk and scale is acceptable subject to detailed design development and design excellence.

**Setbacks**

*Street setbacks*

63. Section 5.2.10 of the DCP requires that buildings are to be set back a minimum of 1m from the new street frontage property boundary to provide a landscaped setback. A setback of 1m is proposed in addition to 0.5m footpath widening on the new connector road frontage consistent with this requirement.
64. No setback is proposed on the Botany Road frontage although 1.4m footpath widening is proposed as required. DCP 2012 provides for a nil setback on Botany Road with a requirement for an active frontage. This is proposed in the form of a shop fronting Botany Road at ground level.

*Southern setback*

65. The building envelope proposes a nil setback to the southern boundary where the site adjoins the existing Coates Hire commercial development. This site is similarly zoned B7 Business Park under the LEP with a maximum height of 22m and maximum FSR of 1.5:1 (plus potential 1:1 for community infrastructure being similarly in Area 8 and subject to clause 6.14 of the LEP). Within the B7 zone the only permissible residential uses are affordable housing under clause 7.13A. Given the existing site ownership and land use controls it is anticipated that the Coates Hire site will remain commercial in use. Notwithstanding the indicative reference design illustrates a scheme with solid walls where the scheme extends to the southern boundary (approximately 48-52% of the boundary length) with windows and balconies instead oriented east west. This is considered appropriate in the circumstances.

*Western setback*

66. On the western boundary the building envelope represents setbacks consistent with ADG requirements for a habitable to non-habitable room interface (4.5m - GF, Level 1-3 to RL 29.55, 6m - Level 4-7 to RL42.15 and 9m Level 8 and above over RL42.15 (refer Figure 19 below)). This is considered the most likely scenario given that 22 O'Riordan Street to the west is currently the subject of a future development application for a commercial development with a maximum height of 22m or 5 storeys. The most likely interface on the boundary is therefore likely to be habitable to non-habitable. Notwithstanding the future detailed DA will be required to comply with ADG setback requirements subject to the final room layout. In this regard it is noted that the indicative reference design illustrates a habitable to habitable interface on this boundary therefore it is clear that these greater setbacks can be accommodate within the envelope whilst still achieving the maximum permissible FSR.

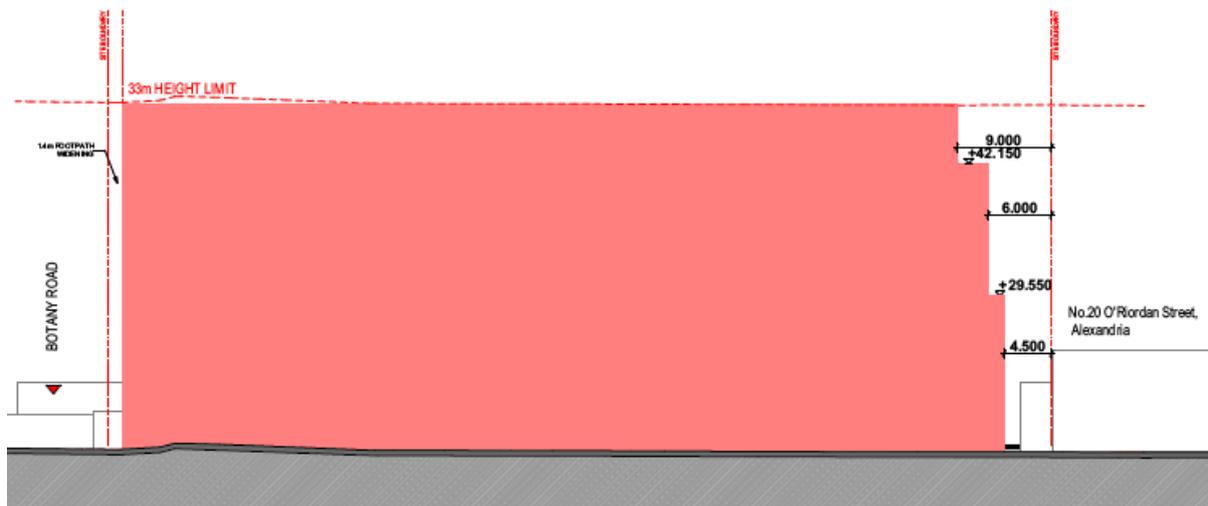


Figure 19: Building envelope western boundary setbacks

67. It is therefore considered that setbacks provided in the building envelope are appropriate in the circumstances and provide for compliance with the ADG.

**Solar Access and Overshadowing**

68. The submitted solar diagrams show that approximately 70% (74 / 106 units) of the indicative apartments in the reference scheme will receive 2 hours or more of sun at midwinter to both living areas and balconies. This is consistent with the 70% required by the design criteria in section 4A of the ADG. 8% (9/106 units) will receive no direct sunlight in midwinter which similarly complies with the maximum of 15% allowed under the ADG.
69. The submitted solar access diagrams show that the building envelope would potentially result in 2 units within each of the approved developments at 499 and 501-509 Botany Road not achieving the 2+ hours of sunlight in midwinter. The solar diagrams for the indicative reference scheme however indicate that the scheme does not result in any impact on the approved developments at 499 and 501-509 Botany Road between 9am and 3pm in midwinter.
70. Given that it is evident that the reference scheme can ensure nil impact in terms of solar access on properties to the east, it is considered appropriate that a condition be imposed requiring that any future DA demonstrate that it does not impact on solar access to residential apartments within the approved developments at 499 and 501-509 Botany Road. This will also be included in the design competition brief.
71. In its consideration of the original indicative reference scheme DAP raised concern regarding the impact of the proposal on the neighbouring properties particularly to the south. It rejected the notion that overshadowing of the southern site was acceptable because the site is zoned commercial. The Panel suggested further design investigations such as providing a through site link or splitting the building in two, to break up the reference scheme's excessively long façade and improve solar access to apartments, adjacent properties and public domain to the south. This has been undertaken in the amended reference design with the upper levels of the building split into two towers - east and west. A through site link has not been proposed as this would not provide for any connection.

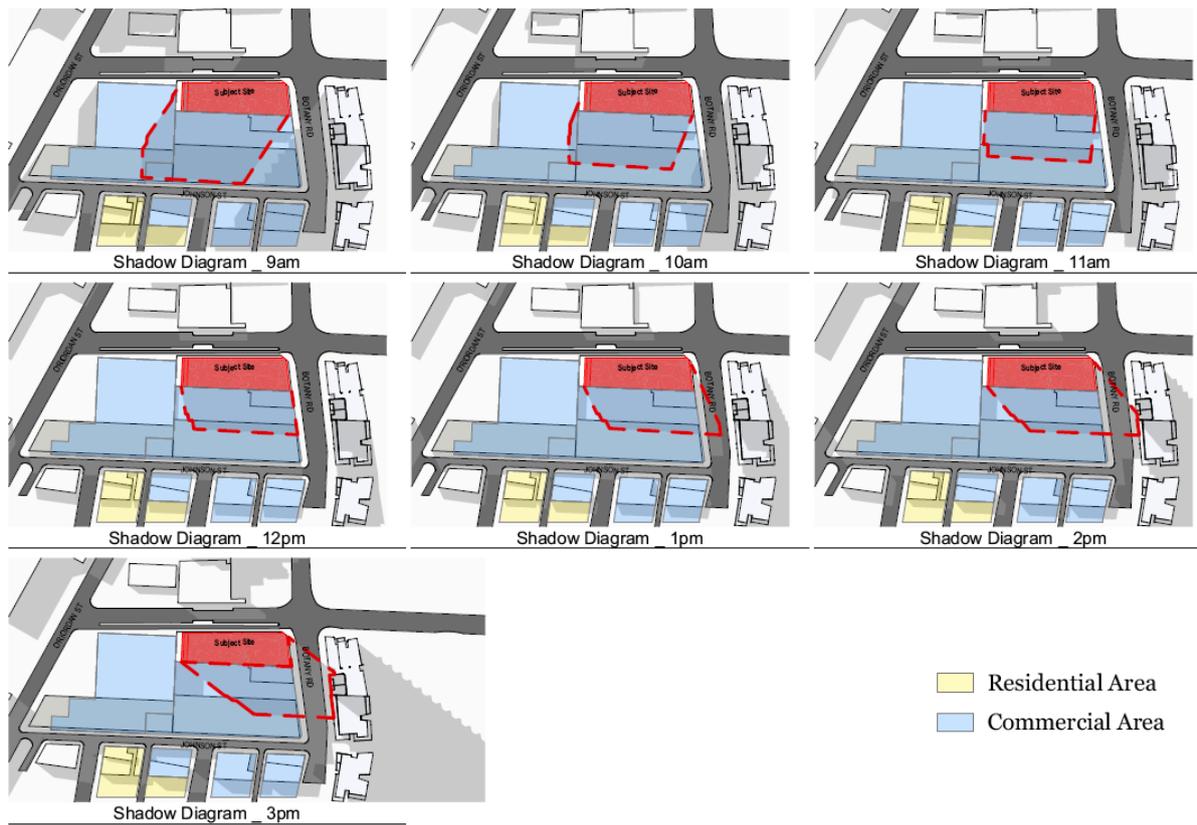


Figure 20: Building envelope shadows

72. Notwithstanding the proposed design amendments the proposed envelope will still result in significant overshadowing of the site immediately to the south in midwinter given the subject site's east west orientation and height and FSR controls (33m and 4:1).
73. Notwithstanding DAPs view it is considered that this level of overshadowing is unavoidable and acceptable given the adjacent site's commercial use which is anticipated to remain given height and FSR controls as outlined above. No land used for residential development to the south will be impacted by the resultant shadows. Further detailed consideration of overshadowing impacts will be undertaken at the detailed DA stage.

### Natural ventilation

74. As outlined above the subject site is located at the intersection of Botany Road and the new Green Square to Ashmore Connector road which, when constructed, is anticipated to carry significant traffic volumes. Accordingly the provision of natural ventilation to the proposed affordable housing units presents a significant challenge.
75. The indicative reference scheme has been designed such that all windows within the units are operable with 85 units (80%) able to be naturally ventilated with proposed vertical plenums whilst achieving noise criteria. 21 units (20%) are able to be naturally cross ventilated whilst achieving the noise criteria. These units are those generally oriented to the south or south west and thus shielded from noise exposure by the building itself.

76. Part 4B of the ADG specifies that a minimum of 60% of apartments are to be naturally cross ventilated within the first 9 storeys of a building. The proposal provides for 100% of units to be naturally ventilated albeit with 20% naturally cross ventilated and 80% using vertical plenums. This is considered acceptable in the circumstance given that the site is highly constrained and exposed to significant noise on two frontages. Further detailed consideration of ventilation arrangements will be undertaken at the detailed DA stage.

### **Noise intrusion**

77. Related to the discussion above on natural ventilation, the site has significant challenges in relation to the ability of units to meet the internal noise criteria given adjacent noise sources (roads). To address this the indicative reference design has as far as possible been designed to maximise the potential for units to be naturally ventilated however vertical plenums will be required to ensure noise criteria can be met for 80% of units. This is considered to be unavoidable given the site location and Council's Environmental Health Officer has confirmed that the indicative reference scheme is generally acceptable from a noise perspective in the circumstances.
78. Compliance with noise emissions from the operation of mechanical will be assessed at the detailed DA stage however the acoustic report submitted with the application has confirmed that it can comply with standard conditions of consent and the EPA Noise Policy for Industry.

### **Design excellence**

79. Under the provisions of Clause 6.21(7) of the Sydney Local Environmental Plan 2012, a future detailed design development application is eligible to exceed the maximum floor space ratio development standards applicable to the site by up to 10%, if the design of the new building result from a competitive design process and the consent authority determines that the building exhibits design excellence.
80. The applicant has chosen to undertake a competitive design alternatives process and will seek up to 10% additional floor space as part of the detailed design development application for the future building proposed on the site. The applicant has submitted a design excellence strategy and plans which demonstrate that an FSR of 4.4:1 (including up to an additional 10% FSR) could be accommodated within the proposed building envelope.
81. The amount of design excellence bonus FSR, if any, and where it can be accommodated will need to be considered in further detail during the competitive design process and at the detailed design stage.
82. Based on the indicative reference scheme submitted to support the concept DA, staff have identified a number of areas that need to be addressed and considered during the competitive design process. These include:
- (a) Minimising overshadowing on adjoining properties including no additional shadow impact on residential apartments within the approved developments at 499 and 501-509 Botany Road
  - (b) Compliance with ADG setback requirements
  - (c) Acoustic and ventilation treatments consistent with acoustic report prepared by Acoustic Logic dated 23 October 2019

- (d) Waste management facilities
  - (e) Public art strategy
  - (f) Provision of additional deep soil in accordance with the DCP requirements.
83. A condition is recommended to incorporate these issues in the competition design brief and the detailed design development application

#### **Other Impacts of the Development**

84. The proposed development provides a building envelope capable of accommodating a future building which can achieve compliance with the Building Code of Australia.
85. 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 on any development consent granted to the proposal

#### **Suitability of the site for the Development**

86. The proposal is of a nature in keeping with the overall function of the site. The premises are in a commercial/residential surrounding and amongst similar uses to that proposed.
87. The site is situated within the Green Square Urban Renewal Area and is located within proximity to the Green Square Town Centre, amongst similar uses to that proposed and is considered to be suitable for the proposed development

#### **Internal Referrals**

88. The assessment process and conditions of consent have been informed by referral advice from the City's.
- (a) Design Advisory Panel.
  - (b) Design Excellence Team.
  - (c) Planning Agreements Unit.
  - (d) Heritage and Urban Design Specialists.
  - (e) Transport Planning Unit.
  - (f) Building Approvals Unit.
  - (g) Environmental Health Unit.
  - (h) Public Domain Team.
  - (i) Public Art Team.
  - (j) Landscape Assessment Officer.
  - (k) Sustainability Officer.

89. The revised concept proposal has addressed the issues raised initially and is considered acceptable, subject to the recommended conditions.
90. Where considered appropriate, conditions recommended in the referral advice received have been included in Attachment B of this report.

### External Referrals

91. The application was referred to Transport for New South Wales (TfNSW) - Sydney Metro, Roads and Maritime Services (RMS), Sydney Water, and Ausgrid who raised no objections to the proposed development, subject to the imposition of conditions.
92. RMS also requested that the consent authority consider sight distances and pedestrian movement and safety. These matters will be addressed at the detailed DA stage.

### Sydney Airport Referral Act 1996

93. 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.
94. 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 RL51 above existing ground height.
95. 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).
96. The Sydney Airport Airfield Design Manager, as an authorised person of the CASA, provided approval for the controlled activity on 3 April 2019 subject to recommended conditions of consent. These conditions are included in the draft condition set.

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

97. In accordance with Schedule 1 the Sydney DCP 2012, the proposed development is required to be notified. As such the application was notified for a period of 28 days between 15 February 2019 and 16 March 2019. As a result of this notification there was one submission received.
  - (a) Insufficient car / bike parking within the complex and resultant impact on on-street parking in the area

**Response** - The proposed car parking provision is considered to be adequate for the proposed use and given the site's location within easy walking distance of Green Square Railway Station and Town Centre. The amended indicative reference design provides for 122 bicycle parking spaces. This is adequate for the proposed use. Notwithstanding these matters will be assessed at the detailed DA stage.

- (b) Train congestion, bus crowding and slow journeys

**Response** - Comments noted.

- (c) Inadequate loading dock provision

**Response** - Council's traffic engineer has advised that loading dock arrangements as outlined in the indicative reference scheme are appropriate. Final arrangements will be assessed in detail at the detailed DA stage.

- (d) Excessive height and resultant shadow impacts in Johnson Street Beaconsfield

**Response** - Amended scheme provides for a building envelope of 33m in height and will not result in any shadowing in Johnson Street, Beaconsfield.

- (e) Lack of green space.

**Response** - The deep soil and communal open space illustrated in the indicative reference design complies with relevant requirements.

- (f) Overdevelopment

**Response** - The assessment concludes that the proposed building envelope is appropriate and will not result in an overdevelopment of the site.

- (g) Traffic impact and congestion

**Response** - The proposed limited car parking provision and location of the development within easy walking of Green Square Town Centre and Railway Station will limit its potential traffic impact. Further assessment of traffic impacts will be undertaken at the detailed DA stage.

## Public Interest

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

## S7.11 Contribution

99. Section 7.11 contributions will be levied by conditions of consent to be imposed upon any subsequent development consent for the detailed design of the development.

## Affordable Housing Contributions

100. The site is located in the Green Square Urban Renewal Area and affordable housing contributions will be levied by conditions of consent to be imposed upon any subsequent development consent for the detail design of the development or exempted as the case be may be.

## Relevant Legislation

101. The Environmental Planning and Assessment Act 1979.
102. Environmental Planning and Assessment Regulations 2000.
103. City of Sydney Act 1988.
104. Roads Act 1993.
105. Airports Act 1996.

## Conclusion

106. The concept proposal will provide for a future mixed use residential (affordable housing) and commercial development in proximity to an identified centre, on a site with good access to existing and planned employment, public transport infrastructure, services and community facilities.
107. The proposal seeks consent for a concept plan for a building envelope with a maximum overall height of 33 metres and maximum FSR of 4:1 on the subject site.
108. The proposal is reliant on the provisions of the community infrastructure floor space of the Sydney LEP 2012. The applicant has made an offer to enter into a voluntary planning agreement for the delivery of footpath widening on both Botany Road and the new Green Square to Ashmore Connector road and a monetary contribution for public infrastructure in Green Square. The draft planning agreement is currently being negotiated with the City and is due to go public exhibition for a 28-day period during December 2019.
109. It is recommended that a condition and design excellence requirement be imposed which requires that the future building on site complies with the ADG in terms of building separation distances and does not result in any overshadowing of approved residential apartments at 499 and 501-509 Botany Road to the east.
110. It is recommended that authority be delegated to the Chief Executive Officer (CEO) to determine Development Application No. D/2019/87, after the completion of the public exhibition period for the draft Voluntary Planning Agreement between St George Community Housing and the City of Sydney and consideration of any submissions.

**HELENA MILLER**

Director, MG Planning Pty Ltd