

**Item 12.****Development Application: 22 O'Riordan Street, Alexandria - D/2019/686****File No.:** D/2019/686**Summary**

<b>Date of Submission:</b>	28 June 2019  Amended Plans and documentation received on 12 March 2020
<b>Applicant:</b>	Markham Real Estate Partners
<b>Architect/Designer:</b>	Sissons Architects
<b>Developer:</b>	Markham Real Estate Partners
<b>Owner:</b>	Markham Real Estate Partners Green Square Pty Ltd
<b>Cost of Works:</b>	\$76,095,381
<b>Zoning:</b>	The site is zoned B7 - Business Park under the Sydney Local Environmental Plan 2012. The proposal relates to a concept building envelope containing 'commercial premises' and is permissible with consent within the zone.
<b>Proposal Summary:</b>	<p>The concept development application (DA) seeks consent for a commercial building envelope with a height ranging between 12 and 22m (approximately 3 to 5 storeys). The proposed indicative uses comprise office premises, ground floor permissible uses (i.e. shops), and the opportunity for 1 basement level of car parking accessed from Johnson Street.</p> <p>The application is referred to the Central Sydney Planning Committee for determination as the proposal is "major development" for the purposes of the City of Sydney Act, 1988.</p> <p>The proposal complies with the maximum permissible building height of 12 to 22m under the Sydney LEP 2012.</p>

The site is located within the Green Square Urban Renewal Area. A maximum Floor Space Ratio (FSR) of 2.5:1 is permitted, comprising the base FSR of 1.5:1 and an additional 1:1 FSR associated with the provision of community infrastructure, is permitted as per Clause 6.14 of the Sydney LEP 2012. Potential 10% additional floor space is also available for a detailed building design, resulting from a design competition process, demonstrating design excellence. The application is accompanied by an indicative concept design scheme demonstrating an envelope that is able to accommodate the maximum permitted FSR, including the additional design excellence bonus.

A competitive design process is proposed prior to the lodgement of the detailed design DA, and the proposal is accompanied by a Design Excellence Strategy seeking up to an additional 10% floor space, as per Clause 6.21(7) of the Sydney LEP 2012.

A Public Benefit Offer has been submitted with the DA. The Public Benefit Offer is for the dedication of land to Council for footpath widening, embellishment works for a landscaped setback and a monetary contribution for community infrastructure floor space.

A draft Voluntary Planning Agreement (VPA) has been prepared, incorporating the works proposed by the developer in the Public Benefit Offer. The draft VPA was placed on public exhibition on 10 June 2020 for a period of 28 days, and will end 8 July 2020. At the time of writing, no submissions have been received. It is recommended that authority be delegated to the Chief Executive Officer (CEO) to determine the DA upon completion of the VPA exhibition process and after consideration has been given to any submissions received.

The DA was notified and advertised for a period of 28 days between 10 July and 8 August 2019. One submission was received raising concerns with:

- building height;
- proximity to a heritage conservation area; and
- increase in noise and traffic in the area.

The issues raised in the submission have been addressed in the report and conditions of consent are recommended to address these issues where appropriate.

The preliminary assessment of the DA identified a number of issues that have primarily been addressed or justified through the submission of amended plans and additional information. These issues included:

- a recommendation to include a through site link connecting Johnston Street and the future Geddes Avenue to the north. This would allow a pedestrian connection within the larger street block.
- flood planning levels for the northern boundary of the site, facing the Geddes Avenue extension;
- provision of consistent setbacks to the Geddes Avenue extension, O'Riordan Street and Johnson Street;
- demonstration that the full 10% additional floor space sought can be accommodated within the building envelope;
- incorporation of ecologically sustainable development outcomes in the design excellence strategy;
- shadow diagrams demonstrating impact to the residential properties in the adjoining heritage conservation area; and
- additional information relating to contamination and acid sulfate soils.

The key issue is the extent of deep soil planting. This is addressed through a recommended condition of consent.

Subject to conditions, the proposal is largely compliant with the relevant planning provisions contained in the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012.

**Summary Recommendation:** The determination of the development application is recommended to be delegated to the Chief Executive Officer to allow the exhibition of the Voluntary Planning Agreement to be completed and any submissions received to be considered.

**Development Controls:**

- (i) Environmental Planning and Assessment Act 1979
- (ii) City of Sydney Act 1988
- (iii) Sydney Airport Referral Act 1996
- (iv) Water Management Act 2000
- (v) State Environmental Planning Policy No. 55 - Remediation of Land
- (vi) State Environmental Planning Policy (Infrastructure) 2007
- (vii) Sydney Local Environmental Plan 2012
- (viii) Sydney Development Control Plan 2012
- (ix) City of Sydney Development Contributions Plan 2015
- (x) Green Square Affordable Housing Program

**Attachments:**

- A. Recommended Conditions of Consent
- B. Proposed Building Envelope Drawings
- C. Proposed Indicative Drawings
- D. Draft Voluntary Planning Agreement and Public Benefit Offer
- E. Design Excellence Strategy

## Recommendation

It is resolved that:

- (A) authority be delegated to the Chief Executive Officer to determine the development application upon completion of the Voluntary Planning Agreement exhibition process and after the consideration of any submissions received;
- (B) if the Chief Executive Officer determines to approve the application, pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2019/686 subject to the conditions set out in Attachment A to the subject report; and
- (C) the Design Excellence Strategy for 22 O'Riordan Street, Alexandria, prepared by Mecone, be endorsed in accordance with Section 3.3.1 of the Sydney Development Control Plan 2012 and Section 1.2 of the City of Sydney Competitive Design Policy.

## Reasons for Recommendation

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

- (A) The concept 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 and does not result in any unreasonable environmental impacts as outlined in the report to the Central Sydney Planning Committee.
- (B) The development is consistent with the objectives contained in the Sydney Local Environmental Plan (LEP) 2012 and the Sydney Development Control Plan (DCP) 2012.
- (C) The proposal is consistent with the objectives of the B7 - Business Park zone.
- (D) The concept development complies with the maximum permitted height under Clause 4.3 of the Sydney LEP 2012. The subsequent detailed development application (DA) is capable of complying with the maximum permitted floor space ratio within the parameters of the building envelope, pursuant to Clauses 4.4 and 6.14 of the Sydney LEP 2012. A subsequent DA is also capable of achieving up to 10% additional floor space pursuant to compliance with Clause 6.21 of the Sydney LEP 2012 and the recommended conditions of consent.
- (E) Subject to conditions, the proposal satisfies the relevant provisions contained in Clause 6.21(4) of the Sydney LEP 2012 as the proposed land use is suitable for the site, the proposal sets out ecologically sustainable development targets for the development, the building envelope does not detrimentally impact on view corridors or result in unacceptable overshadowing, and the massing and setbacks of the building envelope are compatible with the character of the area.

- (F) The proposal is generally consistent with the provisions of the Sydney DCP 2012, particularly the Green Square and Southern Employment Lands provisions that apply to the site, being Sections 5.2 and 5.8.
- (G) The proposed Design Excellence Strategy complies with Section 3.3 of the Sydney DCP 2012 and the City of Sydney Competitive Design Policy.
- (H) The proposal will improve the quality of the public domain through dedication of land for footpath widening along O'Riordan Street, and a landscape setback to Johnson Street. Deferred commencement approval is therefore recommended to enable the Voluntary Planning Agreement (VPA) to be executed and registered on title.
- (I) For the reasons outlined above and as detailed in the report to the Central Sydney Planning Committee, the proposed development is in the public interest subject to conditions.

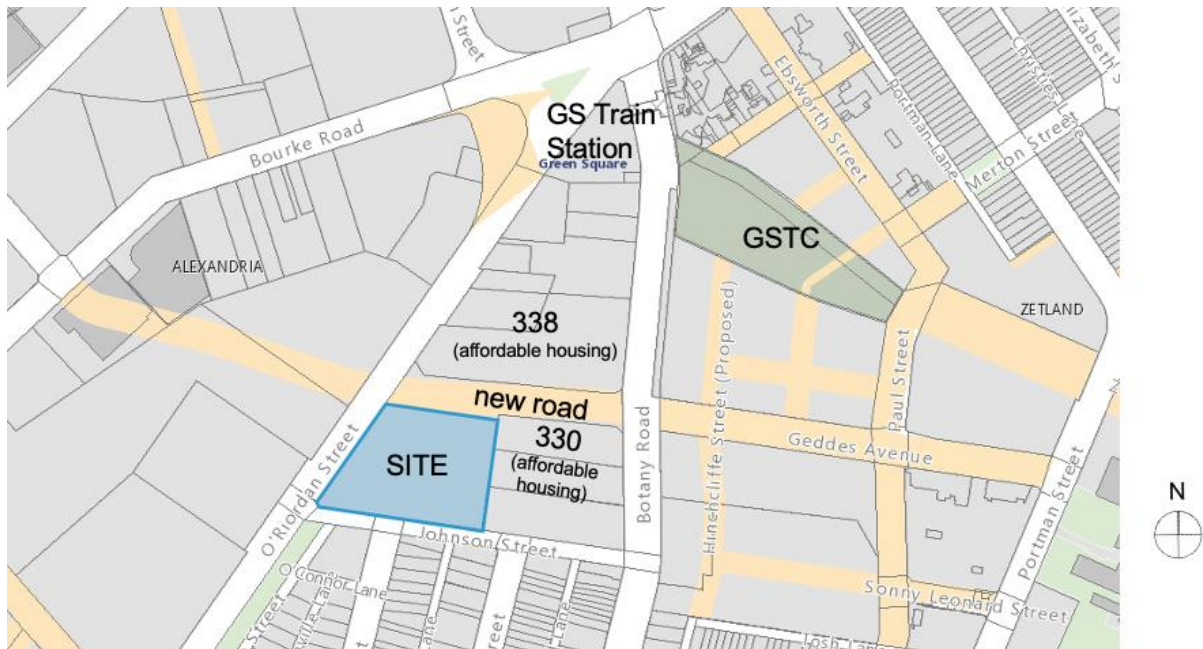
## Background

### The Site and Surrounding Development

1. The subject site is legally known as Lot 1 in DP 1004389, and is known as 22 O'Riordan Street, Alexandria. The site has an area of 7,395sqm.
2. The site is located within the Green Square Urban Renewal Area and Southern Employment Lands and is approximately 200m south of the Green Square Railway Station and the Green Square Town Centre. This area is currently in a state of transition from light industrial uses to a mixed use precinct comprising commercial, industrial and high density residential development.
3. The site is situated on the corner of O'Riordan Street (west), Johnson Street (south) with street frontages of 83m and 113.5m respectively; with an 80m frontage to the future Green Square to Ashmore connector road (north) that will extend from Geddes Avenue to the east, and the corner of Bowden Street to the west (see Figures 1 and 2 below).



**Figure 1:** Aerial view of subject site and surrounding area



**Figure 2:** Map of site and surrounding context

4. The site contains a two storey building with car parking within the front setback to O'Riordan Street, and has been used as a Mercedes Benz autobody paint and repair centre. Vehicular access to the site is currently provided from O'Riordan Street and Johnson Street.
5. Surrounding land uses are commercial and residential in nature. Immediately adjoining the development to the north at 330 Botany Road (beyond the land for the Green Square to Ashmore Connector Road), is an abandoned site containing low scale building structures and landscaping. This site extends from O'Riordan Street to Botany Road and has been identified for redevelopment for Affordable Housing.
6. To the east of the site is a vacant block at 338 Botany Road that formerly contained outdoor storage areas. Approval has recently been granted for a 10 storey concept building envelope for affordable housing (D/2019/87 as amended). At 340 Botany Road is a construction equipment hire business (Coates Hire), and at 340A Botany Road is a motor vehicle showroom and repair building. Further east (on the other side of Botany Road) is a site approved for a 16 storey residential flat building at 499 Botany Road (D/2015/294 as amended).
7. To the west of the site are various light industrial and commercial land uses extending along O'Riordan Street, including the Australian Red Cross Building, and the Ausgrid substation site.
8. Adjoining the site to the south, across Johnson Street, are low scale residential terraces that form part of the Hillview Estate Heritage Conservation Area (C4), and the landscaped area to Reserve Street. The area adjoining the site to the south is zoned Residential R1 under the Sydney LEP 2012.
9. The site itself is not affected by any heritage provisions.

10. Photographs of the site and surrounding development are provided in Figures 3 to 9 below:



**Figure 3:** Subject site viewed from O'Riordan Street



**Figure 4:** Proposed Geddes Avenue extension, adjoining the site to the north (O'Riordan Street)



**Figure 5:** Site viewed from Johnson Street, with Reserve Street to the south



**Figure 6:** Site viewed from Johnson Street, looking west to O'Riordan Street



**Figure 7:** Site viewed from Queen Street, looking north to Johnson Street



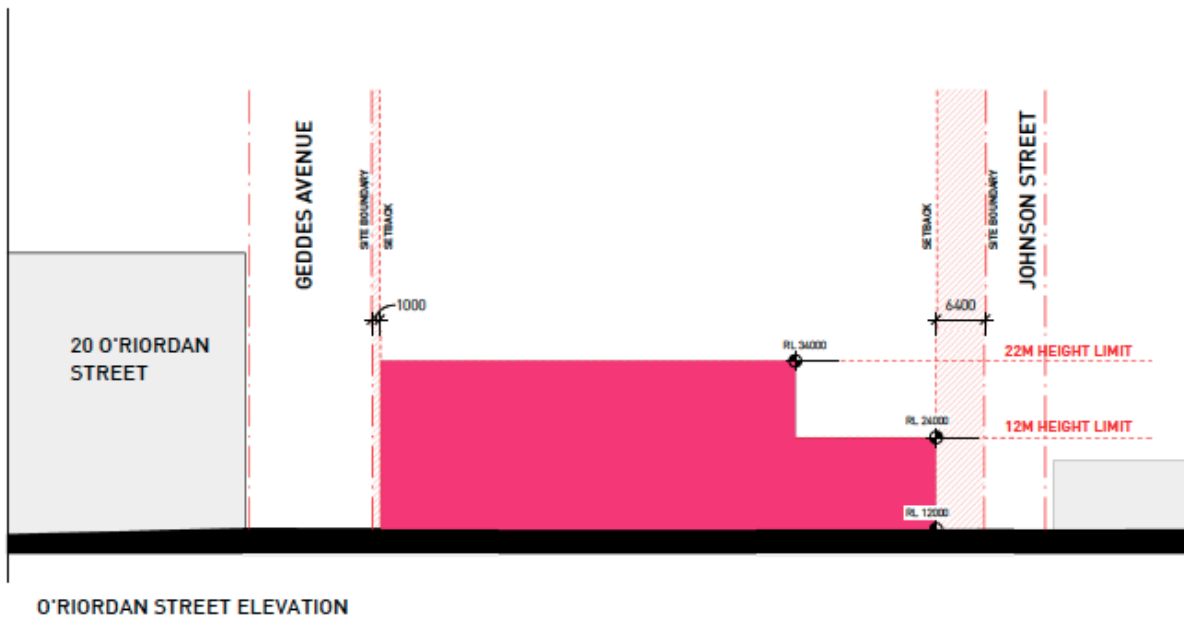
**Figure 8:** Johnson Street development opposite the subject site



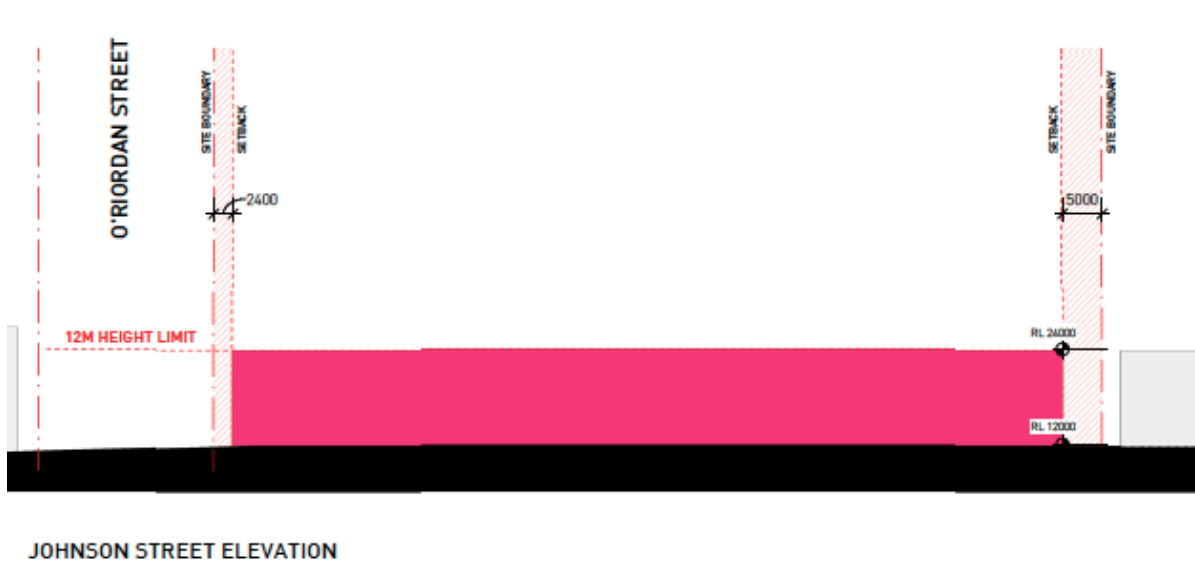
**Figure 9:** Queen Street terraces - viewed from the corner of Johnson Street and Queen Street

## Proposal

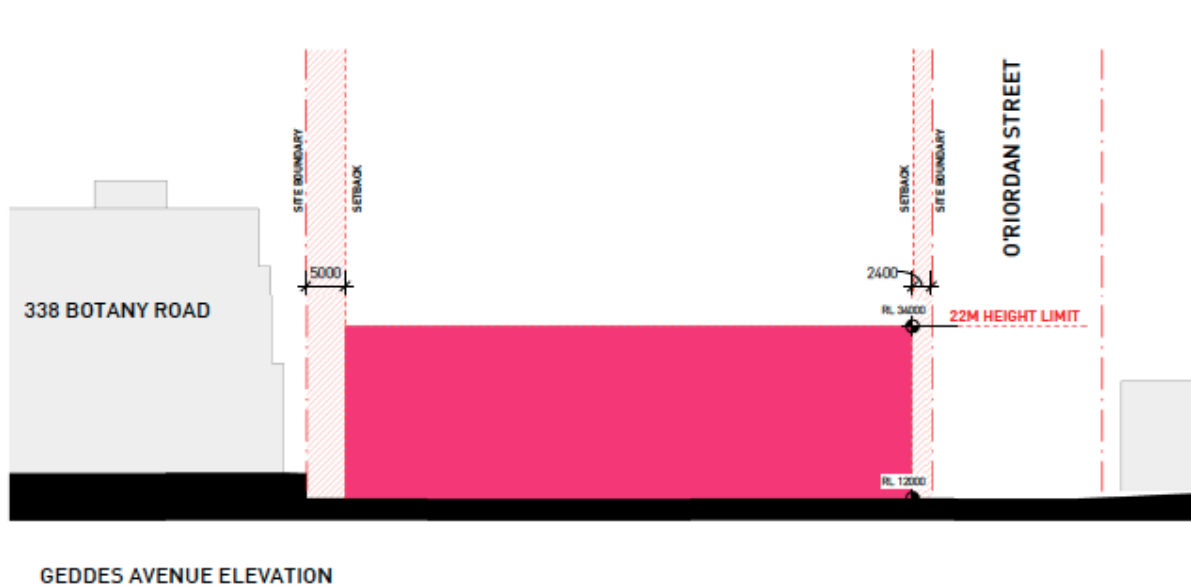
11. The subject development as amended on 12 March 2020 seeks concept development consent pursuant to Section 4.22 of the Environmental Planning and Assessment Act 1979 for the redevelopment of the site for commercial purposes.
12. Specifically, the application seeks conceptual, in-principle approval for the following:
  - (a) A commercial building between 12 and 22m in height (12m to Johnson Street and 22m to the north east and north-west of the site) at RL 24.000 and RL 34.000, which is indicatively shown as containing between 3 and 5 storeys;
  - (b) Indicative land uses (reference scheme) comprising:
    - (i) 1 basement level of car parking;
    - (ii) Permissible uses (i.e. shops) at ground floor, with commercial lobbies, end of journey facilities, substation and loading dock/car park entry to Johnson Street. A publicly accessible through-site link, 5m in width from the Geddes Avenue extension to Johnson Street is proposed at the eastern boundary of the site;
    - (iii) Levels 1 to 4 containing office premises, with an outdoor terrace on level 3 facing Johnson Street. Floor plate to include atrium at every level; and
    - (iv) Indicative plant area at roof level.
13. The Design Excellence Strategy submitted with the DA states that the proponent will undertake a competitive design excellence process following consent of the concept DA and prior to the submission of the detailed design DA. The proponent seeks to pursue up to an additional 10% floor space subject to the provisions of Clause 6.21 of the Sydney LEP 2012.
14. The proposal is accompanied by a public benefit offer, providing a monetary contribution towards community infrastructure in the Green Square area, and the dedication of land to the City, being:
  - (a) a 2.4m wide strip of land fronting O'Riordan Street (199sqm) for footpath widening; and
  - (b) a 6.4m wide strip of land fronting Johnson Street (686sqm) for landscaping.
15. The current site area is 7395sqm. Following the dedication of land for footpath widening and landscaping, and acquisition of land for the future Geddes Avenue extension, the new property boundaries to O'Riordan and Johnson Streets will reduce the site area to 6533sqm.
16. Plans of the proposed building envelope and indicative detailed design are provided below.



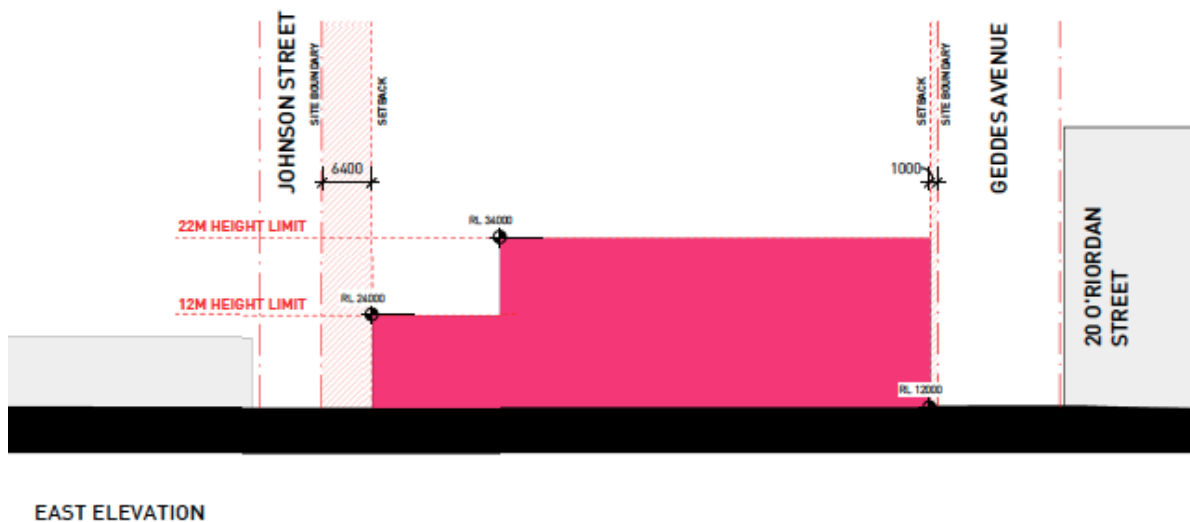
**Figure 10:** Proposed building envelope - O'Riordan Street (west) elevation



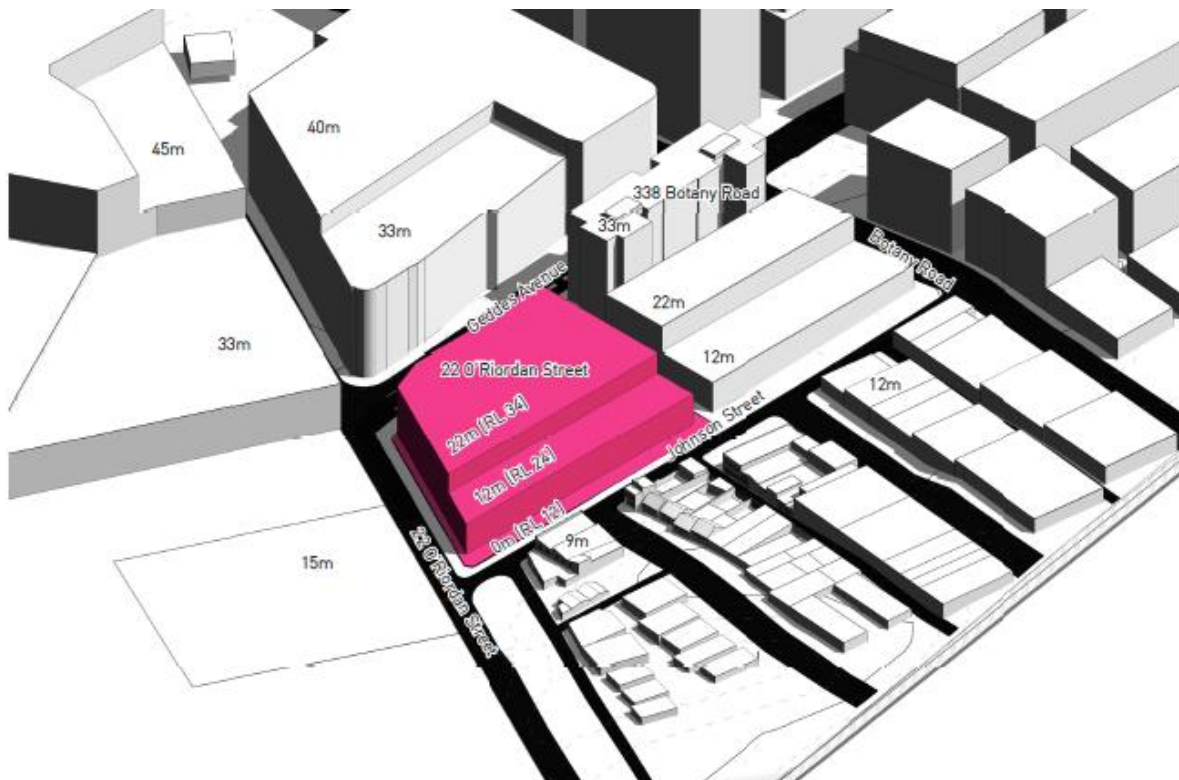
**Figure 11:** Proposed building envelope - Johnson Street (south) elevation



**Figure 12:** Proposed building envelope - Geddes Avenue extension (north) elevation



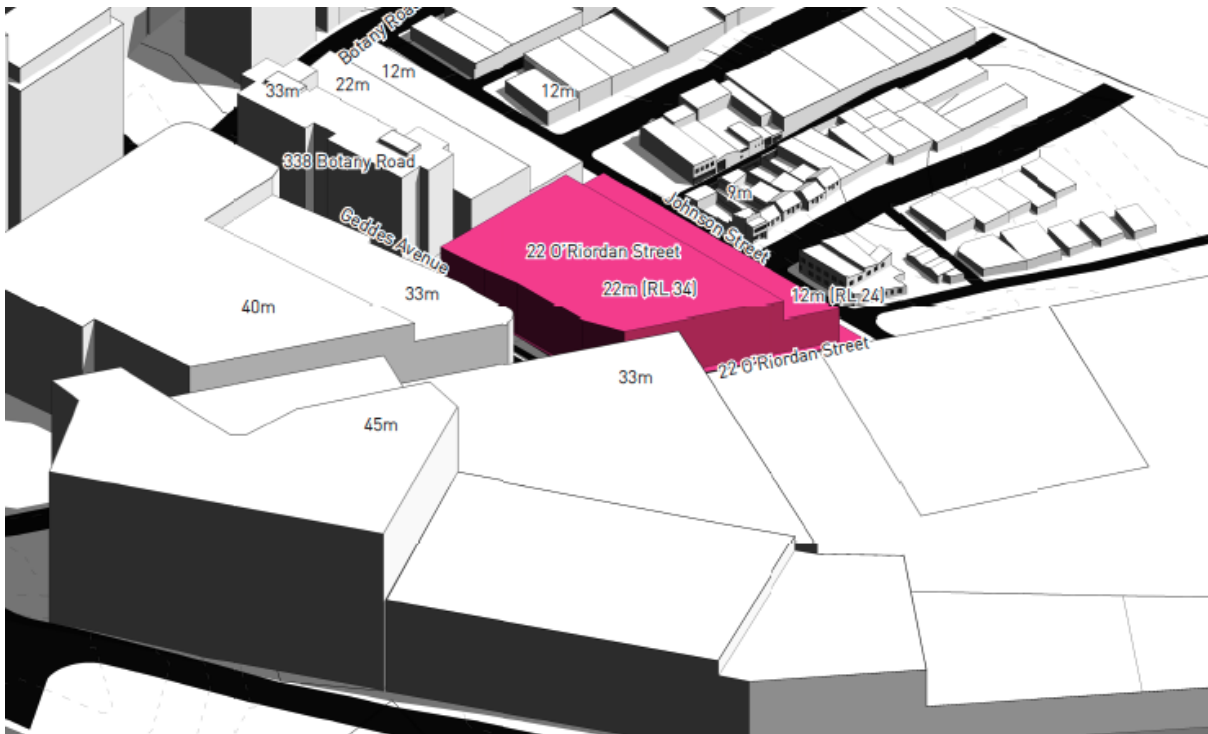
**Figure 13:** Proposed building envelope - east elevation



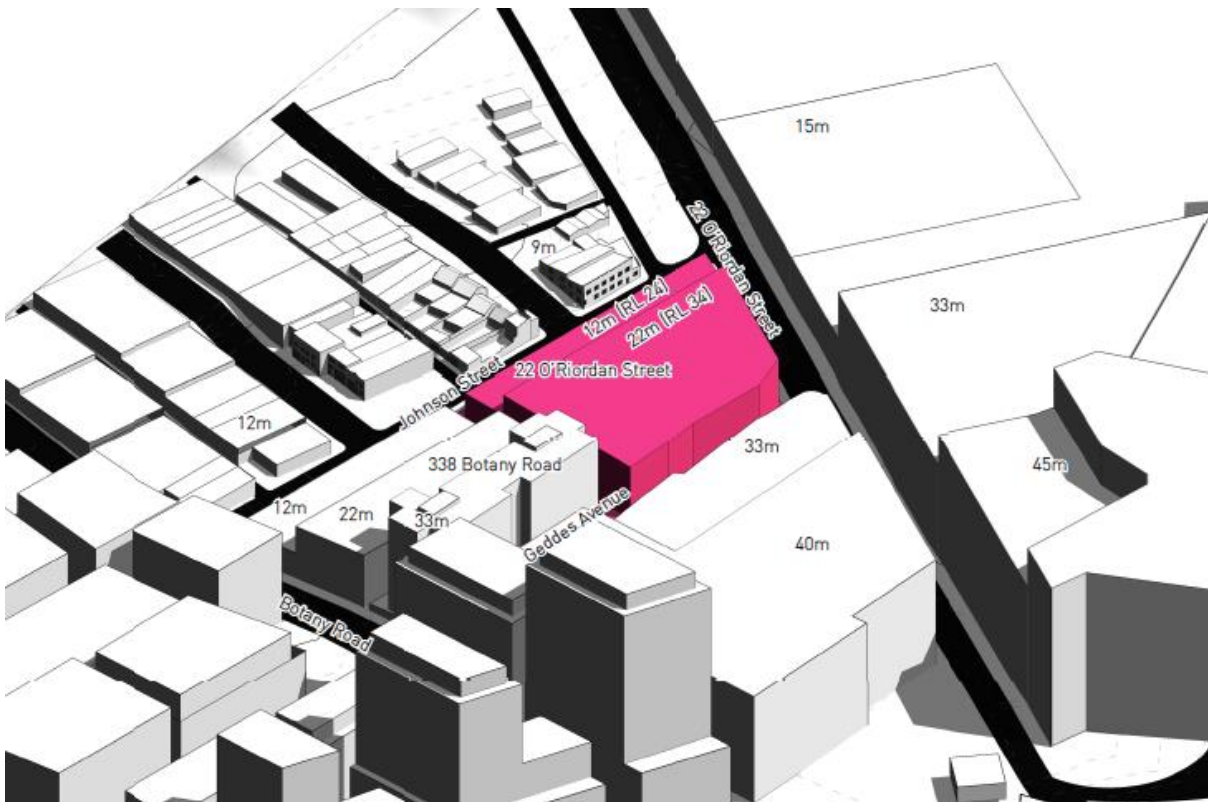
**Figure 14:** Isometric view of proposed building envelope - looking north-east along O'Riordan Street



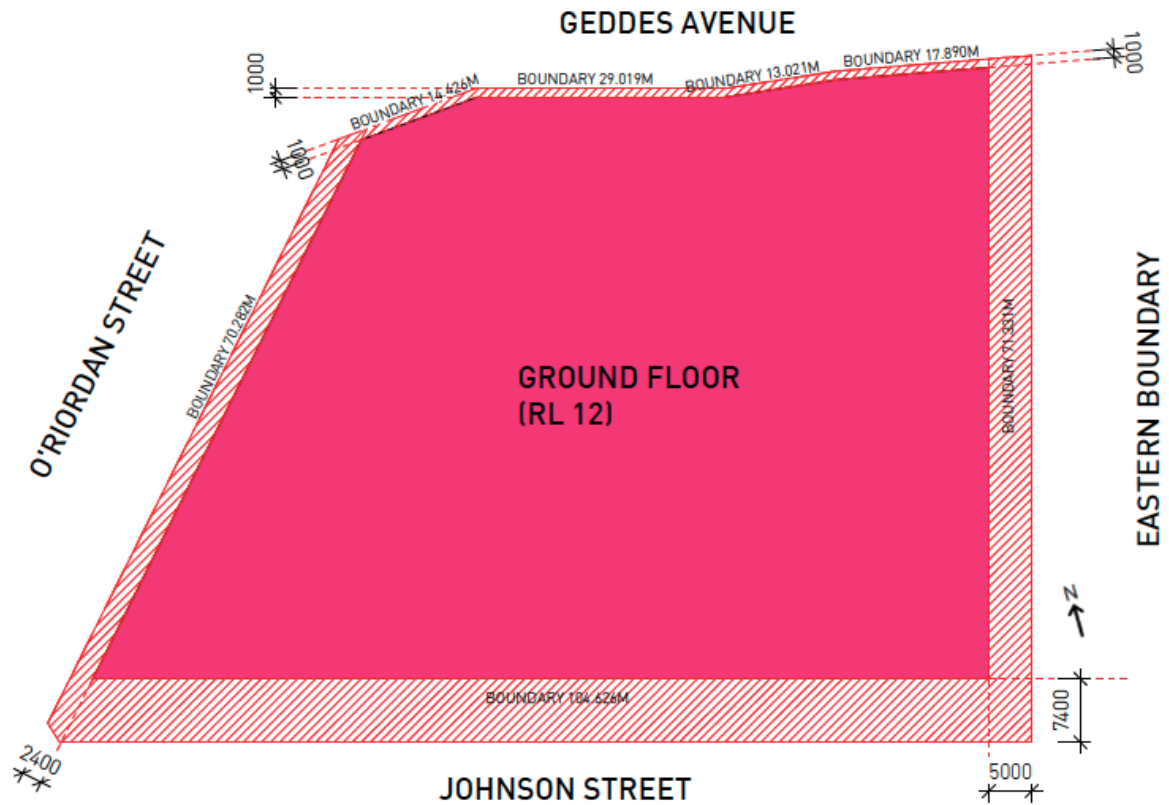
**Figure 15:** Isometric view of proposed building envelope - looking north-west along Johnson Street



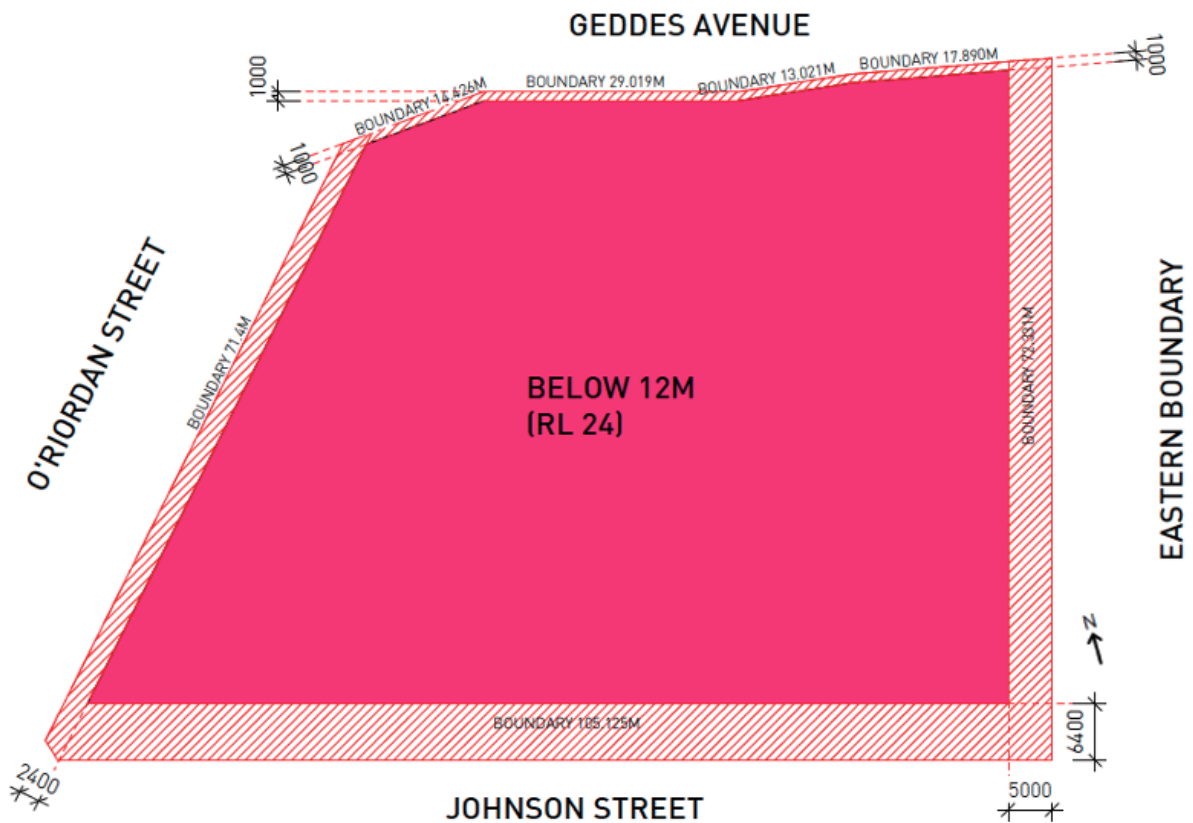
**Figure 16:** Isometric view of proposed building envelope - looking south-east along O'Riordan Street



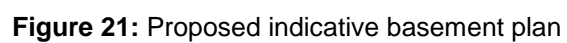
**Figure 17:** Isometric view of proposed building envelope - south-west along O'Riordan Street

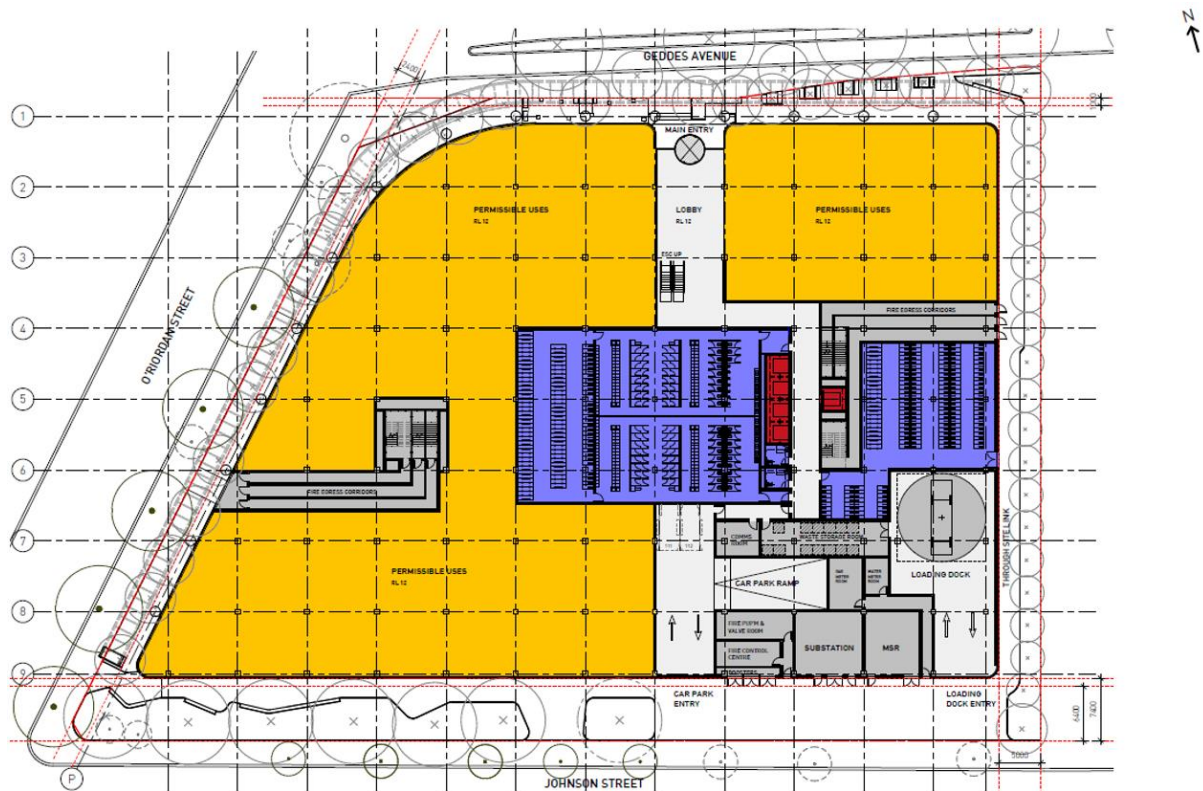


**Figure 18:** Proposed ground floor building envelope plan

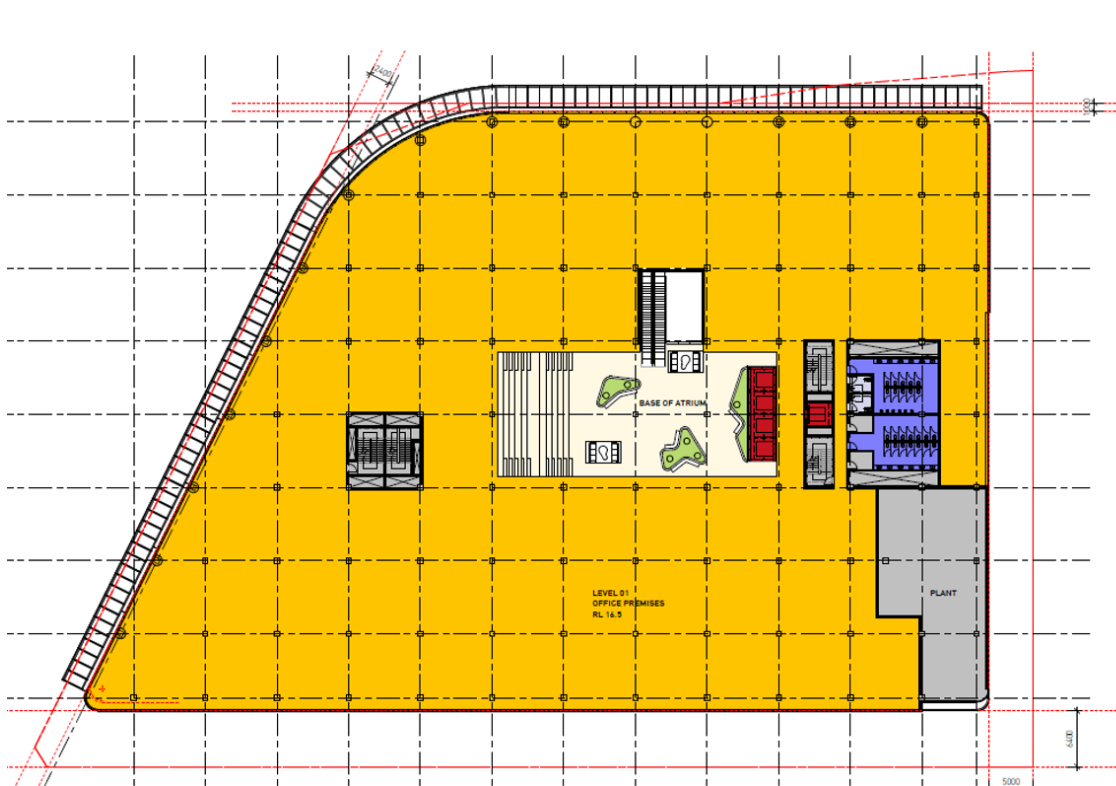


**Figure 19:** Proposed Level 2 building envelope plan

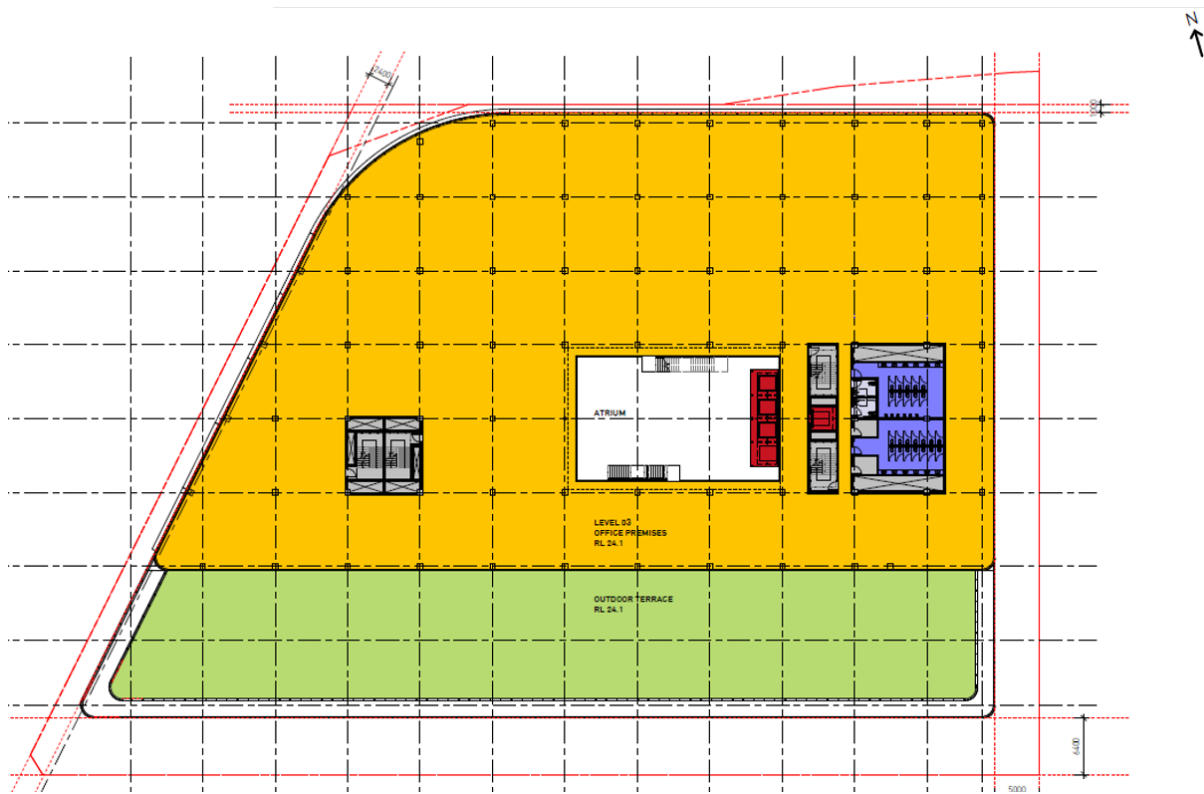




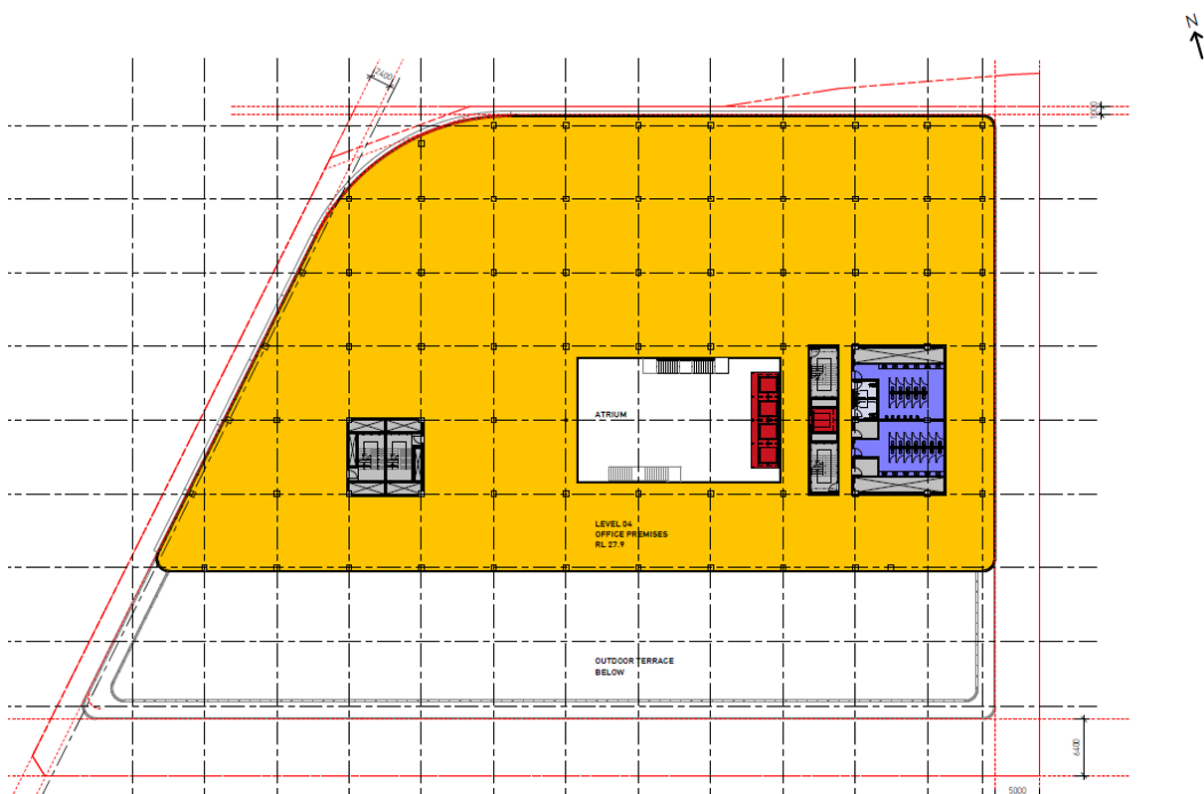
**Figure 22:** Proposed indicative ground floor plan



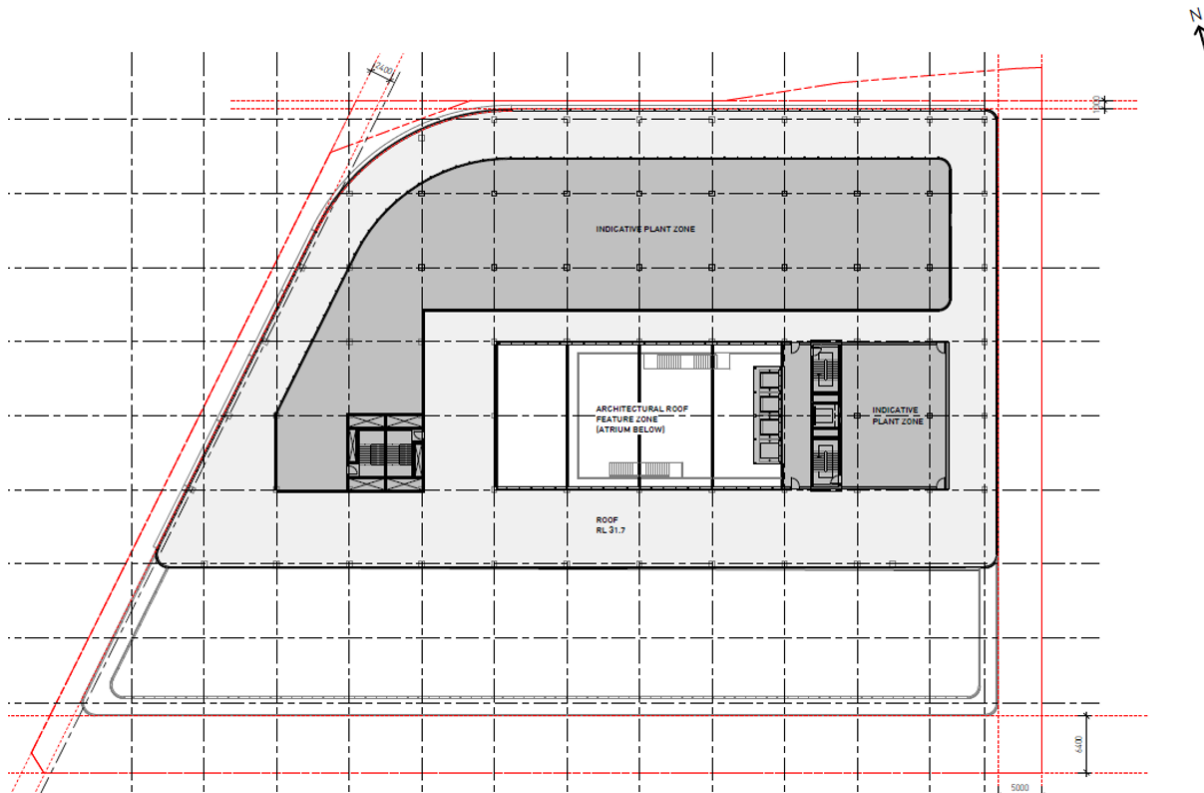
**Figure 23:** Proposed indicative Level 1 plan (Level 2 similar)



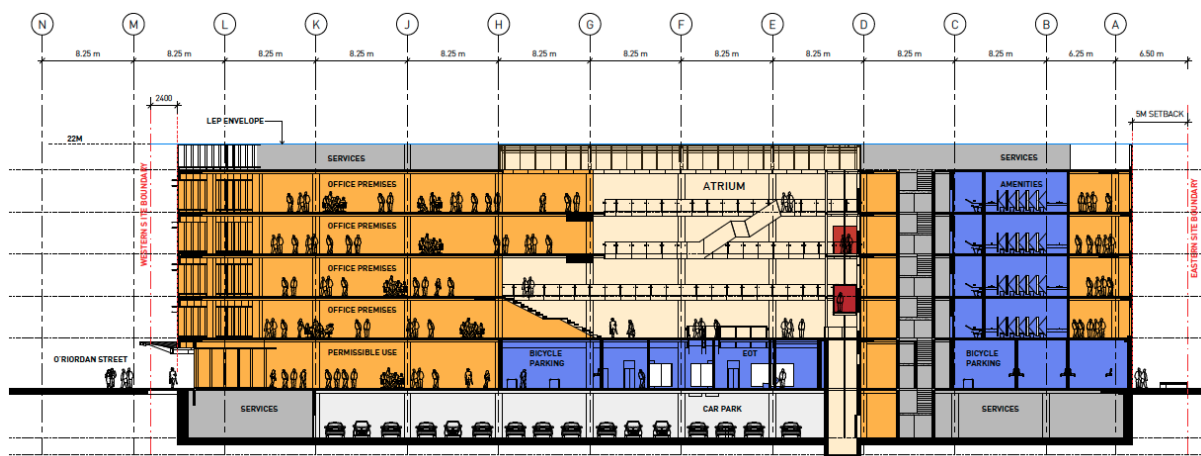
**Figure 24:** Proposed indicative Level 3 plan



**Figure 25:** Proposed indicative Level 4 plan



**Figure 26:** Proposed indicative roof plan



**Figure 27:** Proposed indicative section

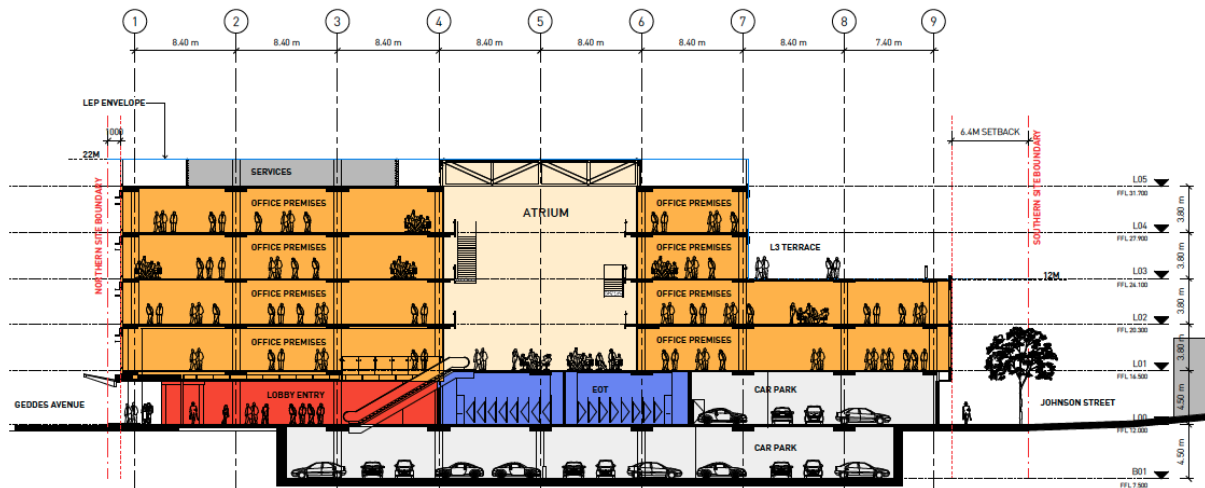


Figure 28: Proposed indicative section

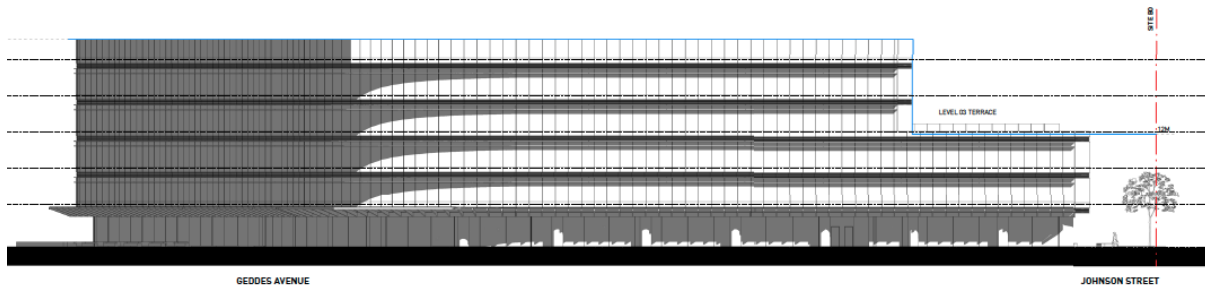


Figure 29: Proposed indicative elevation - O'Riordan Street

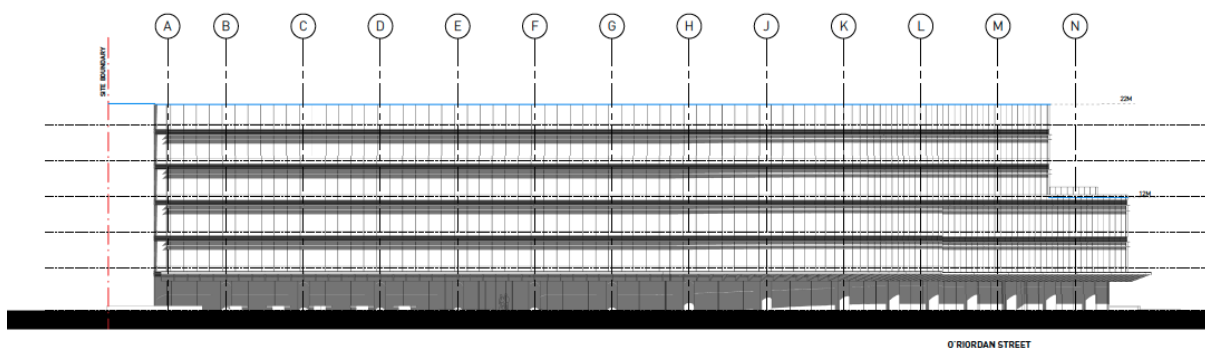
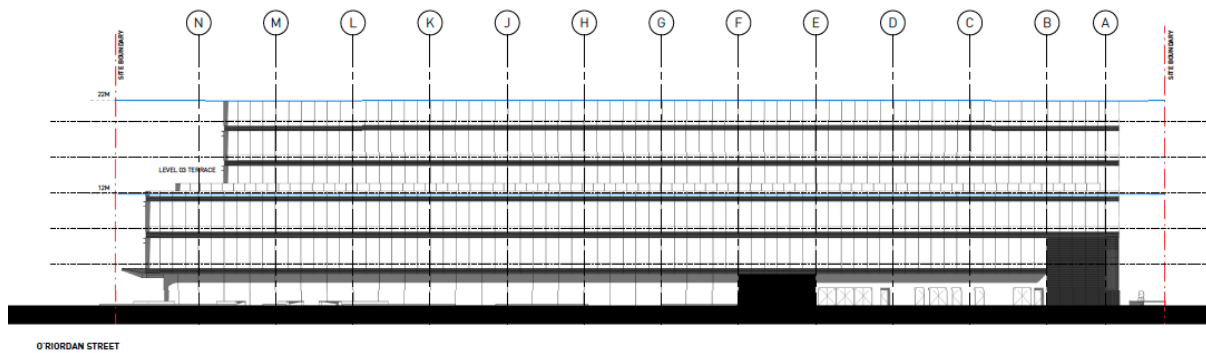
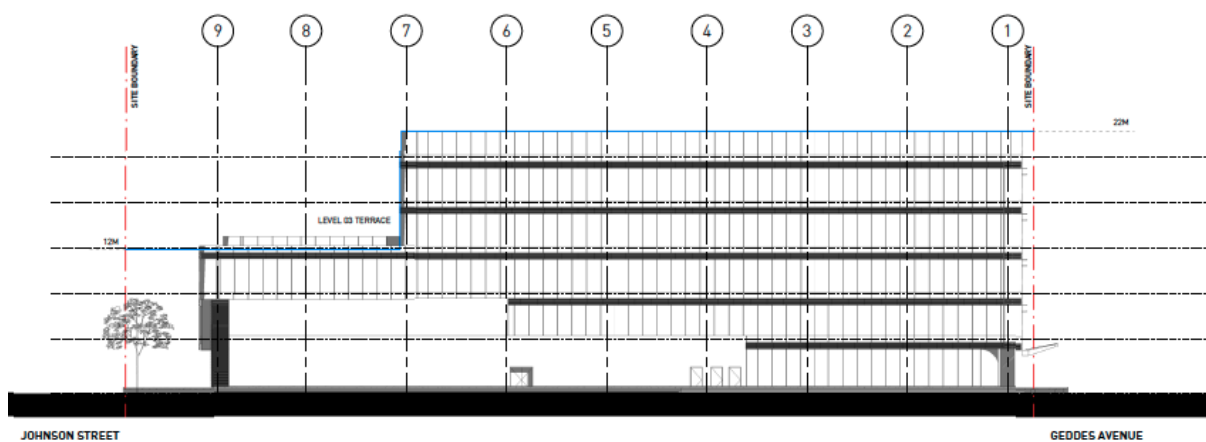


Figure 30: Proposed indicative elevation - Geddes Avenue



**Figure 31:** Proposed indicative elevation - Johnson Street



**Figure 32:** Proposed indicative east elevation

## History Relevant to the Development Application

17. The preliminary assessment of the DA raised a number of concerns including:
  - (a) Non-compliant and inconsistent building setbacks to the new Geddes Avenue extension and Johnson Street in accordance with the Sydney DCP 2012;
  - (b) Non-compliant deep soil zones;
  - (c) Flood planning levels for the northern boundary, facing Geddes Avenue extension not being addressed in the accompanying flood report;
  - (d) Demonstration that the full 10% additional floor space sought can be accommodated within the building envelope;
  - (e) Incorporation of ecologically sustainable development outcomes in the Design Excellence Strategy;
  - (f) Overshadowing impact to residential properties in the adjoining heritage conservation area due to non-compliance with height to Johnson Street; and
  - (g) Additional information relating to contamination and acid sulfate soils.

18. The original concept proposal was presented to the City's Design Advisory Panel (DAP) on 12 September 2019. DAP generally agreed with the recommendations presented above with regard to amendments to the design and documentation.
19. DAP additionally recommended that a through-site link be provided at the site's eastern boundary to allow for greening and tree planting; and that maximisation of the atrium within the building floorplate be a key objective of the design competition brief.
20. The proposal was amended, and additional information provided on 12 March 2020 in response to the issues raised by Council officers, incorporating the advice given by DAP.
21. The amended application has sufficiently resolved the issues raised in the preliminary assessment and is the subject of this assessment report.

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

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

### **Sydney Airport Referral Act 1996**

23. 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.
24. Schedules 2 and 5 of the Civil Aviation (Building Control) Regulations 1988 identify the subject site is subject to a prohibition of the construction of buildings more than 50 feet in height (15.24m) above existing ground level.
25. 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).
26. The Sydney Airport Airfield Design Manager, as an authorised person of the CASA, provided approval for the controlled activity on 12 July 2019.

### **Water Management Act 2000**

27. The indicative basement level will have an impact on the groundwater levels within the site, with groundwater expected to be encountered at approximately 2.5m below ground level. In accordance with Section 4.47 of the Environmental Planning and Assessment Act 1979, the application was forwarded to Water NSW and Integrated Development.
28. Water NSW provided General Terms of Approval on 19 December 2019, which are included in Attachment A of this report.
29. Notwithstanding the above, basement levels are indicative only and will not be approved as part of the concept design. The development will require an Integrated referral to Water NSW as part of the detailed design DA.

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

30. 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.
31. The site was previously used for commercial and industrial purposes, including industrial manufacturing (steel foundry) until the late 1980s to 1990s. The current building is a purpose-built automotive repair facility. A service station existed immediately north of the site in the early 1990s.
32. The groundwater and soil assessment submitted observed small underground trade waste pits and fill across the site (including ash, asphalt, ceramic and glass).
33. The report concludes that there does not appear to be signs of gross or widespread contamination related to current or historical activities, nor elevated signs of contamination migrating onto the site from the surrounding area.
34. A response from a NSW EPA Accredited Site Auditor was also submitted with the proposal following a review by the City's Health Unit clarifying that the site's soil and groundwater are acceptable for the proposed use, and that there is no evidence suggesting that the land to be dedicated to the City is contaminated. Additionally, the Site Auditor did not recommend a Remediation Action Plan be prepared given the low levels of contamination.
35. The City's Health Unit has reviewed the documentation and is satisfied that subject to conditions, the site can be made suitable for the proposed use in accordance with Clause 7 of SEPP 55 and the SEPP 55 Guidelines. In particular, a condition is recommended to ensure that no long-term environmental management plan be required for any of the areas to be dedicated to the City, as outlined by the Site Auditor's advice.

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

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

## Clause 45

37. The development site is within the vicinity of overhead powerlines. As such, the application was referred to Ausgrid under the provisions of Clause 45 for a period of 21 days. Ausgrid provided a response on 29 July 2019 recommending conditions relating to the protection of Ausgrid assets, and the design of the substation that have been incorporated into Attachment A of this report.

## Clause 101

38. The application is subject to Clause 101 of the SEPP as the site has frontage to O'Riordan Street, which is a classified road and will be removing the existing vehicular access from this frontage. Roads and Maritime Services (RMS) provided advisory comments in a response dated 30 July 2019 relating to:
  - (a) the detailed design DA being subject to concurrence given the removal of the driveway;
  - (b) pedestrian safety for the entry to the Geddes Avenue extension being considered; and

- (c) The Traffic Impact Assessment provide revised trip generation rates for retail and commercial uses once finalised as part of the detailed design DA.

39. The advisory comments are included in the recommended conditions of consent.

### **Sydney Local Environmental Plan 2012**

40. The site is located within the B7 - Business Park zone. The proposal relates to a concept building envelope for a 'commercial premises' and is permissible with consent within the zone. The B7 zone restricts certain types of retail uses and includes the following objectives:
- (a) To provide a range of office and light industrial uses;
  - (b) To encourage employment opportunities;
  - (c) To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area; and
  - (d) To ensure uses support the viability of nearby centres.
41. Retail premises are generally prohibited in the zone, however particular types of specialised retail, such as shops, neighbourhood shops and food and drink premises are permissible. Any future detailed DA will be required to detail and comply with zone objectives around retail uses and support zone objectives.
42. The relevant matters to be considered under Sydney Local Environmental Plan 2012 for the proposed development are outlined below.

### **Compliance Tables**

<b>Development Control</b>	<b>Compliance</b>	<b>Comment</b>
4.3 Height of Buildings	Yes	<p>A maximum height of between 12m and 22m is permitted. A height of 12m applies to the Johnson Street frontage of the site, and the rest of the site is subject to the 22m height control.</p> <p>The concept building envelope proposes a height between 12m and 22m as required by Clause 4.3.</p> <p>Height is discussed in greater detail in the Issues section.</p>

Development Control	Compliance	Comment
<p>4.4 Floor Space Ratio</p> <p>6.12 Additional floor space outside Central Sydney</p> <p>6.13 End of journey facilities</p> <p>6.14 Community infrastructure floor space at Green Square</p>	<p>Able to comply</p>	<p>A maximum FSR of 2.5:1 is permitted on the site, with a base FSR of 1.5:1 and an additional 1:1 community infrastructure floor space under Clause 6.14 as the site is located within Area 8. The proposal includes a public benefit offer towards the delivery of community infrastructure within Green Square, and this is discussed in further detail within the Issues section.</p> <p>The site may also be eligible for up to an additional floor space of 0.3:1 if end of journey facilities are provided in accordance with Clause 6.13 of the Sydney LEP 2012.</p> <p>In addition to this, the proponent is seeking to pursue up to an additional 10% floor space under Clause 6.21(7) through a competitive design process and subsequent detailed design DA.</p> <p>Subject to the detailed design DA and compliance with the abovementioned provisions, the maximum permitted FSR is 2.75:1, and up to 0.3:1 additional floor space for end of journey facilities when this FSR is applied to the FSR of the proposed building.</p> <p>The indicative concept design scheme drawings demonstrate a GFA of 20,449sqm or 2.75:1 with an atrium at each level of approximately 290 - 400sqm.</p> <p>The proposal has demonstrated that compliance can be achieved with the maximum and additional FSR. Infilling of the atrium, which provides a good level of amenity to the internal spaces, would likely result in an exceedance of the FSR control which is not supported.</p>

Development Control	Compliance	Comment
		A condition is recommended ensuring that any subsequent detailed design DA complies with the provision of precise calculations and details of the distribution of Gross Floor Area (GFA) and FSR with any such future application.
5.10 Heritage conservation	Able to comply	<p>The site adjoins the Hillview Heritage Conservation Area, which generally comprises low scale residential development.</p> <p>The proposed building envelope has been designed to comply with the lower height control at the Johnson Street elevation. The interface of this elevation with the Heritage Conservation Area, is to be explored in greater detail as part of the competitive design process and the subsequent detailed design DA.</p>

Part 6 Local Provisions - Height and Floor Space	Compliance	Comment
Clause 6.21 Design excellence	Able to comply	<p>The proposal is for a concept building envelope that is capable of accommodating a future building which can exhibit design excellence in accordance with the objective and matters for consideration in Clause 6.21(4) of the Sydney LEP 2012.</p> <p>The concept building envelope:</p> <ul style="list-style-type: none"> <li>• Shows that view corridors will not detrimentally be impacted.</li> <li>• Demonstrates that the indicative land use is suitable for the site.</li> <li>• Provides height, massing and setbacks that are compatible with the existing and desired character of the locality.</li> <li>• Sets ecologically sustainable development targets.</li> </ul>

Part 6 Local Provisions - Height and Floor Space	Compliance	Comment
		<ul style="list-style-type: none"> <li>Depicts the maximum extent of overshadowing and is assessed as acceptable.</li> </ul> <p>Further assessment will be made against the other relevant provisions of Clause 6.21(4), such as the building's materiality and relationship to the public domain as part of the detailed design DA.</p> <p>A competitive design process is proposed, prior to lodgement of a subsequent detailed design DA which will seek up to an additional 10% exceedance of the maximum FSR applicable to the site.</p> <p>As part of the competitive design process brief, it is recommended that specific elements of the design be addressed in addition to the relevant planning controls, including façade articulation and activation of all frontages, provision of deep soil, relocation of the substation within the property boundaries and concealment of roof services.</p> <p>Demonstration of design excellence is required before the award of any bonus floor space.</p>

Part 7 Local Provisions - General	Compliance	Comment
7.1 - 7.9 Car parking ancillary to other development	Able to comply	<p>The site is identified as 'Category E' on the Public Transport Accessibility Map.</p> <p>Based on the indicative GFA of 21,785sqm, approximately 163 car parking spaces are permitted under Clauses 7.6 and 7.7 of the Sydney LEP 2012.</p> <p>The indicative scheme proposes 112 car parking spaces.</p>

Part 7 Local Provisions - General	Compliance	Comment
7.13 Affordable housing	Able to comply	The subsequent detailed design DA will be subject to affordable housing contributions under Clause 7.13 of SLEP 2012 and the Green Square Affordable Housing Program.
7.14 Acid Sulphate Soils	Yes	<p>The site is classified as containing Class 3 and Class 5 Acid Sulphate Soils.</p> <p>The applicant has provided advice from a Site Auditor concluding that the land is not affected by Acid Sulfate Soils.</p>
7.15 Flood planning	Able to comply	<p>The subject site is flood prone.</p> <p>The City has undertaken flood modelling for the Alexandra Canal catchment, within which 22 O'Riordan Street is located. The flood modelling from 2017 anticipates a new road and stormwater system where the new Geddes Avenue extension is to be located (at the northern boundary of the site), and the flood depths are incorporated into the amended flood report submitted with the application.</p> <p>The City's modelling and the applicant's flood report however, do not reflect the civil road design of the Geddes Avenue extension as this has not been finalised. The flood report therefore, has set flood planning levels based on 2017.</p> <p>The flood report has been reviewed by the City's Principal Engineer (Water Assets) and the Public Domain Unit who note that the report has covered the correct flood modelling. Flood planning levels however, cannot be determined for the north boundary until the final civil road design has been completed by the City.</p>

Part 7 Local Provisions - General	Compliance	Comment
		Given that the flood planning levels for the other boundaries are considered appropriate, it is recommended that a condition be imposed requiring the flood planning levels for the Geddes Avenue extension to be determined as part of the detailed design DA.
7.16 Airspace operations	Yes	The proposed development will penetrate the Obstacle Limitation Surface, however approval from CASA has been provided as discussed elsewhere in this report.
7.20 Development requiring preparation of a development control plan	Yes	<p>The site area is greater than 5,000 square metres, which triggers the requirement for the preparation of a site specific development control plan.</p> <p>Section 4.23 of the Environmental Planning and Assessment Act 1979 allows a concept approval to be lodged in lieu of preparing a development control plan.</p> <p>The matters under Clause 7.20(4) of the Sydney LEP 2012 are satisfied by the documentation submitted with the application and the recommended conditions of consent.</p> <p>The proposal satisfactorily sets expectations for the form, massing, scale, environmental impacts, ESD outcomes, access outcomes, interface with ground level and landscaping outcomes for the development.</p> <p>Given the detail provided in the concept design, and that the matters outlined in clause 7.20(4) are otherwise satisfied, along with the operation of s4.23, it is considered that the preparation of a DCP under 7.20 is unnecessary.</p>
7.23 Large retail development near Green Square Town Centre	Yes	The site is located within the restricted retail area which prohibits shops or markets with a GFA greater than 1000sqm.

Part 7 Local Provisions - General	Compliance	Comment
		<p>The cumulative proposed indicative size of the tenancies at ground floor are 3,097sqm in total. These tenancies are indicated as being permissible uses.</p> <p>Particular types of premises, such as retail premises are prohibited in the zone. Any future detailed DA will be required to detail and comply with zone objectives around retail uses, and Clause 7.23. An appropriate condition limiting the GFA of tenancies at ground floor is included in Attachment A of this report.</p>
7.25 Sustainable transport on southern employment land	Yes	<p>The subject site is 200m from Green Square Railway Station and in close proximity to a number of frequent bus routes along Botany Road.</p> <p>The proposal is accompanied by a Traffic Report identifying that the transport network is able to accommodate the proposed development.</p> <p>Additionally, the indicative plans demonstrate the provision of end of journey facilities for occupants of the development, promoting the use of sustainable transport options.</p> <p>The precise design of end of journey facilities, and provision of bike parking, is to be developed further as part of the detailed design DA. A condition requiring the provision of a detailed design for the end of trip facilities and bicycle parking is included in Attachment A of this report.</p>

**Sydney Development Control Plan 2012**

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

**2. Locality Statements – 2.10.4 East Alexandria**

The subject site is located in the East Alexandria Locality Area. The proposed concept application is considered to be in keeping with the unique character of the area and design principles in that it will increase public domain and pedestrian amenity through footpath widening and dedication of land; and provide a high density employment generating use in Green Square.

3. General Provisions	Compliance	Comment
3.1.5 Public Art	Yes	<p>A public art strategy has been submitted with the application. The strategy doesn't nominate areas for public art as such, but rather outlines the process to guide the future public art. The strategy proposes to recognise the traditional custodians of the land and their cultural practices, along with recognition of the employment and industrial history of the site and surrounding area.</p> <p>The public art strategy has been reviewed by the City's Public Art Unit and is deemed acceptable for the concept proposal.</p> <p>The provision of public art will be required to be considered during the competitive design process and a detailed public art plan submitted with the detailed design DA and an appropriate condition is included in Attachment A of this report.</p>
3.2 Defining the Public Domain	Able to comply	<p>The proposed building envelope provides for the required front and side setbacks and it is considered that the detailed design DA will be capable of complying with these provisions.</p> <p>O'Riordan Street is an active frontage under Section 3.2.3, and the development will be required to provide fine grain tenancy frontages at ground level, that are pedestrian oriented and are of high design quality.</p>

3. General Provisions	Compliance	Comment
		<p>The relationship between the building and the public domain will need to be further developed as part of the competitive design process and the detailed design DA.</p>
3.3 Design Excellence and Competitive Design Processes	Yes	<p>A competitive design process is required to be undertaken prior to the lodgement of the detailed design DA.</p> <p>A Design Excellence Strategy has been submitted in accordance with Section 3.3 of the Sydney DCP 2012. The Design Excellence Strategy nominates that 10% additional floor space will be sought under the provisions of Clause 6.21 of the Sydney LEP 2012 rather than additional height.</p> <p>The strategy specifies that the proponent will seek to undertake an invited competitive design alternatives process with three designers to be involved. The strategy also sets out the target benchmarks for ecologically sustainable development.</p> <p>It is recommended that the strategy be approved as part of this concept DA.</p>
3.4 Hierarchy of Centres, City South	Able to comply	<p>The site is located outside of the Green Square Town Centre major retail area.</p> <p>The cumulative proposed indicative size of the tenancies at ground floor are 3,096.9sqm in total. Each tenancy is classified as 'minor retail development' under Section 3.4 of the Sydney DCP 2012.</p> <p>Therefore, it is unlikely that the size of the tenancies would undermine the economic strategy of the Green Square retail area or impact its viability. However, further assessment will be made as part of the detailed design DA.</p>

3. General Provisions	Compliance	Comment
3.5.3 Tree Management	Able to comply	<p>An Arboricultural Impact Assessment Report has been submitted with the application, identifying 7 street trees on O’Riordan Street, 8 street trees on Johnson Street and 7 trees within the subject site that will be affected by the proposal.</p> <p>Five of the trees within the site are exempt from the City’s Tree Management controls due to their small dimensions and can be removed. There are 2 mature Willow Gums at the north-west corner next to O’Riordan Street. Both are in declining health and their removal is accepted by the City’s Tree Management Unit.</p> <p>The street trees on O’Riordan Street comprise mature and semi-mature Paperbark and Ironbark trees. The street trees are of good health and continue to provide good amenity to the streetscape. These trees are to be retained and protected throughout the redevelopment.</p> <p>The Johnson Street frontage contains young to semi-mature Evergreen Ash street trees that are of good health. These trees will provide greater canopy coverage as they grow, and it is recommended that all 8 be retained.</p> <p>Appropriate tree conditions are included in Attachment A of this report in order to retain the Johnson Street trees as part of the detailed design DA.</p>
3.6 Ecologically Sustainable Development	Able to comply	<p>The proposal has been accompanied by an ESD report, and targets that have been included in the Design Excellence Strategy, such as:</p> <ul style="list-style-type: none"> <li>• 6 star NABERS energy base building rating;</li> <li>• Inclusion of renewable energy systems (photovoltaics, solar water/heat pump and domestic water heating);</li> </ul>

3. General Provisions	Compliance	Comment
		<ul style="list-style-type: none"> <li>Water efficiency design measures that would enable the development to achieve a NABERS water rating of 4 stars; and</li> <li>Onsite capture and re-use of rainwater for 2 or more non-potable end-uses (e.g. irrigation, toilet flushing), or alternatively provide in-building connectivity to enable future connection to the Green Square Town Centre recycled water scheme.</li> </ul> <p>The key ESD targets and the Design Excellence Strategy are included in the recommended conditions of consent.</p>
3.7 Water and Flood Management	Able to comply	<p>Refer to discussion provided within the Sydney LEP 2012 compliance table.</p> <p>As part of the detailed design DA, further assessment will be made with regard to the management of stormwater.</p>
3.9 Heritage	Able to comply	<p>As referenced in the Sydney LEP 2012 compliance table, the site adjoins a Heritage Conservation Area at the Johnson Street elevation.</p> <p>The proposed building envelope has been designed to comply with the lower height control at the Johnson Street elevation. The interface of this elevation with the Heritage Conservation Area, is to be explored in greater detail as part of the competitive design process and the subsequent detailed design DA.</p>
3.11 Transport and Parking	Able to comply	<p>The application proposes vehicular access to Johnson Street, which is preferred over O'Riordan Street (being a classified road) and the Geddes Avenue extension.</p> <p>A traffic impact assessment has been submitted with the application and reviewed by the City's Transport and Access Unit, who raised no objections.</p>

3. General Provisions	Compliance	Comment
		<p>In addition to the above, the site is well serviced by public transport with the Green Square Railway Station within 200m of the site, and bus routes in close proximity.</p> <p>The indicative concept design generally shows that compliance can be achieved with the provisions of Section 3.11 within the building envelope. End of journey facilities, as well as loading and service areas can be accommodated within the site. The precise location of vehicular access, the number of parking spaces and number of basement levels however, will not be determined as part of this DA.</p> <p>Appropriate conditions are included in Attachment A of this report to ensure that adequate parking, bicycle parking and end of journey facilities be provided as part of any future detailed design DA. Any service parking, loading areas and the like will need to be clearly nominated in the detailed design DA drawings.</p>
3.14 Waste	Able to comply	<p>The proposed waste collection facilities and management will need to meet the provisions of Section 3.11.3 of the Sydney DCP 2012 and the City's Guidelines for Waste Management in New Developments.</p> <p>A condition is recommended requiring a Waste Management Plan to be submitted with any subsequent detailed design DA.</p>
3.16 Signage and Advertising	Able to comply	<p>A condition is recommended and included in attachment A to this report requiring a signage strategy to be considered as part of the design excellence scheme and incorporated into the detailed building design as part of a future detailed DA submission.</p>

4. Development Types  4.2 Residential flat, commercial and mixed use developments	Compliance	Comment
4.2.1 Building height	Able to comply	<p>The maximum number of storeys permitted is 3 storeys to Johnson Street, and 5 storeys across the O'Riordan Street and Geddes Avenue extension frontages.</p> <p>The indicative concept design scheme proposes 3 to 5 storeys, which complies.</p>
4.2.1.1 Floor to ceiling heights and floor to floor heights	Able to comply	<p>The indicative concept design scheme drawings demonstrate that the proposed envelope can accommodate compliant floor to ceiling and floor to floor heights for commercial development.</p>
4.2.2 Building setbacks	Able to comply	<p>The Public Domain setbacks map identifies a 2.4m footpath widening setback to O'Riordan Street and a 6.4m landscape setback to Johnson Street, which the proposal has provided for.</p> <p>Section 5.2.10 of the Sydney DCP 2012 requires an additional 1m setback to both O'Riordan and Johnson Streets to provide a landscape setback as the land is to be dedicated to the City as part of the proposed VPA. The building envelope drawings do not indicate the additional 1m setback required to these frontages, which is discussed in further detail in the Issues section.</p> <p>A 1m setback is provided to the elevation fronting the new Geddes Avenue extension, which is consistent with the approved concept development at 338 Botany Road, Alexandria (D/2019/87, as amended).</p> <p>A 5m setback is provided to the eastern boundary, this will act as a through-site link for the development that will be publicly accessible.</p>

4. Development Types  4.2 Residential flat, commercial and mixed use developments	Compliance	Comment
4.2.2.2 Setbacks above the street frontage height	Yes	<p>Setbacks above the street frontage height are required where adjacent buildings include upper level setbacks, or the building adjoins a heritage item.</p> <p>There are no heritage items adjacent to the subject site. The adjoining site at 338 Botany Road has approval for a 10 storey mixed use residential (affordable housing) concept development that does not contain upper level setbacks to the new Geddes Avenue extension.</p>
4.2.3.1 Solar access	Yes	<p>Shadow diagrams in plan and elevation have been submitted with the application, demonstrating that the concept building envelope will not result in any significant adverse overshadowing impact to adjoining residential development.</p>
4.2.4 Fine grain, architectural diversity and articulation	Able to comply	<p>Each boundary is more than 65m in length and will be required to provide building breaks as appropriate, in accordance with Section 4.2.4 of the Sydney DCP 2012.</p> <p>The form and scale of the building envelope provides adequate capacity to ensure appropriate facade modulation and articulation to a future building proposed in any subsequent detailed design DA.</p>

5. Specific Areas 5.2 Green Square	Compliance	Comment
5.2.3 Community infrastructure	Yes	<p>The concept proposal relies upon the additional 1:1 community infrastructure floor space available under Clause 6.14 of the Sydney LEP 2012.</p> <p>A public benefit offer was submitted by the applicant in order to access the floor space. This offer will contribute to the essential community infrastructure for Green Square through footpath widening along ORiordan Street, landscaping to Johnson Street and a monetary contribution towards infrastructure.</p> <p>This is discussed in further detail in the Issues section.</p>
5.2.7 Stormwater management and waterways 5.2.7.2 Water Sensitive Urban Design Principles (WSUD)	Able to comply	<p>Flood management is addressed above in the Sydney LEP 2012 compliance table and in Section 3.7 of the Sydney DCP 2012 compliance table.</p> <p>A stormwater concept plan has been submitted with the DA outlining that the proposal is capable of complying with WSUD principles.</p> <p>In order to ensure compliance with Section 5.2.7.2 of the Sydney DCP 2012 with regard to WSUD, the detailed design DA will need to be accompanied by documentation (including a MUSIC model and report from MUSIC-link) to demonstrate effectiveness and appropriateness of the selected stormwater quality treatment devices.</p> <p>An appropriate condition is recommended.</p>
5.2.9 Building Design	Able to comply	<p>The detailed design DA will be required to comply with the provisions of this section. The indicative design scheme generally demonstrates that a future DA is capable of compliance.</p>

5. Specific Areas 5.2 Green Square	Compliance	Comment
5.2.10 Setbacks	Able to comply	<p>The building is required to provide a 1m landscaped setback Johnson Street from the new street frontage property boundary (following land dedication for landscaping). Where an active frontage is identified, in this instance O'Riordan Street, the 1m setback is not required to that street frontage.</p> <p>The 1m setback is to be landscaped, but is not required to be dedicated to Council.</p> <p>The concept building envelope drawings depict the 1m setback at ground floor to Johnson Street, as well as O'Riordan Street and the Geddes Avenue extension. The concept and indicative drawings however depict the building encroaching upon these setbacks at upper levels.</p> <p>Refer to Issues section for further discussion.</p>

5. Specific Areas 5.8 Southern Employment Lands	Compliance	Comment
5.8.2.3 Building height	Able to comply	<p>The maximum number of storeys permitted is 3 storeys to Johnson Street and 5 storeys to O'Riordan Street and the Geddes Avenue extension elevations. The indicative scheme proposes 3 to 5 storeys as required by the DCP.</p>
5.8.2.4 Building layout and design	Able to comply	<p>The detailed design DA will be required to comply with the provisions of this section. The indicative design scheme generally demonstrates that a future DA is capable of compliance.</p>

5. Specific Areas  5.8 Southern Employment Lands	Compliance	Comment
5.8.2.5.1 Landscaping	No, but acceptable	<p>The site is required to provide deep soil zones equal to 10% of the new site area (minus footpath widening setbacks). 10% in this instance, based on a reduced site area of 6533sqm, is 653.3sqm.</p> <p>The building envelope plans provide a deep soil zone equal to 296.7sqm, or 4.5%.</p> <p>Refer to Issues section for further discussion.</p>
5.8.2.6 Parking, access, loading and servicing	Able to comply	Appropriate conditions are recommended for the detailed design DA to address the provision of loading areas for servicing, including garbage collection.
5.8.2.7 Storage areas	Able to comply	The indicative concept design scheme demonstrates that storage areas can be accommodated within the building envelope.
5.8.3.2 Proposed streets and through-site links	Yes	<p>Although not required by the DCP, a through-site link is proposed at the eastern boundary of the site, at a width of 5m, extending from Johnson Street to the new Geddes Avenue extension.</p> <p>The through-site link is to be privately owned, but publicly accessible.</p> <p>The through-site link is discussed in greater detail in the Issues section.</p>
5.8.5 Managing transport demand	Able to comply	The indicative concept design scheme provides for bike parking and end of journey facilities, and is within 200m of public transport, such as bus routes and Green Square Railway station.

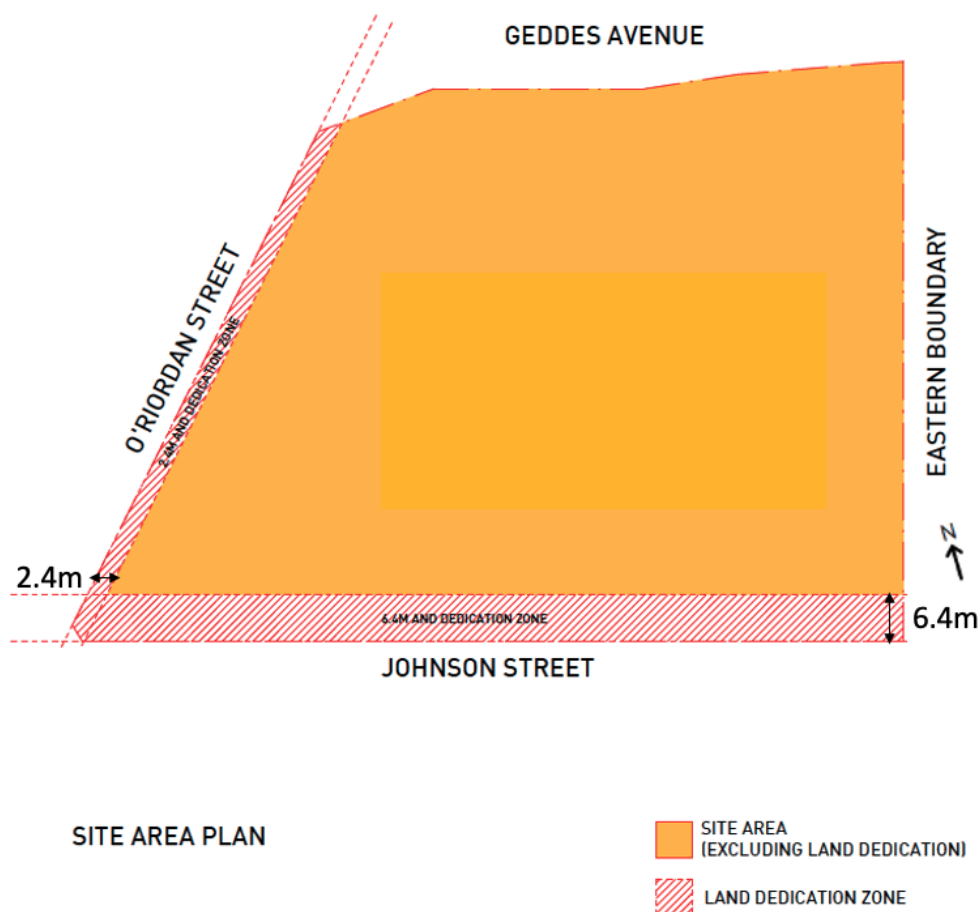
<b>5. Specific Areas</b>	<b>Compliance</b>	<b>Comment</b>
<b>5.8 Southern Employment Lands</b>		
		A transport access guide will be required to be submitted with the detailed design DA to demonstrate how sustainable transport modes will be promoted. Appropriate conditions are recommended.
5.8.7.1 Stormwater management and waterways	Able to comply	Refer to the discussion above in Sections 3.7 and 5.2.7 of the Sydney DCP 2012 compliance table.
5.8.7.2 Urban ecology	Able to comply	Refer to the discussion at 3.5.3 regarding the proposed removal of trees within the site and within the public domain.
5.8.7.3 Contamination	Able to comply	The proposed development satisfies the provisions of SEPP 55. This is discussed in further detail above.
5.8.7.4 Green roofs and walls	Able to comply	There is an opportunity through the competitive design process and subsequent detailed DA to explore the provision of green walls or green roofs.
5.8.8 Social infrastructure	Able to comply	The proposed predominant use of the site is office premises. This use is encouraged within the Southern Employment Lands as it is an employment generating use.

## Issues

### Voluntary Planning Agreement

44. Section 5.8.2.2 (Southern Employment Lands) of the Sydney DCP 2012 identifies 2.4m footpath widening along O'Riordan Street, and 6.4m landscaped setback along Johnson Street, along two of the site's street frontages.

45. A public benefit offer has been submitted with the application. A draft VPA has been prepared based on this offer in relation to the proposal and includes the following public benefits:
- (a) Dedication and associated construction of land along the O'Riordan Street frontage of the site for footpath widening. The piece of land is approximately 2.4m wide, with an area of 199sqm as shown in Figure 33 below.
  - (b) Dedication and associated landscaping works of land along the Johnson Street frontage of the site for footpath widening. The piece of land is approximately 1.4m wide and 686sqm in total.
  - (c) A monetary contribution of \$1,487,000 towards community infrastructure.



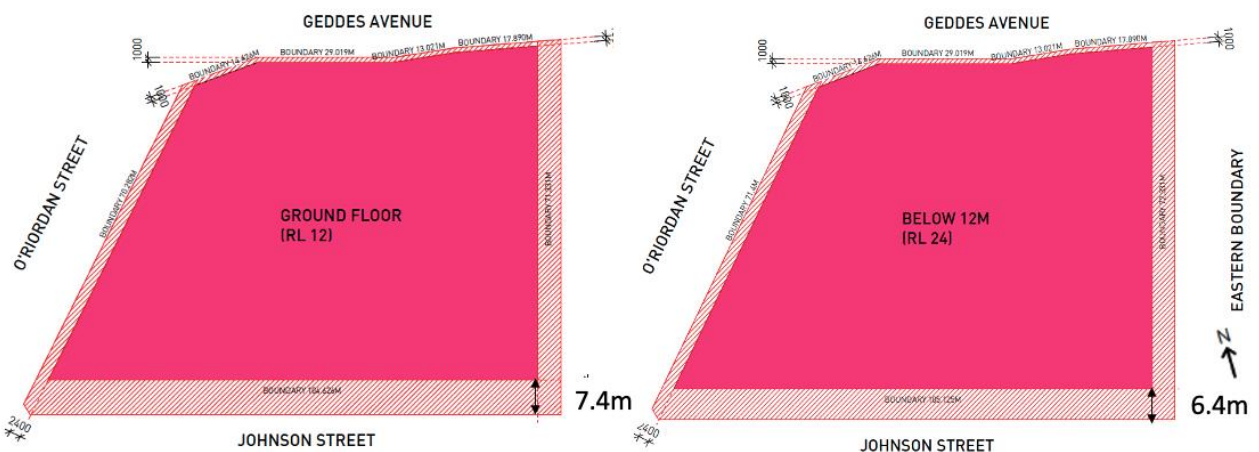
**Figure 33:** Site plan depicting land dedication

46. The public benefit offer and draft VPA results in the application being able to utilise the additional FSR of 1:1 under the Green Square community infrastructure provisions contained in Clause 6.14 of the Sydney LEP 2012.
47. There is an existing substation within the proposed landscape setback to Johnson Street. The substation cannot remain in this location and will require relocation as part of the detailed design DA.
48. The draft VPA was publicly exhibited for a period of 28 days between 10 June 2020 and 8 July 2020. At the time of writing this report, no submissions have been received.

49. As the exhibition period of the draft planning agreement does not conclude until 8 July 2020, it is recommended that the application be delegated to the CEO to be determined following completion of the exhibition period.

### Setbacks

50. Where land is to be dedicated to Council for public domain improvements associated with community infrastructure works, Section 5.2.10(2) of the Sydney DCP 2012 requires buildings to be setback from the new street frontage property boundary by a minimum of 1m. The 1m setback is to be landscaped, but is not required to be dedicated to Council. In this instance, the proposal is required to provide an additional 1m setback to Johnson Street.
51. Where an active frontage is identified, in this instance O'Riordan Street, the 1m setback is not required to that street frontage. In previous discussions with the applicant, City staff requested that the Geddes Avenue frontage be provided with an additional 1m setback to match the approved setback of the concept approval for 330 Botany Road, adjoining the subject site to the east.
52. The applicant has provided a 1m setback to Johnson Street and additional 1m setbacks to O'Riordan Street and the Geddes Avenue extension at ground floor only. The concept building envelope drawings and the indicative drawings depict the building footprint encroaching on the 1m setback to O'Riordan and Johnson Street frontages at levels 1 and above.

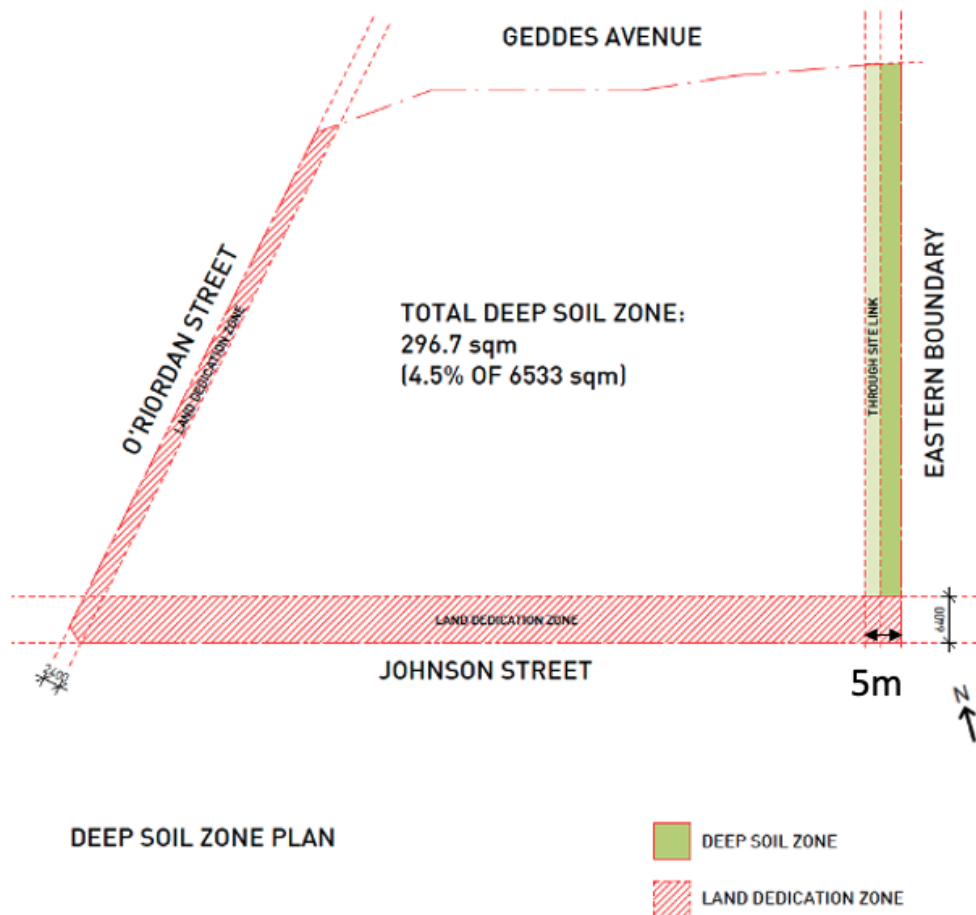


**Figure 34:** Ground floor and second floor concept building envelope drawings depicting Johnson Street 1m landscape setback and encroachment

53. The building footprint encroachment at upper levels is acceptable in this instance, as it will have no material impact on the provision of landscaping at ground level. The 1m setbacks cannot be counted towards deep soil provision (as 3m minimum width is required), and the encroachment will allow for the maximisation of floorspace and allow more flexibility for an internal atrium at each level that provides improved light and air access within the building floorplate, which was specified by DAP as a key objective of the development.

### Deep Soil and Provision of a Through-site link

54. Section 5.8.2.5.1 of the Sydney DCP 2012 stipulates that 10% of the site area is required to contain deep soil landscaping. The minimum dimension for deep soil is 3m in any direction. Based on a reduced site area (minus land dedication) of 6,533sqm, 10% is 653.2sqm
55. The application proposes a deep soil zone equal to 296.7sqm, or 4.5% to the eastern boundary of the site via the provision of a through-site link. The through-site link is to be 5m in width, be open to the public, and will be under private ownership.
56. The applicant has proposed a through-site link to provide a connection between the new Geddes Avenue extension and Johnson Street, giving occupants of the new development an opportunity for breakout space, as well as a shortcut for pedestrians utilising Botany Road or O'Riordan Street. Whilst the DCP does not require a through-site link in this location, it is also considered beneficial in light of the three sites to Botany Road being unlikely to consolidate to provide a through-site link of their own.
57. See figure 35 below depicting the proposed deep soil zone and land dedication.



**Figure 35:** Proposed deep soil zone plan and land dedication

58. As discussed elsewhere in this report, the applicant is required to dedicate approximately 884sqm to the City, 686sqm of which is to become landscaped area to Johnson Street. This landscaped area, combined with the proposed deep soil zone provides 982.7sqm or 15% of deep soil.
59. Due to the large dedication of site area to the City for landscaping purposes, it is considered reasonable to support a variation to this control.
60. A condition of consent is recommended requiring the provision of at least 296.7sqm (4.5% of the site) as deep soil, as demonstrated in the proposed building envelope drawings. The applicant will also be required to create an easement on title to allow for public access to the through-site link.

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

61. The proposed development is capable of complying with the BCA. It is Class 5 and Class 6.
62. It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

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

63. The proposal is of a nature in keeping with the overall function of the site. The premises are in a mixed use surrounding and amongst similar uses to that proposed.

#### **Internal Referrals**

64. The application was referred to, or discussed with the following referral officers and bodies for review:
  - (a) Design Advisory Panel;
  - (b) Design Excellence Unit;
  - (c) Urban Design Specialist;
  - (d) Building Services Unit;
  - (e) Environmental Health;
  - (f) Public Domain;
  - (g) Landscape Assessment Officer;
  - (h) Public Art Unit;
  - (i) Specialist Surveyor;
  - (j) Transport and Access;
  - (k) Tree Management; and
  - (l) Waste Management.

65. The revised concept approval addresses the issues raised initially and is acceptable, subject to the recommended conditions of consent included in Attachment A.

## External Referrals

### Notification, Advertising and Delegation

66. The application constitutes integrated development and as such the application was notified and advertised for 30 days between 10 July 2019 and 8 August 2019 in accordance with the provisions of Environmental Planning and Assessment Regulations 2000. As a result of this notification a total of 124 properties were notified and 1 submission was received.

- (a) There are already a lot of car movements on O'Riordan and Johnson Streets. Given the residential nature and narrow width of Johnson Street and the 24 hour operation of the development, vehicles should enter from O'Riordan Street, particularly at night.

**Response** - Johnson Street is considered to be the most appropriate location for vehicular access to the site. Although vehicles currently access the site via O'Riordan Street, vehicular movements to and from the site will increase as a result of the new use. Being a classified road, O'Riordan Street is discouraged as an access point and removal of the driveway is supported by RMS. The new Geddes Avenue extension is also discouraged given it will be a focal point for both pedestrian and vehicular activity, connecting the Green Square Town Centre to the Ashmore Precinct.

- (b) There will be increased noise as a result of the development, with car movements and trucks reversing. The acoustic report does not appear to take into consideration the large size of the development.

**Response** - The acoustic report has been reviewed by Council experts and is found to be satisfactory for the concept stage of this development. The application will be required to submit another acoustic report as part of any detailed design DA for the site, outlining daily operations, such as trading hours, type of office/commercial uses within the development and predicted noise levels. Should any noise exceedances be present, recommendations are to be made and incorporated into the development.

- (c) The development should not exceed the 5 storey height limit. Any exceedance will have an effect on overshadowing to the residential terraces to the south, beyond Johnson Street; and

- (d) The commercial development should respect the adjoining Heritage Conservation Area.

**Response** - The proposal complies with both the permitted maximum building height and height in storeys for the site.

A lower height control is specified to the Johnson Street elevation of the site (12m and 3 storeys) to address the transition to the Heritage Conservation Area.

The competitive design process and the detailed design DA will be required to address the height transition and the development's interface with the adjoining Heritage Conservation Area.

### **Public Interest**

67. It is considered that the proposal will have no detrimental effect on the public interest, subject to the recommended conditions of consent included in Attachment A to the subject report.

### **S7.11 Contribution**

68. The detailed design DA will be subject to Section 7.11 contributions.

### **Affordable Housing Contribution**

69. The detailed design DA will be subject to an affordable housing contribution.

### **Relevant Legislation**

70. Environmental Planning and Assessment Act 1979  
71. Water Management Act 2000  
72. City of Sydney Act 1988  
73. Sydney Airport Referral Act 1996

### **Conclusion**

74. The proposal seeks consent for a concept building envelope to a height of between 12m and 22m (3 to 5 storeys in height) for use as a commercial office premises.  
75. The application seeks Integrated Development approval under the Water Management Act 2000 for dewatering. General Terms of Approval have been granted by Water NSW and are included in the list of recommended conditions.

76. The proposed concept development is appropriate in its setting and is generally compliant with the relevant planning controls in the Sydney LEP 2012 and the Sydney DCP 2012.
77. The proposal will provide for new commercial (office) space appropriate to the B7 - Business Park zone, on a site which is adequately accessible to existing and planned services, public transport infrastructure and community facilities.
78. The proposed building envelope complies with the maximum permissible height, height in storeys and floor space ratio.
79. The proposal has been amended to address Council's concerns relating to the design excellence strategy, deep soil and the provision of a through-site link, floor space efficiency and building setbacks. The amended proposal is satisfactory, subject to the recommended conditions of consent included in Attachment A.
80. Where the assessment of the subject proposal has identified potential issues for a future detailed design development application, such as deep soil, the matters are addressed in the recommended conditions of consent as requiring further consideration.
81. Subject to the recommendations in this report, and the imposition of the proposed conditions, the proposal is capable of accommodating a future detailed design that responds satisfactorily to the existing and desired future character of the locality.

**GRAHAM JAHN, AM**

Director City Planning, Development and Transport

Jessica Symons, Senior Planner