

**Item 5.****Development Application: 330 Botany Road, Alexandria - D/2021/1484****File No.:** D/2021/1484**Summary****Date of Submission:** 20 December 2021. Amended plans and additional information were submitted up until 29 May 2023.**Applicant/Developer/Owner:** City West Housing Pty Limited**Architect:** SJB Architects**Planning Consultant:** Ethos Urban**Cost of Works:** \$119,609,875**Zoning:** Zone E3 Productivity Support**Proposal Summary:** **Proposal**

The subject development application (DA) seeks consent for:

- a concept building envelope for a mixed-use development;
- a vehicle access location from the new Green Square to Ashmore Connector Road (GS2AC); and
- indicative uses including:
  - lower ground level and basement parking, services, storage and commercial uses
  - ground level commercial uses, residential apartments for the purpose of providing affordable housing and common open space and
  - residential apartments for the purpose of providing affordable housing and common open spaces on the levels above.

## Assessment

Over the course of the assessment the proposal has been amended to reduce the height of the envelope, respond to existing and approved setbacks along Botany Road and to minimise overshadowing to neighbouring residential properties.

Additional information has been submitted including on remediation, site-specific flood assessment, overshadowing analysis and an amended public benefit offer.

Conditions are recommended that require minor modifications to the envelope drawings to accurately illustrate easements that affect a portion of the site at its north-west corner and deep soil zones.

Conditions are also recommended that require further investigation of unresolved issues through the competitive design and subsequent design development processes. These conditions pertain to the achievement of natural ventilation and classified road noise mitigation, natural cross ventilation, improvement of the public domain interface with the Green Square to Ashmore Connector Road and to the equitable distribution of common open space across the site. These requirements may result in a reduced apartment yield for the development, however, design solutions to offset any impacts to yield may be explored through future competitive and detailed design processes.

The concept proposal and design excellence strategy establish an envelope and suitable parameters for a future competitive design process. Subject to the recommended conditions, the envelope can accommodate a detailed building design of appropriate height, bulk and scale, that responds to the character of the area and which is capable of achieving design excellence.

## Notification

First exhibition period - the subject DA was publicly exhibited for 28 days from 9 February to 10 March 2022. In response to the public exhibition of the application, one enquiry about accessing DA documents was received, but it did not raise any substantive issues about the proposal.

Second exhibition period - following DA amendments to increase the bulk of the proposed envelope the amended application documents were publicly exhibited for 14 days (and which was extended over the holiday period) from 21 December 2022 to 26 January 2023. No submissions were received.

Third exhibition period - following further DA amendments to the proposed envelope the amended application documents were publicly exhibited for 14 days from 27 April to 12 May 2023. No submissions were received.

### **Voluntary Planning Agreement**

The owner of the site has made a formal offer to enter into a Voluntary Planning Agreement (VPA) with the City.

The VPA will provide for the delivery of community infrastructure as follows:

- dedication of transfer land comprising a 2.4m wide strip of land along the site frontage to O'Riordan Street, a 0.5m wide strip of land along the site frontage to the new GS2AC Road and a 1.4m wide strip of land along the site frontage to Botany Road;
- embellishment of the transfer lands for footpath widening and associated works with a value of \$192,930.40 and
- payment of \$4,399,987.60 as a monetary contribution towards the provision of community infrastructure in Green Square.

The draft VPA is required to be publicly exhibited for 28 days in accordance with the requirements of the Environmental Planning and Assessment Act 1979.

### **Consent Authority**

The proposed development has an estimated cost of works more than \$50 million and is therefore required to be determined by the Central Sydney Planning Committee (CSPC).

**Summary Recommendation:** It is recommended that authority be delegated to the Chief Executive Officer to determine the application, following the conclusion of the public exhibition of the Voluntary Planning Agreement, and considering any public submissions received in response.

Consideration should be given to granting deferred commencement consent requiring the Voluntary Planning Agreement to be executed prior to the consent becoming operative and subject to the recommended conditions contained in this report.

- Development Controls:**
- Sydney Local Environmental Plan 2012
  - Sydney Development Control Plan 2012
  - SEPP (Biodiversity and Conservation) 2021
  - SEPP (Building Sustainability Index: BASIX) 2004
  - SEPP (Housing) 2021
  - SEPP No 65 - Design Quality of Residential Apartment Development
  - SEPP (Resilience and Hazards) 2021
  - SEPP (Transport and Infrastructure) 2021

- Attachments:**
- A - Recommended Conditions of Consent
  - B - Draft Plan of Subdivision
  - C - Envelope Drawings
  - D - Reference Scheme Drawings
  - E - Public Benefit Offer
  - F - Design Excellence Strategy
  - G - Sydney Airport Controlled Activity Approval
  - H - Sydney Water Response Letter

## Recommendation

It is resolved that:

- (A) authority be delegated to the Chief Executive Officer to determine Development Application No. D/2021/1484, following the conclusion of the public exhibition of the draft Voluntary Planning Agreement and considering any public submissions received in response;
- (B) authority be delegated to the Chief Executive Officer to determine whether the Design Excellence Strategy for 330-332 Botany Road, Alexandria, prepared by Ethos Urban on behalf of City West Housing and dated 17 May 2023, as shown at Attachment F to the subject report, ought to be approved pursuant to Section 3.3.1 of the Sydney Development Control Plan 2012 and Section 1.2 of the Competitive Design Policy; and
- (C) if the Chief Executive Officer determines to approve the application, consideration be given, pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, to granting deferred commencement consent to Development Application No. D/2021/1484 subject to the conditions set out in Attachment A to the subject report.

## Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The concept proposal is for a building envelope for a mixed-use development including commercial uses and residential apartments for the purpose of providing affordable housing. The proposal secures public benefits comprising land dedication and embellishment works for footpath widening and payment of a monetary contribution towards community infrastructure provision in Green Square. The mixed-use development contains shop-top housing for the purposes of affordable housing and may be carried out on the land which is identified as "Business Area" on the Locality and Site Identification Map and in accordance with the provisions contained at clause 7.13A of the Sydney Local Environmental Plan 2012.
- (B) The proposed envelope complies with the 33m to 40m height controls pursuant to clause 4.3 and are capable of accommodating development that complies with the floor space ratio controls pursuant to clauses 4.4, 6.14 and 6.21D of the Sydney Local Environmental Plan 2012.
  - (i) The concept proposal is capable of satisfying the relevant objectives of the Sydney Development Control Plan 2012.
  - (ii) The concept proposal and Design Excellence Strategy establish a concept building envelope and suitable parameters for a competitive design process. Subject to the recommended conditions, the proposed envelopes can accommodate a detailed building design of an appropriate bulk and scale, that responds to the character of the area, and which is capable of achieving design excellence.

## Background

### The Site and Surrounding Development

1. The site has a legal description of Lot 10 DP 1247504, known as 330 Botany Road, Alexandria. It is irregular in shape with area of 6708 sqm. It has a frontage of 61.555m to Botany Road to the east, a frontage of 129.685m to the future Green Square to Ashmore Connector (GS2AC) Road, which is currently under construction, to the south and a frontage of 29.925m to O'Riordan Street to the west.
2. Levels on the site fall from the south-east corner (RL 14.782) to its south-west corner (RL 10.687) by 4.095m.
3. The previously existing warehouse buildings were demolished, except for a remnant wall structure that extends part way along its northern site boundary. The site is otherwise clear of buildings and is covered by low scrubby vegetation.
4. A right of carriageway 3.66m wide affects the north-west corner of the site and benefits the adjacent property to the north at 18 O'Riordan Street. Other easements affect the site including an easement to drain water 0.55m wide and which runs along the northern boundary with 18 O'Riordan Street.
5. Adjacent to the north at 326-328 Botany Road is a low-rise warehouse building. Adjacent to the north and north-west, are two recently constructed 8 storey hotel developments at 16 and 18 O'Riordan Street.
6. On the opposite, eastern side of Botany Road are currently vacant, future development sites. These are known as site's 8A and 8B in the Green Square Town Centre and are located at 377-495 Botany Road, Zetland.
7. On the opposite south-eastern corner of the intersection of Botany Road and Geddes Avenue is a development site (known as the 'Bridgehill' site) at 499 Botany Road, where three mixed-use buildings up to a height of 15 storeys are currently under construction.
8. Immediately to the south of the site is a parcel of land that is the site of the future Green Square to Ashmore Connector (GS2AC) and which is currently under construction.
9. Further south of the GSAC Road is the property (known as the St George Community Housing site) at 338 Botany Road, which is owned by the City but is the subject of a concept consent [D/2019/87 (as amended)] for an envelope for a mixed-use development comprising commercial uses and residential apartments for the purpose of providing affordable housing.
10. On the southern side of the GS2AC Road and west of the property at 338 Botany Road is the property known as the 'Markham' site or 22 O'Riordan Street and which contains a one to two storey warehouse building. This building previously accommodated a car showroom and repair workshop. Development consent [D/2021/529 (as amended)] was granted for a commercial building up to six storeys in height, associated road widening, a through site link and landscaping on this site.
11. On the opposite, western side of O'Riordan Street are several two-storey office buildings.

12. The site is not identified as containing a heritage item. It is not in the vicinity of a heritage item, and it is not located within a heritage conservation area.
13. The site is located within the locality of North Alexandria, which is within both the Green Square urban renewal area and the Southern Enterprise Area. Its Botany Road frontage is within the Village Main Streets signage zone. The site is subject to flooding.
14. A site visit was carried out on 9 April 2022. Photos of the site and surrounds are below.

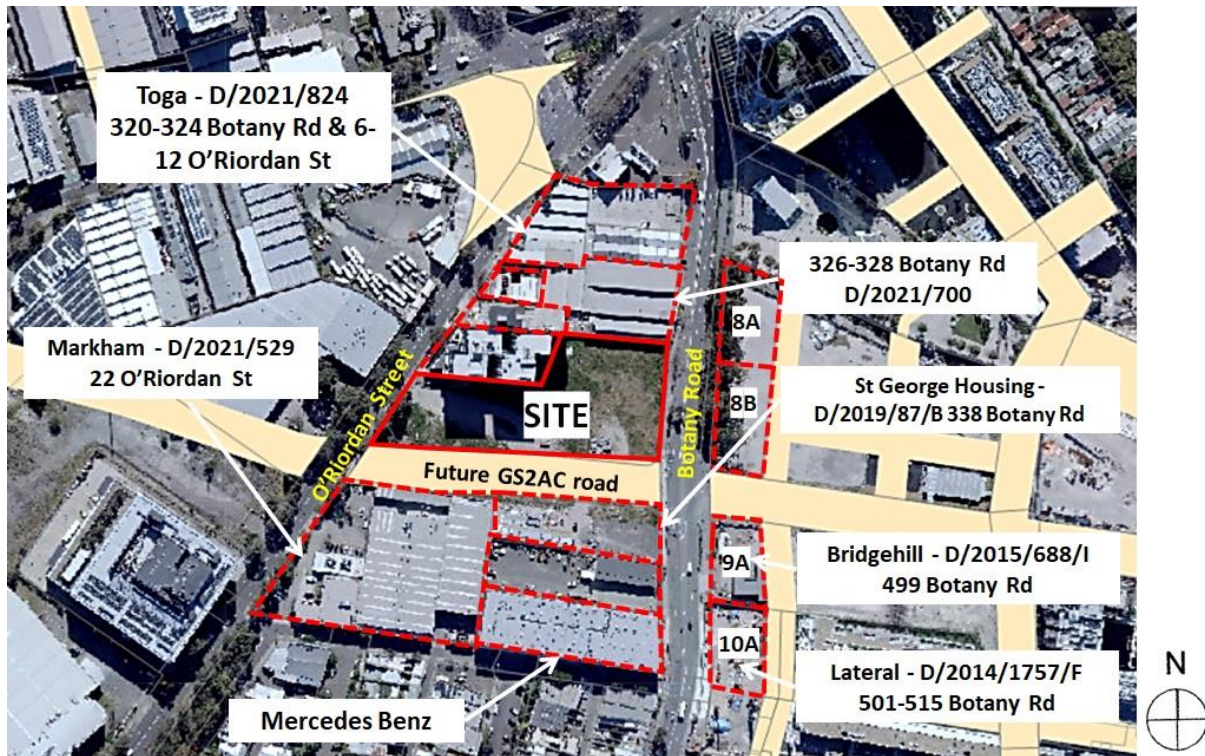


Figure 1: Aerial view of site and surrounds.



Figure 2: Botany Road frontage of St George Community Housing site, GS2AC Road and subject site.



Figure 3: Botany Road frontage of future GS2AC Road.



Figure 4: Frontage of subject site to future GS2AC Road and which is currently under construction (viewed from its eastern end, looking west).



Figure 5: View from south-east corner of subject site to the east along Geddes Avenue.





Figure 6: Botany Road frontage of subject site.



Figure 7: Botany Road frontage of subject site, looking south along Botany Road.



Figure 8: Remnant wall that extends along part of northern boundary of subject site.



**Figure 9:** Property at 326-328 Botany Road adjacent to the north of the subject site.



**Figure 10:** View to sites 8A-8D in the Green Square Town Centre on the eastern side of Botany Road.



Figure 11: View to Bridgehill mixed use development site at 499 Botany Road.



Figure 12: View to Lateral mixed use development site at nos. 501-515 further south on Botany Rd.



Figure 43: Frontage of the Markham commercial development site at 22 O'Riordan Street.



Figure 14: The future GS2AC Road and subject site frontage to O'Riordan Street.



Figure 15: Frontage of subject site to future GS2AC Road and which is currently under construction (viewed from its western end, looking east).



**Figure 56:** Hotel development at 18 O’Riordan St. adjacent to the north of the subject site.



**Figure 17:** View from subject site to the south along O’Riordan Street.

## History Relevant to the Development Application

### History of the Subject Site

15. D/2011/1855 – On 12 December 2011 development consent was granted for alterations and additions to an existing warehouse building and for the use of the ground and first floors for office and warehouse uses.
16. D/2012/1491 – On 19 November 2012 development consent was granted for the fit out of the ground floor, mezzanine and part of the first floor of the existing industrial warehouse building for temporary light industrial use for the period 1 November 2012 to 3 March 2013.
17. Planning Proposal: Minor Policy and Housekeeping Amendment to Sydney Local Environmental Plan 2012 -
  - (a) On 30 November 2017 and 11 December 2017 respectively, the Central Sydney Planning Committee (CSPC) and the Council approved the Planning Proposal to amend the Floor Space Ratio (FSR) Map to reflect the redistribution of floor space to the individual development parcels to be created upon the subdivision of Council owned sites at:
    - (i) 94-104 Epsom Road (Epsom Road Depot) and 132-140 Joynton Avenue (Gunyama Park and Aquatic Centre), Zetland; and
    - (ii) 330-338 Botany Road and 20 O’Riordan Street, Alexandria, located along the GS2AC Road.
  - (b) These revised controls came into force once the site was subdivided and other requirements were addressed.
18. D/2017/1341 – On 13 June 2018 development consent was granted for consolidation and subdivision of four existing lots in two stages:
  - (a) Stage 1 to create 4 new lots - two for use as Affordable Housing Developments, one for a future road (Lot 11) and one as a small residual lot to be transferred; and
  - (b) Stage 2 to dedicate Lot 11 as public road.
19. S/2018/58 – On 21 December 2018 subdivision certificates were issued for subdivision into four lots.

### History of Adjacent Sites

#### 326-328 Botany Road

20. D/2019/657 – On 11 December 2019, deferred commencement development consent was granted for a concept building envelope for commercial uses and public domain improvement works including land dedication. An associated VPA was executed and registered on title and the consent made operative on 16 November 2020.
21. CMP/2019/6 - From August to September 2020 a competitive design alternatives process was undertaken. Three architectural firms participated being MHNDU, WMK and Cox Architecture. Cox Architecture’s submission was selected as the winning design.

22. D/2021/700 - On 26 September 2022, deferred commencement development consent was granted for demolition of existing structures, excavation, remediation, subdivision and construction of a commercial building including basement car-parking, vehicle access from Botany Road, land dedications and embellishment works for footpath widening to its O'Riordan Street and Botany Road frontages. This consent has not been made operative at the present time.

#### 16 O'Riordan Street

23. D/2013/1871 - On 29 July 2014, deferred commencement consent was granted for demolition of the existing factory and workshop and construction of an 8-storey building for use as hotel accommodation containing 100 rooms, foyer, managers flat, staff amenity area and ground level car and bicycle parking and public domain improvement works including land dedication. An associated VPA was executed and registered on title and the consent made operative on 14 April 2015. Construction of the approved hotel was completed in 2018.

#### 18 O'Riordan Street

24. D/2015/1734 - On 24 October 2016, deferred commencement consent was granted for demolition of an existing car service centre, site remediation and construction and use of an 8-storey hotel containing 142 guest rooms, lobby lounge, bar/café, conference/function room, kitchen facilities, gymnasium, ancillary office and staff break out areas and ground level car and bicycle parking and public domain improvement works including land dedication. An associated VPA was executed and registered on title and the consent made operative on 22 December 2017. Construction of the approved hotel was completed in 2020.

#### 22 O'Riordan Street (Markham)

25. D/2019/686 – On 25 September 2020, deferred commencement consent was granted for a concept building envelope for commercial use, including future footpath widening, landscaping and through-site link. An associated VPA was executed and registered on title and the consent made operative on 25 September 2020.
26. CMP/2019/8 - From 7 September and 19 October 2020 a competitive design alternatives process was undertaken. Three architectural firms participated being Fitzpatrick and partners, Sissons and Hassell. Hassell's submission was selected as the winning design.
27. D/2021/529 – On 11 November 2021, development consent was granted for the detailed design of a commercial building, road widening, through-site link, landscaping, and a signage strategy. This consent has not been acted upon. The site currently contains a one to two storey former car sales showroom and repair workshop.

#### 338 Botany Road (St George Community Housing)

28. D/2019/87 – On 12 July 2021, deferred commencement development consent was granted for a 33m high concept building envelope with indicative retail, office and affordable residential housing uses. An associated VPA was executed and registered on the title of the land and the consent made operative on 17 March 2020.
29. CMP/2019/2 – From 10 August to 18 September 2020 a competitive design alternatives process was carried out for the site. Three architectural firms participated being DKO, Smith & Tzannes and Chenchow Little. Chenchow Little's submission was selected as the winning design.

499 Botany Road (BridgeHill)

30. The BridgeHill site is within the Green Square Town Centre and is subject to the site-specific provisions of the Sydney LEP (Green Square Town Centre - Stage 2) 2013. As such it was not required to undergo a staged DA process.
31. D/2015/688 – On 15 August 2016 deferred commencement consent was granted for construction of a 16-storey mixed use development containing 130 dwellings and five retail tenancies. An associated VPA was executed and registered on the title of the land and the consent made operative on 21 December 2016.

377-495 Botany Road, Zetland (GSTC sites 8A and 8B)

32. On the opposite, eastern side of Botany Road are the currently vacant future development sites 8A and 8B and which are located in the Green Square Town Centre.
33. The Green Square Town Centre DCP 2012 provides indicative built form massing of up to 24 storeys on the northern site (8A) and up to 17 storeys on the southern site (8B).

### **Compliance Action**

34. There are no compliance actions relevant to the site.

### **History of the Subject DA**

Pre-DA consultation

35. The applicant engaged with council officers in pre-DA consultations during the period February to November 2021. This involved several submissions of preliminary plans and other information, meetings and written correspondence.
36. Over the course of these pre-DA consultations, Council Officers issued advice about:
  - (a) the need for a staged (concept) DA process;
  - (b) community infrastructure provision and VPA processes;
  - (c) application of LEP cl. 7.13A Affordable housing in Business Area;
  - (d) additional height or FSR available through the competitive design process;
  - (e) how to obtain flood models from the City;
  - (f) contamination, remediation, acid sulfate soils;
  - (g) tree management;
  - (h) flood planning;
  - (i) above ground parking;
  - (j) street frontage height, articulation and tall buildings;
  - (k) setbacks, active frontages and footpath awnings;
  - (l) providing acoustic privacy and natural ventilation;



- (m) solar access and overshadowing requirements;
- (n) deep soil, common open space and landscaping;
- (o) waste management;
- (p) public art; and
- (q) DA documentation and submission requirements.

Post-lodgement

37. The subject concept DA was lodged on 20 December 2021.

Advice of the Design Advisory Panel (DAP)

38. The proposal was presented to DAP on 5 May 2022.

39. Issues discussed by DAP included:

- (a) concern that numerous issues have not been adequately addressed including, but without being limited to, the siting and location of envelopes and setbacks, building separation, level change issues and public domain encroachments to the GS2AC Road, orientation of the open space framework and solar access to communal open space;
- (b) analysis of overshadowing impacts to adjacent properties must be undertaken to inform the proposed concept envelope;
- (c) the setback on Botany Road needs to be consistent with recently approved buildings to the north;
- (d) public domain improvements are supported, however flood planning levels must be resolved;
- (e) the stairs and raised walkway running along the frontage to the new GS2AC Road and encroachments into the public domain setback to this frontage are unacceptable;
- (f) the reference scheme appears to breach the proposed building envelope and comprises many single orientation apartments to Botany Road with poor amenity;
- (g) neighbouring buildings (already built and / or approved) would overshadow the ground level common open space throughout the day. More thought regarding solar access and an in-depth shadow assessment is required; and
- (h) public art and strategies for landscaping and open space provision are questioned.

Post-lodgement (continued)

40. Following receipt of the above DAP advice, Council Officers sent a comprehensive issues letter to the Applicant making recommendations as to how various problems with the proposed development concept might be addressed.

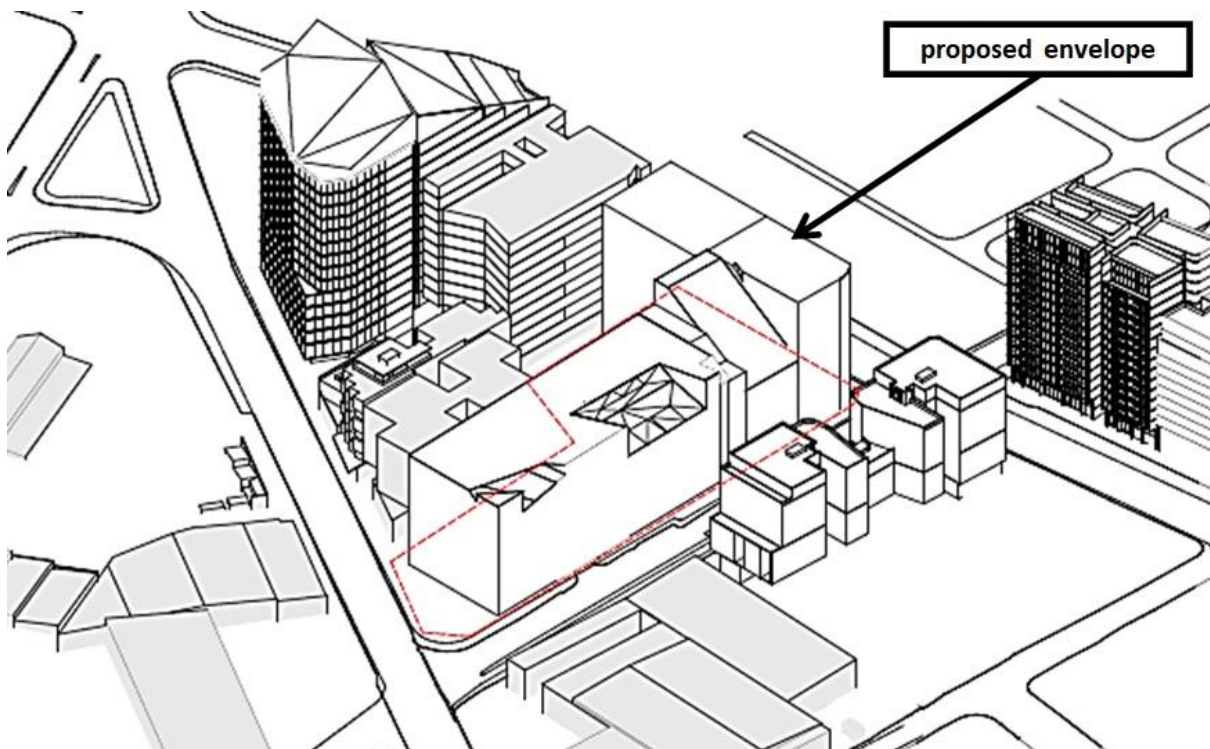
41. Issues identified in the letter are summarised as follows:
  - (a) problems with the envelope and reference scheme drawings;
  - (b) minor non-compliances with the height controls;
  - (c) flood planning;
  - (d) contamination and remediation;
  - (e) landscaping and tree management;
  - (f) siting, separation and setbacks;
  - (g) through site links and site permeability;
  - (h) ADG and DCP requirements pertaining to overshadowing and solar access, acoustic privacy and natural ventilation, and private open space, common open space and deep soil;
  - (i) vehicle access, bicycle and car-parking;
  - (j) waste management;
  - (k) the design excellence strategy and ESD target benchmarks; and
  - (l) public art.
42. In response to issues raised by Council Officers, the Applicant provided amended DA documentation during the period between mid-December 2022 and the beginning of February 2023.
43. Following an assessment of the amended DA information Council Officers sent a second issues letter to the Applicant making recommendations as to how outstanding concerns with the proposed development concept might be addressed.
44. Issues identified in this second letter are summarised as follows:
  - (a) overshadowing and solar access;
  - (b) landscaping; and
  - (c) the design excellence strategy and ESD target benchmarks.
45. In response to issues raised by Council Officers, the Applicant provided further amended DA documentation from April to the end of May 2023.
46. The final submitted amendments and additional information are summarised as follows:
  - (a) Revised envelope and reference scheme drawings;
  - (b) an arborists report;
  - (c) revised remediation action plan and interim audit advice;

- (d) revised acoustic report;
  - (e) revised natural ventilation report;
  - (f) preliminary public art plan;
  - (g) revised flood report;
  - (h) revised waste management plan;
  - (i) revised ESD report;
  - (j) revised traffic and parking assessment;
  - (k) revised design excellence strategy;
  - (l) revised landscape concept plan;
  - (m) detailed solar access and overshadowing report and supporting analysis information; and
  - (n) revised digital and physical models.
47. The final concept DA as amended by submission of the revised drawings and additional information summarised above is the subject of this assessment report.

### **Proposed Development**

48. The subject DA seeks consent for:
- (a) a concept building envelope for a mixed-use development, with indicative future land uses comprising:
    - (i) lower ground level and basement parking, services, storage and commercial uses
    - (ii) ground level commercial uses, residential apartments for the purpose of providing affordable housing and common open space
    - (iii) residential apartments for the purpose of providing affordable housing and common open spaces on the levels above
    - (iv) Note: the reference scheme comprises commercial tenancies with a total gross floor area of 1553 sqm and 253 residential apartments.
  - (b) a vehicle access location from the new Green Square to Ashmore Connector Road (GS2AC);
49. The submitted design excellence strategy sets out a competitive design process for the site and specifies that up to 10% additional floor space is sought in accordance with the design excellence provisions contained in clause 6.21D of the LEP. Subject to the achievement of design excellence through competitive design processes and in a subsequent DA for the detailed design of the building, the proposed development may be able to achieve up to 10% additional floor space.

50. The owner of the site has made a written offer to Council to enter into a Voluntary Planning Agreement (VPA) that is consistent with the infrastructure requirements as specified in the Sydney DCP 2012. The draft VPA that has been prepared in association with the subject development application provides for the following public benefits:
- (a) dedication of transfer land comprising:
    - (i) a 2.4m wide strip of land along the site frontage to O'Riordan Street;
    - (ii) a 0.5m wide strip of land along the site frontage to the new GS2AC Road; and
    - (iii) a 1.4m wide strip of land along the site frontage to Botany Road;
  - (b) embellishment of the transfer lands for footpath widening and associated works with a value of \$192,930.40; and
  - (c) payment of \$4,399,987.60 as a monetary contribution towards the provision of community infrastructure in Green Square.
51. Drawings of the reference scheme have been lodged with the application to demonstrate how a detailed building design may be able to be configured within the proposed concept envelopes. These reference scheme drawings are not approved as part of any consent granted and are for assessment purposes only.
52. Drawings of the proposed development are provided below.



**Figure 18:** Axonometric drawing of proposed envelope.

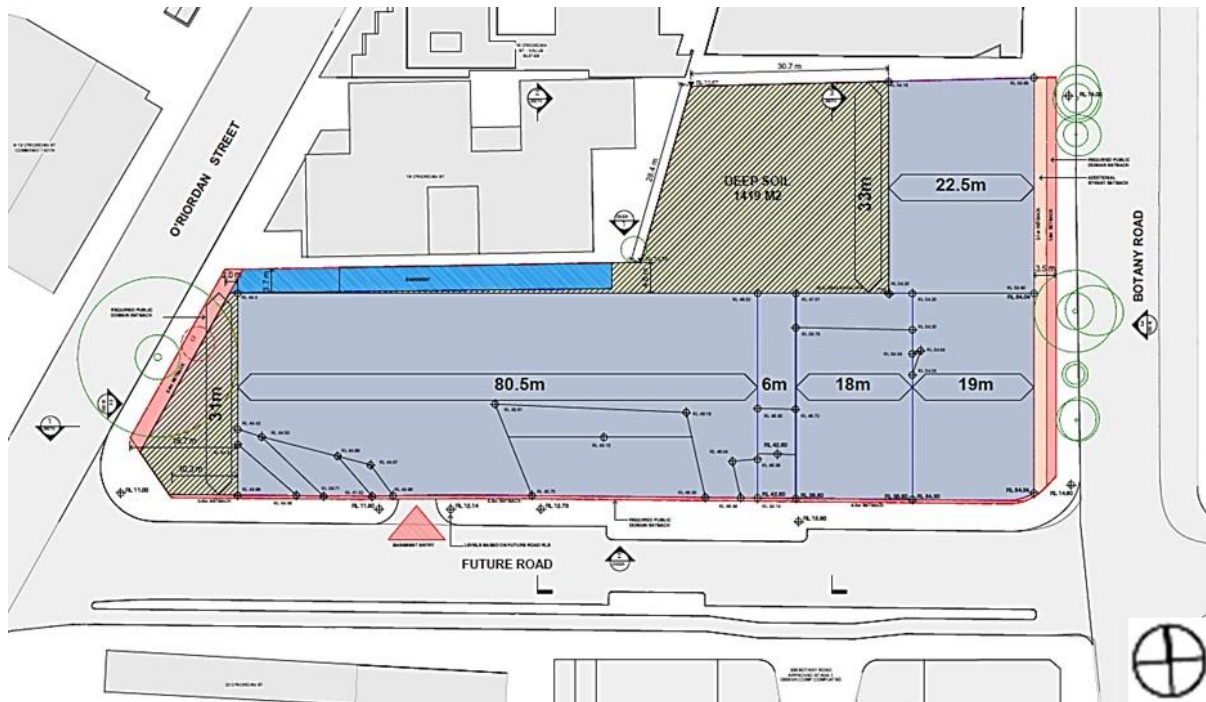


Figure 19: Envelope - plan.

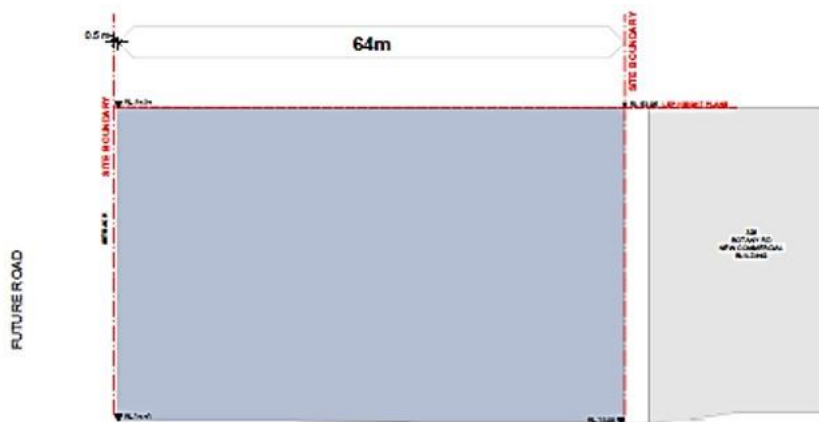


Figure 20: Envelope - east elevation.



Figure 21: Envelope - west elevation.

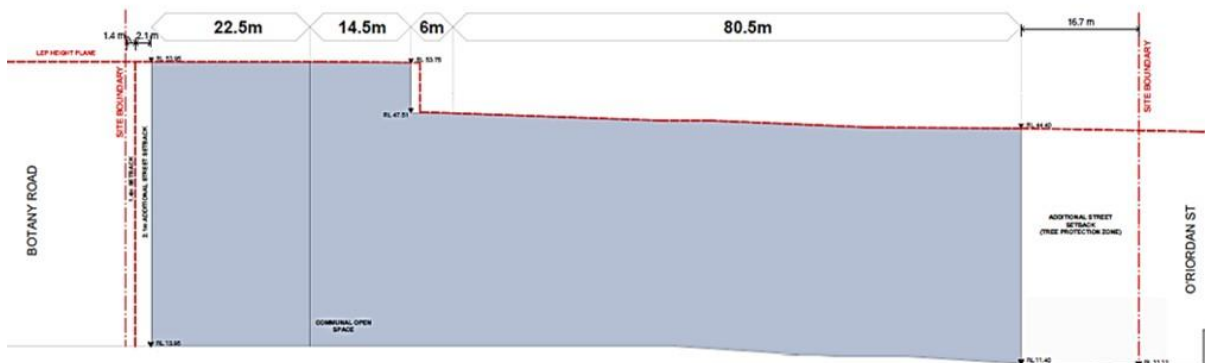


Figure 22: Envelope - north elevation.

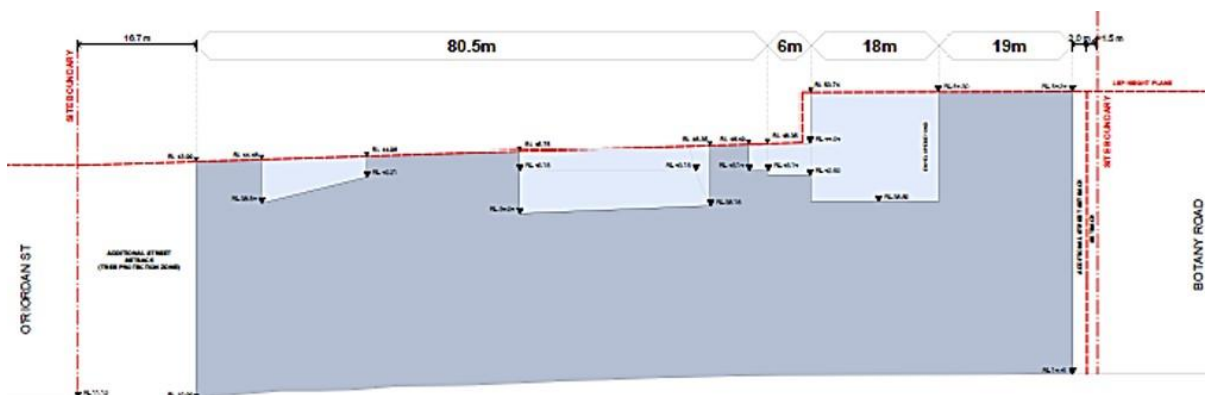


Figure 23: Envelope - south elevation.

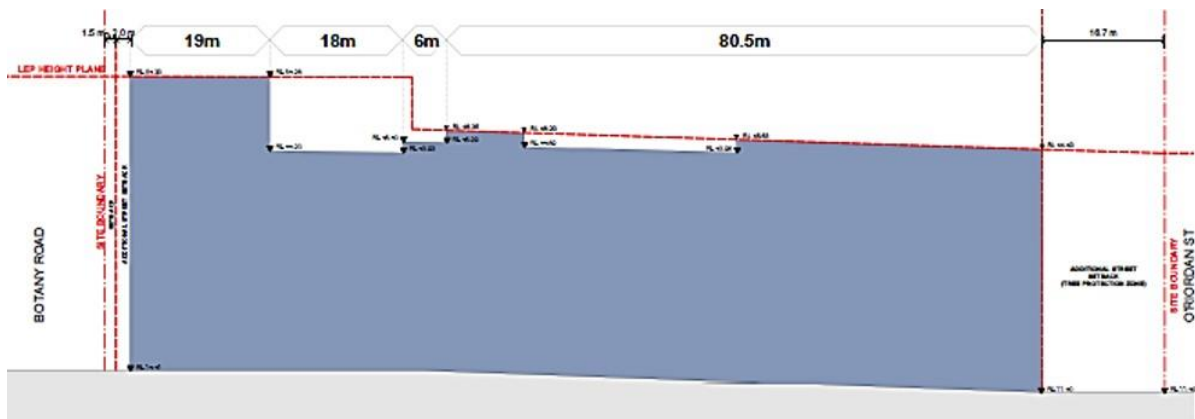


Figure 24: Envelope - section 01.

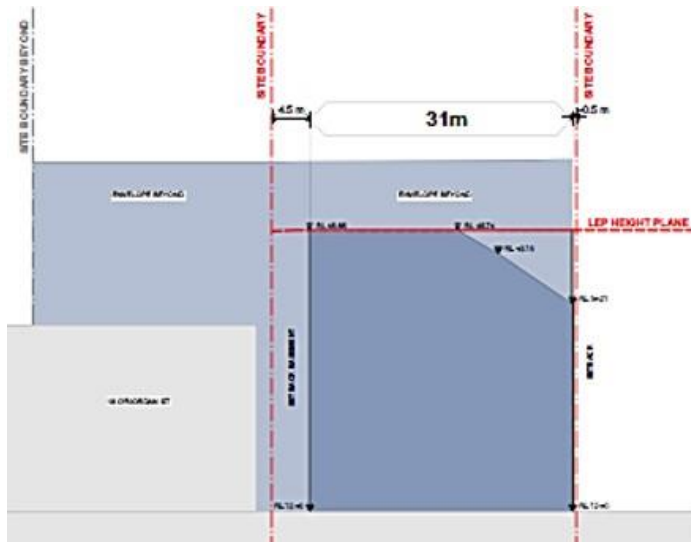


Figure 25: Envelope - section 02.

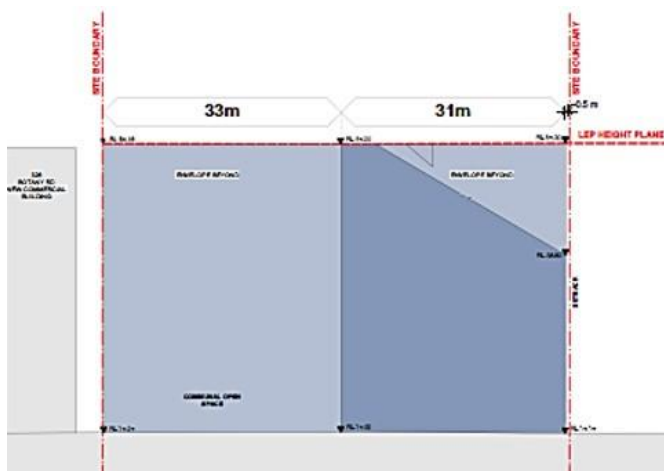


Figure 26: Envelope - section 03.

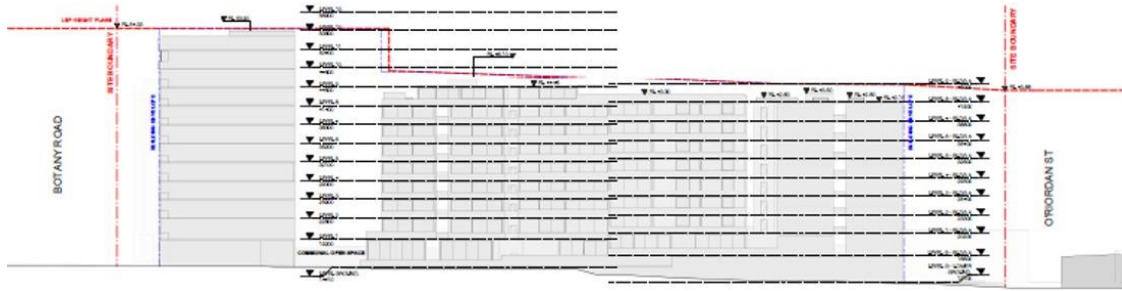


Figure 27: Reference scheme - north elevation.

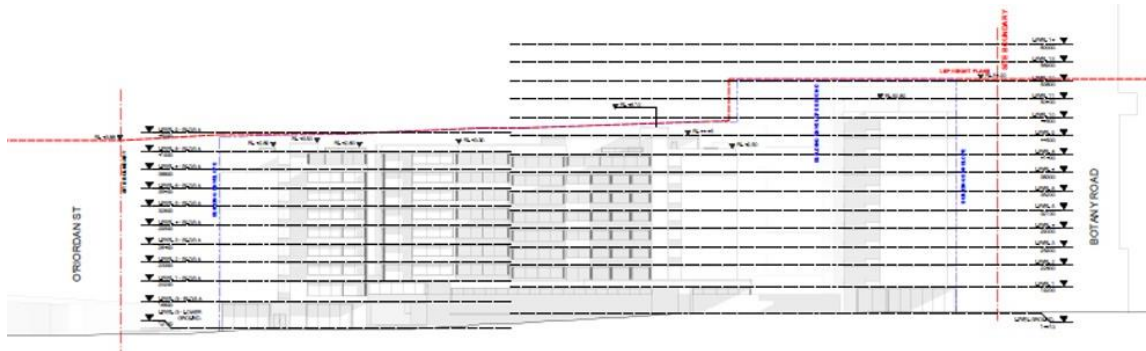


Figure 28: Reference scheme - south elevation.

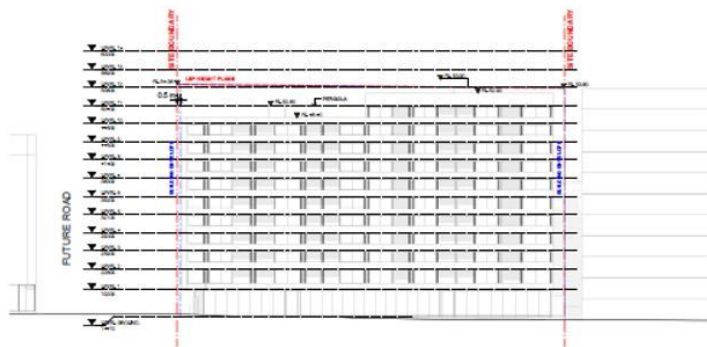


Figure 29: Reference scheme - east elevation.



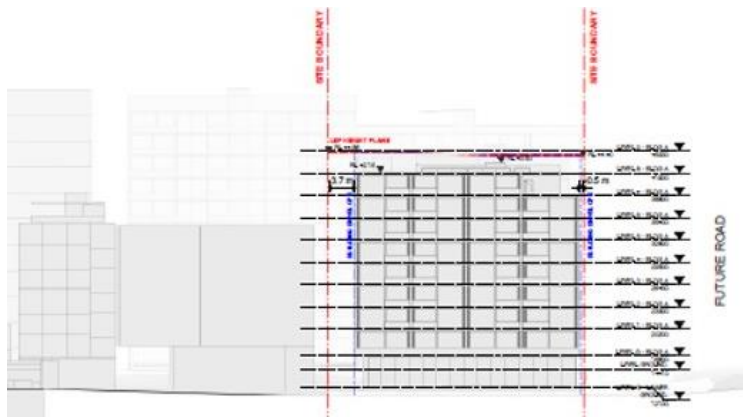


Figure 30: Reference scheme - west elevation.

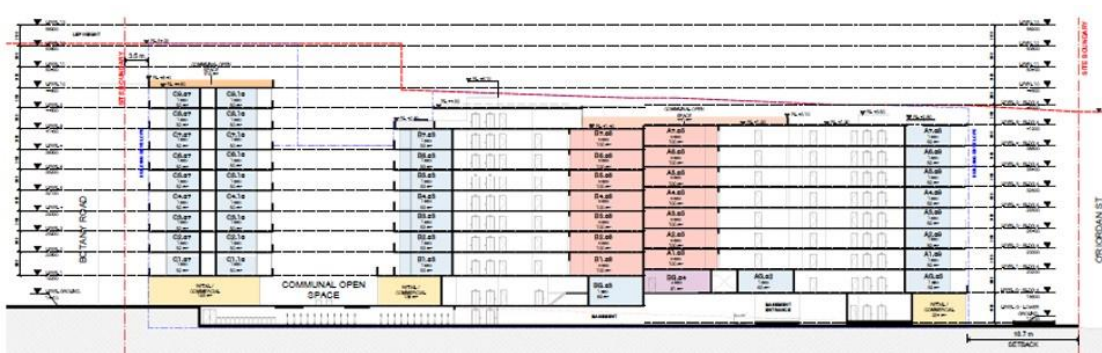


Figure 31: Reference scheme - section east-west.



Figure 32: Reference scheme - section north-south.

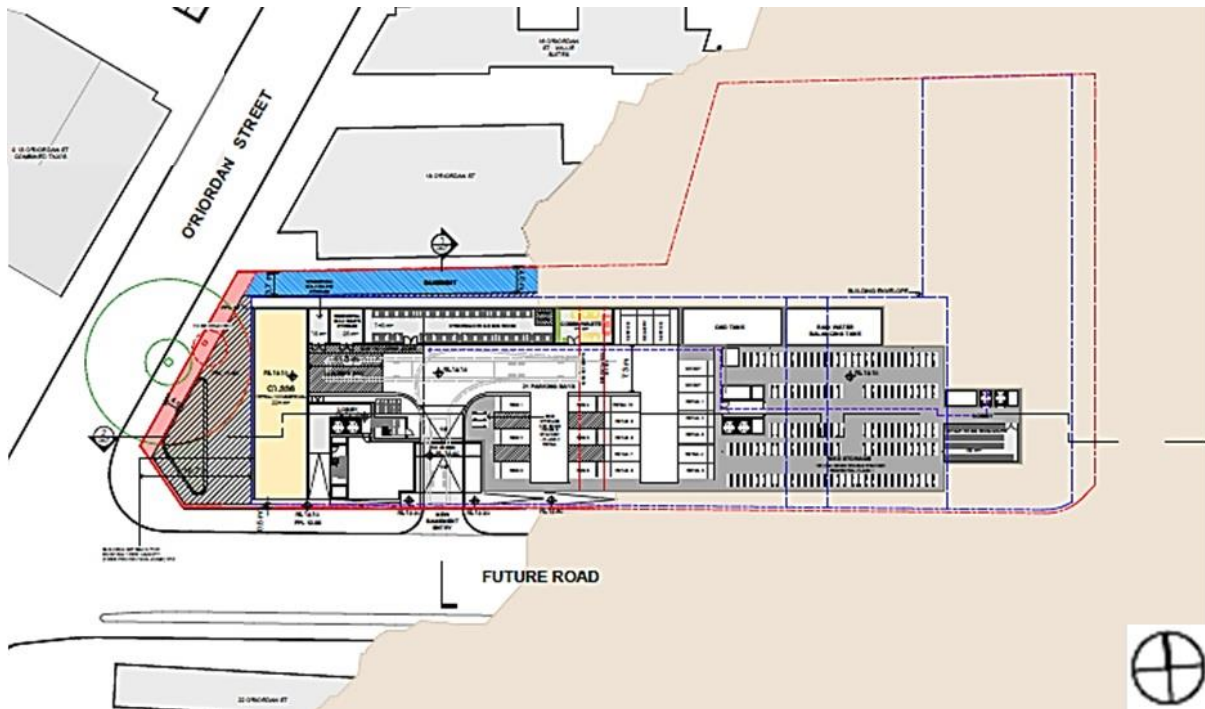


Figure 33: Reference scheme - lower ground level plan.

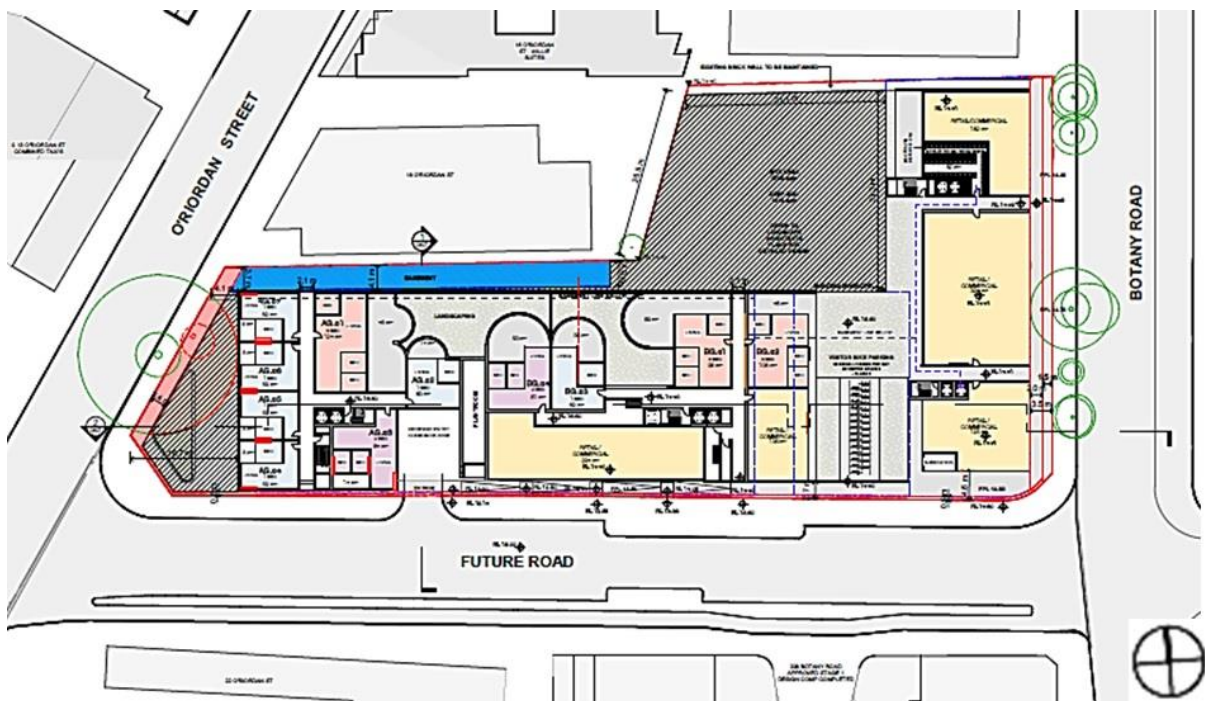


Figure 34: Reference scheme - ground level plan.

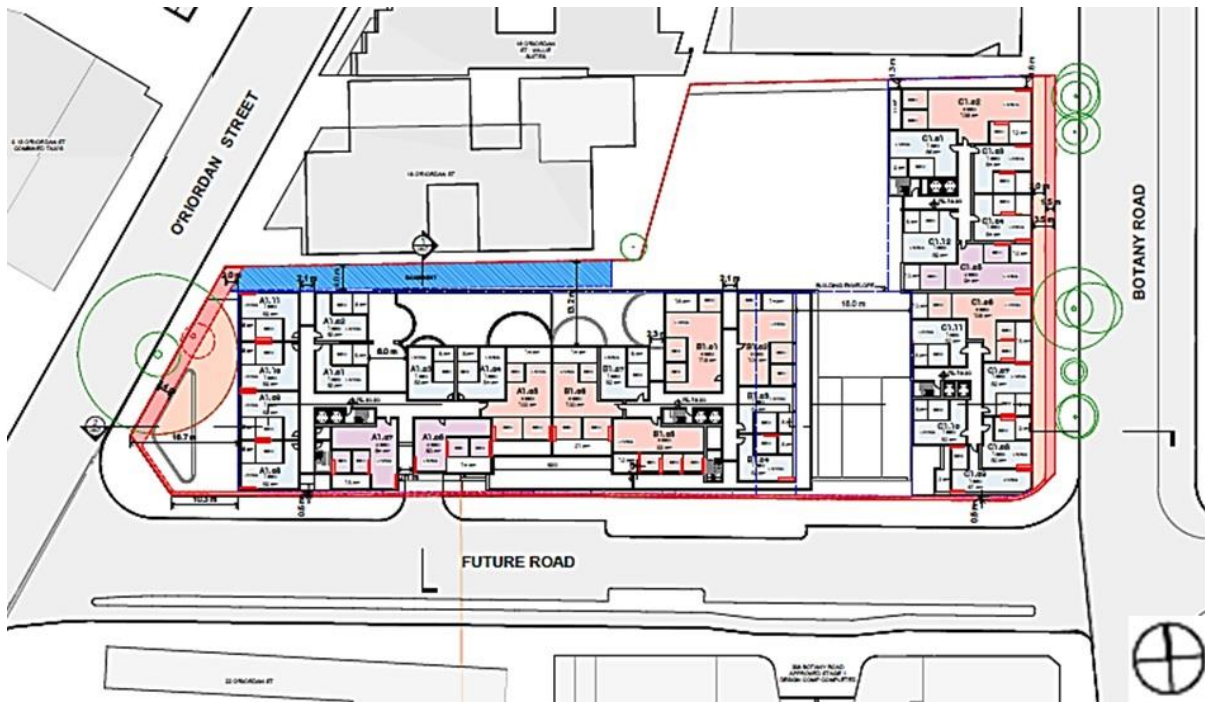


Figure 35: Reference scheme - level 01 plan.

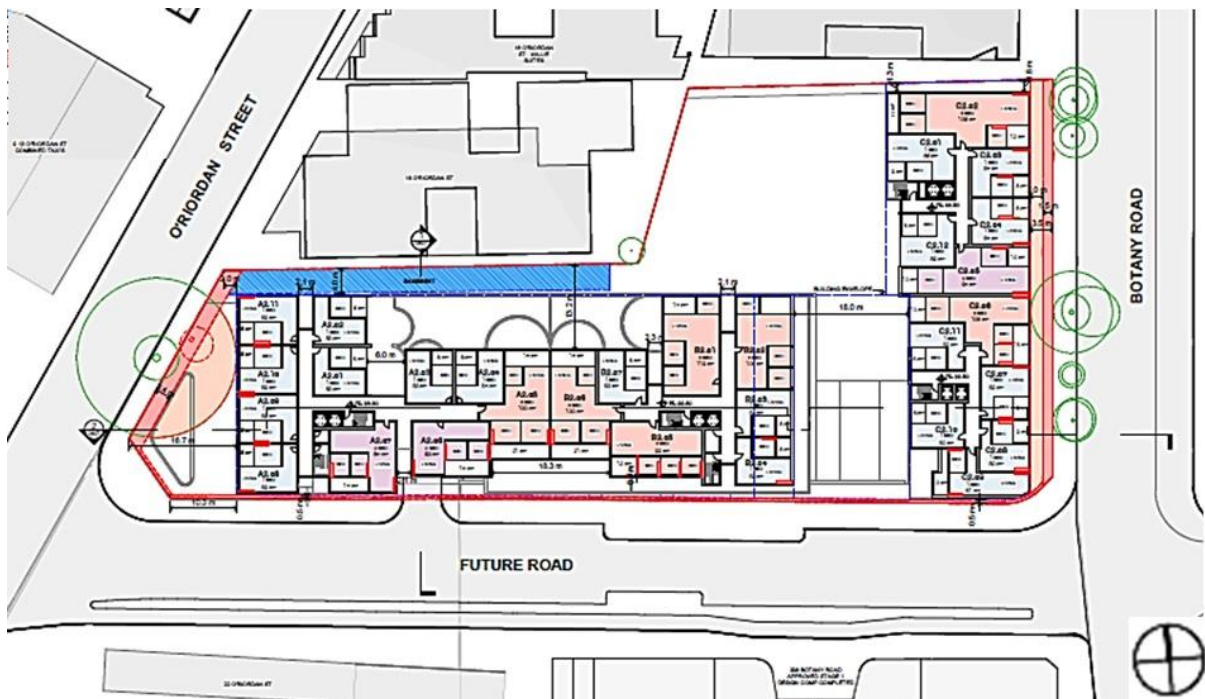


Figure 36: Reference scheme - level 02 plan.



Figure 37: Reference scheme - levels 03-06 plans.

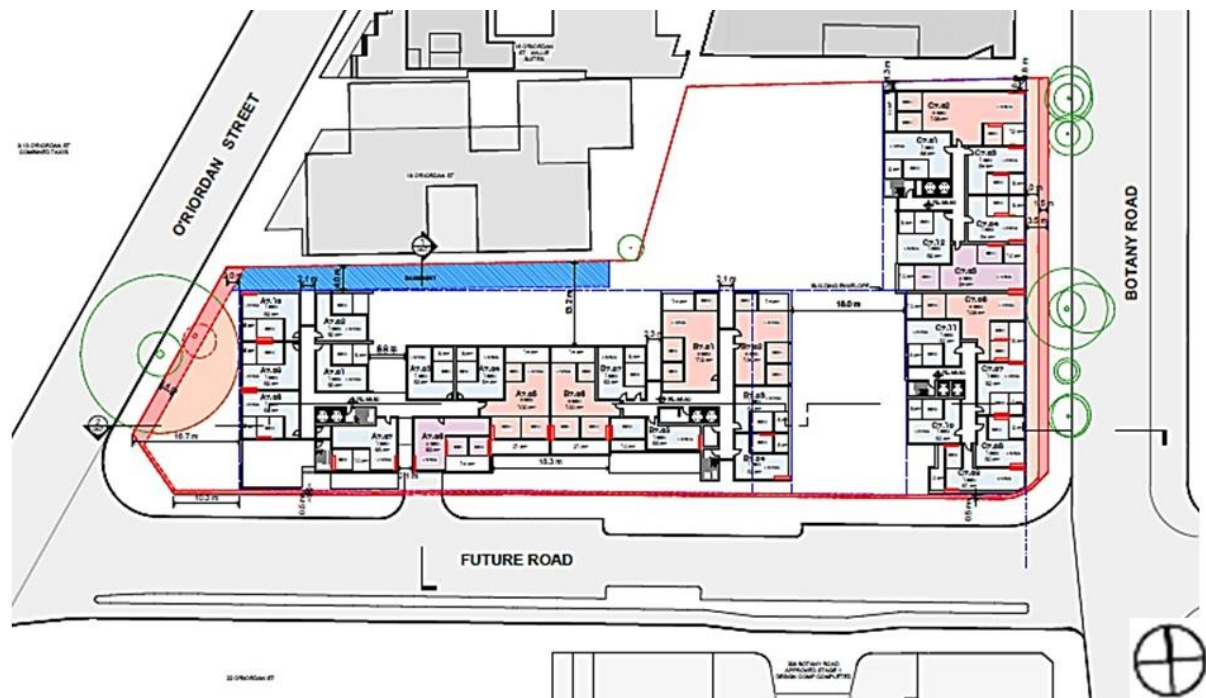


Figure 38: Reference scheme - level 07 plan.

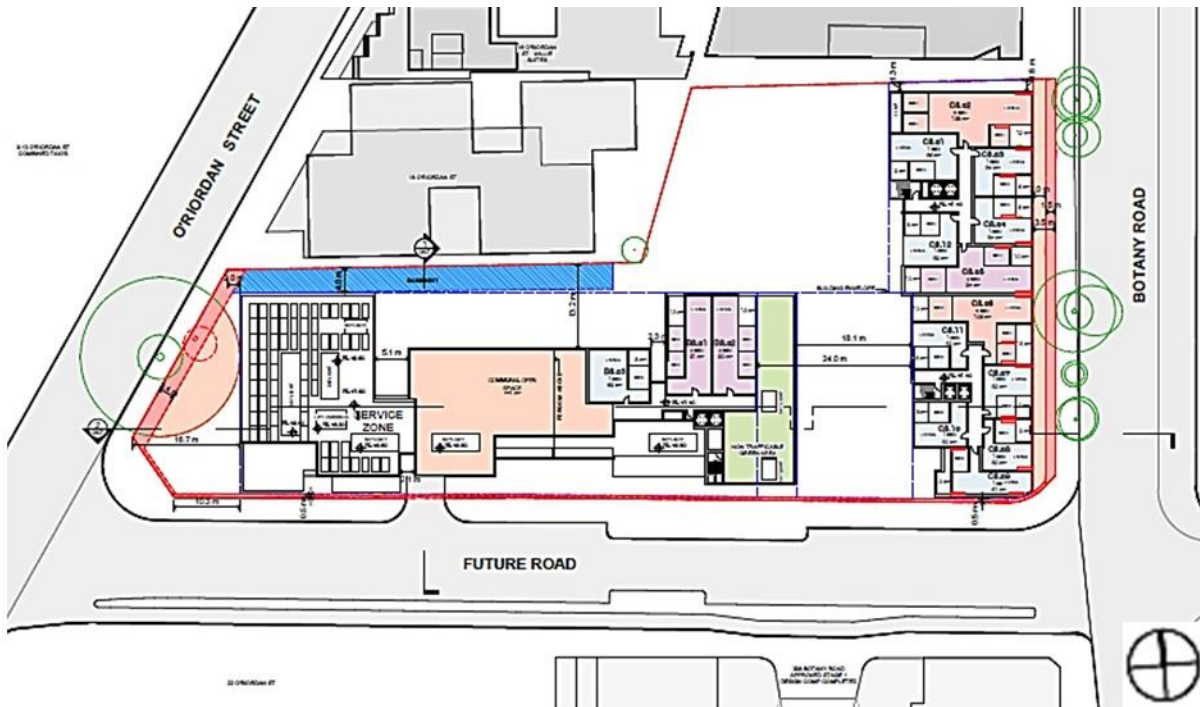


Figure 39: Reference scheme - level 08 plan.

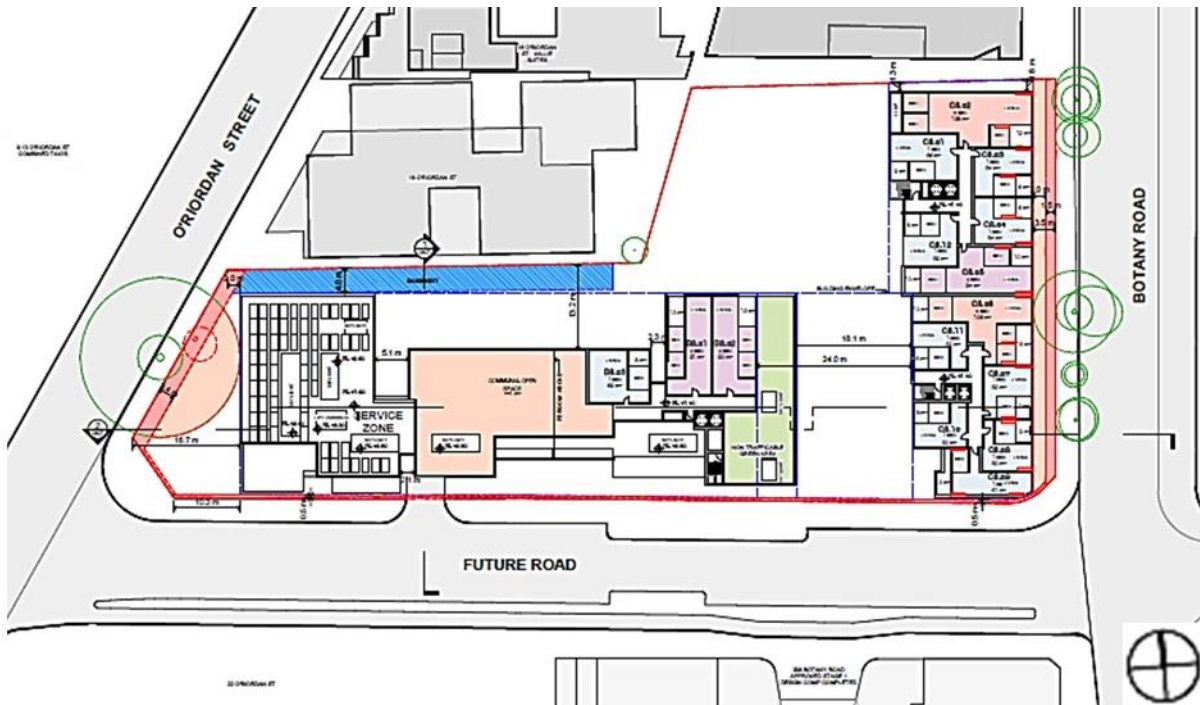


Figure 40: Reference scheme - level 09 plan.

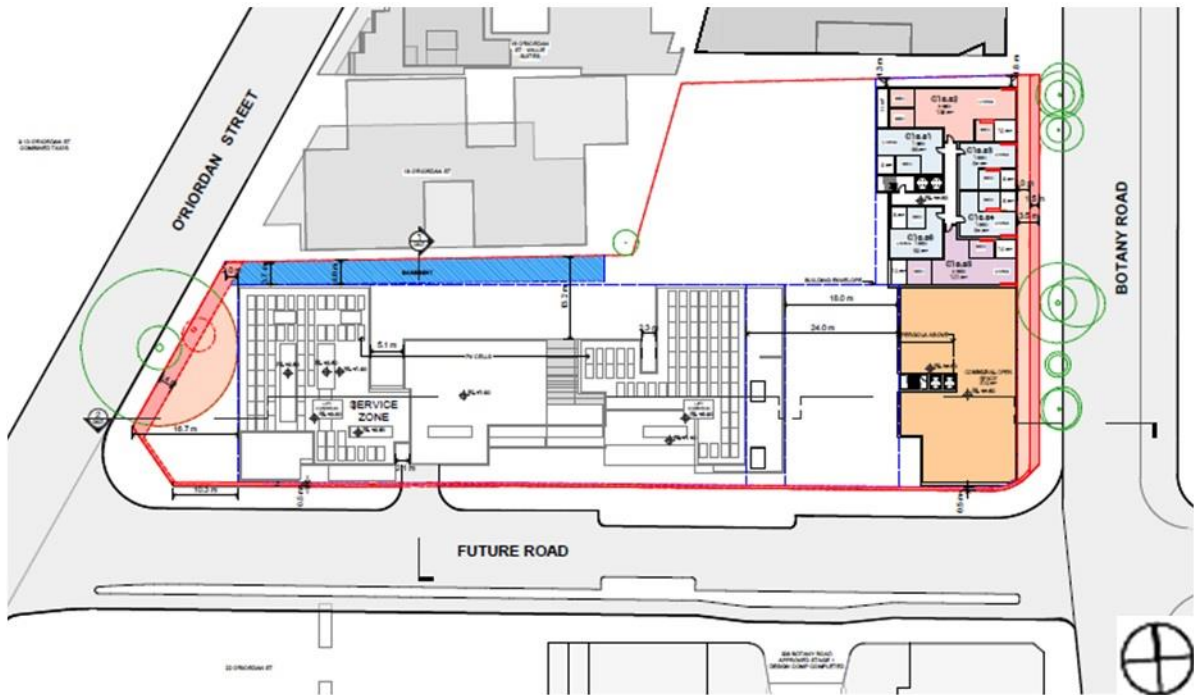


Figure 41: Reference scheme - level 10 plan.

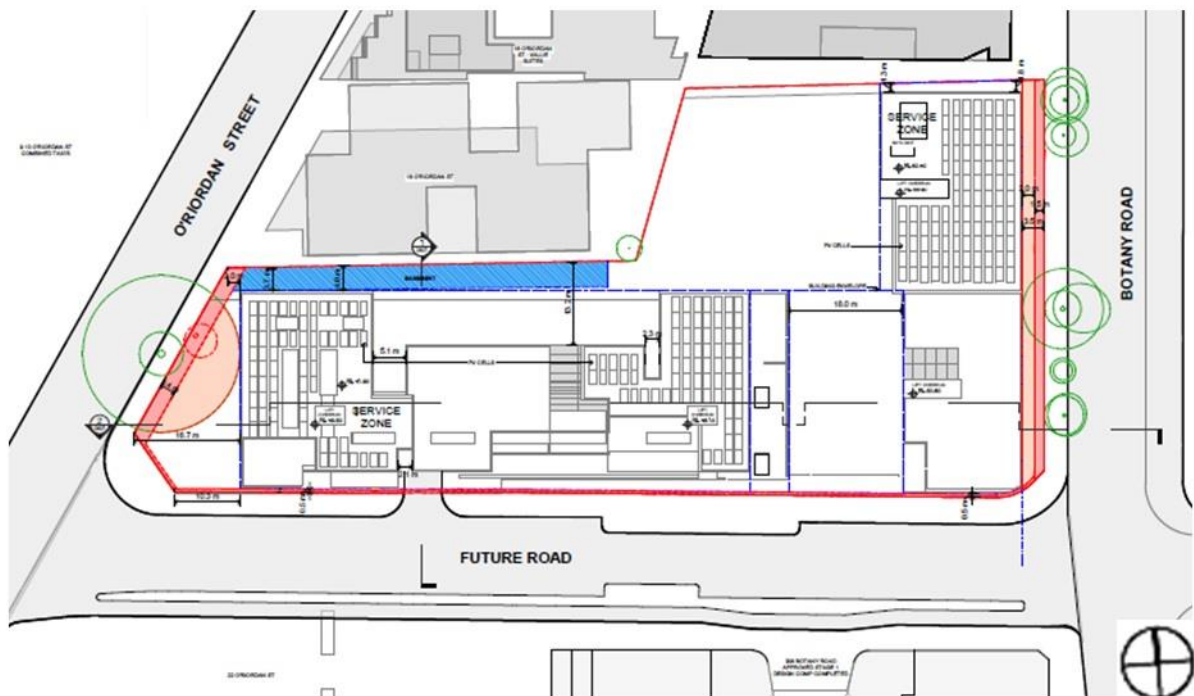


Figure 42: Reference scheme - roof plan.

## Assessment

53. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

## State Environmental Planning Policies

### State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land

54. The aim of SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land 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.
55. Many environmental site assessments have been undertaken since 2004 and which have identified the following contaminants:
- (a) fill materials with elevated levels of heavy metals, semi and non-volatile petroleum hydrocarbons and polycyclic aromatic hydrocarbons (PAHs);
  - (b) fill materials that potentially contain asbestos;
  - (c) point sources of petroleum hydrocarbon contamination, historically associated with the Mobil service station that previously operated at the site's western end, adjacent to its O'Riordan Street frontage;
  - (d) elevated levels of heavy metals have been reported in groundwater migrating onto the site; and
  - (e) elevated levels of chlorinated ethene vapours have been identified in the central and eastern portions of the site.
56. A Remediation Action Plan (RAP) relating to the site, accompanied by a letter of interim advice has been submitted with the development application.
57. The RAP proposes:
- (a) to excavate petroleum hydrocarbon impacted soils, bioremediate the excavated soils and validate the soils for re-use as backfill on the site. Any excavated petroleum hydrocarbon impacted soils that cannot be suitably remediated for re-use will be removed for off-site disposal;
  - (b) heavy metal, asbestos and PAH impacted fill-based soils will be addressed by on-site containment (i.e. areas that are not being dedicated to the City) below concrete slabs, pile foundations or a geotextile marker layer in the case of landscaped areas; and
  - (c) contaminants present in areas to be dedicated to the City are to be excavated and disposed of off-site. Excavations are to be clean filled.
58. Interim audit advice prepared by an NSW EPA Accredited Auditor has been submitted as part of the subject DA. The Site Auditor's advice confirms that the site can be made suitable for the proposed uses subject to the implementation of the RAP.

59. The Council's Environmental Health Unit have reviewed the information provided and accept the Site Auditor's advice that the site can be made suitable for the proposed uses.

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

60. The aim of State Environmental Planning Policy (SEPP) 65 is to improve the design quality of residential apartment development in New South Wales.
61. When determining an application for a residential flat development of three or more floors and containing four or more apartments, SEPP 65 requires the consent authority take into consideration a number of matters relating to design quality, including the design quality principles as set out in Schedule 1 of the SEPP.
62. The applicant has submitted a design verification statement and SEPP 65 design report prepared by John Pradel (reg.7004) and Adam Haddow (reg.7188) of SJB Architects, addressing the design quality principles and the objectives of parts 3 and 4 of the Apartment Design Guide (the ADG). The statement satisfies the requirements contained in Clause 50(1A) of the Environmental Planning and Assessment Regulation 2000.
63. An assessment of the proposal against the design quality is provided as follows:

- (a) Principle 1 and 2: Context and Neighbourhood Character and Built Form and Scale

The proposed envelope complies with the LEP height controls for the site. The proposed envelopes comply with public domain setback requirements and align with the existing and approved setbacks of adjacent buildings to the north.

Detailed testing of the envelope has been undertaken to demonstrate siting, bulk, scale, and orientation to minimise overshadowing of residential apartments on neighbouring properties in accordance with the design guidance and criteria to Apartment Design Guide (ADG) objectives 3B-2 and 4A-1.

The subject proposal establishes envelopes to accommodate development of an appropriate bulk and scale that is capable of providing a sympathetic detailed design response to the key natural and built features of the area.

- (b) Principle 3: Density

The reference scheme demonstrates that the proposed envelopes are capable of accommodating development of a density envisaged under the relevant planning controls.

Conditions recommended elsewhere in this report require unresolved issues to be addressed through the competitive design and subsequent design development processes.

As discussed elsewhere in this report these requirements will likely result in a reduced development yield. However, solutions to resolve yield loss can be explored through the competitive design process.



(c) Principle 4: Sustainability

The energy efficiency and sustainability of the design will form part of the subsequent DA for the detailed of the building.

ESD target benchmarks have been incorporated into the Design Excellence Strategy that is recommended for approval.

(d) Principle 5: Landscape

The reference scheme provides common open spaces at ground level adjacent to the northern boundary, on the level 8 rooftop of the GS2AC Road building and on the level 10 rooftop of the Botany Road building with a cumulative area of 2,053 sqm (31% of the site area). All common open space areas have a minimum dimension exceeding 6m.

An area of approximately 22% (1485sqm) of deep soil is proposed and which includes a consolidated deep soil area with minimum dimensions exceeding 10m located adjacent to the northern boundary.

A condition is recommended requiring deep soil to be provided in accordance with approved concept envelope plans.

(e) Principle 6: Amenity

The subject concept proposal is for an envelope and indicative land uses only, with the amenity for future residents to be assessed upon lodgement of a subsequent DA for the detailed design of the building.

The concept proposal includes a reference scheme to demonstrate that the proposed envelope can accommodate a building that complies with the SEPP design quality principles and objectives.

An assessment of the reference scheme, sometimes referred to as the 'proof of concept', concludes that the site can provide an adequate level of amenity in keeping with ADG objectives pertaining to residential floor to ceiling heights, solar access and natural ventilation (as outlined in the ADG compliance table below).

Amenity objectives, such as those pertaining to minimum sizes of apartments, private open space, common circulation and storage will be assessed in detail upon lodgement of a subsequent DA for the detailed design of the building.

(f) Principle 7: Safety

The subject proposal is for an envelope and indicative land uses only, with the detailed design of the building to be the subject of a competitive design process and a subsequent DA.

It is considered that the buildings can be designed to address safety and the relevant Crime Prevention Through Environmental Design (CPTED) considerations.

(g) Principle 8: Housing Diversity and Social Interaction

The proposed concept envelopes can accommodate common open space and common areas to provide opportunities for social interaction among residents.

The reference scheme provides the following dwelling mix:

- (i) 0% (0) studios
- (ii) 67% (170) 1 bed
- (iii) 11% (27) 2 bed
- (iv) 22% (56) 3 bed.

However, the number and mix of apartments is not approved as part of the concept DA consent.

Any subsequent DA for the detailed design of the building will be assessed against the requirements of this SEPP principle.

(h) Principle 9: Aesthetics

The subject proposal is for an envelope and indicative land uses only, with the detailed design and aesthetics of the building to be the subject of a competitive design process and a subsequent DA.

64. The development is acceptable when assessed against the SEPP including the above stated principles and the associated Apartment Design Guide (ADG). These controls are generally replicated within the apartment design controls under the Sydney Development Control Plan 2012. Consequently, compliance with the SEPP generally implies compliance with Council’s own controls. A detailed assessment of the proposal against the ADG is provided below.

2E Building Depth	Compliance	Comment
12-18m (glass to glass)	Able to comply	<p>The part of the envelope facing the GS2AC Road is 31m deep and the part of the envelope facing Botany Road is 22.5m deep.</p> <p>The deepest apartments in the reference scheme have a depth of up to about 20m and which exceed the recommended maximum building depth requirements.</p> <p>Compliance with this objective will be assessed upon lodgement of any subsequent DA for the detailed design of the building.</p>

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>	Able to comply	<p>The part of the envelope fronting the GS2AC Road is separated from the northern boundary to the property at 18 O’Riordan Street by between 3.7m to 4.8m.</p> <p>The reference scheme contains west-facing apartments at the eastern end of the GS2AC Road building, from the third storey up, that have openings to habitable and non-habitable rooms separated by only 2.3m from the blank walls of adjacent apartments and which do not provide minimum separation distances and are not consistent with the design guidance to this objective. Refer to the assessment against ADG objective 3F Visual privacy below.</p> <p>Otherwise, the reference scheme demonstrates that a detailed design can achieve the ADG building separation design criteria at a height of up to four storeys.</p> <p>Compliance with these requirements will be assessed upon lodgement of any subsequent DA for the detailed design of the building.</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>	Able to comply	<p>The part of the envelope fronting the GS2AC Road is separated from the northern boundary to the property at 18 O’Riordan Street by between 3.7m to 4.8m.</p> <p>The reference scheme contains west-facing apartments at the eastern end of the GS2AC Road building, from the fifth to the eighth storey, that have openings to habitable and non-habitable rooms separated by only 2.3m from the blank walls of adjacent apartments and which do not provide minimum separation distances and are not consistent with the design guidance to this objective. Refer to the assessment against ADG objective 3F Visual privacy below.</p>

2F Building Separation	Compliance	Comment
		<p>Otherwise, the reference scheme demonstrates that a detailed design can achieve the ADG building separation design criteria at a height of five to eight storeys.</p> <p>Compliance with these requirements will be assessed upon lodgement of any subsequent DA for the detailed design of the building.</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 part of the envelope fronting the GS2AC Road is separated from the northern boundary to the property at 18 O’Riordan Street by between 3.7m to 4.8m. The reference scheme appears to provide a window to a corridor (i.e., a non-habitable space) that is setback about 9m from this side boundary and which does not achieve the minimum 12m separation from the northern side boundary. But as the neighbouring property at 18 O’Riordan Street presents a blank wall to its southern elevation and which faces the aforementioned corridor window there are no privacy issues arising from this non-compliance.</p> <p>The reference scheme contains a west-facing apartment at the eastern end of the GS2AC Road building, at the ninth storey, that has openings to habitable and non-habitable rooms separated by only 2.3m from the blank walls of adjacent apartments and which do not provide minimum separation distances and are not consistent with the design guidance to this objective. Refer to the assessment against ADG objective 3F Visual privacy below.</p> <p>Otherwise, the reference scheme demonstrates that a detailed design can achieve the ADG building separation design criteria at a height of nine storeys and above.</p> <p>Compliance with these requirements will be assessed upon lodgement of any subsequent DA for the detailed design of the building.</p>

3B Overshadowing	Compliance	Comment
<p>Living areas, private open space and communal open space should receive solar access in accordance with objectives 3D Communal and public open space and 4A Solar and daylight access.</p> <p>Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%.</p>	Yes	<p>338 Botany Road (St George Community Housing)</p> <p>Under existing conditions 51% (54 of 104) of the apartments in the reference scheme of the approved concept proposal for 338 Botany Road receive at least 2 hours of sun at midwinter and 7% (7 of 104) receive no direct sun.</p> <p>In accordance with the design guidance to this objective, the proposed envelope maintains these headline compliance levels, but reduces by a maximum of 20%, the time that those apartments that already receive less than 2 hours, but more than 15 minutes of sun receive direct sunlight.</p> <p>499 Botany Road (BridgeHill)</p> <p>Under existing conditions 71% (91 of 128) of the apartments in the approved development at 499 Botany Road receive at least 2 hours of sun at midwinter and 0% (0 of 128) receive no direct sun.</p> <p>Submitted view from the sun diagrams and overshadowing analysis indicate that the apartments in the south-west facing (Botany Road) elevation of the BridgeHill building are not relied upon to achieve the currently ADG compliant levels of solar access. Subsequently, the lower level apartments in the south-west facing elevation of the BridgeHill building and which are subject to increased overshadowing by the proposed development do not result in unacceptable impacts to the overall levels of solar access for this building.</p>

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 reference scheme provides common open space at ground level adjacent to the northern boundary (1094 sqm), on the level 8 rooftop of the GS2AC Road building (441sqm) and on the level 10 rooftop of the Botany Road building (519 sqm) with a cumulative area of 2,053 sqm (31% of the site area), all of which have a minimum dimension in excess of 6m.</p> <p>Compliance with these requirements will be assessed upon lodgement of any subsequent DAs for the detailed design of buildings.</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).	Able to comply	<p>The reference scheme demonstrates that:</p> <ul style="list-style-type: none"> <li>• ground level common open space receives almost no direct sunlight between 9am and 3pm at midwinter</li> <li>• the level 8 rooftop common open space receives sunlight to almost its entire area (approximately 98% of its area) between 9am and 3pm at midwinter</li> <li>• the level 10 rooftop common open space receives sunlight to almost its entire area (approximately 90% of its area) between 9am and 3pm at midwinter.</li> </ul> <p>As the rooftop common open spaces receive sunlight throughout the day, they are the principal useable common open space areas for the development.</p> <p>To ensure principal useable common open space is equitably distributed in the detailed design of the building, a condition is recommended for a requirement to be included in the competitive design process brief, for common open space to be provided in an area or areas of a useable size and configuration, directly and equitably</p>

3D Communal and Public Open Space	Compliance	Comment
		<p>accessed from common circulation areas, entries and lobbies, and designed so that the principal common open space area or areas achieve minimum solar access requirements as stated at provision 4.2.3.8 of the DCP.</p> <p>Compliance with these requirements will be assessed upon lodgement of any subsequent DAs for the detailed design of buildings.</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>Yes</p>	<p>The reference scheme demonstrates that approximately 22% (1485sqm) of deep soil can be provided across the site, and which includes a consolidated deep soil area with minimum dimensions in excess of 10m located adjacent to the northern boundary.</p> <p>Refer to the Issues section in this report.</p>

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>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>Nine storeys and above (over 25m):</p>	<p>Able to comply</p>	<p>The ground level apartment BG.02 of the reference scheme addresses and has windows to habitable rooms to the publicly accessible visitor bicycle parking space between the Botany Road and GS2AC Road buildings. This apartment would have poor amenity due to the poor visual and acoustic privacy impacts arising from its design, it is contrary to the design guidance to ADG objective 3F-2 and would unlikely be supported if proposed at detailed design DA stage.</p> <p>The reference scheme contains west-facing apartments at the eastern end of the GS2AC Road building that have openings to habitable and non-habitable rooms separated by only 2.3m from the blank walls of adjacent apartments and which do not provide minimum</p>

3F Visual Privacy	Compliance	Comment
<ul style="list-style-type: none"> <li>• 12m between habitable rooms / balconies</li> <li>• 6m between non-habitable rooms</li> </ul>		<p>separation distances in accordance with the design guidance to ADG objective 3F-1.</p> <p>A condition is recommended for particular attention to be given to addressing ADG objective 3F-1 through competitive and detailed design processes.</p> <p>Otherwise refer to the assessment against ADG objective 2F Building separation above.</p>

4A Solar and Daylight Access	Compliance	Comment
<p>70% of units to receive a minimum of 2 hours of direct sunlight between 9am and 3pm at midwinter to living rooms and private open spaces.</p>	Yes	<p>The reference scheme demonstrates that 70% (177 of 253) of apartments are able to receive a minimum of 2 hours of direct sun between 9am and 3pm at midwinter to living rooms and private open space.</p> <p>Compliance with these requirements will be assessed upon lodgement of any subsequent DAs for the detailed design of buildings.</p>
<p>Maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at midwinter.</p>	Yes	<p>The reference scheme demonstrates that 11% (29 of 253) of apartments receive no direct sun between 9am and 3pm at midwinter.</p> <p>Compliance with these requirements will be assessed upon lodgement of any subsequent DAs for the detailed design of buildings.</p>

4B Natural Ventilation	Compliance	Comment
<p>All habitable rooms are naturally ventilated.</p>	Able to comply	<p>All of the concept envelope elevations that face the street are affected by traffic noise.</p>



4B Natural Ventilation	Compliance	Comment
		<p>The submitted acoustic report recommends noise attenuation measures, including some such as plenums, which are to provide the noise reductions necessary to achieve both the relevant internal noise criteria and the natural ventilation objectives of the ADG.</p> <p>The reference scheme incorporates the recommended noise attenuation measures; however it appears that in some instances suitable spatial allowances have not been made such that some rooms that contain plenums would fail to achieve the minimum room dimensions in accordance with ADG requirements.</p> <p>This issue is to be addressed through the competitive design process and subsequent detailed design DA and may result in a reduction in achievable yield for the development.</p> <p>Refer to the Issues section in this report.</p>
<p>Minimum 60% of apartments in the first nine (9) storeys of the building are naturally cross ventilated.</p>	<p>Able to comply</p>	<p>Forty-four percent (49 of 111) of non-noise affected apartments within the first nine-storeys of the reference scheme are naturally cross ventilated. This is counting the 8 apartments (AG.01 to A7.02) that are not naturally cross ventilated, but which could easily incorporate a window in their northern elevations to be configured as corner, and therefore naturally cross ventilated, apartments.</p> <p>This non-compliance will need to be addressed through the competitive design process and subsequent detailed design DA and will likely result in a reduction in achievable yield for the development.</p> <p>Refer to the Issues section in this report.</p>

4B Natural Ventilation	Compliance	Comment
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	Able to comply	<p>The deepest apartments in the reference scheme have a depth of up to about 20m and which exceed the recommended maximum building depth requirements.</p> <p>Compliance with this objective will be assessed upon lodgement of any subsequent DA for the detailed design of the building.</p>

4C Ceiling Heights	Compliance	Comment
Habitable rooms: 2.7m	Able to comply	<p>The indicative sections provided in the reference scheme drawings indicate 3.1m floor to floor heights and which would provide sufficient tolerance at construction to provide 2.7m floor to ceiling heights.</p> <p>Compliance with this objective will be assessed upon lodgement of any subsequent DA for the detailed design of the building.</p>
If located in mixed use areas – 3.3m for ground and first floor to promote future flexibility of use.	Able to comply	<p>The indicative sections provided in the reference scheme drawings indicate from 3.6m to 4.5m floor to floor heights at lower ground, ground and level 01 and which would provide sufficient tolerance at construction to provide between 3.2m to 4.1m floor to ceiling heights on these levels.</p> <p>Compliance with this objective will be assessed upon lodgement of any subsequent DA for the detailed design of the building.</p>

4D Apartment Size and Layout	Compliance	Comment
<p>Minimum unit sizes:</p> <ul style="list-style-type: none"> <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>An assessment of the reference scheme indicates 1 beds: 50-69sqm, 2 beds: 81-97sqm and 3 beds: 96-138sqm in size and that comply with the ADG minimum apartment size requirements.</p> <p>As noted elsewhere in this compliance table some rooms may not be able to achieve ADG minimum dimensions and sizes due to insufficient space being allocated to plenums in plan. This may be addressed by losing a room somewhere across the noise affected facade to make a suitable spatial allocation to accommodate the recommended plenum widths.</p> <p>Compliance with this objective will be assessed upon lodgement of any subsequent DA for the detailed design of the building.</p>

4E Private Open Space and Balconies	Compliance	Comment
<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>An assessment of the reference scheme indicates:</p> <ul style="list-style-type: none"> <li>• 1 beds with balconies 8-9sqm;</li> <li>• 2 beds with balconies 10-17sqm;</li> <li>• 3 beds with balconies 12-17sqm: 96-138sqm in size; and</li> </ul> <p>that comply with the ADG minimum apartment size requirements.</p> <p>Compliance with this objective will be assessed upon lodgement of any subsequent DA for the detailed design of the building.</p>

<b>4E Private Open Space and Balconies</b>	<b>Compliance</b>	<b>Comment</b>
Private open space for apartments on ground level, on a podium, or similar, must have a minimum area of 15m <sup>2</sup> and a minimum depth of 3m.	Able to comply	An assessment of the reference scheme indicates ground and podium level balconies in excess of the ADG minimum size requirements.

<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	The reference scheme demonstrates compliance with this requirement.  Compliance with these requirements will be assessed upon lodgement of any subsequent DAs for the detailed design of buildings.
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	Able to comply	The reference scheme demonstrates compliance with this requirement.  Compliance with these requirements will be assessed upon lodgement of any subsequent DAs for the detailed design of buildings.
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	The reference scheme demonstrates compliance with this requirement.  Compliance with these requirements will be assessed upon lodgement of any subsequent DAs for the detailed design of buildings.
Daylight and natural ventilation are provided to all common circulation spaces.	Able to comply	Compliance with these requirements will be assessed upon lodgement of any subsequent DAs for the detailed design of buildings.

4G Storage	Compliance	Comment
Minimum storage provision facilities: <ul style="list-style-type: none"> <li>• Studio: 4m<sup>3</sup></li> <li>• 1 bed: 6m<sup>3</sup></li> <li>• 2 bed: 8m<sup>3</sup></li> <li>• 3 bed: 10m<sup>3</sup></li> </ul> (Minimum 50% storage area located within unit)	Able to comply	As detailed designs including the number of apartments and basement levels will be determined as part of the DAs for the detailed design of buildings, compliance with this objective will be assessed at that later stage.

4J Noise and Pollution	Compliance	Comment
Have noise and pollution been adequately considered and addressed through careful siting and layout of buildings?	Yes	Refer to the assessment against the acoustic privacy controls at provision 4.2.3.11 in the DCP compliance tables below.

#### State Environmental Planning Policy (Housing) 2021

65. The aim of SEPP (Housing) 2021 is to provide a consistent planning regime for the provision and maintenance of affordable rental housing and to facilitate the delivery of new affordable rental housing.
66. As noted elsewhere in this report, SEPP Chapter 2, Part 2, Divisions 1, 2, 3 and 5, and which are aimed at encouraging the provision of affordable housing, do not apply to sites within the Southern Employment Lands (also referred to as the Southern Enterprise Area in this report).
67. The site is in the Southern Enterprise Area and is not subject to the provisions of the SEPP.

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

68. Any future development application for the detailed design of the building will be required to satisfy BASIX requirements.
69. A condition is recommended to advise that any future residential scheme must comply with SEPP (Building Sustainability Index: BASIX) 2004, and that a BASIX certificate must be submitted with any future development application for the detailed design of the building.
70. Target benchmarks for ecologically sustainable development including BASIX targets for the development are discussed elsewhere in this report.

**State Environmental Planning Policy (Transport and Infrastructure) 2021**

71. The provisions of SEPP (Transport and Infrastructure) 2021 have been considered in the assessment of the development application.

**Division 5, Subdivision 2: Development likely to affect an electricity transmission or distribution network****Clause 2.48 Determination of development applications – other development**

72. The application is subject to Clause 2.48 of the SEPP as the development will be carried out within 5m of an exposed overhead electricity power line.
73. As such, the application was notified to Ausgrid and Transgrid through the NSW Planning Portal (ref. CNR-35166), on 9 February 2022.
74. On 11 April 2022, Council's planning officer uploaded the one public enquiry about accessing DA documents received in response to the notification and exhibition of the subject DA to the NSW Planning Portal.
75. Transgrid provided a response on 2 May 2022, to advise that no comments would be provided at this stage.
76. Ausgrid provided a response on 9 May 2022, to advise that the proposal was supported subject to the recommendations for the detailed design of the buildings to comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice for construction works near existing electrical assets.
77. This recommendation provided by Ausgrid in the referral dated 9 May 2022 is included in the conditions of consent set out in Attachment A to this report.

**Division 15, Subdivision 2: Development in or adjacent to rail corridors and interim rail corridors****Clause 2.98 – Excavation in, above, below or adjacent to rail corridors**

78. The application is adjacent to an underground rail corridor and was subsequently referred to Transport for NSW [TfNSW (Sydney Trains)] through the NSW Planning Portal (ref. no. CNR-35166), on 9 February 2022.
79. On 11 April 2022, Council's planning officer uploaded the one public enquiry about accessing DA documents received in response to the notification and exhibition of the subject DA to the NSW Planning Portal.
80. On 3 May 2022, TfNSW (Sydney Trains) provided its concurrence, the conditions of which are included in the conditions of consent set out in Attachment A to this report.

**Division 17, Subdivision 2: Development in or adjacent to road corridors and road reservations****Clause 2.119 – Development with frontage to classified road**

81. The application is subject to Clause 2.119 of the SEPP as the site has frontages to Botany Road and O'Riordan Street, both of which are classified roads.
82. As such, the application was notified to TfNSW [Roads and Maritime Services (RMS)] through the NSW Planning Portal (ref. CNR-35166), on 9 February 2022.

83. On 11 April 2022, Council's planning officer uploaded the one public enquiry about accessing DA documents received in response to the notification and exhibition of the subject DA to the NSW Planning Portal.
84. On 2 May 2022, TfNSW (RMS) provided its concurrence under section 138 of the Roads Act 1993, the conditions of which are included in the conditions of consent set out in Attachment A to this report.
85. The proposed development satisfies the provisions of Clause 2.119 of the SEPP, as vehicle access to the site will be from its non-classified road frontage to the GS2AC Road. As such the safety, efficiency and ongoing operation of the classified roads will not be adversely affected by the development, subject to the recommended conditions of consent.
86. Refer to the External Referrals section of this report.

#### **Clause 2.120 – Impact of road noise or vibration on non-road development**

87. The subject site has frontages to Botany Road and O'Riordan Street both of which carry an average daily traffic volume of 20,000 vehicles and as such is subject to the requirements of clause 2.120 of the SEPP.
88. Council's Environmental Health Specialist has reviewed the submitted acoustic report and has advised that subject to the noise attenuation strategies recommended in the acoustic report the proposed development can achieve the relevant internal noise criteria specified at clause 2.120 of the SEPP.

#### **Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 2 (Vegetation in Non Rural Areas) 2017**

89. The provisions of SEPP (Biodiversity and Conservation) 2021 have been considered in the assessment of the development application.
90. Refer to the assessment of impacts upon existing trees in the DCP compliance tables elsewhere in this report.

### **Local Environmental Plans**

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

91. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 (the LEP) is provided in the following sections.

#### **Planning Proposal - Enterprise Area Review - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment**

92. The Planning Proposal - Enterprise Area Review - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment were publicly exhibited from 15 November to 13 December 2021.
93. The subject DA was lodged on 20 December 2021. The provisions of the Planning Proposal came into force on 30 September 2022 and have been considered in this assessment.

94. The Planning Proposal revised height and floor space ratio controls in the locality of North Alexandria. While the site is in the locality of North Alexandria, none of the changes to LEP controls affect the subject site.
95. Some changes to DCP controls do affect the subject site and which are addressed in the assessment of the proposal against the relevant DCP controls elsewhere in this report.

### **Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2022**

96. The Department of Planning and Environment has replaced business and industrial zones with a simplified framework of employment and supporting zones.
97. The Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2022 and six self-repealing SEPPs, repeal the business and industrial zones, modifies objectives and land use permissibility, and makes savings and transitional provisions to facilitate the reforms.
98. The new zoning and related provisions commenced operation on 26 April 2023 and have been considered in this assessment.
99. The subject site was in Zone B7 Business Park. It is now in Zone E3 Productivity Support. Refer to the assessment against the relevant zoning provisions in the LEP compliance table below.

### **Part 2 Permitted or prohibited development**

#### **Part 7 Local provisions - general**

<b>Provision</b>	<b>Compliance</b>	<b>Comment</b>
1.9 Application of SEPPs	Yes	As noted elsewhere in this report SEPP (Housing) 2021 Chapter 2, Part 2, Divisions 1, 2, 3 and 5, and which are aimed at encouraging the provision of affordable housing, do not apply to sites within the Southern Employment Lands (also referred to as the Southern Enterprise Area in this report).
2.3 Zone objectives and Land Use Table  7.13A Affordable housing in Business Area	Permitted with consent	The site is in Zone E3 Productivity Support. The proposal is for a mixed-use development containing shop top housing for the purposes of providing affordable housing.  Residential accommodation and retail premises are prohibited in the zone.  The site is located on land identified as 'Business Area' on the LEP's Locality and Site Identification Map. Clause 7.13A prescribes that development in the Business Area for the purposes of



Provision	Compliance	Comment
		<p>shop-top housing is permitted with consent subject to satisfying the consent authority in regard to the following matters:</p> <ul style="list-style-type: none"> <li>• the shop-top housing will be affordable housing</li> <li>• the affordable housing will be provided by a public authority or social housing provider</li> <li>• the affordable housing will be provided in accordance with the City's Affordable Housing Program</li> <li>• the development is compatible with existing and approved uses in the vicinity of the site</li> <li>• no part of the ground floor that fronts the street will be used for residential purposes and</li> <li>• the development is not likely to have adverse environmental effects or create unacceptable environmental risks.</li> </ul> <p>As outlined elsewhere in this report the subject concept proposal addresses those matters listed above and for this reason, is permitted with consent notwithstanding the proposed development being prohibited in the Zone E3 Productivity Support.</p>

## Part 4 Principal development standards

## Part 6 Local provisions - height and floor space

Provision	Compliance	Comment
4.3 Height of buildings	Yes	<p>LEP clause 4.3 specifies maximum building heights ranging from 33m to 40m for the site.</p> <p>A height of 33m to 40m is proposed.</p> <p>The proposed development complies with the maximum height of buildings development standard.</p>
<p>4.4 Floor space ratio</p> <p>6.14 Community infrastructure floor space at Green Square</p> <p>6.21C Design excellence</p> <p>6.21D Competitive design process</p>	Able to comply	<p>LEP clause 4.4 specifies a maximum permissible floor space ratio (FSR) of 2:1.</p> <p>LEP clause 6.14 provides an opportunity for a further 1.5:1 FSR where community infrastructure is provided.</p> <p>As part of the subject application, the owner of the site has made a formal offer to enter into a Voluntary Planning Agreement (VPA) with the City. This VPA is for the dedication of 228sqm of land to the City, for the purposes of footpath widening on each of its street frontages with a value of \$45,644, embellishment works with a value of \$192,930.40 and a monetary contribution of \$4,399,987.60 for community infrastructure provision in Green Square.</p> <p>In accordance with LEP clause 6.21D up to 10% additional FSR (0.35:1) may be approved subject to a competitive design process being carried out, a winning scheme being selected and that winning scheme exhibiting design excellence at detailed design DA stage.</p> <p>Considering all of the relevant FSR provisions contained in the LEP, the maximum permitted FSR for the development is 3.85:1 (25,825.8 sqm GFA).</p>

Provision	Compliance	Comment
		<p>The reference scheme has a FSR of 3.56:1 (23,875 sqm GFA) and which complies with the permissible FSR for the site.</p> <p>No actual works or FSR are approved as part of any concept approval. A condition has been recommended that requires that the floor space ratio of the detailed design must not exceed the permissible floor space ratio for the site.</p> <p>Recommended conditions to address various issues, including acoustic privacy, natural ventilation and natural cross ventilation, may reduce the achievable yield, from that shown in the reference scheme, of a future detailed building design located within the proposed envelope.</p> <p>The subject concept proposal has been assessed against the relevant requirements of 6.21C(4) including site suitability, proposed uses, bulk and massing, street frontage heights and other environmental impacts. The concept proposal demonstrates that subject to the recommended conditions a suitable detailed building design can be achieved for the site. LEP clause 6.21(4) which allows for a potential 10% FSR increase will be considered in the assessment of any subsequent DA for the detailed building design.</p>

#### Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	<p>The site is not identified as containing a heritage item. It is not in the vicinity of a heritage item and it is not located within a heritage conservation area.</p> <p>The proposed development will not have any adverse heritage impacts.</p>
5.21 Flood planning	Able to comply	The site is affected by flooding and is within the Alexandra Canal catchment.

Provision	Compliance	Comment
		<p>A site-specific flood study has been submitted and recommends flood planning levels (FPLs) for the development.</p> <p>Council's Public Domain Infrastructure Specialist has reviewed the proposal. The recommendations of the site-specific flood study are supported, and conditions recommended for the endorsed FPLs to be incorporated into any detailed building design submitted as part of any future DA for the site.</p>

### Part 7 Local provisions – general

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development		
<p>7.5 Residential flat buildings, dual occupancies and multi dwelling housing</p> <p>7.7 Retail premises</p>	Able to comply	<p>The reference scheme indicates car parking could be provided at the lower ground level, a portion of which is within the basement.</p> <p>Car parking numbers for commercial, retail and residential uses can only be assessed as part of a subsequent development application for the detailed design of the building.</p> <p>The permissible number of car parking spaces are determined by the amount of commercial floor space and the residential dwelling mix and which is only indicative at this concept stage.</p>
Division 3 Affordable housing		
7.13 Contribution for purpose of affordable housing	Able to comply	Any subsequent DA for the detailed design of the building will be subject to an assessment against the requirements of the City's Affordable Housing Program (the Program). It is noted that the Program specifies that development that provides affordable housing in accordance with the Program's Principles may be exempted from such a contribution.

Provision	Compliance	Comment
		Program Principles include that affordable housing is of a standard that is consistent with other housing in the City of Sydney.
Division 4 Miscellaneous		
7.14 Acid Sulfate Soils	Yes	<p>The site is located on land with Class 5 Acid Sulfate Soils. A site-specific assessment of acid sulphate soils was submitted as part of the subject DA and which concludes that there are no acid sulphate soils present on the site.</p> <p>As such the proposed development does not require the preparation of an Acid Sulfate Soils Management Plan.</p>
7.16 Airspace operations	Able to comply	<p>The proposed envelope breaches the Obstacle Limitation Surface as shown on the Obstacle Limitation Surface Map for Sydney Airport.</p> <p>As such the DA was referred to Sydney Airport which provided recommendations as to the approvals that would be required prior to any works commencing on the site and which are provided at Attachment G to this report.</p> <p>Refer to the External Referrals section in this report.</p>
7.17 Development in areas subject to airport noise	n/a	The subject site is not located within ANEF Contour 20 or higher and as such is not subject to the requirements of this clause.
7.19 Demolition must not result in long term adverse visual impact	n/a	No demolition is proposed under the subject application.
7.20 Development requiring or authorising preparation of a development control plan	Yes	<p>As the site area is greater than 5,000sqm, preparation of a site specific DCP is required.</p> <p>Pursuant to the provisions of Section 4.23(2) of the Environmental Planning and Assessment Act 1979, the lodgement of a concept proposal DA</p>

Provision	Compliance	Comment
		<p>may be considered by the consent authority as satisfying this obligation.</p> <p>As detailed elsewhere in this report, subject to the recommended conditions the concept proposal adequately addresses the matters for consideration specified under this clause including, height, bulk, massing, streetscape and environmental impacts.</p>
7.23 Large retail development outside of Green Square Town Centre and other planned centres	Able to comply	<p>The subject site is on land identified as restricted retail development on the Retail Premises Map. As such, development consent cannot be granted for the purposes of individual shops or markets with a gross floor area of greater than 1,000sqm.</p> <p>While indicative ground floor shop tenancies of less than 1,000sqm in area are proposed, the quantum of gross floor area is not approved as part of this concept DA.</p> <p>As such, any subsequent DA for the detailed design of the building will be required to comply with this control.</p>
7.25 Sustainable transport of southern employment land	Able to comply	<p>This clause requires the consent authority to consider whether the development will promote sustainable transport modes and minimise traffic.</p> <p>A future detailed design is capable of complying with this clause given the site's proximity to public transport routes, the non-variable maximum LEP parking limits and DCP requirements for the provision of bicycle and car share parking spaces within the development.</p> <p>As no works are approved as part of this concept DA the clause does not apply, however it will be a matter to be addressed by any subsequent DA for the detailed design of the building.</p>

Provision	Compliance	Comment
		Conditions are recommended to specify information to be provided as part of any subsequent DA for the detailed design of the building to adequately address this clause.

## Development Control Plans

### Sydney Development Control Plan 2012

100. An assessment of the proposed development against the relevant provisions within the Sydney Development Control Plan 2012 is provided in the following sections.

### Planning Proposal – Enterprise Area Review - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment

101. The Planning Proposal - Enterprise Area Review - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment were publicly exhibited from 15 November to 13 December 2021.

102. The Planning Proposal effected changes to DCP controls that apply to the subject site including those pertaining to active frontages, height in storeys and setbacks above street frontage height.

### Section 2 – Locality Statements

103. The site is located within the locality of North Alexandria. The proposed development is in keeping with the character and the design principles for the locality in that it will contribute to the provision of commercial floor space in proximity to the Green Square Town Centre and a high-quality public domain by providing suitable setbacks, land dedications and embellishments.

### Section 3 – General Provisions

Provision	Compliance	Comment
3.1.1 Streets, lanes and footpaths 3.1.1.4 Footpaths	Able to comply	Construction of footpaths on land to be dedicated for footpath widening to both the Botany Road and O'Riordan Street site frontages have been secured in the Voluntary Planning Agreement associated with this DA.  Footpaths are to be designed and constructed in accordance with the Sydney Streets Design Code.

Provision	Compliance	Comment
3.1.4 Public open space	Yes	The proposed concept envelope does not have any overshadowing impacts to public open space in the vicinity of the site.
3.1.5 Public art	Yes	<p>Subject to the recommended conditions, the submitted Preliminary Public Art Plan (the PPAP) is able to satisfy the requirements of the City's Interim Guidelines for Public Art in Private Developments.</p> <p>The recommended conditions require amendments to the PPAP as follows:</p> <ul style="list-style-type: none"> <li>• revision of the public art budget to include payment for first nations community consultation participants</li> <li>• include an acknowledgement that Indigenous Cultural Consultant(s) may be required to guide the consultation with first nations stakeholders</li> <li>• amendment of the public art budget to exclude Marketing Photography and Publicity Costs</li> <li>• amend the artwork lifespan to be a minimum of 25 years and</li> <li>• amend artwork maintenance requirements to reflect a minimum artwork lifespan of 25 years.</li> </ul>
3.1.6 Sites greater than 5000sqm	No, but acceptable.	<p>As the site is at the southern end of the block and has a frontage to the new GS2AC Road it is considered that provision of a through-site link, as required by this control, is unnecessary.</p> <p>Similarly, as the proposed apartments are for the purposes of affordable housing, the proposed development will promote the diversity of housing in the area notwithstanding the non-provision of maisonette apartments in the reference scheme.</p>



Provision	Compliance	Comment
		In accordance with the requirements of this control the concept proposal incorporates a Preliminary Public Art Plan and which is addressed above.
<p>3.2.1 Improving the Public Domain</p> <p>3.2.1.1 Sunlight to publicly accessible spaces</p>	Yes	Refer to the assessment against DCP provision 3.1.4 Public Open Space above.
<p>3.2.2 Addressing the street and public domain</p> <p>3.2.3 Active frontages</p>	Able to comply	<p>Previously, the site's Botany Road and O'Riordan Street frontages were identified as active frontages on the DCP's active frontages map.</p> <p>The Enterprise Areas Review Planning Proposal made changes to mapped active frontage locations in North Alexandria. Now, the site's interface to the GS2AC Road is identified as an active frontage on the DCP's active frontages map.</p> <p>The reference scheme demonstrates that the flood planning levels recommended in the site-specific flood planning assessment can be achieved. However, the southern elevation of the reference scheme features a long series of ramps (over 40m in length) running parallel to the GS2AC Road and which reduce the activation of this frontage.</p> <p>Conditions are recommended for design requirements to be included in any competitive design process brief for competitors to explore design solutions to:</p> <ul style="list-style-type: none"> <li>• minimise the creation of any physical barriers to the commercial/retail tenancies fronting the GS2AC Road and to increase the portion of the ground floor that is close to being at grade with the footpath and</li> <li>• provide some articulation of the north-east corner to minimise the visual impact of the blank facade</li> </ul>

Provision	Compliance	Comment
		<p>in views to the site from the north looking south and to achieve a harmonious street wall relationship with the approved development at 326-328 Botany Road.</p> <p>Refer to the Issues section in this report.</p>
3.2.4 Footpath awnings	Able to comply	<p>The DCP active frontage provision (3.2.3) addressed above, calls for footpath awnings to be provided to all DCP prescribed active frontages.</p> <p>LEP clause 7.13A requires commercial uses to all ground floor street frontages in order for residential accommodation to be permitted in Zone E3 Productivity Support. A condition is recommended for design requirements to be included in any competitive design process brief for footpath awnings to be provided to each of its street frontages.</p>
3.3 Design Excellence and Competitive Design Processes	Yes	<p>A Design Excellence Strategy (DEX Strategy) has been submitted with the application and which establishes a design excellence process for the development of the site.</p> <p>Conditions are recommended to approve the DEX Strategy and for design requirements to be incorporated into any future competitive design process brief.</p> <p>A competitive design process is to be undertaken prior to lodgement of any future DA for the detailed design of the building. This competitive design process must adhere to the DEX Strategy and conditions of consent for the development to be eligible for up to 10% additional FSR.</p> <p>This provision requires submission of a landscape concept plan as part of any concept DA. A landscape concept plan was submitted but contains inappropriate/insufficient details and does not specify canopy cover targets, minimum deep soil provisions and</p>

Provision	Compliance	Comment
		<p>various inconsistencies with the envelope drawings For these reasons, the submitted landscape concept plan is not approved by this consent.</p> <p>Refer to the assessment against DCP provision 5.8.2.5.1 Landscaping in the Southern Employment Lands section of the DCP compliance table below.</p>
3.4 Hierarchy of Centres, City South	Able to comply	Refer to the assessment against LEP clause 7.23 in the LEP compliance table above.
3.5 Urban Ecology	Able to comply	<p>The City's Tree Management Specialist has reviewed the proposal and supports the removal of one Monterey Cypress tree (T05) contained within the site near its O'Riordan Street frontage and which is poorly structured and is in an unsuitable location given it may grow to be relatively large.</p> <p>Conditions are recommended for the nine street trees and one tree on a neighbouring site to be retained.</p> <p>A condition is recommended requiring a revised landscape concept plan to specify a canopy cover target of at least 15% of the site area in accordance with the requirements of this provision.</p>
3.6 Ecologically Sustainable Development	Yes	<p>ESD target benchmarks have been incorporated into the DEX Strategy that is recommended for approval.</p> <p>Proposed ESD initiatives to achieve the ESD target benchmarks include inclusion of green roofs and solar PV.</p>
3.7 Water and Flood Management	Able to comply	Refer to the assessment against LEP clause 5.21 in the LEP compliance table above.

Provision	Compliance	Comment
3.8 Subdivision, Strata Subdivision and Consolidation	Able to comply	The application was referred to Council's Specialist Surveyor, who supported the proposal, subject to conditions of consent including those for the envelope drawings to be amended to correctly illustrate easements that affect the site.
3.9 Heritage	Able to comply	Refer to the assessment against clause 5.10 in the LEP compliance table above.
3.11 Transport and Parking	Able to comply	Refer to the assessment against transport and car-parking provisions contained in clauses 7.5, 7.7 and 7.25 in the LEP compliance table above.
3.12 Accessible Design	Able to comply	Conditions are recommended for any subsequent DA for the detailed design of the building to provide appropriate access and facilities for persons with disabilities in accordance with the DCP and the BCA.
3.13 Social and Environmental Responsibilities	Able to comply	In accordance with the public domain interface and active use requirements discussed elsewhere in this report it is considered that any future detailed design can provide adequate passive surveillance in accordance with the relevant CPTED principles.
3.14 Waste	Able to comply	<p>Council's Waste Management Specialists have reviewed the submitted Waste Management Plan and reference scheme design and have raised the following concerns:</p> <ul style="list-style-type: none"> <li>the bin holding zone on the lower ground level is not adequately sized to allow all bins to be presented for collection near the loading bay. As a result, the distance that fully laden bins would need to be manually moved from the loading bay to within the adjacent bin room exceeds the maximum handling distance of 10m as prescribed by the City's</li> </ul>

Provision	Compliance	Comment
		<p>Guidelines for Waste Management in New Development</p> <ul style="list-style-type: none"> <li>• the lower ground level design requires residents to cross the loading bay and/or vehicle circulation areas to access the O'Riordan Street building's bin holding room and will need to be improved in terms of access and safety in any future detailed building design</li> <li>• the use of larger bins (i.e., 1100L bins) is recommended for collection and transfer of waste from the Botany Road building's ground level bin room, to reduce the number of bin movements required.</li> </ul> <p>Conditions are recommended requiring:</p> <ul style="list-style-type: none"> <li>• a waste management strategy that sets out minimum spatial requirements and key principles for the design of waste areas to be submitted to and approved by Council officers prior to the commencement of the competitive design process and</li> <li>• a waste management plan prepared in accordance with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development is to be submitted as part of any subsequent DA for the detailed design of the building.</li> </ul>
3.16 Signage and Advertising	Able to comply	A condition is recommended requiring a signage strategy to be submitted as part of any subsequent DA for the detailed design of the building.
3.17 Land Contamination	Yes	The application includes suitable information for its assessment against the provisions of SEPP (Resilience and Hazards) 2021.

## Section 4 – Development Types

104. Note: Some relevant DCP provisions that would otherwise be listed in the table below have not been addressed as they are matters to which clause (6A) of SEPP 65 applies and which renders those provisions to be of no effect.

### 4.2 Residential Flat, Commercial and Mixed-Use Developments

Provision	Compliance	Comment
4.2.1 Building height		
4.2.1.1 Height in storeys and street frontage height in storeys	Able to comply	<p>Previously, the DCP permitted development to a maximum height of 11 storeys to Botany Road and 10 storeys to O'Riordan Street.</p> <p>The Enterprise Areas Review Planning Proposal made changes to the height in storeys controls as they apply in the locality of North Alexandria.</p> <p>Now, there is no specified maximum height in storeys that applies to the site.</p> <p>The number of storeys is not approved as part of this concept DA. However, the reference scheme comprises the building fronting Botany Road which is 11 storeys in height and the building fronting the GS2AC Road and which is 9 storeys in height.</p> <p>The building height in storeys control is a matter to be considered through the competitive design process and ultimately upon determination of the subsequent DA for the detailed design of the building.</p> <p>This provision does specify a maximum street frontage height in storeys of 5 storeys to the GS2AC Road and requires the street frontage height of proposed development to respond to the street frontage heights of the buildings adjacent to the north on Botany Road and O'Riordan Street.</p> <p>The street frontage heights of the buildings adjacent to the north are as follows:</p>

Provision	Compliance	Comment
		<ul style="list-style-type: none"> <li>• 326-328 Botany Road - 10 storeys; and</li> <li>• 18 O'Riordan Street - 1.5 to 2 storeys.</li> </ul> <p>It is considered that the proposed concept envelope allows for a suitable response to the street frontage heights of the adjacent buildings to the north.</p>
4.2.2 Building setbacks	Able to comply	Refer to the assessment against provision 5.8.3.3 in the DCP compliance table below.
4.2.3.5 Landscaping	Able to comply	<p>This provision specifies the matters to be addressed by a landscape plan submitted as part of a DA for the detailed design of a building.</p> <p>A condition is recommended requiring a sufficiently detailed landscape plan to be submitted with any subsequent DA for the detailed design of the building.</p>
4.2.3.6 Deep soil	Yes	<p>A minimum of 10% of the site area (670.8sqm) is to be provided as deep soil, and which is to include a consolidated deep soil area with a minimum dimension of 10m. All remaining deep soil areas are to have a minimum dimension of 3m.</p> <p>The subject concept proposal provides approximately 22% (1485sqm) of deep soil across the site.</p> <p>A large consolidated deep soil zone with minimum dimensions exceeding 10m is provided adjacent to the northern boundary and satisfies the requirements of this control.</p> <p>Refer to the Issues section in this report.</p>
4.2.3.8 Common open space	Able to comply	The DCP requires common open space to be provided with an area equal to 25% of the site area, with a minimum dimension of 6m.

Provision	Compliance	Comment
		<p>The reference scheme provides common open space at ground level adjacent to the northern boundary (1094 sqm), on the level 8 rooftop of the GS2AC Road building (441sqm) and on the level 10 rooftop of the Botany Road building (519 sqm) with a cumulative area of 2,053 sqm (31% of the site area), all of which have a minimum dimension exceeding 6m.</p> <p>The DCP requires at least 30% of the required common open space area to receive a minimum of 2 hours of direct sunlight between 9am and 3pm on 21 June.</p> <p>The reference scheme demonstrates that:</p> <ul style="list-style-type: none"> <li>• ground level common open space receives almost no direct sunlight between 9am and 3pm at midwinter</li> <li>• the level 8 rooftop common open space receives sunlight to almost its entire area (approximately 98% of its area) between 9am and 3pm at midwinter and</li> <li>• the level 10 rooftop common open space receives sunlight to almost its entire area (approximately 95% of its area) between 9am and 3pm at midwinter.</li> </ul> <p>As the rooftop common open spaces receive sunlight throughout the day, they are the principal useable common open space areas for the development.</p> <p>To ensure principal useable common open space is equitably distributed in the detailed design of the building, it is recommended it be included in the competitive design brief for common open space to be provided in an area or areas of a useable size and configuration, directly and equitably accessed from common circulation areas, entries and lobbies, and designed</p>



Provision	Compliance	Comment
		so that the principal common open space area or areas achieve minimum solar access requirements as stated at provision 4.2.3.8 of the DCP.
4.2.3.11 Acoustic privacy	Able to comply	<p>Botany Road and O'Riordan Street are classified roads that carry more than 20,000 average daily traffic movements. As such the proposed development is subject to the noise criteria specified at clause 2.120 of the SEPP (Transport and Infrastructure) 2021.</p> <p>The submitted acoustic report identifies that the reference scheme apartments facing any of the site's street frontages cannot achieve the relevant internal noise criteria.</p> <p>The acoustic report offers a range of noise mitigation measures including plenums to reduce noise while allowing for natural ventilation of apartments in accordance with ADG objectives.</p> <p>Some noise mitigation devices recommended in the acoustic report differ from those outlined in the natural ventilation report. A condition is recommended requiring these differing recommendations to be coordinated to provide the most useful resource possible for participants in the competitive design process.</p> <p>Refer to the Issues section of this report.</p>
4.2.3.12 Flexible housing and dwelling mix	Able to comply	<p>The reference scheme comprises the following dwelling mix:</p> <ul style="list-style-type: none"> <li>• 0% (0) studios - does not comply</li> <li>• 67% (170) 1 bed - does not comply</li> <li>• 11% (27) 2 bed - does not comply</li> <li>• 22% (56) 3 bed - complies.</li> </ul>

Provision	Compliance	Comment
		<p>The number and mix of apartments is not approved as part of any concept DA consent granted.</p> <p>Any subsequent DA for the detailed design of the building will be assessed against the requirements of this control.</p>
4.2.4 Fine grain, architectural diversity and articulation	Able to comply	<p>This provision specifies a maximum building frontage length of 65m on streets with a width of 18m or more.</p> <p>Botany Road is 25m wide, O’Riordan Street is 20m wide and the GS2AC Road is 26m wide adjacent to the subject site.</p> <p>While the length of the Botany Road and O’Riordan Street frontages are less than 65m, the length of the envelope to the GS2AC Road is about 146m long.</p> <p>The building frontage length to the GS2AC Road of the reference scheme is approximately 88m long and does not comply with this control.</p> <p>This provision allows for non-compliance with the maximum frontage lengths subject to design measures to modulate the scale, grain, articulation, materiality and architectural character of such long frontages.</p> <p>A condition is recommended for these design requirements to be incorporated into the future competitive design process brief.</p>
4.2.5.1 Tall buildings	Able to comply	<p>The proposed concept envelope is 40m in height and is capable of accommodating a tall building as defined by this provision.</p> <p>A condition is recommended for any tall building (&gt;35m in height) to be vertically proportioned in height, form and architectural articulation, to be incorporated as a design requirement in any future competitive design process brief.</p>

Provision	Compliance	Comment
4.2.5.3 Development on busy roads and active frontages	Yes	<p>Botany Road and O'Riordan Street carry over 20,000 average daily traffic movements.</p> <p>Subsequently, those parts of the concept envelope fronting Botany Road and O'Riordan Street are subject to this provision which requires non-residential uses to be provided at ground level.</p> <p>In accordance with the requirements of this provision the concept proposal locates commercial premises at the ground floor level fronting Botany Road and O'Riordan Street.</p>
4.2.6 Waste and recycling Management	Able to comply	Refer to the assessment against provision 3.14 in the DCP compliance table above.
4.2.7 Heating and cooling infrastructure	Able to comply	Any subsequent DA for the detailed design of the building will be assessed against the requirements of this control which encourage heating and cooling infrastructure to be consolidated into a centralised basement location near the street frontage.
4.2.8 Letterboxes	Able to comply	Any subsequent DA for the detailed design of the building will be assessed against the requirements of this control which require the provision of lockable mailboxes located close to the major street entry to the site.

## Section 5 – Specific Areas

### 5.2 Green Square

Provision	Compliance	Comment
<p>5.2.1 Green Square Urban Strategy</p> <p>5.2.2 Objectives for Green Square</p>	Able to comply	The subject proposal is in keeping with and will support the realisation of the Green Square Urban Strategy and the objectives for Green Square.

Provision	Compliance	Comment
5.2.3 Community Infrastructure	Yes	<p>The proposal relies on an additional 1.5:1 community infrastructure floor space.</p> <p>The applicant has made a public benefit offer and agreed to enter into a VPA to deliver this infrastructure.</p> <p>Refer to the Issues section in this report.</p>

### 5.8 Southern Enterprise Area

Provision	Compliance	Comment
5.8.1 General	Able to comply	The subject concept proposal is in keeping with and will support the realisation of the Southern Enterprise Area Urban Strategy.
5.8.2.3 Affordable housing	Able to comply	<p>The proposed affordable housing development is in close proximity to employment, services and infrastructure and will not constrain employment activities on adjacent sites.</p> <p>As outlined elsewhere in this report, the concept is able to satisfy the relevant requirements of SEPP 65 and the ADG and which contain building separation requirements similar to those specified in this provision.</p> <p>The proposed development will be able to satisfy the requirements of this provision, and which will be assessed as part of any subsequent DA for the detailed design of the building.</p>
5.8.2.4 Addressing land use conflict	Yes	An acoustic report has been submitted as part of the subject concept DA and which has addressed the NSW Government's Development near Rail Corridors and Busy Roads – Interim Guidelines as well as other relevant policies relating to acoustic privacy and natural ventilation.

Provision	Compliance	Comment
5.8.3.1 Subdivision	Able to comply	<p>The draft plan of proposed subdivision that is to be annexed to the VPA has been reviewed by the City's Specialist Surveyor and is accepted.</p> <p>The following matters are to be addressed by conditions and advisory notes recommended for imposition on any consent granted:</p> <ul style="list-style-type: none"> <li>• the landscape concept plan requires amendment to delete part of the proposed line of tree plantings adjacent to the northern boundary and closest to the O'Riordan Street frontage and which would encroach on an existing right of carriageway that benefits the property at 18 O'Riordan Street;</li> <li>• the drawing titled Envelope - Site Plan (SK-0103E) requires amendment to reduce the area shown in blue hatching and which is labelled EASEMENT to accurately reflect the configuration of the right of carriageway and easement for drainage that exist in the north-west corner of the site; and</li> <li>• an easement for batter of variable width, on a portion of the site adjacent to the new GS2AC Road, poses a conflict with the proposed development. This easement benefits the Council. It is recommended that the release of this easement be sought prior to the determination of any subsequent DA for the detailed design of the building.</li> </ul>
5.8.3.2 Building height	Able to comply	Refer to the assessment against provision 4.2.1.1 in the DCP compliance table above.

Provision	Compliance	Comment
5.8.3.3 Building alignment and setbacks	Yes	In accordance with the requirements of this provision the proposed concept envelope extends to the post-dedication property boundary with the new GS2AC Road, which is identified as an active frontage.
5.8.3.4 Active frontages and street level design	Able to comply	Refer to the assessment against provision 3.2.3 in the DCP compliance table above.
5.8.3.5 Building layout and design	Able to comply	<p>DCP provisions requires new development to respond to the desired character of the area including:</p> <ul style="list-style-type: none"> <li>• facades are to be articulated using a variety of architectural elements and design languages, and are to comprise a proportion of solid surfaces, preferably masonry material to reflect the established character of the area</li> <li>• buildings located on corner sites must reinforce the corner by massing and facade orientation</li> <li>• rooftop structures such as plant rooms, solar panels, air conditioning and ventilation systems are to be incorporated into the design of the building and concealed within the roof form or located within a well-designed, integrated roof top element.</li> </ul> <p>A condition is recommended for these requirements to be incorporated into any future competitive design process brief.</p>
5.8.3.6.1 Landscaping	Yes	Refer to the assessment against provision 4.2.3.6 in the DCP compliance table above and to the discussion of Deep Soil in the Issues section below.
5.8.3.7 Parking, access and loading	Able to comply	Refer to the assessment against transport and car-parking provisions contained in clauses 7.5, 7.7 and 7.25 in the LEP compliance table above.

Provision	Compliance	Comment
5.8.3.8 Adaptable parking	Able to comply	<p>The reference scheme provides 38% (6 of 16) private car-parking spaces as above ground car-parking spaces.</p> <p>All above ground car-parking is screened from the public domain and is capable of being adapted. The above ground parking spaces have adequate floor to ceiling height, could be provided access to light and air and appropriate services were those areas adapted for another use.</p> <p>The reference scheme demonstrates compliance with this control. While not approved at concept stage, parking will be assessed upon lodgement of the Stage 2 development application.</p>
5.8.4.1 Public open space	Yes	Refer to the assessment against provision 3.1.4 in the DCP compliance table above.
5.8.4.2.1 Street network - General	Yes	A dedication for public domain setbacks to Botany Road (1.4m wide), O'Riordan Street (2.4m wide) and the GS2AC Road (0.5m wide) are to be secured through the Voluntary Planning Agreement associated with this DA and in accordance with the DCP Public Domain Setbacks map.
5.8.4.2.2 Street network - North Alexandria	Yes	The subject proposal is compatible with the street network established under this provision.
5.8.4.2.3 Pedestrian and cycle network	Yes	A dedication for public domain setbacks to Botany Road (1.4m wide), O'Riordan Street (2.4m wide) and the GS2AC Road (0.5m wide) are to be secured through the Voluntary Planning Agreement associated with this DA and in accordance with the DCP Public Domain Setbacks map.

Provision	Compliance	Comment
5.8.5 Managing transport demand	Able to comply	Refer to the assessment against transport and car-parking provisions contained in clauses 7.5, 7.7 and 7.25 in the LEP compliance table above.
5.8.6 Stormwater management and laneways	Able to comply	Refer to the assessment against LEP clause 5.21 in the LEP compliance table above.
5.8.6.2 Urban ecology	Able to comply	Refer to the assessment against provision 3.5 in the DCP compliance table above.

## Issues

### Natural ventilation, natural cross ventilation and acoustic privacy

Insufficient spatial allocations for plenums

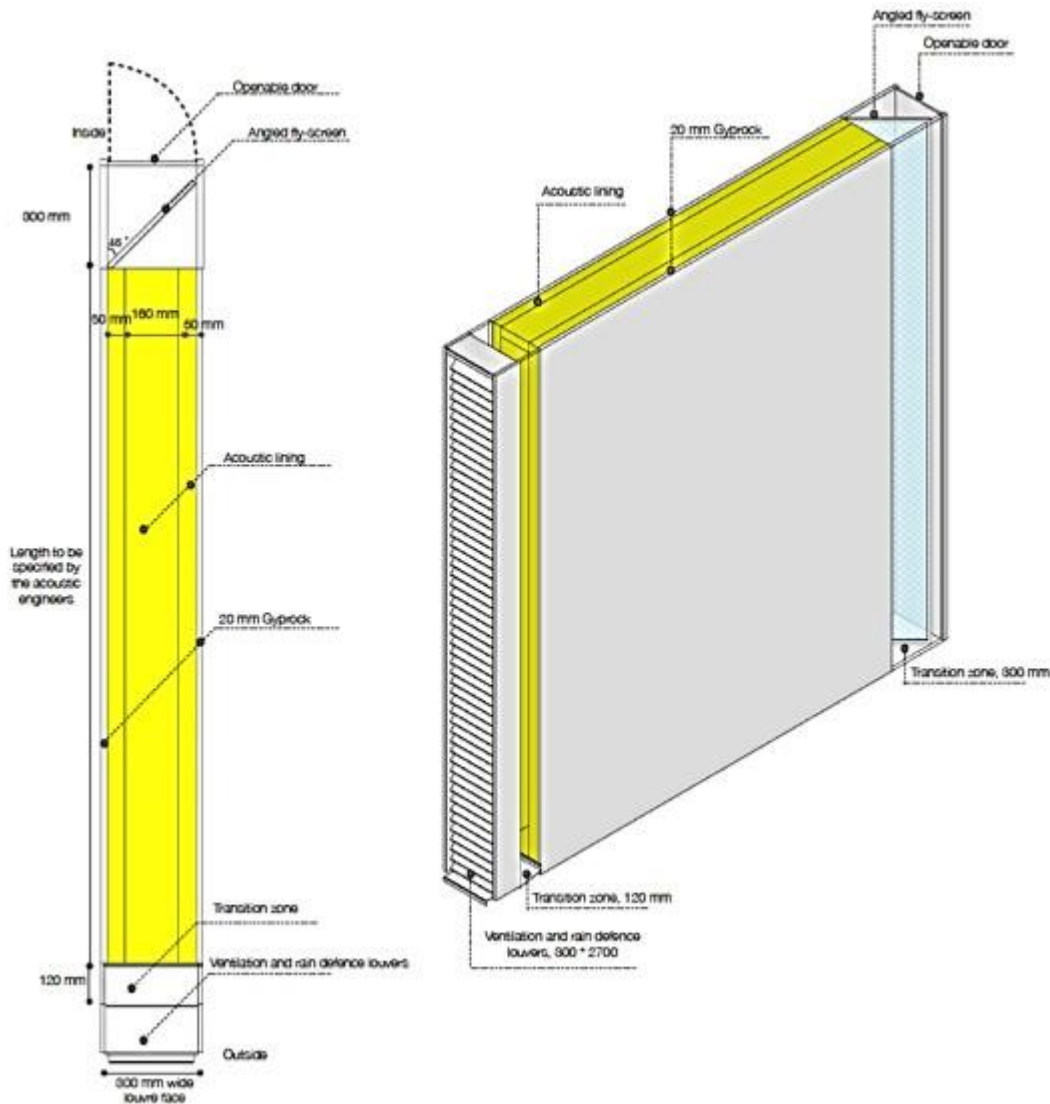
105. The reference scheme demonstrates that a spatial allocation has been made within noise affected apartments (i.e. those facing the street) to allow for vertical plenums to mitigate noise while allowing for natural ventilation as recommended in the submitted Ventilation Report.
106. Detail drawings submitted to address this issue illustrate plenums, 300mm wide, laid over the reference scheme floor plans as shown in Figure 43 below.





Figure 43: Plenums arranged in plan on the reference scheme.

107. As shown in Figure 44 below, the Ventilation Report contains diagrams that illustrate the typical arrangement of a vertical plenum, excluding the structure. That is, it shows the 160mm clear plenum width, the 50mm acoustic linings and 20mm plasterboard to both sides of the plenum and which adds up to a width of 300mm in total. However, these diagrams and the spatial allowance within the reference scheme plans do not account for the outer structure and cladding of the plenums, particularly where they are located on an external wall.



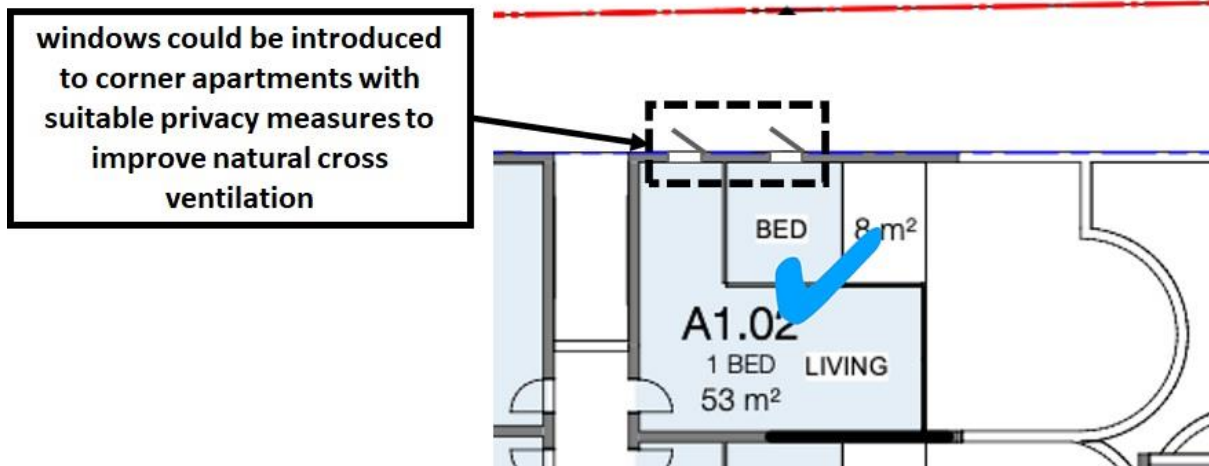
**Figure 44:** Typical detail of proposed attenuated natural ventilation plenum (source Natural Ventilation 330-332 Botany Road, Rev. C, 1 December 2022, Flux).

108. Considering some of the plenums will be greater than 300mm wide, some of the rooms shown on the reference scheme plan would not achieve the minimum size requirements specified in the ADG (such as the 3m minimum width for a bedroom).
109. While this issue is to be addressed through the competitive design process and subsequent detailed design DA it may result in a reduction in achievable yield for the development. Design solutions to offset any impacts to yield may be explored through future competitive and detailed design processes

#### Natural cross ventilation

110. Forty-four percent (49 of 111) of non-noise affected apartments within the first nine-storeys of the reference scheme are naturally cross ventilated. This is counting the 8 apartments (AG.01 to A7.02) that are not naturally cross-ventilated, an example - apartment A1.02 - is shown in Figure 45 below, but which could easily incorporate a window in their northern elevations to be configured as corner, and therefore naturally cross ventilated, apartments.

111. The satisfaction of ADG objectives will need to be addressed through the competitive design process and subsequent detailed design DA by introducing windows as illustrated in Figure 45 below, as well as by introducing breaks in the building massing and which will likely result in a reduction in achievable development yield.



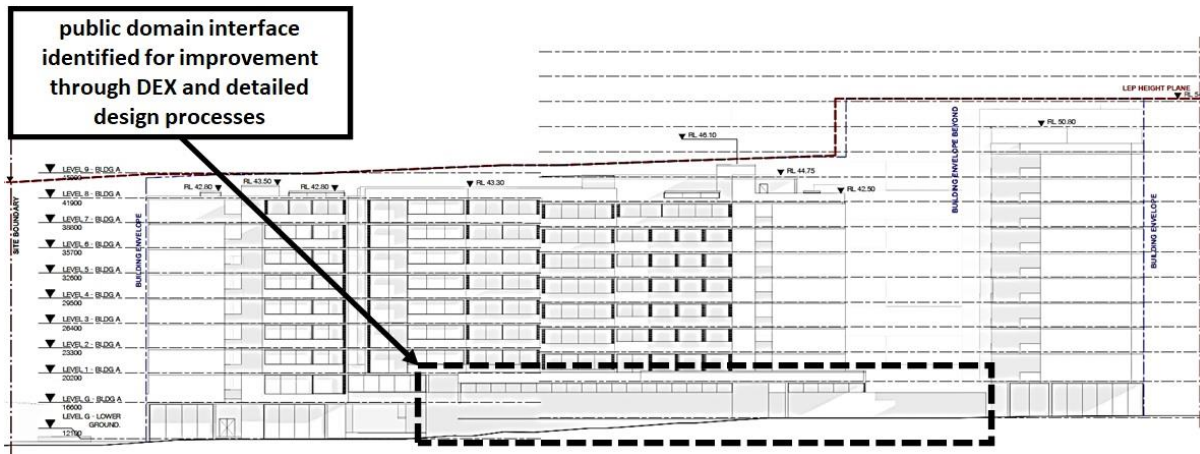
**Figure 45:** Illustration of corner apartments that have been included in the applicant's tally of naturally cross ventilated apartments.

#### Kit of part solutions to noise mitigation and natural ventilation

112. The Acoustic and Natural Ventilation reports offer different 'kit of part' solutions, that is a variety of design measures to mitigate noise as well as to achieve the natural ventilation requirements of the ADG. These kits are intended to be appended to the competitive design process brief as a useful resource for competitors to adopt in their designs to address noise and ventilation concerns.
113. For example, the Acoustic Report offers a 'partially enclosed wintergarden' whereas the Natural Ventilation Report does not, perhaps as it may not offer a feasible ventilation solution.
114. To reconcile these different recommendations a condition is recommended for a revised acoustic/ventilation appendix to be submitted to and approved by Council officers prior to the endorsement of the competitive design process brief to ensure it provides a useful and coordinated resource for competitors.

#### Public domain interface with the GS2AC road

115. Previously, the site's Botany Road and O'Riordan Street frontages were identified as active frontages on the DCP's active frontages map.
116. As noted elsewhere in this report, the Enterprise Areas Review Planning Proposal made changes to mapped active frontage locations in North Alexandria. Now, the site's interface to the GS2AC Road is identified as an active frontage on the DCP's active frontages map.
117. The reference scheme demonstrates that the flood planning levels recommended in the site-specific flood planning assessment can be achieved. However, as shown in Figure 46 below, the southern elevation of the reference scheme features blank walls and a long series of ramps (over 40m in length) running parallel to the street and which reduce the activation of this frontage to the new GS2AC Road.



**Figure 46:** Public domain interface to GS2AC Road is to be improved through competitive and detailed design processes.

118. Conditions are recommended for design requirements to be included in any competitive design process brief for competitors to explore design solutions to:
- (a) minimise the difference between the internal ground floor level and the level of the public domain to avoid creating a physical barrier, such as steps or ramps, to the shop windows of commercial tenancies fronting the GS2AC Road;
  - (b) increase the portion of the ground floor that is close to being at grade with the footpath;
  - (c) maximise activation, visibility into and out of the commercial tenancies from the street; and
  - (d) maximise the number of direct entries to these tenancies from the street.

### Voluntary Planning Agreement

119. Submitted DA documents include an offer to Council to enter into a Voluntary Planning Agreement (VPA) to provide the public domain setbacks as required under DCP provision 5.2.3 and a monetary contribution towards community infrastructure provision in Green Square.
120. The offer was accepted and the subsequent draft VPA that has been prepared in association with the subject development application provides for the following public benefits:
- (a) dedication of a 1.4 metre wide strip of land along the Botany Road frontage, a 2.4 metre wide strip of land along the O'Riordan Street frontage and 0.5 metre wide strip of land to its new frontage to the Green Square to Ashmore Connector Road (with an area of 228.32 sqm) with a residual value of \$45,664;
  - (b) embellishment works including construction of new footpaths over the dedicated land in accordance with Council's technical specifications and with a value of \$192,930.40; and
  - (c) a monetary contribution towards community infrastructure provision in Green Square with a value of \$4,399,987.60.

121. The draft VPA will undergo a 28 day public exhibition period in accordance with the requirements of section 7.5 of the Environmental Planning and Assessment Act 1979.
122. The application is recommended for deferred commencement consent to require the for the draft VPA to be publicly exhibited, for submissions to be considered and for the owner of the site to execute this planning agreement and register it on title before the consent becomes operative. This will ensure that the consent cannot be acted upon without assurance that the public benefits will be delivered in accordance with the provisions of this agreement.

### **Deep soil**

123. DCP provision 4.2.3.6 requires a minimum of 10% of the site area (670.8sqm) to be provided as deep soil and which is to include a consolidated deep soil area with a minimum dimension of 10m. All remaining deep soil areas are to have a minimum dimension of 3m.
124. The proposed concept envelope plans include the following notation 'DEEP SOIL 1419 M2'. However, a measurement of the area of the deep soil zones comes to approximately 1485sqm and which is equal to 22% of the site area.
125. A large consolidated deep soil zone with minimum dimensions exceeding 10m is provided adjacent to the northern boundary.
126. For these reasons the reference scheme demonstrates that deep soil provision can be achieved in accordance with the DCP's deep soil requirements.
127. Conditions are recommended for the drawing titled Envelope - Site Plan (no. SK-0103E) to be amended as follows and as illustrated in Figure 47 below:
  - (a) the narrow strip shaded in green and with black hatching to indicate deep soil and which is located between the envelope fronting the GS2AC Road and the northern boundary, is to be reconfigured to include that part of the area marked in light blue hatching to indicate 'Easement' that is to be redrawn to accurately reflect the configuration of the right of carriageway and easement for drainage that exist in the north-west corner of the site (i.e. the easement area will be reduced);
  - (b) both of the deep soil zones are to be annotated as 'DEEP SOIL' and with the area of each deep soil zone specified in square metres;
  - (c) conditions are recommended for any structures in deep soil zones to be constructed of lightweight materials such as timber decking or water permeable paving to allow for filtration of rainwater into the ground.

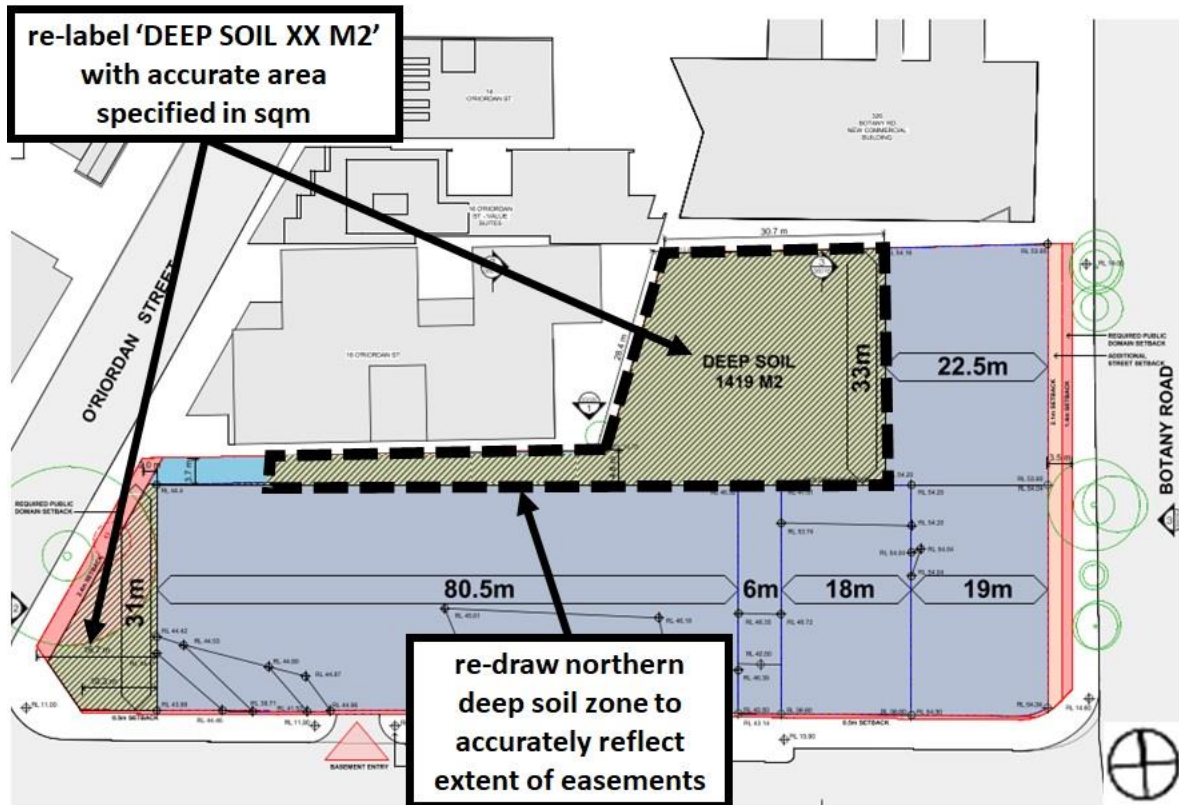


Figure 47: Recommended design modifications to accurately illustrate deep soil zones.

## Consultation

### Internal Referrals

128. The assessment process has been informed by advice from Council's Specialist Surveyor, Public Domain, Tree Management, Landscape Design, Environmental Health, Safe City, Urban Design, Public Art, ESD and Waste Management Specialists, Legal Officers, Design Excellence team, Transport Planner, Quantity Surveyor and VPA Coordinator.
129. Where appropriate, conditions recommended by these referrals have been included for imposition on any consent given.

### External Referrals

#### Sydney Airport

130. The subject site is in an area defined in schedules of the Civil Aviation (Building Control) Regulations 1988 which limit the height of structures to RL 51.00m AHD without prior approval of the Civil Aviation Safety Authority pursuant to s.183 of the Airports Act 1996.
131. The proposed envelopes have a maximum height of up to RL 54.34m AHD, as such the application was notified to Sydney Airport through the NSW Planning Portal (ref. no. CNR-35166), on 9 February 2022.

132. On 11 April 2022, Council's planning officer uploaded the one public enquiry about accessing DA documents received in response to the notification and exhibition of the subject DA to the NSW Planning Portal.
133. On 12 April 2022, Sydney Airport provided recommendations as to the approvals that would be required prior to any works commencing on the site and which are provided at Attachment G to this report.

### **Transport for NSW**

134. Pursuant to Section 138 of the Roads Act 1993, the application was notified to TfNSW [Roads and Maritime Services (RMS)] through the NSW Planning Portal (ref. no. CNR-35166), on 9 February 2022.
135. On 11 April 2022, Council's planning officer uploaded the one public enquiry about accessing DA documents received in response to the notification and exhibition of the subject DA to the NSW Planning Portal.
136. On 2 May 2022, TfNSW (RMS) provided its concurrence under section 138 of the Roads Act 1993, the conditions of which are included in the conditions of consent set out in Attachment A to this report.

### **Sydney Water**

137. Pursuant to Section 78 of the Sydney Water Act 1994, the application was notified to Sydney Water through the NSW Planning Portal (ref. no. CNR-35166), on 9 February 2022.
138. On 11 April 2022, Council's planning officer uploaded the one public enquiry about accessing DA documents received in response to the notification and exhibition of the subject DA to the NSW Planning Portal.
139. On 12 May 2022, Sydney Water issued recommendations as to the planning of water servicing of the proposed development and which are provided at Attachment H to this report.

## **Advertising and Notification**

### **First exhibition period**

140. In accordance with the City of Sydney Community Participation Plan 2019, the subject DA was publicly exhibited for 28 days from 9 February to 10 March 2022.
141. In response to the public exhibition of the application one enquiry, about accessing DA documents was received, but it did not raise any substantive issues about the proposal.

### **Second exhibition period**

142. Following DA amendments to increase the bulk of the proposed envelope the amended application documents were publicly exhibited for 14 days (and which was extended over the holiday period) from 21 December 2022 to 26 January 2023. No submissions were received.

### Third exhibition period

143. Following further DA amendments to the proposed envelope to increase the height of the proposed envelope the amended application documents were publicly exhibited for 14 days from 27 April to 12 May 2023. No submissions were received.

### Financial Contributions

#### Contribution under Section 7.11 of the EP&A Act 1979

144. Whether a Section 7.11 contribution will be imposed upon any consent granted to any subsequent DA for the detailed design of the building will be considered at the time that any such DA is determined.

#### Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

145. Whether a Section 7.13 contribution will be imposed upon any consent granted to any subsequent DA for the detailed design of the building will be considered at the time that any such DA is determined.

### Relevant Legislation

146. Environmental Planning and Assessment Act 1979.

### Conclusion

147. The subject development application (DA) seeks consent for a concept building envelope for a mixed-use development with a vehicle access location from the new Green Square to Ashmore Connector Road (GS2AC) and indicative uses including:
- (a) lower ground level and basement parking, services, storage and commercial uses;
  - (b) ground level commercial uses, residential apartments for the purpose of providing affordable housing and common open space;
  - (c) residential apartments for the purpose of providing affordable housing and common open spaces on the levels above.
148. The Public Benefit Offer has informed a draft VPA associated with the application and which will undergo a 28-day public exhibition period in accordance with the requirements of section 7.5 of the Environmental Planning and Assessment Act 1979. A deferred commencement condition is recommended to enable the draft VPA to be executed and registered on title.
149. The concept proposal and Design Excellence Strategy establish a concept building envelope and suitable parameters for a competitive design process. Subject to the recommended conditions, the proposed envelop is able to generally accommodate a detailed building design of an appropriate bulk and scale, that responds to the character of the area and which is capable of achieving design excellence.



150. For these reasons it is recommended that authority be delegated to the Chief Executive Officer (CEO) to determine the application, following the conclusion of the public exhibition of the draft VPA and considering any public submissions received in response. It is recommended that the CEO consider granting deferred commencement development consent subject to the recommended conditions requiring the VPA to be executed and registered on title prior to the consent becoming operative.

**GRAHAM JAHN, AM**

Director City Planning, Development and Transport

Ben Chamie, Area Planning Coordinator