

# **Attachment A**

<b>Independent Assessment Report</b>
--------------------------------------

**Development Application: 338 Botany Road, Alexandria - D/2024/273****File No.:** D/2024/273**Summary**

<b>Date of Submission:</b>	12 April 2024
<b>Amended Plans/ Additional Information:</b>	Amended plans and additional information were submitted on 30 April and 25 September 2024.
<b>Applicant/ Developer:</b>	St George Community Housing Portfolio Limited
<b>Architect:</b>	DKO
<b>Owner:</b>	The Council of the City of Sydney
<b>Planning Consultant:</b>	Keylan
<b>Design Advisory Panel</b>	4 May 2024 and 13 June 2024
<b>Cost of Works:</b>	\$72,339,256
<b>Zoning:</b>	E3 (Productivity Support) - Affordable housing is permissible with consent in the zone by virtue of Clause 7.13A which operates to allow affordable housing in a business area
<b>Proposal Summary:</b>	<p>A detailed development application (in accordance with a concept approval) for a new 10 storey mixed use development comprising 111 dwellings for affordable housing, ground floor retail/commercial, ground floor car and bicycle parking, waste room, services, signage, landscaping, civil works and remediation.</p> <p>The application is referred to the CSPC having an estimated development cost greater than \$50 million.</p> <p>The subject application has been independently assessed by Helena Miller, Director of MG Planning Pty Ltd on behalf of Council as Council is the owner of the land.</p>

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

- Development Controls:**
- (i) Sydney Local Environmental Plan 2012 (Gazetted 14 December 2012, as amended)
  - (ii) Sydney Development Control Plan 2012 (in force on 14 December 2012, as amended)
  - (iii) SEPP (Resilience and Hazards) 2021
  - (iv) SEPP (Housing) 2021
  - (v) SEPP (Sustainable Buildings) 2022
  - (vi) SEPP (Transport and Infrastructure) 2021

- Attachments:**
- B. Recommended Conditions of Consent
  - C. Selected Drawings
  - D. Clause 4.6 Variation Request - Height of Buildings
  - E. Clause 4.6 Variation Request - Floor Space Ratio

## Recommendation

It is resolved that:

- (A) the variation requested to the clause 4.3 height of buildings development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld;
- (B) the variation requested to the clause 4.4 floor space ratio development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld;
- (C) consent be granted to Development Application Number DA/2024/273 subject to the conditions set out in Attachment B to the subject report:

## Reasons for Recommendation

The application is recommended for approval for the following reasons:

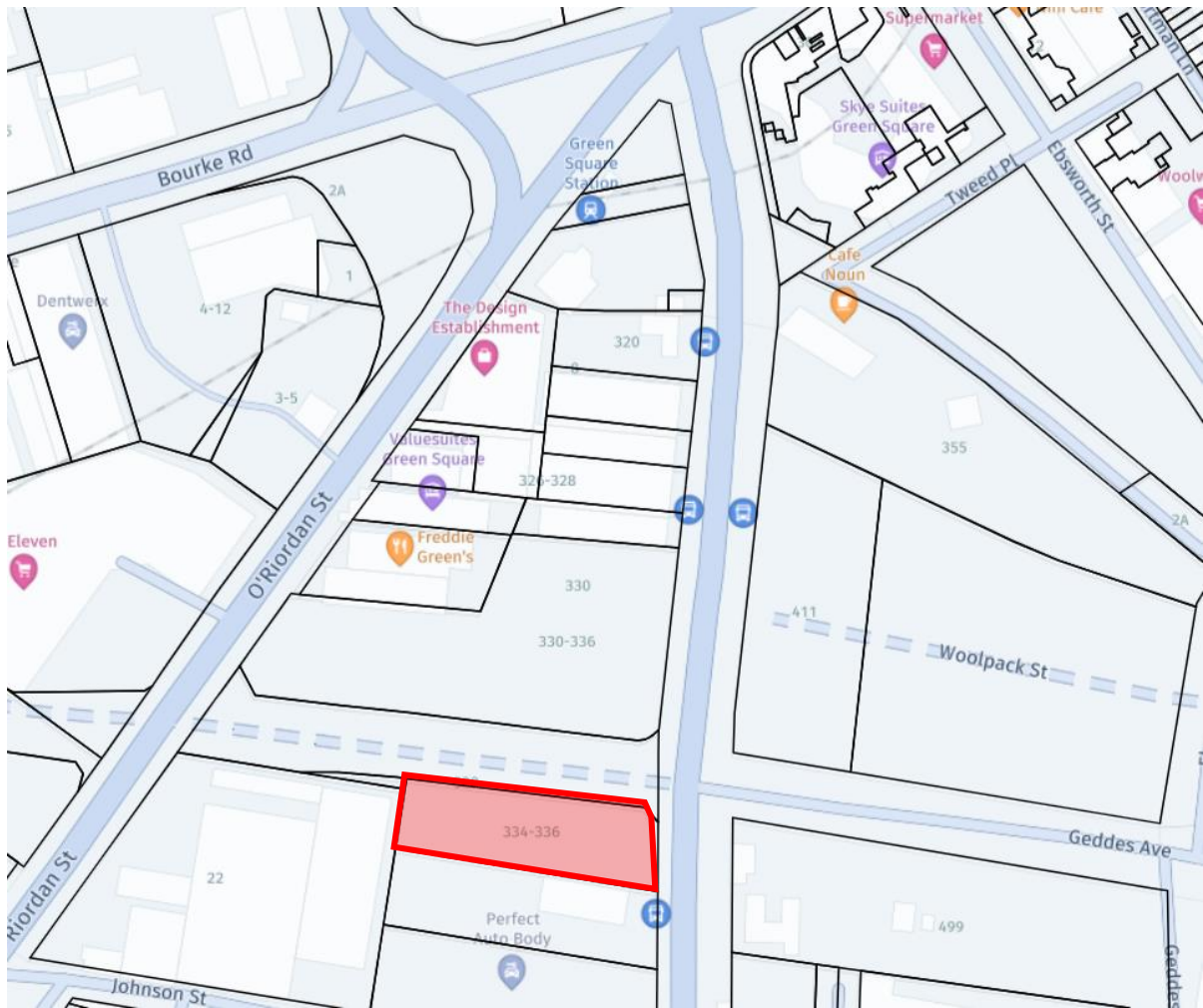
- (A) Based upon the material available to the Committee at the time of determining this application, the Committee is satisfied that:
  - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6(3) of the Sydney LEP 2012, that compliance with the height of buildings development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 4.3 of the Sydney LEP 2012;
  - (ii) the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6(3) of the Sydney LEP 2012, that compliance with the floor space ratio development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 4.4 of the Sydney LEP 2012; and
  - (iii) the proposal is in the public interest because it is consistent with the objectives of the E3 (Productivity support) zone and the 'height of buildings' and 'floor space ratio development standards.
  - (iv) The proposal has been assessed against the aims and objectives of the relevant planning controls, including the State Environmental Planning Policy (Housing) 2021, Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012. Where non-compliances exist, they have been demonstrated to be acceptable in the circumstances of the case or can be resolved by the recommended conditions of consent.
  - (v) The development achieves a high standard of architectural design, materials and detailing, and will contribute positively to the public domain. The development achieves the principles of ecologically sustainable development and has an acceptable environmental impact with regard to the amenity of the surrounding area and future occupants. The development therefore exhibits design excellence in accordance with Clause 6.21C of the Sydney Local Environmental Plan 2012.

- (vi) The proposal is consistent with the amended concept approval for the site, being DA/2019/87, and is consistent with the design intent of the winning scheme of a competitive design process albeit that is not the winner of the process.
- (vii) The proposal is appropriate within its setting and is a development comprising a compatible use that will support the vitality of the area, consistent with the desired future character for the locality.
- (viii) The proposal provides for much needed affordable housing in a location which is highly accessible from a range of transport options and will have excellent access to facilities and services.

## Background

### The Site and Surrounding Development

1. The subject site is located at 338 Botany Road, Alexandria and is legally described as Lot 13 in the proposed plan of subdivision of Lot 101 in Deposited Plan 569709.
2. The site is located within the Green Square urban renewal precinct which is currently being transformed from light industrial uses to a mixed use precinct comprising commercial, industrial and high density residential development.
3. The site is located approximately 180m to the south of Green Square Station and the Town Centre which includes world-class community facilities to support the development of the area including a new library and associated plaza (180m to the north) and Gunyama Park Aquatic and Recreation Centre approximately 420m to the east.
4. The subject site was created by the City of Sydney following the consolidation and subdivision of land known as 20 O'Riordan Street, 330-332 Botany Road, 334-336 Botany Road and 338 Botany Road, Alexandria. The subdivision application was approved by the Local Planning Panel on 13 June 2018 (D/2017/1341). The approval created four new lots comprising one lot for the east/west connector road (as part of the Green Square to Ashmore Connector Road project), two lots to be sold to community housing providers (to facilitate delivery of affordable housing developments including the subject lot) and one residual lot to be transferred to an adjacent property.
5. Council is the current owner of the land however the land is to be purchased by St George Community Housing for the purpose of affordable housing following development consent for the purposes of affordable housing.
6. A Concept Development Application (DA/2019/87) was approved for the subject site on 5 December 2019. The approval provides for the future use of the site for commercial use and affordable housing with a building envelope with a maximum height of 33m (or 9 storeys) and maximum FSR of 4:1 with potential for an additional 10% (within an additional storey) subject to a future design excellence process.
7. As Council is the owner of the land the subject application has been independently assessed by Helena Miller, Director of MG Planning Pty Ltd on behalf of Council.
8. The proposed lot is irregularly rectangular in shape, with a total area of 2,252 square metres and boundary dimensions of 83 metres to the new Green Square to Ashmore Connector Road to the north, 23 metres to Botany Road to the east, 29m to the west and 90 metres to the south.
9. The site is located at the junction of the new Green Square to Ashmore Connector Road to the north and Botany Road to the east. O'Riordan Street is located one lot to the west.
10. The gradient of the site is relatively gentle, with a gradual fall from east to west. It has a level of approximately RL15.33 at the eastern boundary (Botany Road), grading up to RL15.4 in the middle of the site then back down to RL14.66 at the north western boundary.
11. The site is identified on the plan at Figure 1 and aerial photographs at Figures 2 and 3 below.



**Figure 1:** Subject site location and surrounding area (site shown in red) (Source: Nearmap, Image capture 22 July 2024)

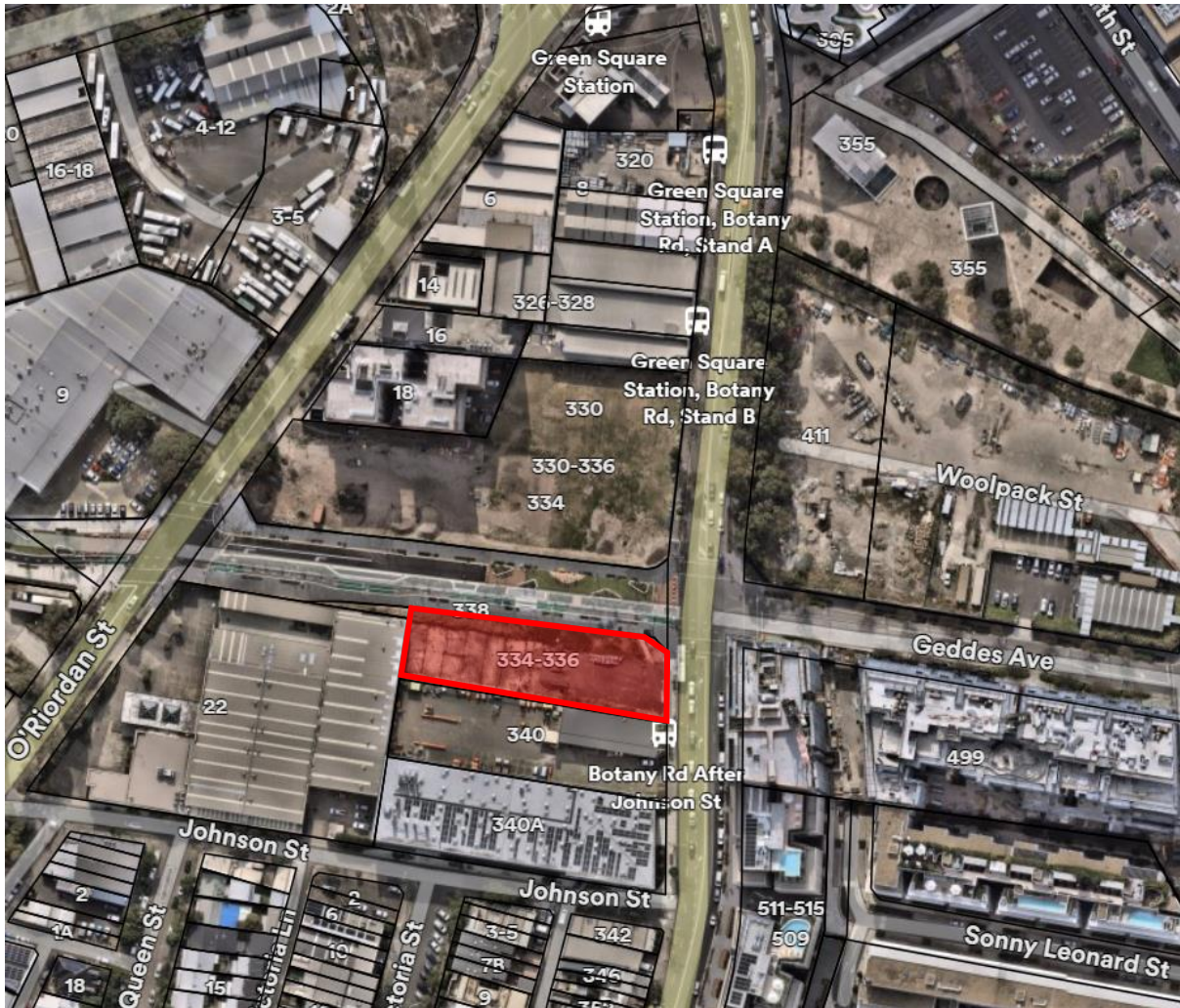


Figure 2: Plan image of site and surrounding area (Source: Nearmap, Image capture 22 July 2024)



Figure 3: Close up of new Green Square to Ashmore Connector Road (Source: Nearmap, Image capture 22 July 2024)



12. The site is currently vacant and fenced during the current construction of the new Green Square to Ashmore Connector Road project (refer Figure 3 above). It formerly accommodated outdoor storage areas on a concrete slab partly covered by an awning and some retaining walls and storage enclosures. No vegetation currently exists on site.
13. The site immediately to the north across the Ashmore Connector Road at 330 Botany Road (refer Figure 3 above) is similarly identified for redevelopment for affordable housing and is the subject of detailed D/2024/581 by the City West Housing Corporation currently under assessment. The detailed development application seeks consent for two mixed use buildings 10 storeys to 12 storeys in height, with 1 level of basement, for the purpose of 255 affordable housing units and ground floor commercial/retail uses. A modification (D/2021/1484A) is also concurrently sought to the existing concept approval for the site. The modification seeks to accommodate changes to the concept approval to reflect the detailed DA including:
  - (a) Amendments to the maximum building envelope to accommodate lift overruns, parapets, roof slab and minor portion of walls, and
  - (b) Amendments to conditions of consent to reference the amended building envelope drawings and to correct the indicative tree removal.



**Figure 4:** Photomontage of **the future** Detailed DA for 330 Botany Road to the north across Ashmore Connector Road viewed from Botany Road looking north west (Source: Ethos Urban, SEE, 10 July 2024)

14. Land immediately to the east on the eastern side of Botany Road (499 and 501-509 Botany Road) is currently under construction in accordance with D/2015/688 which provides for development of a 16 storey mixed use development containing 130 dwellings, five retail tenancies and two levels of basement car.

15. Land to the north east at 411 Botany Road and 6 Geddes Avenue is being developed by Mirvac as part of Stage 3 and 4 of the Green Square Town Centre. The site has concept approval for mixed use buildings ranging in height from 4 to 24 storeys, containing a mixture of residential, retail and commercial floor space.
16. Immediately adjoining the site to the south is a construction equipment hire business (Coates Hire) and further to the south is a mix of light industrial, commercial and residential developments.
17. Immediately to the west at 22 O'Riordan Street, the site is currently adjoined by a two-storey building formerly a Mercedes motor vehicle showroom and vehicle repair premises however a development application (D/2021/529) was approved for the site in November 2021 for a commercial development 5 storey in height (maximum 22m) with one level of basement parking. The site is currently for sale.
18. Further to the west of the site are various light industrial and commercial land uses extending along O'Riordan Street and further west, Bourke Street.
19. The site is not a heritage item nor is it located in a heritage conservation area.
20. A site visit was carried out on 19 July 2024. Photos of the site and surrounds are provided below:



**Figure 5:** Site viewed from intersection of Botany Road and Geddes Ave looking west



**Figure 6:** Site looking west towards 22 O'Riordan Street



**Figure 7:** View from site frontage looking east along Geddes Ave (Note: 499 and 501-509 Botany Road to right of frame)



**Figure 8:** Green Square to Ashmore Connector Road adjacent to site looking north west



**Figure 9:** Green Square to Ashmore Connector Road from western site boundary looking west to O'Riordan Street



**Figure 10:** View looking south along Botany Road



**Figure 11:** View looking north west from intersection of Botany Road and Geddes Avenue

## History Relevant to the Development Application

### Development Applications

21. A Concept Development Application (D/2019/87) was approved for the subject site on 5 December 2019 which provides for:
  - a building envelope with a maximum height of 33m (or 9 storeys) and maximum FSR of 4:1 with potential for an additional 10% (within an additional storey) subject to a future design excellence process

- indicative future commercial and residential uses for the purposes of affordable housing, and
- minimum building setbacks of 1.4 metres (footpath widening) to Botany Road and 1.5 metres (0.5m footpath widening plus 1.0m landscape zone) to the new Green Square to Ashmore Connector Road and variable setbacks to the south and west boundaries.

A public benefit offer and draft voluntary planning agreement (VPA) also accompanied the application.

22. The Concept DA has been modified on two occasions: D/2019/87A (approved 20 March 2020) to: amend the deferred commencement condition to be consistent with the VPA and activate the consent following registration of the VPA on title; and D/2019/87B (approved on 1 July 2020) to refer to an amended design excellence strategy which allowed the minimum number of competitors required to take part in the Design Competition to be reduced.
23. Concurrent with the subject application a further modification has been submitted (D/2019/87C) to modify the Concept Approval to provide for changes to the approved building envelope in line with the subject detailed design. In summary the proposed changes to the concept approval include:
  - departure to the building envelope on the western elevation at ground level to facilitate the required disabled car parking spaces and loading dock, reducing the western setback at ground level from 4.5m to 0m
  - alterations to the building height, with a maximum exceedance beyond the building envelope height of 33m by 3.2m,
  - increase in permissible FSR to allow for 4.09:1 where a maximum of 4:1 applies due to the inclusion of the area of the proposed east facing balconies due to wall height proposed for noise attenuation, and
  - changes to facilitate blade wall encroachments within footpath areas above ground level.
24. The modification also seeks amendments to Conditions 2(a), 8(d) and 14 relating to the approved building envelope plans, rooftop plan and lift overrun and maximum height. Further the proposed modification seeks to delete Condition 8(b) which currently requires "no overshadowing of the approved residential apartments at 499 and 501 – 509 Botany Road, Alexandria". This condition is to be deleted with the application seeking to minimise overshadowing to 499 and 501-509 Botany Road, Alexandria, and adjoining properties, in accordance with objective 3B-2 of the Apartment Design Guide. Condition 13 is also proposed to be amended in respect of the maximum permissible FSR.
25. The Concept Development Application modification is the subject of a separate concurrent report to the Committee.

### **Design Excellence Competition**

26. The Concept Approval (D/2019/87) provided a maximum FSR for the site of 4:1 plus a potential 10% design excellence bonus subject to a future competitive design process.

27. From August to October 2020 a Competitive Design Alternatives Process was undertaken in accordance with Condition 4 of the Concept Approval and the approved Design Excellence Strategy.
28. Three design teams were invited to submit a design comprising DKO Architects, Smith & Tzannes and Chenchow Little Architects. Ultimately the Chenchow Little Architects scheme was selected as the winning design.
29. Following the competitive design process, it is understood that the winning design went through detailed design review and that ultimately it was found to be unfeasible. Further relations between the applicant and Chenchow Little Architects are understood to have broken down. The applicant then approached the City who requested advice from the Chair of the Competitive Design Alternatives Process as to whether any other design entry demonstrated high merit and was deemed to be capable of achieving design excellence rather than restarting the competitive design process. Advice was provided from the Chair (Olivia Hyde, Director of Design Excellence, Government Architect NSW) that "the second placed proposal (by DKO Architects) demonstrated high merit and would, in my view, be capable of achieving design excellence. In the circumstances and noting the specific nature of this project as 100% social and affordable housing, I would support submission of this scheme."
30. Accordingly, the applicant determined to proceed with the DKO scheme however not to resubmit to the design excellence panel and therefore not to seek approval for the additional potential 10% design excellence bonus (under clause 6.21D of SLEP 2012) given that the final scheme was not the winner of the competitive design process. Notwithstanding the subject scheme was developed having regard to the approved design excellence strategy. Aspects of the competitive design process that have been included in the current scheme are:
  - retaining the two individual tower form presentation
  - utilising concrete and prefabrication materials which reflect the historic character of the locality
  - inflections in the design to respond to solar access and therefore maximise amenity for future residents
  - providing public open space at ground floor and presenting to the new Ashmore Connector Road to assist in streetscape activation, and
  - ensuring equity of access.

#### **Design Advisory Panel (4 May 2023)**

31. The proposal was first considered by Council's Design Advisory Panel (DAP) at its meeting on 4 May 2023. Comments provided by the DAP in respect of the proposal as lodged included:
  - (a) Three building options were presented to the Panel. One with a single core, another with a split core and the third, more developed option, which appeared to be a composite of the first two.
  - (b) All options comply with the approved building envelope for the site.
  - (c) There are some legibility and wayfinding issues with the first two schemes, with poor connections from the car park to the main lobby space.

- (d) Having only having one lift per core is problematic for a building of this height. The Panel prefers the centralised core option with two lifts.
- (e) The Panel believed that the composite option is the best option and offers greater solar amenity to living rooms.
- (f) All landscape areas need to be developed further and ADG requirements need to be addressed.
- (g) The Panel noted that St George Community Housing does not generally provide air conditioning units in its apartments due to cost, and so natural ventilation will need to be a key consideration moving forward.
- (h) The Panel suggested that the proponents learn from Nightingale community housing if they provide open gallery circulation spaces. Those spaces can be used as shared community space.
- (i) The Panel requested that this project return to the Panel when it is further developed.

### **Design Advisory Panel (13 June 2024)**

32. The DAP further considered the concept and design development application comprising a new 10-storey mixed use building with 111 affordable housing dwellings post DA lodgement on 13 June 2024. The Panel noted the applications and made the following recommendations:

- (i) The Panel commended the scheme for not including air-conditioning and noted the subsequent criticality of solar protection and cross ventilation for amenity.
- (ii) The effectiveness of cross ventilation should be demonstrated as there is unlikely to be much wind pressure. Refinements to apartments to improve openings for cross ventilation is recommended.
- (iii) While the strategy to reduce the bulk by varying the finish to the recessed central form, use of paint finish is not supported. This expression should be achieved by an inherent finish.
- (iv) The limited size of openings to balconies behind the masonry facades reduces the amenity and limits sun access to apartments.
- (v) Detailed design of precast concrete is important. Ribbing is generally supported.
- (vi) Consider small balconies to the northern frontage to improve solar protection, for noise attenuation, and to reduce the bulk of forms.
- (vii) Further refinement to the northern landscape area is recommended to maximise useable green space, reduce excess pathways, and to connect to the Ashmore connector.
- (viii) Consider refinement of ground floor storage spaces to ensure that they are useful.



- (ix) Consider refinement of kitchen islands, as they may not be the most efficient arrangement of internal space.
- (x) The Panel sought further updates on the project as it progresses.

### Amendments

33. Following a preliminary assessment of the proposed development by the independent planner and Council Officers and having regard to the DAP's comments, a request for additional information and amendments was sent to the applicant on 7 August 2024. Issues raised in the RFI letter included: FSR, natural ventilation, apartment amenity, building form and articulation, design and materiality, ground plane layout and circulation, public domain, site survey, quantity and quality of communal open space (including rooftop communal open space), deep soil, canopy coverage, design coordination, waste and servicing arrangements, noise and VPA and land dedications.
34. A meeting was held with the applicant, independent planner and council officers on 23 September 2024 to discuss the RFI issues and the proposed response.
35. The applicant formally responded to the RFI request on 25 September 2024, and submitted the following additional / amended information:
  - (a) RFI Response Letter
  - (b) Clause 4.6 variation request in respect of FSR
  - (c) Amended architectural plans
  - (d) Amended landscape plans
  - (e) Revised landscape report
  - (f) Amended civil plans
  - (g) Noise, Vibration & Natural Ventilation Impact Assessment
  - (h) Site survey
  - (i) Loading dock management plan
  - (j) Revised Transport Impact Assessment, and
  - (k) Green Travel Plan.
36. Notably following the above discussions, the proposed scheme was amended to:
  - Include alternative infill panels on the northern elevation to accentuate the horizontal projection on the facades and provide additional texture. The infill panels are in the form of brick inlay precast panels which improves the materiality and articulation of the building, breaking down its overall bulk and scale.
  - Provide further details on the proposed buildings materials and finishes.
  - Redesign the loading dock to cater for a 9.9m waste vehicle as agreed with Council's waste officers.

- Consolidate the proposed ground level paths into a single path to prioritise access and usability of the ground level open space by residents.
- Update the landscaping plans to provide improved areas of communal open space, deep soil planting and tree canopy coverage.
- Amend the ground floor residential lobby to improve accessibility and wayfinding.
- Updated architectural plans to provide further details on the natural ventilation of apartments supported by an updated Noise, Vibration & Natural Ventilation Impact Assessment.
- Provide a Clause 4.6 request to vary the Floor Space Ratio (FSR) development standard due to the inclusion of balconies with higher glass balustrades.
- Update the civil plans to demonstrate that engineering and infrastructure matters are appropriately resolved.
- Provide an updated site survey which includes 'As Built' documentation of the Ashmore Connector Road.

### **Proposed Development**

37. The application, as amended, therefore seeks consent for the following:

- 111 apartments;
  - 13 studios
  - 30 x 1 bed apartments
  - 58 x 2 bed apartments
  - 10 x 3 bed apartments
- Total GFA of 9,198m<sup>2</sup> (FSR of 4.09:1) including 1 ground floor commercial/retail tenancy providing a total of 294m<sup>2</sup> commercial floorspace;
- communal areas including open space and a resident community hub;
- 4 on-site accessible parking spaces;
- landscaping;
- civil works;
- earthworks; and
- remediation.

38. The application purports to include signage zones for the future ground floor tenancy however no information is provided on this aspect of the development. Accordingly, it is not included in this assessment. Any signage (other than exempt or complying signs) will be required to be the subject of a future separate development application.
39. Plans and elevations of the proposed development are provided below.



Figure 12: Site plan

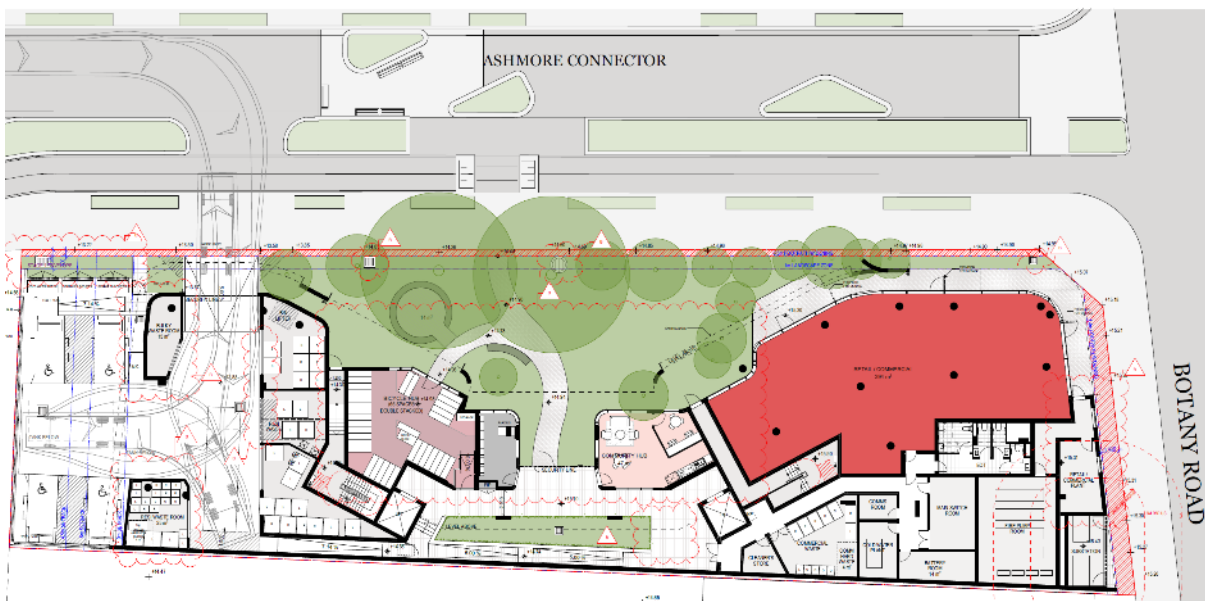


Figure 13: Proposed ground floor plan

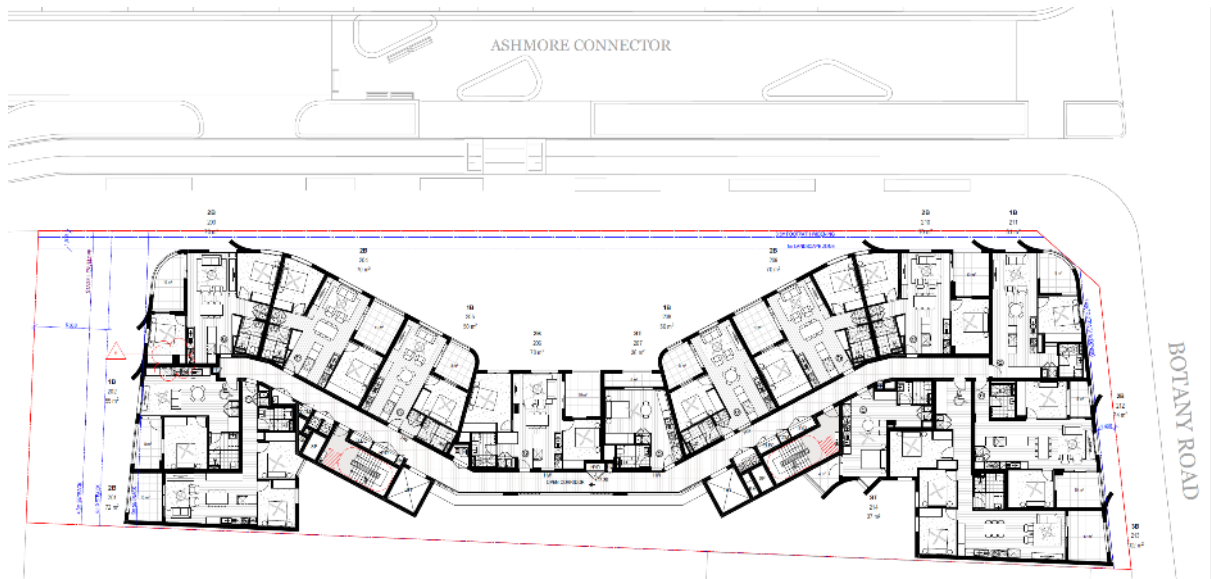


Figure 14: Proposed Level 2 - 5 plan

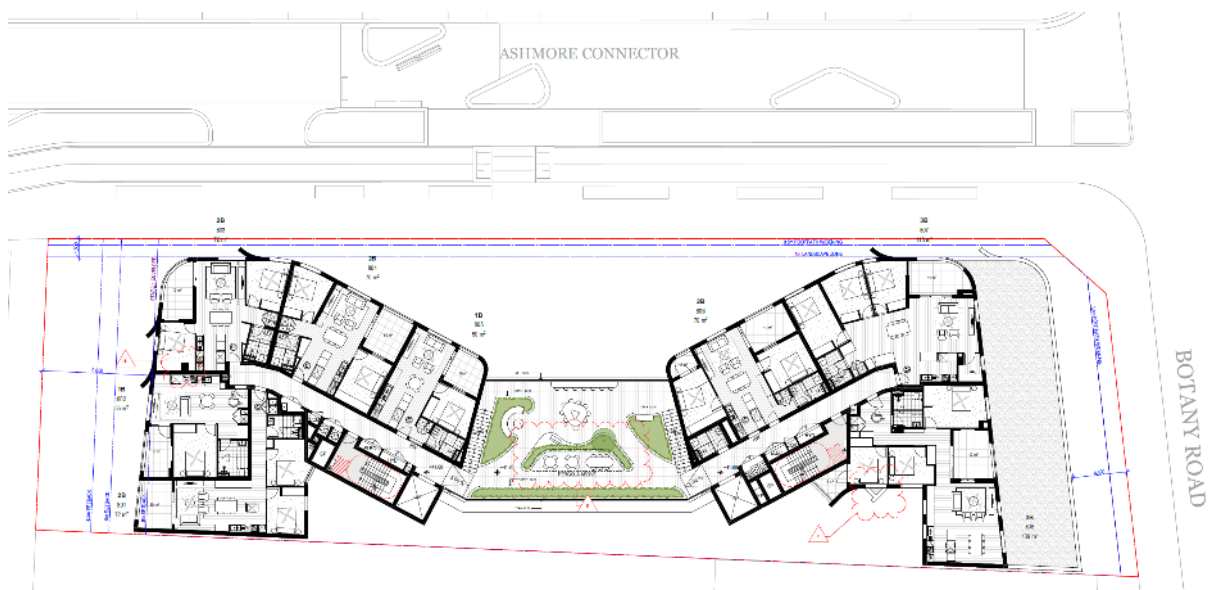


Figure 15: Proposed Level 8 plan

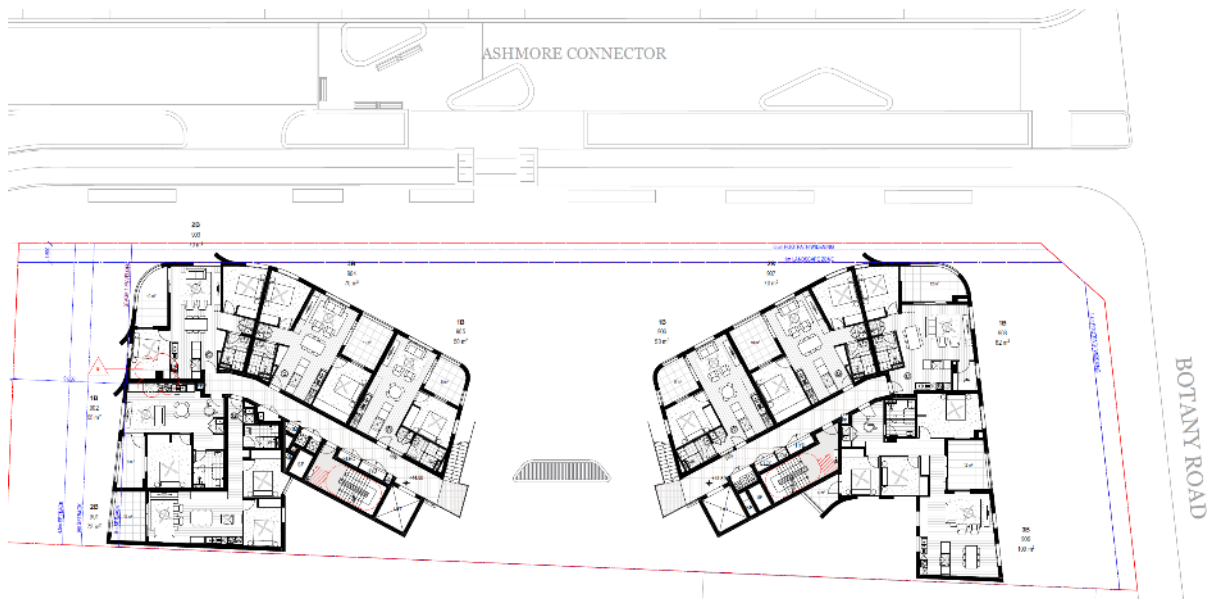


Figure 16: Proposed Level 9 plan



Figure 17: Proposed north (Ashmore Connector) elevation



Figure 18: Proposed east (Botany Road) elevation

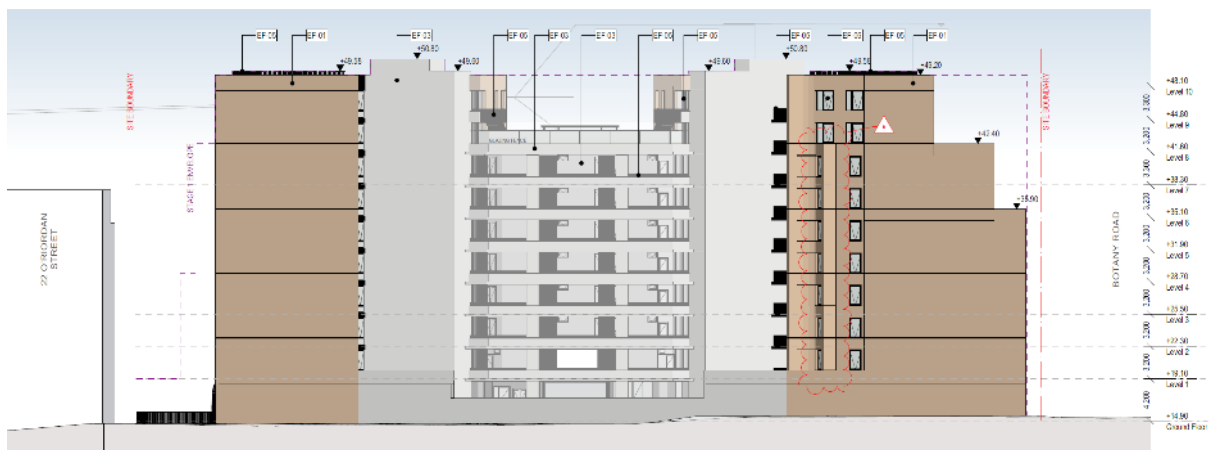


Figure 19: Proposed south elevation



Figure 20: Proposed west elevation



Figure 21: Proposed long section

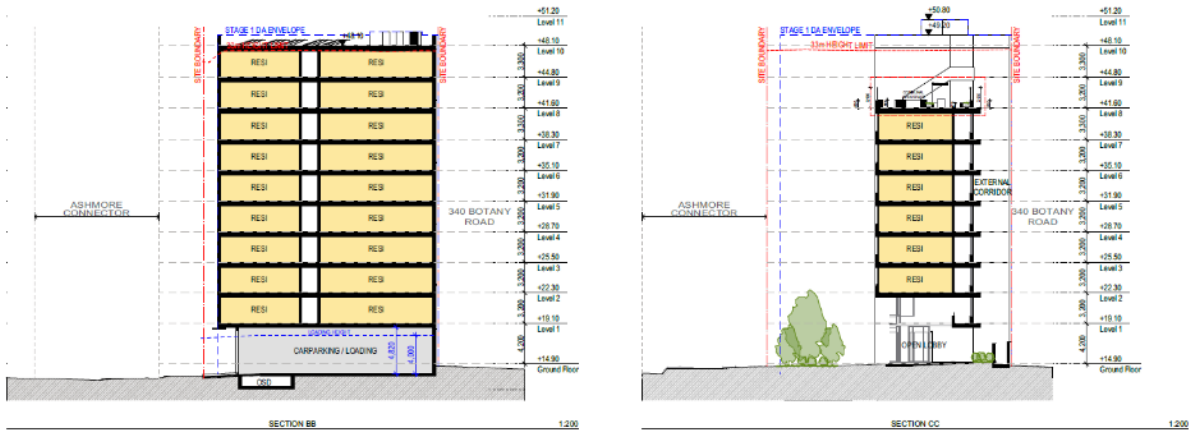


Figure 22: Proposed short sections



Figure 23: Proposed photomontage looking south west from Botany Road





**Figure 24:** Proposed photomontage looking south east

## Assessment

40. 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

32. 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.
33. A Remediation Action Plan (RAP) was submitted with the Stage 1 development application and identified the following area of concern:
- underground storage tanks
  - site fill material impacted with lead and hydrocarbon contamination
  - groundwater requiring remediation/management.
34. The underground storage tanks have since been removed as part of new Ashmore Connector Road works.

35. Condition 9 of the Concept Approval (D/2019/87) required that an amended RAP be submitted as part of the Stage 2 development application. Accordingly, a letter comprising a review of the development plans and confirmation of remedial strategy was prepared by JBS&G and accompanies the subject detailed development application. In addition, an Interim Site Audit Advice including a review of the Remedial Action Plan prepared by the site auditor has been submitted.
36. Council's Health Unit has reviewed the submitted documentation and has noted that the NSW EPA Accredited Site Auditor has confirmed that the site can be made suitable for the proposed use subject to the successful implementation of the RAP and validation. The preferred remedial strategy is to excavate lead and hydrocarbon impacted soils and treat offsite or if that is not possible then to treat onsite with a cap and contain strategy and submission of an LTEMP.
37. The Council's Health Unit is satisfied that, subject to conditions, the site can be made suitable for the proposed use.

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

38. One of the aims 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. Notwithstanding that the proposal is for the purposes of affordable housing, clause 1.9(2A) of the Sydney Local Environmental Plan 2012 provides that Chapter 2, Part 2, Divisions 1, 2, 3 and 5 and Chapter 3, Part 3 of SEPP (Housing) 2021 do not apply to land at Green Square.
39. Section 7.32 of the EP&A Act states that where the consent authority is satisfied that the development meets certain criteria, and a Local Environmental Plan authorises an affordable housing condition to be imposed, such a condition should be imposed so that mixed and balanced communities are created. Clause 7.13 (Contribution for purpose of affordable housing) of the Sydney Local Environmental Plan 2012 also allows for circumstances where an affordable housing contribution may be levied for development of land in Green Square. However, in determining whether a development meets the criteria for the application of an affordable housing contribution GFA used for the provision of affordable housing is excluded, and the proposal does not meet the criteria to impose an affordable housing contribution under Section 7.32(1) of the Act. Accordingly, a contribution is not applied in this instance.

### **Chapter 4 - Design of Residential Apartment Development**

40. The aim of Chapter 4 of the SEPP (Housing) 2021 is to improve the design quality of residential apartment development in New South Wales.
41. When determining an application for a residential flat development of three or more floors and containing four or more apartments, the SEPP 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 9.
42. The applicant has submitted a design verification statement and design report prepared by Nicholas Byrne of DKO (Registration No. NSW ARB #7806) with the application, addressing the design quality principles and the objectives of Parts 3 and 4 of the Apartment Design Guide (ADG). The statement is deemed to satisfy Section 29 of the Environmental Planning and Assessment Regulation 2021.
43. An assessment of the proposal against the design quality is provided as follows:

(a) Principle 1: Context and Neighbourhood Character

The site is located within the Green Square urban renewal precinct which is in a state of transition. The proposed design responds to the planned future character of the precinct, recently approved developments and the existing industrial character of the area particularly along Botany Road. It will contribute to the vitality of the area through the introduction of a significant new development with direct frontage to the new Ashmore Connector Road which is car free adjacent to the site. Adjoining the site the new road provides shaded pedestrian and cycle amenity broadly to the precinct and more immediately to the site with large planters providing shaded seating areas for public gatherings and public art for the community.

The site is within 200m of the Green Square train station and 5m from a bus stop providing future residents with a high level of accessibility via a range of public and active transport options. The form of the building is consistent with the scale of development envisaged in the locality and with recently approved development particularly to the north and east.

The development is proposed within the E3 'Productivity Support' zone and is broadly in accordance with the aims and objectives of the Sydney LEP 2012, the Sydney DCP 2012, and the Concept Approval (as proposed to be modified).

(b) Principle 2: Built Form and Scale

The Green Square precinct is currently in a state of transition from former industrial and warehousing uses to a mixed use local centre. The built form and scale of this proposal is compatible with that envisaged in the Concept Approval (as amended) and with the applicable planning controls with the exception of minor variations to the maximum height and FSR. The proposed variations are addressed under the Discussion heading below. It is also consistent with the scale of envisaged and recently approved development in the immediate vicinity particular to the north and east and responds appropriately to the lower scale existing and approved development to the south and west as discussed in detail below. Key strategies that have been adopted in the proposal to ensure an appropriate form and scale include:

- (i) sculpting the form to provide for acoustic attenuation, solar amenity and to reduce the perceived building length;
- (ii) stepping the massing toward Botany Road to retain solar access to neighbouring developments;
- (iii) provision of a green spine along the Ashmore Connector Road frontage, and
- (iv) Breaking the built form by recessing the centre and increasing permeability to the sky and ground level.

(c) Principle 3: Density

The development provides a suitable number and variety of affordable housing apartment types, with appropriate amenity for occupants. The proposed overall density of development is generally consistent with that envisaged under the relevant planning controls and the Concept Approval and is acceptable given the context. While the proposal does result in a marginal exceedance of the maximum permissible GFA (and hence FSR) this is the result of a technicality being the requirement to include the area of the east facing balconies as GFA due to height of the balcony balustrades which provide noise attenuation and do not impact density.

The development will accommodate 111 dwellings, which is an appropriate level of residential density for the site given the site opportunities and constraints and its proximity to established infrastructure, public transport, and community and recreation facilities.

The proposed density of the new building does not result in unacceptable levels of amenity impact for neighbouring properties or the future residents within the development. The proposal responds to the future context and does not result in unacceptable levels of amenity impact for neighbouring properties or future residents.

(d) Principle 4: Sustainability

The proposal is compliant with the requirements of BASIX in terms of thermal comfort and meets the required water and energy targets. An appropriate condition is recommended to ensure that the development complies with the commitments contained on its BASIX certificate.

An ESD report has also been submitted which identifies the ESD targets for the project which include:

- (i) Design to target the equivalent of a minimum 4 Star Green rating in principle only through self-assessment;
- (ii) BASIX Energy score 35 minimum;
- (iii) Average 7 Stars NatHERS;
- (iv) Compliance with NCC Section J provisions for Energy Efficiency;
- (v) Minimum 25kW roof top solar PV system;
- (vi) Develop place making and community gathering opportunity in the design;
- (vii) Increase opportunities for bio-diversity value on site;
- (viii) Investigate smart technology applications for the project and empower the end users through education and training; and

- (ix) Proactively seek connections to Green Square precinct Recycled Water Scheme, including via designing in pipework to receive recycled water for toilet flushing and laundry use.

Further BASIX certification, NatHERs stamped plans and Section J report have all been provided. Council's ESD Advisor has indicated that the measures outlined in the ESD report, BASIX Certificate, NatHERs stamped plans and Section J report are all appropriate and meet or exceed relevant requirements. Condition of consent have also been recommended.

- (e) Principle 5: Landscape

A mix of hard and soft landscaping is provided, with opportunities for passive and active recreation. Landscaping has been employed adjacent to the Ashmore Connector Road to appropriately delineate the public and private (communal) areas of the site, to soften the built form and to enhance amenity. As stated in the design report:

"Forming an urban sanctuary; lush greenery, flowing water features, and serene gardens break up the surrounding urban environment. Natural elements and carefully curated design elements create a space where groups and individuals can rest, recover, and interact with the natural surroundings.

The site envisions an open space that features secluded nooks, quiet corners, and cozy seating areas. The strategic use of lighting, sound, and scent further enhances the ambience, creating an immersive experience."

In terms of the rooftop communal area the design report states:

"Residents are provided with a variety of amenity including social, dining, cooking and entertainment that cater for varied group sizes and individual use.

A pergola provides shelter to dining spaces, while the sunlounge and deck is open and surrounded by lush planting. The central bench has facilities for cooking, dining and entertaining while leading out to the bar top that takes advantage of the views out to the city."

The proposed design, as amended, exceeds the 7% deep soil area required under the ADG providing 11% deep soil area. It also complies with the required 25% communal open space area (with minimum dimension of 6m) providing a total of 25.5% communal open space.

Council's landscape officer has advised that the revised proposal is acceptable subject to recommended conditions of consent.

(f) Principle 6: Amenity

The proposal incorporates apartment planning that can deliver a high level of amenity for future occupants having regard to the site's east west alignment. Floor plans have been configured to, as far as possible, orient to the north, east and west to maximise solar access and ventilation (subject to the site constraints). The number of units facing south is minimised. Further noise attenuation is built in to units facing east (to Botany Road) to optimise amenity. Compliant apartment and room sizes are also provided.

Compliance with amenity controls regarding the relevant provisions of the ADG is detailed in the table below.

(g) Principle 7: Safety

The proposal is broadly in line with the principles for Crime Prevention Through Environmental Design (CPTED).

The development provides new opportunities for passive surveillance of existing streets and the new Ashmore Connector Road and will increase street activity. The proposed communal open space and commercial tenancy which front the Connector Road at ground level will ensure a high level of activity to the new pedestrianised roadway and thereby promote safety and security. Further the design provides for territorial reinforcement and does not create any areas of safety risk.

(h) Principle 8: Housing Diversity and Social Interaction

The proposal includes a mix of dual and single apartments, offering an appropriate variety of apartment types across the development.

The development will accommodate 111 affordable housing dwellings, providing the following mix:

13 x Studio apartments (11.7%)

30 x 1 bedroom apartments (27%)

58 x 2 bedrooms apartments (52.3%)

10 x 3 bedroom apartments (9%).

The proposed unit mix is broadly consistent with that envisaged under the Sydney DCP 2012.

The proposal provides 15 (17.3%) adaptable apartments and 111 (100%) liveable units complying with the Sydney DCP 2012 requirement.

(i) Principle 9: Aesthetics

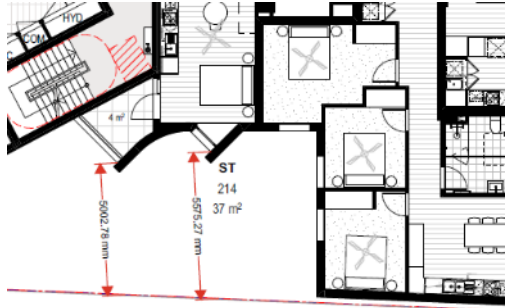
The proposed built form presents a contemporary, well-modulated and articulated development, using a variety of architectural elements and materials to provide visual interest. The proposed materials are supported, and the overall design will positively contribute to the aesthetic qualities of the streetscape.

The amended design is generally consistent with the competition scheme, which was considered by the Chair of the selection panel to be capable of exhibiting design excellence with regard to materiality and architectural expression. The proposal has been supported by the DAP and Council's urban design advisor subject to recommended conditions.

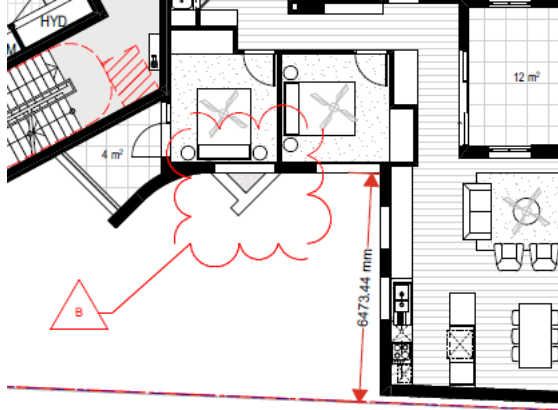
44. The development is acceptable when assessed against the SEPP including the above stated principles and the associated ADG. These controls are generally replicated within the apartment design controls under the Sydney Development Control Plan 2012. Consequently, compliance with the SEPP generally 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)	Yes	The building depth is relatively narrow given the narrowness of the site and the east west orientation. Units are generally less than 10m in depth.

2F Building Separation	Compliance	Comment
Up to four storeys (approximately 12 metres): <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>	Yes	The proposal complies with the 6m habitable to habitable setback adjacent to the western boundary for the first 4 storeys. To the south the majority of the frontage has no windows facing the boundary however two windows on each level are setback approx. 4.6m. This is consistent with the habitable to non-habitable interface on this frontage.
Five to eight storeys (approximately 25 metres): <ul style="list-style-type: none"> <li>• 18m between habitable rooms / balconies</li> </ul>	Partial compliance	A minor non compliance is proposed on levels 4-7 (storeys 5-8) along the western site boundary where a 9m setback is required and 7.967 - 9m is proposed. This is considered acceptable in the circumstance as only 2 windows on each level are non compliant and given the existing approval on the site to the west which provides for a habitable to non

2F Building Separation	Compliance	Comment
<ul style="list-style-type: none"> <li>• 12m between habitable and non-habitable rooms</li> <li>• 9m between non-habitable rooms</li> </ul>		<p>habitable interface and a development of 5 storeys in height. Accordingly, the non compliant windows will be above the adjacent development and will not result in any privacy impacts.</p> <p>To the south an angled (oriel) window is setback 5.5m and angled balcony setback 5.0m from the boundary on levels 4-7 which does not comply with the habitable to non habitable requirements of 6m (as shown below). Notwithstanding it is considered that the proposed setback is acceptable given the angling and privacy fin wall which directs views to the south west rather than directly across the boundary. Further the adjacent development is commercial and is not therefore a sensitive use.</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>Partial compliance</p>	<p>As above a minor non compliance exists for Levels 8 and 9 (9th and 10th storeys) adjacent to the western and southern boundaries. On Levels 8 and 9 a 9m setback is technically required to the west where 7.967 -9m is proposed. This is considered acceptable in the circumstance as only 2 windows on each level are non compliant and given the existing approval on the site to the west which provides for a habitable to non habitable interface and a development of 5 storeys in height. Accordingly, the non compliant windows will be above the adjacent development and will not result in any privacy impacts.</p> <p>To the south an angled (oriel) window is setback 5.5m and angled balcony setback 4.9m from the boundary on levels 8-9</p>



2F Building Separation	Compliance	Comment
		<p>which does not comply with the habitable to non habitable requirements of 9m (as shown above). Notwithstanding it is considered that the proposed setback is acceptable given the angling and privacy fin wall which directs views to the south west rather than directly across the boundary. Further the adjacent development is commercial and is not therefore a sensitive use. An additional bedroom window on each level (on the south eastern corner of the site) has a setback of approx. 6.5m where 9m is required. This is however acceptable given that these levels are above the adjacent development and bedroom windows only.</p> 

3D Communal and Public Open Space	Compliance	Comment
Communal open space has a minimum area equal to 25% of the site.	Yes	574m2 of communal open space is proposed on the ground and Level 8 resulting in 25.5% of the site (574m2/2250m2).
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).	Yes	<p>It is acknowledged that the ground floor communal open space is constrained by overshadowing from the surrounding built form throughout the day at the winter solstice.</p> <p>The proposal, however, provides a good standard of solar access to the Level 8 rooftop communal open space. More</p>

3D Communal and Public Open Space	Compliance	Comment
		than 50% of the principal usable part of the rooftop communal open space will receive a minimum of 2 hours between 9am and 3pm on 21 June.

3E Deep Soil Zones	Compliance	Comment
Deep soil zones are to have a minimum area equivalent to 7% of the site and have a minimum dimension of 6m	Yes	The amended proposal is measured to provide 248m <sup>2</sup> of deep soil (11% of site area).

3F Visual Privacy	Compliance	Comment
Up to four storeys (12 metres): <ul style="list-style-type: none"> <li>• 6m between habitable rooms / balconies</li> <li>• 3m between non-habitable rooms</li> </ul>	Partial compliance	As outlined above there is a minor non compliance adjacent to the western boundary however this is considered acceptable in the circumstance.  Refer above.
Five to eight storeys (25 metres): <ul style="list-style-type: none"> <li>• 9m between habitable rooms / balconies</li> <li>• 4.5m between non-habitable rooms</li> </ul>	Partial compliance	As outlined above there is a minor non compliance adjacent to the western boundary however this is considered acceptable in the circumstance.  Refer above.
Nine storeys and above (over 25m): <ul style="list-style-type: none"> <li>• 12m between habitable rooms / balconies</li> <li>• 6m between non-habitable rooms</li> </ul>	Partial compliance	As outlined above there is a minor non compliance adjacent to the western boundary however this is considered acceptable in the circumstance.  Refer above.
Bedrooms, living spaces and other habitable rooms should be separated from gallery access and other open	Yes	Apartment layouts are generally designed to locate sensitive rooms and

<b>3F Visual Privacy</b>	<b>Compliance</b>	<b>Comment</b>
circulation space by the apartment's service areas.		spaces away from internal communal corridors and spaces.

<b>4A Solar and Daylight Access</b>	<b>Compliance</b>	<b>Comment</b>
70% of units to receive a minimum of 2 hours of direct sunlight in midwinter to living rooms and private open spaces.	Yes	78 out of 111 dwellings achieve solar access in accordance with the objective, which is 70.3%.
Maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at midwinter.	Yes	10 out of 111 apartments receive no direct sunlight at the winter solstice, which equals 9%.

<b>4B Natural Ventilation</b>	<b>Compliance</b>	<b>Comment</b>
All habitable rooms are naturally ventilated.	Yes	All habitable rooms are naturally ventilated.
Minimum 60% of apartments in the first nine (9) storeys of the building are naturally cross ventilated.	No	60 out of 102 apartments (first 9 storeys) are naturally cross ventilated, equalling 58.8%. This does not comply with the minimum requirement however is considered to be acceptable in the circumstance.  Refer to the assessment under the Discussion heading.

<b>4C Ceiling Heights</b>	<b>Compliance</b>	<b>Comment</b>
Habitable rooms: 2.7m	Yes	Floor to floor heights of at least 3.2 metres are provided, achieving 2.7m floor to ceiling heights for habitable rooms and 2.4m minimum ceiling heights for non-habitable rooms or greater.  A standard condition of consent is recommended, requiring a registered
Non-habitable rooms: 2.4m	Yes	

4C Ceiling Heights	Compliance	Comment
		surveyor to confirm a 2.7m floor to ceiling height is achieved in living areas and bedrooms, and 2.4m is achieved in kitchens, bathrooms, laundries and hallways.
If located in mixed use areas – 3.3m for ground and first floor to promote future flexibility of use.	Partial compliance	A ground floor floor to floor height of 4.2m is proposed. Given the proposed residential use a floor to floor height of 3.3m is not proposed for Level 1 which is considered acceptable given that the proposal is for affordable housing.

4D Apartment Size and Layout	Compliance	Comment
<p>Minimum unit sizes:</p> <ul style="list-style-type: none"> <li>• Studio: 35m<sup>2</sup></li> <li>• 1 bed: 50m<sup>2</sup></li> <li>• 2 bed: 70m<sup>2</sup></li> <li>• 3 bed: 90m<sup>2</sup></li> </ul> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m<sup>2</sup> each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m<sup>2</sup> each.</p>	Yes	All apartment sizes comply with the minimum area requirements. (Note: all units only have one bathroom)
Every habitable room is to have a window in an external wall with a minimum glass area of 10% of the floor area of the room.	Yes	All bedroom and living rooms comply with the requirement.
Habitable room depths are to be no more than 2.5 x the ceiling height.	Yes	Apartment depths comply.

4D Apartment Size and Layout	Compliance	Comment
8m maximum depth for open plan layouts.	Yes	
Minimum area for bedrooms (excluding wardrobes): <ul style="list-style-type: none"> <li>• master bedroom: 10m<sup>2</sup></li> <li>• all other bedrooms: 9m<sup>2</sup></li> </ul> Minimum dimension of any bedroom is 3m (excluding wardrobes).	Yes	The bedroom areas and minimum dimensions comply.
Living and living/dining rooms minimum widths: <ul style="list-style-type: none"> <li>• Studio and one-bedroom: 3.6m</li> <li>• Two-bedroom or more: 4m</li> </ul>	Yes	The living and living/dining room minimum widths comply.

4E Private Open Space and Balconies	Compliance	Comment
Studio apartments are to have a minimum balcony area of 4m <sup>2</sup> with a minimum depth of 1m.  One bed apartments are to have a minimum balcony area of 8m <sup>2</sup> with a minimum depth of 2m.  Two bed apartments are to have a minimum balcony area of 10m <sup>2</sup> with a minimum depth of 2m.  Three bed apartments are to have a minimum balcony area of 12m <sup>2</sup> with a minimum depth of 2.4m.	Yes	All apartments are provided with balconies which comply with the minimum dimension and area.

<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).	Yes	Maximum of 13 units per floor serviced by 2 lifts
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	No	2 lifts provided to service 111 units in 10 storey building. Notwithstanding it is considered that the proposal is acceptable given the proposed affordable housing use and the building layout.
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.	Yes	No living room or bedroom windows open directly onto circulation spaces with doors being generally offset or screened within units.
Daylight and natural ventilation are provided to all common circulation spaces.	Yes	The proposed central circulation corridor is an open corridor with openings to the south.

<b>4G Storage</b>	<b>Compliance</b>	<b>Comment</b>
<p>Minimum storage provision facilities:</p> <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> <p>(Minimum 50% storage area located within unit)</p>	Yes	Adequate storage is provided within each apartment in accordance with ADG requirements.

4J Noise and Pollution	Compliance	Comment
Have noise and pollution been adequately considered and addressed through careful siting and layout of buildings?	Yes	<p>The design groups similar uses and services together to ensure the acoustic privacy of the dwellings are maintained. This includes locating waste facilities within the ground level.</p> <p>In addition, given the location adjacent to Botany Road noise attenuation is incorporated into the balcony design to provide for natural ventilation while ensuring acoustic attenuation. Noise attenuation will also be incorporated into the ground floor commercial use to protect the amenity of residences above.</p>

### State Environmental Planning Policy (Sustainable Buildings) 2022

45. The aims of this Policy are as follows—

- (a) to encourage the design and delivery of sustainable buildings,
- (b) to ensure consistent assessment of the sustainability of buildings,
- (c) to record accurate data about the sustainability of buildings, to enable improvements to be monitored,
- (d) to monitor the embodied emissions of materials used in construction of buildings,
- (e) to minimise the consumption of energy,
- (f) to reduce greenhouse gas emissions,
- (g) to minimise the consumption of mains-supplied potable water,
- (h) to ensure good thermal performance of buildings.

### Chapter 2 Standards for residential development - BASIX

46. A BASIX Certificate has been submitted with the development application 1739395M
47. The BASIX certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal. A condition of consent is recommended ensuring the measures detailed in the BASIX certificate are implemented and that the BASIX certificate and NatHERS stamped plans are updated in accordance with the plan amendments.

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

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

Division 17, Subdivision 2: Development in or adjacent to road corridors and road reservations

Section 2.119 – Development with frontage to classified road

49. The application is subject to Section 2.119 of the SEPP as the site has frontage to Botany Road which is a classified road.
50. The proposed development satisfies the provisions of Section 2.119 subject to conditions of consent, as access to the site is not provided from the classified road and the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development. Further the development is appropriately located and designed and includes measures to ameliorate potential traffic noise or vehicle emissions within the site.
51. TfNSW has provided advice that it has no objection to the proposal subject to recommended conditions of consent.

Section 2.120 – Impact of road noise or vibration on non-road development

52. The application is subject to Section 2.120 of the SEPP as the site is adjacent to Botany Road which has an annual average daily traffic volume of more than 20,000 vehicles and the development is likely to be adversely affected by road noise or vibration.
53. The proposal is accompanied by a Noise Impact Assessment prepared by E-Lab Consulting, which recommends appropriate noise mitigation treatments to ensure that future residential apartments achieve an acceptable noise environment and residential amenity. The design includes increased wall heights to balconies fronting Botany Road to provide noise attenuation. Council's environmental health officer (noise) has advised that the proposal is acceptable noting that where exceedances to the project specific noise criteria have been predicted 'tall wind screening (designed to 75% in total height for Sydney Wintergarden compliance) and Acoustic treatment to underside of soffits' are proposed.
54. Further TfNSW has also provided advice that it has no objection to the proposal subject to recommended conditions of consent.
55. The application satisfies Section 2.120 subject to conditions of consent.

Section 2.122 – Impact of road noise or vibration on non-road development

56. Section 2.122 requires that development applications for certain traffic generating development, as set out in Schedule 3 of the policy, be referred to TfNSW and that any submission from the TfNSW be considered prior to the determination of the application. The Proposal seeks approval for residential accommodation with 75 or more dwellings with access to a road that connects to a classified road, within 90m of the connection. Accordingly, the proposal is required to be referred to TfNSW.
57. As noted above TfNSW has provided advice that it has no objection to the proposal subject to recommended conditions of consent.



## Local Environmental Plans

### Sydney Local Environmental Plan 2012

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

#### Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	The site is located in the E3 Productivity Support zone. The proposed development is defined as a mixed use development comprising residential accommodation development (affordable housing) and commercial and is permissible with consent in the zone. The proposal meets the objectives of the zone.

#### Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	No	<p>A maximum building height of 33m is permitted.</p> <p>A height of 36.2m is proposed.</p> <p>The proposed development does not comply with the maximum height of buildings development standard.</p> <p>A request to vary the height of buildings development standard in accordance with Clause 4.6 has been submitted. See further details in the 'Discussion' section below.</p>
4.4 Floor space ratio	No	<p>A maximum floor space ratio of 4:1 (including a base FSR of 3:1 plus 1:1 community infrastructure floor space under clause 6.14 of SLEP 2012) or 9,000sqm is permitted.</p> <p>A floor space ratio of 4.09:1 or 9,198sqm is proposed.</p> <p>The proposed development does not comply with the maximum floor space ratio development standard.</p> <p>A request to vary the floor space ratio development standard in accordance with Clause 4.6 has been submitted.</p>

Provision	Compliance	Comment
		See further details in the 'Discussion' section below.
4.6 Exceptions to development standards	Yes	The proposed development seeks to vary the development standard prescribed under Clauses 4.3 Height of Buildings and 4.4 Floor space ratio. A Clause 4.6 variation request for each has been submitted with the application.  See further details in the 'Discussion' section below.

### Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.21 Flood planning	Yes	<p>Council's flood engineer has provided advice that 338 Botany Road includes the road reserve (proposed Ngamuru Avenue) which is flood affected and hence the entire lot is identified as flood affected with a flood notation on the section 10.7 certificate. However, as shown in 1% AEP flood extent map in Geocortex, the part of the land parcel at the corner of new road and Botany Road (subject site) is not significantly affected.</p> <p>Notwithstanding the site is located within the Alexandra Canal catchment. Development at the site is required to comply with Council's flood-related development controls.</p> <p>A Flood Assessment was submitted with the application which determined that all entry locations satisfy Council's Flood Planning Level (FPL).</p> <p>The application has been reviewed by Council's Flooding Engineers and has been found to be acceptable.</p> <p>The development is able to comply with the City's Interim Floodplain Management Policy and satisfies the provisions of the standard.</p>

## Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 2 Additional floor space outside Central Sydney		
6.14 Community infrastructure floor space at Green Square	Partial compliance	<p>The proposed development is eligible for an additional floor space ratio of 1.1 for community infrastructure being within Area 8 as shown on the FSR Map. The Concept DA (D/2019/87) and associated VPA include a public benefit in the form of community infrastructure through:</p> <ul style="list-style-type: none"> <li>• dedication of land along the Botany Road and the Green Square to Ashmore Connector Road</li> <li>• footpath construction, and</li> <li>• a monetary contribution towards community infrastructure.</li> </ul> <p>The Concept DA approved a maximum FSR of 4:1 for the subject site on this basis.</p> <p>The proposal provides for a maximum FSR of 4.09:1 given that balcony areas are required to be included in GFA given the proposed wall height required to provide noise attenuation. Accordingly, a clause 4.6 variation has been submitted. Further as noted above the Concept DA is proposed to be concurrently amended to reflect the updated FSR,</p>
Division 4 Design excellence		
6.21C Design excellence	Yes	<p>The proposed development is of a high standard and uses materials and detailing which are compatible with the existing development along the street and will contribute positively to the character of the area.</p> <p>The development achieves the principle of ecologically sustainable development and has an acceptable environmental impact with regard to the amenity of the</p>

Provision	Compliance	Comment
		surrounding area and future occupants. The development therefore achieves design excellence.
6.21D Competitive Design Process	N/A	As noted above, the subject design was not the winner of the competitive design process undertaken for the site. The winning design was found to be unviable. Accordingly, an alternative competition scheme has been proceeded with which the Chair of the Competition Panel has confirmed has the ability to achieve design excellence. Notwithstanding the bonus available under this clause is not proposed to be used in this case.

**Part 7 Local provisions – general**

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development		
7.5 Residential flat buildings, dual occupancies and multi dwelling housing	Yes	A maximum of 83 car parking spaces are permitted on the site for the residential component of the development.  The proposed development includes 4 accessible car parking spaces and therefore complies with the relevant development standards.
7.7 Retail premises	Yes	A maximum of 5 spaces are permitted for the retail/commercial component of the development (Note: the retail rate has been applied as it is higher than the commercial rate although the ground floor tenancy is shown as retail / commercial space).  The proposed development includes a total of 4 accessible car parking spaces and complies with the relevant development standards.
Division 3 Affordable housing		

Provision	Compliance	Comment
7.13 Affordable Housing	Yes	This provision allows for circumstances where an affordable housing contribution may be levied for development of land in Green Square. However, GFA used for the provision of affordable housing is excluded. The proposal also includes a retail / commercial component which has an area of 294m <sup>2</sup> to which an affordable housing contribution could be applied. However, given that this is minor and ancillary to the main affordable housing use, and that the development is by a community housing provider, it is considered that a contribution is not warranted in this instance. As discussed above, the proposal does not meet the criteria to impose an affordable housing contribution under Section 7.32(1) of the Act.
7.13A Affordable Housing in Business Area	Yes	The proposed affordable housing development is consistent with this provision being located in a business (E3 Productivity) zone.
Division 4 Miscellaneous		
7.14 Acid Sulfate Soils	Yes	The site is located on land identified as containing class 5 Acid Sulfate Soils. The application does not propose works requiring the preparation of an Acid Sulfate Soils Management Plan.
7.20 Development requiring or authorising preparation of a development control plan	Yes	A development control plan is not considered to be required for the proposed development as it will not cause significant adverse impacts on non-residential uses and further a Concept development application has been approved for the site.
7.25 Sustainable transport of southern employment land	Yes	A Green Travel Plan and Transport Impact Assessment has been submitted with the application and are both considered acceptable. The proposal includes minimal car parking and is considered to promote sustainable transport modes and minimise traffic congestion.

## Development Control Plans

### Sydney Development Control Plan 2012

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

#### Section 2 – Locality Statements

60. The site is located within the North Alexandria locality. The proposed development is in keeping with the unique character and the design principles of the locality. Specifically subject to the recommended conditions of consent, the proposal is consistent with the following design principles outlined for the locality:

(d) Provide a range of day-to-day services like childcare, retail and food and drink.

(e) Provide higher amenity in the public domain and better urban outcomes, with defined streets, new connections where required, positive landscape spaces, and improved relationships between buildings and the public domain.

(g) Achieve a sensitivity to scale, fine grain character and materiality in the north-block and surrounding buildings

(h) Balance maximised street activation and street/building interface with the industrial character of buildings in the north-block of limited doors and windows.

(i) Present high-quality frontages to the Liveable Green Network and public open spaces.

(j) A high-quality public domain is to be realised through the careful design of frontages, through-site links, setbacks, loading and access, and through the screening of warehouses and industrial uses with active uses in the mid-block.

(k) Harness the place-making opportunities which are presented by the canals and Liveable Green Network.

(n) Improve way finding, amenity and legibility with more connections and better arranged streets, and

(o) Increase permeability through the precinct with more crossing points along major roads, well-designed streets and through-site connections to facilitate comfortable walking both within and around the precinct.

#### Section 3 – General Provisions

Provision	Compliance	Comment
3.1 Public Domain Elements	Yes	<p>The proposed development will make a positive contribution to the public domain.</p> <p>The proposal relates positively to the new east west Ashmore Connector Road and provides for 0.5m of footpath widening and 1m landscape zone on this frontage. Further it provides for 1.4m of</p>

Provision	Compliance	Comment
		<p>footpath widening on the Botany Road frontage. This is consistent with the DCP public domain setback requirements.</p> <p>The design of the ground level with communal open space fronting the Ashmore Connector Road will further enhance that character of the public domain providing a green interface to the new east west connector which is currently pedestrian only.</p> <p>The site is identified in the DCP as requiring an active frontage. Given the proposed use it is considered that the landscape treatment and proposed retail tenancy that is oriented to the connector road (albeit setback) will provide an appropriate level of activation.</p> <p>The DCP also identifies a 5 storey street wall on the subject site. This development guideline is considered to have been superseded by the Concept DA approval.</p> <p>A 3m upper level setback is also specified under the DCP. This development guideline is similarly considered to have been superseded by the Concept DA approval.</p> <p>Further a proposed through site link is shown on the DCP Through site link map along the western boundary of the site running north south, half on the subject site and half on the adjacent site to the west. This development guideline is similarly considered to have been superseded by the Concept DA approval which did not incorporate a through site link in this location.</p> <p>A public art strategy has been submitted with the application which provides for two artworks by a local indigenous artist in the form of a coloured glass artwork in front of the bicycle hub and laser cut metal entry gate however it is noted that the artist is now deceased. The art strategy has a \$150,000 budget for fabrication and installation in addition to artist fees. This budget is considered reasonable given the proposed</p>

Provision	Compliance	Comment
		affordable housing use. Council's art advisor has raised some concerns regarding the public art strategy. A condition of consent is therefore recommended requiring that the finalised plan, to the City's satisfaction, be submitted to the City prior to the issue of the Construction Certificate.
3.2. Defining the Public Domain	Yes	<p>As noted above the proposal has been designed to address and activate the new Ashmore Connector Road. A wide awning is proposed in front of the retail tenancy wrapping around the Botany Road frontage. Car parking and service areas are screened from view. The proposal will not overshadow any public open space. A reflectivity report has been submitted with the application which illustrates that reflectivity is kept to a minimum with the building materials comprising predominantly pre-cast concrete.</p> <p>The application indicates that external lighting is to be contained to building entries, recessed below the cantilevered building to ensure no significant contribution to light pollution whilst also increasing safety. All external lighting is also proposed will comply with the relevant Australian Standard. No lighting plans have been provided however it is considered that this matter can be addressed via standard conditions of consent.</p>
3.3 Design Excellence and Competitive Design Processes	Yes	<p>The proposal is considered to represent design excellence and is consistent with the design excellence strategy approved as part of the Concept DA. As noted above a competitive design process was undertaken however the proposal does not seek to rely on any design excellence bonus.</p> <p>The public art provision is considered acceptable subject to finalisation and conditions of consent as outlined above.</p>
3.4 Hierarchy of Centres, City South	Yes	The site is located within the Green Square Primary Trade Area but not within the Green Square Town Centre or



Provision	Compliance	Comment
		<p>other identified villages and neighbourhood centres.</p> <p>The proposed commercial / retail tenancy having an area of 294m<sup>2</sup> would not negatively impact the viability or economic role of the planned centres within the southern areas of the City being minor only.</p>
3.5 Urban Ecology	Yes	The proposed development does not involve the removal of any trees and will not have an adverse impact on the local urban ecology.
3.6 Ecologically Sustainable Development	Yes	The proposal satisfies BASIX and environmental requirements. Refer to SEPP (Sustainable Buildings) above.
3.7 Water and Flood Management	Yes	<p>The site is not flood affected as outlined above however is located within the Alexandra Canal catchment.</p> <p>A Flood Assessment was submitted with the application which determined that all entry locations satisfy Council's Flood Planning Level (FPL).</p> <p>The application has been reviewed by Council's Flooding Engineers and has been found to be acceptable.</p> <p>The development is able to comply with the City's Interim Floodplain Management Policy and satisfies the provisions of the standard.</p>
3.11 Transport and Parking	Yes	<p>The traffic assessment submitted with the application is supported by Council's Senior Transport Planner subject to recommended conditions of consent. In particular the provision of 4 x visitor bicycle parking spaces is recommended.</p> <p>Access and loading arrangements have been determined to be acceptable.</p> <p>The provision of 4 accessible parking spaces only is supported given the proposed affordable housing use and</p>

Provision	Compliance	Comment
		<p>site accessibility via public and active transport.</p> <p>Green Travel Plan</p> <p>A Green Travel Plan has been submitted and is supported.</p> <p>Car share scheme parking spaces</p> <p>Given the proposed affordable housing use and proximity to public transport, the provision of car share spaces is not required.</p> <p>Bicycle parking</p> <p>The proposal includes provision for 66 bicycle parking spaces in the bicycle hub. This is considered acceptable. As noted above 4 additional visitor bicycle parking spaces will be required via condition.</p> <p>Vehicle parking</p> <p>Provision is made for 4 x accessible parking spaces only. This is considered acceptable given the proposed use and site accessibility via public and active transport.</p> <p>Service vehicle parking</p> <p>Loading has been provided for a 9.9m vehicle as agreed by Council's traffic and waste management teams. A Loading Dock Management Plan has been provided and is considered acceptable.</p>
3.12 Accessible Design	Yes	<p>An access report has been submitted with the application which concludes that the proposal has a high level of compliance with the Disability (Access to Premises – Buildings) 2010, the National Construction Code 2022 addressing Access &amp; Egress, Lift services, Sanitary facilities and the Australian Standards referenced by the National Construction Code. Some areas of further assessment have been identified.</p>

Provision	Compliance	Comment
		<p>A condition has been recommended for the proposed development to provide appropriate access and facilities for persons with disabilities in accordance with the DCP and the NCC.</p> <p>The amended plans include 17 adaptable apartments (15.3%) which is consistent with DCP requirements.</p>
3.13 Social and Environmental Responsibilities	Yes	The proposed development provides adequate passive surveillance and is generally designed in accordance with the CPTED principles.
3.14 Waste	Yes	A condition has been recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.
3.17 Contamination	Yes	<p>The NSW EPA Accredited Site Auditor has confirmed that the site can be made suitable subject to the successful implementation of the RAP and validation. The preferred remedial strategy is to excavate lead and hydrocarbon impacted soils and treat offsite or if that is not possible then to treat onsite with a cap and contain strategy and submission of an LTEMP. Council's Senior Environment Health Officer (Contamination) has confirmed that the submitted documentation is acceptable and that the site can and will be made suitable for the proposed use subject to recommended conditions of consent.</p>

## Section 4 – Development Types

## 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	Yes	The DCP building heights are superseded by the Concept Approval (as amended).
4.2.2 Building setbacks	Yes	The DCP setbacks are superseded by the Concept Approval (as amended).
4.2.3 Amenity		
4.2.3.1 Solar access	Yes	<p>The DCP requires development applications to demonstrate the shadow impact on neighbouring development between 9:00am and 3:00pm at the winter solstice. New development should not create additional overshadowing onto a neighbouring dwelling (unless very minor) where that dwelling currently receives less than 2 hours' direct sunlight to habitable rooms and 50% of the private open space.</p> <p>The proposal is accompanied by a shadow analysis prepared in accordance with the control. The analysis identifies some additional overshadowing of residential apartments in the lower levels of 499 and 501-509 Botany Road. Notwithstanding the additional impact all affected apartments will continue to achieve the minimum 2 hours solar access in midwinter as shown below. Solar impact therefore complies with the DCP control. This is discussed in further detail under the heading 'Overshadowing'.</p> <p>The proposal has acceptable amenity regarding solar access, overshadowing, open space and ventilation and noise as outlined in the Housing SEPP and ADG assessment above.</p>
4.2.3.3 Internal common areas	Yes	The internal circulation corridor has access to natural light along the southern façade of the building.

Provision	Compliance	Comment
		Corridors in front of the lifts are 2m wide as required.
4.2.3.4 Design features to manage solar access	Yes	No fixed shading structures are proposed that reduce solar access.
4.2.3.5 Landscaping	Yes	The landscaping design is acceptable, subject to the landscape conditions recommended in Attachment B.
4.2.3.6 Deep Soil	Yes	The amended proposal complies with the ADG (7%) and DCP (10%) minimum requirements for deep soil providing 11% of the site area including minimum width of 3m
4.2.3.7 Private open space and balconies	Yes	All units comply with the ADG private open space requirements and minimum balcony area and dimensions.
4.2.3.8 Common open space	Yes	25.5% of the site area (including minimum dimension of 6m) is provided in the form of communal open space in compliance with the minimum 25% requirement. Good solar access is provided to the rooftop communal open space.
4.2.3.9 Ventilation	Yes	60 units (58.8%) achieve natural cross ventilation which is considered acceptable given the site orientation, noise affectation and proposed affordable housing use notwithstanding that it does not comply with the minimum 60% for first 9 storeys. Further it has been demonstrated that the proposed 16 units (identified as complying) on the Botany Road frontage comply with the ADG requirement. In this regard it is noted that high screens (2.15m) are proposed to the balconies to provide noise attenuation. Information has been submitted that demonstrates that the proposed openings meet the ADG natural ventilation requirement (4B-1) that "the area of unobstructed window

Provision	Compliance	Comment
		openings should be equal to at least 5% of the floor area served". The additional information submitted was referred to Council's Senior Environmental Health Officer (Noise) who has confirmed that it is acceptable.
4.2.3.10 Outlook	Partial compliance	The majority of units have appropriate outlooks oriented to the north, east or west. Studio units 112, 214, 314, 414, 514, 613 and 713 are however oriented to the south west. The upper level units will have reasonable outlook being above the adjacent industrial development however the lower units will not have a great outlook. This is however considered acceptable in the circumstance given the small number of units so affected and the proposed affordable housing use. The outlook from affected units was raised with the applicant who considers that the units are significant in terms of maximising the number of affordable housing units and the provision of a good unit mix.
4.2.3.11 Acoustic privacy	Yes	The proposed units are well designed to achieve an appropriate level of acoustic privacy. In respect of the ground floor retail / commercial unit, a wide awning is proposed and acoustic treatment to the underside of the soffits to ensure the acoustic privacy of upper level units. This is considered appropriate in addition to the acoustic attenuation proposed on the Botany Road frontage in the form of high balcony screens. The acoustic report has been referred to Council's Senior Environmental Health Officer (Noise) who has confirmed that it is acceptable.
4.2.3.12 Flexible housing and dwelling mix	Partial compliance	The proposed mix of apartments is generally consistent with the DCP requirements with the exception of the proposed studio units comprising:

Provision	Compliance	Comment
		<p>Studio - 13 / 11.7% proposed (5-10% maximum allowed)</p> <p>1 bedroom - 30 / 27% proposed (10-30% maximum allowed)</p> <p>2 bedroom - 58 / 52.3% proposed (40-75% maximum allowed)</p> <p>3 bedroom - 10 / 9% proposed (10% maximum allowed)</p> <p>The proposed mix is however considered acceptable in this instance given the proposed affordable housing use.</p>
4.2.3.14 Apartments with setback bedrooms	Yes	As noted above the proposal has demonstrated compliance with ADG natural ventilation requirements.
4.2.4 Fine grain, architectural diversity and articulation	Yes	<p>The detailed proposal whilst not technically complying with maximum street frontage length as per the DCP succeeds in breaking the form by providing a high level of articulation and surface modulation. The building is successfully sculpted to create a recessed central park and landscaped area effectively breaking down the building wall length and height along the northern frontage to the Ashmore Connector. It breaks the form in the centre with a double height communal open space on Level 8 and a permeable Ground Plane, creating a break and relief in the built form. It also steps the massing down to the east to the Botany Road frontage to preserve solar access to residential apartments to the east.</p>
4.2.5.3 Development on busy roads and active frontages	Yes	The proposal has frontage to a busy road being Botany Road and accordingly has been designed to mitigate the noise impact whilst maximising the opportunity for cross ventilation as outlined above.
4.2.6 Waste and recycling Management	Yes	A condition has been recommended to ensure the proposed development complies with the relevant provisions of

Provision	Compliance	Comment
		<p>the City of Sydney Guidelines for Waste Management in New Development.</p> <p>The proposal has been reviewed by the City's Waste Services Unit and is found to be acceptable, subject to conditions.</p>
4.2.7 Heating and cooling infrastructure	Yes	Heating and cooling plant is located on the roof and is not visible from the public domain.
4.2.8 Letterboxes	Yes	The letterboxes are provided within a parcel room off the lobby of the building.

### Section 5 – Specific Areas: Green Square

Note: These provisions are largely superseded by the Concept Approval D/2019/87 (as amended) and are only addressed where relevant.

Provision	Compliance	Comment
5.2.3 Community infrastructure 5.2.10 Setbacks	Yes	<p>The Concept DA (D/2019/87) and associated VPA include a public benefit in the form of community infrastructure through:</p> <ul style="list-style-type: none"> <li>dedication of land along the Botany Road and the Green Square to Ashmore Connector Road</li> <li>footpath construction</li> <li>a monetary contribution towards community infrastructure.</li> </ul> <p>In accordance with section 5.2.3 of the DCP, a 1.4m wide public domain setback for footpath widening is provided for along the Botany Road frontage and 0.5m wide footpath widening setback along the new Green Square to Ashmore Connector Road frontage.</p> <p>Council's Senior Project Manager Planning Agreements has advised that the proposed land dedications, public domain works and monetary contribution are considered acceptable.</p>



Provision	Compliance	Comment
5.2.4 Local infrastructure 5.2.4.1 Street network	Yes	The proposal provides for footpath widening on both the Ashmore Connector and Botany Roads as required.
5.2.7 Stormwater management and waterways	Yes	Council's Water Assets team has advised that the proposal is acceptable in respect of stormwater management subject to recommended conditions of consent. A flood report has been submitted and is acceptable.
5.2.9 Building design	Yes	The proposal building design is considered to comply with the relevant provisions and will provide for a high quality built form that addresses the street frontages, is responsive to the site context and will utilise appropriate materials and finishes. Further appropriate landscaping is provided and building entries both pedestrian and vehicular are clearly identified. Council's urban design officer has advised that the design is appropriate having regard to the amended plans and additional information submitted.
5.2.10 Setbacks	Yes	The public domain setbacks map provides for 1.4m footpath widening on Botany Road. This is provided for in proposed building envelope. A 1m landscape setback is also required to new streets (5.2.10(2)). This is provided for with a 0.5m footpath widening setback and 1m landscape setback proposed to the new connector road.

5.8 Southern Enterprise Area	Compliance	Comment
5.8.2.3 Affordable housing	Yes	The proposal generally complies with the provisions of the DCP providing affordable housing on land earmarked for this use and with existing Concept approval. The proposal generally complies with, or is appropriate notwithstanding non-compliance with, relevant ADG requirements which prevail over the DCP as outlined herein.

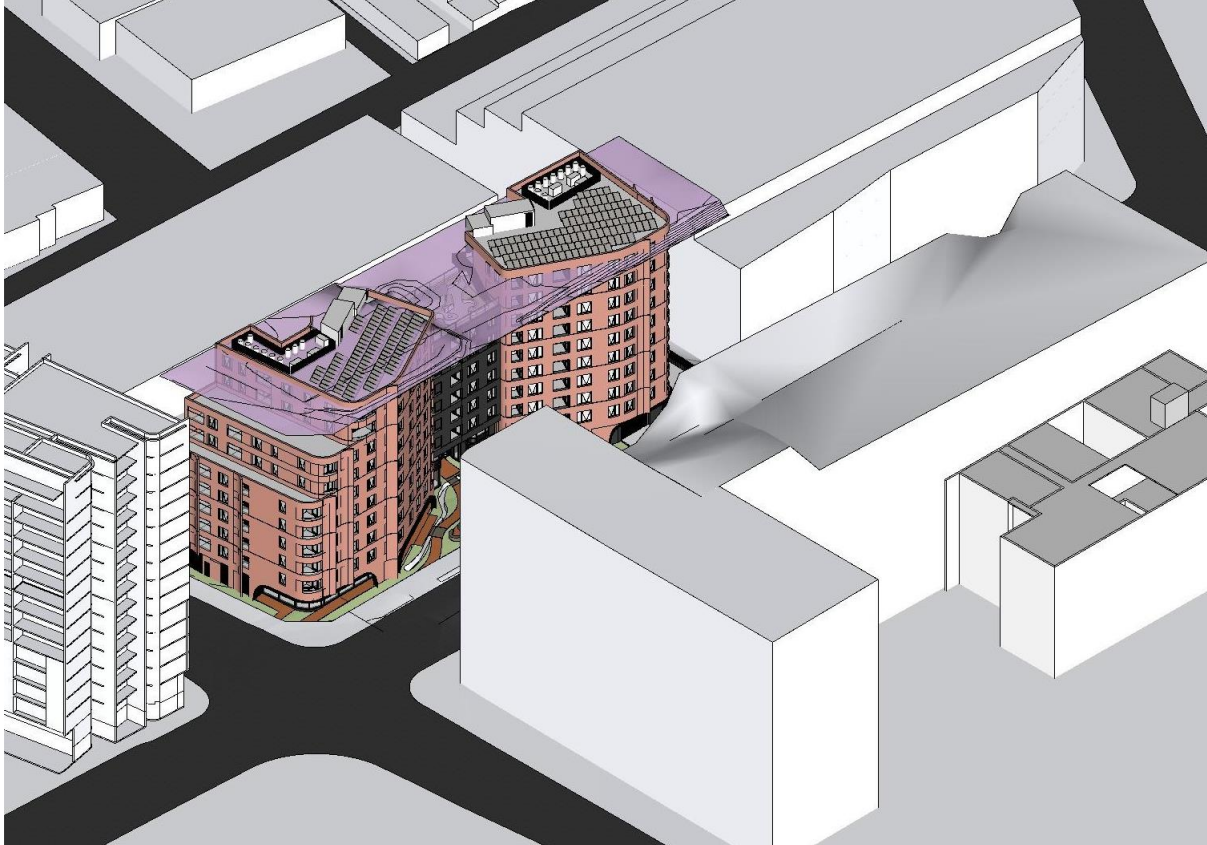
5.8 Southern Enterprise Area	Compliance	Comment
5.8.2.4 Addressing Land Use Conflict	Yes	The proposal will not give rise to any land use conflict and is accompanied by adequate information which demonstrates that future residents will have appropriate amenity.
<b>5.8.3 Development</b>		
5.8.3.2 Building height	Partial non compliance	The DCP height in storeys map identifies a 5 storey street wall on the subject site but not maximum height in storeys. The proposal does not provide for a 5 storey street wall height however is consistent with the Concept DA approval as amended. Accordingly, this non-compliance is justified in the circumstance.
5.8.3.3 Building alignment and setbacks	Partial non compliance	As above
5.8.3.4 Active frontages and street level design	No	The proposal does not provide for an arcade along the Ashmore Connector as required under this provision however is consistent with the Concept DA approval as amended. Accordingly, this non-compliance is justified in the circumstance.
5.8.3.5 Building layout and design	Yes	The proposal is considered to be appropriate in terms of building layout and design and will provide a high quality building form and amenity in accordance with the Concept DA approval as amended.
5.8.3.6 Landscape and fencing	Partial non compliance	<p>The proposed landscape design is supported as amended by Council's landscape officer subject to recommended conditions of consent in respect of:</p> <ul style="list-style-type: none"> <li>• the stormwater alignment along the Ashmore Connector and potential conflict with the large trees proposed</li> <li>• inconsistency between the landscape drawings in respect of the proposed swale on the ground floor and the civil drawings, and</li> <li>• the soil volume for the rooftop trees.</li> </ul>

5.8 Southern Enterprise Area	Compliance	Comment
		<p>Deep soil complies with the minimum 10% requirement providing 11%.</p> <p>No fencing is proposed.</p> <p>Communal open space is of an appropriate size, quality and location.</p>
5.8.3.7 Parking, access and loading and servicing	Yes	<p>The proposed parking and servicing arrangements have been reviewed by Council's traffic and waste officers and found to be acceptable. The site is proposed to be serviced by a 9.9m waste vehicle as agreed by Council and vehicles are able to enter and exit in a forward direction. Further only 4 accessible parking spaces are provided which are appropriately located and screened from the public domain.</p>
5.8.3.8 Storage areas	Yes	<p>All units are provided with storage areas in accordance with Council's requirements.</p>
5.8.5 Managing Transport Demand	Yes	<p>A traffic assessment and green travel plan have been submitted with the application and have been determined to be acceptable by Council's Transport Planner subject to recommended conditions of consent.</p>
5.8.7 Environment	Yes	<p>Council's Water assets team has advised that the proposal is acceptable in respect of stormwater management and waterways (including flood impacts).</p> <p>Appropriate Landscape details have also been provided which address species, canopy coverage, deep soil zones and other ecology related details.</p>

## Discussion

### Clause 4.6 Request to Vary a Development - Building Height

61. The site is subject to a maximum height of building control of 33m in accordance with clause 4.3 of SLEP 2012. The proposed development has a maximum building height of 36.2m. The extent of the variation is shown in Figure 25 below:



**Figure 25:** 33m height blanket diagram

62. A written request has been submitted to Council in accordance with Clause 4.6(3)(a) and (b) of the Sydney LEP 2012 seeking to justify the contravention of the development standard by demonstrating:
- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
  - (b) That there are sufficient environmental planning grounds to justify contravening the standard;

Applicant's Written Request - Clause 4.6(3)(a) and (b)

63. The applicant seeks to justify the contravention of the height of building development standard on the following basis:
- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
    - (i) The objectives of the height of buildings development standard will be achieved notwithstanding the non compliance with the development standard as:
      - (i) The proposed height exceedance is limited to the parapet, lift overrun, fire stair, hot water services and solar panels. These elements are relatively minor and will generally not be visible from the street. As such, they do not contribute to the bulk and scale of the building.
      - (ii) The site is not located in a heritage conservation area and is not in proximity to any heritage items.
      - (iii) The proposed minor variation will generally not impact view sharing when compared to a height compliant scheme. No significant views or view corridors are identified over the site
      - (iv) The minor height variation, which is limited to mechanical services, with the exception of the parapet, does not hinder the appropriate height transition to surrounding development and areas.
      - (v) It is noted that neighbouring developments range from 5 to 16 storeys as detailed below:
        - i. North – concept approval for a mixed use development comprising retail and commercial uses with shop top housing for the purposes of affordable housing with a height ranging from 9 to 12 storeys to the north at 330 Botany Road (D/2021/1484);
        - ii. East – a 16-storey residential flat building to the east currently under construction at 499 Botany Road, Zetland (D/2015/688); and
        - iii. West – an approved five-storey commercial development adjoining the western boundary of the site at 22 O’Riordan Street (D/2019/686 and D/2021/529).
  - (i) As demonstrated by the shadow diagrams provided in the Architectural package, the proposal does not result in undue shadows to the public domain. Additionally, the articulation of the building provides physical definition to the street and public domain

- (ii) The underlying object or purpose would be defeated or thwarted if compliance was required as:
  - (i) The height of the proposal is appropriate to the condition of the site and its context and the desired future character of the area having regard to the applicable environmental planning instruments, surrounding development and the specific nature of the site. In this regard the request notes that the proposed and existing surrounding developments illustrate the emerging character of the area which include buildings that achieve a higher density when compared to the existing built form in the locality. On this basis, it is clear that the locality is undergoing a process of urban transition towards greater height and density.
- (b) That there are sufficient environmental planning grounds to justify contravention of the standard:
  - (i) the proposed built form and localised height increase will present a significantly superior urban design outcome for the site for the following reasons:
    - (i) The non-compliant component of the building height is located centrally to the rooftop, recessed behind parapet walls and consequently will not contribute to any perceivable bulk or scale of the building.
    - (ii) The areas of non-compliance (above the 33m height plane) are concentrated towards the centre of the building, minimising overshadowing and visual impacts of the exceedance on surrounding residential properties and the public domain.
    - (iii) The exceedance in height results in minimal additional overshadowing when compared to a height compliant scheme. Importantly, the proposal complies with the solar access requirements under the ADG, maintaining 2 hours of solar access to neighbouring properties between 9am – 3pm.
    - (iv) Only a small portion of the proposed development is non-compliant with the height control. However, to ensure a favourable urban design outcome, the two tower forms incorporate substantial articulation and are stepped to respond to the natural topography of the site, and lower density development to the west.
    - (v) The proposed height will allow for a building with landmark qualities - an instantly recognisable development, which is desirable for a site of this size, location and importance.
  - (ii) the proposed development is consistent with the objectives of the E3 zone as:
    - (i) The proposed commercial tenancy will contribute to the variety of facilities and services within the area.
    - (ii) Given the scale of the proposed mixed use development, it is considered that it will not compete with land uses in the surrounding local and commercial centres.
    - (iii) The proposal will contribute to the vitality of the nearby Green Square Town Centre and the broader Green Square redevelopment area.

- (iv) The proposed development will provide 111 apartments that will solely be for the purposes of affordable housing in perpetuity, providing for the needs of the community. Future residents will also support local businesses. It is noted that the subject site has been deemed as a suitable location for the proposed mixed use development through the approval of the Concept DA
  - (v) The proposal will not preclude opportunities for new and emerging light industries.
  - (vi) The proposed commercial tenancy will be capable of providing services that meet the day to day needs of both workers and residents in the area.
  - (vii) The proposed commercial tenancy will provide employment generating floor space while the residential units will support the delivery of employment opportunities in the local area.
  - (viii) The ground floor commercial tenancy has been designed to provide access from both frontages it presents to, ensuring an active frontage. A colonnade built form, in lieu of an awning, has been provided above the main entry point fronting Botany Road as required under the Sydney DCP and relevant active frontages requirements
  - (ix) The proposal will not preclude the delivery of viability of industrial uses within the wider area.
- (iii) the proposed development is consistent with the relevant strategic state and regional plan including.
- (i) Greater Sydney Region Plan & Eastern City District Plan
  - (ii) City Plan 2036: Local Strategic Planning Statement (LSPS)

#### Consideration of Applicant's Written Request - Clause 4.6 (3)

64. Development consent must not be granted unless the consent authority is satisfied that that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard.

Does the written request adequately address those issues at Clause 4.6(3) (a)?

65. In demonstrating that compliance with the standard is unreasonable or unnecessary in the circumstances of the case, the applicant has specifically demonstrated that the development meets the objectives of Clause 4.3, notwithstanding non-compliance with the numerical standard.
66. A detailed discussion of the applicant's submission with regard to the objectives of the height of buildings development standard has been provided and satisfies the test under Clause 4.6(3)(a), in that compliance with the standard is both unreasonable and unnecessary, to the extent of the variation proposed.

Does the written request adequately address those issues at clause 4.6(3)(b)?

67. The statement provides environmental planning grounds specific to the circumstances to justify the extent of non-compliance with the Height of Buildings development standard.

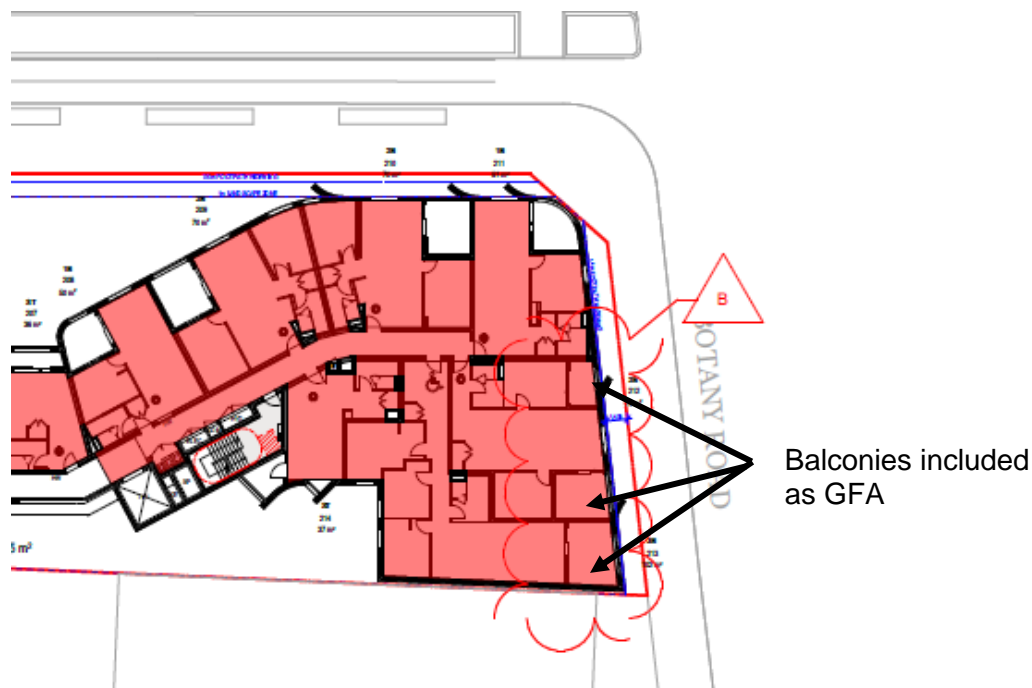
68. The applicant has referenced the constraints of the site, the desired built form of the site and the minimal environmental impacts caused by the extent of the non-compliance to demonstrate that there are sufficient environmental planning grounds to justify contravening the height of buildings development standard.
69. The area of non-compliance is relatively minor as it is confined to the parapet, lift overrun, fire stair, hot water services and solar panels. These elements are relatively minor and will generally not be visible from the street and do not unreasonably add to the bulk and scale of the building when viewed from the public domain and surrounding buildings.
70. The proposal will not create unacceptable impacts on the amenity of surrounding properties with regard to views, solar access and visual privacy.
71. The applicant has therefore demonstrated that there are sufficient environmental planning grounds to support the extent of the variation proposed.

#### Conclusion

72. For the reasons provided above the requested variation to the height of buildings is supported as the applicant's written request has adequately addressed the matters required to be addressed by cl 4.6 of the Sydney Local Environmental Plan 2012.

#### Clause 4.6 Request to Vary a Development - Floor Space Ratio

73. The site is subject to a maximum floor space ratio control of 4:1 in accordance with clause 4.4 and Clause 6.14 (Community Infrastructure floor space at Green Square) of SLEP 2012. The proposed development has a floor space ratio of 4.09:1. The exceedance is due to the inclusion of balconies on the Botany Road frontage as GFA given the need for high screens to provide acoustic attenuation. Figure 26 below provide a typical floor level showing balcony areas included as GFA on the Botany Road frontage:



**Figure 26:** Balconies including as GFA due to wall height - typical floor level



74. A written request has been submitted to Council in accordance with Clause 4.6(3)(a) and (b) of the Sydney LEP 2012 seeking to justify the contravention of the development standard by demonstrating:
- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
  - (b) That there are sufficient environmental planning grounds to justify contravening the standard;

Applicant's Written Request - Clause 4.6(3)(a) and (b)

75. The applicant seeks to justify the contravention of the floor space ratio development standard on the following basis:
- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
    - (i) The objectives of the floor space ratio development standard will be achieved notwithstanding the non compliance with the development standard as:
      - (i) The variation to the FSR standard correlates to the inclusion of certain balconies within the GFA calculations. This is due to the increased balustrade heights provided to balconies to ameliorate acoustic impacts which result in balconies being defined as GFA under the definitions of the SLEP 2012. The balconies are required to provide future residents with suitable private outdoor space, which are also appropriately treated to reduce potential acoustic amenity impacts.
      - (ii) Given the FSR variation directly relates to the inclusion of balconies as GFA, it is considered that the proposed density at the site is appropriate and results in negligible impacts on vehicle or pedestrian traffic.
      - (iii) The proposed density of the development is completely suited to this highly accessible area where:
        - i. Green Square Station is located 190m to the north;
        - ii. Green Square Bus Interchange is located 190m to the north;
        - iii. A bus stop is located to the south-eastern corner of the site which provides services to Redfern, Glebe Point, and Prince of Wales Hospital; and
        - iv. The new Ashmore Connector Road adjoins the northern boundary of the site which is a dedicated public transport corridor (bus lanes). The road also features an on-road 2-way cycle path connecting to other existing cycle paths to the east and west.
    - (iv) A number of developments have been approved with FSR variations located within the vicinity of site. Notwithstanding, the bulk and scale of the development remains suitable for the site, noting the exceedance in FSR is due to the increase balustrade heights required for certain balconies. On this basis, the proposed development reflects the desired character of the area for higher density buildings with consideration to the areas highly accessible nature.

- (ii) The underlying object or purpose would be defeated or thwarted if compliance was required as:
  - (i) The variation to the FSR standard has been a result of increased balcony balustrades to mitigate effects of noise from Botany Road. This has resulted in the gross floor area of some balconies now being included in FSR calculations given the balustrades are higher than 1.4m.
  - (ii) If strict compliance with the FSR control was required, it results in:
    - i. development which is unable to appropriately mitigate acoustic impacts due to the site's frontage to Botany Road
    - ii. overall loss in resultant residential yield for affordable housing
  - (iii) The proposal provides for a development that is an intensity that is commensurate with the capacity of existing and planned infrastructure being a site that is highly accessible and ensuring that residents will not be reliant on private vehicle travel having access to a number of public transport services.
  - (iv) The GFA attributable to the minor FSR exceedance is the result of the inclusion of balcony areas, due to higher balustrades required for noise attenuation purposes. These glass balustrades will be largely indiscernible when viewed from the street and therefore ensure the bulk and scale of the development is suitable and aligns Concept DA approval and emerging character of the area.
- (iii) Compliance with the standard is unnecessary and unreasonable as Council has granted a number of consents within the Green Square locality in recent years, which demonstrate that Council is open to supporting well found variations to the FSR development standard
- (b) That there are sufficient environmental planning grounds to justify contravention of the standard:
  - (i) The development, including the FSR non-compliances, will provide for a high quality mixed use affordable housing development in a highly accessible location. The proposed variation is the result of the provision of increased balustrade heights to balconies of certain apartments to mitigate noise impacts. This has resulted in balconies being included as gross floor area, as per the gross floor area definition under the SLEP 2012, and subsequently included in FSR calculations.
  - (ii) the proposed development is consistent with the objectives of the E3 zone as:
    - (i) The proposed commercial tenancy will contribute to the variety of facilities and services within the area.
    - (ii) Given the scale of the proposed mixed use development, it is considered that it will not compete with land uses in the surrounding local and commercial centres.
    - (iii) The proposal will contribute to the vitality of the nearby Green Square Town Centre and the broader Green Square redevelopment area.

- (iv) The proposed development will provide 111 apartments that will solely be for the purposes of affordable housing in perpetuity, providing for the needs of the community. Future residents will also support local businesses. It is noted that the subject site has been deemed as a suitable location for the proposed mixed use development through the approval of the Concept DA
  - (v) The proposal will not preclude opportunities for new and emerging light industries.
  - (vi) The proposed commercial tenancy will be capable of providing services that meet the day to day needs of both workers and residents in the area.
  - (vii) The proposed commercial tenancy will provide employment generating floor space while the residential units will support the delivery of employment opportunities in the local area.
  - (viii) The ground floor commercial tenancy has been designed to provide access from both frontages it presents to, ensuring an active frontage. A colonnade built form, in lieu of an awning, has been provided above the main entry point fronting Botany Road as required under the Sydney DCP and relevant active frontages requirements
  - (ix) The proposal will not preclude the delivery of viability of industrial uses within the wider area.
- (iii) The proposed development will provide for an improved urban design outcome being designed in accordance with the planned capacity for the site, which is essential in providing affordable housing to assist in meeting housing targets under the Employment Lands Affordable Housing Strategy. It is important to reiterate that the departure from the FSR development standard is directly related to the inclusion of some balconies within GFA calculations given increased balustrade heights to ameliorate acoustic impacts. On this basis, the additional FSR does not contribute to any perceivable bulk or scale of the building. In summary, the proposed FSR variation is considered acceptable in regard to its urban design and responsiveness to the local context for the following reasons:
- (i) The non-compliant component of the FSR is limited to areas of private open space and consequently does not contribute to any perceivable bulk or scale of the building, as balconies are recessed behind higher glass balustrades.
  - (ii) The exceedance in FSR does not give rise to any additional amenity impacts.
  - (iii) The exceedance is minor in nature and comparable to those approved in the locality.
  - (iv) The proposed FSR will allow for a building with landmark qualities - an instantly recognisable development, which is desirable for a site of this location and importance.
- (iv) the proposed development is consistent with the relevant strategic state and regional plan including:
- (i) Greater Sydney Region Plan & Eastern City District Plan
  - (ii) City Plan 2036: Local Strategic Planning Statement (LSPS)
  - (i) Employment Lands Affordable Housing Program

Consideration of Applicant's Written Request - Clause 4.6 (3)

76. Development consent must not be granted unless the consent authority is satisfied that that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard.

Does the written request adequately address those issues at Clause 4.6(3) (a)?

77. In demonstrating that compliance with the standard is unreasonable or unnecessary in the circumstances of the case, the applicant has specifically demonstrated that the development meets the objectives of Clause 4.4, notwithstanding non-compliance with the numerical standard.
78. A detailed discussion of the applicant's submission with regard to the objectives of the floor space ratio development standard has been provided and satisfies the test under Clause 4.6(3)(a), in that compliance with the standard is both unreasonable and unnecessary, to the extent of the variation proposed.

Does the written request adequately address those issues at clause 4.6(3)(b)?

79. The statement provides environmental planning grounds specific to the circumstances to justify the extent of non-compliance with the floor space ratio development standard.
80. The applicant has referenced the constraints of the site, the desired built form of the site and the minimal environmental impacts caused by the extent of the non-compliance to demonstrate that there are sufficient environmental planning grounds to justify contravening the floor space ratio development standard.
81. The area of non-compliance is relatively minor and is solely the result of the inclusion on some balcony areas in the GFA calculation due to the height of the balustrade walls required to provide acoustic attenuation. The additional FSR is therefore a technicality and will not add to the bulk of the building.
82. The proposal will not create unacceptable impacts on the amenity of surrounding properties with regard to views, solar access and visual privacy.
83. The applicant has therefore demonstrated that there are sufficient environmental planning grounds to support the extent of the variation proposed.

Conclusion

84. For the reasons provided above the requested variation to the floor space ratio is supported as the applicant's written request has adequately addressed the matters required to be addressed by cl 4.6 of the Sydney Local Environmental Plan 2012.

**Consistency with Concept Approval D/2019/87 (as amended)**

85. Pursuant to Section 4.24(2) of the Environmental Planning and Assessment Act 1979, where a concept development application for a site remains in force, a determination of any further development application in respect to that site cannot be inconsistent with the concept development consent.

86. The concept approval relating to this proposal is D/2019/87/B. A Section 4.55(2) modification has been submitted to modify the concept approval to ensure consistency with the subject detailed design application. These modifications largely relate to height and building envelope and have been assessed as acceptable, as outlined in the assessment report for D/2015/87/C submitted concurrently with this application and as discussed above. The subject application is assessed on the basis that the modification application has been approved.
87. As outlined below, the detailed design proposal is consistent with the conditions imposed on the Concept Development Consent as modified, and the consent authority is satisfied that the development is substantially the same.

Condition No.	Concept Approval Condition	Compliance															
(1)	<p><b>CONCEPT DEVELOPMENT APPLICATION</b></p> <p>Pursuant to Division 4.4 of the Environmental Planning and Assessment Act, 1979 and Clause 100 of the Environmental Planning and Assessment Regulation, 2000, this Notice of Determination relates to a concept development application, and a subsequent development application (detailed design and use) or applications are required for the determination of any further development on the site.</p>	<p>Complies - detailed DA submitted and the subject of this report</p>															
(2)	<p><b>APPROVED DEVELOPMENT</b></p> <p>(a) Development must be in accordance with Development Application No. D/2019/87 dated 12 December 2017 and the following drawings prepared by DKO Architecture (NSW) Pty Ltd:</p> <table border="1" data-bbox="438 1545 1013 1960"> <thead> <tr> <th>Drawing Number</th> <th>Drawing Name</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>Stage 1 Envelope Envelope Plan</td> <td>Project Number 11942 Page 37</td> <td>16.10.2019</td> </tr> <tr> <td>Stage 1 Envelope Envelope Plan</td> <td>Project Number 11942 Page 38</td> <td>16.10.2019</td> </tr> <tr> <td>Stage 1 Envelope Stage 1 Envelope Elevation</td> <td>Project Number 11942 Page 39</td> <td>16.10.2019</td> </tr> <tr> <td>Stage 1 Envelope Stage 1 Envelope Elevation</td> <td>Project Number 11942 Page 40</td> <td>16.10.2019</td> </tr> </tbody> </table>	Drawing Number	Drawing Name	Date	Stage 1 Envelope Envelope Plan	Project Number 11942 Page 37	16.10.2019	Stage 1 Envelope Envelope Plan	Project Number 11942 Page 38	16.10.2019	Stage 1 Envelope Stage 1 Envelope Elevation	Project Number 11942 Page 39	16.10.2019	Stage 1 Envelope Stage 1 Envelope Elevation	Project Number 11942 Page 40	16.10.2019	<p>Complies - Detailed design consistent with amended envelope plans the subject of D/2019/87C which amends the approval as follows:</p> <ul style="list-style-type: none"> <li>Minor departure to the building envelope on the western elevation at ground level to facilitate the required disabled car parking spaces and loading dock, reducing the western setback at ground level from 4.5m to 0m and at Levels 8 and 9 from a 9.0m to a</li> </ul>
Drawing Number	Drawing Name	Date															
Stage 1 Envelope Envelope Plan	Project Number 11942 Page 37	16.10.2019															
Stage 1 Envelope Envelope Plan	Project Number 11942 Page 38	16.10.2019															
Stage 1 Envelope Stage 1 Envelope Elevation	Project Number 11942 Page 39	16.10.2019															
Stage 1 Envelope Stage 1 Envelope Elevation	Project Number 11942 Page 40	16.10.2019															

Condition No.	Concept Approval Condition	Compliance
	<p>as amended by plans other conditions of this consent.</p> <p>(b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.</p>	<p>minimum of 7.967m in the SW corner of the site.</p> <ul style="list-style-type: none"> <li>• minor alterations to the building height, with a maximum exceedance beyond the building envelope height of 33m by 3.2m.</li> <li>• Minor changes to northern, eastern and western elevations to facilitate building articulation facets in the form of blades</li> </ul>
(3)	<p><b>MATTERS NOT APPROVED IN CONCEPT PROPOSAL DEVELOPMENT CONSENT</b></p> <p>The following matters are not approved and do not form part of this concept development consent:</p> <p>(a) any demolition, excavation and/or construction;</p> <p>(b) any tree removal;</p> <p>(c) the layout and number of residential apartments and commercial tenancies;</p> <p>(d) the number of car parking spaces, bicycle spaces, car share, service vehicle or loading spaces/zones;</p> <p>(e) the number of storeys contained within the envelope;</p> <p>(f) the precise quantum of floor space; and</p> <p>(g) a 10% design excellence uplift in floor space ratio; and</p> <p>(h) the location of the vehicular access point to the site</p>	<p>N/A - matters subject to detailed DA</p>

Condition No.	Concept Approval Condition	Compliance
(4)	<p><b>DESIGN EXCELLENCE AND COMPETITIVE DESIGN PROCESS</b></p> <p>A competitive design process in accordance with the provisions of the Sydney Local Environmental Plan 2012 shall be:</p> <p>(a) Conducted in accordance with 'Design Excellence Strategy for 338 Botany Road, Alexandria, dated November 2019 15 June 2020, prepared by BBC Consulting Planners on behalf of St George Community Housing.</p> <p>(b) Conducted prior to the lodgement of any subsequent detailed development application for the site.</p> <p>(c) Address in particular air quality, noise mitigation and ventilation requirements to maximise residential amenity for all apartments.</p> <p>The detailed design of the building/s must exhibit design excellence, in accordance with Clause 6.21 of Sydney Local Environmental Plan 2012.</p> <p>Condition amended via Section 4.55(1) on 1 July 2020</p>	<p>Complies - a competitive design process has been undertaken in accordance with the approved Design Excellence Strategy notwithstanding that it is not the subject of the DA. Refer further discussion above.</p> <p>Complies - the proposal exhibits design excellence in accordance with clause 6.21.</p>
(5)	<p><b>VOLUNTARY PLANNING AGREEMENT</b></p> <p>This consent is subject to a Voluntary Planning Agreement (VPA) in accordance with Section 7.4 of the Environmental Planning and Assessment Act, 1979, between the Council of the City of Sydney Council and St George Community Housing referred to in Deferred Commencement Condition (1) in Schedule 1 of this development consent.</p> <p>The terms of the VPA must be complied with in any subsequent detailed design development application or applications.</p>	<p>Complies - VPA has been prepared and the DA is consistent with this as amended.</p>
(6)	<p><b>RESIDENTIAL LAND USE</b></p>	<p>Complies - an assessment against the Housing SEPP 2021</p>

Condition No.	Concept Approval Condition	Compliance
	<p>The residential component of the development must be designed to address with the principles of State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development, the provisions of the Apartment Design Guide (ADG), and the provisions of Sydney DCP 2012.</p>	<p>(formerly SEPP 65) and the ADG is included herein.</p>
(7)	<p><b>GROUND FLOOR USE</b></p> <p>The ground floor component of the development must not be used for retail premises except those retail uses permitted in accordance with the Sydney LEP 2012.</p>	<p>Complies - no consent is sought for the proposed ground floor use which is identified as retail / commercial. This will be the subject of a future DA.</p>
(8)	<p><b>DETAILED DESIGN OF BUILDINGS</b></p> <p>The competitive design process brief and subsequent detailed design development application must incorporate the following requirements:</p> <p>a) Minimise overshadowing on adjoining properties in accordance with ADG objective 3B-2.</p> <p>b) Ensure no overshadowing of approved residential apartments at 499 and 501 – 509 Botany Road, Alexandria</p> <p>c) Provide a compliant amount of communal open space in accordance with the ADG that receives adequate solar in accordance with the ADG.</p> <p>d) If roof top communal open space is proposed it must provide equitable access, be designed to prevent overlooking and noise impacts and all structures (including but not limited to plant and lift overruns) must be within the 33m height limit.</p> <p>e) Acoustic and ventilation treatments to the east and northern frontages in accordance with the requirements of the Sydney DCP and ADG.</p>	<p>Complies - the proposal:</p> <ul style="list-style-type: none"> <li>• Minimises overshadowing on adjoining properties and maintains a minimum of 2 hours in midwinter</li> <li>• Achieves required area and quality of communal open space in accordance with the ADG and DCP</li> <li>• Rooftop communal open space is equitable, does not result in overlooking and is within the 33m height limit</li> <li>• Meets acoustic and ventilation requirements as assessed herein</li> <li>• Complies with waste management requirements</li> </ul>



Condition No.	Concept Approval Condition	Compliance
	<p>f) Waste management facilities in accordance with Section 4.2.6 of the Sydney DCP 2012.</p> <p>g) An awning is to be provided over any building entries on Botany Road in accordance with Section 3.2.4 of the Sydney DCP 2012.</p>	<ul style="list-style-type: none"> <li>Does not provide a building entry on Botany Road.</li> </ul> <p>Note: requirement for no overshadowing of approved residential apartments at 499 and 501 – 509 Botany Road, Alexandria is amended as part of D/2019/87C.</p>
(9)	<p><b>LAND CONTAMINATION</b></p> <p>(a) As part of any future detailed development application, an amended Remediation Action Plan must be submitted and approved by the City. The Remediation Action Plan must be amended to address the requirements in the Letter of Interim Advice or Section B Site Audit Statement prepared by NSW Environment Protection Authority accredited Site Auditor Melissa Porter, Senversa dated 5 September 2019.</p> <p>(b) A further letter of Interim Advice from the site auditor must be provided at the detailed development application stage.</p>	<p>Complies - appropriate contamination information has been submitted to Council's satisfaction.</p>
(10)	<p><b>LAND DEDICATION – CAPPING LAYER</b></p> <p>If the remediation of any land to be dedicated to the City includes a 'capping layer', that capping layer must be a minimum of 1.5m below the top most surface of the future footpath.</p> <p>Land to be dedicated to the City cannot be subject to onerous environmental management requirements.</p>	<p>N/A</p>
(11)	<p><b>PUBLIC ART</b></p> <p>(a) A detailed public art plan must be submitted with any subsequent development application for detailed design and construction of the development</p> <p>(b) The detailed public art plan referred to in (a) above must be prepared in accordance</p>	<p>Complies subject to condition - a detailed public art plan has been submitted however a condition of consent is recommended requiring finalisation and further</p>

Condition No.	Concept Approval Condition	Compliance
	<p>with Section 3.1.5 of the Sydney Development Control Plan 2012, the City of Sydney Public Art Strategy and Policy and Interim Guidelines for Public Art in Private Development, and include:</p> <p>(i) A rationale for the selection of artists.</p> <p>(ii) A rationale for each artist's concept relevant to the site.</p> <p>(iii) An indication of how each artwork concept is commensurate with the scale of the development.</p> <p>(iv) Provision of public art concepts, including the form, dimensions, materials and locations of the artworks.</p> <p>(v) A program for documentation, fabrication and installation and integration with the construction program for the development.</p> <p>(vi) Engineer's drawings, expected maintenance requirements and deaccessioning agreements.</p> <p>(d) Neither street furniture nor interpretation strategies must be considered as part of the public art component.</p>	<p>detail to Council's satisfaction.</p>
(12)	<p><b>ECOLOGICALLY SUSTAINABLE DEVELOPMENT</b></p> <p>Details are to be provided with the subsequent development application for the detailed design of the buildings to confirm that the buildings have adopted the ESD targets specified in the Design Excellence Strategy prepared by BBC Consulting Planners dated November 2019 15 June 2020. The ESD targets must be carried through the competitive process phase, design development, construction, and through to completion of the project.</p> <p>Condition amended via Section 4.55(1a) on 1 July 2020</p>	<p>Complies - ESD report submitted and considered to be satisfactory subject to recommended conditions of consent</p>
(13)	<p><b>FLOOR SPACE RATIO</b></p>	<p>Complies - maximum FSR amended via</p>

Condition No.	Concept Approval Condition	Compliance
	<p>(a) The Floor Space Ratio for all detailed development applications on the site must not exceed 4:1 calculated in accordance with Clauses 4.4 and 6.14 of the Sydney Local Environmental Plan 2012.</p> <p>(b) Notwithstanding (a) above, the proposal may be eligible for up to 10% additional floor space pursuant to the provisions of Clause 6.21(7) of the Sydney Local Environmental Plan 2012 if the consent authority is satisfied that the resulting detailed design development application exhibits design excellence and is the result of a competitive design process in accordance with the requirements of the Sydney Local Environmental Plan 2012.</p> <p>(c) Precise calculations and details of the distribution of floor space must be provided with any subsequent detailed design development application or applications.</p>	<p>D/2019/87C to provide for maximum of 4.09:1 consistent with DA.</p> <p>No design excellence bonus is sought.</p>
(14)	<p><b>BUILDING HEIGHT</b></p> <p>The maximum height of the buildings must not exceed 33 metres in accordance with the Sydney LEP 2012. No structures are to exceed the 33 metres height limit.</p>	<p>Complies - maximum height amended via D/2019/87C to provide for maximum of 36.2m consistent with DA.</p>
(15)	<p><b>DETAILED DESIGN TO BE CONTAINED WITHIN APPROVED ENVELOPE</b></p> <p>Subject to the other conditions of this consent, the building envelope is only approved on the basis that the ultimate detailed design development application for the buildings on the site, including articulation, balconies, terraces, services, privacy treatments and other projections will be entirely contained within the approved building footprint and envelope, and comply with the relevant planning controls.</p>	<p>Complies - detailed design wholly contained within the envelope which is approved via D/2019/87C.</p>
(16)	<p><b>RESIDENTIAL ACOUSTIC AMENITY</b></p> <p>An Acoustic Impact Assessment must be undertaken by a suitably qualified acoustic consultant and submitted with any subsequent development application for</p>	<p>Complies - Acoustic report submitted to Council's satisfaction.</p>

Condition No.	Concept Approval Condition	Compliance
	detailed design and construction of the development, in accordance with the requirements of Section 4.2.3.11 of the Sydney Development Control Plan 2012.	
(17)	<p><b>SERVICE VEHICLE SIZE LIMIT AND SWEPT PATHS</b></p> <p>Any subsequent detailed design development application must include evidence to demonstrate adequate swept paths for the largest service vehicle to access the proposed loading area(s).</p>	Complies - Adequate swept paths have been demonstrated for a 9.9m service vehicle as agreed with Council.
(18)	<p><b>STREET TREES AND DETAILED DESIGN DEVELOPMENT APPLICATION</b></p> <p>(a) All street trees surrounding the site must be included for retention with any future detailed design Development Application/s.</p> <p>(b) Any design elements (awnings, street furniture, footpath upgrades etc.) within the public domain must ensure appropriate setbacks are provided from the street tree to allow maturity of the tree to be achieved.</p> <p>(c) The location of any new driveway shall ensure it does not require the removal of any existing street tree. The driveway shall be appropriately setback so as it does not adversely impact on any existing street tree both below and above ground.</p>	Complies - no street trees will be impacted by the proposal.
(19)	<p><b>WASTE COLLECTION AND SERVICING</b></p> <p>Any subsequent detailed design development application is to provide details of the location, construction and on-site servicing of the waste collection facilities for the proposed building in a Waste Management Plan (WMP). The design of the facilities is to be in accordance with Sections 3.11.13 and 4.2.6 of the Sydney Control Plan 2012, including the following requirements:</p> <p>(a) Dedicated spaces for residential bulky waste storage must be provided. These spaces should be separated by a caged</p>	Complies - WMP submitted to Council's satisfaction. Appropriate dedicated waste storage areas are provided and access arrangements are suitable.

Condition No.	Concept Approval Condition	Compliance
	<p>area (or similar) if included within nominated waste holding rooms for storage or collection bins.</p> <p>(b) Clearance height for access by collection vehicles must be no less than 4 metres at any point where Council vehicles are required to enter site to service bins;</p> <p>(c) Collection vehicles to enter and exit in a forward direction; and</p> <p>(d) Unimpeded access must be provided for Council collection from the residential waste and recycling storage location(s) at all times.</p>	
(20)	<p><b>LOADING DOCK MANAGEMENT PLAN</b></p> <p>Any subsequent detailed design development application must include a loading dock design and draft Loading Dock Management Plan, including the following:</p> <p>(a) Service vehicle parking spaces provided in accordance with Section 3.11.6 and Schedule 7.8.1 of the Sydney Development Control Plan 2012.</p> <p>(b) Compliance with the minimum requirements of Australian Standard AS/NZS 2890.2 Parking facilities Part 2: Off-street commercial vehicle facilities including that vehicle access will provide for:</p> <p>(i) A 9.25 metre truck (such as a removalist vehicle); and</p> <p>(ii) Minimum vertical clearance of 4.5 metres.</p>	<p>Complies - Loading Dock Management Plan to Council's satisfaction has been provided. Service and parking arrangements are also considered acceptable.</p>
(21)	<p><b>AUSGRID</b></p> <p>Consultation is required with Ausgrid as part of the detailed design development application to confirm whether a substation is required and whether the future development will impact existing overhead powerlines.</p>	<p>Complies - Ausgrid consultation has been undertaken and Ausgrid has provided its approval subject to recommended conditions of consent.</p>

Condition No.	Concept Approval Condition	Compliance
	Details of the consultation undertaken are to be provided to Council with any subsequent detailed design development application.	
(22)	<p><b>FLOODING</b></p> <p>A flood assessment report to determine the detailed design flood planning level (FPL) requirements for the subject site is to be submitted with any subsequent detailed development application for the detailed design and construction of the development.</p>	Complies - a flood assessment to Council's satisfaction has been submitted.
(23)	<p><b>ACID SULPHATE SOILS</b></p> <p>As part of any detailed development application, one of the following must be provided:</p> <p>(a) Evidence that an acid sulphate soils management plan is not required; or</p> <p>(b) An acid sulphate soils management plan.</p>	Complies - A Geotechnical report prepared by PSM Consult Pty Ltd (8 March 2024) which indicates that the site is not subject to Acid Sulfate Soils.
(24)	<p><b>TRANSPORT IMPACT STUDY</b></p> <p>A transport impact study is required to be submitted as a part of detailed development application to demonstrate that the traffic generation from the proposed development will not impact adversely to the adjacent road network. In estimating trip generation Sydney average value from the RMS technical direction TDT 2013/ 04a should not be used. Trip generation coefficient from comparable sites (such as Rockdale in the RMS document) or survey data from similar site should be used in the assessment.</p>	Complies - a transport impact study (PTC, 8/3/2024) has been submitted (to Council's satisfaction) which indicates that the proposal will not adversely impact the adjacent road network.
(25)	<p><b>GREEN TRAVEL PLAN</b></p> <p>A Green Travel Plan is to be submitted as part of any detailed design development application.</p>	Complies - a green travel plan (PTC, 8/3/2024) has been submitted (to Council's satisfaction).

Condition No.	Concept Approval Condition	Compliance
(26)	<p><b>ON SITE LOADING AREAS AND OPERATION</b></p> <p>(a) The detailed development application must ensure all loading and unloading operations associated with servicing the site, including garage collection, can be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.</p> <p>At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.</p>	<p>Complies - all loading and unloading is within the site</p>
(27)	<p><b>RMS CONDITIONS:</b></p> <p>(a) Any new buildings or structures, together with any improvements integral to the future use of the site are erected clear of the land required for road (unlimited in height or depth) and wholly within the freehold property (unlimited in height or depth), along the Botany Road boundary.</p> <p>(b) The redundant driveways on the Botany Road boundary shall be removed and replaced with kerb and gutter to match the existing. The design and construction of the kerb and gutter on Botany Road shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained by email to: <a href="mailto:development.sydney@rms.nsw.gov.au">development.sydney@rms.nsw.gov.au</a></p> <p>A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by Roads and Maritime.</p> <p>(c) The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.</p>	<p>Noted - applicant to comply</p>

Condition No.	Concept Approval Condition	Compliance
	<p>(d) The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime. Please send all documentation to: development.sydney@rms.nsw.gov.au</p> <p>(e) If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.</p> <p>(f) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works. Please send all documentation to: development.sydney@rms.nsw.gov.au</p> <p>(g) A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued.</p> <p>(h) The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.</p> <p>(i) In accordance with AS 2890.1- 2004 (Parking Facilities, Part 1: Off-street car parking), the driveway shall be a minimum of 5.5 metres in width for a minimum distance of 6 metres from the property boundary.</p> <p>(j) Roads and Maritime is currently undertaking a program to implement "Clearways" on State roads within Sydney. If not already in place, "Clearway"</p>	

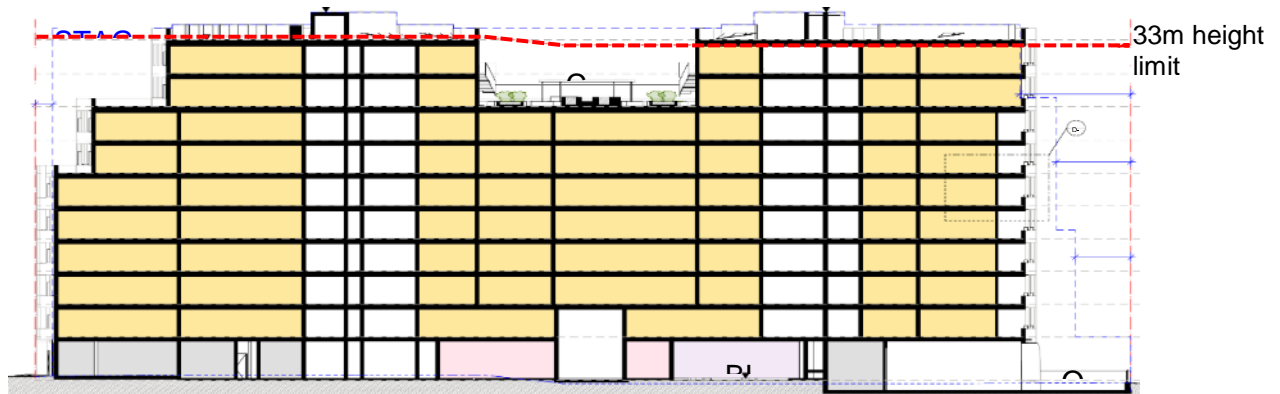


Condition No.	Concept Approval Condition	Compliance
	restrictions will be implemented along the full Botany Road frontage of the development site.	
(28)	<p><b>SYDNEY AIRPORTS CONDITIONS:</b></p> <p>(i) The building must not exceed a maximum height of 52.65 metres AHD, this includes all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden planting, exhaust flues etc.</p> <p>(ii) The proponent must advise Airservices Australia at least three business days prior to the controlled activity commencing by emailing ifp@airservicesaustralia.com and quoting YSSY-CA_165.</p> <p>(iii) Separate approval must be sought under the Regulations for any equipment (i.e. cranes required to construct the building. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Regulations. Therefore, it is advisable that approval to operate construction equipment (i.e. cranes) be obtained prior to any commitment to construct.</p> <p>(iv) On completion of construction of the building, the Proponent must provide SACL with a written report from a certified surveyor on the finished height of the building.</p>	<p>Complies - maximum height proposed 50.8 AHD</p> <p>Noted - applicant to comply</p>

88. The proposal is consistent with the approved plans in the concept approval (as amended). The changes to the envelope have been assessed in this report and as part of D/2019/87/C and are considered to be acceptable.

### Height, Scale and Bulk

89. Proposed changes to the approved building envelope are minor and relate specifically to an increase of 3.2m in the maximum height (33m to 36.2m) and the western setback (reduced to nil at ground level and reduced from 9m to 7.9676m in the south western corner of the site at Levels 8 and 9). As outlined above a clause 4.6 variation to the maximum height is considered to be well founded with the height exceedance being contained to the parapet, lift overrun, fire stair, hot water services and solar panels. These elements are relatively minor and will generally not be visible from the street. As such, they do not contribute to the bulk and scale of the building.



**Figure 27:** Compliance with max height

90. The proposed bulk and scale of the proposal is considered to be consistent with recent approvals within the locality and the location on the intersection of two busy roads and within walking distance of the Green Square Town Centre and railway station.
91. It is therefore considered that the proposed height, bulk and scale is acceptable.

### Building separation

92. The proposal generally complies with the ADG building separation requirements with the exception a section of the western building wall at Levels 8 and 9 which is required to have a setback of 9m but where a setback of 7.967m is proposed increasing to 9m approximately 50% along the frontage as shown below. This is considered to be acceptable in the circumstances given that the development to the west as approved is commercial and 5 storeys in height. No privacy impacts will therefore result from the non-compliance. Further as shown below where the Concept Approval provided for an approved building envelope with 4.5m and 6m setbacks along this boundary at various levels in accordance with the ADG, the proposal provides for the full frontage to have a setback of 7.967m - 9m thus increasing the separation beyond the requirements at the lower levels. However, an open parking area is proposed immediately adjacent to the ground level screened from view at the ground level.



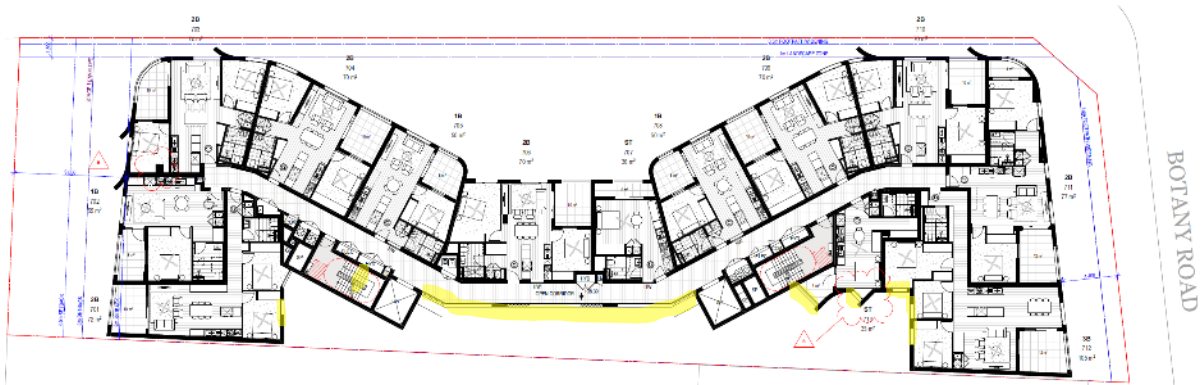
Figure 28: Western boundary setback



Figure 29: Western interface

### Southern setback

93. The proposal provides for a nil setback adjacent to the southern boundary consistent with the Concept Approval generally with blank walls fronting the boundary. Centrally within the site a number of windows and a balcony are located on each level with proximity to the boundary (min. approx. 2.4 - 6.4m) however are either splayed to prevent overlooking or are sufficient distance and orientation from the boundary to prevent adverse privacy impacts (refer below). Further the adjacent development to the south is currently commercial (and is understood is likely to continue as such given the E3 Productivity Support zoning) and therefore is not sensitive to privacy impacts.

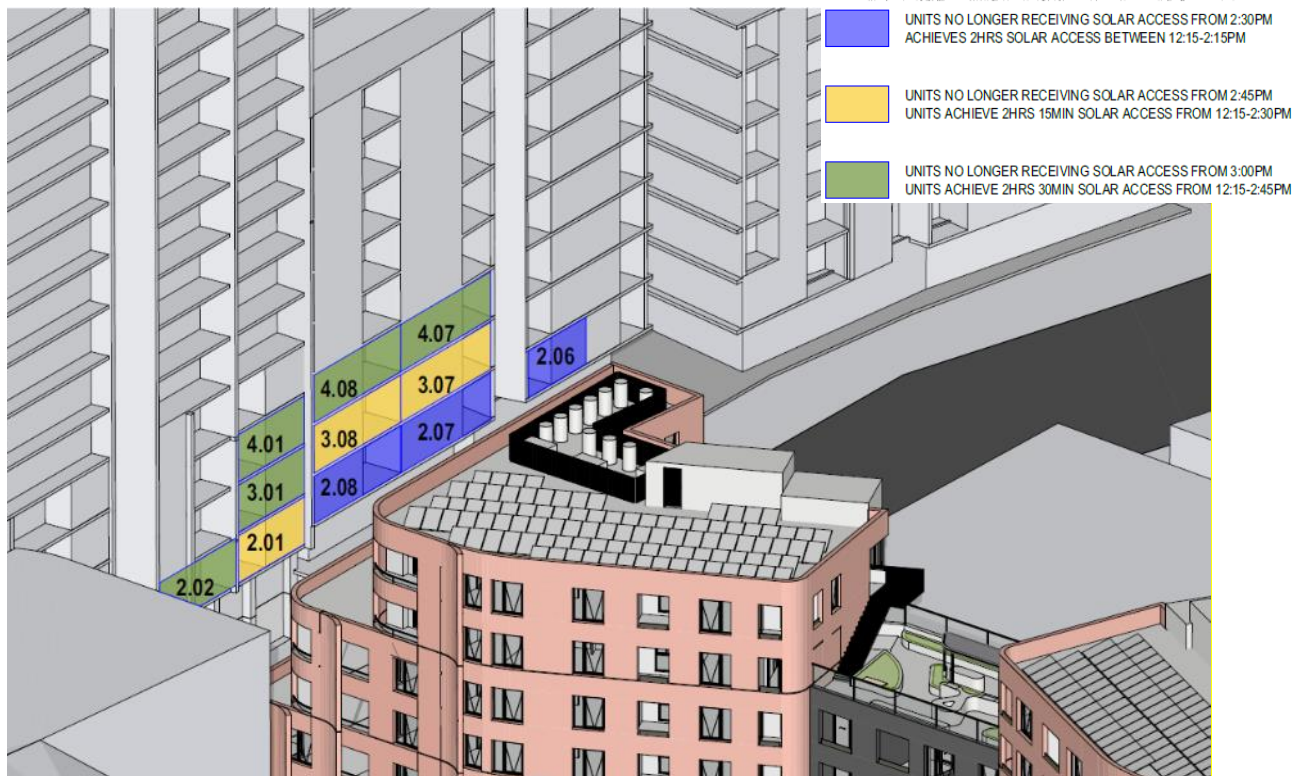


**Figure 30:** Southern Western interface

94. It is therefore considered that the setbacks provided are appropriate in the circumstances and provide for a reasonable level of compliance with the ADG.

### Solar Access and Overshadowing

95. The submitted solar diagrams illustrate that 70.3% (78 / 111 units) of the apartments will receive 2 hours or more of sun at midwinter to both living areas and balconies. This is consistent with the 70% required by the design criteria in section 4A of the ADG. 9% (10/111 units) will receive no direct sunlight in midwinter which similarly complies with the maximum of 15% allowed under the ADG.
96. In respect of the existing approved developments at 499 and 501-509 Botany Road the submitted solar access diagrams show that the proposal will ensure that all units continue to achieve a minimum of 2 hours of sunlight in midwinter. Shadows from the proposal do not extend over the subject site until after 2pm in midwinter. This is assisted by the stepping of the built form down toward the Botany Road frontage.



**Figure 31:** Solar impact to 499 and 501-509 Botany Road

97. Other shadow impacts caused by the proposal are generally consistent with the shadow impacts of the approved building envelope. The additional height will provide for some minor additional shadowing however this is largely over commercial developments to the south and west. Some additional shadowing will occur to a terrace and its courtyard at 1 Victora Street to the south however this will be limited to between 9 - 10am in midwinter and will not be affected after this time.
98. Having regard to the above it is considered that the proposal is appropriate in respect of solar access and overshadowing and will not result in any unreasonable adverse impacts.

### Cross ventilation

99. As outlined above the subject site is located at the intersection of Botany Road and the new Ashmore Connector Road accordingly the provision of natural ventilation to the proposed affordable housing units presents a significant challenge.
100. The proposal has been designed such that 60/102 units (58.8%) in the first 9 storeys are able to be naturally cross ventilated although following a request from Council ceiling fans have been shown on the plans for all units to assist with ventilation. Part 4B of the ADG specifies that a minimum of 60% of apartments are to be naturally cross ventilated within the first 9 storeys of a building. Accordingly, the proposal results in a minor non-compliance with the ADG requirement. The proposal provides for 100% of units to be naturally ventilated (with no air-conditioning specified). This is considered acceptable in the circumstance given the site orientation, the proposed ceiling fans and the fact that the site is highly constrained and exposed to significant noise on two frontages.

**Noise intrusion**

101. Related to the discussion above on natural ventilation, the site has significant challenges in relation to the ability of units to meet the internal noise criteria given adjacent noise sources (roads). To address this the design includes high screens to the balconies on the Botany Road frontage. An acoustic assessment has been provided and Council's Environmental Health Officer has confirmed that the proposal is acceptable from a noise perspective and will achieve the site specific noise criteria. The report also recommends the following mitigation measures:
- increased glass thickness to those apartments facing Botany Road, i.e. Apartments 109, 110, 211 and 212;
  - non-glazed façade elements to those apartments mentioned in the point above should also have acoustic performance measures;
  - provision of ceiling build-ups; and
  - provision of minimum absorption coefficients.
102. In respect of mechanical plant it also recommends:
- positioning plant away from residential receivers;
  - fitting acoustic attenuators to duct work;
  - screening mechanical plant; and
  - providing acoustic insulation within duct work.
103. Conditions of consent are recommended to implement the recommendations of the acoustic report as outlined above.
104. Further appropriate information has been provided to demonstrate that notwithstanding the screens window openings are sufficient to provide for natural ventilation and to comply with ADG natural ventilation requirement (4B-1) that "the area of unobstructed window openings should be equal to at least 5% of the floor area served".

**Design excellence**

105. Clause 6.21C provides that consent cannot be granted to a development to the erection of a new building unless the consent authority considers that the proposed development exhibits design excellence having regard to the matters outlined at cl 6.21C(2). As outlined above it is considered that the proposed building represents design excellence notably having regard to the various considerations including suitability for site, the proposed use, the bulk, massing and modulation of the building, environmental impacts, amenity, landscape design and the achievement of ESD etc. The proposed development will provide 111 new affordable housing dwellings in a highly accessible location, will provide good amenity to the future residents and will be in character with the emerging character of the area. It will also provide a landmark building that is of an appropriate height, bulk and scale having regard to development in the locality and will incorporate high quality materials and finishes. Accordingly, it is considered that the proposal represents design excellence in accordance with the provision.

**Suitability of the site for the Development**

106. The site is situated within the Green Square Urban Renewal Area and is located within proximity to the Green Square Town Centre, amongst similar uses to that proposed and is considered to be suitable for the proposed development
107. The proposal is consistent with the height and scale of development approved and envisaged for both the Ashmore Connector and Botany Road and accordingly will not be overbearing or bulky in the streetscape. Further it provides a high quality interface with the public domain at ground level on both frontages. It is therefore considered that the site is suitable for the proposed development.

**Public Interest**

108. It is considered that the proposal is in the public interest providing a high quality development that will deliver 111 new affordable housing units in a highly accessible area. As assessed it will not have any detrimental effect on the public interest.

**Consultation****Internal Referrals**

109. The application was discussed with Council's;
- (a) Building Services Unit;
  - (b) Environmental Health Unit;
  - (c) Heritage and Urban Design Unit;
  - (d) Public Domain Unit;
  - (e) Safe City Unit;
  - (f) Surveyors;
  - (g) Sustainability Officer
  - (h) Transport and Access Unit;
  - (i) Landscape Unit;
  - (j) Planning Agreement Unit;
  - (k) Public Art Unit
  - (l) Social Strategy,
  - (m) Tree Management Unit, and
  - (n) Waste Management Unit.
110. The above advised that the proposal, and amended, generally addresses the matters raised through the assessment and is acceptable subject to conditions. Where appropriate, these conditions are included in Attachment B.

## External Referrals

### Ausgrid

111. Pursuant to Section 2.48 of the SEPP (Transport and Infrastructure) 2021, the application was referred to Ausgrid for comment.
112. A response was received raising no objections to the proposed development. Conditions of consent were recommended which are included in Attachment B.

### Transport for NSW

113. Pursuant to Section 2.119 and 2.122 of the SEPP (Transport and Infrastructure) 2021, the application was referred to Transport for NSW (TfNSW) for comment.
114. Comments were received on 11 October 2024. Conditions of consent were recommended which are included in Attachment B.

## Advertising and Notification

115. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified and advertised for a period of 28 days between 16 May 2024 and 14 June 2024. A total of 345 properties were notified and nil (0) submissions were received.

## Financial Contributions

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

116. The City of Sydney Development Contributions Plan 2015 applies to the site. Affordable housing provided by a community housing provider is however excluded from the need to pay a contribution in accordance with section 1.3 of the Plan. A social housing provider is defined under the Housing SEPP and includes St George Community Housing, the Applicant. Accordingly, no contribution is required in this instance.

### Housing and Productivity Contribution

117. The development is not subject to a Housing and Productivity Contribution under the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.
118. While the site is located with the Greater Sydney region, the development is of a type listed in Schedule 2 of the Order as being exempt from the Housing and Productivity Contribution.

## Relevant Legislation

119. Environmental Planning and Assessment Act 1979.
120. Environmental Planning and Assessment Regulations 2021.



121. City of Sydney Act 1988.

122. Roads Act 1993.

## Conclusion

123. The application proposes construction of a new 10 storey mixed use development comprising 111 dwellings for affordable housing, ground floor retail/commercial, ground floor car and bicycle parking, waste room, services, signage, landscaping, civil works and remediation. The proposal also provides for 0.5m of footpath widening on the Ashmore Connector Road frontage and 1.4m of footpath widening on the Botany Road frontage to be dedicated to Council under an approved and executed Voluntary Planning Agreement.
124. The development exceeds the maximum 33m building height development standard by 3.2m (maximum height 36.2m) with the exceedance being limited to the parapet, lift overrun, fire stair, hot water services and solar panels. These elements are relatively minor and will generally not be visible from the street. As such, they do not contribute to the bulk and scale of the building. A request to vary Clause 4.3 'Height of buildings' development standard has been received in accordance with Clause 4.6 of the Sydney LEP 2012. The statement demonstrates that compliance with the standard is unreasonable and unnecessary, and there are sufficient environmental planning grounds to justify contravening the standard. The proposal is consistent with the objectives of the land use zone and height of buildings development standard and the proposed departure to building height is supported in this instance.
125. The development also exceeds the maximum 4:1 floor space ratio applicable to the land having a floor space ratio of 4.09:1. The exceedance is due to the inclusion of balconies on the Botany Road frontage as GFA given the need for high screens to provide acoustic attenuation. The additional floor space does not therefore contribute to the bulk and scale of the building and is merely a technicality as a result of the GFA definition which includes area with a wall height greater than 1.4m. A request to vary Clause 4.4 'Floor Space Ratio' development standard has been received in accordance with Clause 4.6 of the Sydney LEP 2012. The statement demonstrates that compliance with the standard is unreasonable and unnecessary, and there are sufficient environmental planning grounds to justify contravening the standard. The proposal is consistent with the objectives of the land use zone and floor space ratio development standard and the proposed departure to FSR is supported in this instance.
126. Subject to conditions, the proposal is generally consistent with the applicable planning provisions including the Housing SEPP 2021, Sydney LEP 2012 and Sydney DCP 2012. Proposed non-compliances have been assessed as having merit in this case and are addressed in the report. Conditions are recommended to address non-compliances where appropriate.

127. The proposal represents design excellence, with a high standard of architectural design, materials and detailing and a built form that is consistent with the existing and future desired character of the area. It will also provide 111 much needed affordable housing dwellings to be delivered by a social housing provider in a highly accessible location.
128. This is a detailed design development application following the approval of a concept development application (D/2019/87, as amended). The development is consistent with the Concept DA Approval (D/2019/87/C) as amended which is proposed to be modified concurrent application with the subject application. The subject application therefore relies on approval of the concurrent Concept DA Approval modification.
129. The development is in the public interest and is recommended for approval subject to the conditions in Attachment B.

**GRAHAM JAHN AM**

Chief Planner / Executive Director City Planning, Development and Transport

Helena Miller, Director, MG Planning Pty Ltd (Independent Assessment Officer)