

**Item 7.****Development Application: 27-31 Doody Street, Alexandria - D/2024/238**

File No.: D/2024/238

**Summary**

<b>Date of Submission:</b>	18 March 2024  Amended plans and supporting documentation submitted 3 June 2024, 30 August 2024 and 29 October 2024.
<b>Applicant:</b>	The Trustee for Vivid Asset Trust
<b>Architect:</b>	Rothelowman Architects
<b>Owner:</b>	Sunway United Holdings Pty Ltd
<b>Planning Consultant:</b>	Sutherland and Associates Planning
<b>DAP:</b>	13 June 2024
<b>Cost of Works:</b>	\$75,183,088
<b>Zoning:</b>	The site is located in the E3 Productivity Support zone under the Sydney Local Environmental Plan 2012. The proposal seeks consent for a mixed-use development comprising commercial, light industrial, warehouse, shops, food and drink premises, specialised retail premises and self-storage units. The proposed uses are permissible with consent.
<b>Proposal Summary:</b>	<b>Proposal:</b>  The proposal seeks consent for demolition, site excavation and the construction of a 5 storey mixed-use commercial and warehouse development with associated basement car parking, a through-site link and land dedication and the construction of a 4-storey rear office building.  The application constitutes Integrated development requiring approval from Water NSW under Section 90(2) of the Water Management Act 2000. General terms of approval were issued by Water NSW on 17 June 2024.

**Consent Authority:**

The application is referred to the Central Sydney Planning Committee (CSPC) as the cost of works exceeds \$50 million and constitutes as "major development" for the purposes of the City of Sydney Act 1988.

**Assessment:**

The proposed development is subject to the site-specific provisions in accordance with clause 6.28 of the Sydney Local Environmental Plan 2012 (SLEP 2012). Clause 6.28 states that development consent must not be granted for the maximum permissible height unless the consent authority is satisfied there is a need for public domain in the area of land on which the development is to be carried out.

The Sydney Development Control Plan 2012 (SDCP 2012) identifies a through-site link along the eastern boundary and the 'Liveable Green Network' along the Alexandra stormwater channel which traverses the rear of the site. The proposal provides for the delivery of these public domain works and dedication of the land to Council. Accordingly, the application benefits from the additional height permitted under clause 6.28(2)(a) of SLEP 2012.

The proposal complies with the maximum building height, floor space ratio and car parking controls. The development demonstrates design excellence in accordance with Division 4 Subdivision 2 of SLEP 2012.

**Notification:**

The application was publicly exhibited between 20 April 2024 and 29 May 2024. One submission was received and raised concerns car parking availability during the construction phase. This issue is addressed within the report and by a recommended condition of consent.

**Voluntary Planning Agreement:**

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

- Construction and dedication of a 6 metre wide through-site link along the eastern boundary of the site (total area of 1,175.4 sqm)

- Dedication of the stormwater channel with Sydney Water easement which runs through the southern end of the site from the eastern boundary to the western boundary.
- Construction and dedication of a 10 metre landscape strip on either side of the channel which traverses the southern end of the site, from the eastern boundary to the western boundary.

The draft VPA is required to be publicly exhibited for 28 days in accordance with the requirements of the Environmental Planning and Assessment Act 1979. The exhibition of the VPA has not yet commenced.

**Summary:**

Subject to conditions, the proposal is generally consistent with the applicable planning provisions, including those within the SLEP 2012 and the SDCP 2012. Proposed non-compliances have been assessed and are addressed in the report and supported.

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

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

**Development Controls:**

- (i) Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021
- (ii) City of Sydney Act 1988 and City of Sydney Regulation 2016
- (iii) Water Management Act 2000 and Water Management (General) Regulation 2018
- (iv) SEPP (Resilience and Hazards) 2021
- (v) SEPP (Industry and Employment) 2021
- (vi) SEPP (Transport and Infrastructure) 2021
- (vii) SEPP (Sustainable Buildings) 2022
- (viii) Sydney Local Environmental Plan 2012
- (ix) Sydney Development Control Plan 2012
- (x) City of Sydney Development Contributions Plan 2015

**Attachments:**

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Public Benefit Offer
- D. Submissions

## Recommendation

It is resolved that:

- (A) authority be delegated to the Chief Executive Officer to determine Development Application No. D/2024/238 following the completion of the public exhibition of the draft Voluntary Planning Agreement in accordance with the public benefit offer dated 3 September 2024 and after considering any public submissions received and
- (B) if the Chief Executive Officer determines to approve Development Application No. D/2024/238, then consideration be given to imposing the conditions set out in Attachment A to the subject report.

## Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The proposal satisfies the objectives of the Environmental Planning and Assessment Act 1979 in that, subject to the imposition of conditions as recommended, it achieves the objectives of the planning controls for the site for the reasons outlined in the report.
- (B) The proposal generally satisfies the objectives and provisions of the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012.
- (C) The proposal exhibits design excellence in accordance with the relevant provisions and matters for consideration in Section 6.21C of the Sydney Local Environmental Plan 2012.
- (D) The proposed development has a height, scale and form suitable for the site and the emerging context of the Southern Enterprise Area and Alexandria.
- (E) The proposed mix of compatible land uses will support the vitality of the wider area and do not result in any significant adverse environmental or amenity impacts on the subject site or surrounding properties.
- (F) The proposal will support substantial employment floor space within a location identified for this purpose. The ground floor retail tenancies along Doody Street will provide amenity to the community and activate the street.
- (G) The proposal will make a significant contribution to the public domain through the public domain works and land dedication of the eastern boundary through-site link and the Liveable Green Network, in accordance with the Sydney Development Control Plan (SDCP 2012) requirements.
- (H) The proposal is Integrated Development under the Water Management Act 2000, requiring approval from WaterNSW. General Terms of Approval were received from WaterNSW on 17 June 2024.

- (l) The public interest is served by the development, as amendments to the development application have addressed the matters raised by the City. Conditions of consent are recommended to manage potential environmental impacts associated with the development.

## Background

### The Site and Surrounding Development

1. The site has a legal description of Lot 1 in DP 664689, known as 27-31 Doody Street, Alexandria. It is irregular in shape with area of approximately 12,148.2 sqm. The site is relatively flat and has a primary street frontage of 64 metres to Doody Street.
2. The site contains several buildings including a part three and four storey commercial building with a frontage to Doody Street, a two storey warehouse at the centre of the site and several outbuildings and tanks to the rear of the site. The site is currently unoccupied.
3. A stormwater channel (subject to a Sydney Water easement) traverses the rear of the site from east to west. An existing bridge provides access to the southern portion of the site. As envisioned in Section 2.10.3 of SDCP 2012, a pedestrian and cycling connection and green link along the alignment of the stormwater channel will form part of the 'Liveable Green Network', linking Alexandra Canal and future open space shown in the DCP on the corner of Doody and Ralph Streets (presently used and occupied by Australia Post).
4. The surrounding area is characterised by a mixture of land uses, primarily being industrial and commercial developments. Directly to the east of the site at 15-21 Doody Street is a four storey commercial development, to the west of the site is an industrial unit complex at 37 Doody Street. To the south of the site is a two storey industrial warehouse complex. To the north of the site opposite Doody Street is an Australia Post facility.
5. The site is not identified as a heritage item or within a heritage conservation area.
6. The site is located within the Enterprise Corridor locality and is identified as being subject to flooding.
7. A site visit was carried out on 8 May 2024 and 25 September 2024. Photos of the site and surrounds are provided below.



**Figure 1:** Aerial view of site and surrounds



Figure 2: Site viewed from Doody Street looking south



Figure 3: View within the site facing west





**Figure 4:** View of the bridge over the stormwater channel looking south towards the southern boundary



**Figure 5:** View of the open channel looking east towards the eastern boundary

## History Relevant to the Development Application

### Development Applications

8. The following applications are relevant to the current proposal:

- **D/2011/1589** – Development consent was granted on 30 July 2012 for the demolition of the central and southern warehouse buildings and construction of new buildings for use as hardware and building supplies and ancillary offices, alterations and additions to the northern building for high technology use and 136 car parking spaces and landscaping.

City of Sydney received internal legal advice to confirm that this consent (which lapsed on 30 July 2017) has been physical commencement of works including survey marking, dewatering and asbestos removal. The landowner has recently removed trees approved for removal under D/2011/1589.

### Amendments

9. Following a preliminary assessment of the proposed development by Council Officers, a request for additional information and amendments was sent to the applicant on 8 July 2024 relating to the following matters:

- (a) Location of the office building
- (b) Dedication of the land along the Liveable Green Network to ensure compliance with the terms of Clause 6.28 of SLEP 2012.
- (c) Active frontages and setback width of the Liveable Green Network.
- (d) Roof structure and sun shading to Northern façade
- (e) Provision of gross floor area and total floor area plans
- (f) Tree removal, landscaping and public domain plans
- (g) Stormwater and flooding impacts
- (h) Contaminated land
- (i) Transport and access
- (j) Sustainability
- (k) 3D model and physical model requirements.

10. The applicant responded to the request on 2 September 2024. Several design amendments were proposed directly in response to Council's feedback. In summary, the design amendments to the proposed development are as follows:

- (a) The land for the length of the Liveable Green Network and through-site-link have been proposed to be dedicated to City of Sydney.

- (b) The rear office has been redesigned to increase setbacks to the Liveable Green Network.
  - (c) Amendments to the ground floor public domain area to increase activation along the Liveable Green Network.
  - (d) Further façade vertical articulation to reduce bulk and scale impacts.
  - (e) Awnings included on the roof at industrial unit entries for weather protection.
  - (f) The northern façade is designed to have 50% solid wall and 50% glazing with screening, as coordinated with the ESD consultant.
11. In addition to the above design amendments, the following additional information was submitted:
- (a) Amended landscape package
  - (b) Net Zero Energy Assessment
  - (c) NABERS Report
  - (d) Design for Environmental Performance.
  - (e) Amended Stormwater concept plan
  - (f) Amended Flood Report
  - (g) Amended Arborist Report
  - (h) Public Benefit Offer
  - (i) Detailed Site Investigation.
12. Following a review of the updated information, a subsequent request for additional information was sent to the applicant on 1 October 2024 relating to the following matters:
- (a) Minor amendments to the architectural plan package for consistency.
  - (b) Confirmation of proposed hours of operation
  - (c) An updated Flood Impact Assessment that uses the 'Alexandra Canal catchment flood study 2023 current day model'.
  - (d) Additional landscape plans including cross sections of the 'Liveable Green Network ' stormwater channel curtilage and coordination with the stormwater concept plans.
  - (e) An updated site survey plan that shows the Sydney Water easement on the survey.
13. The applicant responded to the request on 28 October 2024 with the following updated information:
- (a) Amended final architectural plans.

- (b) Confirmed the proposed hours of operation of 7am to 9pm Monday to Sunday.
- (c) An updated Flood Report that has utilised the Alexandra Canal catchment flood study 2023 current day model.
- (d) Driveway ramp adjusted to crest at RL12.25 at the entry to the building in response to the updated flood advice.
- (e) Soffit level of the existing bridge surveyed and shown on the updated site survey drawings.
- (f) Additional landscape plans including cross sections of the Liveable Green Network canal area.
- (g) Relocation of the stormwater drainage from the existing TPZ encroachment.

### **Proposed Development**

14. The application seeks consent for the following:

- (a) Demolition of all existing structures
- (b) Excavation up to 3.9m for one basement level containing carparking, end of trip facilities and plant equipment
- (c) Construction and use of a five storey mixed-use building containing 17,469.9 sqm of commercial, industrial, warehouse and retail gross floor area including:
  - (i) 96 light industrial maker spaces and warehouse units
  - (ii) 4 retail tenancies at the ground floor facing Doody Street
  - (iii) 12 commercial office tenancies facing Doody Street
  - (iv) 158 car parking spaces spread across each storey
  - (v) 142 bicycle spaces.
  - (vi) A maximum building height of 20.7m.
- (d) Construction of a separate four storey office building at the rear of site with 752.4 sqm of GFA.
- (e) Vehicle access via a centrally located driveway along the Doody Street frontage.
- (f) Removal of 15 trees and site wide landscaping including planting of 119 new trees.
- (g) Proposed hours of operation of 7.00am to 6.00pm Monday to Sunday.

- (h) The owner of the site has made a written offer to Council to enter into a Voluntary Planning Agreement (VPA) that is consistent with the infrastructure requirements as specified in the SDCP 2012. The draft VPA that has been prepared in association with the subject development application provides for the following public benefits:
- (i) Construction and dedication of a 6 metre wide through-site link along the eastern boundary of the site (total area of 1,175.4 sqm)
  - (ii) Dedication of the canal which runs through the southern end of the site from the eastern boundary to the western boundary.
  - (iii) Construction and dedication of a 10 metre landscape strip on either side of the Canal which runs through the southern end of the site, from the eastern boundary to the western boundary.
15. Plans and elevations of the proposed development are provided below from Figures 6 to 21.



**Figure 6:** Proposed render of Doody Street frontage



Figure 7: Proposed render of Liveable Green Network and rear office looking east

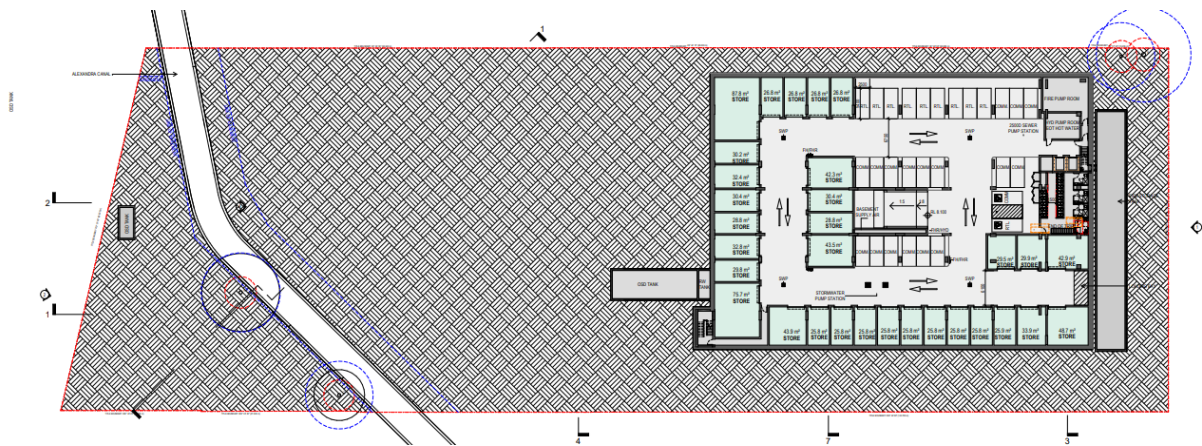


Figure 8: Proposed basement plan

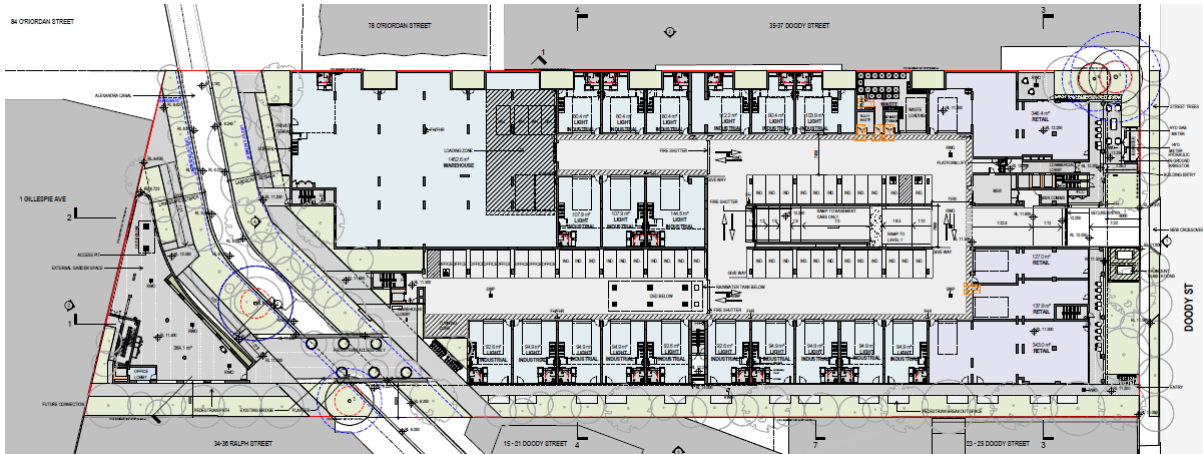


Figure 9: Proposed ground floor plan



Figure 10: Proposed ground mezzanine plan



Figure 11: Proposed level 1 plan

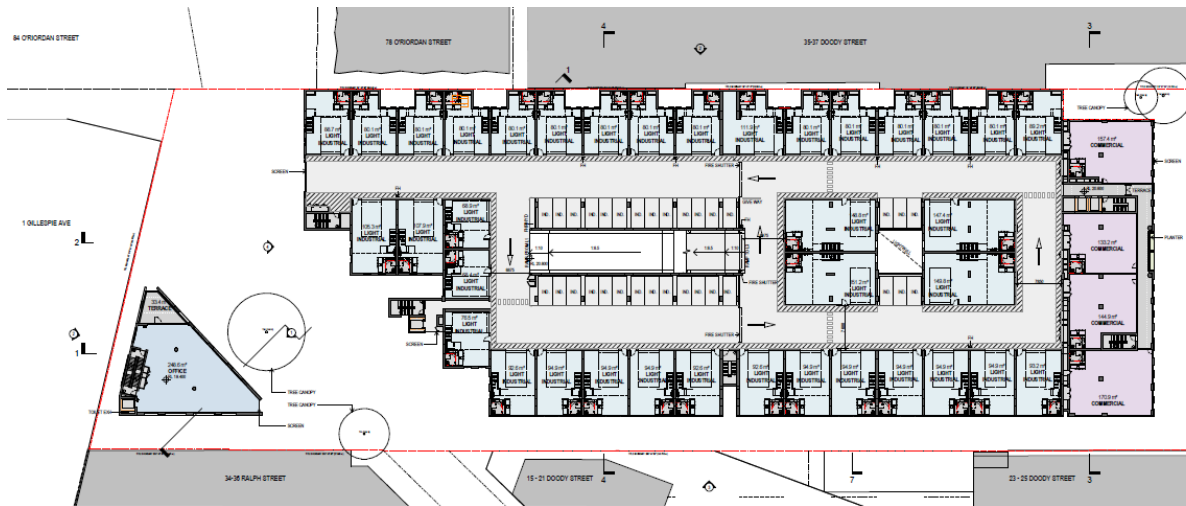


Figure 12: Proposed level 2 plan

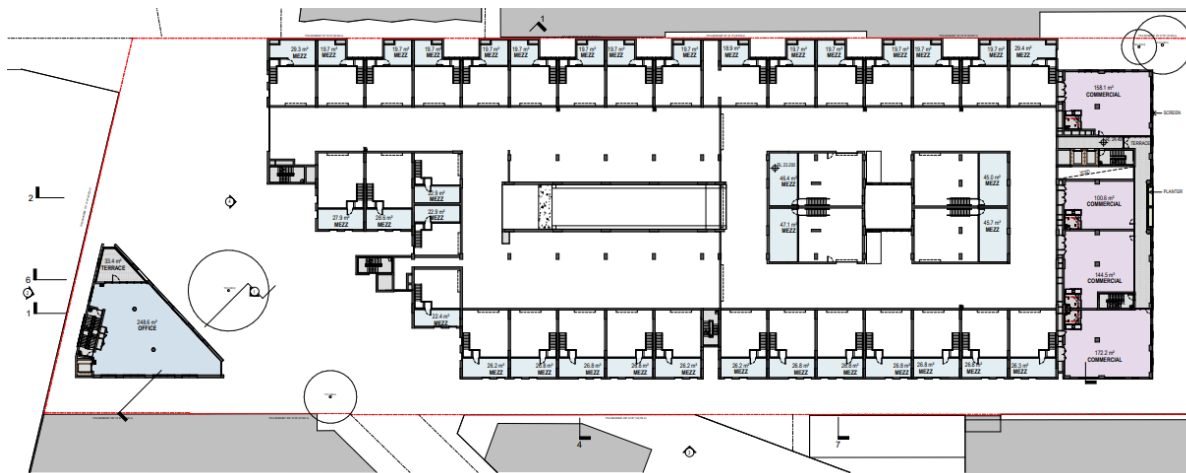


Figure 13: Proposed level 2 mezzanine plan

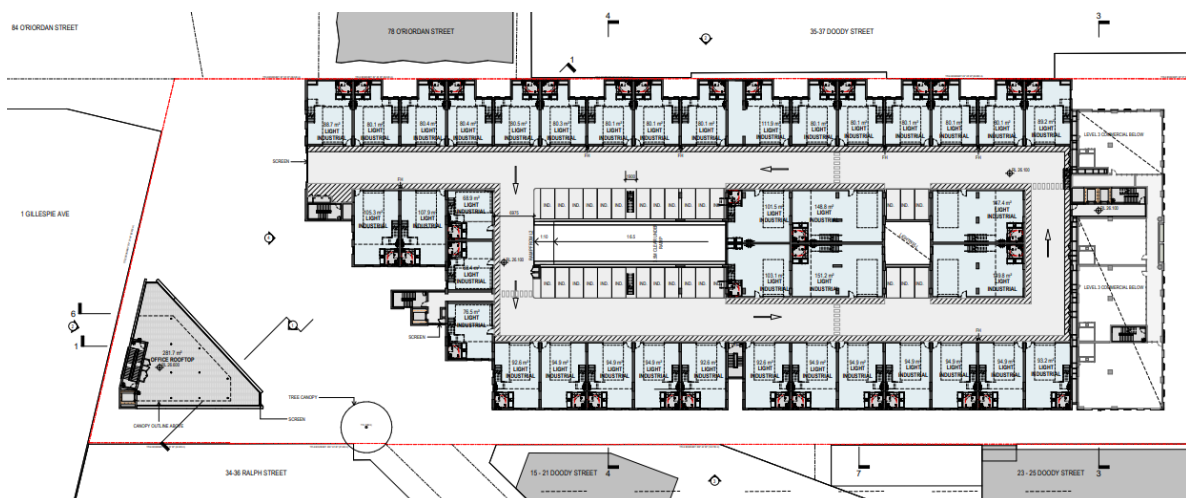


Figure 14: Proposed level 3 plan





Figure 15: Proposed level 3 mezzanine/ level 4 commercial plan

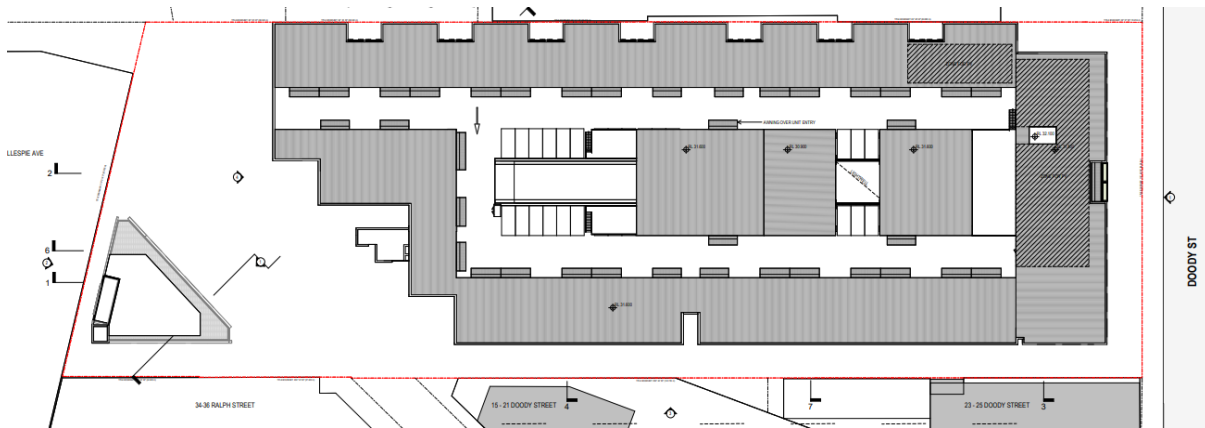


Figure 16: Proposed roof plan



Figure 17: Proposed northern elevation plan

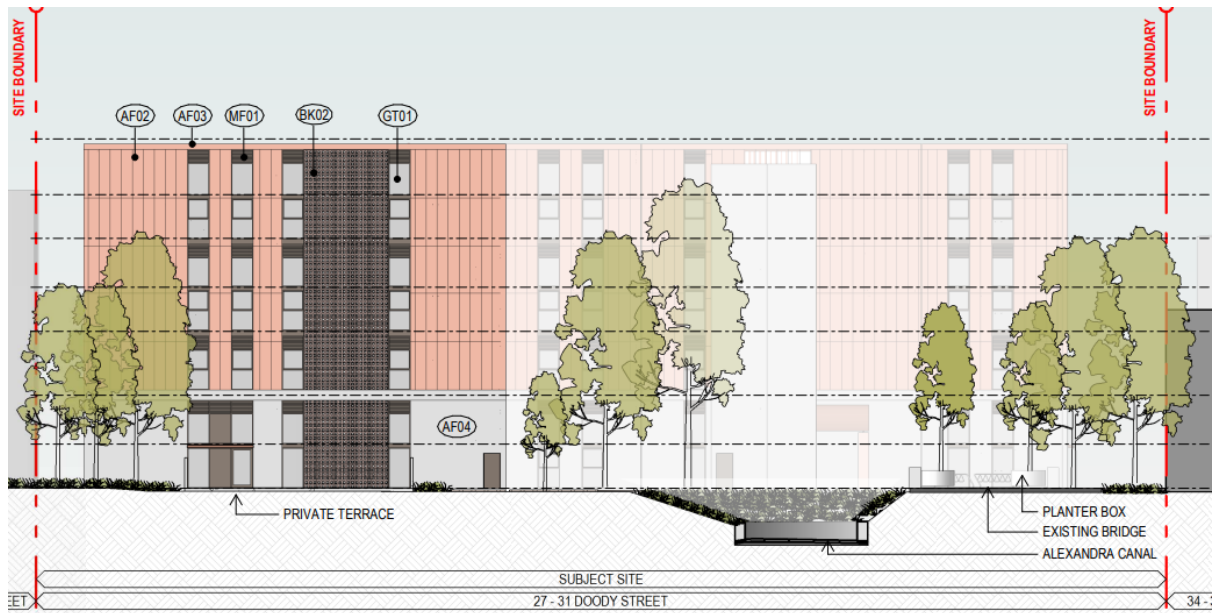
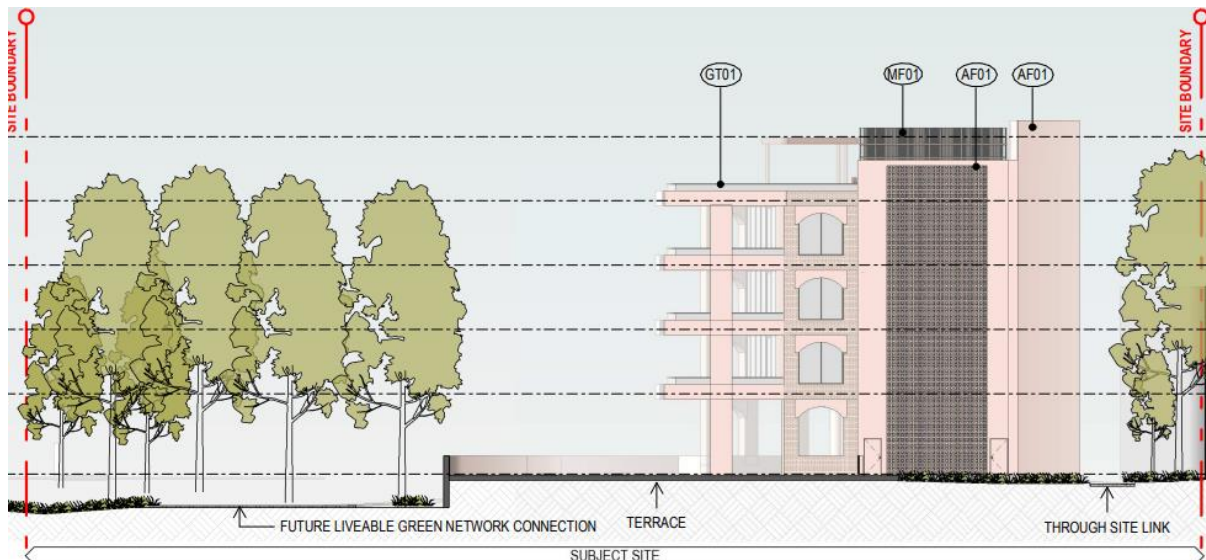


Figure 18: Proposed southern elevation plan



Figure 19: Proposed northern elevation plan of rear office building



**Figure 20:** Proposed southern elevation plan of rear office building

## Assessment

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

## Water Management Act 2000

17. The application has been identified as Integrated Development requiring an approval under Water Management Act 2000.
18. The proposal was referred to WaterNSW who have determined that the proposal will encounter groundwater during the works and will require an approval for dewatering.
19. General Terms of Approval issued by WaterNSW on 17 June 2024 are included in the recommended conditions of consent in Attachment A.

## 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. The submitted Detailed Site Investigation has identified the following contaminants as present on the site:
  - There are localised areas of lead and asbestos impacted soils above the adopted human health criteria that potentially post human health risks.

- There are localised areas of copper and lead impacted soils above the adopted ecological guidelines that pose ecological risks.
  - Groundwater quality across the site is a data gap, which requires further assessment. The testing is to include all potential contaminants during the dewatering process.
34. The Detailed Site Investigation concludes that the site can be made suitable for the proposed use if the recommendations within Section 10 of the report are carried out, which include:
- A groundwater investigation to characterise groundwater quality of the site is carried out to support a Dewatering Management Plan to be implemented during any off-site dewatering.
  - Prior to construction works, a Construction Environmental Management (CEMP) is to be prepared and implemented during construction. The CEMP is to include:
    - Detailed inspection of exposed soils following demolition.
    - Remedial excavation and removal of impacted soils.
    - Preparation of a sampling and analysis quality plan for a post-remedial validation assessment.
  - Preparation of a validation letter by a suitably qualified consulting to confirm site suitability for the proposed use.
  - An Asbestos Clearance Inspection following demolition and removal of debris.
  - Implementation of an Unexpected Finds Protocol.
35. The Council's Health Unit has reviewed the information provided and has recommended conditions of consent to ensure compliance with the recommendations listed in the Detailed Site Investigation prepared by EI Australia summarised above.
36. 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 (Transport and Infrastructure) 2021**

37. Clause 2.122 of the SEPP states that before determining a development application for traffic generating development, the consent authority must give written notice of the application to the TfNSW and take into consideration any submission that the TfNSW provides in response to that notice.
38. The proposal is for warehouse development with more than 8,000 square metres of floor area and therefore as traffic generating development.
39. The proposal was referred to TfNSW on 30 April 2024. Comments were received on 21 May 2024 confirming that TfNSW raises no objection given the proposed development is unlikely to have a significant impact on the classified road network.

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

## Chapter 3 Standards for non-residential development

40. Chapter 3 of the SEPP applies to development, other than development for the purposes of residential accommodation, that involves:
- (a) The erection of a new building, or
  - (b) Alterations, enlargement or extension of an existing building, if the development has a capital investment value of \$10 million or more.

**Section 3.2 Development Consent for non-residential development**

41. Section 3.2 Development consent for non-residential development provides that:
- (1) In deciding whether to grant development consent to non-residential development, the consent authority must consider whether the development is designed to enable the following—
    - (a) the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,
    - (b) a reduction in peak demand for electricity, including through the use of energy efficient technology,
    - (c) a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,
    - (d) the generation and storage of renewable energy,
    - (e) the metering and monitoring of energy consumption,
    - (f) the minimisation of the consumption of potable water.
  - (2) Development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.
42. With regards to the above matters the applicant has submitted a City of Sydney Design for Environmental Performance report template. The template identifies design and technology responses for environmental performance that the applicant proposes to be incorporated in the development. In summary:
- The building can achieve a 5.5 Star NABERS Energy rating plus an additional 25% for the Base Building. This is equivalent to a 5.95 Star NABERS Energy performance considering contingency buffers based on off-axis scenarios.
  - A Net Zero Statement has been submitted that confirms the building will be capable of satisfying Net Zero requirements.
  - The peak electricity reduction will be achieved through:
    - Roof mounted solar photovoltaic system of a minimum 70kW capacity.
    - High-efficiency lighting systems equipped with efficient lighting control

- High-efficiency heating, ventilation and air-conditioning systems equipped with efficient HVAC control
  - High-efficiency hot water system.
43. With regards to section (2) above the applicant has adequately quantified the embodied emissions attributable to the development. Section 35B of the Environmental Planning and Assessment Regulation 2021 determines the form in which embodied emissions are to be quantified. The embodied emissions attributable to the development have been appropriately quantified using the NABERS embodied energy form published on the NSW Planning Portal and certified by an appropriately qualified person as required by the regulations.

### **Section 3.3 Other Considerations for Large Commercial Development**

44. Section 3.3 Other considerations for large commercial development applies to development defined as prescribed office premises, prescribed service apartments and prescribed hotel or motel accommodation.
45. Section 3.3 provides that:
- (1) In deciding whether to grant development consent to large commercial development, the consent authority must consider whether the development minimises the use of on-site fossil fuels, as part of the goal of achieving net zero emissions in New South Wales by 2050.
- (2) Development consent must not be granted to large commercial development unless the consent authority is satisfied the development is capable of achieving the standards for energy and water use specified in Schedule 3.
- (3) For the purposes of subsection (2), development is capable of achieving a standard specified in Schedule 3 if there is a NABERS commitment agreement in place to achieve the standard.
46. The above, to the extent it relates to energy use, does not apply to large commercial development, except serviced apartments, on land to which the following local environmental plans apply—
- (a) Sydney Local Environmental Plan 2012,
- (b) Sydney Local Environmental Plan (Green Square Town Centre) 2013,
- (c) Sydney Local Environmental Plan (Green Square Town Centre—Stage 2) 2013.
47. The proposed development is subject to the SSLEP 2012 and is for a prescribed office premises. The proposal satisfies the standards for water use being subject of a 3 star NABERS water rating. Refer to energy use provisions in the LEP and DCP compliance tables below.
48. Conditions of consent are recommended to ensure that the development achieves the required energy and water use standards.

## Local Environmental Plans

### Sydney Local Environmental Plan 2012

49. 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	<p>The site is located in the E3 Productivity Support zone.</p> <p>The proposed development is defined as 'warehouse and distribution centre'; 'office premises'; 'storage premises'; 'shops'; 'food and drink premises'; and 'specialised retail premises'. These uses are permissible with consent in the zone.</p> <p>The proposal generally meets the objectives of the zone, in that it will provide a range of facilities and services, light industries, maker spaces, creative industries, warehouses and offices to support the local economy.</p>

#### Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings 6.28 Development in Enterprise Area	Yes	<p>A maximum building height of 18m is permitted under clause 4.3 of the SLEP 2012.</p> <p>In accordance with the site-specific clause 6.28 of the SLEP 2012, the site is also subject to an additional 15% of building height.</p> <p>Overall, the site is subject to a maximum building height of 20.7m.</p> <p>A maximum building height of 20.7m is proposed.</p> <p>The proposed development complies with the maximum building height development standard and is discussed further under the site-specific provisions.</p>
4.4 Floor space ratio	Yes	A maximum floor space ratio of 1.5:1 or 18,222.3sqm is permitted.

Provision	Compliance	Comment
		<p>A floor space ratio of 1.5:1 or 18,222.3 sqm is proposed.</p> <p>The proposed development complies with the maximum floor space ratio development standard.</p>

#### Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	The site is not identified as a heritage item or located within a heritage conservation area.
5.21 Flood planning	Yes	<p>The site is identified as being subject to flooding.</p> <p>All ground floor levels, pedestrian and vehicular entry comply with the identified flood planning levels.</p> <p>A flood report accompanies the application demonstrating 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 4 Design excellence		
6.21 Design excellence	Yes	<p>The proposed development is of a high standard and uses materials that are compatible with the existing development along the street.</p> <p>The design responds to the emerging character of Doody Street and the Southern Enterprise area. The ground floor retail tenancies along Doody Street will provide amenity to the community and activate the street.</p> <p>The bulk, massing and modulation of the proposed development complies with the incentivised height of buildings and floor space ratio development standards. The design of the development provides visual interest with differing built form</p>



Provision	Compliance	Comment
		<p>elements which provide visual interest to the site.</p> <p>The proposed development will achieve a high level of environmental performance. The design allows for natural light penetration across the development which will ensure a high level of amenity for the occupants and achieves the principles of ecologically sustainable development.</p> <p>The proposal will not result in any significant adverse impacts to adjacent properties. The development is therefore considered to exhibit design excellence in accordance with the provisions and matters for consideration in Section 6.21C of the SLEP 2012.</p>
<p>Division 5 Site specific provisions</p>		
<p>6.28 Development in Enterprise Area</p>	<p>Yes</p>	<p>The proposed development is subject to the site-specific provisions in accordance with clause 6.28 of the SLEP 2012.</p> <p>Clause 6.28 states that development consent must not be granted for the maximum permissible height unless the consent authority is satisfied there is a need for public domain in the area of land on which the development is to be carried out.</p> <p>The DCP identifies a through-site link along the eastern boundary and the 'Liveable Green Network' along the stormwater channel which crosses the rear of the site. The proposal provides for the delivery of these public domain works and dedication of the land to Council.</p> <p>Accordingly, the application benefits from the additional height permitted under clause 6.28(2)(a), as addressed in Clause 4.3 above.</p>

**Part 7 Local provisions – general**

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development		
<p>7.6 Office premises and business premises</p> <p>7.7 Retail premises</p> <p>7.8 Industry and warehouse or distribution centres</p>	<p>Yes</p>	<p>The maximum car parking spaces permitted per land use are:</p> <ul style="list-style-type: none"> <li>• Industrial: 98 spaces</li> <li>• Warehouse: 4 spaces</li> <li>• Commercial/ office: 43 spaces</li> <li>• Retail: 18 spaces</li> <li>• Total: 163 spaces</li> </ul> <p>The application proposes the following:</p> <ul style="list-style-type: none"> <li>• Light Industrial: 99 spaces</li> <li>• Warehouse: 4 spaces</li> <li>• Commercial/ office: 35 spaces</li> <li>• Retail: 10 spaces</li> <li>• Storage: 10 spaces</li> <li>• Total: 158 spaces.</li> </ul> <p>The proposal exceeds the permitted industrial car parking spaces by 1 space. A condition is recommended to reallocate this space.</p> <p>Self-storage premises are not a prescribed land use under the Division 1 car parking ancillary to development. The proposal provides 10 spaces for the self-storage premises. The submitted Transport Assessment notes this rate aligns with the 'Parking and Traffic Study' for Self-Storage Association of Australia.</p> <p>The proposal complies with the total maximum car parking spaces permitted at the site. The proposed 10 car parking spaces for self-storage premises is considered suitable for the site.</p>

Provision	Compliance	Comment
		The proposal therefore complies with the requirement.
Division 3 Affordable housing		
7.13 Contribution for the purpose of affordable housing	Yes	A contribution for the purpose of affordable housing applies to the development, as the proposal involves the erection of a new building with more than 200 sqm of gross floor area.  A condition of consent is recommended to reflect this.
Division 4 Miscellaneous		
7.14 Acid Sulfate Soils	Yes	The majority of the site is identified as Class 5 land on the Acid Sulfate Soils Map. A small portion of the rear of the site is identified as Class 3 land. No works within the Class 3 land more than 1m below the ground level are proposed. The proposal is unlikely to lower the water table in the adjacent class below 1 metres AHD.  Accordingly, an acid sulfate soils management plan is not required.
7.16 Airspace operations	Yes	The proposed development will penetrate the Obstacle Limitation Surface as shown on the Obstacle Limitation Surface Map for Sydney Airport.  The application was referred to Sydney Airport and an authority of the Civil Aviation Safety Authority provided approval for the controlled activity on 1 May 2024. Refer to 'External Referrals' section below.
7.20 Development requiring or authorising preparation of a development control plan	Yes	The proposed building is located outside of Central Sydney, with a site area that exceeds 5,000sqm. The proposal is not primarily for commercial premises, therefore the preparation of a development control plan is not required.
7.23 Large retail development outside of Green Square Town	Yes	Development consent must not be granted to development on land to which

Provision	Compliance	Comment
Centre and other planned centres		<p>this clause applies for the purposes of shops or markets with a gross floor area greater than 1,000 square metres.</p> <p>The proposal includes 'shops'; 'food and drink premises'; and 'specialised retail premises' tenancies along the Doody Street frontage with a maximum gross floor area of 879.7 sqm and complies.</p>
7.25 Sustainable transport of southern employment land	Yes	<p>The site is located in close proximity to numerous public transport services and is well located in relation to the growing local employment centres. Provision is made for bicycle parking and end of trip facilities for workers and visitors at the site. The proposed development appropriately promotes sustainable transport use.</p> <p>The submitted Transport Impact Assessment prepared by JMT Consulting accompanies the subject application and has examined the impact of the traffic generation associated with the proposed development. Following an assessment of the traffic generation that will be generated by the proposal as well as the performance of the local road network, the traffic assessment concludes that the proposal will not result in any unreasonable impact to the performance of the surrounding road network.</p>
7.33 Sustainability requirements for certain large commercial development	Yes	<p>Notwithstanding 7.20 above, the proposal meets the trigger in the controls for large commercial development as the total area of offices will equate to approximately 3100sqm across the site.</p> <p>The development satisfies the requirements of the sustainability requirements for large commercial development.</p> <p>Refer to SEPP (Sustainable Buildings) and discussion section.</p>

## Development Control Plans

### Sydney Development Control Plan 2012

50. 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

51. The site is located within the Enterprise Corridor locality. The proposed development is in keeping with the unique character and the design principles of the Enterprise Corridor locality. Specifically, the proposal:

- (a) The commercial, light industrial, maker spaces, self-storage premises and warehouse uses will provide a range of employment opportunities and amenity to the wider community.
- (b) The ground floor retail tenancies will create an active street frontage to Doody Street.
- (c) The proposal also provides land dedications which will form part of the Liveable Green Network along the canal area to increase permeability and encourage walking and cycling.

#### Section 3 – General Provisions

Provision	Compliance	Comment
3.1 Public Domain Elements	Yes	The proposed development will make a positive contribution to the public domain. The proposal will deliver a through- site link along the eastern side boundary and will contribute to the Liveable Green Network along the Alexandra canal tributary at the rear of the site.
3.2. Defining the Public Domain	Yes	<p>The proposed development will contribute positively to the streetscape, as the proposal will replace a vacant and overgrown site with a high quality architecturally designed development and substantial landscaping.</p> <p>The design of the proposed development responds to the emerging character of Doody Street and the Southern Enterprise area. The ground floor retail tenancies along Doody Street will provide amenity to the community and activate the street.</p>

Provision	Compliance	Comment
		The proposal was referred to the City's Public Domain Unit who have recommended appropriate conditions.
3.4 Hierarchy of Centres, City South	Yes	The proposed retail tenancies along Doody Street will activate the public domain and provide for convenient shopping opportunities within walking distance of homes and workplaces.
3.5 Urban Ecology	Yes	<p>The proposed development seeks to remove 15 trees to accommodate the new development. The proposal will provide site wide landscaping including planting of 119 new trees which will support the urban ecology.</p> <p>The proposal was referred to the City's Tree Management Unit who have recommended appropriate conditions to protect the trees to be retained.</p>
3.6 Ecologically Sustainable Development	Yes	The development satisfies the requirements of the sustainability requirements for large commercial development. Refer to SEPP (Sustainable Buildings) and discussion section.
3.7 Water and Flood Management	Yes	<p>The site is identified as being on flood prone land. The proposal has been designed to the flood planning level and is acceptable in terms of flood planning.</p> <p>A condition of consent is recommended that requires connection to Council's stormwater drainage system.</p>
3.11 Transport and Parking	Yes	<p>The proposed 158 car parking spaces complies with the SLEP 2012 requirements. The submitted Transport Assessment Report concludes that the proposed development would not result in any unreasonable impact to the performance of the surrounding road network.</p> <p>Five accessible car parking spaces are provided on the site, which exceeds the NCC requirements under Part D4 for</p>

Provision	Compliance	Comment
		<p>one accessible parking space for every 100 regular spaces.</p> <p>The DCP requires the 48 staff bicycle spaces and 17 visitor bicycle spaces. The proposal provides a bicycle space within each warehouse unit (96 total), 26 spaces for office and retail staff and 20 bicycle spaces at ground level for visitors at the site, which exceeds the DCP requirements.</p> <p>The proposal also provides an end of trip facility within the Basement Level 1.</p> <p>The proposal maintains a singular crossover at Doody Street which reflects the existing site conditions.</p> <p>Schedule 7 of the DCP requires 1 service vehicle space to be provided per 3,300sqm of commercial GFA, and 1 space per 700sqm industry and warehouse GFA, which equates to 20 service vehicle spaces. The proposal provides four loading zones across three levels and is considered sufficient for the servicing requirements for the development.</p> <p>No motorcycle parking is provided on site.</p>
3.12 Accessible Design	Yes	A condition is recommended to provide appropriate access and facilities for persons with disabilities in accordance with the DCP and the NCC.
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	<p>The submitted Waste Management Plan and architectural plans show a waste room located at the northern end of the site which will accommodate general waste, bulky waste and industrial waste storage.</p> <p>Waste collection will be undertaken via a private contractor utilising a vehicle</p>

Provision	Compliance	Comment
		<p>similar to an 8.8m long Medium Rigid Vehicle (MRV). Swept paths for a MRV accessing the loading area are shown in the Transport Assessment Report, confirming an acceptable arrangement for waste collection.</p> <p>A condition is recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.</p>
3.17 Contamination	Yes	The submitted Detailed Site Investigation concludes the site can be made suitable for the proposed use subject to the recommendations in Section 10 of the report. Council's Health Unit have reviewed the information provided and recommend conditions of to ensure compliance with the recommendations.

## 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	No	<p>The site is subject to a 4 storey building height control The proposed development is 5 storeys.</p> <p>The amended proposal has provided vertical articulation to reduce the visual bulk of the development. There is no additional adverse amenity impact arising from the additional fifth storey, and the building height complies within the 20.7m SLEP 2012 height control.</p> <p>See further details under the sub-heading Built Form and Urban Design in the 'Discussion' section below.</p>
4.2.1.2 Floor to ceiling heights and floor to floor heights	Yes	The DCP requires the following minimum floor to ceiling heights for the proposed development:



Provision	Compliance	Comment
		<ul style="list-style-type: none"> <li>Ground level – 4.5m</li> <li>First floor and above commercial – 3.6m</li> </ul> <p>The proposal provides a 5.5m floor to floor height at the ground level, and 3.8m floor to floor heights at the storeys above and complies with the requirement.</p>
4.2.2 Building setbacks	Yes	<p>The building setback and alignment map does not specify setbacks at the site. The DCP requires setbacks consistent with the adjoining buildings. The two adjoining buildings are built to the front boundary.</p> <p>The proposal provides a 6m landscaped front setback to Doody Street. This setback is considered appropriate considering the scale of the site and the proposed development.</p>
4.2.3 Amenity		
4.2.3.1 Solar access	Yes	There are no residential dwellings in proximity to the site.
4.2.3.5 Landscaping	Yes	The submitted landscape plans show substantial landscaping across the site, including trees and native species.
4.2.3.6 Deep Soil	Yes	The proposal provides 1,859.3 sqm of deep soil area, which equates to 15.3% of the site area and exceeds the requirements.
4.2.6 Waste and recycling Management	Yes	<p>The submitted Waste Management Plan and architectural plans show a common bin storage area within the basement and sufficient space within each tenancy to store waste.</p> <p>A condition is recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.</p>

Provision	Compliance	Comment
4.2.7 Heating and cooling infrastructure	Yes	The submitted Net Zero Statement confirms the building will be capable of satisfying Net Zero requirements including high-efficiency heating, ventilation and air-conditioning systems equipped with efficient HVAC control.

## Section 5 – Specific Areas

### Section 5.8 Southern Enterprise Area

Provision	Compliance	Comment
5.8.3.2 Building height	No	<p>The site is subject to a 4 storey building height control. The proposed development is 5 storeys</p> <p>As noted in Section 4.2.1 above, the amended proposal has provided vertical articulation to reduce the visual bulk of the development. There is no additional adverse amenity impact arising from the additional fifth storey, and the height complies with the 20.7m Sydney LEP 2012 height control.</p> <p>See further details under the sub-heading Built Form and Urban Design in the 'Discussion' section below.</p>
5.8.3.3 Building alignment and setbacks	Yes	<p>The building setback and alignment map does not specify setbacks at the site. The DCP requires a landscape setback open to the sky of 6m between the building and the street boundary. The proposal provides a 6m landscaped front setback to Doody Street.</p> <p>A 6m wide setback is proposed along the eastern side boundary to accommodate the through-site link. A nil setback with landscaped pop outs is proposed along the western side boundary.</p> <p>No fences are proposed within the front setback areas. The proposal complies with the requirements.</p>

Provision	Compliance	Comment
5.8.2.4 Active frontages and street level design	Yes	<p>The site is not identified on the Active Frontage Map. The proposal provides ground floor retail tenancies that will activate Doody Street.</p> <p>The amended landscape design along the Liveable Green Network design provides activation and passive surveillance at the rear of the site.</p>
5.8.2.5 Building layout and design	Yes	<p>The proposed design incorporates masonry to reflect the historical character of Alexandria. The glazing will provide amenity to future occupants of the building and breaks down the massing of the building.</p> <p>The building design achieves high levels of natural lighting and ventilation due to the positioning of the building and the scale of the site and development.</p> <p>The rooftop solar panels are generally concealed within the roof form.</p>
5.8.3.6 Landscape and fencing	Yes	<p>The proposal provides 1,859.3 sqm of deep soil area, which equates to 15.3% of the site area and meets the 15% deep soil requirement. Deep soil planting is provided along the Doody Street frontage and will accommodate substantial tree planting. No fences are proposed along the Doody Street frontage.</p> <p>The proposal provides communal open space along the Liveable Green Network and through-site link including tables and chairs, landscaped areas and paving.</p>
5.8.3.7 Parking, access and loading and servicing	Yes	<p>The proposed car parking is integrated within the form of the principal building and will not be visible from the primary street frontage. All vehicular access is via a single driveway on Doody Street and all vehicles are able to enter and exit the site in a forward direction.</p> <p>All servicing including garbage collection will be carried out within the site. The</p>

Provision	Compliance	Comment
		submitted Transport Assessment Report confirms that the car parking design provides for circulation and manoeuvring of vehicles in accordance with the relevant Australian Standards.
5.8.3.9 Storage areas	Yes	All storage areas are proposed within the building and will not create additional visual or environmental impacts.
5.8.4.1 Public open space	Yes	The public open space map does not specify a requirement for the provision of public open space on the site.
5.8.4.2 Street, pedestrian and cycle network	Yes	<p>The through-site link map identifies the requirement for a through-site link along the eastern side boundary. The proposal provides a 6m wide through-site link along this boundary to be dedicated to Council.</p> <p>The through-site link is level with the adjoining footpath and provides 450mm wide awnings along the industrial unit openings. This complies with Schedule 4(1) of the DCP which allows a maximum projection of 450mm over the footpath.</p>
5.8.4.3 Liveable Green Network	Yes	<p>The stormwater channel (subject to Sydney Water Easement) that traverses the southern portion of the site forms part of the 'Liveable Green Network'. A 10m setback is required measured from the edge of the open channel on both sides of the channel. The proposal provides a 10m setback from the canal edge and will deliver this component of the 'Liveable Green Network' as envisaged by the DCP.</p> <p>The proposed land uses along the 'Liveable Green Network' achieve 50% active frontages which exceeds the 25% requirement.</p>
5.8.4.4 Public domain in the Enterprise corridor	Yes	As outlined above, the proposal seeks to dedicate the eastern side boundary

Provision	Compliance	Comment
		<p>through-site link and the 'Liveable Green Network' area to Council.</p> <p>Accordingly, the development may utilise the additional building height in accordance with Clause 6.28 of the Sydney LEP 2012.</p>
5.8.5 Managing transport demand	Yes	<p>The submitted Transport Assessment concludes the proposed development will not create unreasonable impacts to the performance of the surrounding road network.</p> <p>The site is in close proximity to numerous public transport services. End of trip facilities with bicycle parking are provided within Basement Level 1.</p> <p>Visitor bicycle parking is provided along the Doody Street frontage at the through-site link entry and at the rear of the site along the 'Liveable Green Network', to encourage active transportation options.</p> <p>The proposed development appropriately promotes sustainable transport use.</p>
5.8.6.1 Stormwater management and waterways	Yes	<p>All ground floor levels, pedestrian and vehicular entry comply with the identified flood planning levels.</p> <p>A flood report accompanies the application demonstrating the development is able to comply with the City's Interim Floodplain Management Policy and satisfies the provisions of the standard.</p> <p>A condition of consent is recommended requiring the compliance with the flood planning levels.</p>
5.8.7.2 Urban ecology	Yes	<p>The proposal retains 10 trees identified as high retention value and proposes significant tree planting along the Doody Street frontage, the through-site link and the 'Liveable Green Network'.</p>

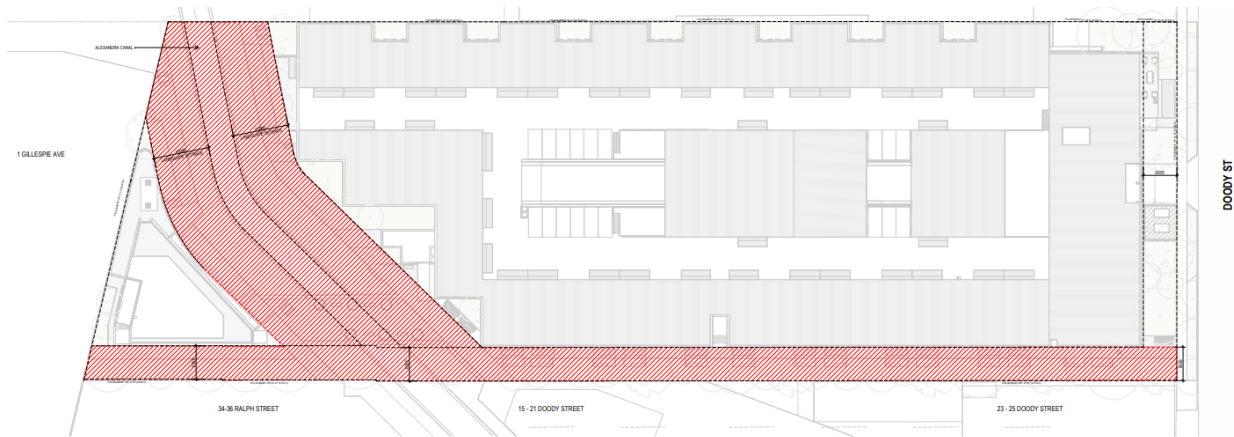
## Discussion

### Built Form and Urban Design

52. The site is permitted a maximum building height of four storeys under the Section 5.8 Southern Enterprise Area controls in the SDCP 2012.
53. A majority of the principal warehouse form is four storeys. However, due to lower floor to floor heights required for the office component, the proposal is able to provide five commercial storeys facing Doody Street. The proposal is supported by Council for the following reasons:
  - (a) The proposal complies with the 20.7m maximum height the site-specific clause 6.28 of the Sydney LEP 2012.
  - (b) The amended proposal has provided vertical articulation to the façade to reduce the visual bulk of the development and make it appear from Doody Street as a 4-storey building.
  - (c) There are no additional adverse amenity impact arising from the additional fifth storey, in terms of overshadowing or privacy impacts.
  - (d) There is no established four storey character within the visual catchment of the site which would warrant strict compliance with the four storey control.

### Voluntary Planning Agreement

54. The applicant has made a written offer to Council to enter into a Voluntary Planning Agreement (VPA). The public benefits in the draft VPA include:
  - (a) Construction and dedication of a 6 metre wide through-site link along the eastern boundary of the site (total area of 1,175.4 sqm).
  - (b) Dedication of the stormwater channel (maintaining the Sydney Water Easement) which runs through the southern end of the site from the eastern boundary to the western boundary.
  - (c) Construction and dedication of a 10 metre landscape strip on either side of the Canal which runs through the southern end of the site, from the eastern boundary to the western boundary, as illustrated in the Proposed Dedication Plan extracted below.
55. The Public Benefit Offer is set out in Attachment C to this report. The proposed dedication plan is extracted below (with 2,840.9 sqm of land to be dedicated indicated in red hatching).



**Figure 21:** Land Dedication Plan

56. The application is recommended for deferred commencement approval to require the draft VPA to be publicly exhibited, for submissions to be considered and for the owner of the site to execute the planning agreement and register it on title before the consent becomes operative.
57. This will ensure that the consent cannot be acted upon without assurance that the public benefits will be delivered in accordance with the provisions of this agreement.

### Sustainability

58. The proposal meets the ecologically sustainable development requirements in the Sustainable Buildings SEPP and SDCP 2012.
59. The building can achieve a 5.5 Star NABERS Energy rating plus an additional 25% for the Base Building. This is equivalent to a 5.95 Star NABERS Energy performance considering contingency buffers based on off-axis scenarios.
60. A Net Zero Statement has been submitted that confirms the building will be capable of satisfying Net Zero requirements.
61. The peak electricity reduction will be achieved through:
  - (a) Roof mounted solar photovoltaic system of a minimum 70kW capacity.
  - (b) High-efficiency lighting systems equipped with efficient lighting control
  - (c) High-efficiency heating, ventilation and air-conditioning systems equipped with efficient HVAC control
  - (d) High-efficiency hot water system.

### Consultation

#### Internal Referrals

62. The application was discussed with Council's;
  - (a) Building Services Unit;

- (b) Environmental Health Unit;
- (c) Environmental Projects Unit;
- (d) Landscaping;
- (e) Planning Agreements;
- (f) Public Domain Unit;
- (g) Surveyors;
- (h) Transport and Access Unit;
- (i) Tree Management Unit; and
- (j) Urban Design Unit;
- (k) Waste Management Unit.

63. The above advised that the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in Attachment A.

## External Referrals

### Ausgrid

64. Pursuant to Section 2.48 of the SEPP (Transport and Infrastructure) 2021, the application was referred to Ausgrid for comment.
65. A response was received raising no objections to the proposed development.

### Sydney Airport

66. Section 182 of the Commonwealth Airports Act 1996 specifies that, amongst other things, constructing a building or other structure that intrudes into a prescribed airspace is a controlled activity.
67. Section 183 of the Commonwealth Airports Act 1996 specifies that controlled activities may not be carried out in relation to prescribed airspace unless an approval has been granted. The relevant approval body is the Civil Aviation Safety Authority (CASA).
68. The Sydney Airport Airfield Design Manager, as an authorised person of the CASA, provided approval for the controlled activity on 1 May 2024.

### Transport for NSW

69. Pursuant to Section 2.122 of the SEPP (Transport and Infrastructure) 2021, the application was referred to Transport for NSW (TfNSW) for comment.
70. Comments were received on 21 May 2024. TfNSW notes the site fronts Doody Street which is a local road under the care and control of Council. TfNSW raises no objections to the proposed development as it is unlikely to have a significant impact on the classified road network.



**Water NSW**

71. Pursuant to the Water Management Act 2000, the application was referred to Water NSW for concurrence.
72. General Terms of Approval were issued by Water NSW on 17 June 2024 and have been included in the schedules within the recommended conditions of consent.

**Sydney Water**

73. The application was referred to Sydney Water for comment. Comments were received on 17 June 2024.
74. A response was received raising no objections to the proposed development. Conditions have been included in the Schedule 4 of the recommended conditions of consent.

**Advertising and Notification**

75. In accordance with the City of Sydney Community Participation Plan 2024, the proposed development was notified for a period of 28 days between 30 April 2024 and 29 May 2024. A total of 125 properties were notified and one submission was received.
76. The submission raised the following issue:
  - (a) **Issue:** The submitter supported the development in principle but raised concerns about car parking availability during the construction phase and the potential for construction workers to park within their site.
  - (b) **Response:** A condition has been included in the recommended conditions of consent requiring the preparation of a Construction Traffic Management Plan to be prepared and submitted to Council for approval prior to the Construction Certificate. The Construction Traffic Management Plan will outline car parking arrangements for workers to manage any potential car parking impacts during the construction phase.

**Financial Contributions****Contribution under Section 7.11 of the EP&A Act 1979**

77. The City of Sydney Development Contributions Plan 2015 applies to the site. The development is subject to a section 7.11 local infrastructure contribution under this Plan.
78. A condition relating to this local infrastructure contribution has been included in the recommended conditions of consent. The condition requires the contribution to be paid prior to the issue of a construction certificate.

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

79. The City have reviewed Section 7.32 of the Environmental Planning and Assessment Act 1979 and are satisfied the proposal meets the requirements of Section 7.32(1).

80. The site is located within the the Southern Employment Lands affordable housing contribution area. As the proposed development includes additional floor space, a contribution is required at a rate of \$11,176.22 per square metre of total non-residential floor area 21,511.2 sqm, totalling \$2,404,139.51.
81. A condition of consent is recommended requiring payment prior to the issue of a construction certificate.

### **Housing and Productivity Contribution**

82. The development is subject to a Housing and Productivity Contribution (Base component) under the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.
83. The site is located with the Greater Sydney region, the development is a type of commercial and industrial development to which the Housing and Productivity Contribution applies, and the development is not of a type that is exempt from paying a contribution.
84. A condition relating to the Housing and Productivity Contribution has been included in the recommended conditions of consent.

### **Relevant Legislation**

85. Environmental Planning and Assessment Act 1979.
86. Water Management Act 2000.

### **Conclusion**

87. The application for the construction of a 5 storey mixed-use development comprising commercial, light industrial, maker spaces, warehouse and self-storage units has been assessed in accordance with the relevant planning controls.
88. The proposal is generally consistent with the applicable planning provisions including the 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.
89. As a result of the design modifications made to the scheme, the amended proposal is of a high standard of architectural design, materials and detailing. The built form is consistent with the existing and future desired character of the Southern Enterprise Area and Alexandria area.
90. The proposal will support a significant increase in employment floor space within a location identified for this purpose. The ground floor retail tenancies along Doody Street will provide amenity to the community and activate the street.
91. The proposal will contribute to the activity, safety and amenity of new and existing streets and the public domain. The proposal will make a significant contribution to the public domain through the public domain works and a total land dedication of 2,840.9 sqm for the through-site link and the Liveable Green network, in accordance with the Sydney DCP 2012 requirements.

92. The proposal is Integrated Development under the Water Management Act 2000, requiring approval from WaterNSW. General Terms of Approval were received from WaterNSW on 17 June 2024.
93. For these reasons it is recommended that authority be delegated to the CEO to determine the application, following the conclusion of the public exhibition of the draft VPA and considering any public submissions received in response. It is recommended that the CEO consider granting deferred commencement development consent subject to the recommended conditions requiring the VPA to be executed and registered on title prior to the consent becoming operative.

**GRAHAM JAHN, AM**

Chief Planner / Executive Director City Planning, Development and Transport

Georgia McKenzie, Senior Planner