

Item 5.**Modification Application: 330 Botany Road, Alexandria, D/2021/1484/A**

File No.: D/2021/1484/A

Summary**Date of Submission:** 17 July 2024

Amended plans received 4 October 2024

Applicant: City West Housing**Architect/Designer:** AJC Architects**Developer:** City West Housing**Owner:** City West Housing**Planning Consultant:** Ethos Urban**Cost of Works** \$119,609,875**Zoning:** E3 Productivity Support

Proposal Summary: S.4.55(1A) application seeks to modify the concept approval (D/2021/1484), by expanding the building envelope for the mixed-use development comprising retail, commercial, and affordable housing, and identify specific trees for removal.

The proposed amendments to the concept approval under D/2021/1484 will align with the envelope of the AJC Architects winning scheme from the Competitive Design Alternatives Process and the detailed design proposed in development application D/2024/581.

This application, D/2021/1481/A, falls under the delegation of the Central Sydney Planning Committee (CSPC) as the cost of works of the development exceeds \$50 million. The detailed design development application D/2024/581 is also referred to the CSPC so that both applications can be considered concurrently.

- Summary Recommendation:** The Section 4.55(1A) modification application is recommended for approval, subject to the modified conditions.
- Development Controls:**
- Environmental Planning and Assessment Act 1979
 - Environmental Planning and Assessment Regulations 2021
 - State Environmental Planning Policy (Housing) 2021
 - State Environmental Planning Policy (Resilience and Hazards) 2021
 - State Environmental Planning Policy (Transport and Infrastructure) 2021
 - State Environmental Planning Policy (Biodiversity and Conservation) 2021
 - State Environmental Planning Policy (Planning Systems) 2021
 - Sydney Local Environmental Plan 2012 (SLEP 2012)
 - Sydney Development Control Plan 2012 (SDCP 2012)
- Attachments:**
- A. Recommended Modified Conditions of Consent
 - B. Modified Building Envelope Plans
 - C. S.4.55(1A) Statement of Environmental Effects

Recommendation

It is resolved that consent be granted to Section 4.55(1A), Application Number D/2021/1484/A subject to the amendment of Condition no.2,15 and 21, as follows.

Modifications are shown in ***bold italics*** (additions) and ~~strikethrough~~ (deletions).

2. APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2021/1484 dated 20 December 2021 and the following drawings prepared by ~~SJB~~ **AJC** Architects:

Drawing Number	Drawing Name	Date
SK-0103E / 14 <i>DA0103E Rev 18</i>	Envelope – Site Plan	29/05/2023 <i>08/07/2024</i>
SK-0501E / 11 <i>DA0501E Rev 12</i>	Envelope – Elevation – East and West	24/05/2023 <i>08/07/2024</i>
SK-0502E / 17 <i>DA0502E Rev 18</i>	Envelope – Elevation – North and South	29/05/2023 <i>08/07/2024</i>
SK-0601E / 11 <i>DA0601E Rev 12</i>	Envelope - Sections	24/05/2023 <i>08/07/2024</i>

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

Reason

To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

15. DEEP SOIL

Deep soil must be provided in the locations illustrated on the drawing titled Envelope Site Plan, ~~SK-0103E~~ **DA0103E Rev 18**, prepared by ~~SJB~~ **AJC** and as modified in accordance with the DESIGN MODIFICATIONS – ENVELOPE DRAWING condition above. Deep soil zones must not be encumbered by structures within, above or below the zone except those constructed of lightweight materials such as timber decking or water permeable paving that allow for filtration of rainwater into the ground.

Reason

To ensure deep soil is provided in the detailed building design.

21. TREES IDENTIFIED FOR REMOVAL

- (a) For the purposes of the competitive design process and subsequent DA for the detailed design of the building the tree detailed in Table 1 below is identified for removal.
- (b) No consent is granted or implied for any tree removal works under this consent. Consent for tree removal must be sought under a subsequent DA for the detailed design of the building.

Table 1 – Tree Removal:

Tree No	Botanical (Common Name)	Location
5	Cupressus macrocarpa (Monterey Cypress Pine)	330 Botany Road
12	<i>Robinia pseudoacacia</i> (Black Locust)	330 Botany Road - fronting Botany Road.
13	<i>Corymbia citriodora</i> (Lemon Scented Gum)	330 Botany Road - fronting Botany Road.
14	<i>Eucalyptus botryoides</i> (Bangalay)	330 Botany Road - fronting Botany Road.
15	<i>Robinia pseudoacacia</i> (Black Locust)	330 Botany Road - fronting Botany Road.
16	<i>Eucalyptus microcorys</i> (Tallowood)	330 Botany Road - fronting Botany Road.

17	<i>Cinnamomum camphora</i> (Camphor Laurel)	330 Botany Road - fronting Botany Road.
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Reason

To identify trees that may be removed subject to any subsequent DA for the detailed design of the building.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The development as proposed to be modified is substantially the same as was originally approved under D/2021/1484 and is consistent with the requirements of Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979.
- (B) The development has been considered against the reasons given by the Central Sydney Planning Committee for the grant of consent that is to be modified, and the proposal is consistent and acceptable, as per Section 4.55(3) of the Environmental Planning and Assessment Act, 1979.
- (C) The proposed modification to the building envelope ensures that the detailed design development application (D/2024/581) is consistent with the concept approval to satisfy Section 4.24 of the Environmental Planning and Assessment Act, 1979.
- (D) The proposed modification to expand the building envelope will not contribute to any adverse amenity impacts to the public domain or adjoining properties and will be in keeping with the future character of the locality. The variation is reasonable and justified with regard to the detailed design development application D/2024/581.
- (E) The proposed building envelope is capable of accommodating a future building design which is capable of exhibiting design excellence in accordance with Clause 6.21C of the Sydney Local Environmental Plan 2012.

Background

1. The site has a legal description of Lot 10 DP 1247504, known as 330 Botany Road, Alexandria. It is irregular in shape with area of 6,709sqm. It has a frontage of 61.6m to Botany Road to the east, a frontage of 132.9m to the Green Square to Ashmore Connector (GS2AC) Road ('Ngamuru Avenue') to the south and a frontage of 32.5m to O'Riordan Street to the west.
2. The site benefits from development consent D/2021/1484, relating to the Stage 1 Concept Building Envelope approval. This approval involved a VPA and land dedication to the City of Sydney Council around the peripheries of the site at Botany Road, the GS2AC Road ('Ngamuru Avenue') and O'Riordan Street. It resulted in approximately 228.2sqm being dedicated to the City of Sydney.
3. Levels at the site fall from the south-east corner (RL 14.782) to its south-west corner (RL 10.687) by 4.095m.
4. The previously existing warehouse buildings were demolished between 2019 and 2020. The site has remained vacant since this time and used occasionally for stockpiles of materials and soil.
5. A right of carriageway 3.66m in width and approximately 17m to 19m in depth, affects the north-west corner of the site and benefits the adjacent property to the north at 18 O'Riordan Street. Other easements affect the site including an easement to drain water 0.55m wide which runs along the northern boundary with 18 O'Riordan Street.
6. To the north at 326-328 Botany Road is a low-rise warehouse building. This site has development consent (D/2021/700/B) for a 10-storey commercial building.
7. To the north-west at 16 and 18 O'Riordan Street are two 8-storey hotel developments.
8. To the east and off the eastern side of Botany Road is 377-495 Botany Road, Zetland, which is currently vacant.
9. To the south-east at the intersection of Botany Road and Geddes Avenue is 499 Botany Road which is a construction site for the building 'Alba', a 15-storey mixed use residential development undertaken by 'Bridgehill'.
10. To the south and off the southern side of Ngamuru Avenue is 338 Botany Road which is presently owned by the City with development consent (D/2019/87) for a Stage 1 concept development and pending / under assessment D/2024/273 for a Stage 2 detailed design of a 10-storey mixed use development included 111 affordable housing dwellings with ground floor commercial uses. St George Community Housing is the developer for this site.
11. The site is not identified as a heritage item. It is not in the vicinity of a heritage item, nor is it located within a heritage conservation area.
12. The site is located within flood prone land and subject to the Sydney Development Control Plan 2012 flood controls.
13. The site is located within the locality of North Alexandria, which is within both the Green Square urban renewal area and the Southern Enterprise Area. Its Botany Road frontage is within the Village Main Streets signage zone.

- 14. A site visit was carried out on 22 October 2024. Photos of the site and surrounds are below.



Figure 1: Aerial view of site and surrounds (Near Map September 2024)

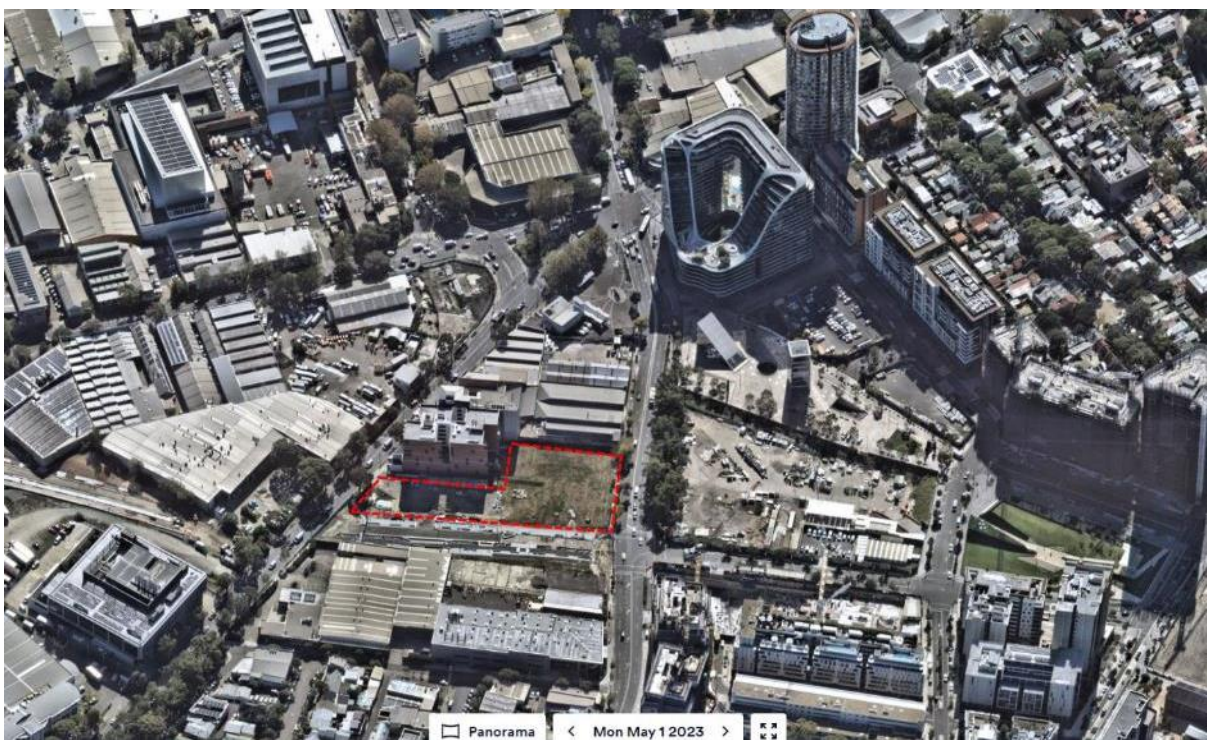


Figure 2: Aerial oblique view of site and surrounds (Near Map May 2023)



Figure 3: View looking west to the subject site across Botany Road



Figure 4: View looking west, at the eastern end of Ngamuru Avenue that separates the subject site and 338 Botany Road

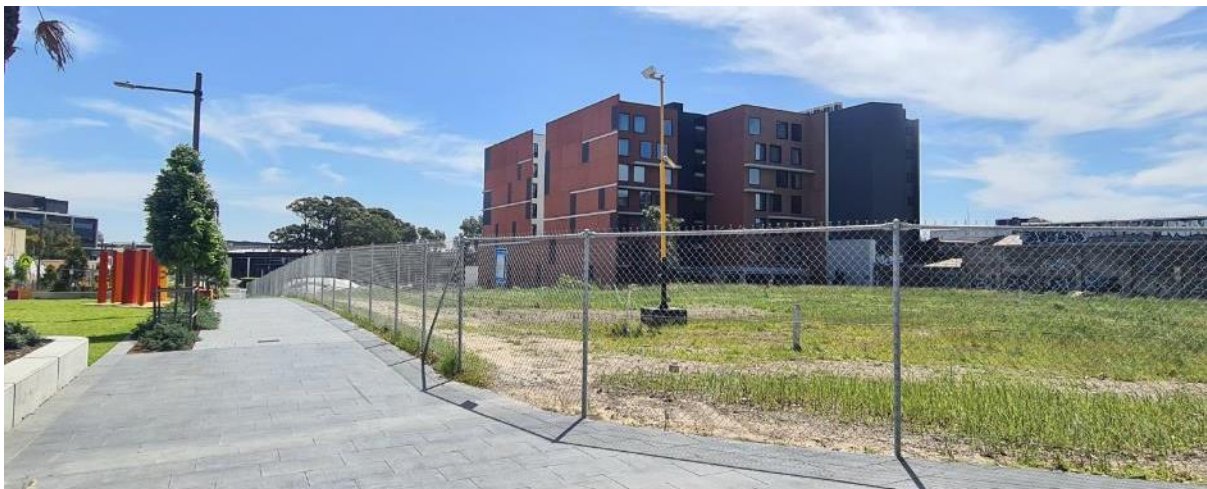


Figure 5: View looking west with the subject site fenced off, Ngamuru Avenue on the left and the Veriu Hotel at 18 O'Riordan Street in the background



Figure 6: View looking north, of the subject site fenced off



Figure 7: View looking west along Ngamuru Avenue, subject site (right) and 338 Botany Road (left)

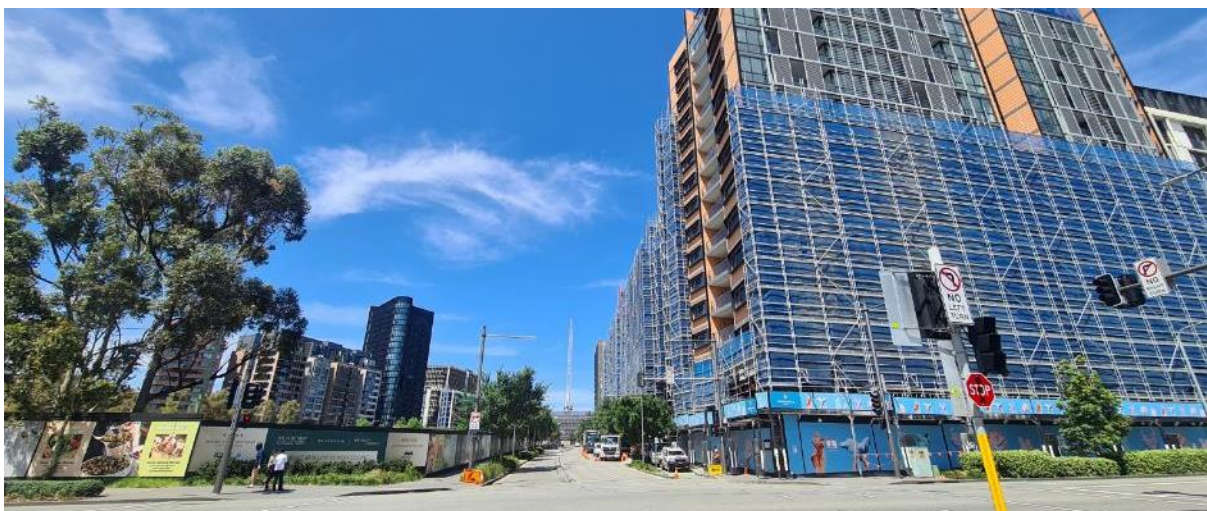


Figure 8: View looking east to 499 Botany Road, the 'Alba' development by 'Bridgehill'



Figure 9: View looking east over the subject site and to the Green Square Town Centre



Figure 10: View looking north over the subject site and to the Veriu Hotel at 18 O'Riordan Street

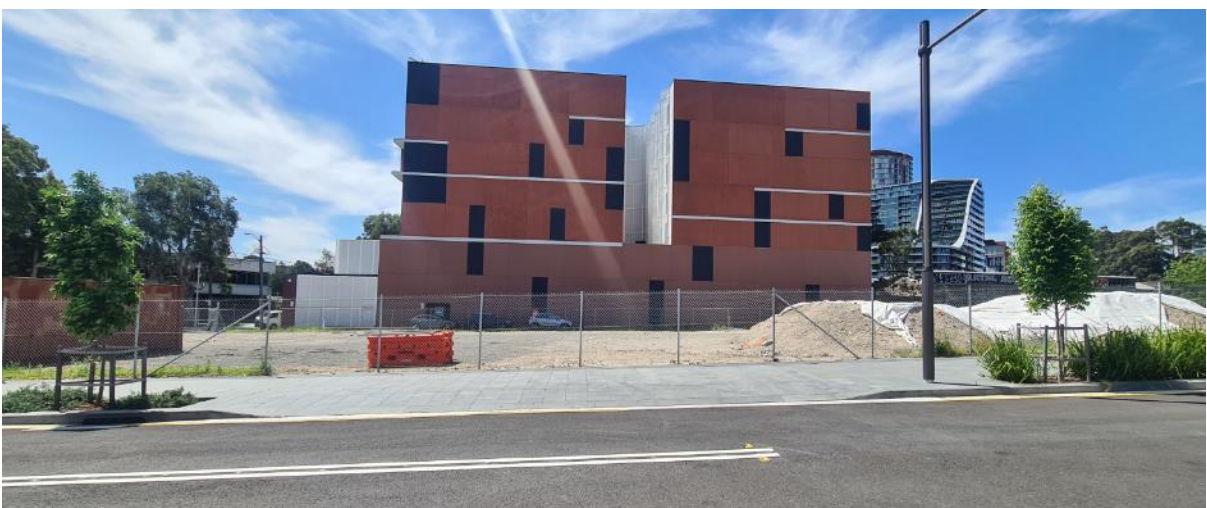


Figure 11: View looking north at the driveway access to Ngamuru Avenue



Figure 12: View looking east at the site's western frontage to O'Riordan Street



Figure 13: View looking east at the subject site's existing driveway access at O'Riordan Street

History Relevant to the Development Application

Development Applications

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

- **Planning Proposal:** minor Policy and Housekeeping Amendment to Sydney Local Environmental Plan 2012
- On 30 November 2017 and 11 December 2017 respectively, the Central Sydney Planning Committee (CSPC) and the Council approved the Planning Proposal to amend the Floor Space Ratio (FSR) Map to reflect the redistribution of floor space to the individual development parcels to be created upon the subdivision of Council owned sites at:

- 94-104 Epsom Road (Epsom Road Depot) and 132-140 Joynton Avenue (Gunyama Park and Aquatic Centre), Zetland; and
- 330-338 Botany Road and 20 O’Riordan Street, Alexandria, located along the Ngamuru Avenue.
- These revised controls came into force once the site was subdivided, and other requirements were addressed.
- **D/2017/1341** - on 13 June 2018 development consent was granted for consolidation and subdivision of four existing lots in two stages:
 - Stage 1 to create 4 new lots - two for use as Affordable Housing Developments, one for a future road (Lot 11) and one as a small residual lot to be transferred; and
 - Stage 2 to dedicate Lot 11 as public road.
- **S/2018/58** - on 21 December 2018 subdivision certificates were issued for subdivision into four lots.
- **D/2021/1484** - on 12 September 2023 CSPC approved a deferred commencement development consent for the "concept approval for a building envelope for a mixed use development comprising retail and commercial uses and shop top housing for the purpose of providing affordable housing, with a vehicular access location from the Green Square to Ashmore Connector Road and public benefits including dedication of land for footpath widening to each of its three street frontages".
- **CMP/2021/3** - a Competitive Design Alternatives Process was held in October 2023. AJC Architects, EM BE CE Studio and SJB Architects were the three competitors. Final presentations to the selection panel (Lee Hillam of DunnHillam, Michael Zanardo of Studio Zanardo, John Carfi of Aqualand and Matthew Allen of Bates Smart) were made on 29 November 2023. The selection panel identified AJC Architects as the winning scheme in December 2023 (refer to Figure 14 for each competitor's Botany Road render).
- **PDA/2024/15**- a pre DA request was lodged with Council on 5 February 2024 for a "mixed-use development for affordable rental housing (240 apartments) with ground level retail/commercial". Council issued the PDA advice letter on 6 May 2024.
- **D/2021/1484/A** - the subject application was lodged with Council on 17 July 2024 to modify the approved concept building envelopes in accordance with the detailed Stage 2 design submitted for D/2024/581. This D/2021/1484/A is being assessed concurrently to this subject D/2024/581.
- **D/2024/581** - the Stage 2 detailed design DA was lodged with Council on 17 July 2024 for the "Stage 2 application for construction of two mixed use buildings 9 storeys to 12 storeys in height, with one level of basement, for the purpose of 255 affordable housing units and ground floor commercial/retail uses.



Figure 14: CMP/2021/3 competitor renders as viewed from Botany Road

Compliance Action

16. The site is not subject to any compliance action by Council.

Amendments

17. No amendments were requested during the assessment of this application.

Proposed Development

18. The Section 4.55(1A) application seeks consent for the following:

- Amendment / expansion of the approved building envelope, to accommodate lift over runs for Cores A, F, G and H.
- Amendment / expansion of the approved building envelope to accommodate parapets and/or external walls associated with the top-level floor of the western building which fronts the GS2AC Road.
- Identify additional trees for removal at the Botany Road frontage.
- Amendment to Conditions of consent as required given the above modifications.

19. Extracts of plans showing the amended building envelope are provided below and in full in Attachment B.

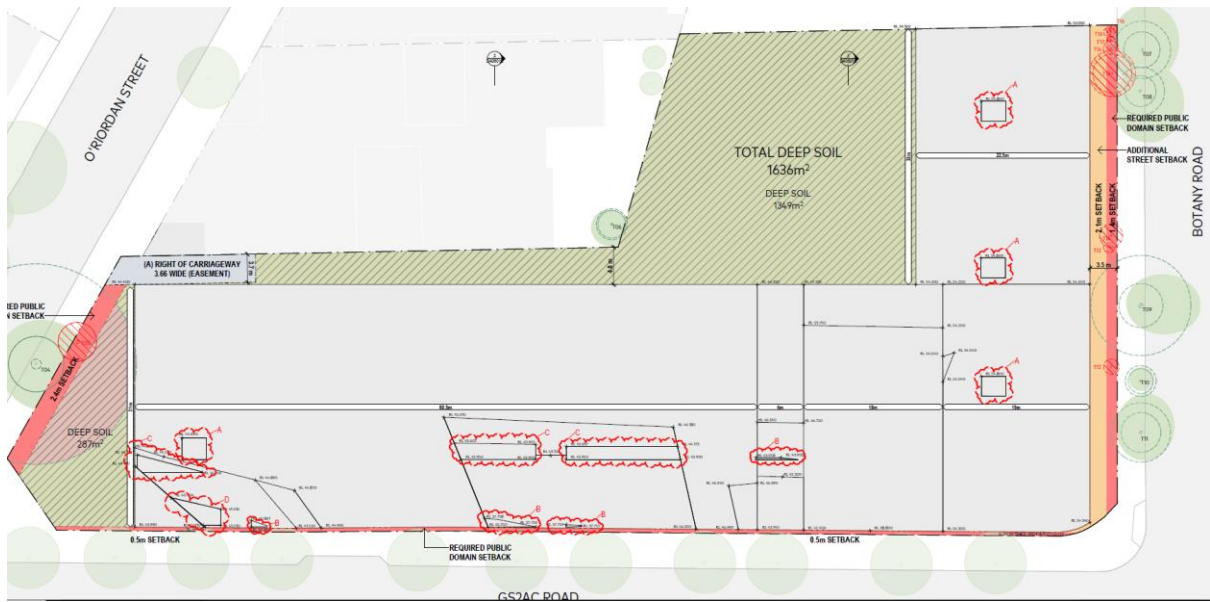


Figure 15: Proposed amended RLs to the building envelope clouded in red

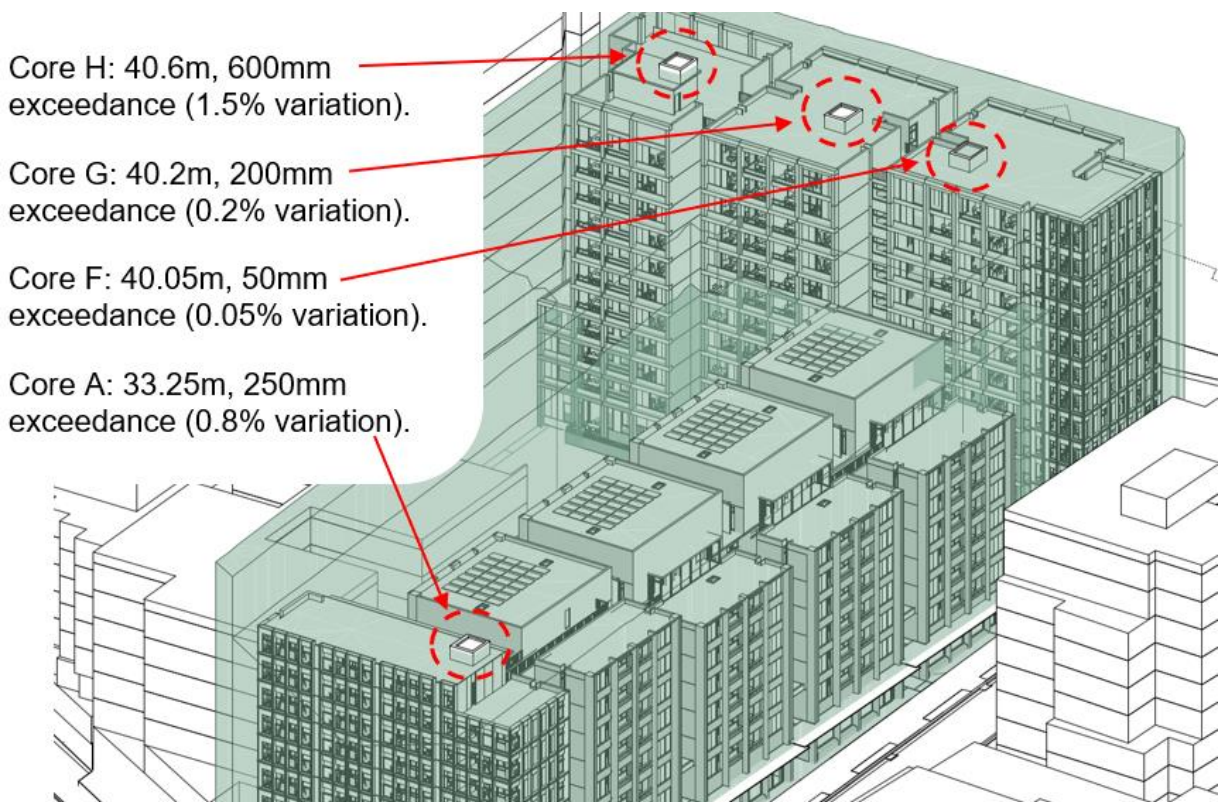


Figure 16: Encroachments above the Height of Building standard

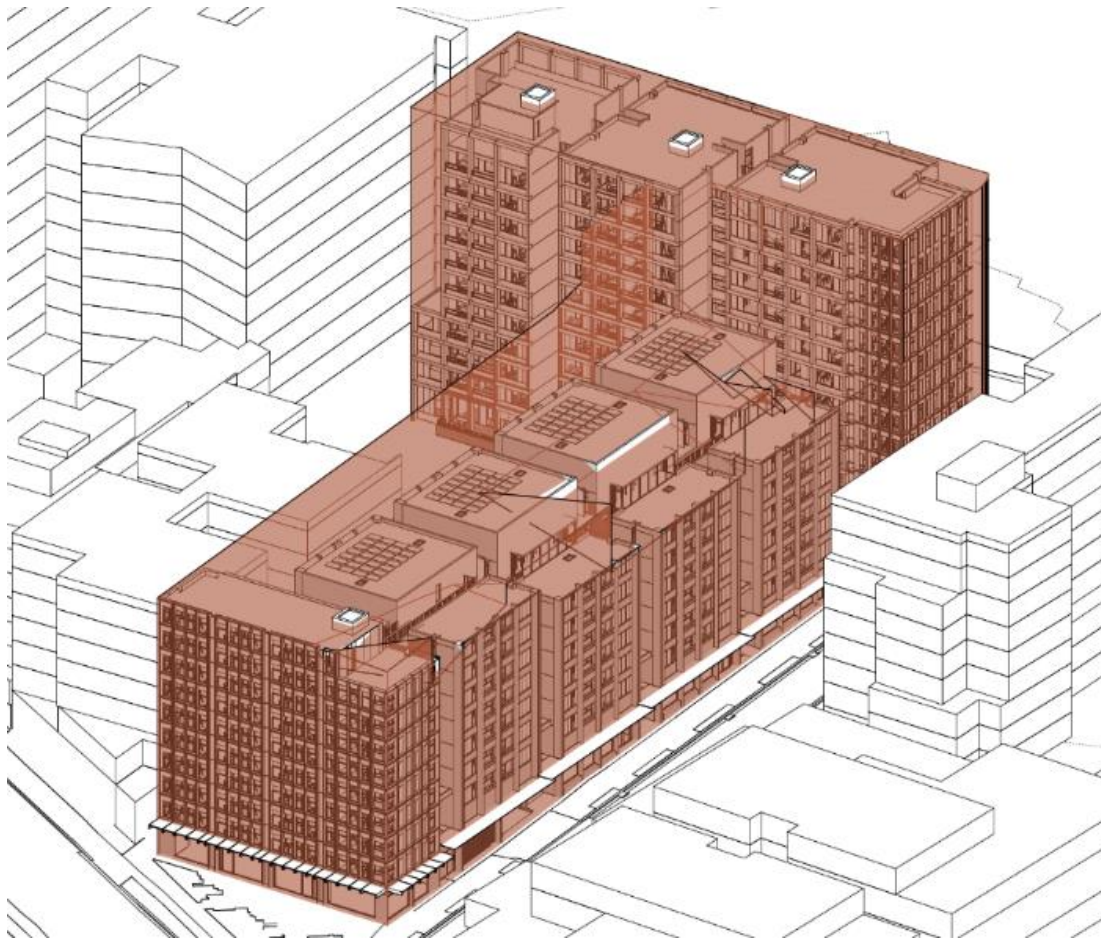


Figure 17: Proposed encroachments outside of the building envelope approved by D/2021/1484

Assessment

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

Environmental Planning and Assessment Act 1979

21. The development as proposed to be modified is substantially the same as that originally approved. The location and overall form of the building envelopes are consistent with the intent of the approved concept. The proposed modifications relate to the minor expansion of the concept building envelope and will still deliver the 10 to 12-storey mixed use development as approved by D/2021/1484.
22. The height and envelope changes are supported as they do not result in any distinguishable amenity impacts in terms of overshadowing or privacy.
23. In accordance with Section 4.55(1A), an assessment against the relevant provisions of Section 4.15(1) of the Environmental Planning and Assessment Act 1979 are provided under headings in the Discussion section below.

24. The development as proposed to be modified has satisfied Section 4.55(1A) of the EP&A Act, as below:
- S.4.55(1A)(a) - the development as proposed to be modified is of a minimal environmental impact.
 - S.4.55(1A)(b) - the development as proposed to be modified is substantially the same as the Concept development approved by D/2021/1484.
 - S.4.55(1A)(c) - the modification application does not require notification pursuant to the City of Sydney Community Participation Plan 2019.
 - S.4.55(1A)(d) - no submissions were received.
25. The development as proposed to be modified involves a minimal change to the approved D/2021/1484 building envelope. The modification is negligible and would be indistinguishable when viewed from the public domain or adjoining properties. The development use will remain consistent with the approved D/2021/1484 use, being a mixed-use development for retail, commercial and affordable housing.

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. Site investigations as part of the detailed Stage 2 design (D/2024/581) have been undertaken and concluded that there are contaminants at the site which will require remediation. D/2024/581 is subject to recommended conditions of consent that require the site to be remediated and subject to a Long-Term Environmental Management Plan.
34. The proposed modification to the Stage 1 Concept building envelope will not affect the recommended remediation measures.

State Environmental Planning Policy (Housing) 2021

35. The proposed development is for the purpose of affordable housing and to be under the management and operation of social housing provider - City West Housing.
36. The aim of SEPP (Housing) 2021 is to provide a consistent planning regime for the provision and maintenance of affordable rental housing and to facilitate the delivery of new affordable rental housing.
37. The proposed modification to the Stage 1 Concept building envelope remains consistent with the aims and objectives of the SEPP.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 and State Environmental Planning Policy (Sustainable Buildings) 2022

38. At the time of determination of D/2021/1484, the SEPP BASIX was the applicable SEPP.
39. This SEPP has now been repealed as the Sustainable Building SEPP 2022 applies.
40. The proposed modification to the Stage 1 Concept building envelope does not result in any material impact or changes when assessed against the aims and objectives of the BASIX SEPP 2004 or the Sustainable Building SEPP 2022.

Local Environmental Plans

Sydney Local Environmental Plan 2012

41. 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 a mixed-use development comprising residential accommodation development (affordable housing) and commercial and is permissible with consent in the zone via Clause 7.13A. The proposal meets the objectives of the zone.</p>

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	No	<p>The site contains two maximum permitted height of building standards, being 40m (W1 code) and 33m (U2 code).</p> <p>The proposed building envelope exceeds the height of building standard in isolated areas for the Core A, F, G, H lift shaft encroachments.</p> <ul style="list-style-type: none"> • Lift Core A is proposed at RL.45.0mAHD - height of 33.25m, a 250mm exceedance (0.8% variation),

Provision	Compliance	Comment
		<ul style="list-style-type: none"> • Lift Core F is proposed at RL.54.8mAHD - a height of 40.05m, which is a 50mm exceedance (0.05% variation), • Lift Core G is proposed at RL.54.8mAHD - a height of 40.2m, a 200mm exceedance (0.2% variation), • Lift Core H is proposed at RL.54.8mAHD - a height of 40.6m, a 600mm exceedance (1.5% variation).
4.4 Floor space ratio	Yes	<p>The site has an area of 6,709sqm inclusive of the land to be dedicated to Council.</p> <p>The site is permitted with a base FSR of 2:1. However the site also benefits from bonus FSR permitted by;</p> <ul style="list-style-type: none"> • SLEP 2012 Cl.6.14 Community Infrastructure - additional 1.5:1 • SLEP 2012 Cl.6.21 Design Excellence - additional 10% <p>Therefore, a maximum permitted FSR of 3.85:1 is permitted by SLEP 2012.</p> <p>The detailed design development proposed under D/2024/581 demonstrates that compliance with the maximum permitted FSR is achieved. The proposed amended building envelope is consistent with the proposed detailed design envelope.</p>

Part 5 Miscellaneous provisions

42. The proposed amendments to the building envelope do not affect compliance with the aims or objectives with any sections within Part 5 of the SLEP 2012.

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	Yes	<p>The proposed development is eligible for an additional floor space ratio of 1.5:1 for community infrastructure, being within the Area 9 locality.</p> <p>The concept DA D/2021/1484 and the associated VPA include the public benefit in the form of land dedications along all three street frontages; Botany Road, GS2AC Road and O’Riordan Street, and physical public domain works in those areas.</p> <p>The proposed modification to D/2021/1484 does not impact on compliance with this section.</p>
Division 4 Design excellence		
6.21 Design excellence	Yes	The modification to D/2021/1484 does not affect compliance with this section as the development is substantially the same as approved and demonstrates design excellence.
6.21D Competitive Design Process	Yes	<p>The site has been subject to a Competitive Design Alternatives Process (CMP2021/3) pursuant to Cl.6.21.</p> <p>AJC Architects, EM BE CE Studio and SJB Architects were the three competitors.</p> <p>The competition commenced on 13 October 2023, final presentations were made on 29 November 2023 to the selection panel, consisting of; Lee Hillam of DunnHillam, Michael Zanardo of Studio Zanardo, John Carfi of Aqualand and Matthew Allen of Bates Smart.</p> <p>The selection panel identified AJC Architects as the winning scheme in December 2023.</p> <p>The proposed modification to the building envelope is to bring the concept</p>

Provision	Compliance	Comment
		D/2021/1484 scheme into conformity with the CMP2021/3 winning scheme and the detailed design proposed under D/2024/581.

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 3 Affordable housing		
7.13 Affordable Housing	Yes	No S.7.13 contributions are levied under D/2021/1484.
7.13A Affordable Housing in Business Area	Yes	<p>This provision permits residential flat buildings or mixed-use developments for the purpose of affordable housing in business zones, where the development is to provide affordable housing, by or on behalf of a public authority or social housing provider, and the development is compatible with the surrounding area.</p> <p>The proposed mixed-use development with a commercial/retail ground floor and affordable housing units above, is 10-12 storey in height and is of a consistent bulk and scale and use with the surrounding area.</p>

Development Control Plans

Sydney Development Control Plan 2012

43. An assessment of the proposed development against the relevant provisions within the Sydney Development Control Plan 2012 has been undertaken in the assessment of D/2021/1484 for the Stage 1 Concept development and also D/2024/581 for the Stage 2 detailed design.
44. The proposed modifications to the building envelope and tree removal identification will not adversely impact on Section 2 - Locality Statement, Section 3 - General Provisions, Section 4 - Development Types, or Section 5 - Specific Areas of SDCP 2012. The amended development as proposed will remain consistent and substantially the same as the development proposed / approved by the Competitive Design Alternatives Process (CMP2021/3) and D/2021/1484.

Discussion

Encroachments Outside of the Approved D/2021/1484 Building Envelope and Height of Building Exceedance

45. The site is subject to two maximum height of building controls under Cl.4.3 of SLEP 2012, being 33m (U2) and 40m (W1) - see Figure 22.

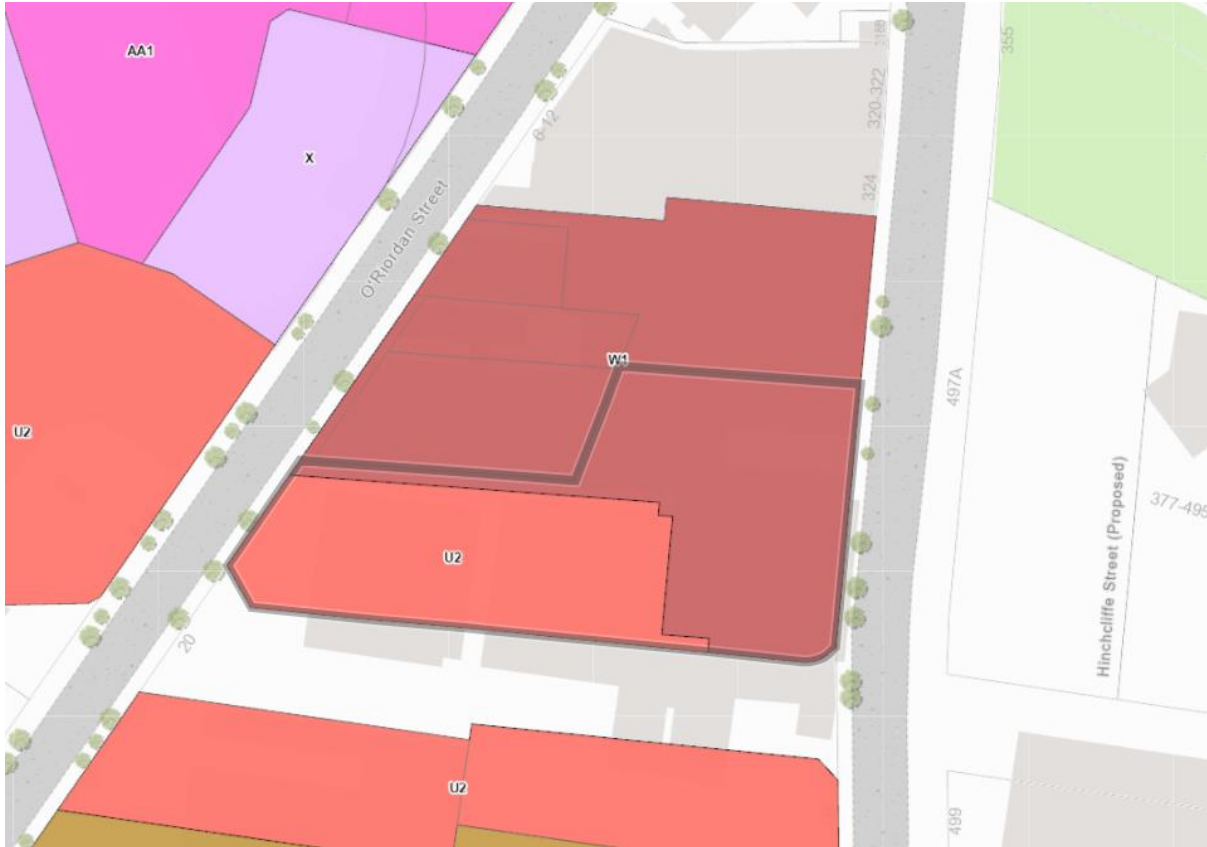


Figure 18: SLEP 2012 Height of Building mapping

46. The proposed modified building envelope exceeds the height of building standard in isolated areas for the Core A, F, G, H lift shafts.
- Lift Core A is proposed at RL.45.0mAHD - height of 33.25m, a 250mm exceedance (0.8% variation),
 - Lift Core F is proposed at RL.54.8mAHD - a height of 40.05m, which is a 50mm exceedance (0.05% variation),
 - Lift Core G is proposed at RL.54.8mAHD - a height of 40.2m, a 200mm exceedance (0.2% variation),
 - Lift Core H is proposed at RL.54.8mAHD - a height of 40.6m, a 600mm exceedance (1.5% variation).
47. The areas of height of building encroachment are shown at Figure 20.

48. The areas of the proposed modified envelope which encroach beyond the approved D/2021/1484 building envelope are shown at Figure 21.
49. The buildings fronting Botany Road (Cores F, G and H) are proposed to have a maximum RL.54.8mAHD for the lift shafts, where D/2021/1484 approved a maximum RL.54.34mAHD. The building fronting the GS2AC Road (Core A) is proposed to have a maximum RL.45.0mAHD, where D/2021/1484 approved a maximum RL.44.42mAHD.
50. These proposed, and approved, RLs are identifiable on the proposed and approved East and West Elevation Plans. The minor encroachment beyond the approved D/2021/1484 building envelope does not contribute to any adverse amenity impacts to adjoining development or to the public domain. The proposed modification is negligible in impact and would be indistinguishable from the approved envelope when viewed from the public domain or adjoining properties. The development use will remain consistent with the approved D/2021/1484 use, being a mixed-use development for retail, commercial and affordable housing.
51. As this modification application is made pursuant to Section 4.55(1A) of the EP&A Act, the applicant is not required to submit a Clause 4.6 variation request for the proposed variation to the height of building development standard. Notwithstanding this, the applicant has submitted a Cl.4.6 variation request for the detailed design proposed by D2024/581, which is being assessed and determined concurrently to this D/2021/1484/A application.
52. The proposed amendment to the D/2021/1484 building envelope is considered to be acceptable as there are no adverse impact arising from the modification and the amendment will bring the approved concept envelope into conformity with the winning scheme from the Competitive Design Alternatives Process (CMP2021/3).

Tree Removal

53. An Arboricultural Impact Assessment (AIA) Report prepared by Arterra dated 19 June 2024 has been submitted with this application.
54. Arterra had been previously engaged in October 2021 prior to lodgement of the Concept D/2021/1484 application, to undertake preliminary Arboricultural assessments of the site to identify any tree-related constraints and help guide the development.
55. Arterra was re-engaged in January 2024 to provide an updated assessment and re-confirm the health and condition of the existing trees and to account for any increase in sizes or additional trees that had grown within or immediately adjacent to the site over the last few years.
56. This updated assessment dated 19 June 2024 has identified new trees; T12, T13, T14, T15, T16 and T17 which were not captured in the previous 2021 arboricultural assessment as they undersized and not classified as trees at the time of the 2021 assessment.
57. Trees; T12, T13, T14, T15, T16 and T17 are now proposed for removal as show in the below tree retention plan. These trees are located on the subject site and fronting the Botany Road frontage.
58. All trees sought for removal are low to nil value and are accepted for removal. Condition no.21 will be amended to specify each of the above trees.

5	1	Cupressus macrocarpa cv	Monterey Cypress	0.07	0.48	4.44	2.43	Low	Retain
6	1	Corymbia speciosa	Spindle Gum	0.16	0.22	2.00	1.70	Moderate	Retain and Protect
7	1	Ficus sp. var. umbellata	London Plane	0.31	0.44	3.72	2.34	Moderate	Retain and Protect
8	1	Fraxino pseudocarpus 'Pillar'	Golden Robinia	0.26	0.30	3.12	2.00	Moderate	Retain and Protect
9	1	Fraxino pseudocarpus	Broad Leaved Paperbark	0.54	0.70	6.40	2.95	Moderate	Retain and Protect
10	1	Liquidambar styraciflua	Strain Tree	0.12	0.16	2.00	1.61	Moderate	Retain and Protect
11	1	Fraxino pseudocarpus 'Pillar'	Golden Robinia	0.32	0.55	3.84	2.57	Moderate	Retain and Protect
12	1	Fraxino pseudocarpus	Black Locust	0.08	0.10	2.00	1.26	Nil / Retain	Retain
13	1	Corymbia speciosa	Lemon Scented Gum	0.06	0.08	2.00	1.50	Low	Retain
14	1	Excelsiora pycnantha	Dungahilly	0.07	0.09	2.00	1.50	Low	Retain
15	1	Fraxino pseudocarpus	Black Locust	0.17	0.22	2.00	1.75	Nil / Retain	Retain
16	3	Fraxino pseudocarpus??	Tallowood	0.06	0.08	2.00	1.50	Low	Retain
17	1	Crataegus communis	Carport Laurel	0.03	0.05	2.00	1.50	Nil / Retain	Retain

Consideration has also been given to the relationship of the trees to one another and their proximity to the likely development areas on the site. For example, trees that are part of a closely spaced group, or are likely to be significantly misshapen or unstable with the removal of surrounding trees and structures are considered with these factors in mind.

NOTE
Refer to the accompanying Arboricultural Impact Assessment Report for full description of trees, measurements and methods used to assess the trees, and proposed tree protection measures.

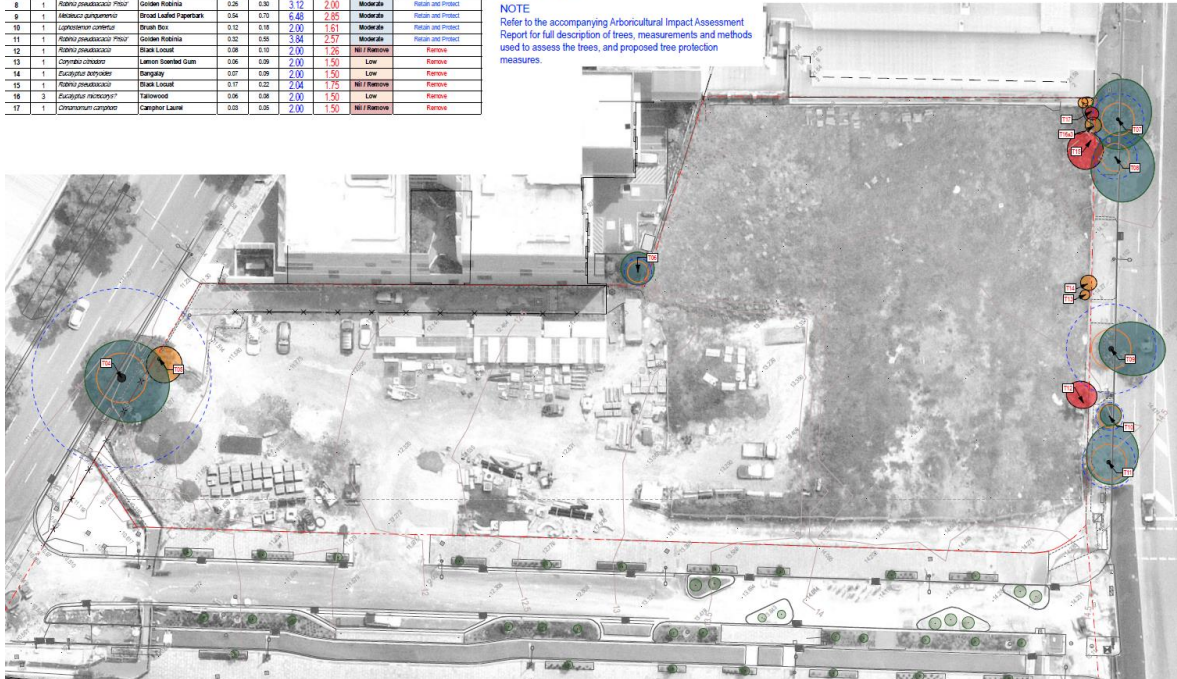


Figure 19: Tree retention value plan

Consultation

Internal Referrals

59. The application was referred to Council's Tree Management Unit, who reviewed the submitted Arboricultural Impact Assessment (AIA) Report prepared by Arterra dated 19 June 2024. No objection was raised with the removal of the trees proposed and the amendment of Condition 21 as proposed by the applicant.

External Referrals

Sydney Airport

60. Due to the proposed amendment to the concept building envelope approved under D/2021/1484, the modification application was referred to Sydney Airport, notwithstanding that Sydney Airport and the Federal Government Airspace Protection and Airport Safeguarding have provided recommended conditions for the detailed design proposed under D/2024/581.
61. On 11 November 2024, Sydney Airport provided correspondence via email and via the NSW Planning Portal to advise that there are no concerns or objections to the proposed amendment and no conditions are required.

Advertising and Notification

62. In accordance with the City of Sydney Community Participation Plan 2019, the proposed S.4.55(1A) development is not required to be notified or advertised.

Financial Contributions

Contribution under Section 7.11 of the EP&A Act 1979

63. 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 City West Housing, the Applicant. Accordingly, no contribution is required in this instance.

Housing and Productivity Contribution

64. The development is not subject to a Housing and Productivity Contribution under the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.
65. 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.

Conclusion

66. The development as proposed to be modified is substantially the same as was originally approved under D/2021/1484 and is consistent with the requirements of Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979.
67. The proposed modification to the building envelope ensures that the detailed design development application (D/2024/581) is consistent with the concept approval. The expanded building envelope as proposed by this Section 4.55(1A) application will not contribute to any adverse amenity impacts to the public domain or adjoining properties and is therefore supported.

GRAHAM JAHN, AM

Chief Planner / Executive Director City Planning Development and Transport

Gavin Ho, Senior Planner