

Item 9.**Development Application: 7-19 Coulson Street, 5 Goddard Street and 23 Eve Street, Erskineville - D/2024/652****File Number:** D/2024/652**Summary**

Date of Submission:	7 August 2024, amended between 4 March and 9 April 2025
Applicant:	SJB Planning
Architect:	DKO Architecture
Owner:	Brightwell Real Estate Pty Ltd, and Brightwell Holdings Pty Ltd
DAP:	24 October 2024
Cost of Works:	\$124,782,800.00
Zoning:	The site is zoned MU1 Mixed-Use under the Sydney Local Environmental Plan 2012. The concept proposal is defined as a 'mixed-use development', comprising residential flat buildings, attached dwellings and commercial premises, all of which are permissible with consent.
Proposal Summary:	The subject application seeks consent for: • concept building envelopes for a mixed-use development comprising 4 residential flat buildings with 2 basement levels for car parking, storage and services; 2 attached dwellings in a terrace typology, and the adaptive reuse of an existing heritage item as a commercial premises; and, • concept design for public domain works, including a new open space (Carter's Park), the southward extension of Goddard Street, and widening of Coulson Street.

No physical works are proposed as part of this application. A reference scheme is provided for assessment purposes only, with the detailed design of the development and the precise use of the heritage item subject to a separate development application following the completion of a competitive design process.

Voluntary Planning Agreement

The owners of the site have made a Public Benefit Offer to enter into a Voluntary Planning Agreement (VPA) with the City of Sydney.

The VPA will provide for the following public domain works including dedication and embellishment:

- of 500m² of land for Carter's Park;
- to extend Goddard Street southward to connect to Coulson Street; and
- for a 2.5m landscape setback on the northern side of Coulson Street, west of the Goddard Street extension.

The draft VPA is required to undergo a 28-day public exhibition in accordance with the requirements of section 7.5 of the Environmental Planning and Assessment Act 1979.

Reason for Reporting

The subject application is referred to the Central Sydney Planning Committee for determination as the proposed development is defined as a "major development" for the purposes of the City of Sydney Act 1988.

Notification

The subject application was notified and advertised for a period of 28 days between 16 May and 14 June 2024. Thirty-three (33) objections and one (1) submission of support were received. The primary concerns raised include:

- excessive building height and insufficient separation, and associated amenity impacts, including overshadowing, visual and acoustic privacy impacts;
- demolition of the masonry powerhouse building;
- removal of the Norfolk Island Pine;
- increase in density and pressure on existing infrastructure, including traffic impacts; and

- construction impacts.

The issues raised in the submission are addressed in the report, and where appropriate, conditions are recommended in Attachment A to address these issues.

Design Advisory Panel

The concept proposal has been reviewed by the City's Design Advisory Panel and subsequently amended to incorporate the necessary design refinements to positively address the panel's comments. Overall, the concept proposal has been amended to reasonably preserve the residential amenity of neighbouring properties and the significance of the heritage item.

Assessment

The subject application has also been amended, including the submission of additional information, to address issues identified by City staff and the relevant issues raised by the submissions received. The key amendments include:

- submission of a public benefit offer to provide for the above-mentioned public domain works;
- modify the concept envelopes to minimise overshadowing to 21-25 Coulson Street, maximise solar access to the future Carter's Park, and improve relationship with the retained heritage item;
- modify the concept envelopes and the reference scheme to demonstrate feasible equitable access and compliant level of deep soil area; and,
- additional information to demonstrate protection of identified view corridors from Sydney Park.

The proposal is generally compliant with the relevant planning provisions. Any non-compliances have been assessed as having merit in the context of the site and are addressed in this report.

Subject to the recommended conditions, the proposal can function as a site-specific development control plan to ensure the detailed design of buildings are of appropriate height, bulk and scale that respond to the character of the area and are capable of achieving design excellence.

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

Consideration 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 Attachment A of this report.

Development Controls:

- (i) Commonwealth Airports Act 1996 and Civil Aviation (Buildings Control) Regulations 1988
- (ii) Sydney Airport Referral Act 1996
- (iii) Sydney Water Act 1994
- (iv) Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021
- (v) City of Sydney Act 1988 and City of Sydney Regulation 2016
- (vi) SEPP (Resilience and Hazards) 2021
- (vii) SEPP (Housing) 2021
- (viii) SEPP (Transport and Infrastructure) 2021
- (ix) SEPP (Biodiversity and Conservation) 2021
- (x) SEPP (Sustainable Buildings) 2022
- (xi) Sydney Local Environmental Plan 2012
- (xii) Sydney Development Control Plan 2012

Attachments:

- A. Recommended Conditions of Consent
- B. Concept Envelope Drawings
- C. Reference Scheme Drawings
- D. Design Excellence Strategy
- E. Public Benefit Offer
- F. Submissions

Recommendation

It is resolved that:

- (A) authority be delegated to the Chief Executive Officer to determine Development Application No. D/2024/652, following the drafting and conclusion of the public exhibition of the Voluntary Planning Agreement generally in accordance with the public benefit offer dated 1 April 2025 and considering any public submissions received in response;
- (B) if the Chief Executive Officer determines to approve the application, consideration be given to supporting the variation sought to Clause 4.3 'Height of Buildings' pursuant to Clause 4.6 of Sydney Local Environmental Plan 2012; and
- (C) if the Chief Executive Officer determines to approve the application, consideration be given, pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, to granting deferred commencement consent to Development Application No. D/2024/652 subject to the conditions set out in Attachment A to the subject report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The concept proposal 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 to the Central Sydney Planning Committee.
- (B) The concept proposal generally satisfies the objectives and provisions of the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012. Where non-compliances exist, they have been demonstrated to be acceptable in the circumstances of the case or can be resolved by the recommended conditions of consent.
- (C) Based upon the material available to the Central Sydney Planning Committee at the time of determining this application, the Committee is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3) of the Sydney Local Environmental Plan 2012, that compliance with the 'height of buildings' development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening Clause 4.3 of the Sydney Local Environmental Plan 2012.
- (D) The reference scheme accompanying the concept proposal demonstrates that the concept envelopes can accommodate developments that complies with the maximum floor space ratio development standard pursuant to Clause 4.4 of the Sydney Local Environmental Plan 2012.
- (E) The concept proposal includes the adaptive reuse of the 'former Bakewell Brothers southeast warehouse', which subject to conditions, can conserve the significance of the heritage item in accordance with Clause 5.10 of the Sydney Local Environmental Plan 2012.

- (F) Subject to compliance with the Design Excellence Strategy, the undertaking of a competitive design process, and compliance with the recommended conditions of consent, the concept envelopes can accommodate future buildings that can exhibit design excellence in accordance with Clause 6.21C of the Sydney Local Environmental Plan 2012.

Background

The Site and Surrounding Development

1. The site comprises three (3) properties:
 - (a) 7-19 Coulson Street, with a legal description of Lots C, D and E in DP22910
 - (b) 5 Goddard Street, with a legal description of Lot 1 in DP533468
 - (c) 23 Eve Street, with a legal description of Lot 1 in DP533467
2. The site is irregular in shape, with an overall area of approximately 7,747m². It has a street frontage to Goddard Street to the north, Eve Street to the east, and Coulson Street to the south. Levels on the site fall from west to east, and from south to north. The site is also identified as being flood-affected.
3. The site currently accommodates a total of 6 buildings, being:
 - (a) a single storey weatherboard cottage at 5 Goddard Street, which was occupied as a site office for the redevelopment at 1-3 Goddard Street (Figure 2)
 - (b) a single storey weatherboard cottage at 23 Eve Street, currently occupied as a residential dwelling (Figure 4)
 - (c) a masonry warehouse building, a masonry powerhouse building, a masonry office building, and a large warehouse building at 7-19 Coulson Street, currently occupied as the Brightwell Transport headquarters (Figures 5 and 6)
4. The site is not located within a heritage conservation area. However, the masonry warehouse building located at the southeast corner of 7-19 Coulson Street is identified as a heritage item of local significance, known as the 'former Bakewell Brothers southeast warehouse including interiors' (I2246). Heritage assessment has also been carried out to determine that the masonry powerhouse building located at the southwestern corner of 7-19 Coulson Street to be of insufficient heritage significance to warrant retention despite being over 50 years old.
5. The site is located within the Ashmore neighbourhood. The area immediately surrounding the site is transitioning to predominantly residential in nature, with more recent residential flat buildings constructed above street level to comply with flood planning levels. The neighbouring properties include:
 - (a) to the north, at 1-3 Goddard Street, a 4-storey boarding house; and at 3 Eve Street, a 5-6 storey residential flat building
 - (b) to the northeast, at 11-17 and 19-21 Eve Street, two 3-5 storey residential flat buildings
 - (c) to the east, at 8 and 20 Eve Street, two 3-5 storey residential flat buildings
 - (d) to the southeast, 27-41 Eve Street and 1-5 Coulson Street, contain 2 rows of single storey terraces
 - (e) to the south, at 2-4 Coulson Street and 117-219 Mitchell Road, two 6 storey residential flat buildings

- (f) to the west, at 21-25 Coulson Street, 4 storey residential flat buildings known as the Star Printery

6. Photos of the Site and surrounds are provided below.

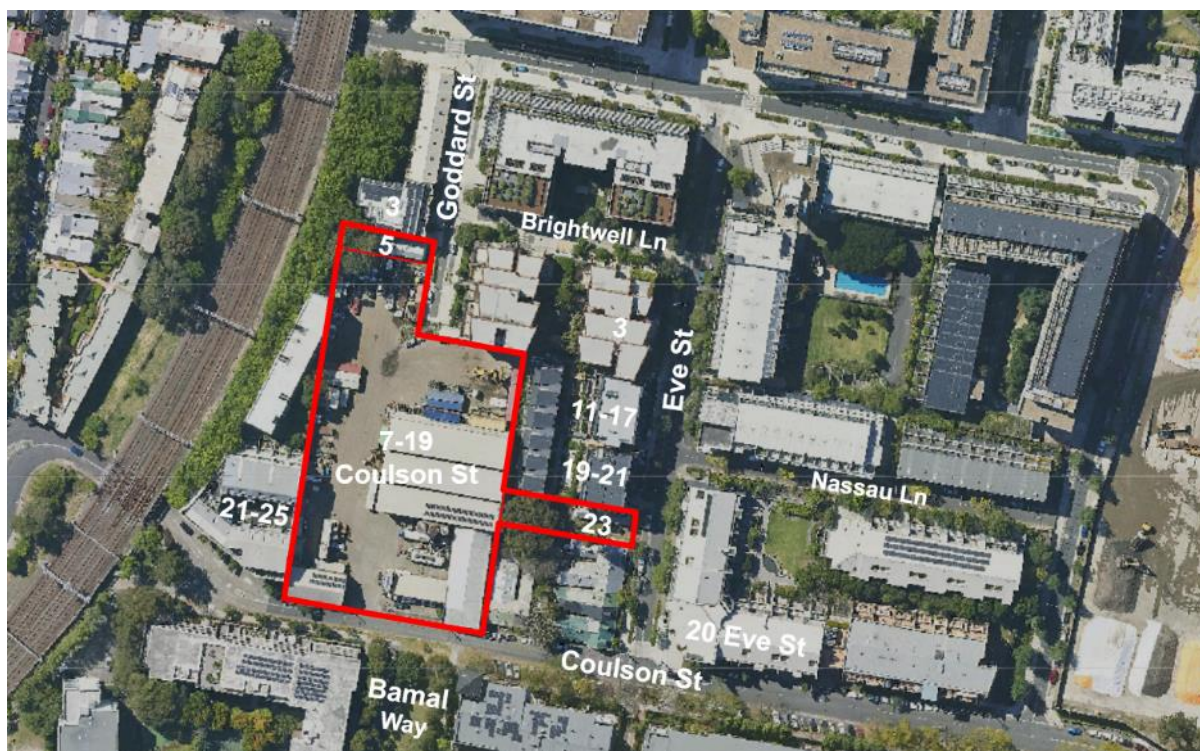


Figure 1: Aerial view of site and surrounds

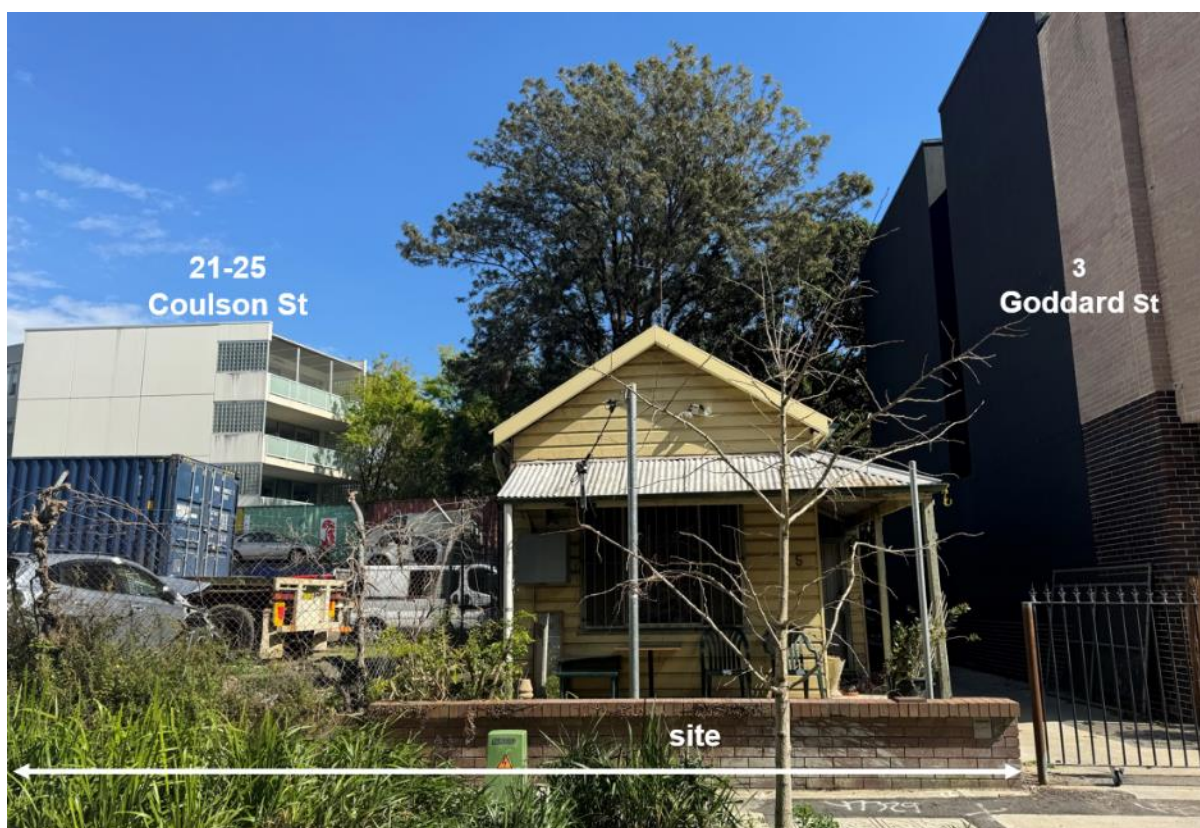


Figure 2: Site (5 Goddard Street) viewed from Goddard Street



Figure 3: Site (7-19 Coulson Street) viewed from Goddard Street, with neighbouring property 1-3 Goddard Street and 3 Eve Street



Figure 4: Site (23 Eve Street) viewed from Eve Street, and 19-21 Eve Street in the background



Figure 5: Site (7-19 Coulson Street) viewed from Coulson Street



Figure 6: Existing heritage warehouse onsite viewed from Coulson Street, and adjoining single-storey at 5 Coulson Street



Figure 7: Neighbouring property at 1-3 Goddard Street

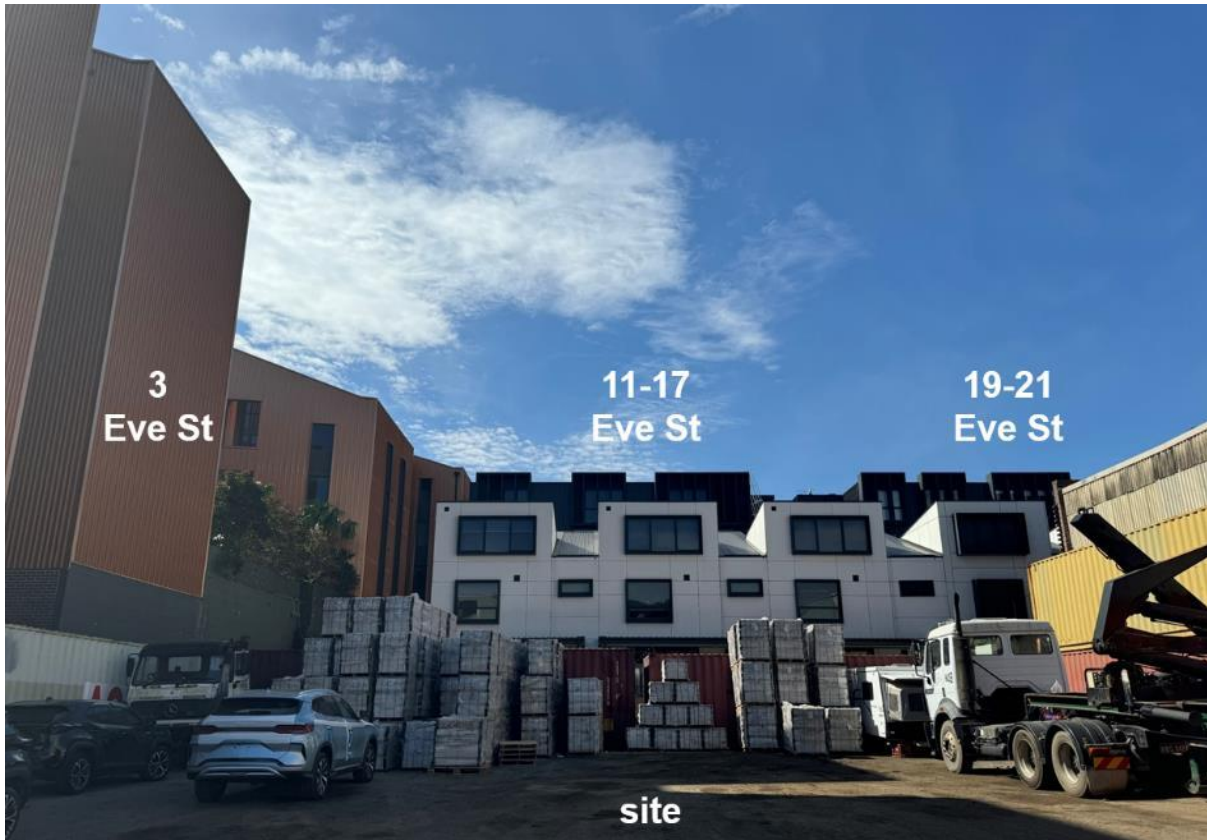


Figure 8: Neighbouring properties at 3, 11-17 and 19-21 Eve Street, viewed from the site (internally)



Figure 9: Neighbouring property at 20 Eve Street



Figure 10: Neighbouring property at 21-25 Coulson Street and 2-4 Coulson Street



Figure 11: Neighbouring property at 177-219 Mitchell Road

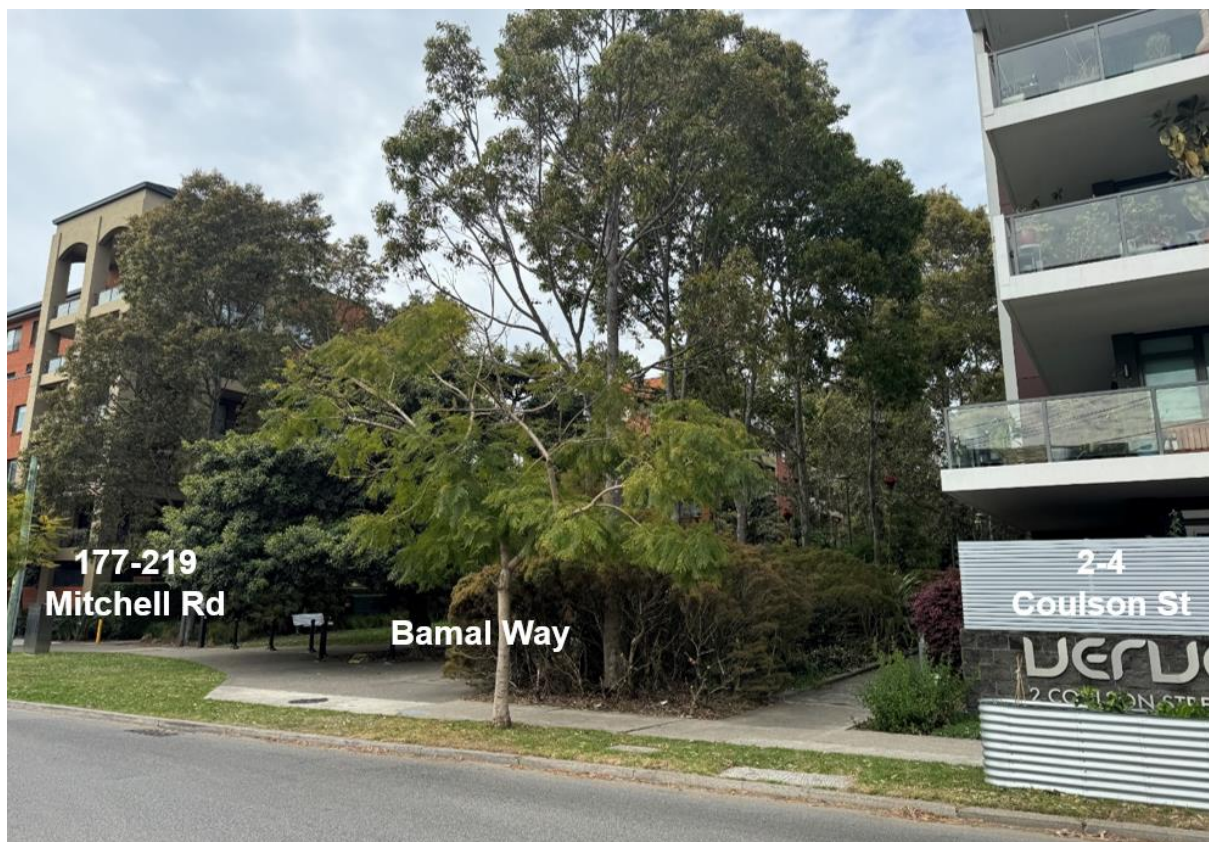


Figure 12: Bamal Way (middle), between 177-219 Mitchell Road and 2-4 Coulson Street



Figure 13: Neighbouring properties at 27-41 Eve Street



Figure 14: Neighbouring property at 1-5 Coulson Street

History Relevant to the Development Application

Development Applications

7. The following pre-lodgement discussions are relevant to the current proposal:
- **PDA/2020/280** - written advice was provided on 7 December 2020 to provide general advice for the redevelopment of the site, including the need for a concept DA, a public benefit offer for public domain works identified by Section 5.5 of Sydney Development Control Plan 2012 (DCP), and the following matters that are directly relevant:
 - 23 Eve Street should not be provided as a through-site link connecting the future Goddard Street and Eve Street. Instead, 2 terraces should be provided in accordance with the DCP to provide a height transition between the development at 19-21 Eve Street and the single storey terraces to the south; and
 - The City has undertaken an analysis of the demand for centre-based childcare and found that there is no existing additional demand for childcare in this location, and in recognition of the heritage listing of the southeast warehouse building subsequent to the preparation of Section 5.5 of the DCP, an alternative use may be pursued in this location.
 - **PDA/2023/124** - further written advice were provided on 28 July 2024 and 31 October 2023 to guide the preparation of the subject concept proposal.
8. The following consents for neighbouring properties are relevant to the current proposal:
- **D/2014/1805 - 19-21 Eve Street** - Development consent was granted deferred commencement consent by the Major Development Assessment Sub-committee of Council on 20 October 2015 for the demolition of an existing industrial building and construction of 2-4 storey residential flat buildings.
 - As part of the assessment, it was determined that Goddard Lane is unnecessary for the overall redevelopment of Ashmore. It was noted that "the lane is not strategically required for access/circulation purposes within the Ashmore road network and is not required to "break up" the future street block, which is of a similar size to other blocks within the precinct. Given the multiple land ownership and uncertainty of timing for redevelopment, it is unlikely that Goddard Lane will be realised."
 - The consent also supported a variation to the height of buildings development standard.
 - **D/2017/1393 - 11-17 Eve Street** - Development consent was granted by the Local Planning Panel on 4 July 2018 for the demolition of existing buildings and construction of a 3-5 storey residential flat building.
 - Consistent with the assessment of D/2014/1805, the delivery of Goddard Lane was determined to be unnecessary, and supported a variation to the height of buildings development standard.

- **D/2014/2037 - 3 Eve Street** - Development consent was granted by the Major Development Assessment Sub-committee of Council on 20 October 2015 for the demolition of existing industrial buildings and construction of a 5-6 storey residential flat building. The consent supported a variation to the height of buildings development standard.
- **D/2019/880 - 3 Goddard Street** - Development consent was granted by the Local Planning Panel on 22 July 2020 for the demolition of an existing warehouse building and construction of a 3-4 storey boarding house. The consent supported a variation to the height of buildings development standard.

Amendments

9. In response to a request for additional information and amendments sent to the applicant on 19 November 2024, the following information were provided between 4 March and 9 April 2025:
 - (a) a Public Benefit Offer to provide for the public domain works required by Section 5.5 of the DCP (refer to 'Voluntary Planning Agreement' section for details)
 - (b) amended concept drawings to incorporate the following:
 - (i) increase Building 4's southern setback to the heritage item by 4m, and then reduce the height of Building 4's southern portion (3m depth) to 4 storeys. This is to achieve a better relationship with the heritage item, ensure Carter's Park has a minimum area of 500m², and to maximise solar access to Carter's Park
 - (ii) reduce Building 3's Goddard Street frontage height to 4 storey (4m depth) to maximise solar access to Carter's Park
 - (iii) remove Building 2's northwestern corner for the top 3 storeys to maintain solar access to the neighbouring 21-25 Coulson Street
 - (iv) clearly identify the provision of deep soil area and communal open spaces, being 17% and 25% of the site area respectively, to demonstrate compliance with the Apartment Design Guide (ADG)
 - (c) amended reference scheme to demonstrate the following:
 - (i) at least 70% of future apartments can achieve 2 hours of solar access as per the ADG and
 - (ii) equitable access ramps can be provided without impacting on the extent of deep soil areas and the privacy of ground floor units while also complying with the relevant flood planning levels
 - (d) a view analysis to demonstrate that the proposed development, including the proposed height exceedance, will not impact on the identified view corridors from Sydney Park to the city skyline and the King Street ridgeline
 - (e) additional survey, flooding, and stormwater information

- (f) additional growth data to assist Sydney Water in ensuring the delivery of adequate assets associated with in the proposed growth in the area
- (g) amendments to the design excellence strategy, preliminary public art plan, and indicative operational waste management plan

Proposed Development

10. The application, as amended, seeks consent for the following:
 - (a) 4 building envelopes for residential flat buildings ranging in height from 4-7 storey, providing approximately 131 dwellings, and a building envelope for two 3-storey terraces. The building envelopes specify:
 - (i) maximum building heights defined by RLs
 - (ii) flood planning levels defined by RLs
 - (iii) ground and upper level setbacks
 - (iv) deep soil locations
 - (b) indicative adaptive reuse of the heritage warehouse as a commercial premises
 - (c) gross floor area (GFA) of 13,239m², comprising 12,470m² of residential floor space and 769m² of non-residential floor space
 - (d) the dedication and embellishment of land for the following future public domain works, including:
 - (i) southward extension of Goddard Street through the site, connecting to Coulson Street
 - (ii) 2.5m footpath widening to Coulson Street, west of the future Goddard Street extension
 - (iii) delivery of the future Carters Park with an area of 500m²
11. All of the public domain works identified above are to be dedicated to the City of Sydney (the City) under the terms of a Voluntary Planning Agreement (VPA), which is discussed separately below.
12. A reference scheme has been lodged to support the subject concept proposal as a proof of concept by demonstrating how a detailed building design may be able to be configured within the proposed concept envelopes. The reference scheme is not approved as part of any consent granted and are for assessment purposes only.
13. The reference scheme identifies the following future land uses:
 - (a) up to 2 levels of basement car parking, bicycle parking, storage and services
 - (b) a separate loading area, with a turntable and temporary waste holding area

- (c) 131 residential apartments, ground floor and roof top communal open spaces; 2 terraces fronting Eve Street
 - (d) a commercial premises within the existing heritage item
14. No physical works, including any demolition, excavation or tree removal, form part of the subject application.
 15. Selected drawings of the concept envelopes are provided below; while the reference scheme is available at Attachment C.

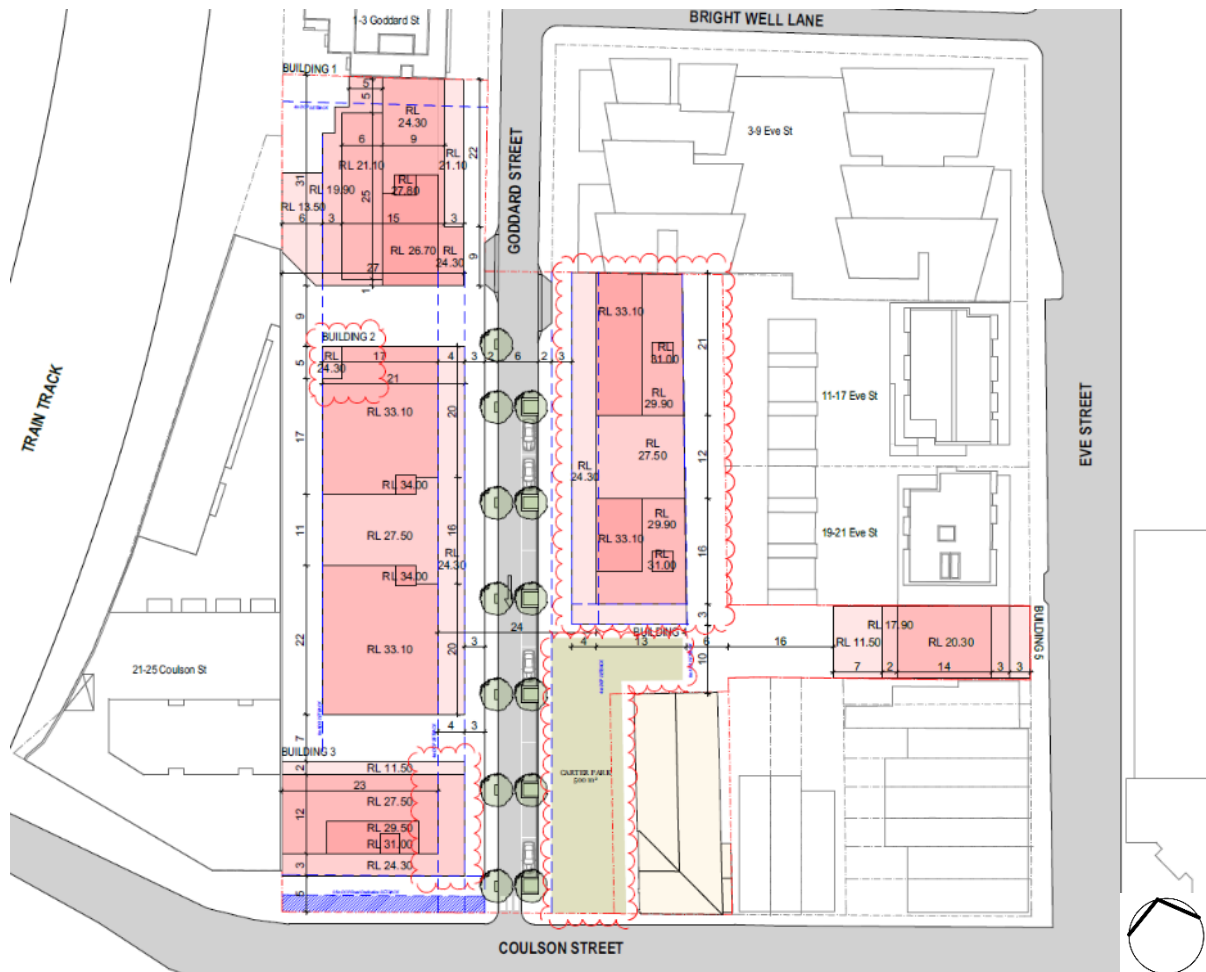


Figure 15: Concept envelope - plan

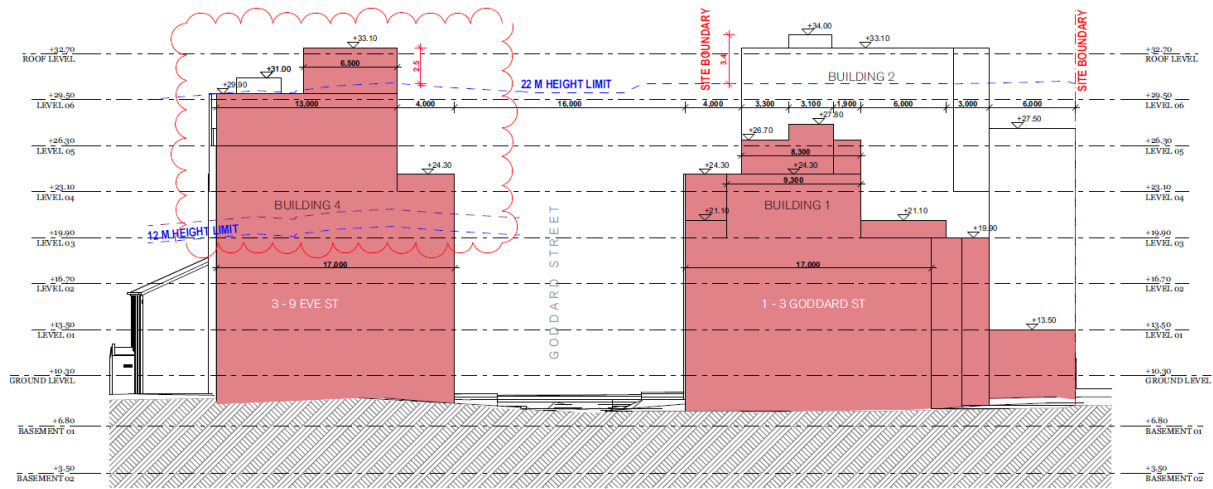


Figure 16: Concept envelope - north elevation

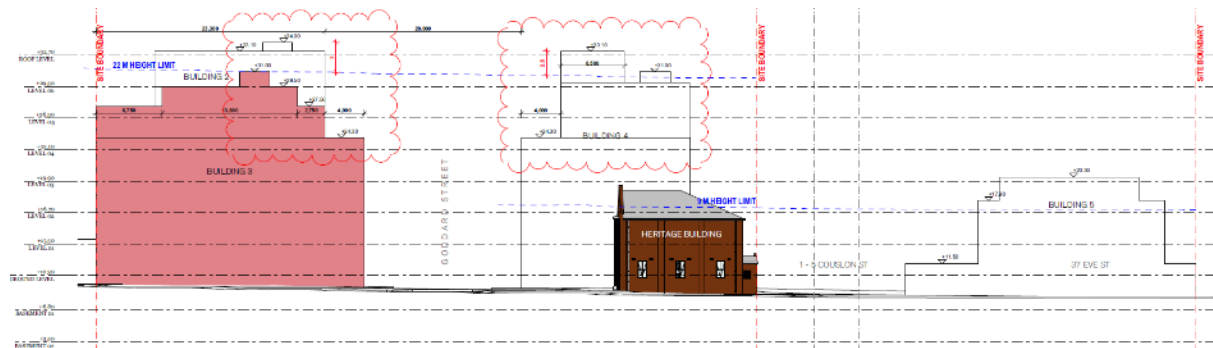


Figure 17: Concept envelope - south elevation

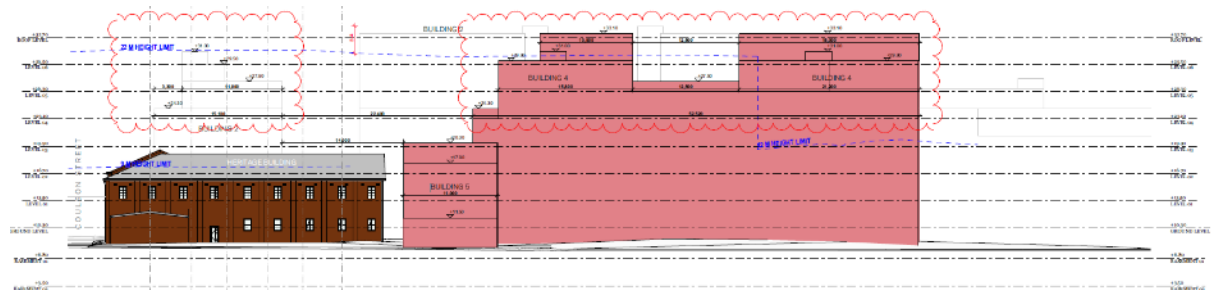


Figure 18: Concept envelope - east elevation

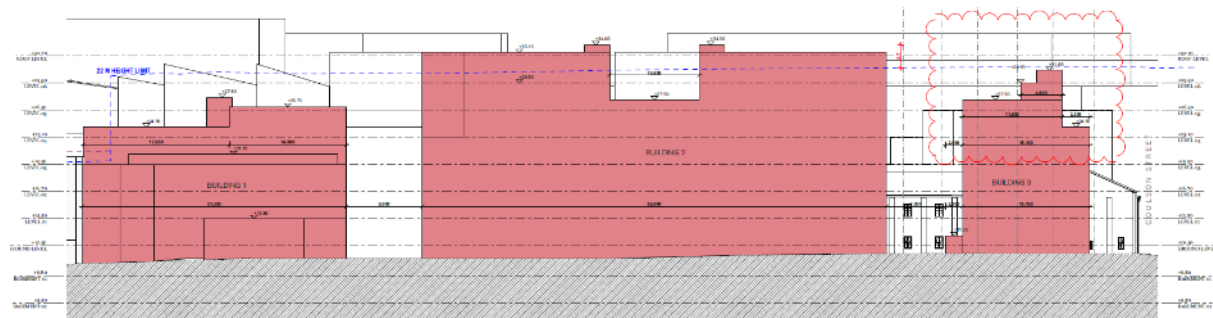


Figure 19: Concept envelope - west elevation

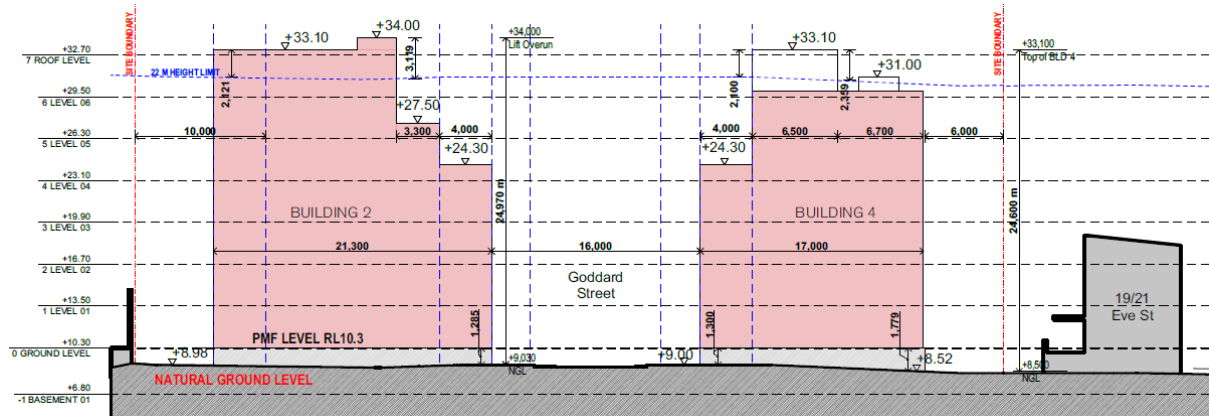


Figure 20: Concept envelope - section 01

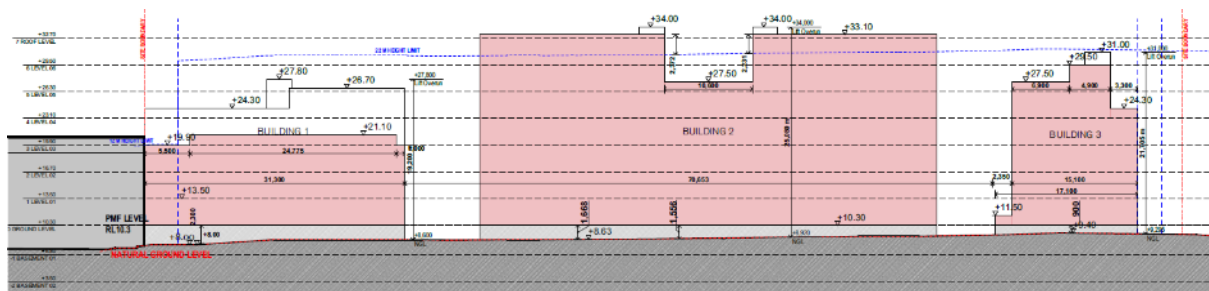


Figure 21 Concept envelope - section 02

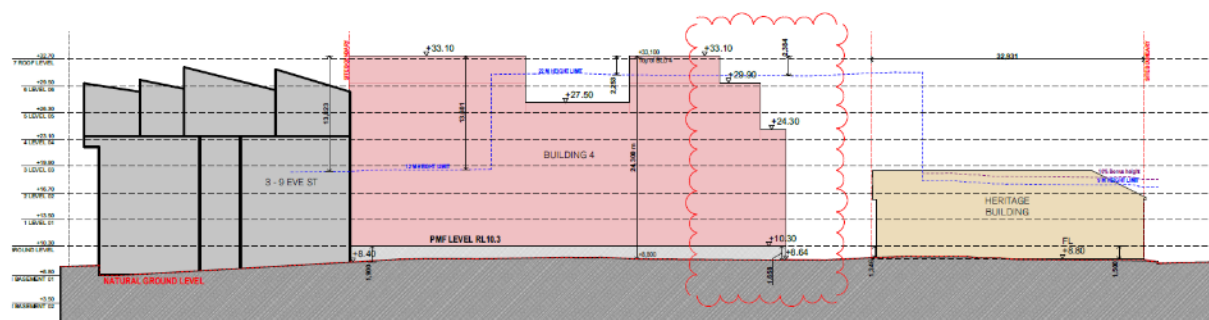


Figure 22: Concept envelope - section 03

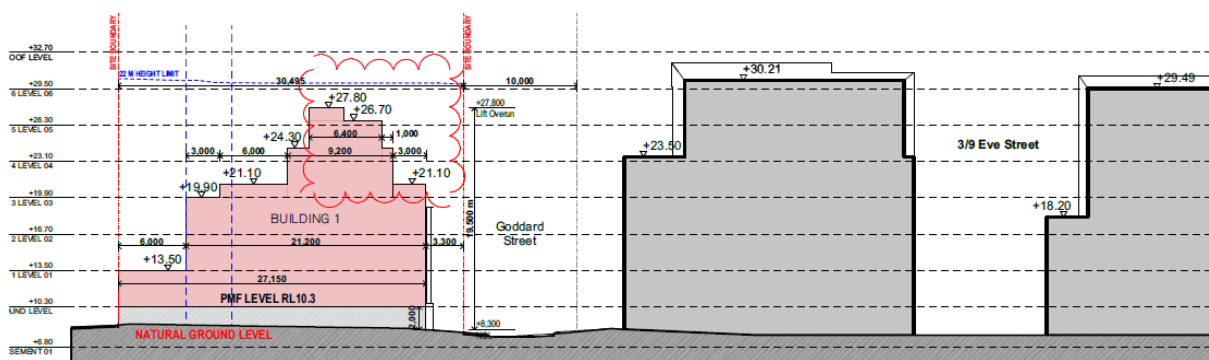


Figure 23: Concept envelope - section 04

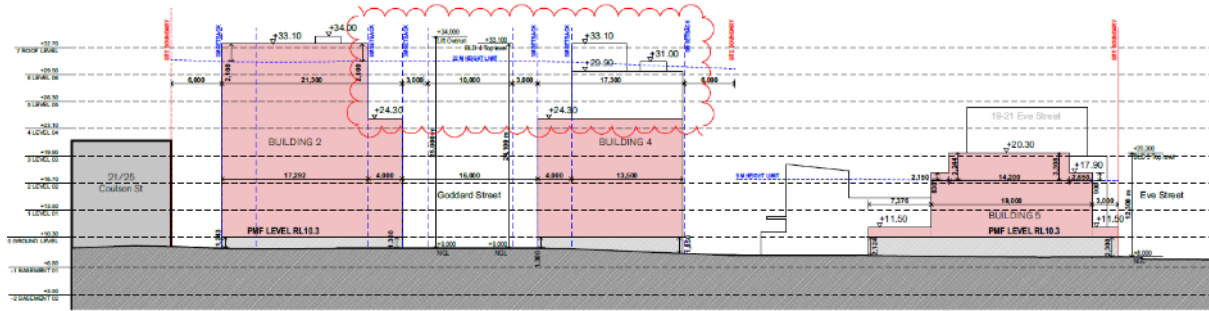


Figure 24: Concept envelope - section 05

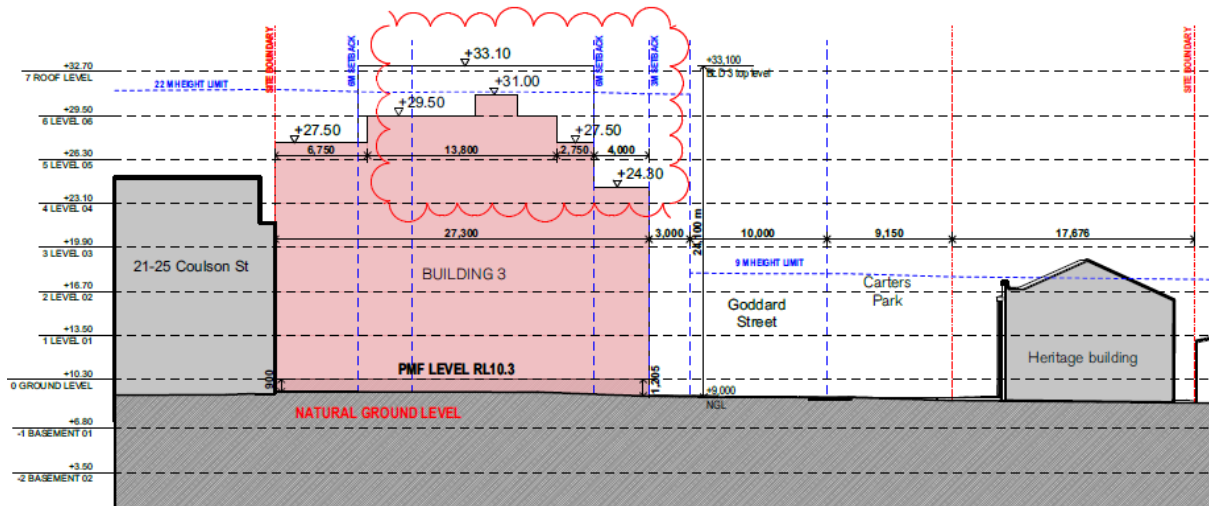


Figure 25: Concept envelope - section 06



Figure 26: Indicative view of the eastern side of Goddard Street (building 4) from Coulson Street



Figure 27: Concept envelope - axonometric view 1

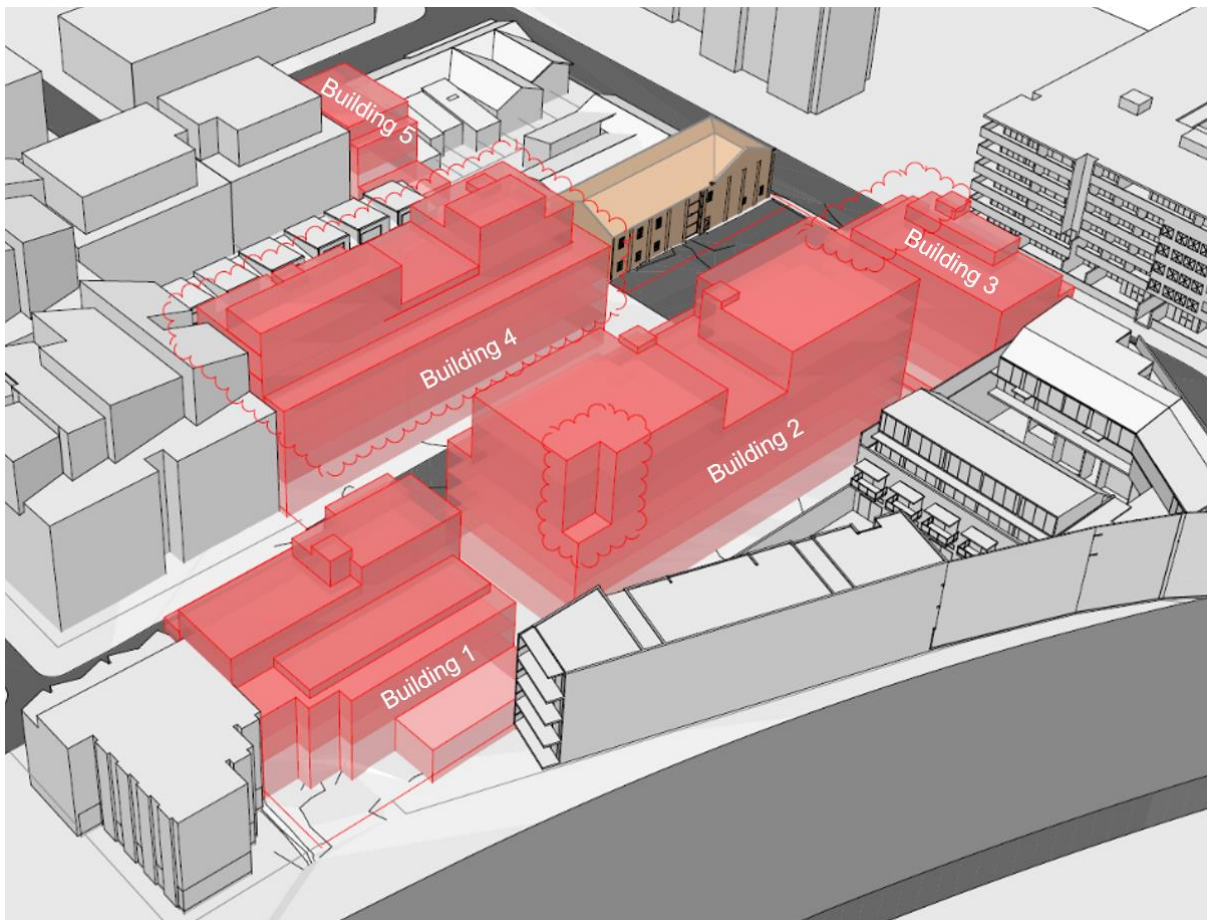


Figure 28: Concept envelope - axonometric view 2

Voluntary Planning Agreement

16. The subject application is accompanied by a Public Benefit Offer to enter into a VPA with the City to provide for public domain works that is generally consistent with the site-specific requirements of Section 5.5 of Sydney Development Control Plan 2012 (DCP).
17. The offer was accepted, and the VPA is being negotiated and drafted in association with the subject application. The offer provides for the following benefits:
 - (a) dedication and embellishment of 500m² of land for Carter's Park, with a value of \$500,629 + GST
 - (b) dedication and embellishment to extend Goddard Street southward to connect to Coulson Street, with a value of \$1,779,737 + GST
 - (c) dedication and embellishment for a 2.5m landscape setback along Coulson Street, west of the Goddard Street extension, with a value of \$97,961 + GST
18. The draft VPA is required to undergo a 28-day public exhibition in accordance with the requirements of Section 7.5 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

19. It is recommended that authority be delegated to the Chief Executive Officer (CEO) to determine the application, following the drafting and conclusion of the public exhibition of the VPA, and considering any public submissions received in response.
20. It is also recommended that the CEO consider granting of a 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. 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.

Assessment

21. The proposed development has been assessed under Section 4.15 of the EP&A Act.

State Environmental Planning Policies

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

32. The aim of Chapter 4 of the Resilience and Hazards SEPP 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 have identified the presence of heavy metals, phenols and polycyclic aromatic hydrocarbons (PAHs), total recoverable hydrocarbons; and asbestos on the site.
34. A Remediation Action Plan (RAP) has been submitted and a letter of interim advice prepared by an EPA Accredited Site Auditor has also been submitted to confirm that the approach outlined in the RAP is appropriate.
35. The letter of interim advice confirms that the site can be made suitable for the proposed development subject to the implementation of the RAP, and the City's Environmental Health Unit have reviewed the information provided and accepted the Site Auditor's advice.
36. Appropriate conditions are recommended in Attachment A requiring the future detailed design DA to include further documentation to address the requirement Chapter 4 of the Resilience and Hazards SEPP.

State Environmental Planning Policy (Housing) 2021 - Chapter 4 Design of Residential Apartment Development

37. Chapter 4 of the Housing SEPP aims to improve the design quality of residential apartment development in New South Wales, and requires the consent authority, when considering the subject application, to take into consideration a number of matters relating to design quality, including the principles as set out in Schedule 9.
38. A design verification statement and design report prepared by DKO Architecture has been submitted to address the design quality principles and the relevant objectives of the ADG. The statement is deemed to satisfy Clause 29 of the EP&A Regulation 2021.

39. An assessment of the concept proposal against the design quality principles is provided as follows:

(a) **Principle 1: Context and Neighbourhood Character**

The site is located within the Ashmore neighbourhood. The concept proposal will provide building envelopes to facilitate the delivery of a mix of residential dwelling types and the indicative adaptive reuse of a heritage item for commercial use. It will also facilitate the delivery of future public domain works. Overall, the concept proposal will facilitate development that is consistent with the desired future character of Ashmore.

(b) **Principle 2: Built Form and Scale**

The submitted reference scheme demonstrates that the proposed concept envelopes can accommodate the maximum permitted FSR for the site. While the Design Excellence Strategy targets up to 10% bonus FSR, a condition is recommended to require the additional floor space, if any, be contained wholly within the concept envelopes.

The height of the proposed concept envelopes, while exceeding the maximum permitted height for the site in some areas, allow for appropriate height transitions to neighbouring developments and the heritage item contained within the site, and protects the identified view corridors from Sydney Park.

The concept proposal will facilitate development that is of an appropriate built form and scale.

(c) **Principle 3: Density**

The proposed concept envelopes are compliant with the maximum permitted FSR, which is appropriate in the Ashmore neighbourhood given its proximity to established and proposed infrastructure, public transport, community and recreational facilities. The proposed density also responds to the desired future character of Ashmore.

(d) **Principle 4: Sustainability**

Appropriate energy efficiency and sustainability targets are identified in the Design Excellence Strategy, and a condition is recommended to require future consideration at the future detailed design DA.

(e) **Principle 5: Landscape**

The proposed development can accommodate common open spaces that amounts to at least 25% of the total site area, either in the form of a courtyard or rooftop open space, and to achieve the amenity requirements of the ADG. A condition is recommended to require future consideration at the future detailed design DA.

(f) **Principle 6: Amenity**

The submitted reference scheme demonstrates that the proposed concept envelopes can accommodate future detailed design of building that can achieve an acceptable standard of residential amenity as per the ADG.

The future detailed design DA will be required to confirm that an acceptable standard of residential amenity is achieved.

(g) **Principle 7: Safety**

This is a matter of consideration for the future detailed design DA.

(h) **Principle 8: Housing Diversity and Social Interaction**

This is a matter of consideration for the future detailed design DA.

(i) **Principle 9: Aesthetics**

This is a matter of consideration for future detailed design DA.

40. The concept proposal is acceptable when assessed against the SEPP including the above stated principles and the associated ADG, which are generally replicated within the apartment design controls under the DCP. Consequently, compliance with the SEPP generally implies compliance with the City's own controls. An assessment against the ADG is provided below.

2E Building Depth	Consistency	Comment
12-18m (glass to glass)	Able to comply	Some of the concept envelopes exceed 18m in depth, which is considered acceptable to provide flexibility for future detailed design in terms of building position and articulation, considering that the reference scheme demonstrates compliance with the maximum depth. Compliance will be assessed at the detailed design DA stage.

2F Building Separation	Consistency	Comment
Up to four storeys (approximately 12 metres): 12m between habitable rooms / balconies 9m between habitable and non-habitable rooms 6m between non-habitable rooms Five to eight storeys (approximately 25 metres): 18m between habitable rooms / balconies 12m between habitable and non-habitable rooms 9m between non-habitable rooms	Able to comply	The concept envelop is generally consistent with the building separation requirements of the ADG. While the reference scheme does not specify apartment layouts, so that the location of habitable and non-habitable rooms cannot be confirmed, a condition is recommended to require careful consideration of the relevant interfaces with neighbouring properties and within the site at the subsequent competitive design process, and compliance will be assessed at the detailed design DA stage.

3D Communal and Public Open Space	Consistency	Comment
Communal open space has a minimum area equal to 25% of the site.	Able to comply	The reference scheme has demonstrated that adequate quantum, and equitable distribution, of communal open spaces can be provided on the ground floor and rooftop of the future buildings. The eye of the sun diagrams (Attachment B) also demonstrated the ability to comply with the solar access requirements. Compliance will be assessed at the detailed design DA stage.
Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (midwinter).		

3E Deep Soil Zones	Consistency	Comment
Deep soil zones are to have a minimum area equivalent to 15% of the site (as site area exceeds 1,500m ²).	Yes	The reference scheme demonstrates that approximately 17% of deep soil zones can be provided, without being impeded by ramping and other accessibility infrastructure necessary to

3E Deep Soil Zones	Consistency	Comment
		overcome the raised floor levels required to address flood risks. Compliance will be assessed at the detailed design DA stage.

3F Visual Privacy	Consistency	Comment
Up to four storeys (12m): 6m between habitable rooms / balconies 3m between non-habitable rooms Five to eight storeys (25m): 9m between habitable rooms / balconies 4.5m between non-habitable rooms.	Able to comply	<i>Refer to assessment against Objective 2F above.</i>
Bedrooms, living spaces and other habitable rooms should be separated from gallery access and other open circulation space by the apartment's service areas.	Able to comply	A condition is recommended to require careful consideration of the relevant interfaces at the subsequent competitive design process and at the detailed design DA stage.

4A Solar and Daylight Access	Consistency	Comment
70% of units to receive a minimum of 2 hours of direct sunlight in midwinter to living rooms and private open spaces. Maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at midwinter.	Able to comply	The design verification statement claims that over 70% of apartments will receive at least 2 hours of direct sunlight to living rooms and private open spaces, and that less than 15% of apartments will receive no direct sunlight. This is generally supported by the submitted eye of the sun diagrams, despite the reference scheme (also included in the eye of the sun diagrams) does not specify apartment layouts to confirm.

4A Solar and Daylight Access	Consistency	Comment
		Compliance will be assessed at the detailed design DA stage.

4B Natural Ventilation	Consistency	Comment
All habitable rooms are naturally ventilated.	Able to comply	The design verification statement claims that over 60% of apartments can be naturally cross ventilated. This is generally supported by the reference scheme, despite it does not specify apartment layouts to confirm. Compliance will be assessed at the detailed design DA stage.
Minimum 60% of apartments in the first nine (9) storeys of the building are naturally cross ventilated.		
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	Able to comply	<i>Refer to assessment against Objective 2E above.</i>

4C Ceiling Heights	Consistency	Comment
Habitable rooms: 2.7m	Able to comply	The reference scheme indicates 3.2m floor to floor height, which would provide sufficient tolerance at construction to achieve 2.7m floor to ceiling heights. Compliance will be assessed at the detailed design DA stage.

4D Apartment Size and Layout	Consistency	Comment
Minimum unit sizes: • Studio: 35m² • 1 bed: 50m² • 2 bed: 70m² • 3 bed: 90m²	Able to comply	The reference scheme demonstrates the ability of the concept envelopes to accommodate a mix of apartment types that complies with the minimum apartment sizes. Compliance will be assessed at the detailed design DA stage.

4D Apartment Size and Layout	Consistency	Comment
Additional bathrooms increase the minimum internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.		

4E Private Open Space and Balconies	Consistency	Comment
Studio apartments are to have a minimum balcony area of 4m² with a minimum depth of 1m. One bed apartments are to have a minimum balcony area of 8m² with a minimum depth of 2m. Two bed apartments are to have a minimum balcony area of 10m² with a minimum depth of 2m. Three bed apartments are to have a minimum balcony area of 12m² with a minimum depth of 2.4m. Private open space for apartments on ground level, on a podium, or similar, must have a minimum area of 15m² and a minimum depth of 3m.	Able to comply	The reference scheme demonstrates the ability of the concept envelopes to accommodate the minimum private open space required relevant to each apartment size. Compliance will be assessed at the detailed design DA stage.

4F Common Circulation and Spaces	Consistency	Comment
The maximum number of apartments off a circulation core on a single level is eight.	Able to comply	The concept envelopes can accommodate multiple building cores and associated additional heights for lift overruns and the likes. The reference scheme also demonstrates compliance with this requirement.

4F Common Circulation and Spaces	Consistency	Comment
		Compliance will be assessed at the detailed design DA stage.
Primary living room or bedroom windows should not open directly onto common circulation spaces, whether open or enclosed. Visual and acoustic privacy from common circulation spaces to any other rooms should be carefully controlled.	Able to comply	Compliance with these requirements will be assessed at the detailed design DA stage.
Daylight and natural ventilation are provided to all common circulation spaces.		

4G Storage	Consistency	Comment
Minimum storage provision facilities: • Studio: 4m³ • 1 bed: 6m³ • 2 bed: 8m³ • 3 bed: 10m³ (Minimum 50% storage area located within unit)	Able to comply	Compliance with the minimum storage provision will be assessed at the detailed design DA stage.

4J Noise and Pollution	Consistency	Comment
Have noise and pollution been adequately considered and addressed through careful siting and layout of buildings?	Able to comply	The submitted acoustic report identifies the apartments fronting Coulson Street and the train track may not achieve the relevant internal noise criteria with windows open to achieve natural ventilation without mitigation. The acoustic report includes recommendations of passive mitigation

4J Noise and Pollution	Consistency	Comment
		method to inform the subsequent competitive design process. Compliance will be assessed at the detailed design DA stage.

State Environmental Planning Policy (Sustainable Buildings) 2022

41. The future detailed design DA will be required to satisfy BASIX requirements and the requirements set out in the Sustainable Buildings SEPP. The relevant sustainability criteria have been identified in the Design Excellence Strategy to inform the subsequent competitive design process. A condition is also recommended to require the future detailed design DA to demonstrate compliance with the Sustainable Buildings SEPP, including the submission of a BASIX certificate.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Division 5, Subdivision 2: Development likely to affect an electricity transmission or distribution network

42. The application is subject to Clause 2.48 of the SEPP as the development will be carried out within 5m of an exposed overhead electricity power line and involves the penetration of ground within 2m of an underground electricity power line.
43. The application was referred to Ausgrid for comment. Ausgrid responded on 29 August 2024 raising no objections, and the recommended conditions have been included in Attachment A.

Division 15, Subdivision 2: Development in or adjacent to rail corridors and interim rail corridors

44. The application is subject to Clause 2.99 of the SEPP as the development will involve excavation adjacent to the rail corridor.
45. The application was referred to Transport for NSW (TfNSW) for concurrence. TfNSW (as Rail Authority) responded on 24 September 2024 raising no objections and provided concurrence subject to recommended conditions. The recommended conditions have been included in Attachment A.

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

46. Chapter 2 of the Biodiversity and Conservation SEPP states that the Council must not grant consent for the removal of vegetation within heritage sites or heritage conservation areas unless Council is satisfied that the activity is minor in nature and would not impact the heritage significance of the site.
47. While this concept DA does not include any actual removal of trees, the concept envelopes will require the removal of 2 trees on 23 Eve Street. Those trees are not within a heritage site or conservation area. As such, development consent can be granted for their removal at the detailed design DA stage.

Local Environmental Plans

Sydney Local Environmental Plan 2012

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

Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	The site is located in the MU1 Mixed-Use zone. The proposed development is defined as a mixed-use development, comprising residential flat building, attached dwellings, and commercial premises, which are permissible with consent in the zone and consistent with the relevant zone objectives.

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings 4.6 Exceptions to development standards	No	The concept proposal seeks variations to the height of buildings development standard. A request to vary the height of buildings development standard in accordance with Clause 4.6 has been submitted. Please refer to 'Discussion' below.
4.4 Floor space ratio	Yes	A floor space ratio of 1.71:1 (13,239m ²) is proposed, which is compliant with the total maximum floor space ratio of 1.73:1 (13,363m ²). The future development may be eligible for up to 10% additional FSR (calculated based on the post-dedication site area). A condition is recommended to ensure any additional FSR are wholly contained within the approved concept envelopes.

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	The concept proposal involves the indicative adaptive reuse of the heritage-listed former Bakewell Brothers warehouse for commercial purposes, which is appropriate to ensure the on-going conservation of the building. Conditions are recommended to ensure the adaptive reuse are guided by appropriate heritage principles, and that the historic use of the site is appropriately interpreted as part of the future redevelopment of the site.
5.21 Flood Planning	Yes	The site is located within the Alexandra Canal catchment and is affected by flooding. A site-specific flood assessment has been submitted and recommends flood planning levels (FPLs) for the development. The flood assessment is considered acceptable by Council's Public Domain Unit, and a condition is recommended to ensure the identified FPLs are incorporated into the future detailed design of buildings.

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 4 Design excellence 6.21C Design Excellence 6.21D Competitive design process	Able to comply	A competitive design process is required in accordance with Clause 6.21D, and a satisfactory Design Excellence Strategy has been submitted to address the requirements of Section 3.3 of the DCP. Conditions are recommended to approve the Design Excellence Strategy and for additional design requirements to be incorporated into the future competitive design process brief. A competitive design process is to be undertaken prior to lodgement of the future detailed design DA. The competitive design process must adhere to the Design Excellence Strategy and

Provision	Compliance	Comment
		conditions of consent. Upon demonstrating design excellence, the future development may be eligible for up to 10% additional FSR.

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development	Able to comply	The permissible number of car parking spaces are determined by the quantum of commercial floor space, and the number and mix of residential dwelling. The reference scheme demonstrates that a compliant number of car parking can be accommodated within the indicative basements. However, as these figures are indicative only, compliance can only be assessed at the future detailed design DA stage.
7.14 Acid Sulfate Soils	Able to comply	The site is located on land with class 3 Acid Sulfate Soils. The future detailed design DA, when physical works are proposed, will determine if the relevant requirements are applicable.
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. As discussed in 'External Referrals' below, Sydney Airport Corporation, as a proxy for the Civil Aviation Safety Authority, has provided concurrence, subject to conditions.
7.20 Development requiring or authorising preparation of a development control plan	Yes	The site area is greater than 5,000m², as such, a site-specific DCP is required. Pursuant to Section 4.23 of the EP&A Act, the subject concept DA is submitted in lieu of a site-specific DCP. As detailed elsewhere in this report, subject to the recommended conditions in Attachment A, the subject application adequately addresses the matters for consideration specified under this clause

Provision	Compliance	Comment
		including, height, bulk, massing, streetscape and environmental impacts.
7.23 Large retail development outside of Green Square Town Centre and other planned centres	Yes	No shops or markets with a gross floor area greater than 1,000m ² is proposed under the subject application.

Development Control Plans

Sydney Development Control Plan 2012

49. 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

50. The site is located within the Ashmore locality. The proposed concept proposal is in keeping with the unique character and the design principles of the locality in that:
- (a) it will indicatively provide different types of residential accommodations, including 2 terraces and a mix of apartment sizes and layouts;
 - (b) it can accommodate future buildings that reinforces the transition of building heights within the locality;
 - (c) it will, together with the associated VPA, contribute to a high-quality public domain by contributing of a permeable network of streets and providing a new public park and public domain upgrades;
 - (d) it will, subject to conditions, accommodate future buildings that reinforce a strong landscaped character through the provision of landscape buffers between the new buildings and the public domain; and
 - (e) it will protect the 2 identified view corridors from Sydney Park as per Section 5.5.8.2 of the DCP.

Section 3 – General Provisions

Provision	Compliance	Comment
3.1 Public Domain Elements	Able to comply	Section 5.5 of the DCP sets out the site-specific requirements for new public open spaces and streets to be dedicated to the City. The concept proposal is generally consistent with those requirements and is considered capable of facilitating future development that will make a positive contribution.

Provision	Compliance	Comment
		The delivery and dedication of the required public domain works will form part of the associated VPA. Conditions are also recommended to guide the detailed designs of the Goddard Street extension, Coulson Street widening, and Carter's Park, which are to be submitted and assessed at the detailed design DA stage. An acceptable public art strategy has also been provided, and a condition is recommended to ensure that strategy will inform the subsequent competitive design process and require the submission of a preliminary public art plan for assessment at the detailed design DA stage.
3.2. Defining the Public Domain		The proposed concept envelopes maximise solar access to the future Carter's Park and maintain an acceptable level of solar access to Bamal Way. The reference scheme demonstrates that the concept envelopes can accommodate future buildings that contribute to the safety, amenity and quality of streets and the public domain while addressing the flood risks of the site. Appropriate conditions are also recommended to draw particularly attention to this particular matter. Compliance with the relevant wind comfort criteria within Carter's Park, and reflectivity of future building materials will be assessed at the detailed design DA stage.
3.3 Design Excellence and Competitive Design Processes	Yes	The Design Excellence Strategy establishes an acceptable design excellence process for the redevelopment of the site. As discussed against Division 4 of the LEP above, appropriate conditions are recommended to approve the Design Excellence Strategy, to require additional design requirements to be

Provision	Compliance	Comment
		incorporated into any future competitive design process brief, and for the competitive design process to be undertaken prior to lodgement of the future detailed design DA. It is noted that any additional FSR (up to 10%) will be calculated based on the post-dedication site area as per provision 3.3.5(1), and that a condition is recommended to ensure any additional FSR are wholly contained within the approved concept envelopes to ensure no additional environmental impacts as per provision 3.3.5(2).
3.5 Urban Ecology	Yes	While no physical tree removal forms part of this application, the concept envelopes necessitate the indicative removal of the <i>Araucaria heterophylla</i> (Norfolk Island Pine) and <i>Washingtonia robusta</i> (Mexican Fan Palm), both located on 23 Eve Street. The indicative removal of the 2 trees is acceptable, as the Norfolk Island Pine and the Mexican Fan Palm are identified to have medium and low retention rating respectively, and that their retention would unreasonably restrict the redevelopment potential of 23 Eve Street. Appropriate conditions are recommended to require the retention and protection of all existing street trees, and the submission of additional information at detailed design DA stage to confirm that all 6 other existing trees onsite will be retained and protected.
3.6 Ecologically Sustainable Development	Yes	ESD target benchmarks, including the requirement for fossil-fuel free design, have been incorporated into the Design Excellence Strategy that is recommended for approval. Conditions are recommended to ensure that the proposed ESD target benchmarks will be carried through the

Provision	Compliance	Comment
		competitive design process to the detailed design DA stage.
3.7 Water and Flood Management	Yes	<i>Refer to Clause 5.21 of the LEP above.</i>
3.8 Subdivision, Strata Subdivision and Consolidation	Able to comply	Consideration to subdivision and lot consolidation will be considered at the detailed design DA stage.
3.9 Heritage 3.10 Significant Architectural Building Types	Yes	<i>Former Bakewell Brothers Warehouse</i> The indicative adaptive reuse for commercial purposes is compatible with the heritage significance of the heritage warehouse, and conditions are recommended to ensure the adaptive reuse is guided by appropriate heritage principles and supported by an interpretation strategy to inform the developmental history of the site, including its occupancy by Bakewell Brothers and H Brightwell and Sons. <i>'Powerhouse' building</i> A heritage assessment has been carried out to consider the significance of the remnant elements of the powerhouse building located at the southwestern corner of 7-19 Coulson Street. The assessment concluded that the loss of the distinctive chimney, outbuildings and all internal equipment and fittings results in the building not meeting the criteria for heritage listing and not being of sufficient significance to warrant retention. The indicative demolition is therefore acceptable.
3.11 Transport and Parking	Able to comply	The reference scheme demonstrates that compliant quantum of car parking, bicycle parking, and servicing can be accommodate within the indicative basement and building footprint.

Provision	Compliance	Comment
		Compliance will be assessed at the detailed design DA stage.
3.12 Accessible Design	Able to comply	The submitted reference scheme has demonstrated that the accessibility facilities necessary to overcome the raised finished floor level to address flood risks can be provided without impeding on deep soil and landscape area. Compliance will be assessed at the detailed design DA stage.
3.13 Social and Environmental Responsibilities	Able to comply	Compliance with the CPTED principles will be assessed at the detailed design DA stage.
3.14 Waste	Able to comply	The reference scheme has demonstrated that the concept envelopes can accommodate an acceptable waste management solution. A condition is recommended to ensure the detailed design of future buildings will comply with the relevant provisions of the <i>City of Sydney Guidelines for Waste Management in New Development</i>.

Section 4 – Development Types

4.1 Single Dwellings, Terraces and Dual Occupancies

The concept envelope for Building 5 at 23 Eve Street will accommodate 2 terraces. As such, it is assessed against the following provisions.

Provision	Compliance	Comment
4.1.1 Building height	Able to comply	The concept envelope for Building 5 has a maximum height of 12.3m. It can accommodate a 3 storey development while complying with the flood planning levels, which is approximately 2.3m above existing ground levels. The 3 storey height is compliant with the maximum 4 storey recommended for the eastern portion of 23 Eve Street. It is also appropriate, as it responds to the street frontage height of 19-21 Eve

Provision	Compliance	Comment
		Street and provides a height transition to the existing single storey terraces at 27-41 Eve Street.
4.1.2 Building setbacks	Acceptable	The concept envelope is not set back from Eve Street to accommodate the required 3m landscape setback. However, it is acknowledged that a single storey envelope is necessary to accommodate some structures required to overcome the raised floor levels (due to flood risks) and to provide access to the future terraces. This is articulated in reference scheme, where no gross floor area is proposed within the single storey envelope. A condition is recommended to require the future detailed design of the buildings to achieve a high quality interface with the public domain, including the provision of deep soil and enhanced landscape presentation, within that 3m landscape setback.
4.1.3 Residential amenity	Able to comply	Compliance with the relevant amenity requirements including solar access, the location and quantum of private open space, deep soil planting and privacy will be assessed at the detailed design DA stage.

4.2 Residential Flat, Commercial and Mixed-Use Developments

Provision	Compliance	Comment
4.2.1 Building height 4.2.2 Building setbacks	N/A	<i>Refer to Section 5.5.8 of the DCP below.</i>
4.2.3 Amenity	Able to comply	The reference scheme demonstrates that a development can be constructed within the proposed concept envelopes with acceptable level of residential amenity, in terms of solar access, natural ventilation, provision of landscaping and deep soil, and provision of communal and private open spaces.

Provision	Compliance	Comment
		Compliance will be assessed at the detailed design DA stage.
4.2.3.12 Flexible housing and dwelling mix	Able to comply	This is a matter of consideration at the detailed design DA stage, noting that the number and mix of apartments shown in the reference scheme are indicative only.
4.2.4 Fine grain, architectural diversity and articulation	Able to comply	The future Goddard Street extension will have a width of approximately 10m. The concept envelopes for Buildings 2 and 4 have a maximum frontage length of 60m and 52m, respectively, exceeding the maximum length of 60m. Notwithstanding, this section also allows for variations to the maximum frontage lengths subject to design measures to articulate the building facades into smaller elements. Compliance will be assessed at the detailed design DA stage.
4.2.6 Waste and recycling Management	Able to comply	<i>Refer to Section 3.14 of the DCP above.</i>
4.2.7 Heating and cooling infrastructure	Able to comply	A condition is recommended to ensure all future plant and services, including consolidated heating and cooling infrastructure are to be accommodated within the concept envelopes.
4.2.8 Letterboxes	Able to comply	This is a matter of consideration at the detailed design DA stage.
4.2.9 Non-residential development in the Mixed-Uses Zone	Able to comply	The potential amenity impact associated with the adaptive reuse of the heritage item as a commercial premises is a matter of consideration at the detailed design DA stage.

Section 5 – Specific Areas

5.5 Ashmore Neighbourhood

Provision	Compliance	Comment
5.5.1 Ashmore Urban Strategy 5.5.2 Urban design principles	Yes	The concept proposal is generally consistent with the Ashmore urban strategy and urban design principles.
5.5.3.1 Street network	Able to comply	The concept proposal provides for the 10m wide southward extension of Goddard Street to Coulson Street, and the 2.5m landscaped setback on Coulson Street. The associated VPA will facilitate the dedication of these lands to the City, while their detailed design will be a matter of consideration at the future detailed design DA stage. It is noted that the 6m Goddard Lane was not pursued by the previous DAs for 11-17 and 19-21 Eve Street. As such, the 8m east-west road off Goddard Street is considered unnecessary.
5.5.3.2 Movement and connectivity	Acceptable	The location of the proposed vehicular access point for the residential development is consistent with the recommended location shown in the <i>Ashmore Circulation and Access map</i>, and a separate vehicular access point is provided for the loading bay to avoid queueing on Goddard Street and to minimise the amount of the ground plane dedicated to ramping to comply with the flood planning levels. The reference scheme also demonstrates the provision of an integrated carpark within 7-19 Coulson Street with a single connection under the street, consistent with the <i>Ashmore Circulation and Access map</i>.
5.5.3.4 Public open space	Able to comply	The concept proposal provides for 500m² of land for the future Carter's Park, which complies with the minimum requirement. The associated VPA will facilitate the dedication of land to the City, while the detailed design of the park, which is

Provision	Compliance	Comment
		intended to provide passive recreation space with adequate seating, will be a matter of consideration at the detailed design DA stage.
5.5.4 Accessibility and amenity in the public domain		
5.5.4.2 Quality of landscaping and landscape setbacks	Able to comply	The proposed concept envelopes provide for landscaped setbacks as identified in the <i>Ashmore Open Space and Setbacks map</i>. Design of these landscaped setbacks will be a matter for consideration at the detailed design DA stage.
5.5.5 Staging	N/A	Considering the scale of the concept proposal, a staging plan is not considered necessary.
5.5.6 Floor space ratio	Yes	The concept proposal indicates that 5 Goddard Street and 7-19 Coulson Street will be amalgamated in accordance with <i>Ashmore Land Amalgamation map</i>. The concurrent redevelopment of the 2 land parcels is to facilitate the delivery of future public domain works. The associated VPA will facilitate the dedication of the necessary lands to the City. A deferred commencement condition is recommended, requiring a VPA to be drafted, exhibited, executed and registered on title before the consent becomes operational to secure these lands.
5.5.7 Land use mix	Yes	The proposed concept envelopes support the delivery of Ashmore as a predominantly residential neighbourhood, and the heritage warehouse is identified for adaptive reuse as a commercial premises, which is considered appropriate. As informed by PDA/2020/280, an analysis was undertaken to establish that there is no additional demand for centre-based childcare in this location. The provision

Provision	Compliance	Comment
		of a child-care centre is therefore not pursued.
5.5.8 Building layout, form and design		
5.5.8.1 Height of buildings	Acceptable	The concept envelope for Building 3 is compliant with the recommended height in storey, being a maximum of 6 storeys with a 4 storey frontage height to Goddard Street. The concept envelope for Building 5 is also compliant as discuss under Section 4.1 of the DCP. While Buildings 2 and 4 comply with the 4 storey frontage height to Goddard Street, their overall height includes an additional storey (being 7 storeys instead of 6 storey). As demonstrated elsewhere in this report, the additional height is considered acceptable, responding to the intent of the DCP to allow greater heights within the subject site, providing a height transition to neighbouring developments, and maintaining an acceptable level of solar access to neighbouring properties. Similarly, while Building 1 complies with the overall height of 6 storeys, it has a stepped 3-4 storey frontage height to Goddard Street, instead of 3 storeys. This is also considered acceptable as it responds to the frontage height of 3 Goddard Street, and provides a transition to the 4 storey frontage height of Buildings 2 and 3 to the south.
5.5.8.2 Views	Yes	A visual impact assessment, including photomontages, has been submitted. The assessment demonstrates that the concept proposal will preserve the 2 identified view corridors from Sydney Park, despite the variations to the height of buildings development standard, as shown in Figures 32 and 33.
5.5.8.3 Dwelling type and location	Yes	The concept proposal provides 4 envelopes for residential apartments and an envelope for 2 terraces, consistent

Provision	Compliance	Comment
		with the recommendation of the <i>Ashmore Building Type map</i> .
5.5.8.4 Building form and design	Able to comply	This is a matter of consideration for the future detailed design DA.
5.5.8.5 Typical ground floor condition for residential flat buildings	Yes	The concept envelopes provide for deep soil landscape planting area along Goddard Street. Compliance with the design criteria will be assessed at the detailed design DA stage.
5.5.9 Terrace housing	Yes	Terrace housing is proposed to be provided at 23 Eve Street in accordance with the <i>Ashmore Building Type Map</i> , and compliance with the design criteria will be assessed at the detailed design DA stage.
5.5.10 Biodiversity	Able to comply	This is a matter of consideration for the future detailed design DA.

Discussion

Clause 4.6 Request to Vary a Development Standard

51. The site is subject to various maximum height of buildings development standards, ranging from 9m to 22m. Section 5.5 of the DCP also recommends various building heights in storey, ranging from 3 storeys to 6 storeys. These are illustrated in Figure 29 below.



Figure 29: LEP height of buildings map (left) and DCP height in storey map (right)

52. The concept envelopes exceed the various maximum height of buildings development standards as illustrated in Figure 30, with a maximum variation of 13.75m (114.59%) to the maximum 12m observed at the northeastern corner of 7-19 Coulson Street.

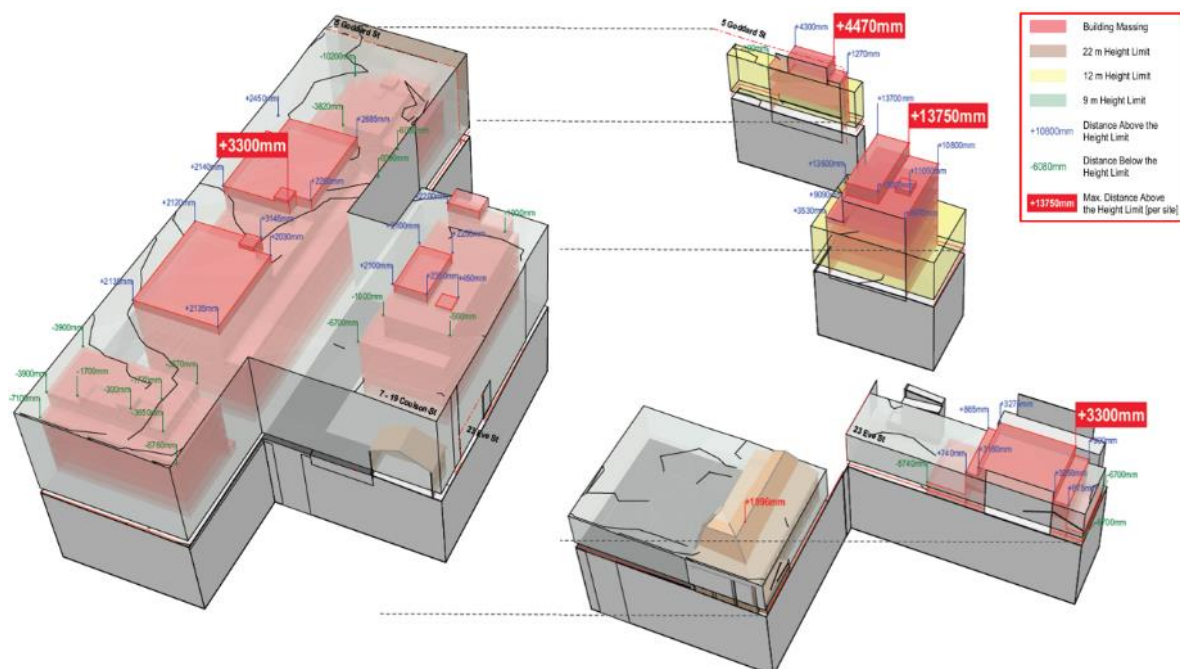


Figure 30: Height plane diagram identifying height exceedance

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

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

54. The applicant seeks to justify the contravention of the height of buildings development standard on the following basis that:

compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:

- (a) consistent objectives (a) and (b) of the development standard, the proposed heights are appropriate within the context of the site, and provide a height transition to neighbouring buildings and the heritage item as illustrated in Figure 31 and as follows:
 - (i) the overall height of the concept envelopes, being generally 6-7 storey in height with a 4 storey street wall height, is consistent with the general height of the Ashmore neighbourhood, being generally 6-8 storey in height with a 4 storey street wall height;

Building 1

- (ii) the variation to the 12m height that applies to a small portion of 5 Goddard Street allows Building 1 to step up in its overall height to provide a transition between the 4 storey development at 3 Goddard Street (north) to the 7 storey height of Building 2; and a transition between the 3 storey frontage height at 3 Goddard Street (north) and the 4 storey frontage height for the future Goddard Street extension, as generally desired by the LEP and the DCP (Figure 29);
- (iii) Building 1 also steps down in height in the west to provide a better transition to 21-25 Coulson Street;

Building 2 and Building 4 (southern part)

- (iv) the variation to the 22m height for Building 2 and the southern part of Building 4 accommodates a 7th storey and lift overruns, which provide a variety of building heights that remain contextually appropriate, and as discussed below, balance the achievement of the permissible floor space with the solar amenity of the neighbouring properties;
- (v) the variation does not hinder Building 4 in providing an acceptable height transition to the heritage warehouse;

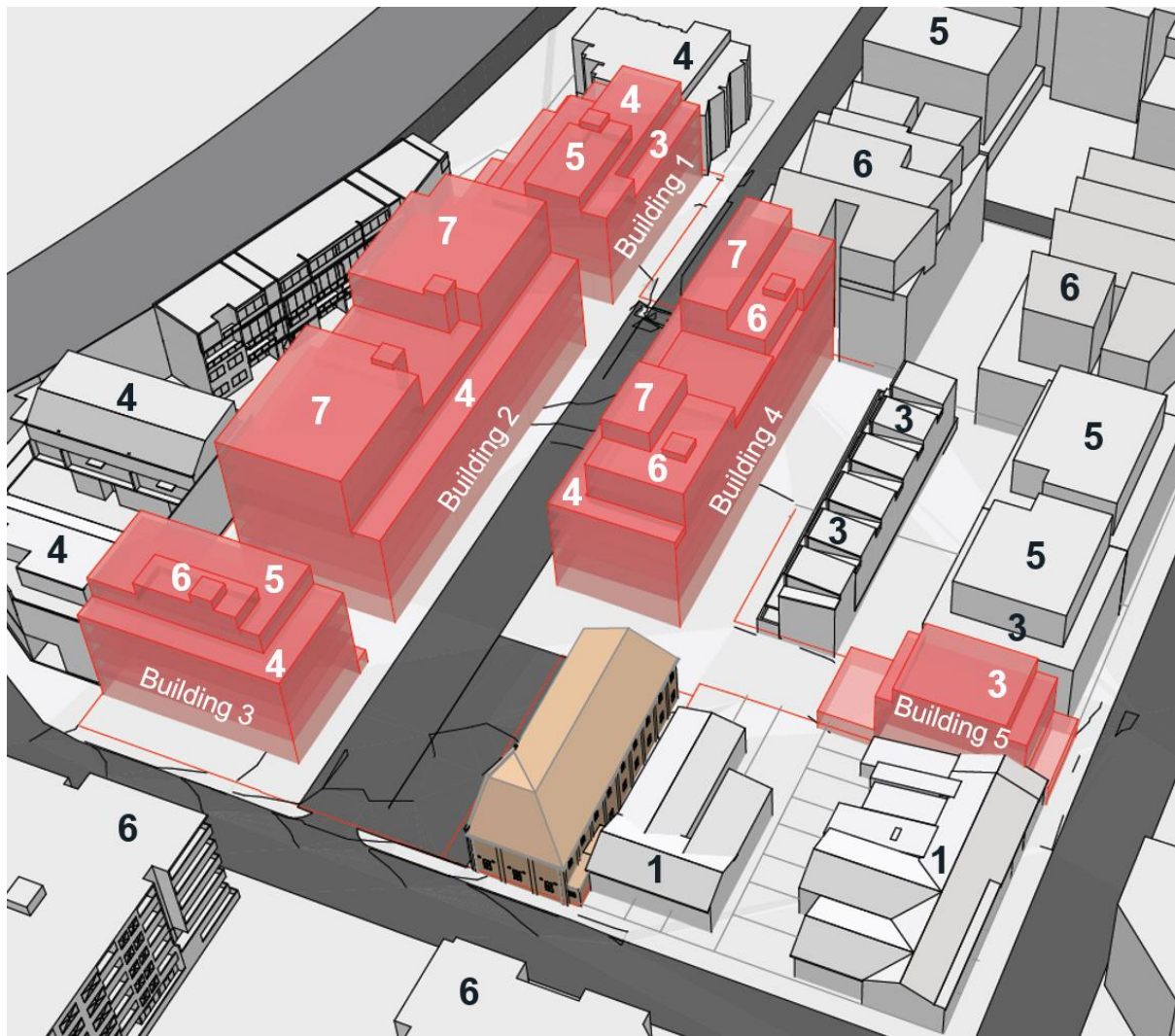


Figure 31: Axonometric view of the concept envelope, with the height in storey annotated

Building 4 (northern part)

- (vi) the variation to the 12m height that applies to the northern part of Building 4 is necessary to achieve the desired 6 storey built form with a 4 storey frontage height to Goddard Street recommended by the DCP;
- (vii) the variation also allows for a better height relationship with the existing 6 storey building to the north at 3 Eve Street, which had a similar variation approved previously;
- (viii) the variation does not hinder Building 4 in providing an acceptable height transition to the 3 storey buildings at the rear of 11-17 and 19-21 Eve Street;

Building 5

- (ix) the variation to the 9m height that applies to Building 5 is necessary to achieve the desired built form recommended by the DCP, particularly after accounting for the flood planning level; and
 - (x) the variation does not hinder Building 5 in providing an acceptable height transition between the 5 storey development at 11-17 and 19-21 Eve Street and the single storey terraces at 27-41 Eve Street.
- (b) consistent objective (c) of the development standard, the proposed heights will protect the 2 view corridors from Sydney Park as identified in section 5.5.8.2 of the DCP as illustrated by Figures 32 and 33 below:



Figure 32: Modelled view of View Corridor A



Figure 33: Modelled view of View Corridor B

there are sufficient environmental planning grounds to justify contravention of the standard:

- (c) the height variations are partly in response to the flood constraints of the site, with the future ground level raised between 0.9m to 2.3m above existing ground levels, while achieving the density envisioned by the LEP and the built form recommended by the DCP;
- (d) the height variations facilitate the redistribution of built form and massing across the site based on a detailed urban design analysis prepared by the project architect to minimise overshadowing impacts to adjoining properties, including 2-4 and 21-25 Coulson Street, and 11-17 and 19-21 Eve Street;
- (e) the redistribution of built form and massing across the site also ensures the proposed heights are contextually appropriate, particularly considering the desired character of the Ashmore neighbourhood and the building heights of the immediate context as illustrated in Figure 31;
- (f) the proposed variations will not hinder the protection of the 2 identified view corridors from Sydney Park; and
- (g) the proposed variations will not hinder the delivery of future roads and open space, nor contribute to additional overshadowing to the future Carter's Park.

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

55. Development consent must not be granted unless the consent authority is satisfied that the applicant's written request has demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard.

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

56. The written request has adequately demonstrated that the proposed development meets the objectives of the height of buildings development standard despite the non-compliance with the numerical standard. As such, to the extent of the variation proposed, compliance with the development standard is unreasonable and unnecessary.

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

57. The written request has established environmental planning grounds that are specific to the circumstances of the site to justify the extent of non-compliance with the height of buildings development standard. In this instance, the elements of non-compliance are appropriate within the context of the immediate surroundings, allow the proposed development to preserve the residential amenity for neighbouring developments, while maintaining a reasonable development capacity for the site to contribute to future public domain and housing supply. The written request has therefore demonstrated that there are sufficient environmental planning grounds to support the extent of the variation proposed.

Conclusion

58. For the reasons provided above the requested variation to the height of buildings development standard is supported as the applicant's written request has adequately addressed the matters required to be addressed by clause 4.6 of the LEP.

Overshadowing

59. Eye of the sun diagrams have been provided to support the concept proposal. The diagrams at 15 minutes interval are included in Attachment B, while the diagrams at an hourly interval is provided below in Figure 34. The diagrams show the proposed envelopes in pink, with the reference scheme contained within.
60. Objective 4A-1 of the ADG requires the living rooms and private open spaces of at least 70% of apartments in a building of at least 2 hours of direct sunlight between 9am and 3pm at mid-winter. It also allows up to 15% of apartments in a building to receive no direct sunlight. Objective 3B-2 of the ADG then requires overshadowing of neighbouring properties to be minimised.

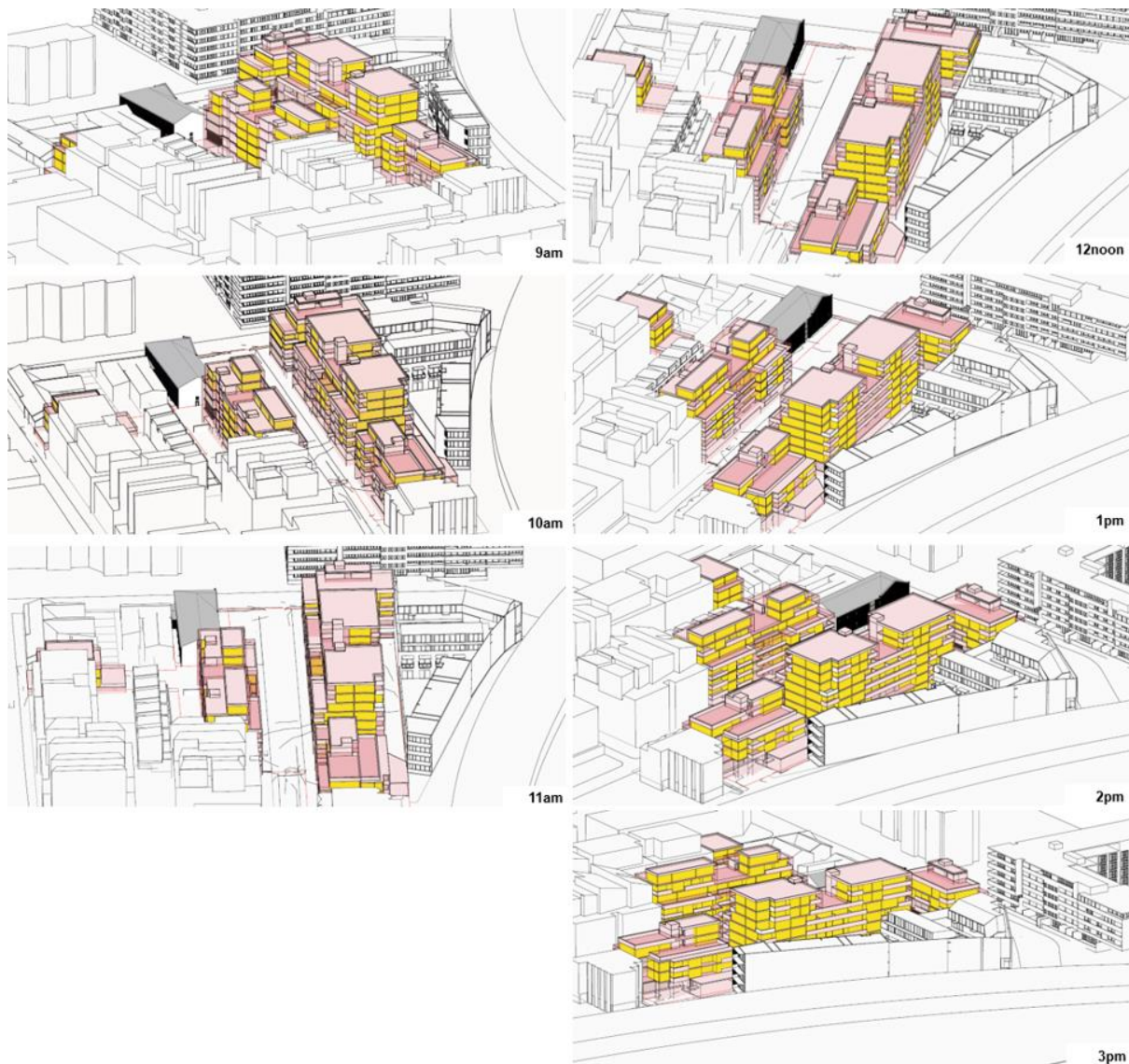


Figure 34: Eye of the sun diagrams (hourly interval)

61. The eye of the sun diagrams demonstrates the following:

21-25 Coulson Street

- (a) Of the 46 apartments, 21 (45.7%) currently achieve at least 2 hours of direct sunlight to their respective private open space and living area. The northwestern corner of Building 2 has been amended to allow those 21 apartments to continue to achieve at least 2 hours of direct sunlight.
- (b) The western portion of Building 1 steps down in height to avoid any additional overshadowing to the southeast-facing apartments within the northern block of 21-25 Coulson Street between 9am and 9.30am.
- (c) Overall, the concept proposal has been designed and subsequently amended to maintain solar access to 21-25 Coulson Street in accordance with the ADG.

11-17 Eve Street

- (d) Of the 19 apartments, 16 (84.2%) currently achieve at least 2 hours of direct sunlight to their respective private open space and living area. The concept proposal allows those 19 apartments to continue to achieve at least 2 hours of direct sunlight.
- (e) The communal open space was originally approved with 1 hour of direct sunlight. The concept proposal will maintain at least 1 hour of direct sunlight to approximately 50% of the communal open space located in the middle of the site between 11.15am and 12.30pm.

19-21 Eve Street

- (f) Of the 18 apartments, 13 (72.2%) currently achieve at least 2 hours of direct sunlight to their respective private open space and living area. The concept proposal allows those 13 apartments to continue to achieve at least 2 hours of direct sunlight.
- (g) The concept proposal, however, will impact 2 ground floor apartments (BG.02 and BG.03). The 2 apartments are located within the 3 storey built form at the rear of 19-21 Eve Street. The proposal will maintain the pre-existing 1.5 hours of direct sunlight to their living area, but results in 30 minutes of additional overshadowing to their private open space, reducing the amount of solar access from 2 hours 15 minutes to 1 hour 45 minutes.
- (h) The 30 minutes of additional overshadowing is considered reasonable as the impact is caused by the portion of Building 4 that is compliant with the 6 storey height recommended by the DCP, and is reduction is in accordance with the reduction allowable by the ADG.
- (i) Otherwise, the concept proposal will allow the communal open space located in the middle of the site to continue to receive at least 2 hours of direct sunlight, between 10am and 12.45pm.

2-4 Coulson Street

- (j) The concept proposal will result in additional overshadowing to some of the north facing apartments, particularly those located on the lower three levels. However, those apartments will continue to receive over 3 hours 45 minutes of direct sunlight to their respective private open space and living area, exceeding the requirements of the ADG.

1-5 Coulson Street

- (k) The concept proposal allows the three terraces to continue to achieve at least 2 hours of direct sunlight to their living area windows and private open spaces between 10am and 12.00noon, which is consistent with the requirements of Section 4.1.3 of the DCP.

27-41 Eve Street

- (l) Similarly, the concept proposal allows the row of terraces to continue to achieve at least 2 hours of direct sunlight to their living area windows and private open spaces between 11.15am and 1.30pm, which is consistent with the requirements of Section 4.1.3 of the DCP.

Design Advisory Panel

62. The proposed development was considered by the Design Advisory Panel on 24 October 2024, and the application was subsequently amended to address the Panel's recommendations as detailed in the table below:

Recommendations	Response
The proposed development should be amended to address issues identified by City staff, including future land dedication, interface with heritage items, solar access, building heights and view corridor, building separation, deep soil provision, ground floor access and communal open space provision.	The proposed development has been amended to address issues identified by City staff as detailed in the 'Amendments' section and as discussed elsewhere in this report.
The concept envelope of Building 2 should be amended to ensure no additional overshadowing to 21-25 Coulson Street.	The concept envelope for Building 2 has been amended to preserve solar access to 21-25 Coulson Street as discussed above.
Adequate acoustic considerations and requirement for noise and vibration mitigation measures should be included given the site's proximity to the rail corridor.	An acoustic report has been provided to include an assessment on the potential noise and vibration impacts, and makes recommendations on noise and vibration mitigation measures to inform the subsequent competitive design process and future detailed design of the buildings.
The existing Norfolk Island Pine should be retained if possible.	Retention of the Norfolk Island Pine is not feasible without significantly limiting the redevelopment potential of 23 Eve Street. Its indicative removal is supported.
The demolition of the powerhouse building is considered on balance more important than its retention given it would allow for the reinforcement of the street pattern, an improved public domain (wider footpath on Coulson Street), and provide substantially more housing.	A heritage assessment has been carried out to demonstrate that the powerhouse building is not of sufficient significance to warrant retention. The demolition of the building also allows significant public domain benefits and opportunity to delivery additional housing as noted by the Panel.

Recommendations	Response
The Panel noted that the proposal demonstrated that this site is not suitable for the State Government's 30% floor space boost and height bonus.	The assessment of this concept DA demonstrated limited scope for the site to achieve any additional floor space and/or height without adversely affecting the amenity of the neighbouring residential developments, the future residents of the site, and the future public domain, including Carter's Park.

Consultation

Internal Referrals

63. The application was discussed with the City's Heritage Specialist, Urban Designer, Landscape Specialist, VPA Coordinator, Environmental Health Unit, Public Domain Unit, Transport and Access Unit, Tree Management Unit, Waste Management Unit, Public Art Team, and Design Excellence Team. Relevant comments have been included in this report, and where appropriate, conditions recommended by these referrals have been included in Attachment A.

External Referrals

Sydney Airport

64. 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.
65. Schedules 2 and 5 of the Civil Aviation (Building Control) Regulations 1988 identify that the site is subject to a prohibition of the construction of buildings more than 15.24m above existing ground level.
66. 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).
67. The Sydney Airport Airfield Design Manager, as an authorised person of the CASA, provided approval for the controlled activity on 13 August 2024.

Sydney Water

68. Pursuant to Section 78 of the Sydney Water Act 1994, the application was notified to Sydney Water. As requested by Sydney Water in their comments issued on 11 September 2024, growth data has been provided by the applicant as part of the subject application to assist Sydney Water in ensuring the timely delivery of new assets in the area.

Ausgrid

69. Pursuant to Section 2.48 of the Transport and Infrastructure SEPP, the application was referred to Ausgrid for comment. Ausgrid responded on 29 August 2024 raising no objections, and the recommended conditions have been included in Attachment A.

Transport for NSW

70. Pursuant to Section 2.99 of the Transport and Infrastructure SEPP, the application was referred to Transport for NSW (TfNSW) for concurrence. TfNSW (as Rail Authority) provided concurrence on 24 September 2024, and the recommended conditions have been included in Attachment A.

Advertising and Notification

71. In accordance with the City of Sydney Community Participation Plan 2023, the proposed development was notified and advertised for a period of 28 days between 14 August and 12 September 2024. A total of 1,566 properties were notified. A total of 34 submissions were received, including 33 in objection and 1 in support.

72. The 33 submissions in objection raised the following issues:

Amenity impacts

- (a) **Issue:** Overshadowing impacts to 2 Coulson Street, 21-25 Coulson Street, and 19-21 Eve Street.

Response: The concept envelopes has been amended to preserve solar access to neighbouring properties, particularly to 21-25 Coulson Street. Overall, the extent of overshadowing impacts is considered acceptable.

- (b) **Issue:** Visual and acoustic privacy impacts to 21-25 Coulson Street and 2 Coulson Street, visual privacy impacts to 1 Coulson Street, and visual privacy impacts from the rooftop communal open space of Building 4 to 19-21 Eve Street.

Response: The concept envelopes are generally consistent with the building separation requirements of the ADG, which serves to protect visual and acoustic privacy. As the apartment layouts are matters for the detailed design DA stage, visual and acoustic privacy are best assessed as that later stage.

Notwithstanding, a condition is recommended to require careful consideration of key interfaces with neighbouring properties and within the site at the subsequent competitive design process and detailed design DA.

- (c) **Issue:** Impacts on the natural cross ventilation of the lobby of 3 Goddard Street.

Response: A lightwell is provided within 3 Goddard Street to allow its lift lobbies to achieve natural cross ventilation without relying on 5 Goddard Street.

Other concerns

- (d) **Issue:** The proposed heights (and upper storey setback) do not respond to neighbouring buildings and the heritage item located onsite. No additional heights should be allowed, as bonuses may apply at a later stage.

Response: The concept envelopes have been amended to achieve an acceptable relationship with the heritage warehouse, and proposed heights are considered acceptable within the site's context, achieving an acceptable height transition to neighbouring buildings. No additional height is sought through the design excellence process.

- (e) **Issue:** The proposed development should support the provision of larger apartments (3+ bedroom).

Response: Apartment mix is a matter for consideration at the later detailed design DA stage.

- (f) **Issue:** The proposed development should achieve 100% natural ventilation.

Response: Compliance with the natural cross ventilation requirements of the ADG will be assessed at detailed design DA stage, and a condition is recommended to require the future detailed design of buildings to carefully balance of acoustic amenity and natural ventilation.

- (g) **Issue:** The proposed development should not rely on fossil fuel.

Response: Fossil-fuel free design has been identified as one of the ESD target benchmarks, in the Design Excellence Strategy that is recommended for approval.

- (h) **Issue:** The powerhouse building should be retained to preserve the industrial heritage of the locality.

Response: As discussed, the powerhouse building has lost much of its significant fabric, and the remanent fabrics do not allow the building to meet the criteria for heritage listing or to warrant retention. Furthermore, the removal of the powerhouse building also allows significant public domain benefits and opportunity to delivery additional housing.

- (i) **Issue:** The Norfolk Island Pine at 23 Eve Street should be retained considering its ecological value.

Response: While no physical removal is considered as part of this DA, the indicative removal of the Norfolk Island Pine is considered acceptable as it is considered to have a medium retention value, and its retention would unreasonably restrict the redevelopment potential of 23 Eve Street.

Traffic concerns

- (j) **Issue:** The proposed development should reduce the provision of parking to lower of cost of housing.

Response: While no parking spaces are approved as part of this concept DA, the indicative number of parking spaces is compliant with the maximum allowable under the LEP.

- (k) **Issue:** The proposed development should increase the provision of parking to avoid additional pressure on on-street parking.

Response: The demand for on-street is primarily managed by the City's residential parking permit scheme, noting that new multi-unit residential developments are typically not eligible for residential parking permit.

- (l) **Issue:** The proposed development should provide compliant level of bicycle parking.

Response: The reference scheme demonstrates a compliant level of bicycle parking within the indicative basement and building footprint. Compliance will be assessed at the detailed design DA stage.

Public Domain concerns

- (m) **Issue:** Additional infrastructure is required to support the proposed increase in density, and that the proposed development should dedicate a portion of the site for community benefit.

Response: The proposed development and the associated VPA will provide for future public domain works, including the future Carter's Park, southward extension of Goddard Street, and the widening of Coulson Street.

- (n) **Issue:** Carter's Park should be no less than 500m², and the application lacks detailed design for the park.

Response: The application has been amended to provide 500m² of land for the future Carter's Park. Detailed design of the park is a matter for consideration either under a separate DA or as part of the future detailed design DA.

- (o) **Issue:** Road widening of Coulson Street is required to improve pedestrian safety, and should not impact on the existing single-storey terraces.

Response: The associated VPA will provide the for the road widening of Coulson Street, which will take place to the west of the future Goddard Street extension, not modifying the frontages of the existing single-storey terraces to the east of the future Goddard Street extension.

- (p) **Issue:** The design of the Goddard Street extension should maximise walking and cycling comfort, including continue footpath treatment and wombat crossing between Bamal Way and Carter's Park.

Response: Detailed design of Goddard Street is a matter for consideration at the future detailed design DA stage. Notwithstanding, a condition is recommended by the City's Public Domain unit for specific treatments to be included in a future public domain concept plan.

Construction concerns

- (q) **Issue:** The subject site must be appropriately remediated to address any contamination concerns.

Response: Adequate investigation has been carried out to allow a NSW EPA Accredited Site Auditor to advise that the site can be made suitable for the proposed development. An appropriate condition is recommended to require further considerations at the future detailed design DA stage.

- (r) **Issue:** Construction impacts, including noise and dust.

Response: This concept DA does not consider any physical works. Construction impacts, and the need to impose any appropriate conditions, are matters for consideration at the future detailed design DA stage.

Financial Contributions

73. The appropriate contributions will be determined and applied at the detailed design DA stage in accordance with the following:
- (a) City of Sydney Development Contributions Plan 2015;
 - (b) City of Sydney Affordable Housing Program 2023; and
 - (c) Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.

Relevant Legislation

- 74. Commonwealth Airports Act 1996
- 75. Sydney Airport Referral Act 1996
- 76. Sydney Water Act 1994
- 77. Environmental Planning and Assessment Act 1979
- 78. City of Sydney Act 1988

Conclusion

79. The subject concept application seeks consent for concept envelopes for a mixed-use development comprising 4 envelopes for residential flat buildings, an envelope for 2 terraces, and the indicative adaptive reuse of a heritage item for commercial use. The concept proposal also provides for public domain works, including the southward extension of Coulson Street, a 2.5m landscape setback on Coulson Street, and a new 500m² Carter's Park.
80. The concept proposal generally complies with the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012. Any variations have been discussed throughout this report, and found to be acceptable, subject to conditions of consent where necessary.
81. The concept proposal and Design Excellence Strategy establish concept building envelopes and suitable parameters for a competitive design process. Subject to the recommended conditions, the proposed envelopes are generally able to accommodate detailed building designs of an appropriate bulk and scale that responds to the character of the area, and capable of achieving design excellence subject to a competitive design process.
82. A Public Benefit Offer has been received and accepted in principle by the City of Sydney for the above-mentioned public domain works. The Public Benefit Offer will inform a draft VPA associated with the application. The draft VPA will undergo a 28-day public exhibition in accordance with section 7.5 of the EP&A Act. A deferred commencement condition is recommended to enable the VPA to be drafted, exhibited, executed and registered on title.
83. For these reasons, it is recommended that authority be delegated to the CEO to determine the application, following the drafting and conclusion of the public exhibition of the VPA and considering any public submissions received in response. It is recommended that the CEO consider granting deferred commencement 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

Bryan Li, Senior Planner