

EXCEPTIONS TO DEVELOPMENT STANDARDS REPORT

CLAUSE 4.6 EXCEPTION TO THE FLOOR SPACE RATIO & HEIGHT DEVELOPMENT STANDARDS

256-280 Coward Street,
MASCOT

25 June 2014
amended 30 January 2015

Prepared by:



LJB Urban Planning Pty Limited

CONTENTS

1.0 INTRODUCTION	2
2.0 CLAUSE 4.6 VARIATION REPORT	3

1.0 INTRODUCTION

- 1.1 The subject site is located on the northern side of Coward Street near the corner of Kent Road and Coward Street. It is known as 256-280 Coward Street, Mascot. The site is to the east of 39 Kent Road, Mascot which was approved by the JRPP on 16 July 2014 for a 15 storey mixed use building.
- 1.2 As amended, this development application is for the erection of two 15 storey mixed use buildings containing 1440m² of retail floor space and 499 apartments.
- 1.3 As amended, the development will significantly improve the streetscape, resulting in an architecturally designed building that will complement the development at the highly visible corner of Kent Road, existing buildings and proposed buildings within the Precinct. The development of the commercial site is in line with the desired future character of the Precinct.
- 1.4 The subject site is zoned B2 Local Centre under the Botany Bay LEP 2013.
- 1.5 Clause 4.3 of the LEP requires a maximum height of 44 metres and Clause 4.4 of the LEP requires a maximum FSR of 3.2:1.
- 1.6 As amended, the proposed development has a maximum height of 46.35 metres and a FSR of 4.27:1.
- 1.7 This amended Clause 4.6 variation report has been prepared by LJB Urban Planning and accompanies the amended DA drawings.

2.0 CLAUSE 4.6 VARIATION REPORT

Is the Requirement a Development Standard?

- 2.1 Clause 4.3 and Clause 4.4 of the Botany Bay Local Environmental Plan 2013 contains a development standard that allows for a maximum height and floor space ratio on the subject site. A written justification for the proposed variation to the FSR is required in accordance with Clause 4.6.
- 2.2 The objectives of Clause 4.6 'Exceptions to Development Standards' are as follows:
- (a) *To provide an appropriate degree of flexibility in applying certain development standards to particular development; and*
 - (b) *To achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- 2.3 Clause 4.6 allows for the contravention of a development standard with approval of the consent authority.
- 2.4 A development standard is defined under the Environmental Planning and Assessment Act, 1979 as:
- "Provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development"*
- 1.8 The objectives of Clause 4.6 'Exceptions to Development Standards' are as follows:
- (c) *To provide an appropriate degree of flexibility in applying certain development standards to particular development; and*
 - (d) *To achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- 1.9 Subclause (3) requires the consent authority to consider a written request from the applicant that demonstrates:
- a) *That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and*
 - b) *That there are sufficient environmental planning grounds to justify contravening the development standard.*
- 1.10 Subclause (4) requires the consent authority to be satisfied that:
- a) *The applicants written request has adequately addressed the matters required to be demonstrated by subclause (3); and*
 - b) *The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.*

- 2.5 Clause 4.3 Maximum Building Height and Clause 4.4 Maximum floor space ratio control are development standards.

Extent of Variation to the standard.

- 2.6 The proposed building heights are as follows:

Building	Maximum Height	Non-Compliance
Building A	45.35 – 46.35m	2.35 metres
Building B – western	44.11 – 44.67m	670 mm
Building B - Eastern	42.03 – 42.40m	Nil

- 2.7 The proposed development has minor non-compliance with the LEP control to Building A and the western wing of Building B. The central connecting section of each building and Building B eastern are well below the maximum permitted height control. The plant does not extend beyond the roof as all floor space on Level 14, being the uppermost floor, will be connected with the units below and will be accessed internally via stairs. The lift overrun ends at level 14 with no protrusions above the roof line.
- 2.8 The development therefore results in a minor variation to the height control of a maximum of 2.35 metres for Building A and 670mm for Building B western.
- 2.9 The development proposes a FSR of 4.27:1 across the entire site which includes the corner site known as 39 Kent Road. In accordance with Clause 4.5(3) the proposed development extends onto the lot known as 39 Kent Road and therefore in determining the site area, the area of that lot is included. In addition, Clause 4.5(8) provides for the GFA of proposed development to be included in the total FSR for the site. On this basis, the FSR of the development incorporating Stage 1 & 2 is 4.27:1. This is demonstrated in the following table:

Component	Development
Site area*	256-280 Coward - 10,525m ² 39 Kent Road – 3,712m ² Total 14,237m ²
FSR (based on total site area Stage 1 & 2)	4.27:1
GFA – Building A	18,922m ²
GFA – Building B	26,177m ²
GFA – 39 Kent	15,622
Total GFA	60,721m ²
* as Building A sits partially on Lot 1, DP 1081391, the combined site area and cumulative GFA is measured across both lots as per the LEP.	

- 2.10 If measured separately, the FSR for each stage is:

- 39 Kent Road – 4.2:1
- 256-280 Coward Street – 4.28:1

2.0 CLAUSE 4.6 VARIATION REPORT

Is the Requirement a Development Standard and does subclause 8 apply?

Height

- 2.11 Clause 4.3 of the Botany Bay Local Environmental Plan 2013 contains a development standard that allows for a maximum height on the subject site. Clause 4.3 states:

4.3 Height of buildings

- (1) *The objectives of this clause are as follows:*
- (a) *to ensure that the built form of Botany Bay develops in a coordinated and cohesive manner,*
 - (b) *to ensure that taller buildings are appropriately located,*
 - (c) *to ensure that building height is consistent with the desired future character of an area,*
 - (d) *to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*
 - (e) *to ensure that buildings do not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks, and community facilities.*
- (2) *The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*
- (2A) *Despite subclause (2), if an area of land in Zone R3 Medium Density Residential or Zone R4 High Density Residential exceeds 2,000 square metres, the height of a building on that land may exceed the maximum height shown for the land on the Height of Buildings Map but must not exceed 22 metres.*
- (2B) *Subclause (2A) does not apply to land identified as “Area 1” on the Height of Buildings Map.*
- (2C) *Despite subclause (2), if an area of land identified as “Area 2” on the Height of Buildings Map has a site area exceeding 1,900 square metres, the maximum height for a building on that land may exceed the maximum height shown for the land on the Height of Buildings Map by no more than 2 metres.*

- 2.12 Clause 4.3 is a development standard.

Floor Space Ratio

- 2.13 Clause 4.4 of the Botany Bay Local Environmental Plan 2013 contains a development standard that allows for a maximum FSR on the subject site. Clause 4.4 states:

4.4 Floor space ratio

- (1) *The objectives of this clause are as follows:*
- (a) *to establish standards for the maximum development density and intensity of land use,*
 - (b) *to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,*
 - (c) *to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation,*
 - (d) *to ensure that buildings do not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks, and community facilities,*
 - (e) *to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,*
 - (f) *to provide an appropriate correlation between the size of a site and the extent of any development on that site,*
 - (g) *to facilitate development that contributes to the economic growth of Botany Bay.*

- (2) *The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.*
- (2A) *Despite subclause (2), if an area of land in Zone R3 Medium Density Residential or Zone R4 High Density Residential exceeds 2,000 square metres, the floor space ratio of a building on that land may exceed the maximum floor space ratio shown for the land on the Floor Space Ratio Map but must not exceed 1.5:1.*
- (2B) *Subclause (2A) does not apply to land identified as "Area 1" on the Floor Space Ratio Map.*
- (2C) *Despite subclause (2), if an area of land identified as "Area 2" on the Floor Space Ratio Map has a site area exceeding 1,900 square metres, the maximum floor space ratio for a building on that land may exceed the maximum floor space ratio shown for the land on the Floor Space Ratio Map by no more than 0.65:1.*

2.14 Clause 4.4 is a development standard.

2.15 Subclause 8 does not apply to the subject development.

What is the underlying object or purpose of the standard?

Height

2.16 The objectives of Clause 4.3 Height under Botany Bay LEP 2013 are as follows:

- (a) *to ensure that the built form of Botany Bay develops in a coordinated and cohesive manner,*
- (b) *to ensure that taller buildings are appropriately located,*
- (c) *to ensure that building height is consistent with the desired future character of an area,*
- (d) *to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*
- (e) *to ensure that buildings do not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks, and community facilities.*

Floor Space Ratio

2.17 The objectives of Clause 4.4 FSR under Botany Bay LEP 2013 are as follows:

- a) *to establish standards for the maximum development density and intensity of land use,*
- b) *to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,*
- c) *to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation,*
- d) *to ensure that buildings do not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks, and community facilities,*
- e) *to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,*
- f) *to provide an appropriate correlation between the size of a site and the extent of any development on that site,*
- g) *to facilitate development that contributes to the economic growth of Botany Bay.*

Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

2.18 Whether the variations are unreasonable or unnecessary can be demonstrated if one of the following applies:

- (a) *The proposal meets the objectives of the development standard notwithstanding its non-compliance with the standard. In this instance one must determine the objectives of the standard and if not expressly stated in the LEP what are the inferred objectives?*
- (b) *The underlying objective or purpose is not relevant to the development;*
- (c) *The underlying objective or purpose would be defeated or thwarted if compliance was required with the standard;*
- (d) *The development standard has been virtually abandoned or destroyed by Council's own actions.*

2.19 The following provides an assessment of the proposed variation to the Height and FSR controls in regards to the above criteria.

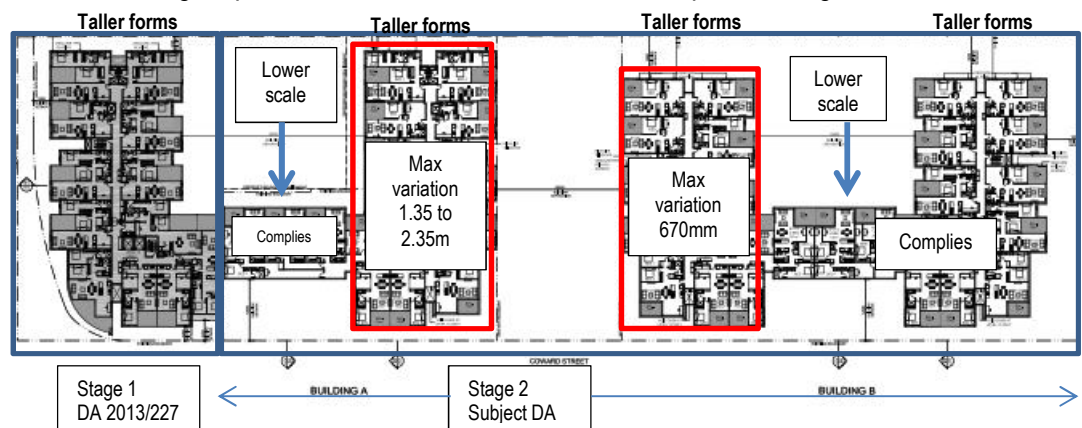
(a) The proposal meets the objectives of the development standard notwithstanding its non-compliance with the standard. In this instance one must determine the objectives of the standard and if not expressly stated in the LEP what are the inferred objectives?

Height

2.20 The proposed development as amended will achieve compliance with the objectives of the development standard under Clause 4.3 of the LEP. A detailed assessment against each objective is provided below:

- a) to ensure that the built form of Botany Bay develops in a coordinated and cohesive manner,***
- b) to ensure that taller buildings are appropriately located,***

2.21 Given the transitional nature of the area from industrial to mixed use, the design proposes an appropriate building form that locates the taller buildings at the street frontage and reduces the form as the building steps in the central section of each 'U' shaped building as shown below:



- 2.22 The minor variation to the height controls as shown above maintains a cohesive building scale consistent with surrounding developments. The modulation of the building form that has been achieved ensures the building is reflective of the surrounding area and desired future character established by the LEP controls. The building form enables the adjacent sites to develop in accordance with the planning controls.
- 2.23 The height of the integrated Building A Stage 2 is a continuation of a building form deemed appropriate under the current DA 2013/227 for Building A Stage 1. This extended building further reinforces the corner of Kent Road and Coward Street and provides a consistent four storey podium to the development to the east.

c) to ensure that building height is consistent with the desired future character of an area,

- 2.24 The bulk and scale of the development is consistent with the desired future character of the Precinct. The following table provides as assessment as to whether the development achieves the desired future character.

Desired Future Character – Urban Block 1	
<p>Land Uses</p> <ul style="list-style-type: none"> A mixed use area with retail ground floor uses on Bourke, Coward and Kent Road. 	<p>The development provides for retail uses along Coward Street and also flanking the proposed through site link which compensates for the reduction in retail / commercial space along John Street that the DCP envisaged for the Meriton site.</p>
<p>Street Character:</p> <ul style="list-style-type: none"> Bourke St to be Main Street in precinct. Church Ave to be predominately residential. New local streets to provide vehicular, pedestrian and cycle access to high rise residential. Building facades to align with new streets and interface between private and public open space to be visually open. New public domain to provide access to buildings and public open space for recreation. Extension of John St will provide access to vehicles and pedestrians. Kent Rd and Coward St Buildings to have continuous commercial ground floor with residential or commercial above. 	<p>No new streets are required across this site. However, the development will create improved pedestrian links with the provision of a new north-south through-site link between John Street and Coward Streets.</p> <p>The buildings will also create a much improved interface with the existing streets and public domain as demonstrated above.</p> <p>Non-residential uses will be provided at ground level and will suitably integrate with the public domain providing visual surveillance of the proposed through site link and Coward Street.</p> <p>As mentioned in DA 2013/227, the extension of John Street to through traffic from Kent Road enables a driveway entry for Building A to be constructed along this road creating a more desirable outcome for the development with all traffic exiting left onto Coward Street only, this operation will not change as a result of the extension of Stage 2 of Building A.</p> <p>In addition, the development provides for a public car park accessed off John Street which will assist in reducing parking congestion in the area.</p>
<p>Built Form:</p> <ul style="list-style-type: none"> Street frontages at the lower levels to be generally continuous, enhancing pedestrian interest and amenity. Residential floors above to be designed using environmental design strategies. Upper levels to facilitate daylight to street 	<p>The building form is appropriate along Coward Street as has been demonstrated in the discussion above regarding the modulation and appropriateness of the building heights.</p> <p>The upper levels of both buildings reduce in size and the stepping of the central section of both buildings by the removal of two floors minimises the bulk and scale and improves the interface with the public domain.</p>

and avoid street canyons be being setback from building alignment.	
<p>Public Domain:</p> <ul style="list-style-type: none"> Urban Block 1 will undergo major transformation with new publicly dedicated streets and parks on existing lots. Density and requirements for car parking will reduce potential of deep soil planting but new parks to make up the shortfall. New local parks to provide recreation needs. Public domain improvements. 	<p>The design of the buildings will respond to the future character of the area and will not unreasonably affect adjoining properties as demonstrated in the SEE.</p> <p>Deep soil opportunities on this site have been reduced due to the high water table and required number of car parking spaces on site. This is appropriate on this site for reasons discussed above in this SEE.</p> <p>The development seeks to provide substantial public domain improvements which will benefit the wider community.</p>
<p>Road widening:</p> <ul style="list-style-type: none"> New streets shown in Figure 7. Does not affect site but shows the extension of John Street to the west and the western closure of the street adjacent to Kent St. Road widening required along Kent Rd as well as corner of Kent Rd and Coward St within 39 Kent Rd site. Obtain further information from Council. 	<p>Not applicable. Notwithstanding, Kent Road and Coward Street are proposed to be widened under the Stage 1 DA 2013/227.</p>

d) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,

- 2.25 The buildings will not unreasonably affect adjoining residential properties by way of overshadowing and view loss. The development has no impact on the land to the south which is zoned B5 which does not permit residential development. The accompanying shadow diagrams indicate that the development will have no adverse impact.
- 2.26 The proposed north-south through-site link between the two buildings assists in minimising the bulk and scale presented to the street by providing a break in the building form along Coward Street. The vista that is created through the site towards the future public park on the Meriton site to the north provides a substantial visual link that will improve the permeability and views across the precinct.

e) to ensure that buildings do not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks, and community facilities.

- 2.27 The building massing will enhance the streetscape due to the high level of articulation that has been achieved; taller components of the buildings have been appropriately located. Key elements of the building massing that will contribute to a quality urban design outcome include:
- The building provides a consistent 4 storey podium to align with the future development to the east. The mid section of both buildings A & B express a 4 storey podium massing with greater horizontal solidity and emphasis up to levels 3 and 4 respectively. This creates a strong street edge which reinforces the corner to Kent Road.

- Both building façades then set back approximately 2.5m above these levels up to level 9. The façade treatment in this zone has a vertical emphasis with cantilevered Juliette balconies with clear glass balustrades adding texture to the composition.
- Above level 9 the building façades set back approximately an additional 7m from level 9 to level 13 to provide greater streetscape articulation and modulation to the Coward Street building form. These façades are treated with a flush glass curtain wall cladding to the upper levels that accentuates the stepped form of the buildings.
- Levels 13 & 14 of the mid section of both buildings have been deleted to provide greater skyline, streetscape articulation to the building forms addressing Coward Street and a reduction in the bulk and scale of the buildings. Additional communal landscaped roof facilities are now proposed at level 13 on both buildings with covered BBQ and seating area accessed from the lift lobby of each building.
- The integration of plant, services and lift overrun to be concealed behind residential units on the uppermost residential level also ensures that the top of the building offers a slick clean line with no additional height protrusions.
- The resultant improvements to the streetscape and the appropriateness of the height are demonstrated in the following 3D image:



- 2.28 Based on the above, Council should be satisfied that the design is appropriate for the site and achieves the objectives of the height control.

Floor Space Ratio

- 2.29 The proposed development will achieve compliance with the objectives of the development standard under Clause 4.4 of the LEP. A detailed assessment against each objective is provided below:

a) to establish standards for the maximum development density and intensity of land use,

- 2.30 The increased residential density will assist in meeting the increased housing targets within Botany Bay LGA and as set out in the Metropolitan Plan. The Council has already varied the FSR control allowing increased density in the precinct. It is appropriate that the flexible application of the control be permitted on this site also. The floor space is contained generally within a complaint building height. The minor variation to the height control of 670mm to 2.3 metres represents less than a storey and does not result in an unreasonable increase in density.
- 2.31 The development results in a substantially lower density than permitted by the LEP controls. Development density and intensity has a direct relationship with the apartment sizes. Smaller apartments would result in an increased density and intensity of development. The following table provides a comparison of the apartment sizes required by Council's DCP and the minimum unit sizes that cannot be used as a reason for refusal in SEPP 65:

Bedroom type	Botany Bay DCP 2013	SEPP 65
One bed	75m ²	50m ²
Two bed	100m ²	70m ²
Three bed	130m ²	95m ²

- 2.32 The density and intensity of the development would be substantially greater if the development complied with prescribed unit areas under SEPP 65. Increased numbers of units by complying with the unit areas under SEPP 65 would impact on the surrounding street network in relation to traffic generation. Although the development exceeds the FSR control, the density of development is considerably less than a development that meets the unit size requirements permitted under SEPP 65.
- 2.33 Notwithstanding the variation to the standard, the density of development on this site is appropriate and has no unreasonable adverse impact on surrounding properties or the area.

b) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,

- 2.34 The bulk and scale of the building is compatible with the desired future character as demonstrated in the table above.

c) to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation,

- 2.35 Building A Stage 2 will integrate with the Stage 1 DA at the corner of Kent Road and Coward Street and has been designed to further accentuate the corner of Kent Road and Coward Street to create a gateway building consistent with the desired future character of the Mascot Station Precinct.
- 2.36 The building in its integrated form creates a strong definable street edge that will continue east along Coward Street. However the stepping in the building form with a reduction in floor space

central to both buildings will assist in improving the interface with the public domain and successfully reduces the mass of the buildings.

2.37 The site is located on the western edge of the Mascot Station Precinct and southern edge of the B2 zone and the form and design of the development will not unreasonably affect sites to the south which are outside the precinct and are zoned: Business Park, General Industrial or Business Development. All the zones opposite currently do not generally permit residential accommodation with the exception of dwelling houses in the Business Park zone on the western side of Kent Road. Sufficient separation is achieved due to the width of adjoining roads.

2.38 Visually the buildings will provide a direct and consistent relationship with approved buildings in the precinct and has been modified to counteract the impact of such development.

d) to ensure that buildings do not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks, and community facilities,

2.39 As discussed above, the buildings will significantly improve the streetscape along Coward Street. The introduction of a through site link between the two buildings further breaks down the massing and minimises the bulk and scale presented to the street by providing a break in building form along Coward Street. The vista that is created through the site towards the future public park on the Meriton site to the north provides a substantial visual link that will improve the permeability and views across the precinct.

2.40 Levels 13 & 14 of the mid section of both buildings have been deleted to provide greater skyline, streetscape articulation to the building forms addressing Coward Street and a reduction in the bulk and scale of the buildings. Additional communal landscaped roof facilities are now proposed at level 13 on both buildings with covered BBQ and seating area accessed from the lift lobby of each building.

e) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,

2.41 As discussed in this report, the increased floor space beyond the controls does not result in any additional adverse impact on the adjoining properties or the public domain. An assessment of the overshadowing of the proposed development confirms that compliant solar access is maintained to existing and future development to the south of the site.

f) to facilitate development that contributes to the economic growth of Botany Bay.

2.42 The redevelopment of the site will contribute positively to the economic growth of Botany Bay LGA by providing increased residential accommodation that will support the surrounding commercial uses and capitalise on the excellent proximity to Mascot Station.

2.43 On the basis of the above assessment, notwithstanding the variation to the FSR control, the development meets the objectives of the standard.

(b) The underlying objective or purpose is not relevant to the development;

- 2.44 The underlying objectives and purposes remain relevant to the proposed development. The proposed development is consistent with the objectives of the Height & Floor Space Ratio controls as contained in Botany Bay LEP 2013 and demonstrated in this report.

(c) The underlying objective or purpose would be defeated or thwarted if compliance was required with the standard;

- 2.45 The underlying objective or purpose of the Height and FSR control remains relevant to the proposed development. The development is consistent with the objectives of the height and floor space ratio control as demonstrated in this report.

(d) The development standard has been virtually abandoned or destroyed by Council's own actions.

- 2.46 The Council has not abandoned or destroyed its controls. Notwithstanding this, it has been demonstrated that a variation to the controls is appropriate in this instance which is consistent with variations permitted for surrounding developments.

Are there sufficient environmental planning grounds to justify contravening the standard?

- 2.47 Given the transitional nature of the area from industrial to mixed uses, the design proposes an appropriate building form that is reflective of the desired future character of the area and responds to the constraints and opportunities of this site.

- 2.48 The development in its current form results in a better urban planning outcome for the following reasons:

- The building configuration across the site which results in a minor variation to the height control enables the creation of a large north facing through site link that provides a number of substantial benefits including:
 - The proposed north-south through-site link between the two buildings assists in minimising the bulk and scale presented to the street by providing a break in the building form along Coward Street.
 - The vista that is created through the site towards the future public park on the Meriton site to the north provides a substantial visual link that will improve the permeability and views across the precinct.
- The minor variation to the height control results in a far superior planning outcome as the stepping in heights across the sites improves the articulation of the skyline and breaks down the scale of the building. Compliance could be achieved by shifting building height to the areas that are well below the maximum permitted height; however this would result in a lesser streetscape outcome.
- The density of development on the site is considerably less than what would be achieved if the development provided unit areas as permitted by SEPP 65. In order to achieve compliance with the requirements of the Botany Bay DCP which is a discretionary document, the development utilises significantly more floor space resulting in a lower

development density than permitted by the LEP. A reduction in development density has a direct benefit to the wider community in relation to traffic generation, parking and provision of services which is a better planning outcome.

- 2.49 On the basis of the discussion in this report and the points above, there are sufficient environmental planning grounds to justify the contraventions.

Will the proposed development be in the public interest because it is consistent with objectives of the particular standard and the objectives for development within the zone in which the development proposed is to be carried out

- 2.50 The proposed development maintains compliance with the objectives of the zone as detailed below:

- 2.51 The objectives of the B2 Local Centre Zone under the Botany Bay LEP 2013 are as follows:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*

- 2.52 The proposed development satisfies the objectives of the B2 Local Centre zone as follows:

- 1440m² of non-residential uses will be provided at ground level. This will contribute towards serving the needs of people who will live, work and visit the area.
- The development will contain 9 x studio units, 282 x 1 bedroom units, 206 x 2 bedroom units and 2 x 3 bedroom units which will provide a variety of housing types within a local centre close to public transport and work opportunities.
- The unit mix satisfies the demand for the locale.
- Residential uses on this site are an appropriate type of development that is complimentary to the transitional nature of the area and will further support the locality. The site is a highly desirable location given the proximity to major arterial roads, airport, Mascot railway station, bus services, Sydney CBD and employment opportunities.
- The development will provide an interface between non-residential uses to the south which are unlikely to be redeveloped to residential uses due to the current zoning and the transitioning Mascot Station Precinct Area which is able to accommodate increased residential uses due to location and proximity to public transport.
- The subject site is located within a 5 minute walk to Mascot railway station. This will encourage public transport uses due to the sites excellent public transport accessibility.
- The development will make a substantial contribution to the Botany Bay LGA and will enhance the unique character of the area given the quality architectural design and much needed and improved interface with the public domain.

- 2.53 The site is located within an area that has and is currently transitioning to provide a mixture of uses including greater residential development. The proposed development is consistent with

the desired future area and zoning under the Botany Bay LEP 2013 and Botany Bay DCP 2013.

- 2.54 It is therefore considered that the development is capable of achieving B2 Local Centre Zone objectives.

Whether or not non-compliance with the development standard raises any matter of significance for State or Regional environmental planning.

- 2.55 The variation to the height and floor space ratio control will not raise any matter of significance for State or regional environmental planning.

The public benefit of maintaining the development standard.

- 2.56 There is no public benefit of maintaining the standards. This report has determined that the variations to the planning controls result in a better urban planning outcome on this site.
- 2.57 Compliance with the Floor Space Ratio controls could be achieved by complying with the unit sizes permitted by SEPP 65. The development provides a better outcome and a public benefit as the larger unit sizes reduces traffic generation and density of units on the site.
- 2.58 There is no public benefit maintaining compliance with the height controls due to the minor extent of variation. Compliance could be achieved by shifting building height across the site. It is in the public benefit to provide a stepping of heights across the site which breaks down the building form and improves the articulation of the skyline.
- 2.59 On the basis of the above there is no public benefit of maintaining the standards.

Any other matters required to be taken into consideration by the Director General before granting concurrence.

- 2.60 There are no other matters that are required to be taken into consideration.