

Appendix B: Clause 4.6 Objection (Height)

Introduction

This clause 4.6 application has been prepared in support of a masterplan application for the site at 7-9, 14-18 & 19-21 Chalmers Crescent, Mascot.

The land which is the subject of this application is zoned B5 Business Development under *Botany Bay Local Environmental Plan 2013* (BLEP 2013), which establishes a building height of 44m for the subject land. The proposal is for the demolition of existing built structure and the erection of an office park style development comprising four eight-storey towers above a two-storey podium with a maximum height of 46.4m. Consequently relief is sought from the standard.

Under Clause 4.6 of the BBLEP 2013, consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that:

- *the proposed development 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, and*
- *compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- *there are sufficient environmental planning grounds to justify contravening the development standard.*

Degree of non-compliance

The proposal entails a non-compliance of 0m-2.4m (0-5%) with the height standard as described in sections and elevations prepared by Anchor Mortlock Wolley. The proposed development is fully contained within the permissible height plane to the top of the rooftop balustrade. However, the tower lift/plant cores proposed to provide access to the rooftop protrudes above the height plane by 2.4m.

CONTROL	PROPOSED	COMPLIANCE
Clause 4.3 - Height of building	Proposed height: 44m (top of balustrade)	Complies in part
44 metres	Proposed height: 46.4m (top of lift overrun)	

Is the development consistent with objectives of Clause 4.3 Building Height

The objectives of Clause 4.3 Building Height under BBLEP 2013 are as follows:

(a) to ensure that the built form of Botany Bay develops in a coordinated and cohesive manner,

The subject land and surrounding sites were rezoned B5 Business Development under the BLEP 2013 and are now subject to the higher maximum FSR of 3.0:1 and building height of 44m. The subject site lies at the interface of aging industrial stock to the west and newer airport-related development to the north, east and south. Given the substantial increase in development potential of these sites, it is inevitable and intended that both the industrial area to the west and newer office development be redeveloped in conformity with the increase envisaged by the controls.

This proposal, therefore, forms an important first step in the coordinated renewal process sought by the new LEP, which aims to trigger a cohesive intensification of built form in the Mascot area in accordance with the locality's increasing strategic importance within Sydney's Global Economic Arc.

(b) to ensure that taller buildings are appropriately located,

The proposed development will rise above existing industrial development to the west and existing airport-related office development to its north, south and east. As noted above, the proposal anticipates the redevelopment of aging industrial stock in the short to medium term.

Although newer airport-related developments to the north, east and south are less likely to undergo substantial transformation in the short term, these will also be redeveloped in line with the new controls in the future. The proposal maintains an appropriate visual relationship with these existing developments characterised by larger lots and building footprints, landscaped front setbacks, and heights of up to 10 storeys. As detailed in sections and elevations, the proposed development will be visible from Bourke and Coward Streets, with the uppermost storeys of the four towers rising above the existing airport-related developments. This stepped arrangement is appropriate for an industrial/ commercial zone and will not negatively impact the streetscape of Bourke or Coward Streets.

The location of the proposal is therefore considered appropriate.

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

Proximity of the subject land to the Sydney Airport, its location within the Global Economic Corridor and its potential to support urban renewal within Mascot Town Centre are of strategic importance. In response to these development drivers, Council gazetted BBLEP 2013, which establishes a maximum height of 44m for the subject and surrounding land. Council also adopted BBDCP 2013, which outlines the desired future character of the Mascot Character Precinct (chapter 8.7). The BBDCP 2013 requires the following in relation to desired future character:

...

Encourage new development or alterations and additions to existing development to complement the height and architectural style found in the immediate vicinity, particularly where there is an established character.

Maintain roof forms to reflect the characteristics of the prevailing designs within the street

...

Preserve and maintain open space areas within the precinct to cater for a variety of recreational needs.

Encourage landscaping to be incorporated within the development and site layout to soften the built form, promote pedestrian comfort and enhance the aesthetics of the neighbourhood.

As noted above, an office-park style development is not in keeping with the established character of the aging industrial stock to the west as this stock approaches obsolescence. The proposal complements other existing airport-related office developments to the east and is in accordance with the subject land's evolving strategic role, emerging trends within the locality, and recently gazetted planning controls.

This proposal can only be enhanced by the inclusion of an accessible roof garden to soften the appearance and contribute an accessible open space for occupants as is encouraged by the DCP requirements listed above. This entails a non-compliance 0-0.5% with the building height standard to provide a tower lift/plant core that will enable access while remaining invisible at street level. The accessible roof garden will improve the amenity of the office-park as well as set a positive precedent for future development of remaining industrial sites to the west.

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

The subject land benefits from a location within an established industrial/commercial area away from sensitive land use areas. As a result the proposal will have no impact on views, privacy and solar access for existing development in areas zoned for residential and open space purposes.

(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.

The proposal will improve the existing streetscape along Chalmers Crescent through extensive street tree planting to Council specifications and the replacement of unattractive aging industrial stock with a modern office park style development. The proposal also includes extensive landscaped areas at the ground, roof and podium levels and Green walls that provide a vegetated outlook to surrounding development and the street are also proposed. Overall these measures will significantly add to the amenity of adjoining properties as well as the public domain.

As noted above, the proposal anticipates future change across aging industrial development to the west setting an appropriate precedent for redevelopment in terms of streetscape, skyline and landscape.

Is the development consistent with objectives of the B5 Business Development zone?

The subject site is zoned Zone B5 Business Development under BBLEP 2013, the only objective of the B5 Business Development zone is following:

To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.

The proposed building envelope will enable the delivery of 33, 795 sqm of business floorspace to support the Sydney Airport transport gateway and absorb spill-over in demand for commercial floorspace from the CBD. This is an appropriate role for the site within the Global Economic Corridor and represents an important opportunity to contribute to jobs growth within City of Botany Bay. Similarly, it will complement the intensification of residential uses within Mascot Town Centre by providing jobs close to the homes of Botany residents. The proposal, therefore, satisfies the objective of the B5 zone.

As the objective of the B5 zone does not explicitly deal with the matter of building height, the aims of the BBLEP 2013 listed under clause 1.2(2) have also been considered:

(b) to encourage sustainable economic growth and development,

Provision of an office campus in close proximity to Sydney Airport and the extensive residential development of the new Mascot Town Centre will encourage sustainability by co'locating jobs and housing.

(e) to protect and enhance the natural and cultural landscapes in Botany Bay,

Open space is scarce west of O'Riordan Street, the immediate locality of the subject land, owing to the historic dominance of industrial uses in this area. The proposed roof gardens will contribute extensive landscaped open space to meet the needs of future workers within the office-park development. The proposal will provide a landscaped setting for business development as a model for the Mascot Town Centre.

(f) to create a highly liveable urban place through the promotion of design excellence in all elements of the built environment and public domain,

As noted above, the proposal makes use of every opportunity to provide added amenity to future workers and redress the current deficiency of green open space areas within the locality while achieving the highest sustainability outcomes and setting a positive precedent for future development. Design excellence of the proposal has already been acknowledged by Council's Design Review Panel.

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

Compliance with the maximum building height as stipulated is unnecessary as the proposal achieves the objectives of the standard, Council initiated strategic policies, the BLEP 2013, and the EPA Act notwithstanding its minor non-compliance. Compliance is also unnecessary as the comprehensive analysis of the proposal subject of this SEE has found no identifiable adverse amenity impact such as loss of privacy, overshadowing, or view loss etc. Moreover, land surrounding the proposal does not contain uses such as residential or public open space that might otherwise be more sensitive to the form of this proposal.

Strict compliance with 44m height standard would also forfeit an opportunity to provide public access to extensive areas of rooftop garden. Due to its history of industrial uses, access to quality greenspace within the immediate locality is limited. Given the partial nature of the non-compliance and minor degree of flexibility required, strict adherence to the standard despite the opportunity cost would not be in the public interest.

Hence, strict compliance with the standard is both unnecessary and unreasonable in the circumstances of this comprehensive scheme.

Conclusion

The proposal will replace seven obsolete industrial buildings with four sophisticated commercial towers that maximise the employment potential of the site and assist Council in meeting its targets for workplaces within the Botany Bay LGA. The proposal also delivers extensive open space and landscaped areas – landscape setbacks, green wall, podium level garden, green rooftop, street planting - noticeably absent in the existing industrial precinct. The proposal satisfies the objectives of BBLEP 2013 and responds to the urban design studies conducted by Council in support of it, all of which reflect to the growing strategic importance of the Mascot area.

The proposal is designed to provide high quality commercial and landscaped spaces to meet emerging workplace needs in an area where future commercial trends are for office type space rather than industrial uses and where the burgeoning commerce related to the airport will be carried out. The proposal represents the most economic use of land and will make a valuable contribution to social and economic welfare of the community. The height as proposed is compliant with the exception of lift/plant cores proposed to offer public access to rooftop green spaces. These cores represent a minor non-compliance with the height standard and will be imperceptible from the street.

In light of the above, compliance with the height as stipulated is unnecessary and unreasonable and the objection is well founded in our opinion. Accordingly, it is recommended that approval of the development application would be consistent with the aims and objectives set out in Clause 4.6 and is recommended to Council.