

ADDENDUM COUNCIL ASSESSMENT REPORT

SYDNEY EASTERN CITY PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSEC-238 – DA-483/2022
PROPOSAL	Construction of three buildings ranging in height between 5 and 7 storey containing a mixed use industrial, warehouse and recreational development with 2 basement levels for parking, storage and plant areas (Water NSW & Integrated Development).
ADDRESS	Lot 2 DP 261143, Lot 1 DP 219847, Lot 3 DP 271143 2-6 Girawah Place, Matraville
APPLICANT	Mr Agy Dassakis, Spirecorp Pty Ltd
OWNER	Spirecorp Pty Ltd
DA LODGEMENT DATE	4 October 2022
APPLICATION TYPE	Development Application
REGIONALLY SIGNIFICANT CRITERIA	Clause 2, Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> : Development that has a capital investment value of more than \$30 million.
CIV	\$37,802,636 (excluding GST)
CLAUSE 4.6 REQUESTS	None
KEY SEPP/LEP	Transport and Infrastructure SEPP, Biodiversity and Conservation SEPP, Resilience and Hazards SEPP Randwick LEP
TOTAL & SUBMISSIONS ISSUES SUBMISSIONS UNIQUE KEY IN	Two (2) submissions were received. The following issues were raised: <ul style="list-style-type: none"> • Visual privacy and security due to the height of the buildings. • Visual impact of the 5-7 storey buildings. • Appropriateness of sensitive land uses (e.g. child care centre) adjacent to Port Botany and the port operations. • Cumulative impacts of proposing sensitive land uses near the port and potential to negatively impact on the ability for the port to operate in the future due to changing noise/amenity expectations. • Traffic impacts on port operations and conflicts with large dangerous goods vehicles. • Acoustic and air quality impacts of port operations are not adequately assessed for the child care centre.
DOCUMENTS SUBMITTED FOR CONSIDERATION	<ul style="list-style-type: none"> • Architectural Plans • Landscape Plans • Traffic and Parking Impact Assessment • Noise Impact Assessment

	<ul style="list-style-type: none"> • Plan of Management (King Beats Fitness) • Gym Floor Plan Layout • Bunnerong Creek Plans • Waste Management Plan • Response Letter to Traffic Issues • Industrial Market Commentary Letters
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)	No
RECOMMENDATION	Deferred Commencement
DRAFT CONDITIONS TO APPLICANT	No
SCHEDULED MEETING DATE	23 January 2024
PLAN VERSION	2 November 2023
PREPARED BY	GAT & Associates
DATE OF REPORT	16 January 2024

EXECUTIVE SUMMARY

Council is in receipt of a Development Application (DA-483/2022) seeking consent for the construction of three buildings ranging in height between 5 and 7 storeys containing a mixed use industrial, warehouse and recreational development with 2 basement levels for parking, storage and plant areas at 2-6 Girawah Place, Matraville. The proposal is Integrated Development requiring approval under the Water Management Act 2000 due to the development being located within 40m of a watercourse and requiring concurrence from Transport for NSW (TfNSW) for being a traffic-generating development under State Environmental Planning Policy (Transport and Infrastructure) 2021.

The site consists of three allotments located on the corner of Botany Road and Girawah Place. Two of the allotments (Nos. 2 and 6 Girawah Place) are zoned IN1 General Industrial under the State Environmental Planning Policy (Transport and Infrastructure) 2021, Chapter 5 Three Ports, while the remaining lot (No. 4 Girawah Place) is zoned RE2 Private Recreation under the Randwick Local Environmental Plan 2012.

There are no formal structures on the land. Two (2) trees are present on the portion of the site to be developed. Bunnerong Creek runs through the northern portion of the site and was recently realigned and incorporated a culvert under Girawah Place under DA-561/2016.

The development application was lodged on 4 October 2022. The application was notified for twenty-eight (28) days from 13 October to 21 November 2022. Two (2) submissions were received objecting to the proposal. The objections primarily related to concerns over privacy/overlooking from the 5-7 storey development adjacent to low density residential and concerns about the appropriateness of sensitive land uses (child care centre, gym) near Port Botany. These matters were discussed in the original assessment report.

The applicant was issued a formal additional information request following a preliminary assessment and a referral to the Design Review Panel. Additional information was received. However, prior to the completion of the assessment of the additional information, a Class 1 appeal was lodged on 25 July 2023.

The application is referred to the Sydney Eastern City Planning Panel ('the Panel') as the development is '*regionally significant development*', pursuant to Section 2.19(1) and Clause 2 of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* as the proposal is development with a CIV over \$30 million.

The principal planning controls relevant to the proposal include *Chapters 3 and 5 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 ('SEPP Transport and Infrastructure')*, the *Randwick Local Environmental Plan 2012 ('the LEP')* and the *Randwick Development Control Plan 2013 ('the DCP')*.

Briefings were held with the Panel on 24 November 2022 and 27 March 2023 where key issues were discussed. The Panel inspected the site on 6 April 2023.

The key issues raised in the original assessment report included:

1. *Permissibility* – The proposed development is across two land zones – IN1 General Industrial and RE1 Public Recreation – and shares a basement across both land zones. The shared basement includes elements of industrial uses (e.g. car parking, access, loading bays) on the RE1 zoned land and elements of the child care centre, gymnasium, aquatic centre and the like that are on the IN1 zoned land (e.g. waste, loading, access, etc.). The uses depend on land where they are prohibited in the zone, and consequently, the proposal is prohibited development.
2. *Lack of Clarity on the Proposed Uses* – The submission is inconsistent in the information submitted on what the proposed uses are, though the application seeks for operational consent and not approval for uses for subsequent fit-out applications. The documentation refers to the industrial units as warehouse or distribution centres and high technology across different and sometimes the same documents. Operational details have not been supplied to understand either or both uses operating in the same building at the same time.
3. *Design Excellence, Setbacks and Landscaping* – The proposed development is not strictly subject to a height, FSR or setback requirement. However, Lot 2 is subject to Clause 6.11 Design Excellence under the LEP which requires consideration of appropriate scale, built form and landscaping. The built form on Lot 1 closest to the R2 Low Density Residential zone fails to provide adequate landscaping buffers to soften the development and will rely upon the Council adjoining RE1 Public Recreation zoned land to provide that screening for future recreation uses on the land. The 1m-3m setbacks to the east are inadequate to achieve this outcome. The development will exceed the height of other development in the locality and proposes the tallest building closest to the residential zone. Buffer landscaping of a scale suitable to the density is warranted but not provided.
4. *Suitability of the Site for the Child Care Centre* – A child care centre is a sensitive land use proposed adjacent to industrial land and in proximity to Port Botany. A Safety Management Study was recommended to be conducted by Ampol due to the proximity of the site to a high pressure dangerous goods pipeline but has not been supplied. Further, no air quality assessment was submitted despite the site being close to industrial and port operational land.
5. *Car Parking and Loading* – The development relies upon a temporal demand merit assessment for the provision of car parking. However, the car parking rates adopted are inconsistent with the proposed uses where the application states high technology uses will occupy tenancies but relies on warehouse car parking rates, and loading bays are assessed on a commercial rate not using the industrial development rate, which significantly affects the number of spaces and loading bays required. The car parking

provision is short by a minimum of 42 spaces, the shortfall is not accurately assessed and the temporal demand assessment is not fully justified. The variation is not supported.

6. *Insufficient Information* – The development generally provides inadequate levels of information to undertake a complete assessment of the development, including but not limited to:
- a. The child care centre portion of the development has not been supported with sufficient information to assess the indoor play area fit-out and unencumbered outdoor play areas, the acoustic assessment has not considered the impact of general background noise and noise from the development on the cot rooms or the correct hours of operations, the architectural plans are not reflective of the required 1.8m solid wall attenuation required by the report around the perimeter of the outdoor play areas, no evacuation plan has been submitted and no nappy change facilities are shown on the plans.
 - b. The gymnasium component has not been supported with sufficient information to assess the use and operation. The Plan of Management submitted states there will be classes but no information on capacity and frequency has been submitted, the POM also identifies inconsistent staffed hours, no equipment fit-out plan has been submitted to form the basis of an acoustic assessment, no information on acoustic attenuation on floor and walls are detailed, the purpose or use of the outdoor terraces is not specified, the reason for a 6.9m floor to ceiling height for the top level of the gym to justify the height of the overall building.
 - c. The aquatic centre portion of the development has not been supported with sufficient information to assess the operation which identifies a number of classes or activities with no timetable, capacity or staffing details, consideration to drop off areas for school children for the claimed hosting of school swimming, and an acoustic assessment that has considered the above information.
 - d. The industrial component of the development has not been supported with sufficient information to understand the intended use or uses, the operation of the development, management of the development including the showrooms, and the demand for 82 small tenancies stated as warehouse or distribution centres.
 - e. The food and drink premises proposed have not been supported by sufficient information on their fit-out, hours of operation, detailed floor plans on the kitchen areas, provision of mechanical ducting the like and acoustic impacts.
 - f. No information on the photo studio has been submitted.
 - g. Two of the indoor recreation tenancies proposed are supported with no information on their use, hours of operation, staff, etc.
 - h. The updated traffic report submitted as the additional information refers to the food and drink premises on the ground level of the Lot 2 building as a brewery, a form of artisan food and drink industry which is prohibited in the zone. Insufficient information is submitted if this is an error, as no other document references this, or whether the use is part of the application and is therefore a prohibited development.
 - i. Inconsistent calculations on floor area have been provided, which inform the car parking assessment.

A determination meeting was held on 21 September 2023 where the Panel resolved to defer the application to resolve the outstanding matters. At the instructions of the Panel, a further

request for additional information was issued on 26 September 2023 regarding the outstanding matters.

A briefing was held on 24 October 2023 with the Panel, the applicant team and external consultant assessors to discuss proposed amendments. The applicant submitted a final additional information package in November 2023 and forms the subject of this addendum assessment report.

This addendum assessment report is supplementary to the original assessment report dated 7 September 2023 and serves to respond to the issues outstanding at the time of that report.

Following a detailed assessment of the amended proposal, pursuant to Section 4.16(1)(b) of the *Environmental Planning and Assessment Act 1979*, DA-483/2022 is recommended for a Deferred Commencement consent subject to the conditions contained in **Attachment A** of this report.

1. THE AMENDED PROPOSAL

1.1 The Amended Proposal

The development application (DA-483/2022) as amended seeks consent for the construction of three buildings ranging in height between 5 and 7 storeys containing a mixed use industrial, warehouse and recreational development with 2 basement levels for parking, storage and plant areas at 2-6 Girawah Place, Matraville.

The site consists of three allotments which are not sought to be amalgamated. These are referred to in the submission as Lots 1, 2 and 3, corresponding with their legal description. Refer to the site plan below.



Figure 1: Site Plan (Source: Drawing No. DA-002 – Bennet Murada Architects)

The development proposes the construction of two (2) x five (5) storey buildings and one (1) x seven (7) storey building over a two (2) level basement accessed from Girawah Place.

- Lot 1 (No. 4 Girawah Place) contains a seven storey building.
- Lots 2 and 3 (Nos. 2 and 6 Girawah Place) contain five storey buildings.

Lot 1 Building

- The building contains a mixture of a child care centre and recreation facilities (indoor) including:
 - A 234.4m² café/restaurant tenancy at ground level.
 - A 59m² 'indoor recreation' tenancy at ground level.
 - A 1,081m² aquatic swimming pool tenancy on Level 1.
 - Proposes a 25m x 15m swimming pool and a 10m x 5m program pool.
 - A 770.7m² gym over Levels 2 and 3.
 - A child care centre of unknown capacity over Levels 3 and 4.
 - Outdoor play areas are proposed on both floors of the centre.
 - A 268.5m² indoor recreation facility with a 94.5m² outdoor area on Level 5.
 - Multiple lifts, fire stairs, external terraces on Levels 1-3, and various amenities and plant areas.
- A separate driveway and loading area are now proposed to access the parking levels on the northern perimeter of the riparian zone. The levels consist of:
 - An external SRV loading dock.
 - Basement Level 1: 38 car parking spaces including 2 accessible parking spaces, plant rooms and storage rooms.
 - Basement Level 2: the car park entry, 34 car parking spaces including 18 allocated to the child care centre and 2 accessible parking spaces, a waste room, bicycle and motorcycle parking and a separate lobby for the child care centre and other uses.
 - Basement Level 3: 40 car parking spaces including 1 accessible parking space and bicycle and motorcycle parking.

Lot 2 Building

- The building contains a mixture of food and drinks premises and industrial units including:
 - A 560.4m² food and drink premises at ground level.
 - A total of 49 industrial unit tenancies between 19.5m² and 70.2m², 4 meeting rooms, two communal lounge spaces and one outdoor terrace over Levels 1-4.
 - A dedicated lobby for the industrial units including three lifts, amenities and services.

Lot 3 Building

- The building contains industrial units including:
 - A total of 61 industrial unit tenancies between 25.4m² and 75.7m², 6 meeting rooms, and communal lounge spaces.

- A dedicated lobby including three lifts, amenities and services.

Basement of Lot 2 and Lot 3

- Two (2) entries to the parking include a centrally located entry from Girawah Place and a second access to Basement Level 1 only from the access handle for Lot 1.
- The parking levels comprise:
 - Basement Level 1: 34 parking spaces, motorcycle parking and storage rooms.
 - Basement Level 2: 33 parking spaces, bicycle and motorcycle spaces, a SRV loading area, waste room, storage and lobbies for the buildings on Lots 2 and 3.
 - Basement Level 3: 45 parking spaces, motorcycle spaces, plant/services and storage.

General

- The proposal as amended seeks operational consent for:
 - Industrial units.
 - Gym.
- The development hours of operation are identified as:
 - The industrial units are sought to operate 6am to 10pm.
 - The gym is sought to operate 24/7.
- The aquatic centre, child care centre, food and drink premises and other indoor recreation tenancies will be subject to separate fit-out and operational approvals.
- A central public forecourt area is to be created with paved and landscaped spaces.

2. ASSESSMENT OF OUTSTANDING ISSUES

The below assessment only addresses the key issues outstanding from the original assessment report.

2.1 Permissibility

The original proposal sought for a shared basement across all three allotments including both land zones, IN1 General Industrial and RE2 Private Recreation. In that scheme, the uses in each zone were dependent on the other zone for key operational elements such as the loading and waste services, amongst others. As the uses could not operate without reliance on land where each use was prohibited (e.g. the child care centre in the IN1 General Industrial zone, and the industrial warehouse units in the RE2 Private Recreation zone), the uses were prohibited.

Amended plans have been submitted that have separated the basement by their land zoning. The amended Basement 2 Plan is illustrated in Figure 2 whereby the IN1 and RE2 zoned land are capable of operating independently. Separate building entries and exits, loading bays, waste areas and lobbies are all proposed that are contained within their respective zonings.

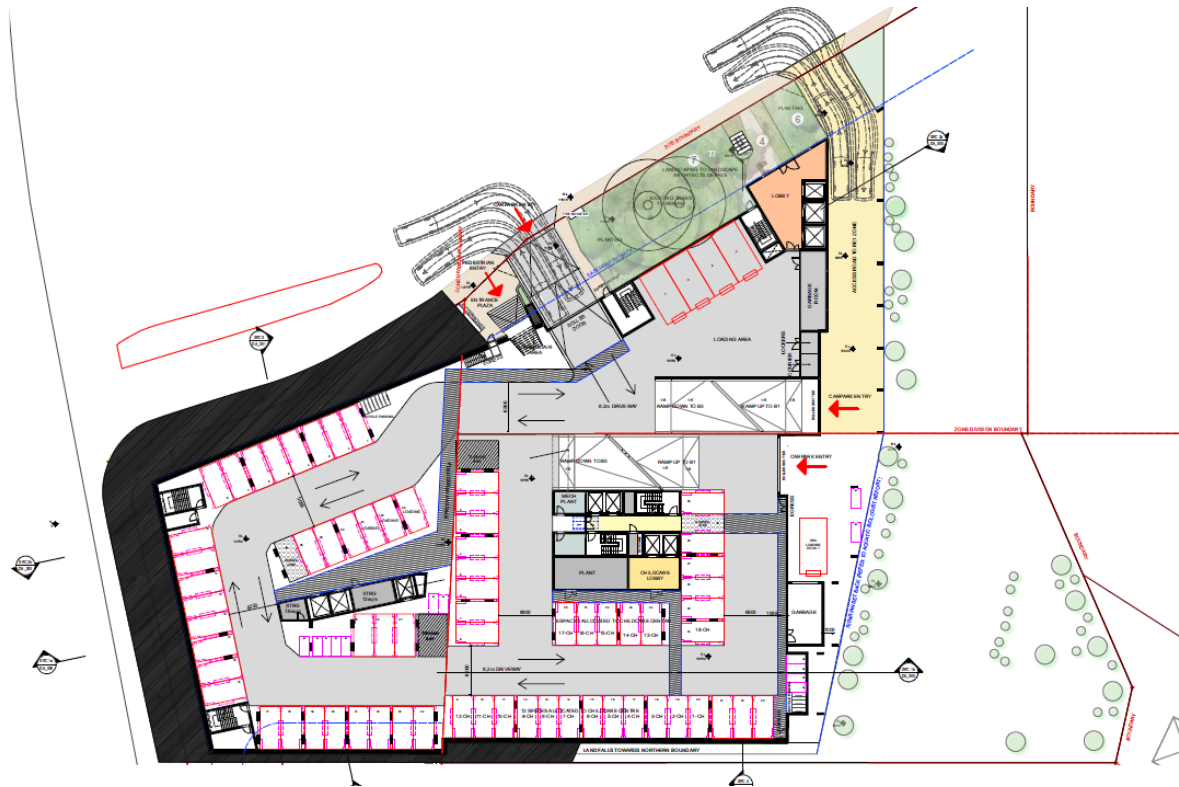


Figure 2: Basement 2 Plan (Source: Drawing No. DA_101 – Bennet Murada Architects)

In the above layout, there is no physical separation proposed between the parking areas on the IN1 and RE2 zoned land. To ensure permissibility is fully satisfied, a condition of consent is recommended to erect a fence on the zone and lot boundaries to separate the industrial and recreation car parking areas. This condition can be achieved without compromising access, turning circles and compliance with applicable standards under AS2890.2 as the plans have accommodated suitable turning bays and clearance adjacent to the spaces.

An ancillary permissibility issue was the reference to the use of the Lot 2 building as a brewery in the second iteration of the traffic report. A brewery is defined as an *artisan food and drink industry*, which falls under the parent definition of *light industry*. The IN1 General Industrial zone under State Environmental Planning Policy (Transport and Infrastructure) 2021, Chapter 5 Three Ports specifically excludes artisan food and drink industries from development permitted with consent.

The applicant has removed the reference to a brewery.

Given the above, the permissibility issues raised in the original assessment report have been resolved.

2.2 Lack of Clarity of the Proposed Uses

The issue previously raised was that the application was inconsistent with what land use was sought for the industrial units. The application in part referred to warehouse or distribution centres and high technology uses and inconsistently applied the car parking and loading requirements between the two.

The amended proposal has converted all industrial units to high technology uses and no longer seeks partial or complete use of the units as warehouses or distribution centres.

As a consequence of this amendment, the following key aspects of the units have changed.

Table 1: Comparison of Industrial Units

Detail	Previous Proposal	Amended Proposal
Number of Units	82	110
Unit Sizes	37m ² – 114m ²	25.4m ² – 75.7m ²
Car Parking	<u>Car parking rate:</u> 1 space per 80m ² <u>Required:</u> 71 spaces <u>Proposed:</u> 19 spaces	<u>Car parking rate:</u> 1 space per 80m ² <u>Required:</u> 61 spaces <u>Proposed:</u> 83 spaces (surplus of 22 spaces shared with the food and beverage tenancies)

The parking and loading facilities are discussed under Section 2.5 of this report.

Operational details in the form of a Plan of Management for the industrial buildings were requested under the previous scheme due to the co-location of two land use types within the building. As the development now only seeks high technology uses, this request is no longer deemed necessary.

Hours of operation were not previously identified in the proposal. The hours of operation now sought are 6am to 10pm Monday to Sunday. The hours are discussed under Part 2.6 of this report.

The matters requiring clarification for the industrial units have been addressed.

2.3 Design Excellence, Setbacks and Landscaping

Concern was raised in the original assessment report regarding the scale of the proposal particularly in relation to the overall height of the buildings, provision of adequate landscaping buffers to soften the built form on Lot 1 (the RE2 Private Recreation zone) and a reliance on the Council owned adjoining RE1 Public Recreation zoned land to provide landscaping screening at a suitable scale due to the provision of a 1m setback.

Following the deferral of the application, further information was submitted by the applicant to support the demand for the proposed floor area and discussions were held with the applicant regarding the interface to the north and east of the building on Lot 1. All three matters are discussed below.

Height of Buildings

There are no building height development standards or controls under the SEPP, LEP or DCP for all three allotments. The height applicable to the IN1 General Industrial land is 18m under the provisions of State Environmental Planning Policy (Exempt and Complying Development Code) 2008 (CDC). All buildings proposed exceed this height.

In support of the heights proposed, the applicant submitted additional information indicating the demand held for the small scale industrial units. In letters obtained from Sydney Wide Property and Link Property Services and information from Atlas Economics, there is a constrained availability of industrial land, high rents for that land, and in response there is demand for vertical industrial unit buildings of modest sizes (<100m²) (e.g. “mini warehouses”).

Both letters have identified that there is demand for this product that has no competing stock in the area.

Further information was also submitted on the heights of the existing local development. Opposite the site on the western side of Girawah Place is an existing industrial building ranging between 15m and 19m in height. CDC provisions also allow development up to 18m in height. A transition from the existing and permissible development to a consolidated precinct of approximately 25m in height is a difference of essentially 1-2 storeys and is considered acceptable.

Given there are no applicable height controls for the development and there is expressed demand for small workspaces needing lower rents than typical larger format warehouse units, the heights proposed are now supported in principle, subject to the resolution of interface issues with the eastern recreational land discussed below.

North Setback

The concern regarding the northern interface to the residential zone was the scale of the buildings and whether a suitable transition was being achieved.

In response, the applicant submitted an analysis of the separation between the development and other existing and potential industrial developments on Girawah Place and the adjoining R2 Low Density Residential land. The analysis is replicated below.

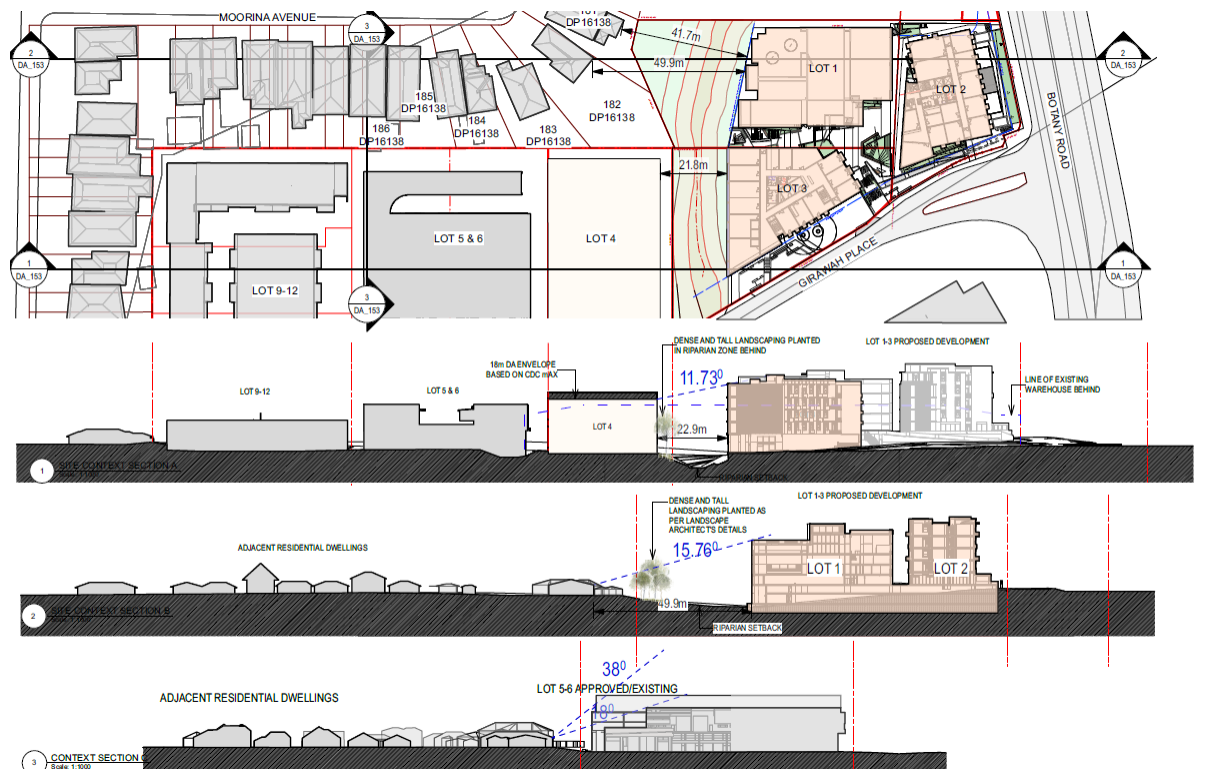


Figure 3: Site Context Sections (Source: Drawing No. DA_153 – Bennett Murada Architects)

Of note, the separation distances approved on Lots 5-6 and 9-12 identified in the site context sections are substantially less than what has been proposed for Lots 1 and 3. It is noted these buildings are of a far lesser height than the proposed buildings.

There are no setback controls under SEPP Transport and Infrastructure and no DCP applies to the IN1 zoned land. The setbacks therefore can only be assessed on merit. As the purpose of the IN1 zone is for industrial development, the setback controls of Part 5A Industrial and Business Buildings Code (CDC controls) have been referred to in the assessment of the appropriateness of the proposed setbacks.

For the site area and GFA proposed, Section 5A.11 prescribes a rear setback to a residential zone (as relevant to the proposal) of:

(b) for a building with a gross floor area of more than 1,000m² but not more than 5,000m²—at least 5m, plus an additional metre for every whole metre by which the building exceeds 4.5m in height above ground level (existing), or

The maximum height permitted for an industrial building CDC where no height under the LEP applies is 18m. An 18m tall building would require an 18m rear setback per the above clause. The clause essentially requires a 1m setback per 1m of height above ground level.

The development provides the following heights and setbacks:

- The height of the building on Lot 3 is approximately 23.6m at the northern elevation and has a minimum setback of 17.5m to a residential boundary.
- The height of the building on Lot 1 is approximately 21.9m at the northern elevation and has a setback of 24.4m.

The interface between the building on Lot 3 and the residential zone is largely diagonal, with only a fraction of the built form directly interfacing with the R2 zone. Refer to Figure 4 below. The extent of the building within the implied appropriate separation distance under the CDC assessment is limited and all windows achieve only diagonal views toward the R2 zone. The principal outlook is directly over the riparian land to Lot 4, a vacant industrial zoned land parcel, which requires no setback. The land is to the southwest of the residential zone and no overshadowing occurs. Given no notable visual privacy impact and no overshadowing impact, the setback and separation of the building on Lot 3 are deemed acceptable.

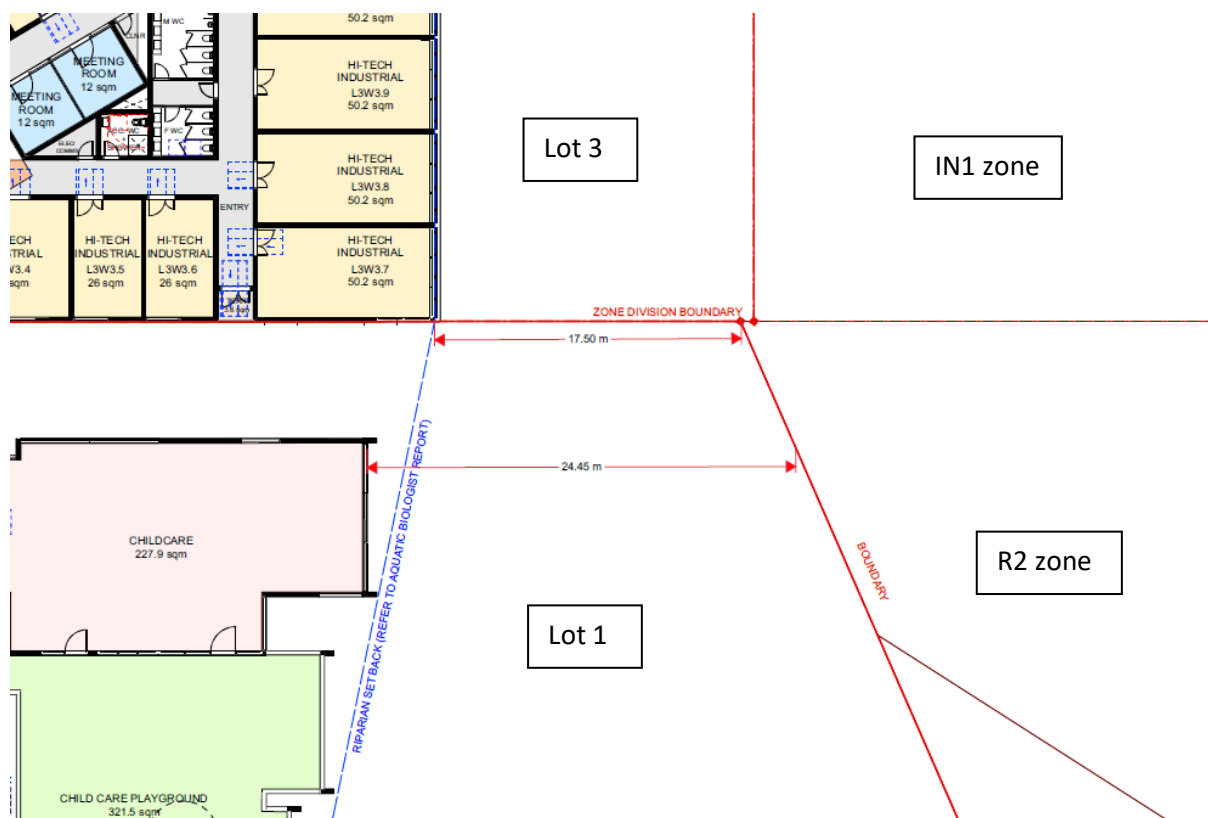


Figure 4: Level 3 Plan Extract (Source: Drawing No. DA_106 – Bennett Murada Architects)

For Lot 1, at the northern elevation, the minimum setback that may be implied as appropriate under CDC is achieved.

In the absence of a setback control, the merit assessment of CDC controls is considered relevant to the context. The development will not have an overshadowing impact, the riparian zone allows for suitable separation and the outlook of the building on Lot 3 is largely toward other industrial land. The combination of the above assessment is considered to satisfactorily address the concerns of the northern interface.

East Setback

The eastern adjoining property of the building on Lot 1 is the Council owned RE1 Public Recreation zoned land. The previous proposal provided a primarily 1m setback to the eastern boundary for the full length. This is illustrated in the Ground Floor Plan extract below.

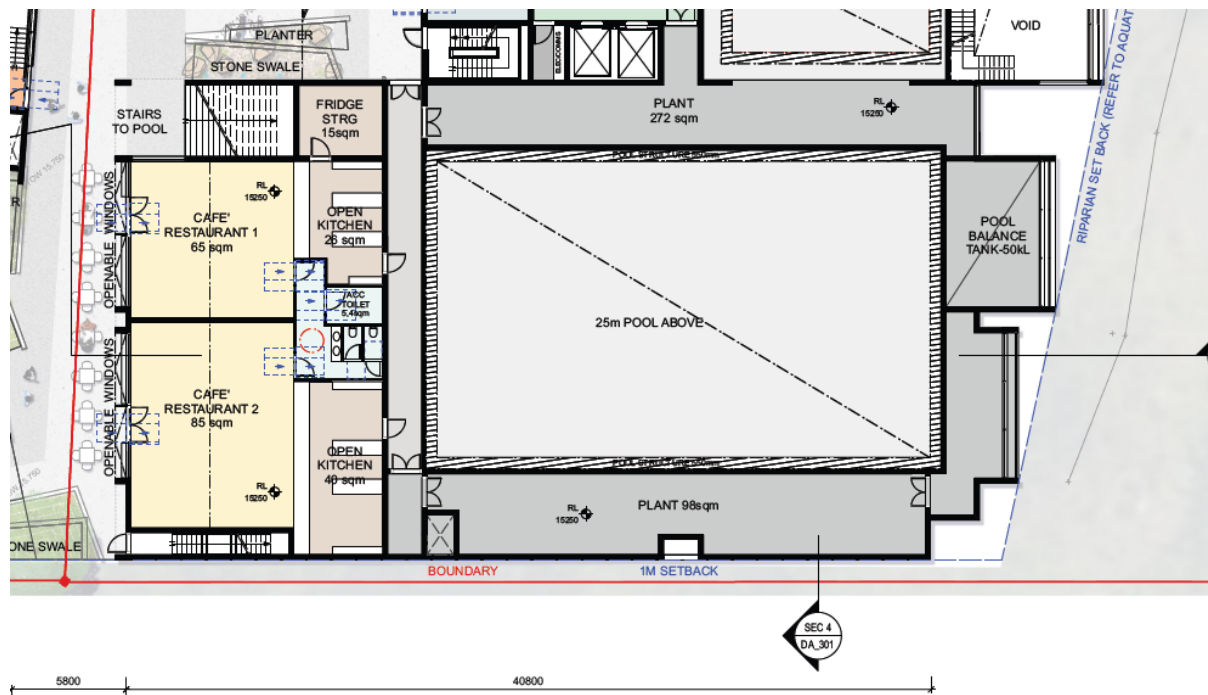


Figure 5: Previous Ground Floor Plan (Source: Drawing No. DA_102 – Bennett Murada Architects)

Following further discussions with the applicant, the amended package submitted with the application increased the setback to 2.4m. Refer to the amended Ground Floor Plan below.



Figure 6: Amended Ground Floor Plan (Source: Drawing No. DA_102 – Bennett Murada Architects)

The setback is dimensioned on a setback diagram illustrated below.

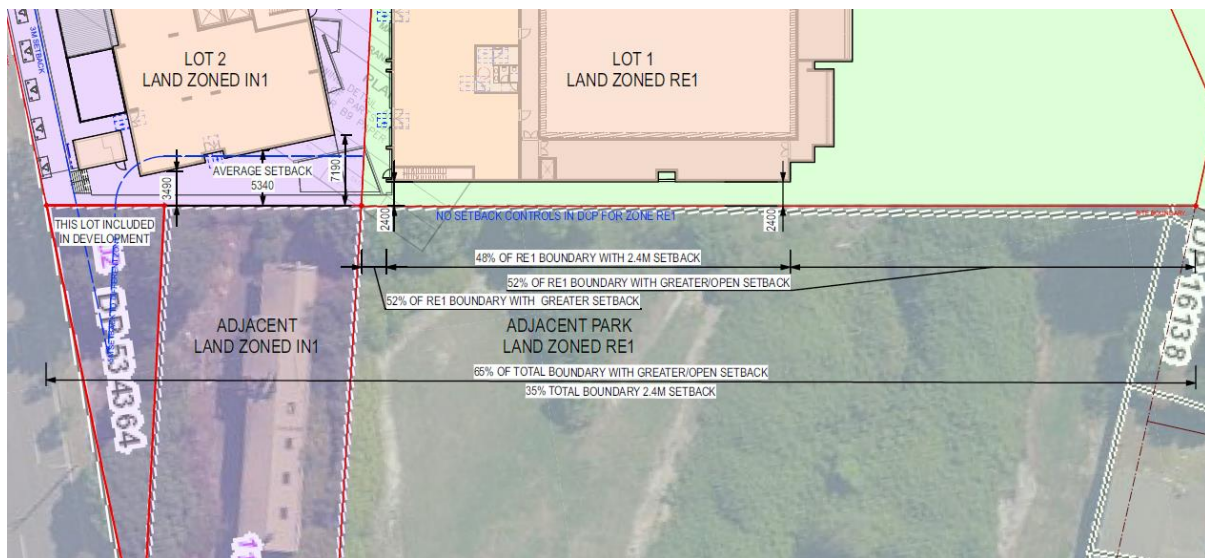


Figure 7: Lot 1 and Lot 2 Setback Diagram (Source: Drawing No. DA_154 – Bennett Murada Architects)

The DCP does not contain any setback controls that apply to the RE2 zone. In place of any prescribed controls, the CDC controls are again drawn as a reference point for the merit assessment of the setbacks given the industrial context of adjoining land. CDC permits an 18m tall building with a 3m setback to a public reserve under Section 5A.11. A 3m setback would then be of similar level appropriateness for the proposed development up to 18m in height.

The proposed 2.4m setback is less than what is permitted under CDC on industrial land. However, the 600mm shortfall is deemed inconsequential from a visual impact perspective and is considered generally acceptable for the portion of the building that is below 18m in height.

However, as the building exceeds 25m in height on the east elevation, the remaining portion of the building is subject to further scrutiny on the appropriateness of the setback and the appearance of the elevation.

In terms of the appearance of the eastern elevation, it is first acknowledged the proposal has been amended through the supplementary assessment process. The two figures on the following page illustrate the previous and current proposed east elevation of the building on Lot 1. The two points of difference are the addition of an extra portion of glazing on the top level associated with the unspecified indoor recreation facility and a consolidation of windows on the southern portion of the elevation, though no increase in total glazing.

While Council has no specific plans in place as to the future of the RE1 Public Recreation land, consideration must still be given to the potential of the land and the interface of the development to it. A building exceeding 25m in height with a 2.4m setback is deemed excessive as the limited setback is not sufficient to achieve any significant tree planting to soften the interface and, similar to the previous 1m setback proposal, continues to rely on the public land to mitigate the scale of the building.

It was discussed with the applicant that if an insufficient setback would be provided for suitably scaled landscaping compatible with the height of the building, an alternate option is for a high level of activation between the eastern elevation and the public land. Activation is highly encouraged between private development and public spaces to satisfy the principles of casual surveillance and reduce visual impacts. The introduction of additional glazing is supported; however, the elevation remains secondary in the level of activation, particularly on the lower levels.

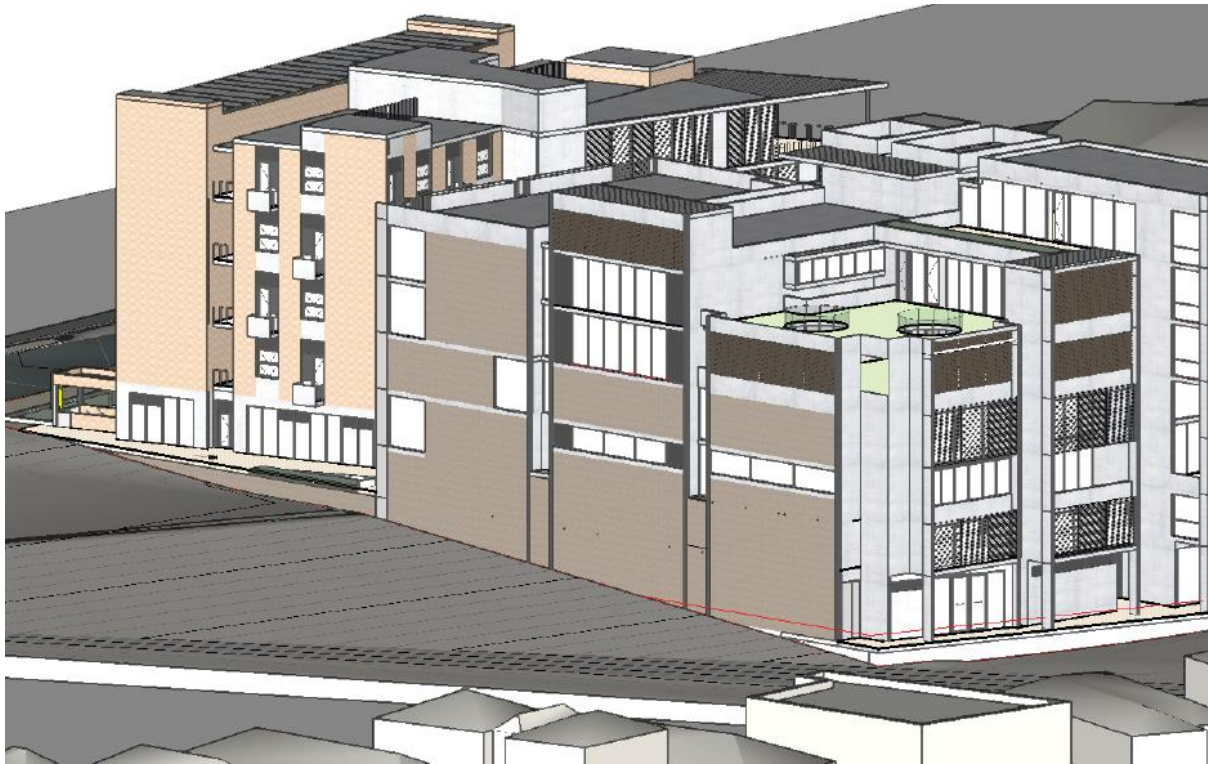


Figure 8: Previous Proposed 3D View of the East Elevation of Lot 1 (Source: Drawing No. DA_160 – Bennett Murada Architects)

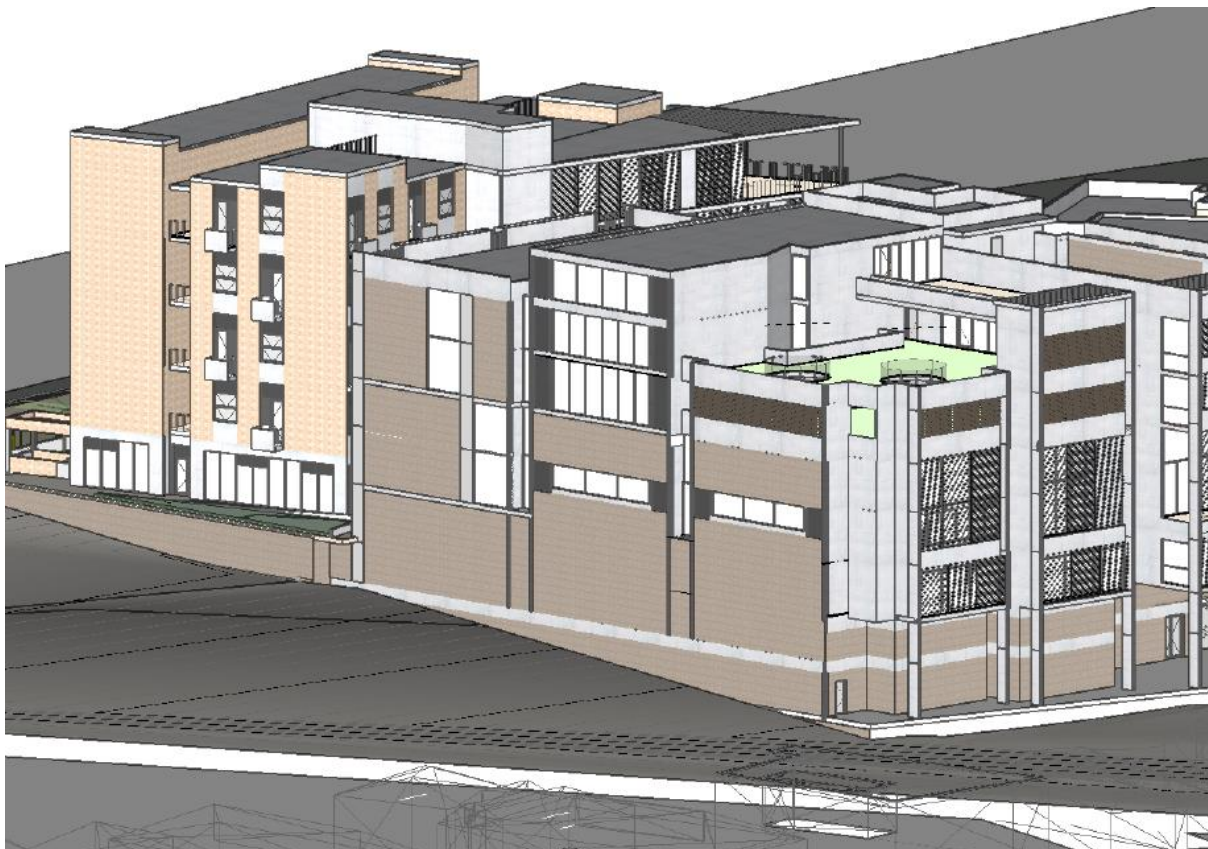


Figure 9: Current Proposed 3D View of the East Elevation of Lot 1 (Source: Drawing No. DA_160 – Bennett Murada Architects)

Options were discussed with the applicant to increase the activation of the public land. These included additional glazing on the lower levels, particularly for the aquatic centre level through relocating the seating positioned on the eastern wall and the introduction of full height glazing, and for the gym by increasing the height and extent of glazing. These were not adopted.

To offset the reduced landscaping, a green wall option was also discussed. A green wall was introduced only at the ground level in front of the plant/pool structure area per the amended landscape plan shown below.



Figure 10: Eastern Elevation Landscape Plan (Source: Drawing No. DA-2207-08 – Sturt Noble Associates)

The minor addition of glazing and the green wall is an improvement over the previous design; however, it is not considered sufficient to offset the limited setback to the public land for a building of its scale. A greater setback is considered necessary for the portion of the building over 18m in height.

To achieve this outcome, it is recommended that an increase in the eastern setback on Level 3 and above is conditioned by way of a deferred commencement.

It is recommended that a minimum setback of 8m is to be created from the eastern boundary on Levels 3 and above of the building on Lot 1.

In effect, this will necessitate a redesign for the gym, child care centre and Level 5 indoor recreation facility tenancy. Refer to the floor plans of Levels 3-5 below. The red line marks the approximate 8m setback.

The imposition of such a condition will require the relocation of floor area outside of the setback. For the gymnasium, the current top level (Level 3) proposes a 6.26m-6.3m floor to ceiling height. The creation of a new mezzanine on Level 4 would allow for the full retention of all floor area the gym currently seeks. The sizeable floor to ceiling height facilitates the provision of a mezzanine with sufficient floor to ceiling heights for the functionality of a gym.

The child care centre over Levels 3 and 4 may reconfigure the outdoor play area to utilise part of the void over the gym to maintain the current size. The internal area is unaffected.

For the Level 5 indoor recreation tenancy, the floor area within 8m of the boundary can be relocated to the southern side of the tenancy in the area identified for solar panels.

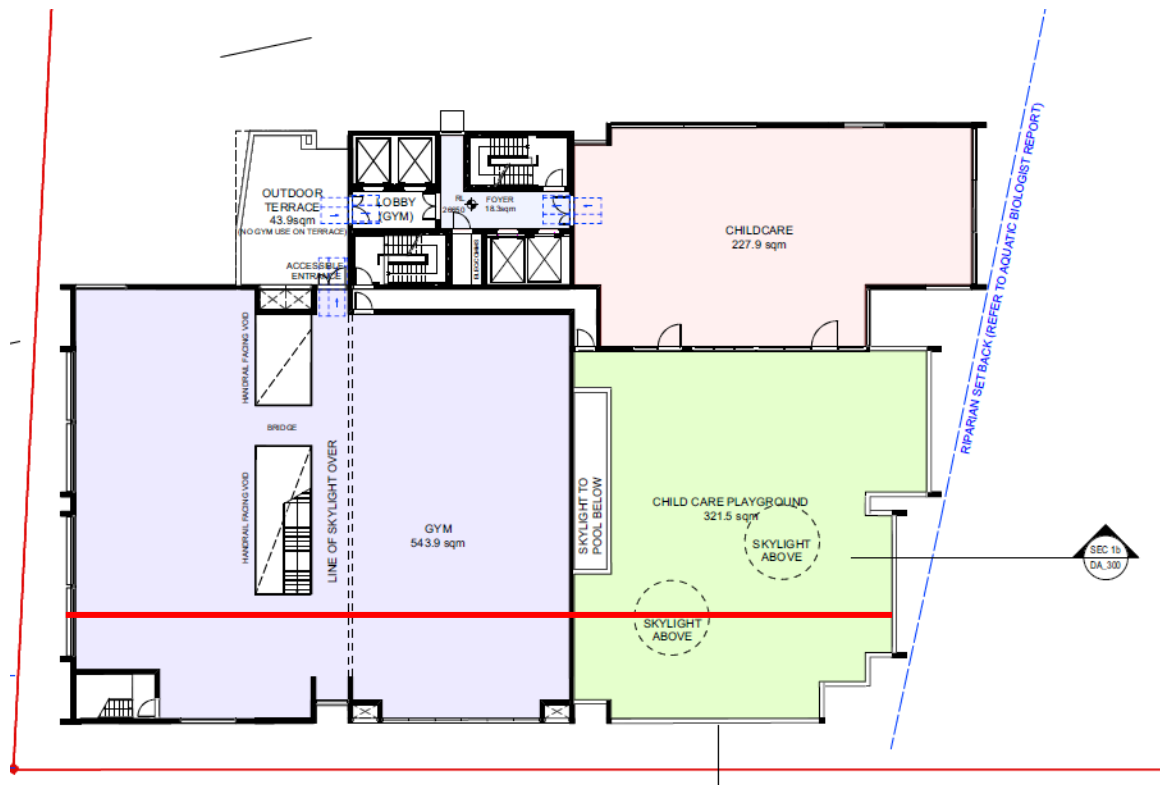


Figure 11: Lot 1 Level 3 Floor Plan (Source: Drawing No. DA_106 – Bennett Murada Architects)

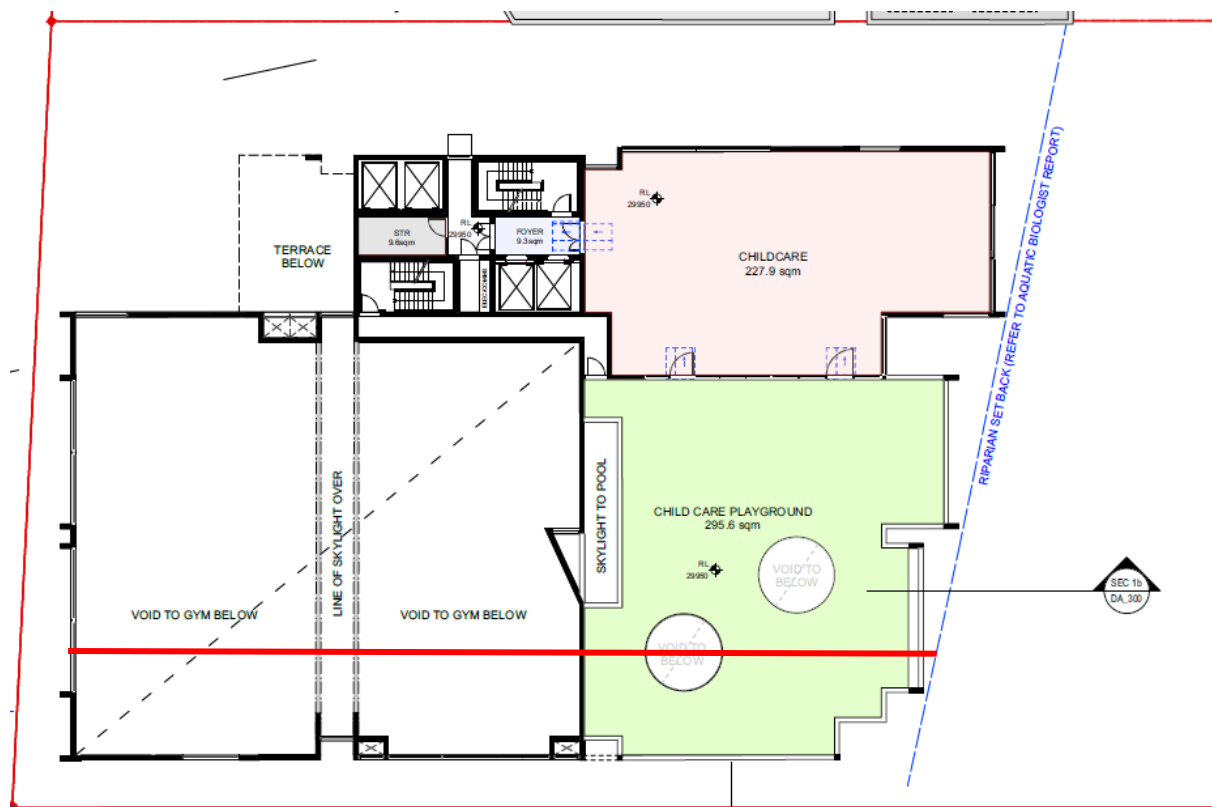


Figure 12: Lot 1 Level 4 Floor Plan (Source: Drawing No. DA_107 – Bennett Murada Architects)

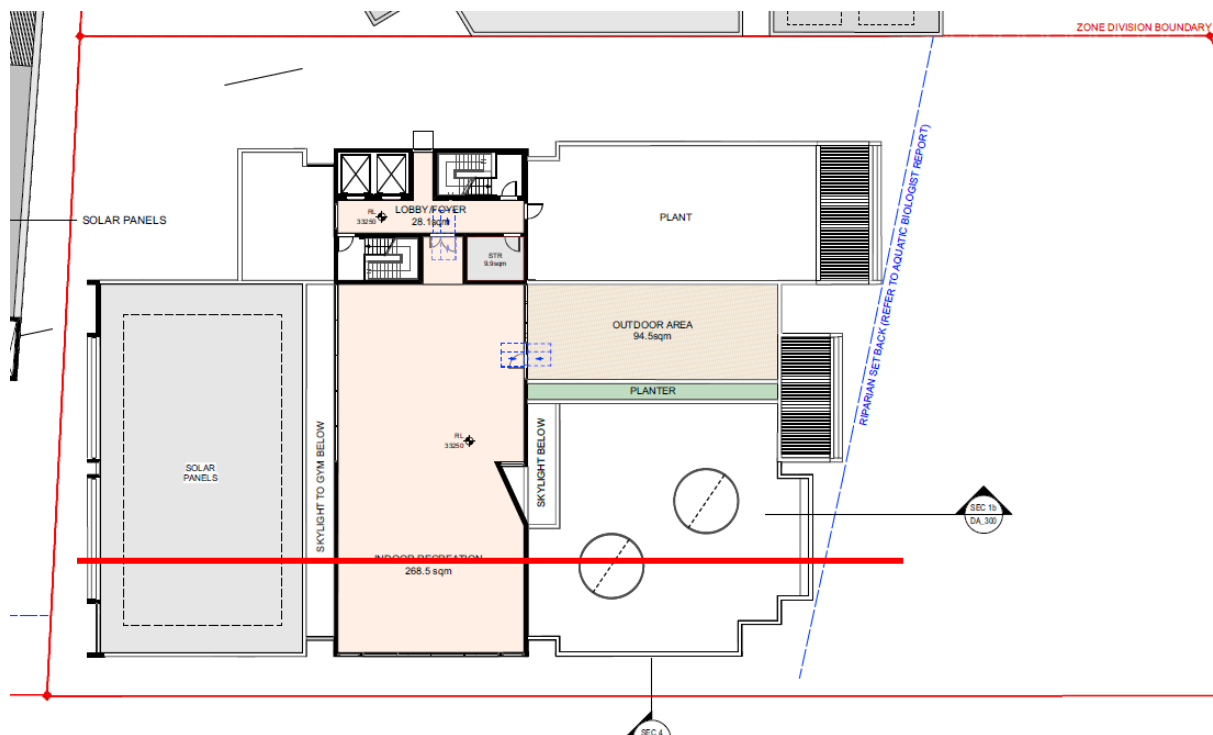


Figure 13: Lot 1 Level 5 Floor Plan (Source: Drawing No. DA_108 – Bennett Murada Architects)

The recommended increase in the setback to the east on Levels 3 and above is not intended to reduce the floor area in the building, only to reconfigure its location to achieve a greater setback to the recreation land. The result will be a building with a 2.4m setback up to Level 3 (approximately 15m above ground) and a significant step to 8m for the top three levels. This will ensure a better transition in scale and interface to the public land without compromising the development yield.

An overall increase in floor area is not supported given the proposed non-compliance with car parking for the recreation land uses. It is recommended that the total floor area be maintained as part of the deferred commencement condition.

Further to the above, it is recommended that an increase in glazing is achieved on the eastern elevation of the aquatic centre level to enhance visual connectivity between the pool and the open space. This will achieve a better visual connection while also enhancing the appearance of the elevation at the lower levels.

Finally, it is also recommended that the green wall be extended vertically on the southern portion of the elevation up to Level 2. The southern portion of the elevation in its current design remains largely visually unarticulated and can be enhanced by the extension of the green wall. Refer to the image below.

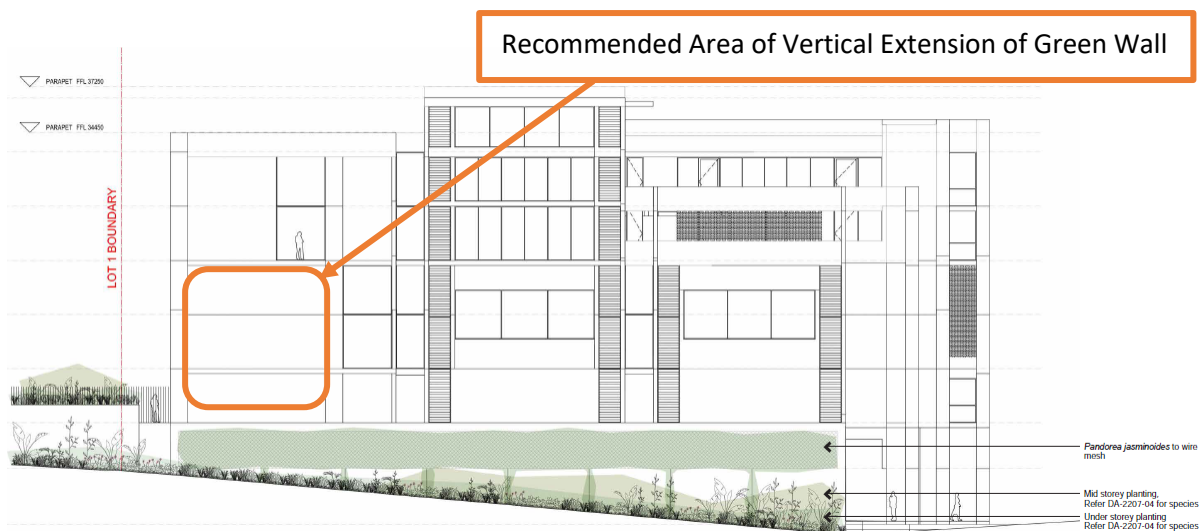


Figure 14: Eastern Elevation Landscape Plan (Source: Drawing No. DA-2207-08 – Sturt Noble Associates)

The conditions reflect the positions put forward by the assessing officers when meeting the applicant. Although an alternative position was submitted in response, it is not agreed that the eastern elevation in its current form is acceptable in terms of setbacks on the upper levels or in the visual appearance and interaction with the future public land. Consequently, the deferred commencement conditions are recommended to be imposed.

In summary, the following is recommended as part of the deferred commencement:

- The building on Lot 1 is to be modified to introduce an 8m setback to the eastern boundary on Levels 3, 4 and 5. The displaced floor area associated with the gym tenancy on Level 3, the outdoor play area of the child care centre on Levels 3 and 4 and the indoor recreation tenancy on Level 5 may be relocated within the 8m setback. An overall increase in the GFA proposed as a consequence of relocating floor area is not permitted.
- The eastern elevation of the aquatic centre level is to be modified to increase the size and amount of glazing to create an improved visual connection between the pool area and the RE1 Public Recreation zoned land.
- The green wall is to be extended vertically on the southern half of the east elevation of the building on Lot 1 to enhance the visual appearance up to and including Level 2.

Subject to the above, the setback and interface to the public land will be deemed acceptable.

2.4 Suitability of the Site for the Child Care Centre

Concern was raised regarding the suitability of the site for a child care centre because Ampol recommended a Safety Management Study due to the proximity of the site to a high pressure pipeline. Additionally, no air quality assessment was submitted for the child care centre despite the site being close to a major road and industrial and port operational land.

Regarding the high pressure pipeline, additional information was submitted identifying the location of the pipe and the distance to the proposed child care centre which exceeds 40m. See below a mark up of the services plan prepared by the applicant.

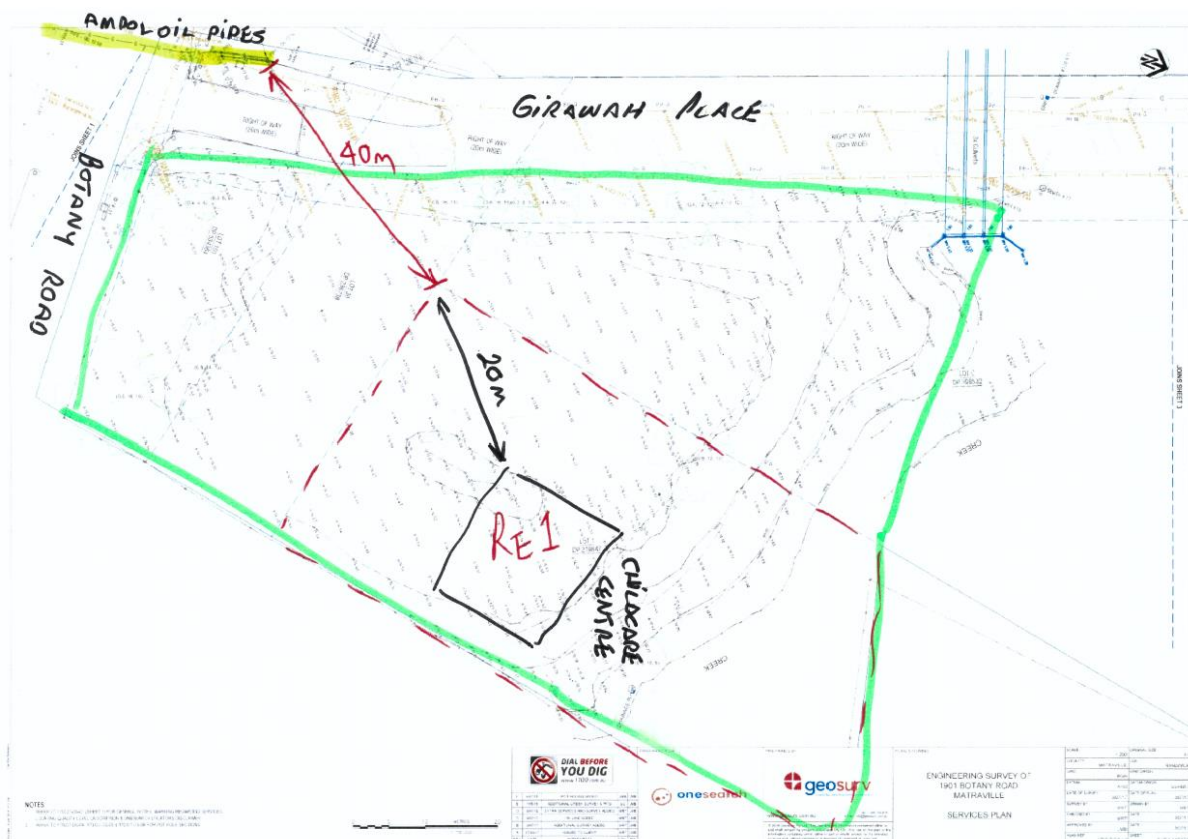


Figure 15: Extract of Marked Up Services Plan Indicating Pipe and Child Care Centre Location

Correspondence was received from Ampol on 29 October 2023 confirming that the above information was sufficient to rescind the recommendation for a Safety Management Study.

For the air quality assessment, the applicant has stated that the child care centre is no longer sought for operational consent. Consequently, the requirement under the C27 of the Child Care Planning Guideline to have an air quality assessment prepared for centres close to major roads or industrial developments can be deferred to the development application for use and fit-out. This recommendation for a deferred commencement will only consent to the building and floor area, not the specific use and operation.

Council's position remains that an air quality assessment is warranted in accordance with C27 of the Guideline. However, it is considered acceptable to defer this to the specific use development application.

Given the above, the proposal has sufficiently resolved the concerns about the suitability of the site raised by the original assessment report.

2.5 Car Parking and Loading

The application previously sought to rely on a temporal demand merit assessment for the provision of car parking. However, amongst other aspects, the car parking rates used in the assessment relied on the lesser warehouse and distribution centre parking rate for the industrial units despite also seeking high technology uses, resulting in a significant shortfall of spaces.

As amended, the proposal no longer relies on a temporal demand merit assessment for the industrial portion. Instead, an additional level of car parking has been introduced to comply with the car parking rate. The temporal assessment is retained for the recreation land.

The assessment of revised car parking follows.

Car Parking – IN1 General Industrial

Development Control	Control	Proposal	Comment
Part B General Controls			
B7 – Transport, Traffic, Parking and Access			
3.2 Vehicle Parking Rates	<u>Light Industry</u> 1 space per 80m ² GFA <u>Food and Drink Premises</u> 1 per 40m ² GFA for the first 80m ² GFA then 1 space per 20m ² GFA thereafter	Proposed GFA: 4,880.6m ² Required parking: 4,880.6m ² / 80m ² = 61 spaces Proposed GFA: 561.9m ² Required parking: 26 spaces. Total required: 87 spaces Proposed: 109 (+22) spaces	Yes

Per the above table, the revised car parking provision for the IN1 General Industrial land supplies a surplus of 22 car parking spaces.

The assessment of the car parking required for the high technology uses has only considered the unit floor area and not the common corridors, shared lounge and office areas, which is supported. The applicant has advised that their envisioned tenants are generally small scale operations. However, on the premise that an entire floor may be leased out to the same tenant and the shared spaces not currently included in the car parking GFA assessment are then used for high technology floor area within the same operation, an additional 17 car spaces are required which corresponds with the surplus car parking provided.

Consequently, the provision of car parking for the IN1 land and its surplus are supported.

Car Parking – RE2 Private Recreation

Development Control	Control	Proposal	Comment
Part B General Controls			
B7 – Transport, Traffic, Parking and Access			
3.2 Vehicle Parking Rates	<u>Child Care Centre</u> 1 space per 8 children for drop off and pick up 1 space per 2 staff <u>Aquatic Centre</u> 1 space per 25m ² GFA <u>Gymnasium</u> 1 space per 25m ² GFA	Children envisioned: 79 Required parking: 10 spaces Staff envisioned: 15 Required parking: 8 spaces Proposed: 18 spaces Proposed GFA: 1,070.6m ² Required parking: 43 spaces Proposed GFA: 825.6m ² Required parking: 33 spaces	No

Development Control	Control	Proposal	Comment
Part B General Controls			
	<u>Indoor Recreation</u> 1 space per 25m ² GFA <u>Food and Drink Premises</u> 1 per 40m ² GFA for the first 80m ² GFA then 1 space per 20m ² GFA thereafter	Proposed GFA: 335.7m ² Required parking: 13 spaces Proposed GFA: 234.2m ² Required parking: 10 spaces <u>Total</u> Required parking: 117 spaces Proposed: 112 (-5) spaces	

The provision of car parking for the RE2 Private Recreation land has a shortfall of five (5) car spaces.

The amended Traffic Impact Assessment Report submitted with the application states the following on the shortfall:

“The DCP parking rates consider the parking requirement for standalone uses. Considering the mixed-use nature of the land uses the development is highly likely to attract multi-purpose trips, with users of the aquatic centre, gymnasium and cafe and restaurants likely to also be associated with the Hi-Tech Workspaces. Therefore, the actual parking demand for the development is likely to be reduced.

Additionally, the different uses are expected to generate peak parking demands at various times of the day, with the peak requirements of each use not necessarily overlapping. This further reduces the overall parking demand as discussed below. In summary, the parking requirement for the industrial zone is exceeded by 22 spaces, with a shortfall of parking within the recreational zone of five spaces. Therefore, the overall development has a parking surplus of 17 spaces.”

Council’s Traffic Engineer has supported the provision of car parking. Consequently, the provided car parking is supported.

Bicycle and Motorcycle

Section 4.2 of the DCP prescribes a bicycle space per 10 car parking spaces. The development requires 11 for the industrial zone and 12 for the recreation zone. The amended proposal provides 14 spaces each and is compliant.

Motorcycle parking is required at 5% of the car parking rate. A total of eight (8) spaces are required and have been provided.

Loading

The amended proposal reconfigured the loading docks to resolve the permissibility issue. Council’s Traffic Engineer assessed the amended scheme and, given the scale of the development, required a minimum of one 12.5m HRV in accordance with AS2890.2 to service the development. The vehicle would need to enter and exit the site in a forward direction.

The applicant's traffic consultant provided the following response:

"AS2890.2 stipulates the loading and servicing areas, including manoeuvring areas, are to be designed "for the largest design vehicle likely to use the facility, and for any specialist vehicles, e.g. waste disposal vehicles.

As detailed in the updated TIA, deliveries for the site are expected to be undertaken by couriers and vans. Furthermore, waste collections are anticipated to be undertaken by a 6.4m low profile vehicle. Therefore, the largest vehicle likely to use the facility is vehicles up to and including a 6.4m Small Rigid Vehicle (SRV). This has been found appropriate by discussion with the project team and review of similar sites. The similar ecommerce facility at 76A Edinburgh Street, Marrickville provides a development of a similar size and nature for which loading and servicing is completed by couriers and vans, and waste is collected by a small waste collection vehicle.

As such, based on the requirements of AS2890.2 the loading and servicing areas should be designed to accommodate 6.4m SRVs. Swept path analysis included in the updated TIA demonstrates appropriate access for 6.4m SRVs, with on-site manoeuvring enabling vehicles to enter and exit the site in a forward direction.

Notwithstanding the above, in the unlikely event that a larger servicing vehicle is required to access the site, they can use the northernmost driveway to access the loading area in the north-east of the site. This would require one reverse movement either onto or off the street which is permissible under AS2890.2 for an access on a minor road. Given Girawah Place is a private road this is considered acceptable. If a larger servicing vehicle is required to access the site, it would be required to reverse into the site to access to loading area under the supervision and assistance of a helper/ spotter. It should be further reiterated that the client has advised that the site does not anticipate servicing by larger vehicles, and this would be an extremely rare occurrence if at all.

Suitable separation between loading areas and car parking areas has been provided. Loading and servicing vehicles are anticipated to largely utilise the dedicated loading dock within Basement 2. A proportion of vehicles will utilise the dedicated loading spaces suitable for couriers and vans located adjacent to the southern lift core. The location of these spaces reduces the walking distances, particularly for the food and beverage premises, and reduces pedestrian conflicts within the basement level to access this part of the site.

A Loading Dock Management Plan is to be prepared for the site to ensure the safe, efficient and appropriate operation of the loading areas across the site."

Council's Traffic Engineer assessed the applicant's response and determined there was still need for a larger vehicle to be accommodated in the loading bay to service the development. Accordingly, a deferred commencement condition is to be imposed to require at least one service bay to accommodate an 8.8m Medium Rigid Vehicle (MRV) in accordance with AS2890.2. The MRV is to be able to enter and exit the site in a forward gear.

Driveways

Council's Traffic Engineer also identified a concern regarding the driveway access. Specifically, they stated:

"The southernmost driveway access is considered to be a Category 3 accessway under AS2890.1, for which a separated entry and exit is required. The current combined access

is non-compliant, and not considered suitable for a development of this scale. Furthermore, it must be clearly demonstrated that pedestrian sight splays are maintained as per Figure 3.3, AS2890.1. Noting the scale of the site, consideration should be given towards exceeding the minimum sight line requirements.”

The applicant’s traffic consultant provided the following response:

“The southernmost driveway access services the industrial zone of the site, the parking provided is largely anticipated to be all-day parking for employees of the hi-tech workspaces. Therefore, the car park is classified as User Class 1, noting that it provides 109 car parking spaces it is classified as a Category 2 accessway under AS2890.1. As such, a combined driveway of between 6-9 metres is required and the current design meets this requirement.

Swept paths demonstrate that vehicles are able to pass simultaneously at the site access and along the driveway, refer to attachment 1.

The pedestrian sight splays have been reviewed and amended to ensure they meet the requirements of AS2890.1.”

Council’s Traffic Engineer reviewed the response and determined that a median island was required for the main entry to separate movements, accommodate an intercom and allow for a pedestrian refuge along the public footpath. Accordingly, this amendment has been included in the deferred commencement conditions to ensure the traffic matters are satisfactory.

2.6 Insufficient Information

Several matters associated with the assessment of the application, the uses sought, and operational details were not submitted to enable a complete assessment of the application. Each aspect is covered below.

Child Care Centre

The child care centre component was sought for operational consent. However, the submission did not provide sufficient information to assess the use including layouts, standard requirements under the Child Care Planning Guideline and the acoustic impact of the use.

The applicant has confirmed that the child care centre will be subject to a separate fit-out and use application. This application now only seeks approval for the built form.

Consequently, the insufficient information matters associated with the child care centre are resolved.

Gymnasium

The gymnasium component was not supported by sufficient information to assess the operation of the use. Information omitted from the application included a fit-out plan, acoustic assessment, consistent details on staffing, and justification for the 6.9m floor to ceiling height.

The applicant submitted a revised Plan of Management and an indicative fit-out plan for a portion of the gym.

The Plan of Management has resolved an inconsistency with the staffed hours of operation. While 24/7 operation is sought, staffed hours are now confirmed as:

- Monday to Friday: 8am to 7pm
- Saturday and Sunday: 8am to 1pm

No concerns are raised by these staffed hours.

The fit-out plan submitted is reflected below.

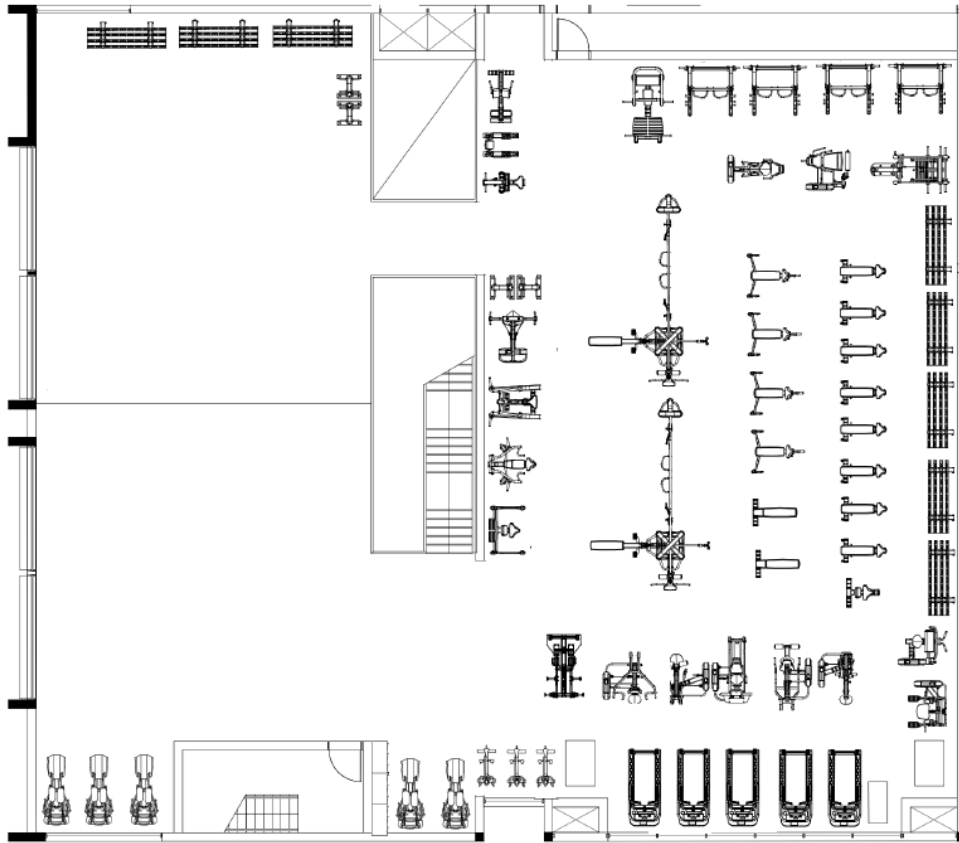


Figure 16: Gym Fit-out Plan

To support a gymnasium, a complete fit-out plan is required to inform the acoustic assessment. An acoustic assessment is a requirement in the Randwick City Council Development Application Checklist for any premises with 24 hours operations. The DA Guide necessitates the acoustic report to identify how the proposal will comply with the relevant standards including details of any noise attenuation measures to be included.

The latest version of the Noise Impact Assessment prepared by Pulse White Noise Acoustics states:

“Noise emissions from the gym will be controlled via the documented constructions, in addition to operational controls such as limiting the music noise levels within the spaces, closing of openable façade elements at certain times, etc. Details of these operational controls will be developed in future acoustic assessments once specific details of the use of the gym are known. We note that the compliance with the noise emissions criteria can be achieved by implementing operational controls and typical building constructions.

Flooring to be installed will include standard rubber matting (e.g., Regupol Sonusfit). The specific product should be selected following on-site testing conducted after the base build has been constructed. Details of the flooring treatments will be developed in future

acoustic assessments once specific details of the use of the gym are known, including the location of specific types of equipment, weights areas and the like.”

Per the above, a detailed assessment of the acoustic impacts has not been undertaken as the specific details of the use of the gym are not known.

Council's Environmental Health Officer reviewed the amended submission. In the absence of a detailed acoustic assessment, conditions of consent are to be imposed to require the detailed acoustic assessment, install suitable flooring if required by the acoustic assessment to achieve relevant noise vibration criteria and require acoustic validation. Additionally, it is recommended that a 12 month trial period is conditioned for the 24 hour operational hours of the gym.

It is agreed that the trial period is warranted. Relevant conditions have been provided in Attachment A.

Aquatic Centre

The aquatic centre operation is to be sought under a separate application. No further details are required for the assessment of this application.

Industrial Units

The additional information submitted included hours of operation which are sought for the high technology uses as 6:00am to 10:00pm. The sought hours will extend into the night period and the site is proximate to a residential zone. The acoustic report has not assessed noise generated by the operation of the high technology uses.

Council's Environmental Health officer has recommended that the hours of operation be limited to 7:00am to 10:00pm given no acoustic assessment has been made. A suitable condition restricting the hours is recommended in Attachment A.

Food and Drink Premises

The food and drinks premises are to be sought under separate applications. No further details are required.

Photo Studio

The photo studio tenancy that was proposed has been deleted from the application. No further details are required for the assessment of this application.

Additional Indoor Recreation Tenancies

Two additional indoor recreation tenancies are sought at ground level and Level 5. No indication of the potential uses has been given to date.

The use of these spaces will be subject to a separate use and fit-out application.

Traffic Report

The amended Traffic and Parking Impact Assessment no longer refers to the ground level food and drink premises on Lot 2 as a brewery, removing the potential prohibited development from the application.

Car Parking Assessment

The amended submission has resolved the car parking calculation as discussed under Section 2.5 of this report.

Through the above, the matters of insufficient information have been addressed subject to conditions.

3. CONCLUSION

The applicant has amended the proposal to largely address the outstanding issues raised in the original assessment report and the draft reasons for refusal. The outstanding key issues as outlined have been resolved satisfactorily through amendments to the proposal, by converting the application from seeking operational consent to approval for the built form subject to separate applications, and through the proposed deferred commencement conditions.

The development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in the original assessment report and this addendum report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in the original report, it is considered the application can be supported subject to deferred commencement conditions.

4. RECOMMENDATION

The Development Application DA-483/2022 for the construction of three buildings ranging in height between 5 and 7 storeys containing a mixed use industrial, warehouse and recreational development with 2 basement levels for parking, storage and plant areas at 2-6 Girawah Place, Matraville be granted a **DEFERRED COMMENCEMENT** consent pursuant to Section 4.16(1)(b) of the *Environmental Planning and Assessment Act 1979* subject to the conditions attached to this report at **Attachment A**.

The following attachments are provided:

- Attachment A: Draft Deferred Commencement Conditions of Consent
- Attachment B: Amended Architectural Plans
- Attachment C: Site Context Sections
- Attachment D: Amended Landscape Plans
- Attachment E: Traffic and Parking Impact Assessment
- Attachment F: Response Letter to Traffic Issues
- Attachment G: Noise Impact Assessment
- Attachment H: Plan of Management (King Beats Fitness)
- Attachment I: Gym Floor Plan Layout
- Attachment J: Waste Management Plan
- Attachment K: Industrial Market Commentary Letters