

Response to IPC Questions - 1903R Botany Road, Matraville

4 February 2022

Can Council please clarify the nature of the development proposed on the site immediately to the south of 1903R Botany Road, Matraville?

- The site in question is identified as 2 Girawah Place, Matraville (Lot 2 DP 271143). See **Figure 1**.
- The site was previously known as 1897-1901 Botany Road, Matraville (Lot 30 DP 236738 and Lot 101 DP 534364).
- The site is under the same ownership as the subject site (1903R) and the lots to the north located within the industrial subdivision.

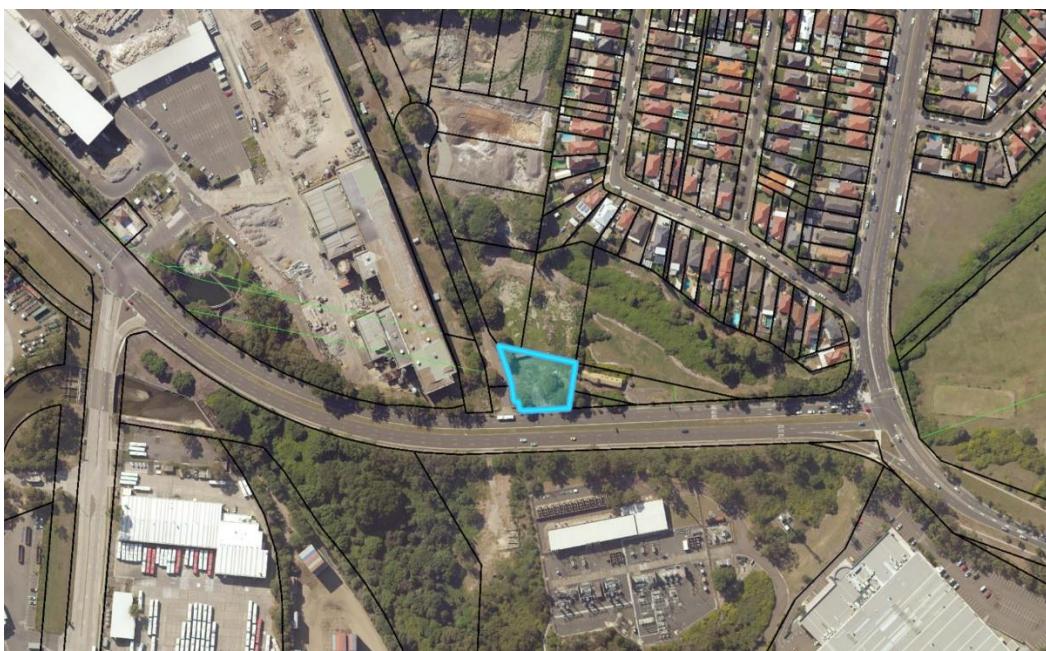


Figure 1: 2 Girawah Place, Matraville shown in blue (Geocortex Viewer, 2022)

- The site, as it is currently known as 2 Girawah Place, was created under the same development application that approved the industrial subdivision immediately to the north.
- The relevant development application history of the subject site is as follows:
 - [DA/561/2016](#): Approved by the Land and Environment Court by way of S34 conciliation agreement: Integrated development for Torrens title subdivision from 3 lots into 12 lots, new internal roadway with access via Botany Road, site remediation, tree removal and associated infrastructure works. See **Figure 2**.
 - [DA/561/2016/A](#): Approved by the Land and Environment Court by way of S34 conciliation agreement to modify the approved development of Land and Environment Court approval by amendment to condition 3 to allow creation of restriction on title at time of lodgement of subdivision plan, deletion of

- conditions 7, 29, 78 and 88, amendment to condition 17 relating to required landscaping, and amendment to condition 79 relating to Traffic Management plan.
- DA/561/2016/B: Approved Modification of approved development by removal of tree 11 and alteration to conditions 41 and 75.
 - DA/561/2016/C: Approved Modification of approved development by deleting condition 41(e), removal of trees 15, 68 and 69 with compensatory landscaping, and adjustment to cadastral boundaries to accommodate road in order to satisfy requirements of the RMS and Ausgrid.
 - DA/561/2016/D: Approved Modification of approved DA, including amendments to conditions to allow the removal of trees and retention of other trees.
 - DA/674/2019: DA approved on 4 June 2020 for business identification signage for the industrial precinct and associated uses.
- Council records show no further development applications or complying development certificates have been lodged or approved for 2 Girawah Place (and its previous names and boundaries) beyond those listed above.



Figure 2: Approved subdivision layout under DA/561/2016

- A review of Council records found the following complying development certificates approved for other lots within the industrial subdivision as follows:
 - CDC No. 17/3148/01 approved on 21 December 2018 and subsequently modified on 1 September 2021 for 10-12 Girawah Place (Lots 5 and 6 in Figure 2). This CDC approved the construct of a new industrial warehouse complex comprising 53 strata titled units and ancillary office space.

- CDC No. 21/1359/01 approved on 12 November 2021 for 18-24 Girawah Place (Lots 9 to 12 on in Figure 2). This CDC approved the construction of an industrial/warehouse development comprising four buildings with a total of 27 units with associated office space at mezzanine level, site wide landscaping and civil works.

Clarification on the potential for green route connectivity between 1903R Botany Road and Purcell Park to the north. Specifically, what are the impediments to such connectivity being achieved (e.g. will the access easement to the site permit pedestrian access)?

- Condition 3 of development consent DA/561/2016 includes the requirement for the registering of an instrument under S88E of the Conveyancing Act 1919, which restricts the use of part of the site to a landscape buffer and fire egress. The location of the landscape buffer is shown in Figure 3, which is shaded green along the northern and eastern boundaries.
- There are no other conditions or plans that reference access easements for pedestrian access within the original Land and Environment Court approval or subsequent modifications.

LANDSCAPE MASTER PLAN

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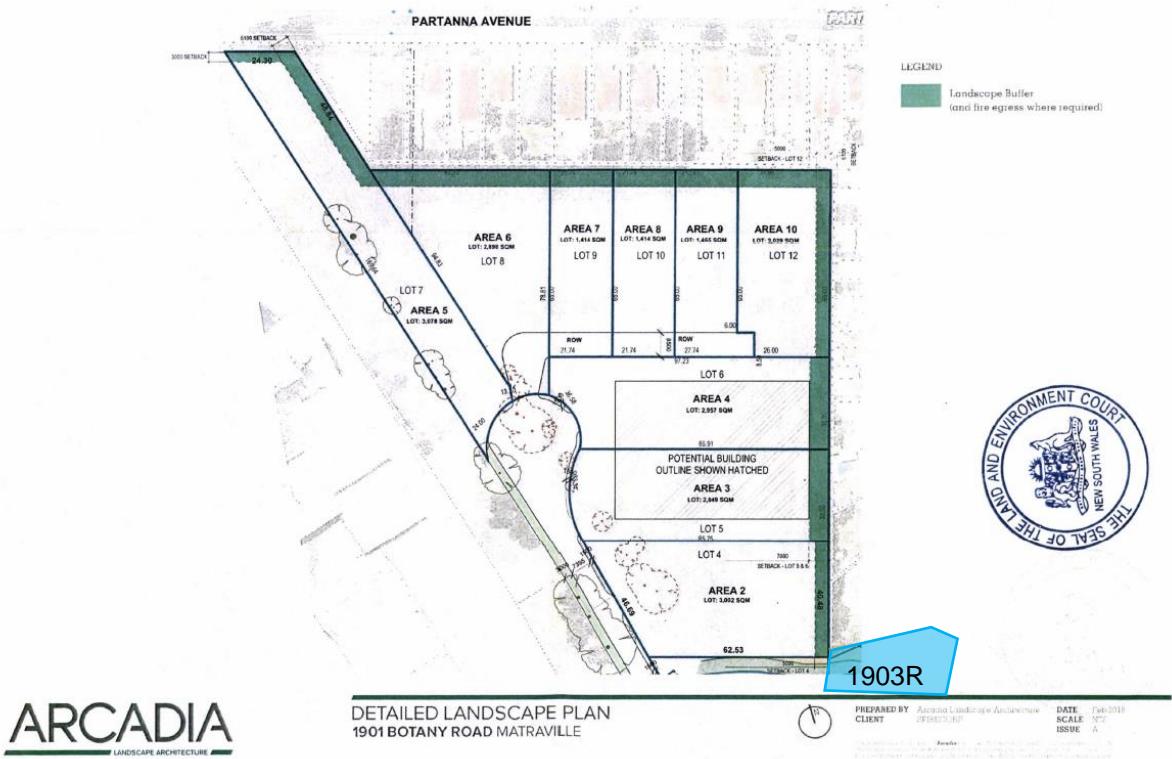


Figure 3: Approved landscape master plan under DA/561/2016 (1903R shown in blue)

- The survey plan submitted with DA/561/2016 does not include any restrictions or easements for pedestrian access over the subject site, or any of the other sites created under DA/561/2016.
- Potential exists for pedestrian access to be provided to/from 1903R via the right of way to/from Girawah Place (as shown in **Figure 4**), however to Council's knowledge, the right of way is yet to be designed and approved.

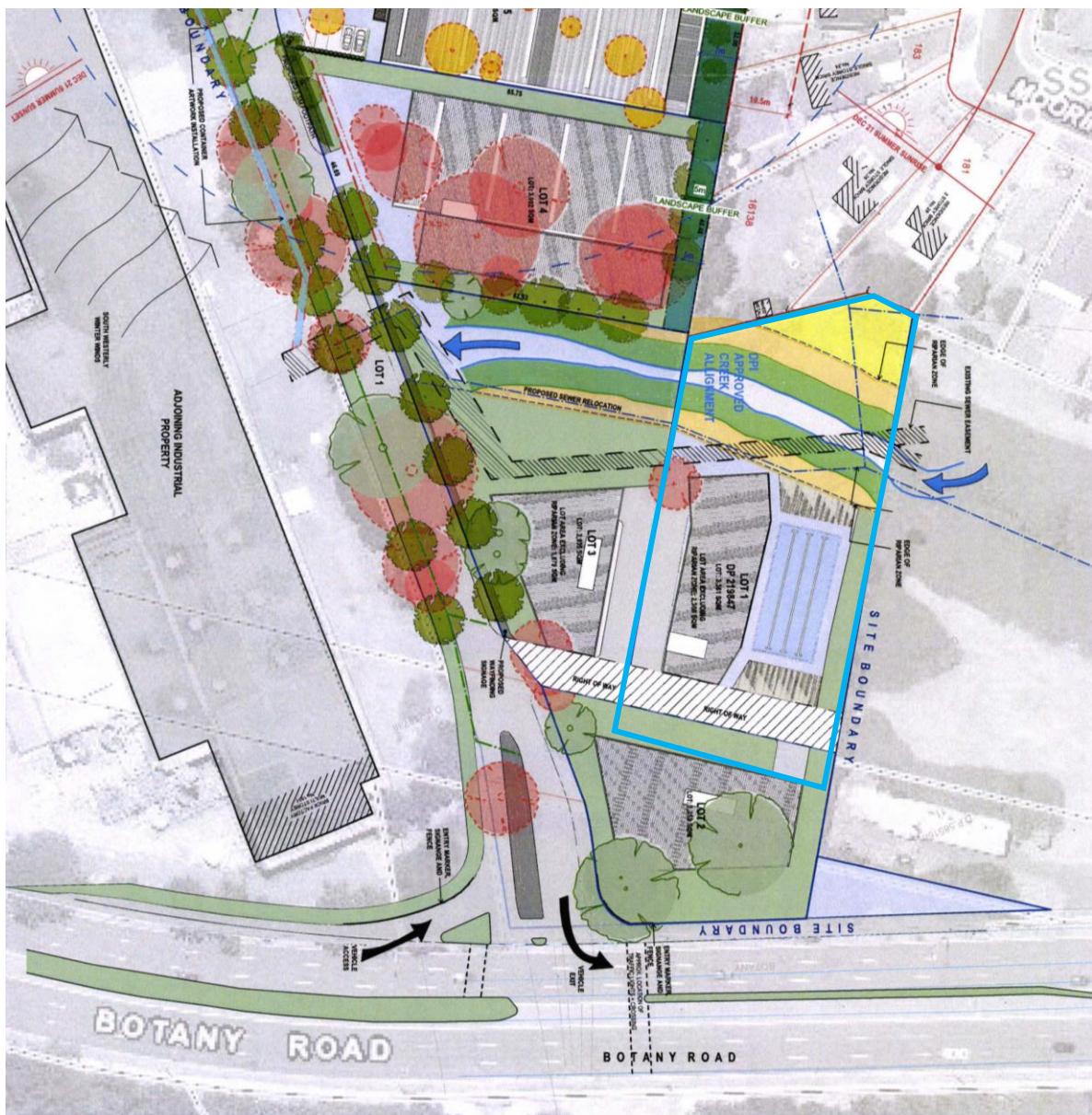


Figure 4: Indicative development plan showing site access, riparian corridor and potential future uses (Source: Bennett Murada Architects, 2018) (1903R shown in blue)

- Council is not in receipt of development plans for the site at the northern end of the Girawah Place cul-de-sac, known as Lot 14 (see **Figure 5**) that illustrate the provision of a pedestrian connection to Partanna Avenue and Purcell Park beyond. In the absence of an existing easement for pedestrian access or a condition of consent requiring the creation of such an easement, the inclusion of pedestrian access as part of the future development of Lot 14 is unlikely.

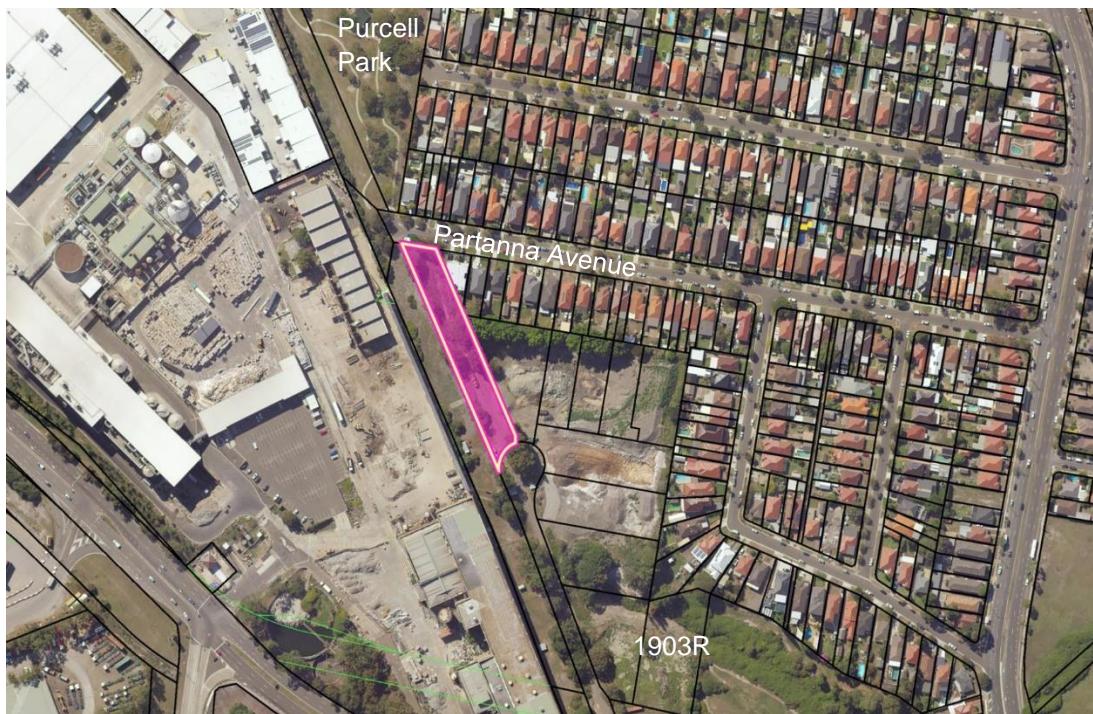


Figure 5: The site known as Lot 14 connecting Girawah Place to Partanna Avenue shown in pink

- The site known as 69S Australia Avenue (see **Figure 6**) is owned by Alpha Distribution Ministerial Holding Corporation, a NSW Government entity acting as landlord for a 99 year lease to Ausgrid. The site is utilised for underground cabling and protected by an easement for such use. Given the site is outside of the ownership of the industrial subdivision, together with its current use for underground cabling, any formal pedestrian access over the site to facilitate a connection from the subject site to Purcell Park is unlikely.



Figure 6: The site known as 69S Australia Avenue (shown in pink)