

**NOTICE**

**Bayside Local Planning Panel - Other Applications**

will be held in the Committee Room, Botany Town Hall  
Corner of Edward Street and Botany Road, Botany  
on **Tuesday 12 November 2024 at 4.00pm**

to consider items outside the public meeting  
in accordance with the Operational Procedures

**Members of the public do not have the opportunity to speak on these items**

**ON-SITE INSPECTIONS**

On-site inspections are undertaken beforehand.

**AGENDA**

**1 ACKNOWLEDGEMENT OF COUNTRY**

Bayside Council acknowledges traditional custodians the Gadigal and Bidjigal people of the Eora nation, and pays respects to Elders past, present and emerging. The people of the Eora nation, their spirits and ancestors will always remain with our waterways and the land, our Mother Earth.

**2 APOLOGIES**

**3 DISCLOSURES OF INTEREST**

**4 REPORTS – PLANNING PROPOSALS**

Nil

**5 REPORTS – DEVELOPMENT APPLICATIONS**

5.1 S82-2024/3 - 1015-1019 Botany Road Mascot - Section 8.2 Review.....2

5.2 DA-2024/52 - 228 The Grand Parade, Monterey - Development  
Application.....132

Meredith Wallace  
**General Manager**

## Bayside Local Planning Panel - Other Applications

12/11/2024

Item No	5.1
Application No	S82-2024/3
Property	<b>1015-1019 Botany Road Mascot</b>
Application Type	Section 8.2 Review
Proposal	Review of Determination of DA-2023/45 for the alterations and additions to the existing heritage listed buildings to create a mixed-use development containing three (3) commercial tenancies each with apartments above
Owner	Gralang Pty Limited and Nireag Pty Limited
Applicant	Mr Allan Francis Micallef
Ward	Ward 2
Lodgement Date	24/09/2024
No. of Submissions	Two (2)
Cost of Development	\$1,125,762.00
Reason Criteria	Other
Report by	Peter Barber, Director City Futures

### Officer Recommendation

1. That the previous decision for refusal of the development application DA-2023/45 be UPHELD with modified reasons, pursuant to Section 8.4 of the Environmental Planning and Assessment Act 1979.
2. That the Bayside Local Planning Panel, exercising the functions of Council as the consent authority pursuant to s4.16 and s4.17 of the *Environmental Planning and Assessment Act 1979*, determine Development Application S82-2024/3 for Review of Determination of DA-2023/45 for the alterations and additions to the existing heritage listed buildings to create a mixed-use development containing three (3) commercial tenancies each with apartment above and three (3) detached outbuildings each containing a single garage and media room above at 1015 & 1019 Botany Road, MASCOT by REFUSING CONSENT, for the following reasons:
  - A. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not satisfy the Division 17 / Subdivision 2 – Subsection 2.120 - Impact of road noise or vibration on non-road development of State Environmental Planning Policy (Transport and Infrastructure) 2021 in that the applicant failed to demonstrate that relevant acoustic requirements will be met.
  - B. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development fails to satisfy the following aim of the Bayside Local Environmental Plan 2021:
    - To protect, conserve and enhance Aboriginal cultural heritage and the environmental, cultural, scenic, built and landscape heritage of Bayside.



- C. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development fails to satisfy the objectives of the following sections of the Bayside Local Environmental Plan 2021:
- i. E1 Local Centre - The proposal is not compatible with the existing streetscape and has adverse amenity impacts on residential amenity including visual bulk, solar access and visual privacy.
  - ii. Section 5.10 Heritage conservation – The proposal will result in adverse impacts on the heritage significance of the group item.
  - iii. Section 6.8 Development in areas subject to aircraft noise – The applicant failed to demonstrate that the development will meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021:2015 for development.
  - iv. Section 6.9 Active Street Frontages - Design modifications are required to incorporate ramps at the shop entrances, which will result in additional recessed areas along the street frontage, potentially adversely impacting the overall shopfront interface.
- D. Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development fails to satisfy the relevant requirements and objectives of the following parts of the Botany Bay Development Control Plan 2013:
- i. Part 3A – Parking and Access due to impracticable and unsafe parking arrangements;
  - ii. Part 3B (Heritage) due to adverse impacts on the significance of the heritage item;
  - iii. Part 3C – Access and Mobility due to the inaccessible shop entrances for individuals with disabilities;
  - iv. Part 5.2.2.6 (Rosebery Neighbourhood Centre) due to the adverse heritage impacts, incompatible streetscape, bulk and scale and amenity impacts;
  - v. Part 5.3.1.5 (Built Form and Streetscape) due to adverse impacts on the heritage item, incompatible streetscape and bulk and scale;
  - vi. Part 5.3.2.2 (Building Design) due to lack of a BCA report and structural adequacy certificate;
  - vii. 5.3.2.5 Public Domain Interface at Ground Level due to the confusing street presentation;
  - viii. Part 5.3.2.6 (Active Street Frontages) due to the potential adverse impact on the shopfront interface;
  - ix. Part 5.3.2.7 (Heritage) due to adverse impacts on the heritage item;

- x. Part 5.3.2.11 (Materials and Finishes) due to unacceptable impacts on heritage significance;
  - xi. 5.3.3.2 Visual Privacy due to potential overlooking into adjoining rear yards;
  - xii. 5.3.3.3 Solar Access and Shadow due to overshadowing impacts;
  - xiii. Part 8 (Mascot Character Precinct) due to the adverse heritage impacts,
  - xiv. incompatible streetscape and bulk and scale and adverse amenity impacts.
- E. Pursuant to the provisions of Section 4.15(1)(b) and Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, insufficient information has been provided by the applicant, including the acoustic report, DSI report, access report, BCA report and structural adequacy certificate.
- F. Pursuant to the provisions of Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the site is not suitable for the proposed development, given the extent of demolition proposed and its adverse impacts on the heritage significance of the item.
- G. Pursuant to the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979 and for the reasons set out above and, in the submissions, received, the proposed development is not in the public interest.
3. That the submitters are to be notified of the Panel's decision.

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## Location Plan



## Attachments

- 1 [↓](#) Planning Assessment Report
- 2 [↓](#) Architectural drawings
- 3 [↓](#) Statement of Environmental Effects
- 4 [↓](#) Heritage Impact Assessment

# BAYSIDE COUNCIL

## Planning Assessment Report



### Application Details

<b>Application Number:</b>	S82-2024/3
<b>Date of Receipt:</b>	24 September 2024
<b>Property:</b>	1015 & 1019 Botany Road, MASCOT Lot A DP 440204, Lot B DP 440204, Lot C DP 440204
<b>Owner:</b>	Gralang Pty Ltd and Niraeg Pty Ltd & Invest Corp (Australasia) Pty Ltd
<b>Applicant:</b>	Mr A F Micallef
<b>Architect:</b>	Katris Architects Pty Ltd
<b>Town Planner:</b>	Ivy Zhang
<b>Proposal:</b>	Review of Determination of DA-2023/45 for the alterations and additions to the existing heritage listed buildings to create a mixed-use development containing three (3) commercial tenancies each with apartment above and three (3) detached outbuildings each containing a single garage and media room above
<b>Recommendation:</b>	Refusal
<b>No. of submissions:</b>	Three (3)
<b>Author:</b>	Ivy Zhang
<b>Date of Report:</b>	22 October 2024

### Key Issues

The key issues identified in the assessment of the development application relate to:

- Insufficient information submitted  
A request for additional information was sent to the applicant via NSW Planning Portal on 2 October 2024. However, as of the date of this report, the following information remains outstanding: revised acoustic report, DSI report, access report, BCA report, and structural adequacy certificate. The absence of these documents hinders the Assessing Officer's ability to carry out a proper assessment of the application.

At the Pre DA meeting held on the 8 June 2022, it was discussed with the applicant that a Detailed Site Investigation for site contaminants should be commissioned. In particular, it was requested a DSI should include soil sampling underneath and a visual inspection of, the subfloor areas of the existing buildings to determine the extent of any fill, given that historic buildings in the vicinity of the site are known to have been constructed over ash slag fill. To date this has not been undertaken, so the presence of any ash slag fill is not known.

- No internal access for a proper site inspection  
Multiple attempts (including emails and phone calls to the applicant) have been made to gain access to the interior of the existing building. However, no access internally has been provided to date. As a result, the Assessing Officer and Council's Heritage Consultant have only been able to conduct an exterior inspection of the building, which hinders the ability to properly assess the application, particularly in regard to assessing the heritage significance of the interior.
- Adverse heritage impact  
The proposal involves excessive demolition and an unsympathetic design that undermines the heritage significance of the site. The third storey addition, with metal cladding and a contemporary roof form, is visually intrusive and compromises the integrity of the heritage buildings. While some shopfront improvements are noted, the overall design, including additional residential entries on Botany Road frontage and the mix of traditional and contemporary materials on the façade, detracts from the heritage item.
- Structural adequacy  
A structural adequacy certificate has not been provided to demonstrate that the retained existing fabric is able to withstand the proposed development, in particular, the proposed additional third storey that did not exist in DA-2023/45. Additionally, the impact of the proposed works on the structural integrity of adjoining properties were also not addressed by the applicant.
- Shop entrance inaccessible for disabled individuals  
There is a level difference between the ground floor tenancies (FFL RL8.35) and the existing ground level (RL8.29) along the Botany Road footpath. The new shop entries lack ramps, making the Botany Road entrance inaccessible to individuals with disabilities. An access report did not accompany the application.
- Confusing shopfront interface  
The street frontage design, with six individual doors along a 13.23m span, creates a cluttered and confusing appearance, while the uniform glass doors blur the distinction between residential and retail entries, making the residential entrances difficult to identify.
- Built form and design  
The proposed development's bulk and scale are incompatible with the existing streetscape and the desired future character of the locality. The additional third storey with metal cladding and a contemporary roof form, extends higher than the front parapet and will be visible from the intersections of Botany Road and Rawson Street, Rawson Street and Rawson Lane, compromising the aesthetic qualities of the heritage parapet and detracting from the existing building. This additional storey will alter the scale and form of the three shops and the larger Heritage item (1009-1021 Botany Road, Item 270) listed in the Bayside LEP 2021.

Additionally, the shop entrances lack equitable access for individuals with disabilities, and while ramps are necessary to address this, their inclusion is likely to further disrupt the shopfront interface by creating further recessed areas.

- Parking and access

The proposed parking spaces raise significant functionality and accessibility concerns. While the Statement of Environmental Effects (SEE) indicates that the parking will serve both residents and business owners, it lacks details on how the tandem arrangement will accommodate both parties simultaneously. This could force residents to move their vehicles for shop deliveries, creating inconvenience for both user groups.

Additionally, the parking layout poses safety issues, as residents must leave the site after parking and cross streets and a laneway to reach their dwellings, with access limited to Botany Road. This arrangement compromises the practicality and safety of the parking solution proposed.

- Adverse amenity impacts

The tandem parking spaces are impractical, requiring residents to leave the site and traverse streets and a laneway to access their dwellings, which raises safety concerns and creates potential conflicts between user groups. Additionally, the media rooms and rear yards are isolated from the main dwellings, with no direct access from the residential units, further complicating accessibility.

The location of residential stairs compromises the commercial space, resulting in deep, narrow retail units that are less functional.

The proposed third storey results in additional visual bulk when viewed from the adjoining properties and from the public domain. It will create unreasonable overshadowing impacts on its southern adjoining property at No.1021. The proposed balconies on the first and second floors at the rear have significant overlooking issues on adjoining neighbours' private open spaces.

The development application ("DA") has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979* ("the Act") and is recommended for refusal.

The officers involved in writing and authorising this report declare, to the best of their knowledge, that they have no interest, pecuniary or otherwise, in this application or persons associated with it and have provided an impartial assessment.

## Recommendation

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2. That the Bayside Local Planning Panel, exercising the functions of Council as the consent authority pursuant to s4.16 and s4.17 of the *Environmental Planning and Assessment Act 1979*, determine Development Application S82-2024/3 for Review of Determination of DA-2023/45 for the alterations and additions to the existing heritage listed buildings to create a mixed-use development containing three (3) commercial tenancies each with apartment above and three (3) detached outbuildings each

containing a single garage and media room above at 1015 & 1019 Botany Road, MASCOT by REFUSING CONSENT, for the following reasons:

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- B. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development fails to satisfy the following aim of the Bayside Local Environmental Plan 2021:
  - a) To protect, conserve and enhance Aboriginal cultural heritage and the environmental, cultural, scenic, built and landscape heritage of Bayside.
- C. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development fails to satisfy the objectives of the following sections of the Bayside Local Environmental Plan 2021:
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  - ii. Section 5.10 Heritage conservation – The proposal will result in adverse impacts on the heritage significance of the group item.
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  - v. Part 5.3.1.5 (Built Form and Streetscape) due to adverse impacts on the

- heritage item, incompatible streetscape and bulk and scale;
  - vi. Part 5.3.2.2 (Building Design) due to lack of a BCA report and structural adequacy certificate;
  - vii. 5.3.2.5 Public Domain Interface at Ground Level due to the confusing street presentation;
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  - ix. Part 5.3.2.7 (Heritage) due to adverse impacts on the heritage item;
  - x. Part 5.3.2.11 (Materials and Finishes) due to unacceptable impacts on heritage significance;
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  - xii. 5.3.3.3 Solar Access and Shadow due to overshadowing impacts;
  - xiii. Part 8 (Mascot Character Precinct) due to the adverse heritage impacts, incompatible streetscape and bulk and scale and adverse amenity impacts.
- E. Pursuant to the provisions of Section 4.15(1)(b) and Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, insufficient information has been provided by the applicant, including the acoustic report, DSI report, access report, BCA report and structural adequacy certificate.
- F. Pursuant to the provisions of Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the site is not suitable for the proposed development, given the extent of demolition proposed and its adverse impacts on the heritage significance of the item.
- G. Pursuant to the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979 and for the reasons set out above and in the submissions received, the proposed development is not in the public interest.
3. That the submitters be notified of the Panel's decision.

## Background

### History

The following applications have previously been considered by Council in relation to the subject site:

- PDA-2022/33 – Alterations and additions to the existing building to create a four (4) storey mixed use building and construction of garage parking to the rear of the site was finalised on 18 August 2022.
- DA-2023/45 - Alterations and additions to the existing heritage listed buildings to create mixed-use developments containing three (3) commercial tenancies each with apartments above, demolition of outbuildings and construction of detached outbuildings with media rooms and garages below was refused on 14 May 2024.

The history of the subject application is summarised as follows:

- 24 September 2024 - The application was lodged with Council.



- 2 October 2024 – A letter was sent to the applicant requesting additional information to be submitted to Council to enable a proper assessment, including acoustic report, PSI report, access report, waste management plan, BCA report, structural adequacy certificate, ridge level RL and maximum building height, and shadow diagrams at 9am, 12 noon, and 3pm on 21 June and 21 March / September.
- 2 October 2024 – The application was placed on public notification until 17 October 2024.
- 17 October 2024 - Site inspection was carried out. However, internal access to the premises were not provided.
- 22 October 2024 – Additional information including revised plans, shadow diagrams and waste management plan was received from the applicant. However, the following information remains outstanding: acoustic report, PSI and DSI report, access report, BCA report and structural adequacy certificate.

## Proposal

The proposed development is summarised as follows:

### Demolition

- Demolition of additions at the rear of each of the main heritage listed commercial building structures, including the rear walls of the main buildings;
- Demolition of internal walls and staircases; and
- Demolition of outbuildings and fencing at the rear.

### Construction

- Alterations to the existing three (3) x two-storey buildings and addition of a third storey for all three lots to create three (3) x three-storey mixed use development (one on each lot), with ground floor commercial tenancies and residential apartments above. Each lot to contain:
  - Ground floor – Separate commercial and residential entries from Botany Road, an open plan commercial area with kitchen at the rear, a central courtyard and an accessible bathroom;
  - First floor – a master bedroom with ensuite and access to rear balcony, two bedrooms, and a bathroom;
  - Second floor – an open plan living / kitchen / dining area with access to front terrace and rear balcony;
- Works to front façade, incorporating new windows structures / entries / glazing at ground level of each tenancy, new awning, new balustrade and balconies at 1015 Botany Road to match with the existing, and erection of a juliet style balcony with French window on the first floor at 1019 Botany Road to complement the two similar structures at 1015 Botany Road;
- Construction of three (3) x two-storey outbuildings at the rear (one on each lot), to be used as a garage at ground level and living area on the first floor with a media room and bathroom; and
- Construction of hardstand area on each lot between the proposed garage structure and mixed use building to accommodate a second car parking space;
- Associated stormwater drainage works
- Associated landscaping at ground level for all three lots including a central courtyard and rear landscaped area.

Summary of major amendments compared to what was originally proposed in DA-2023/45

- Addition of a third storey for all three lots to create three (3) x three-storey mixed use development (one on each lot), with ground floor commercial tenancies and residential apartments above;
- A third bedroom added to each residential apartment;
- A central courtyard and lightwell added to each lot;
- Residential entry to the apartments relocated from within the ground floor commercial tenancies to the street frontage along Botany Road;
- Three additional entries on the street frontage resulting in six (6) entry doors on the front elevation;

The figures below are of extracts of the proposal:



Figure 1. Proposed Site Plan



Figure 2. Proposed East and West Elevations



Figure 3. Proposed Internal East and West Elevations

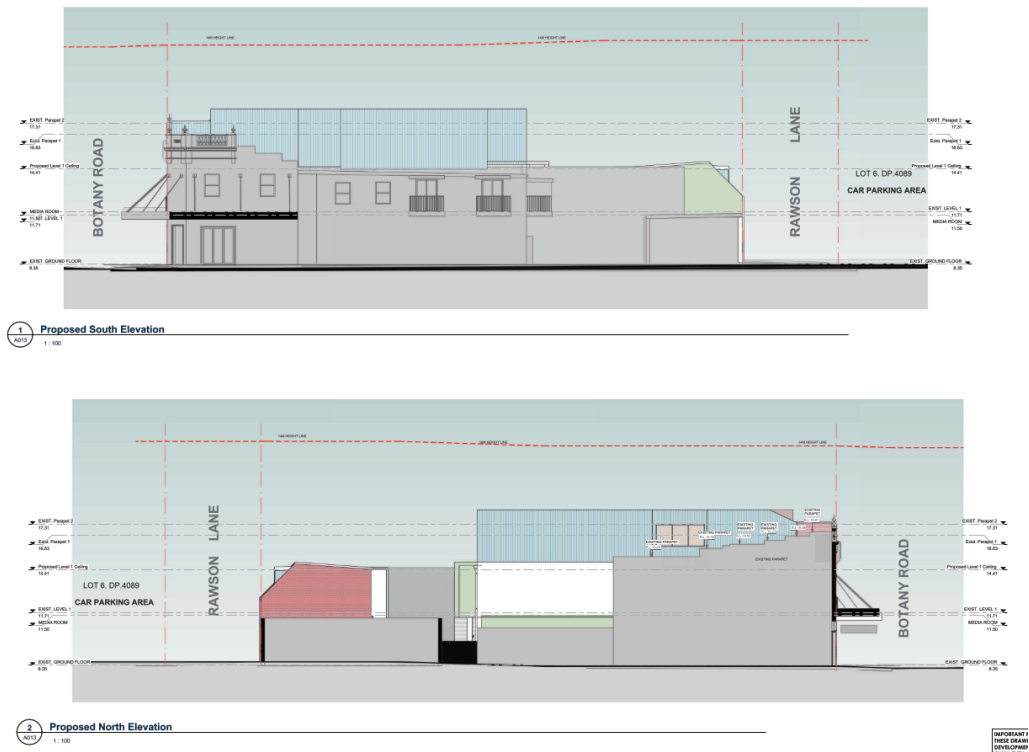


Figure 4. Proposed North and South Elevations

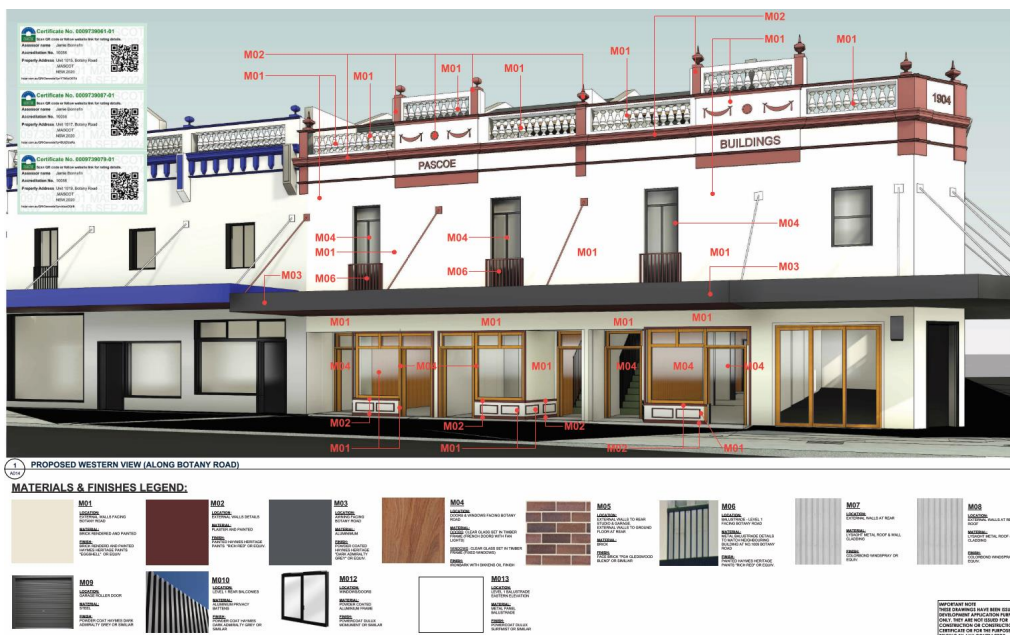


Figure 6. Proposed External Finishes and Schedules / Photo montage along Botany Road



## Site Location and Context

The subject site is legally identified as Lot A, B and C in DP 440204 and is known as 1015 and 1019 Botany Road, Mascot. The site is a rectangular shape with a combined front and rear boundary width of 13.23 metres. The side boundaries are 36.575 metres deep. The site has frontage to Botany Road and Rawson Lane. The combined site area is 483sqm (161.8m<sup>2</sup> for Lot A (No.1015), 161.8m<sup>2</sup> for Lot B (No.1015) and 159.4m<sup>2</sup> for Lot C (No.1019)). The topography of the site is relatively flat, sloping from the rear to the front approximately 0.3 metres.

The subject site contains a two storey heritage listed mixed use building with commercial use in the front and residential use at the rear and first floor. There is a detached garage at the rear of No. 1019. The site is located on the eastern side of Botany Road between Coward Street to the north and Rawson Street to the south. To the north and south are commercial developments of an identical scale, to the east is a Council owned car park and to the west is Mascot Memorial Park.

There are no trees of significance on the site.

The site is a group heritage item and is impacted by aircraft noise contours 20 and 25.



Figure 6. Aerial view of the subject site and surroundings



Figure 7. Existing streetscape (No. 1009-1021 Botany Road)



Figure 8. View of the subject site from the intersection of Botany Road and Rawson Street





Figure 9. View of the subject site from Rawson Lane

## Statutory Considerations

### **Environmental Planning and Assessment Act, 1979**

An assessment of the application has been undertaken pursuant to the provisions of the *Environmental Planning and Assessment Act, 1979* ("the Act").

#### **S8.2 Determination and decisions subject to review**

(1) The following determinations or decisions of a consent authority under Part 4 are subject to review under this Division:

- a) The determination of an application for development consent by a council, by a local planning panel, by a Sydney district or regional planning panel or by any person acting as delegate of the Minister (other than the Independent Planning Commission or the Planning Secretary),
- b) The determination of an application for the modification of a development consent by a council, by a local planning panel, by a Sydney district or regional planning panel or by any person acting as delegate of the Minister (other than the Independent Planning Commission or the Planning Secretary),
- c) The decision of a council to reject and not determine an application for development consent.

(2) However, a determination or decision in connection with an application relating to the following is not subject to review under this Division:

- a) complying development certificate,
- b) designated development,
- c) Crown development (referred to in Division 4.6).

*(3) A determination or decision reviewed under this Division is not subject to further review under this Division.*

Planner’s Comment: The subject review is of a determination of an application issued by the Bayside Local Planning Panel and does not constitute any of the above exceptions.

**S.8.3 - Application For and Conduct of Review**

*(1) An applicant for development consent may request a consent authority to review a determination or decision made by the consent authority. The consent authority is to review the determination or decision if duly requested to do so under this Division.*

*(2) A determination or decision cannot be reviewed under this Division:*

- a) after the period within which any appeal may be made to the Court has expired if no appeal was made, or*
- b) after the Court has disposed of an appeal against the determination or decision*

Planner’s Comment: The request was made (and is required to be determined) within the 6-month period set out by this clause. The original application DA-2022/415 was refused on 14 May 2024 and this S8.2 application is required to be determined by 14 November 2024 or a new application will need be required.

*(3) In requesting a review, the applicant may amend the proposed development the subject of the original application for development consent or for modification of development consent. The consent authority may review the matter having regard to the amended development, but only if it is satisfied that it is substantially the same development.*

Planner’s Comment: The proposed amendments result in a development that is substantially the same as the original, namely alterations and additions to the existing heritage listed buildings to create a mixed-use developments containing three (3) commercial tenancies each with residential apartment above, demolition of outbuildings and construction of three (3) detached outbuildings each containing a single garage and media room above.

Notwithstanding the above, the applicant has made amendments to the proposed development, which have been summarised in the following table:

<b>Original DA-2023/45</b>	<b>Review of Determination S82-2024/3</b>
Two (2)-storey mixed use development containing three (3) commercial tenancies each with a two (2) bedroom apartment above	Three (3)-storey mixed use development containing three (3) commercial tenancies each with a three (3) bedroom apartment above
No Central courtyard	Central courtyard and light well proposed on each lot
Residential entry located within the ground floor shop	Residential entry accessed from Botany Road
Three (3) doors to commercial tenancies only on the street frontage	Six (6) doors to both commercial and residential tenancies on the street frontage

The following is an assessment against the previous reasons for refusal.



- a) *Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not satisfy the matters outlined in Clause 5.10 – Heritage conservation of Bayside Local Environmental Plan 2021 – and would result in adverse impacts to the value of the existing heritage item.*

Planner's Comment: The proposed development has been re-designed from a two-storey mixed use development into a three-storey mixed use development with three (3) commercial tenancies on the ground floor each with a three-bedroom residential apartment above.

The revised proposal continues to propose extensive amount of demolition, including rear wings, interiors, floors, internal walls and fenestration of the heritage item. The internal layout and spaces of the building will be unable to be interpreted within the new works. The amount of demolition continues to have a detrimental impact on the heritage item. Further, a structural adequacy report was not provided to demonstrate if the remaining fabric would be able to be retained unharmed during and after the construction works.

The additional third storey in the revised design contributes to further adverse impact on the heritage item. The third storey, with metal sheeting cladding and contemporary roof form, extends higher than the front parapet and will be visible from the intersection of Botany Road and Rawson Road, Rawson Road and Rawson Lane. It is uncomplimentary to the existing building and will alter the scale and form of the three shops, eroding the integrity of the extended row of shops. This additional storey will result in unacceptable level of heritage impact and was not supported by Council's Heritage Advisor.

- b) *Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development does not satisfy relevant requirements or objectives of the following parts of the Botany Bay Development Control Plan 2013:*
- (i) Part 3B (Heritage) - resulting in adverse impacts to the heritage item.*
  - (ii) Part 5.2.2.6 (Rosebery Neighbourhood Centre) – due to the adverse heritage impacts.*
  - (iii) Part 5.3.1.5 (Built Form and Streetscape) – due to adverse impacts on the heritage item.*

Planner's Comment:

As previously discussed, the revised proposal fails to improve the overall design and instead creates additional adverse impacts on the heritage significance of the heritage item. The revised proposal does not meet the outlined requirements, not only due to its heritage impacts but also because of its adverse effects on the streetscape and amenity of both the subject site and the adjoining properties, which have been detailed in the relevant sections of this report.

- c) *The proposed development, pursuant to the provisions of Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, is not considered suitable for the site, in terms of demolition and its adverse impacts on the existing heritage item.*

Planner's Comment: As detailed throughout this report, the revised proposal is not considered suitable for the site as it results in adverse impacts on the heritage significance and streetscape. The functionality and safety of the parking arrangements

were not adequately addressed. A structural adequacy report was not submitted to demonstrate whether the remaining fabric would be able to be retained unharmed. No evidence was submitted to ensure the existing adjoining buildings and their structural adequacy would be retained undamaged during and after construction.

- d) Pursuant to the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979 and for the reasons set out above and in the submissions received, the proposed development is not considered to be in the public interest.

Planner's Comment: As demonstrated through the assessment, the proposal is not deemed to be in the public interest. Several concerns raised in public submissions remain inadequately addressed by the applicant. Therefore, the proposal is not considered to align with the public interest.

8.3 (4) The review of a determination or decision made by a delegate of a council is to be conducted—

- (a) by the council (unless the determination or decision may be made only by a local planning panel or delegate of the council), or  
(b) by another delegate of the council who is not subordinate to the delegate who made the determination or decision.

Planner's Comment: The decision of the original development application was made by Bayside Local Planning Panel and the decision for this review application will be made by Bayside Local Planning Panel. The Panel members will be different to the ones that determined the development application.

#### **S8.4 – Outcome of Review**

After conducting its review of a determination or decision, the consent authority may confirm or change the determination or decision

Planner's Comment: The application has been reviewed accordingly. The Assessing Officer is of the view that the determination of the Bayside Local Planning Panel on 14 May 2024 should be upheld.

#### **S.8.5 – Miscellaneous Provisions Relating to Reviews**

Planner's Comment: The miscellaneous provisions have been considered and noted. No further comments are made in this regard.

### **S4.15 (1) - Matters for Consideration - General**

#### **S4.15 (1)(a)(i) - Provisions of Environmental Planning Instruments**

The following Environmental Planning Instruments are relevant to this application:

#### **State Environmental Planning Policies**

#### **State Environmental Planning Policy (Sustainable Buildings) 2022**

The applicant has submitted a BASIX Certificate for each proposed dwelling, being Certificate number 1365063S\_02, 1365064S\_02 and 1365065S\_02.

Commitments made within BASIX certificates result in reductions in energy and water consumption on site post construction. A condition has been recommended to ensure that the stipulated requirements are adhered to. The proposal is satisfactory in this regard.

### **State Environmental Planning Policy (Transport and Infrastructure) 2021**

#### **Division 5 / Subdivision 2 – Clause 2.48 – Development likely to affect an electricity transmission or distribution network**

The application is subject to Section 2.48 of the SEPP as the proposed works are within the vicinity of electricity infrastructure and therefore, in accordance with Clause 2.48(2), the consent authority must give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and take into consideration any response to the notice that is received within 21 days after the notice is given.

The application was referred to Ausgrid on 1 October 2024 for comment. No objections were raised to the proposed development subject to the imposition of conditions.

The application is consistent with the provisions of the SEPP and is acceptable in this regard.

#### **Division 17 / Subdivision 2 – Subsection 2.119 – Development with frontage to classified road**

The proposed development is located on land with a frontage to a classified road (i.e. Botany Road). In this regard, Subsection 2.119 - Development with frontage to a classified road, of the SEPP must be considered before consent can be granted.

The proposed development involves access to and from the site via driveways from Rawson Lane, with no vehicular access directly off Botany Road. The original DA-2023/45 was referred to TfNSW, who provided written advice on 29 March 2023, stating that it raised no objections as the proposed development was not expected to have a significant impact on the classified road network.

The subject application does not involve changes to the parking arrangement on the site and therefore re-referral to TfNSW was not required.

The proposal satisfies Subsection 2.119 of the SEPP.

#### **Division 17 / Subdivision 2 – Subsection 2.120 - Impact of road noise or vibration on non-road development**

The proposed development is for a residential development that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 40,000 vehicles and that the consent authority considers is likely to be adversely affected by road noise or vibration. Accordingly, subsection 2.119 - Impact of road noise or vibration on non-road development, of SEPP Infrastructure is required to be considered as part of this assessment.

For residential use the consent authority must not grant consent unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not

exceeded:

- a. *in any bedroom in the building 35 dB(A) at any time between 10 pm and 7 am,*
- b. *anywhere else in the building (other than a garage, kitchen, bathroom or hallway) 40 dB(A) at any time.*

The original application was accompanied by an Acoustic Report, prepared by Renzo Tonin and dated on 21 December 2022, which considered the potential impact of road noise on the proposed development and concluded that the development will satisfy the noise level requirements as outlined in the SEPP, should the recommendations made for each storey in the two(2)-storey building be incorporated into construction.

However, amendments have been made to the proposal, including an additional storey to the building, a third bedroom and three additional doors on street elevation. A revised acoustic report was not submitted with the subject application to reflect the changes in the proposal. Additional information request was sent to the applicant on 2 October 2024 and nil response was received. In this regard, insufficient information has been submitted by the applicant to demonstrate that the proposal satisfies subsection 2.120 of the SEPP.

## **State Environmental Planning Policy (Resilience and Hazards) 2021**

### **Chapter 4 – Remediation of Land**

In accordance with the requirements of the SEPP, a Targeted Phase One Soil Contamination Assessment prepared by Pacific Environmental Australia Pty Ltd and dated 5 October 2023 was submitted in the original DA-2023/45.

The site has historically been used as mixed retail/commercial/residential. There are no previous site usages or nearby sources that would be classified as potentially contaminating. There are no EPA notified contaminating sources within 250m of the site. The site has no history of underground storage tanks (USTs) from WorkSafe records.

Soil and groundwater samples from three test bores were analysed. Samples were taken to a maximum depth of 1.6m below ground level. No fill material or asbestos was found in the samples.

Notwithstanding these findings, at the Pre DA meeting held on the 8 June 2022, the applicant was advised to undertake a Detailed Site Investigation for site contaminants. In particular, it was requested a DSI should also include soil sampling underneath and a visual inspection of the subfloor areas of the existing buildings to determine the extent of any fill, given that historic buildings in the vicinity of the site are known to have been constructed over ash slag fill. To date this has not been undertaken, so the presence of any ash slag fill is not known.

The proposed development otherwise satisfies the requirements and objectives of the SEPP.

## **State Environmental Planning Policy (Biodiversity and Conservation) 2021**

### **Chapter 2 Vegetation in non-rural areas**

This Chapter applies to non-rural areas of the State, including the Bayside local government area and aims to (a) *protect the biodiversity values of trees and other vegetation in non-rural areas of the State,* and (b) *preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.*

The proposed development does not impact upon any significant trees on the property, adjacent lots or in the Public Domain.

The proposal is satisfactory in relation to SEPP (Biodiversity and Conservation) 2021.

**Bayside Local Environmental Plan 2021**

The following table outlines the relevant Sections of Bayside Local Environmental Plan 2021 (“the LEP”) applicable to the proposal, while aspects warranting further discussion follows:

Relevant Sections	Compliance with Objectives	Compliance with Standard / Provision
2.1 Aims of the Plan	<b>No – see discussion</b>	<b>No – see discussion</b>
2.3 Zone and Zone Objectives – E1 Local Centre	<b>No – see discussion</b>	<b>No – see discussion</b>
2.7 Demolition requires consent	Yes – see discussion	Yes – see discussion
4.3 Height of buildings	Yes – see discussion	Yes – see discussion
4.4 Floor space ratio (“FSR”)	Yes – see discussion	Yes – see discussion
5.10 Heritage conservation	<b>No – see discussion</b>	<b>No – see discussion</b>
6.1 Acid Sulfate Soil - Class 4	Yes – see discussion	Yes – see discussion
6.2 Earthworks	Yes – see discussion	Yes – see discussion
6.3 Stormwater and water sensitive urban design	Yes – see discussion	Yes – see discussion
6.7 Airspace operations	Yes – see discussion	Yes – see discussion
6.8 Development in areas subject to aircraft noise	<b>No – see discussion</b>	<b>No – see discussion</b>
6.9 Active street frontages	<b>No – see discussion</b>	<b>No – see discussion</b>
6.11 Essential services	Yes – see discussion	Yes – see discussion

**2.1 – Aims of the Plan**

The proposal fails to satisfy aim (a) of the Plan in that the proposal does not protect, conserve or enhance the built heritage of Baside.

**2.3 - Zone E1 Local Centre**

The subject site is zoned E1 Local Centre under the provisions of the LEP. The proposal is defined as *shop top housing* which constitutes a permissible development only with development consent. The objectives of the zone are:

- *To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.*
- *To encourage investment in local commercial development that generates employment opportunities and economic growth.*
- *To enable residential development that contributes to a vibrant and active local centre*

*and is consistent with the Council’s strategic planning for residential development in the area.*

- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*
- *To ensure development within the zone does not detract from the economic viability of commercial centres.*
- *To ensure the scale of development is compatible with the existing streetscape and does not adversely impact on residential amenity.*
- *To ensure built form and land uses are commensurate with the level of accessibility, to and from the centre, by public transport, walking and cycling.*
- *To create lively town centres with pedestrian focused public domain activated by adjacent building uses and landscape elements.*
- *To accommodate population growth in the Rockdale town centre through high density residential uses that complement retail, commercial and cultural premises in the town centre.*

The proposed development fails to satisfy the sixth objective of the zone in that the proposal is not compatible with the existing streetscape and has adverse amenity impacts on residential amenity, including visual privacy, visual bulk and solar access, all of which have been further discussed in the relevant sections in this report.

**2.7 – Demolition**

The proposal seeks consent for demolition of the following:

- Demolition of additions at the rear of each of the main heritage listed commercial building structures, including the rear walls of the main buildings;
- Demolition of internal walls, floors, staircases and fenestration; and
- Demolition of outbuildings and fencing at the rear.

It is deemed that this Section is satisfied as the applicant has sought for demolition as part of this application. However, it is to be noted that the extent of demolition is not supported on heritage grounds. Refer to assessment of Section 5.10 below.

**4.3 - Height of Buildings**

A maximum height standard of 14 metres applies to the subject site.

With relation to the proposed shop top housing, the maximum building height is 10.14 metres (RL18.24).

With relation to the proposed garage / studio structures at the rear, the maximum height is 6.55 metres (RL14.90).

In this regard, the proposal complies with the provisions and objectives of this Section.

**4.4 – Floor Space Ratio**

A maximum FSR standard of 2:1 applies to the subject site and proposal.

As this proposed development applies to three separate lots, the gross floor area (GFA) and FSR are broken down further in the table below:

Site	Maximum Permitted GFA	Proposed GFA (FSR)	Complies
Lot A (No.1015)	323.6m <sup>2</sup>	253.2m <sup>2</sup> (1.56:1)	Yes

Lot B (No.1015)	323.6m <sup>2</sup>	255.3m <sup>2</sup> (1.57:1)	Yes
Lot C (No.1019)	318.8m <sup>2</sup>	253.6m <sup>2</sup> (1.59:1)	Yes

In this regard, the proposal complies with the provisions and objectives of this Section.

**5.10 – Heritage Conservation**

The subject sites are located within a larger Heritage Item at 1009-1021 Botany Road [Item 270 – Commercial building group] which is an item of local significance.



Figure 10. Cadastral layer with LEP Heritage overlay, indicating coverage of Item 270

The Statement of Significance from the State Heritage Inventory is fully re-produced below:

*The group of early 20th century shops from 1009 to 1021 Botany Road are of local heritage significance to the Bayside area as one of the earliest surviving groups of shops along Botany Road (c.1903-1904 completion), and which, although altered, have retained very good historic and aesthetic integrity as a group. The aesthetically distinctive and substantially intact Victorian Free Classical style parapet that extends across all buildings in the group is a notable element in the context of the local area.*

*This parapet detailing is also aesthetically significant because it is substantially intact to all properties in the group and provides very good evidence of the ways in which this exuberant style was interpreted at the modest scale of the small group of suburban shops. The facades above awning level have been altered in various ways, but sufficient fabric and photographic*



*evidence exists to allow reconstruction if desired in the future. The recently added balconies to the southern (Rawson Street) elevation reference the form of the original Botany Road facades.*

*As is the case with all shops in the area, the shopfronts have been removed and a variety of replacements fitted. Most are typical modulate 20th century designs, but several have been bricked and wall tiles applied and are unsympathetic elements in the group. These shopfronts could also be removed and a more appropriate form inserted as part of future works. As a group they provide evidence of the evolution of retail presentation and patterns of interaction with customers over the last 100 years.*

*Despite these changes to the facade, the overall form of the building is substantially intact or altered in the traditional pattern of this type of shop. The heritage values of the group, and particularly the aesthetic qualities of the parapet when viewed against the skyline, satisfy the Criteria for local heritage significance.*

*The group is also locally significant for its contribution to the development of the area and the evidence that it provides of the form and pattern of development in the area in the early years of the development of this part of Mascot following the formation and construction of the nearby North Botany Town Hall in 1889.*

The proposed development includes (but not limited to) the following:

- Demolition of additions at the rear of each of the main heritage listed commercial building structures, including the rear walls of the main buildings;
- Demolition of internal walls and staircases; and
- Demolition of outbuildings and fencing at the rear.

The façade of the building (i.e. facing Botany Road) will be primarily retained, however, there are some proposed modifications, most notably:

- An additional storey on the existing two (2) storey building with 2m front setback;
- Additional entries erected on all three lots so that there are two (2) entries on each lot from the Botany Road frontage;
- New windows structures, entrances and glazing on all three lots; and
- Erection of a new juliet style balcony on the first floor at 1019 Botany Road.

A Heritage Impact Statement, prepared by Weir Phillips Heritage and Planning and dated September 2024 was lodged with the application. It concluded that:

*The site is part of a group heritage listing of commercial terraces fronting Botany Road. Externally, the key contributor to the significance of the site is the ornate upper level parapet and plaster mouldings. The interior and rear of the terraces have low integrity and are in poor condition throughout.*

*The proposal aims to enhance the site's historic contribution to Botany Road by reinstating a characteristic Federation-era shopfront and restoring the retail commercial element at street level. The upper façade will retain and highlight the ornate plaster moulding of the "Pascoe Building," further strengthening the site's historic presentation along Botany Road.*

*Due to the scale and prominence of No. 1021 Botany Road at the intersection of Rawson Street and Botany Road, much of the upper-level development will not be visible from the surrounding area. In order to further minimise the visibility of the addition, it has been set back from the parapet by approximately 3m. The roofline has been chamfered to further reduce its*



*visibility from Botany Road. Where visible, it will read as a contemporary well-mannered addition to a Federation-era shoptop terrace.*

*The design of the new alterations and additions align with the mixed architectural context of the area, ensuring the addition does not compromise the visibility or integrity of the existing ornate parapet when viewed from Botany Road. Restoration works to the primary elevation include the Ground Floor shopfront enhance the significance of the item and ensure its long term viability as a historic representation of Mascot's early commercial precinct.*

**Assessment:**

The application was referred to Council's Heritage consultant, whose recommendations and conclusions have been re-produced as follows:

*The proposal does not satisfy Clause 5.10 of the BLEP 2021, as it does not conserve an item of environmental heritage. The amount of demolition of original fabric and the extent and design of the new work do not respond to the heritage significance of the item and will result in a high level of adverse heritage impact.*

*The amended proposal continues to propose extensive demolition, including rear wings, interiors, floors, internal walls and fenestration of the heritage item. The internal layout and spaces of the building will be unable to be interpreted within the new works. The amount of demolition will have a high level of adverse impact and is not supported.*

*The amended proposal includes an additional third storey above the two storeys proposed in the refused DA. This new storey extends higher than the front parapet and includes living and bedroom accommodation with terraces at the front and back. The sides of the addition will be clad in metal sheeting and will be visible behind the parapet and in views from Rawson Street and Rawson Lane at the rear. It has a roof form that is incongruous and uncomplimentary to the existing buildings and will alter the scale and form of the three shops, eroding the integrity of the extended row of shops. The additional storey will result in an unacceptable level of heritage impact and is not supported on heritage grounds.*

*The proposed changes to the shopfront are supported in part, as they are an improvement on the existing condition and are designed with respect to the significance of the item. However, the proposal to include a residential entry into each building at the street front is not supported.*

*The proposed colors and materials are a mix of traditional and contemporary that results in a confusing outcome for the significant front façade. This will also have a detrimental impact on the heritage item. A structural report has not been provided to demonstrate that the retained existing fabric is able to withstand the new development without harm.*

*Accordingly, the proposal is not supported on heritage grounds. It is not considered appropriate or possible to reduce the impacts of the proposal through conditions of consent.*

It is noted that alterations and first floor addition to the existing single storey building at 1021 Botany Road was approved under DA-2011/50. However, it did not include any demolition of the existing commercial building or a visually intrusive third storey. That particular application was supported as it preserved the heritage item and hence was acceptable from a heritage viewpoint.

Having regard to the above, the proposal is considered unacceptable in terms of heritage impacts and is recommended for refusal.

**6.1 – Acid Sulfate Soils**

Acid Sulfate Soils (ASS) – Class 4 affect the property by the LEP mapping.

A Targeted Phase One Soil Contamination Assessment report prepared by Pacific Environmental Aust Pty Ltd and dated 5<sup>th</sup> October 2023 was submitted in the original DA-2023/45. The assessment did not find any soils that are affected by ASS or detect sulphurous odours. Soil horizons in the three test holes all exhibited a pH in excess of the pH expected for ASS classification. It is concluded that the site soils/sand are not impacted by ASS conditions. Based on the elevations and section plans provided, the proposed works do not include any excavation of materials or disturbance of the existing hardstand ground cover. Therefore, it is unlikely that ASS or potential acid sulfate soils (PASS) will be encountered during the proposed works. An ASS management plan will not be required.

The proposal is consistent with the objectives and requirements of Section 6.1.

### **6.2 – Earthworks**

The impacts of the proposed earthworks have been considered in the assessment of this proposal. Appropriate conditions would have been imposed if approval was recommended.

### **6.3 – Stormwater and WSUD**

The development proposes an absorption system. Stormwater plans were submitted with the application and were prepared by NY Civil Engineering and dated 4 September 2024. The application was reviewed by Councils Development Engineer who had no objections to the proposal subject to conditions which have been included in the recommended conditions.

### **6.7 - Airspace operations**

The proposed development is affected by the Obstacle Limitation Surface (OLS) which is set at 51 metres to Australian Height Datum (AHD).

The proposal has a maximum building height of 10.14 metres (RL18.24), which is less than 51m AHD. In this regard, the proposed development will have minimal adverse impact on the OLS and hence is acceptable with regards to this Section.

### **6.8 – Development in Areas subject to Aircraft Noise**

The subject site is located within the 20 to 25 ANEF Contour, thus subject to potential adverse aircraft noise. Given this, appropriate noise attenuation measures are required for the proposed development.

An Acoustic Report prepared by Renzo Tonin dated 21 December 2022 was submitted in the original DA-2023/45, which concluded that the development would satisfy the requirements provided the recommendations made for each storey in the two(2)-storey building be incorporated into construction.

However, amendments have been made to the proposal in the subject application, including an additional storey to the building, a third bedroom and three additional doors on the street elevation. A revised acoustic report was not submitted with the subject application to reflect the changes in the proposal. Additional information request was sent to the applicant on 2 October 2024 and nil response was received. In this regard, insufficient information has been submitted by the applicant to determine whether the proposal satisfies Section 6.8 of the LEP.

### **6.9 – Active Street Frontages**

The subject site is required to provide an active street frontage at ground floor level, along the

Botany Road frontage of the property. The proposal incorporates separate entries and glazing to each of the three ground floor tenancies, which improves the existing situation of the shops.

However, the proposed shop entrances do not currently provide equitable access for individuals with disabilities, which has been discussed further in detail in relevant DCP section. To address this, design modifications are required to incorporate ramps at the shop entrances. However, this will result in additional recessed areas along the street frontage, potentially adversely impacting the overall shopfront interface. In this regard, the Assessing Officer is of the view that Section 6.9 of the LEP has not been adequately satisfied.

**6.11 – Essential Services**

Services are generally available on site to facilitate to the proposed development. Appropriate conditions have been recommended requiring approval or consultation with relevant utility providers with regard to any specific requirements for the provision of services on the site.

**S4.15(1)(a)(ii) - Provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority**

There are no draft environmental planning instruments of direct relevance to the proposal.

**S4.15 (1)(a)(iii) - Provisions of any Development Control Plan**

It is noted that the original application was assessed under the Botany Bay DCP 2013 (BBDCP 2013). Whilst Bayside DCP 2022 had been adopted at the time of lodgement of this S8.2 review; in accordance with the savings provisions of Bayside DCP 2022, the proposal is to be assessed under the Botany Bay DCP 2013.

An assessment against the relevant parts of the BB DCP 2013 is provided below.

**Botany Bay Development Control Plan 2013**

**Part 3A – Parking and Access**

Car Parking Rate

The following car parking rates are prescribed under this Part of the DCP:

Use	Car Parking Rate	Parking Spaces Required	Parking Spaces Proposed	Complies
Commercial	<ul style="list-style-type: none"> <li>1 space / 40m<sup>2</sup> GFA</li> </ul>	7	6	No
Shop-top Housing	<ul style="list-style-type: none"> <li>2 spaces / two (2) or more bedrooms dwelling; and</li> <li>1 designated visitor space / 5 dwelling</li> </ul>	6 spaces and 1 visitor parking space		

A total of 14 car parking spaces is required for the entire proposed development.

The existing development is served by only 4 off-street parking spaces while 8 parking spaces are

required, the subject site has an existing shortfall of 4 parking spaces. The historic deficiency of 4 spaces in parking can be applied as a credit to the parking calculation. In this regard, the proposed development requires 10 spaces in total.

A total of 6 spaces is provided (2 for each of the lots, with one located within the garage and the other in the hardstand area located between the garage and main building in a tandem formation), which does not comply with the controls and results in a total shortfall of 4 spaces.

A Traffic and Parking Assessment report was submitted with the DA, prepared by Terraffic Pty Ltd and dated 4<sup>th</sup> September 2024. The traffic report contains an assessment of public transport accessibility which has been reproduced as follows:

***Public Transport Accessibility***

In addition to being located within a 950m walking distance of Mascot Railway Station, the development site is served by the following bus services that operate along Botany Road:

<b>Route 306</b>	Mascot Station to Redfern (Loop Service) via Eastlakes, Rosebery and Green Square Station. Service operates daily.
<b>Route 307</b>	Mascot Station to Eastgardens (Loop Service) via Botany. Service operates daily.
<b>Route 309</b>	Port Botany to Redfern via Matraville, Banksmeadow, Mascot, Rosebery and Green Square Station. Service operates daily.
<b>Route 310</b>	Botany to Central Railway Square via Mascot, Rosebery, Green Square Station and Redfern Station. Service operates weekday peaks only
<b>Route 350</b>	Sydney Airport Domestic to Bondi Junction Station via Mascot, Eastgardens, Maroubra, Coogee and Waverley Service operates daily

Bus stops for these services are located within 200m of the subject site.

The DCP provides some discretion to allow a reduction in the car parking provision in certain circumstances, including:

- Existing site and building constraints that makes the provision of car parking impractical; and
- It is located adjacent to high-frequency public transport services.

The proposed tandem parking dimensions are compliant and there is no adverse impact on public domain or trees.

Considering the above, the proposed number of parking spaces is acceptable.

Access

Despite that the proposed parking deficiency may be acceptable, the functionality / access of the proposed parking spaces is questionable. The submitted SEE states that *the parking will serve both the resident and business owner*. However, neither the SEE nor the Traffic Report specifies the parking arrangement in terms of how the tandem parking serves both the residents and business owners at the same time. i.e. The residents will need to move their vehicle whenever the

shop is receiving a delivery; and the residents / shop owner will have to move their vehicle when the other party needs to enter / exit the site.

Further, it seems that the location of the proposed parking spaces prevents the residents to access the car park in a safe and practical manner. The only access to the proposed dwellings is from Botany Road in the front and residents are required to leave the site after parking and traverse the streets and laneway to access their dwellings.

The proposal does not satisfy the transport, access and parking requirements of the DCP.

### **Part 3B – Heritage**

Heritage issues and considerations have been addressed in response to the heritage provisions of the LEP previously. The DCP provisions and considerations have been addressed and considered in the comments from Council's heritage adviser, who did not support the proposal.

### **Part 3C – Access and Mobility**

The development is accessible internally and from the rear. However, it is noted that the new entries to the shops do not involve ramps and that there is a level difference between the FFL (RL8.35) of the ground floor tenancies and the existing ground level (RL8.29), which makes the shop entrance from Botany Road inaccessible for people with a disability.

An access report prepared by Access Solutions and dated 25 January 2023 was submitted with the original DA-2023/45. However, design amendments have been made to the proposal in the subject application, including new shop entries without ramps as discussed above.

Additional information request was sent to the applicant on 2 October 2024 and nil response was received. In this regard, design modifications are required to enable equitable access for individuals with disabilities.

### **Part 3G – Stormwater Management**

An assessment against stormwater management has been discussed in response to Section 6.3 of the LEP, in the previous section of this report.

### **Part 3H – Sustainable Design**

An assessment of sustainable design has been discussed in response to *SEPP (Sustainable Buildings) 2022* in a previous section of this report.

### **Part 3J – Aircraft Noise and OLS**

An assessment of aircraft noise and OLS has been discussed in response to Sections 6.7 and 6.8 of the LEP previously.

### **Part 3K – Contamination**

An assessment of contamination has been discussed in response to *SEPP (Resilience and Hazards) 2021* in a previous Section of this report.

### **Part 3N – Waste Minimisation and Management**

A Waste Minimisation and Management Plan was submitted with the original DA-2023/45 listing methods for minimising and managing construction and ongoing waste on site. Bins on

service both buildings will be stored in dedicated area at the rear of the main commercial building.

Were the application approved, appropriate conditions would have been imposed within the draft Notice of Determination.

## Part 5 – Business Centres

### Part 5.2.2.6 – Rosebery Neighbourhood Centre



Figure 11. Mapping of Rosebery Neighbourhood Centre

#### Building Form and Design

The bulk and scale of the proposed development is not compatible with the existing streetscape and desired future character of the locality.

As discussed above, the subject sites are located within a larger Heritage Item at 1009-1021 Botany Road [*Item 270 – Commercial building group*] which is an item of local significance listed in Bayside LEP 2021. The heritage values of the group, and particularly the aesthetic qualities of the parapet when viewed against the skyline are significant.

The third storey with Lysaght metal roof and wall cladding and light color finish appears bulky and detracts from the existing heritage building and its surroundings. The proposed 2m front setback does not comply with the minimum 3m front setback control in accordance with DCP requirements. It extends higher than the existing parapet. A view analysis was not submitted with the application. However, it appears that the third storey may be visible from Botany Road and will be visible from the intersections of Botany Road and Rawson Street, Rawson Street and Rawson Lane. The aesthetic qualities of the parapet are likely to be compromised. The proposal will have significant adverse impact on the heritage item.

The design results in excessive visual bulk, which is incompatible with the surrounding built environment. This design fails to integrate with the streetscape, creating a dominating and

intrusive presence that adversely impacts the visual amenity of the area. The proposal will set an unpleasant precedent within the area.

Further to the above, as has been discussed previously, the proposed shop entrances do not currently provide equitable access for individuals with disabilities. To address this, design modifications are required to incorporate ramps at the shop entrances. However, this will result in additional recessed areas along the street frontage, potentially adversely impacting the overall shopfront interface.

### Amenity

The layout of residential dwellings above the proposed shops generally provide a reasonable level of amenity, rooms are well proportioned and circulation within each dwelling is acceptable.

However, the design contains the following site planning issues that prevents both the residential and commercial components from functioning in a safe and practical manner:

As discussed above, the tandem parking spaces serving both the residential and commercial components of the development appears impractical. The location of the proposed parking spaces does not provide a direct and safe access in that it requires the residents to leave the site after parking and traverse the streets and laneway to access their dwellings. The overlaps between the commercial and residential components of the development are likely to result in conflicts between user groups.

The media rooms and the rear yards are isolated and inaccessible from the main dwellings. Similar to parking arrangements, residents do not have direct and safe access to the proposed media rooms and the rear yards given that the only access to the dwelling is via Botany Road in the front.

The location of the stairs serving residential components compromises the quality of the commercial space and results in very deep floor plans with extremely narrow frontages (approximately 2.8m). The narrow width and excessive depth of each retail unit does not provide functional commercial spaces.

The proposal provides six (6) individual doors within a street frontage of 13.23m, which contributes to complexity of the street frontage. The consistent material finish of all doors fronting the street (glass doors in a timber frame) contributes to a confusing street presentation. Residential entrances are not clearly identifiable and can be easily confused with the retail entries.

## **Part 5.3 – General Controls**

### ***5.3.1.1 Floor Space Ratio***

An assessment of Floor Space Ratio has been discussed in response to Section 4.4 of the LEP previously.

### ***5.3.1.2 Height***

An assessment of Building Height has been discussed in response to Section 4.3 of the LEP previously.

### ***5.3.1.3 Street Setbacks***

The existing street setback to Botany Road is being retained.

#### **5.3.1.5 Built Form and Streetscape**

The existing streetscape features predominantly single and two-storey commercial buildings, with several properties hold heritage significance, with original brick façades, parapets, and detailed windows contributing to the area's historical character. The subject site forms part of a heritage item 'Commercial Building Group', 1009-1021 Botany Road Mascot.

It is noted that 1023 Botany Road to the opposite side of Rawson Street has three storeys in height, however does not represent the predominant streetscape along Botany Road.

As previously discussed, the additional third storey with metal sheeting cladding and contemporary roof form in the revised proposal contributes to additional bulk of the building. The third storey will be visible behind the parapet and in views from the intersection of Botany Road and Rawson Street, Rawson Street and Rawson Lane, which will have a detrimental impact on the existing parapet and the overall heritage significance. It will alter the scale and form of the three shops, eroding the integrity of the extended row of shops.

The proposed shopfront represents an improvement on the existing condition and has been designed with respect to the existing streetscape. However, the six entries with same materials and doors used creates a cluttered and confusing appearance.

In this regard, the proposal does not satisfy the requirements of DCP.

#### **5.3.2.2 Building Design**

It is noted that a BCA Assessment report prepared by Concise Certification and dated 17 February 2023 outlining the compliance of the building design with the BCA was submitted with the original DA-2023/45. A Structural Adequacy Certificate prepared by SPAD and dated 14 December 2022, was submitted demonstrating that the proposed development is structurally feasible and would not impair the structural integrity of the existing building and the adjoining properties at 1031 and 1021 Botany Road Mascot. A Structural Engineer's Report prepared by SPAD and dated 10 November 2023 was submitted demonstrating that the single storey party wall between 1015 and 1017 and single storey perimeter walls in 1015, 1017 & 1019 must be demolished and reconstructed to comply with NCC 2022 Volume 1.

The subject application involves an additional storey compared to the original DA-2023/45. However, neither an updated BCA report nor a revised structural adequacy certificate was submitted with the subject application. In this regard, there is insufficient information to demonstrate that the revised design continues to comply with the BCA and whether the new proposal is structurally feasible and would impair the structural integrity of the adjoining properties.

In this regard, the proposal does not satisfy the requirements of DCP and is recommended for refusal.

#### **5.3.2.4 Awnings and Verandahs**

Existing awning to be made good and relocated to be in line with existing awning at 1021 Botany Road. The proposal involves a new juliet style balcony with French window on the first floor at 1019 Botany Road and a second floor terrace fronting Botany Road on each lot. The first floor balcony and second floor terrace on each lot assist with passive surveillance of



Botany Road and increased amenity for the dwelling. The proposal satisfies the objectives and controls of the DCP.

#### **5.3.2.5 Public Domain Interface at Ground Level**

The proposed development does not demonstrate a clearly definable entry as there are six (6) individual doors within a street frontage of 13.23m, which contributes to complexity of the street frontage. The consistent material finish of all doors fronting the street (glass doors in a timber frame) also contributes to a confusing street presentation.

#### **5.3.2.6 Active Street Frontages**

An assessment of active street frontage has been discussed in response to Section 6.9 of the LEP previously.

#### **5.3.2.7 Heritage**

An assessment of heritage impact has been discussed in response to Section 5.10 of the LEP previously.

#### **5.3.2.9 Landscaped Area**

The proposal provides landscaped area within the central courtyard and within the areas between the main commercial building and the proposed outbuilding. Each lot contains one (1) tree and screening shrubs.

This has been reviewed by Council's Landscape Architect and was considered appropriate for the site. Appropriate conditions have been imposed within the draft Notice of Determination.

#### **5.3.2.10 Private Open Space and Communal Open Space**

No specific minimum requirements are prescribed for private open space for this type of development.

The rear yard between the main commercial building and the garage is primarily for car parking, bin storage and services with some of the area landscaped. Additional private open space is located on the first floor and second floor in the form of balconies and terraces. The proposed private open space is compliant with the relevant objectives of this Part of the DCP, that being it provides opportunities for passive and active recreation and enables residents to have a pleasant outlook.

#### **5.3.2.11 Materials and Finishes**

A Schedule of Finishes and a detailed Colour Scheme has been submitted with the application.

The application was referred to Council's Heritage Advisor who commented the following:

*The proposed colours and materials are a mix of traditional and contemporary that results in a confusing outcome for the significant front façade. This will also have a detrimental impact on the heritage item.*

In this regard, the proposal does not satisfy the objectives of the DCP.

### **5.3.3.2 Visual Privacy**

First floor rear balconies are not encouraged in low-density developments and are only permitted when adjacent to a bedroom. The proposed rear balconies on the second floor connecting the dining room have the potential to overlook into adjoining rear yards and are not supported.

Were the application approved, the following would be conditioned in the development consent:

- Vertical aluminium privacy screens proposed to the FF rear balcony of No.1019 shall be located towards the southern end of the balcony
- The second floor rear balconies shall be deleted from the plans

### **5.3.3.3 Solar Access and Shadow**

Development must demonstrate neighboring developments will obtain at least two hours of direct sunlight to 50% of the primary private open space and 50% of windows to habitable rooms.

The subject site is orientated northwest to southeast with the frontage of the site facing the northwest and the rear of the site facing the southeast. The lot pattern of the street is such that each adjoining site also has the same orientation.

The existing aerial shadow diagrams at hourly intervals for mid-winter (June 21) submitted in the original DA-2023/45 (refer to Figures 14 and 15) shows that its southern adjoining neighbour at no.1021 currently enjoys 3 hours of direct sunlight from 11am to 2pm on June 21.

The applicant has provided proposed aerial shadow diagrams at 9am, 12pm and 3pm for mid-winter (June 21) and spring-equinox (September/March 21) (refer to Figures 12 and 13). The submitted shadow diagrams indicate that in both mid-winter (June 21) and spring-equinox, the private open space on the ground floor of its southern adjoining neighbour at no.1021 will be completely overshadowed and will not achieve the minimum 2 hours requirement for direct sunlight.

In this regard, the proposal results in significant overshadowing impacts on its southern adjoining property at no.1021. The overshadowing arises out of the poor design including the excessive bulk and scale of the proposed building and is therefore not acceptable.

Considering the above, the solar impacts of the proposal arise from inappropriate building design are unreasonable and not supported.

**PROPOSED SHADOW DIAGRAMS - JUNE 21ST**



Figure 12. Proposed shadow diagrams – Mid-Winter

**PROPOSED SHADOW DIAGRAMS - MARCH 21ST**

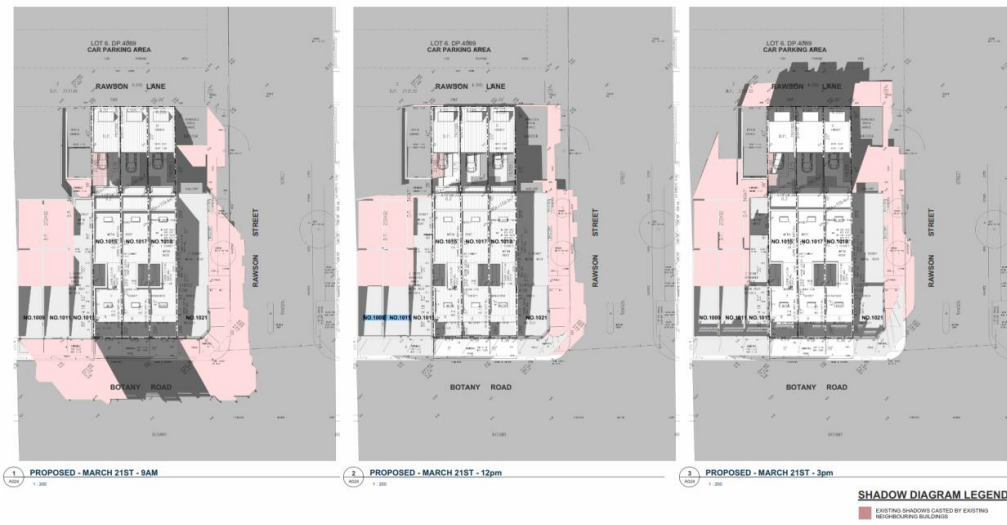


Figure 13. Proposed shadow diagrams – Spring / Equinox

**EXISTING SHADOW DIAGRAMS - JUNE 21ST**



Figure 14. Existing shadow diagrams at hourly intervals (9am – 11am) – Mid-Winter submitted in original DA-2023/45

**EXISTING SHADOW DIAGRAMS - JUNE 21ST**



Figure 15. Existing shadow diagrams at hourly intervals (12pm – 3pm) – Mid-Winter submitted in original DA-2023/45

**5.3.3.6 Stormwater Management and Flooding**

An assessment of stormwater management has been discussed in response to Section 6.3 of the LEP previously. The site is not affected by flooding events.

**Part 8 – Mascot Character Precinct**

This section of the DCP provides rationale for determining the appropriateness and descriptive strategic direction for development in Mascot.

The site is located within the E1 Local Centre zone between Coward Street and Rawson Street.

The revised proposal is not consistent with the following desired future characters:

- Enhance the public domain and streetscapes within the Precinct.

- *Enhance neighbourhood amenity and pedestrian comfort.*
- *Encourage site layout, building styles and designs which promote commonality and a visual relationship with the surrounding built form and dwelling styles*
- *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.*
- *Promote urban design and uses that enhance to the character of the area and protect and are sympathetic to the significance of Heritage Items.*
- *Conserve and enhance Heritage Items within the Precinct.*
- *Enhance pedestrian amenity, promote active street frontage and encourages links to public areas such as Lever Street Reserve.*

As such the proposal does not meet the desired future characters of the Mascot Precinct and is recommended for refusal.

#### **S4.15(1)(a)(iii) – Provisions any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4**

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There is no planning agreement applicable to the proposal.

#### **S4.15(1)(a)(iv) - Provisions of the Regulation**

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All relevant provisions of the Regulations have been taken into account in the assessment of this proposal.

#### **S4.15(1)(b) - Likely Impacts of Development**

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This Section of the Act requires consideration of natural and built environmental impacts, and social and economic impacts. The potential and likely impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls. The impacts that have not already been addressed or warrant some elaboration are as follows:

##### Construction Impacts

No details have been provided, such as a structural adequacy certificate, to show that there will be no adverse impacts to the adjoining heritage tenancies resulting from demolition and/or construction works. This is important for adjoining sites with walls abutting the boundary or where they share a part wall with the subject site (ie. No.1013 & 1021 Botany Road Mascot).

#### **S4.15(1)(c) - Suitability of the Site**

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The subject site is part of a heritage item 'Commercial building group', 1009-1021 Botany Road Mascot. Based on the information provided, the proposed development is not suitable for the site as the excessive amount of demolition and the additional bulk and scale results in adverse impacts on the heritage significance of the item and the existing streetscape. In this regard, the site is not suitable for the proposed development.

## **S4.15(1)(d) - Public Submissions**

### **Public Submission**

The development has been notified in accordance with the DCP, between 2 October 2024 and 17 October 2024. Three (3) submissions have been received.

The issues raised in the submissions are discussed below:

Issue 1: Heritage impact / Amount of demolition / Little building fabric retained / significantly increased volume including building height and depth

Comment: The issues have been addressed previously within this report.

Issue 2: Structural adequacy / potential additional load on the party wall

Comment: The issues have been addressed previously within this report.

Issue 3: Overshadowing / Loss of natural light

Comment: This issue has been addressed previously within this report.

Issue 4: Noise and Construction Disturbances / Dilapidation Report

Comment: The application is recommended for refusal. However, were the application approved, conditions would have been imposed within the draft Notice of Determination regarding the matters, including standard conditions regarding construction hours and noises, soil and water management plan, dilapidation report, structural adequacy certificate, etc.

Issue 5: Excessive building height

Comment: The proposal complies with the maximum building height prescribed in Bayside LEP 2021.

Issue 6: Setback and boundary encroachment

Comment: The proposal retains the existing nil setback. Were the application approved, a condition would have been imposed within the draft Notice of Determination to ensure a boundary survey is conducted prior to the issue of Construction Certificate.

Issue 7: Privacy concerns

Comment: This issue has been addressed previously within this report.

Issue 8: Potentially increased traffic and parking issues

Comment: The proposal does not involve intensified use of the site. The proposal involves alterations and additions to the existing shop top housing, which is unlikely to generate excessively additional traffic. In the regard, the proposal will not have any noticeable or unacceptable effect on the road network serving the site in terms of road network capacity or traffic-related environmental effect.

Issue 9: Incompatibility with local streetscape

Comment: This issue has been addressed previously within this report.

Issue 10: Drainage and Water runoff

Comment: The stormwater design has been reviewed by Council's Development Engineer who did not object to the application. Were the application approved, conditions would have been imposed within the draft Notice of Determination.

Issue 11: Visual amenity and use of property

Comment: This issue has been addressed previously within this report.

Issue 12: Energy efficiency / Sustainability of materials

Comment: BASIX Certificates have been submitted demonstrating the proposal achieves relevant requirements.

Issue 13: Lack of consultation

Comment: Council has advised adjoining and nearby land owners of the application in accordance with DCP requirements. The submissions and issues received have been addressed in this report.

Issue 14: Fire safety / only one point of egress in the case of an emergency

Comment: The ground floor tenancies have entry / exit to both the front and rear of the main building and the garages at the rear also have entry / exit to both the front and rear. The upper floor tenancies have single egress only to the front of the building from Botany Road. The concerns raised regarding fire safety are valid in this instance. However, the applicant could address the fire safety concerns by way of an alternate solution to satisfy the NCC at the Construction Certificate stage.

Item 15: Impact on property value

Comment: No information has been submitted to substantiate this claim.

#### **S4.15(1)(e) - Public interest**

---

The proposal has been assessed against the relevant planning instruments and controls applying to the site, also having regard to the applicable objectives of the controls. As demonstrated in the assessment of the development application, the proposal will result in adverse heritage impacts on the significance of the group heritage item and amenity impacts on adjoining properties. As such, granting approval to the proposed development is not in the public interest.

#### **S7.12 - Development Contributions**

---

A total contribution of \$11,257.62 has been calculated at the date of this consent to Council under section 7.12 of the Environmental Planning and Assessment Act 1979 in accordance with the City of Botany Bay S94A Development Contributions Plan 2016. Were the application recommended for approval, a condition would have been imposed relating to its payment prior to the issue of a Construction Certificate.

#### **Conclusion and Reasons for Decision**

---

The proposed development at 1015 & 1019 Botany Road, MASCOT has been assessed in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979* including relevant environmental planning instruments and Bayside Development Control Plan 2022.

The proposed development, being Review of Determination of DA-2023/45 for the alterations and additions to the existing heritage listed buildings to create a mixed-use development containing three (3) commercial tenancies each with apartments above, is a permissible land use within the zone with development consent. In response to the public notification, three (3) submissions were received. The matters raised in these submissions have been discussed and addressed in this report.

The proposal is recommended for refusal for the reasons outlined earlier in this report (please refer to the section headed "Recommendation" at the beginning of this report).





**WESTERN PERSPECTIVE VIEW (ALONG BOTANY ROAD)**

NOTE: THIS PERSPECTIVE VIEW DOES NOT INDICATE THE COLOURS AND FINISHES PROPOSED. PLEASE REFER TO THE MATERIALS & FINISEHS SCHEDULE FOR THE PROPOSED EXTERNAL COLOURS & FINISHES

IMPORTANT NOTE  
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 DEVELOPMENT APPLICATION PURPOSES  
 ONLY. THEY ARE NOT ISSUED FOR  
 CONSTRUCTION OR CONSTRUCTION  
 CERTIFICATE OR FOR THE PURPOSES OF  
 PRICING BY ANY CONTRACTOR

**ARCHITECTURAL DRAWING SCHEDULE:**

A000	TITLE PAGE	E
A000B	NO.1015 - COMPLIANCE INFO/TABLE	E
A000C	NO.1017 - COMPLIANCE INFO/TABLE	E
A000D	NO.1019 - COMPLIANCE INFO/TABLE	E
A001	EXISTING FLOOR PLANS 1 OF 2	E
A002	EXISTING FLOOR PLANS 2 OF 2	E
A003	EXISTING ELEVATIONS - EAST & WEST	E
A004	EXISTING ELEVATIONS - NORTH & SOUTH	E
A005	SITE PLAN	E
A006	PROPOSED GROUND FLOOR/SITE PLAN	E
A007	PROPOSED LEVEL 1 & LEVEL 2	E
A008	PROPOSED ROOF PLAN	E
A009	PROPOSED SECTION	E
A010	PROPOSED SECTIONS 2	E
A011	PROPOSED EAST & WEST ELEVATION	E
A012	PROPOSED INTERNAL EAST & WEST ELEVATION	E
A013	PROPOSED NORTH & SOUTH ELEVATIONS	E
A014	MATERIALS & FINISHES	E
A015	MATERIALS & FINISHES	E
A016	MATERIALS & FINISHES	E
A025	AREA CALCULATIONS	E
A026	DEMOLITION PLAN	E
A027	WINDOW & DOOR SCHEDULE	E

**DEVELOPMENT APPLICATION**

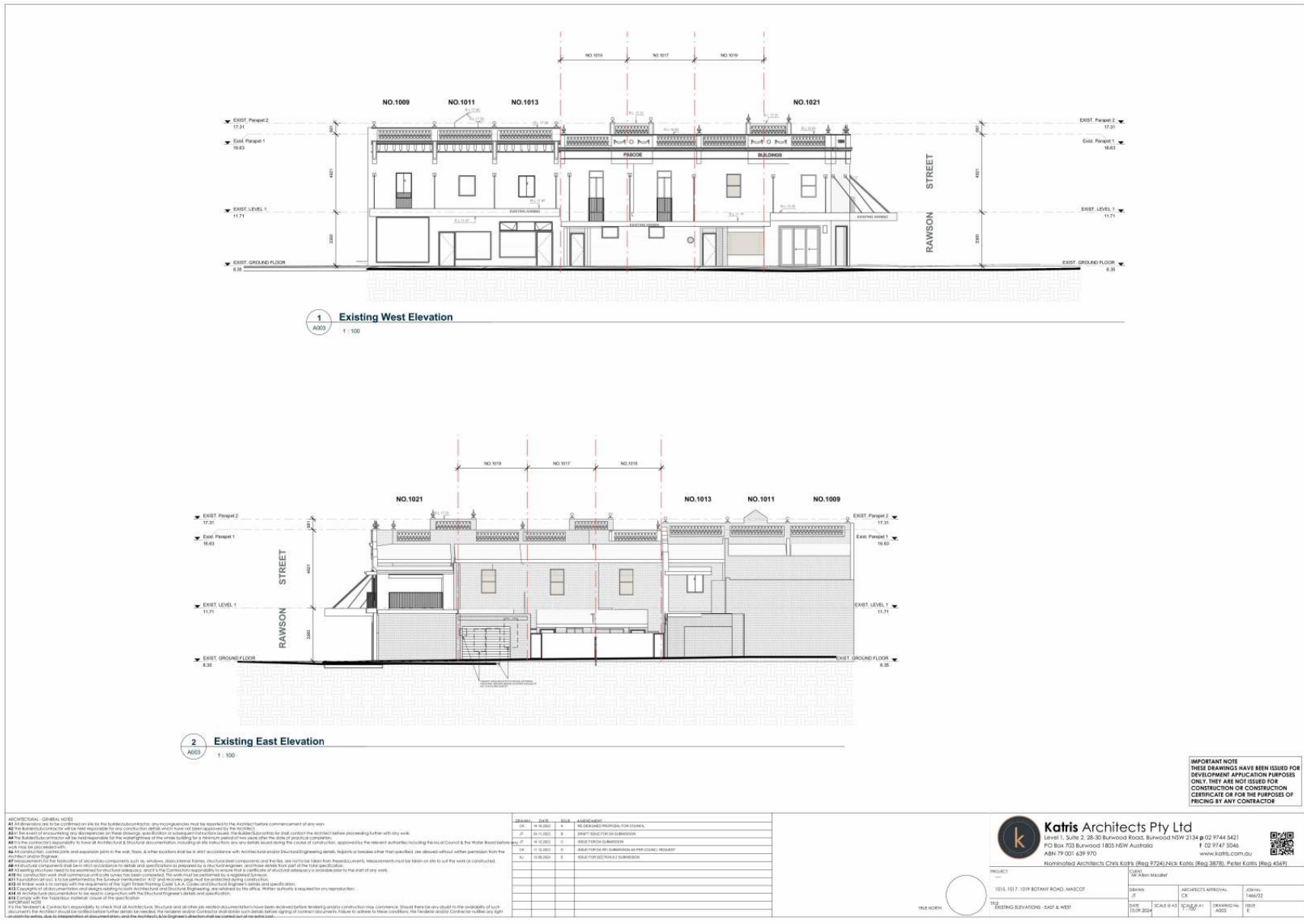
**ISSUE E**

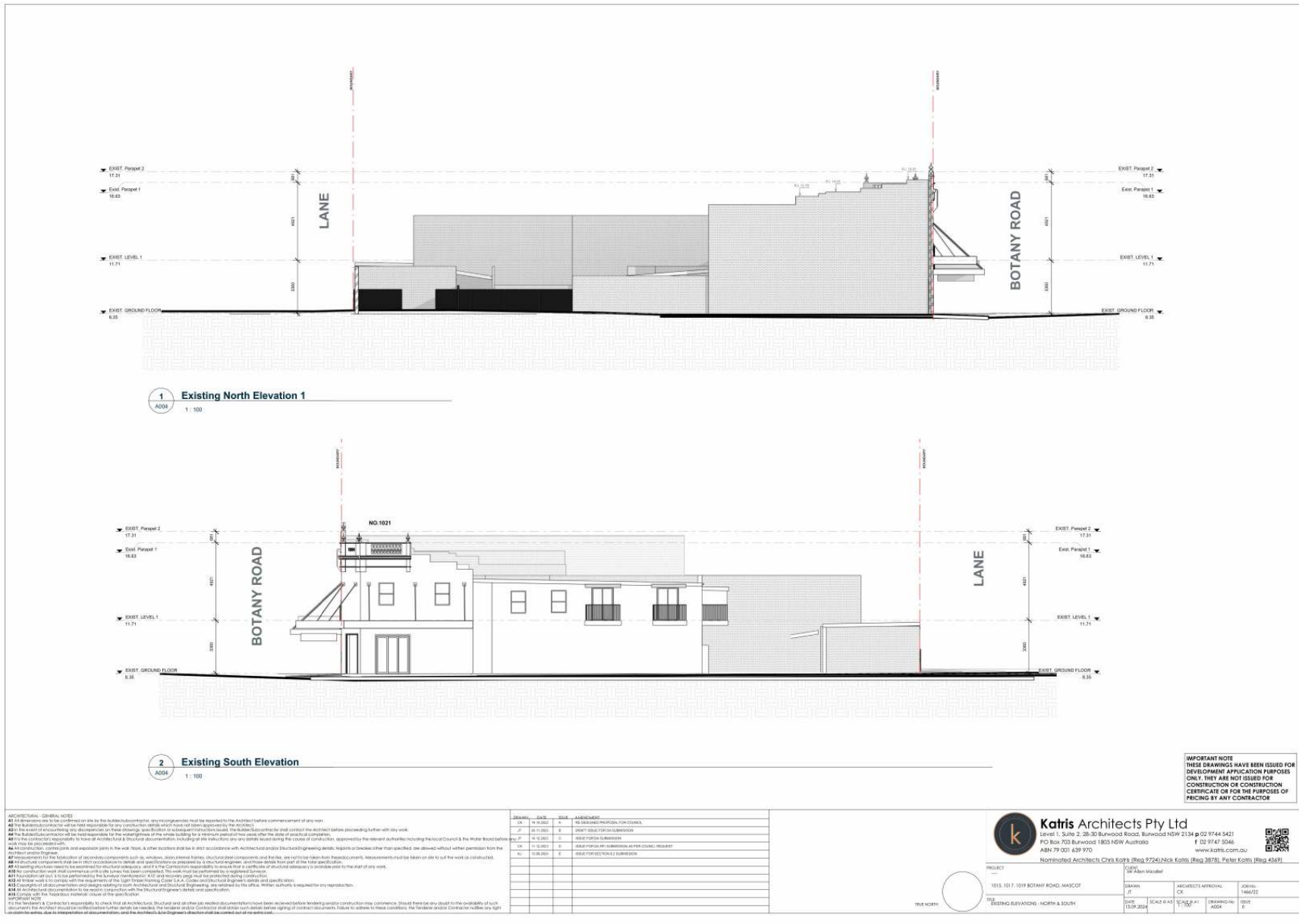
Date 13.09.2024  
 Project 1015, 1017, 1019 BOTANY ROAD, MASCOT  
 Client Mr Allan Micallef



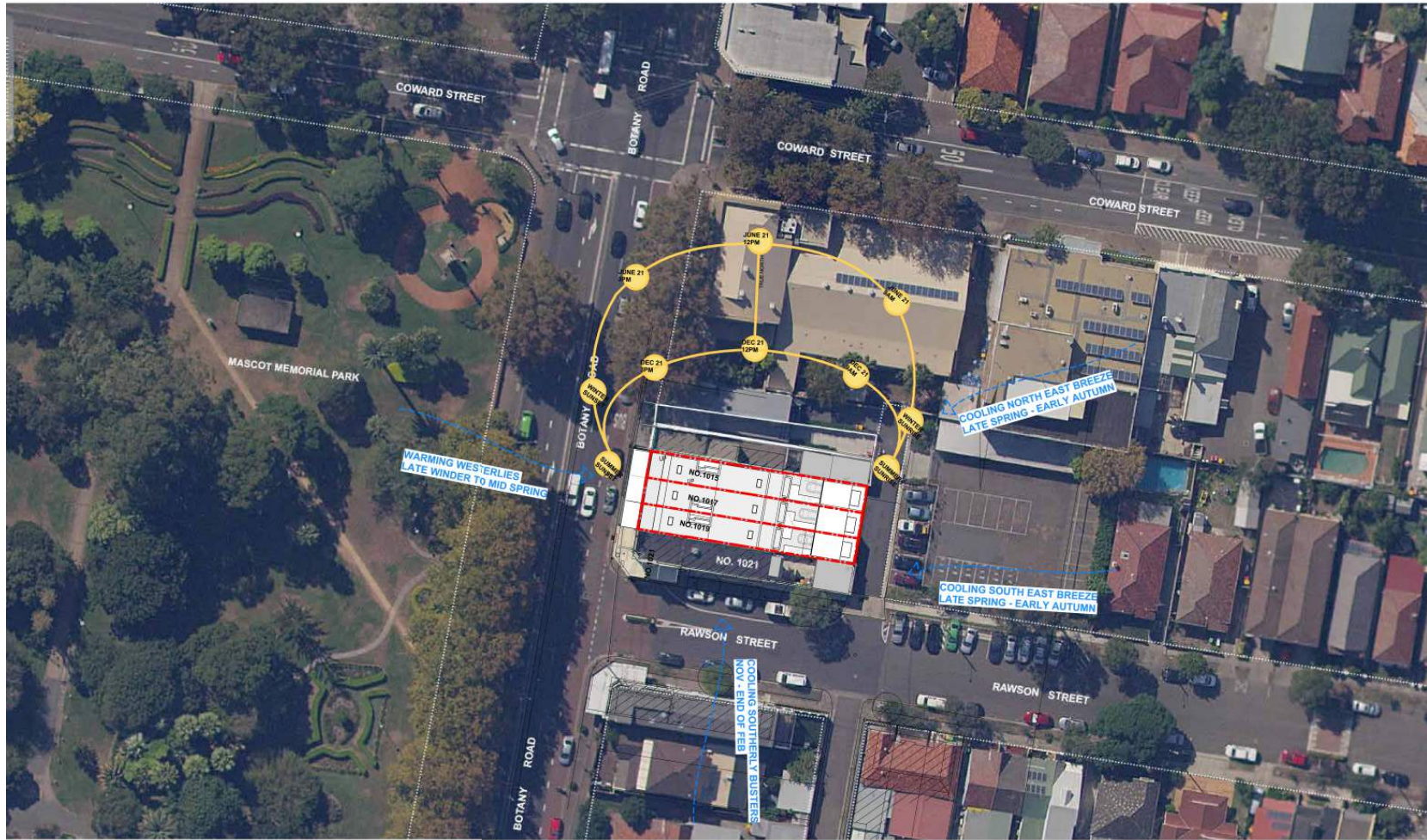
**Katris Architects Pty Ltd**

Nominated Architects Nick Katris (Reg 3878), Peter Katris (Reg 4569), Chris Katris (Reg 9724)  
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 P 02 9744 5421  
 F 02 9747 5046  
 www.katris.com.au  
 admin@katris.com.au









1 SITE PLAN  
 1 - 300

**ARCHITECTURAL GENERAL NOTES**

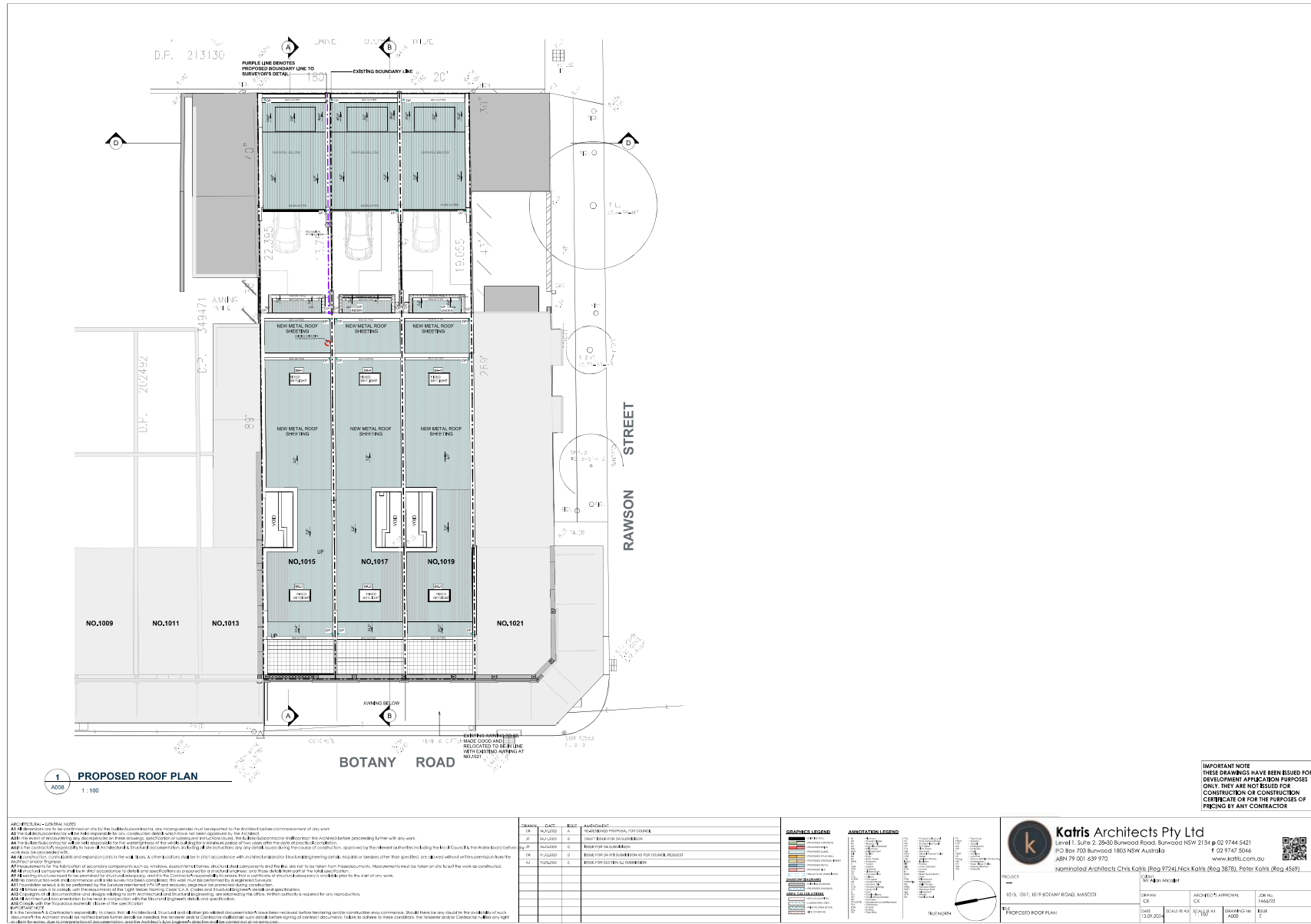
1. All dimensions are to the face of the work unless otherwise stated. All dimensions must be approved by the Architect before commencement of any work.
2. All work shall be in accordance with the Australian Standards and other relevant standards. All work shall be in accordance with the Australian Standards and other relevant standards.
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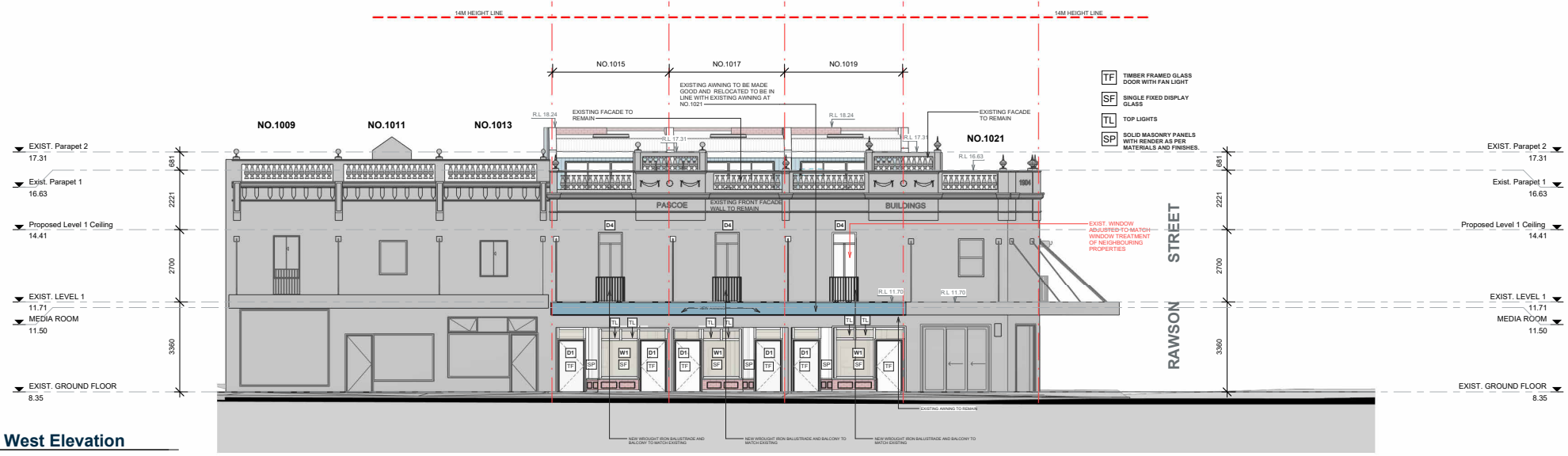
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1	12/11/2024	A	ISSUED FOR PERMIT
2	12/11/2024	B	ISSUED FOR PERMIT
3	12/11/2024	C	ISSUED FOR PERMIT
4	12/11/2024	D	ISSUED FOR PERMIT
5	12/11/2024	E	ISSUED FOR PERMIT

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 ABN 79 001 639 970 www.katris.com.au

PROJECT: 1015\_1017\_1019\_BOTANY RD & MASCOO  
 DRAWN BY: [Name]  
 DATE: 12/09/2024  
 SCALE: A4  
 SCALE: A1  
 DRAWING NO: 1015\_1017\_1019\_BOTANY RD & MASCOO  
 JOB NO: 1015/22  
 DATE: 12/09/2024  
 REVISION: E





**1 Proposed West Elevation**  
A011 1:100



**2 Proposed East Elevation**  
A011 1:100

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**ARCHITECTURAL - GENERAL NOTES**  
A1 All dimensions are to be confirmed on site by the builder/subcontractor, any incongruities must be reported to the Architect before commencement of any work.  
A2 The builder/subcontractor will be held responsible for any construction details which have not been approved by the Architect.  
A3 In the event of encountering any discrepancies on these drawings, specifications or subsequent instructions issued, the builder/subcontractor shall contact the Architect before proceeding further with any work.  
A4 The builder/subcontractor will be held responsible for the workmanship of the whole building for a minimum period of two years after the date of practical completion.  
A5 It is the contractor's responsibility to have all Architectural & Structural documentation, including all site instructions, any details issued during the course of construction, approved by the relevant authorities including the local Council & the Water Board before work may be proceeded with.  
A6 All construction, control joints and expansion joints in the wall, floor, & other locations shall be in strict accordance with Architectural and/or Structural Engineering details. Joints or breaks other than specified, are allowed without written permission from the Architect and/or Engineer.  
A7 Measurements for the fabrication of secondary components such as windows, doors, internal frames, structural steel components and the like, are not to be taken from these documents. Measurements must be taken on site to suit the work as constructed.  
A8 All structural components shall be in strict accordance to details and specifications as prepared by a structural engineer, and those details from part of the total specification.  
A9 All existing structures need to be examined for structural adequacy, and it is the Contractor's responsibility to ensure that a certificate of structural adequacy is available prior to the start of any work.  
A10 No construction work shall commence until a site survey has been completed. This work must be performed by a registered surveyor.  
A11 Foundation set out, is to be performed by the Surveyor mentioned in A10 and recovery page must be protected during construction.  
A12 All timber work is to comply with the requirements of the 'Light Timber Framing Code 1.5.4.4. Codes and Structural Engineer's details and specification.  
A13 Copyrights of all documentation and designs relating to both Architectural and Structural Engineering, are retained by this office. Written authority is required for any reproduction.  
A14 All Architectural documentation to be read in conjunction with the Structural Engineer's details and specification.  
A15 Comply with the 'hazardous materials' clause of the specification.  
**IMPORTANT NOTE**  
It is the Tenderer's & Contractor's responsibility to check that all Architectural, Structural and all other job related documentation has been received before tendering and/or construction may commence. Should there be any doubt to the availability of such documents the Architect should be notified before further details be needed, the Tenderer and/or Contractor shall obtain such details before signing of contract documents. Failure to adhere to these conditions, the Tenderer and/or Contractor nullifies any right or claim for award, due to interpretation of documentation, and the Architects & Engineer's direction shall be carried out at the tenderer's cost.

DRAWN	DATE	REV	AMENDMENT
CK	14.10.2022	A	RE-DESIGNED PROPOSAL FOR COUNCIL
JT	24.11.2022	B	DRAFT ISSUE FOR DA SUBMISSION
JT	14.12.2022	C	ISSUE FOR DA SUBMISSION
CK	11.12.2023	D	ISSUE FOR DA RFI SUBMISSION AS PER COUNCIL REQUEST
AJ	13.09.2024	E	ISSUE FOR SECTION 8.2 SUBMISSION

**GRAPHICS LEGEND**  
EXISTING WALLS  
PROPOSED CONCRETE  
PROPOSED BRICK  
PROPOSED GLASS  
PROPOSED METAL  
PROPOSED DRILLED TUBES  
PROPOSED TRILT  
PROPOSED TRILT  
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**ANNOATION LEGEND**  
A: Architect  
CK: Chief Architect  
DA: Development Application  
DA: Development Approval  
DC: Design Council  
DP: Draft Permit  
DT: Draft Title  
E: Engineer  
GT: Geotechnical  
H: Horticulture  
I: Insulation  
J: Joinery  
L: Landscape  
M: Mechanical  
N: Noise  
P: Planning  
R: Regulatory  
S: Structural  
T: Timber  
U: Urban  
V: Vehicle  
W: Water  
Z: Zoning

**CLIENT**  
W/ Alan Micallef

**PROJECT**  
1015, 1017, 1019 BOTANY ROAD, MASCOT

**DRAWN**  
JT

**ARCHITECTS APPROVAL**  
CK

**DATE**  
13.09.2024

**SCALE @ A3**  
1:100

**SCALE @ A1**  
1:100

**DRAWING NO.**  
A011

**ISSUE**  
E

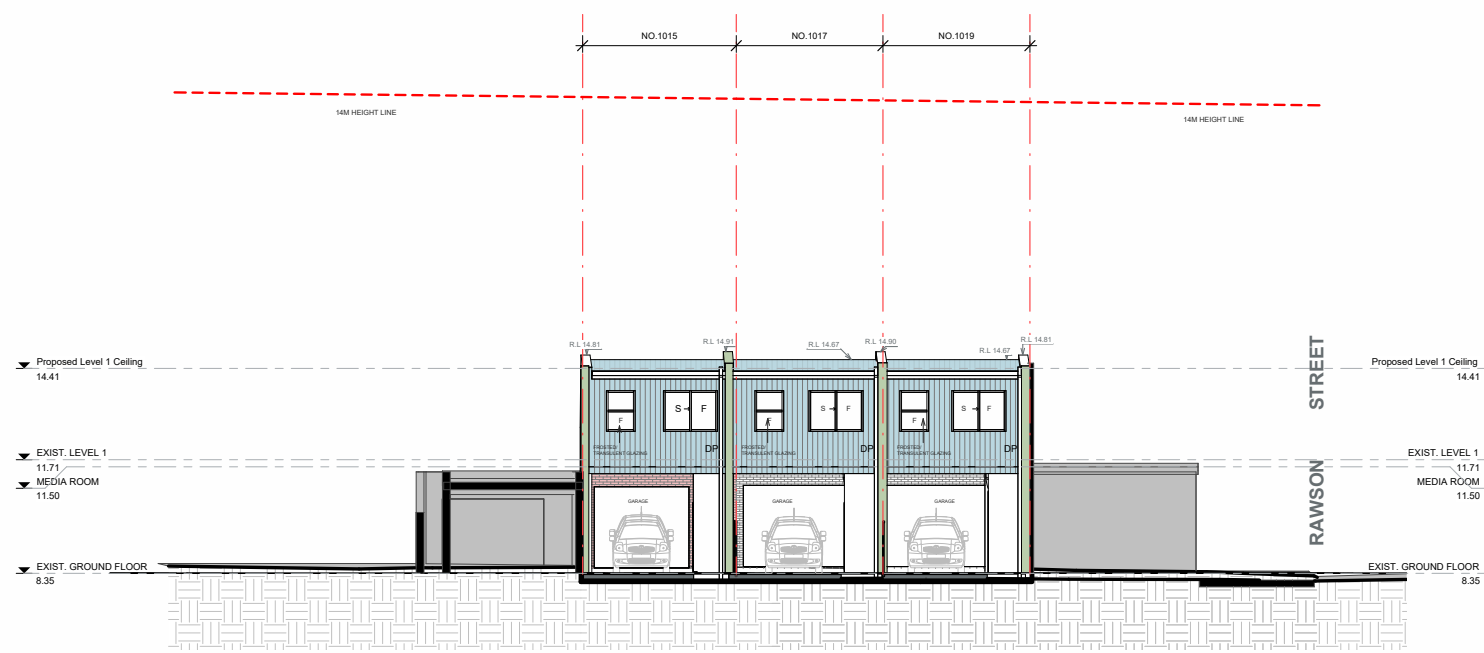
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PO Box 703 Burwood 1805 NSW Australia f 02 9747 5046  
ABN 79 001 639 970 www.katris.com.au

**Nominated Architects** Chris Katris (Reg 9724), Nick Katris (Reg 3878), Peter Katris (Reg 4569)





**1 Proposed Internal Eastern Elevation**  
A012 1 : 100



**2 Proposed Internal Western Elevation**  
A012 1 : 100

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**A9** All existing structures need to be examined for structural adequacy, and it is the Contractor's responsibility to ensure that a certificate of structural adequacy is available prior to the start of any work.  
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**A11** Foundation set-out is to be performed by the Surveyor mentioned in A10 and recovery pegs must be protected during construction.  
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**A15** Comply with the hazardous materials clause of the specification.  
**IMPORTANT NOTE**  
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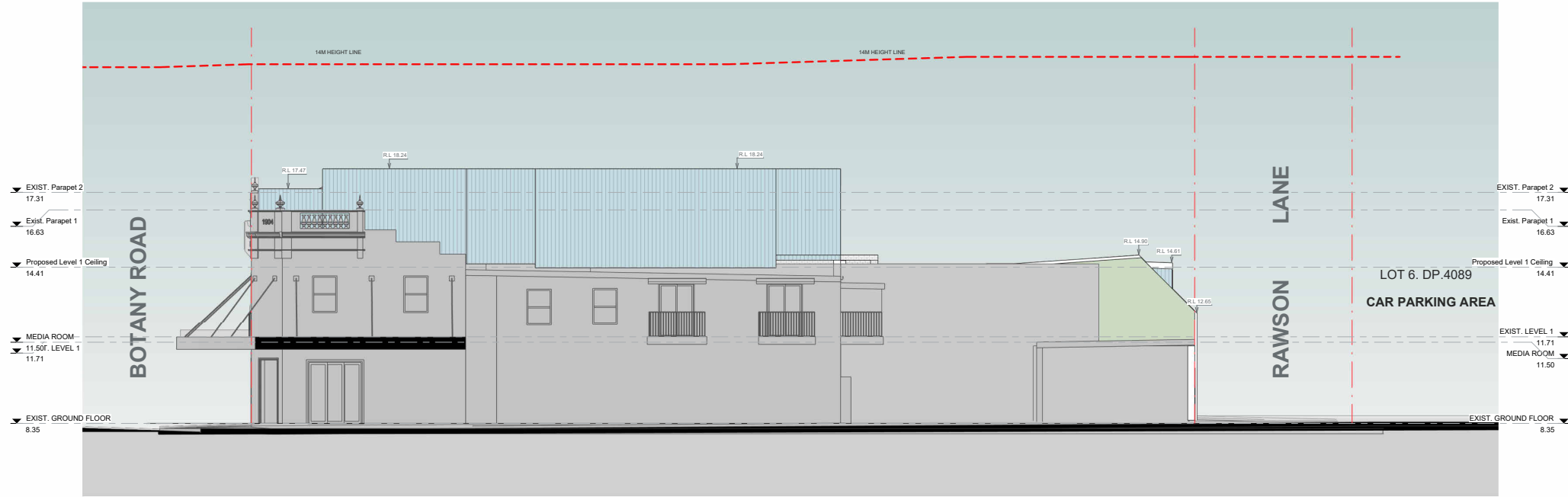
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TRUE NORTH

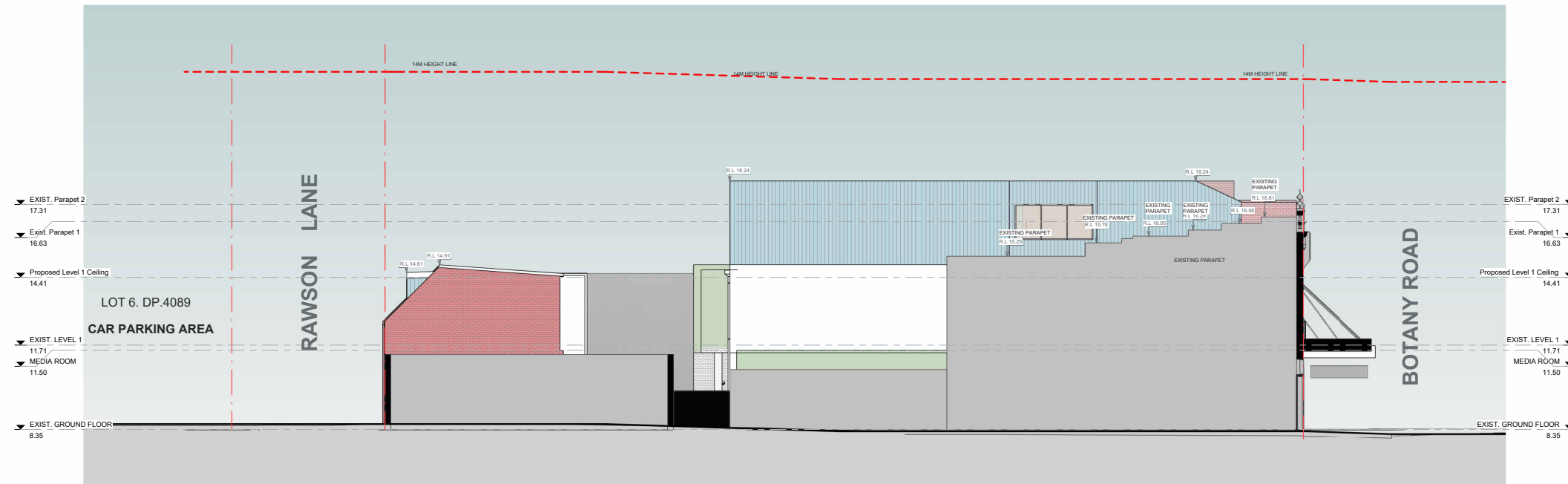
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 Level 1, Suite 2, 28-30 Burwood Road, Burwood NSW 2134 p 02 9744 5421  
 PO Box 703 Burwood 1805 NSW Australia t 02 9747 5046  
 ABN 79 001 639 970 www.katris.com.au

Nominated Architects Chris Katris (Reg 9724), Nick Katris (Reg 3878), Peter Katris (Reg 4569)

PROJECT 1015, 1017, 1019 BOTANY ROAD, MASCOT		CLIENT Mr Alan Micallef	
DRAWN JT	ARCHITECTS APPROVAL CK	JOB No. 1466/22	ISSUE E
DATE 13.09.2024	SCALE @ A3 1:100	SCALE @ A1 1:100	DRAWING No A012



**1 Proposed South Elevation**  
A013 1:100



**2 Proposed North Elevation**  
A013 1:100

**IMPORTANT NOTE**  
THESE DRAWINGS HAVE BEEN ISSUED FOR DEVELOPMENT APPLICATION PURPOSES ONLY. THEY ARE NOT ISSUED FOR CONSTRUCTION OR CONSTRUCTION CERTIFICATE OR FOR THE PURPOSES OF PRICING BY ANY CONTRACTOR

**ARCHITECTURAL - GENERAL NOTES**

A1 All dimensions are to be confirmed on site by the builder/subcontractor, any incongruities must be reported to the Architect before commencement of any work.

A2 The builder/subcontractor will be held responsible for any construction details which have not been approved by the Architect.

A3 In the event of encountering any discrepancies on these drawings, specification or subsequent instructions issued, the Builder/subcontractor shall contact the Architect before proceeding further with any work.

A4 The builder/subcontractor will be held responsible for the workmanship of the whole building for a minimum period of two years after the date of practical completion.

A5 It is the contractor's responsibility to have all Architectural & Structural documentation, including all site instructions, any any details issued during the course of construction, approved by the relevant authorities including the local Council & the Water Board before work may be proceeded with.

A6 All construction, control joints and expansion joints in the wall, floor, & other locations shall be in strict accordance with Architectural and/or Structural Engineering details. Joints or breaks other than specified, are allowed without written permission from the Architect and/or Engineer.

A7 Measurements for the fabrication of secondary components such as, windows, doors, internal frames, structural steel components and the like, are not to be taken from these documents. Measurements must be taken on site to suit the work as constructed.

A8 All structural components shall be in strict accordance to details and specifications as prepared by a structural engineer, and those details from part of the total specification.

A9 All existing structures need to be examined for structural adequacy, and it is the Contractor's responsibility to ensure that a certificate of structural adequacy is available prior to the start of any work.

A10 No construction work shall commence until a site survey has been completed. This work must be performed by a registered surveyor.

A11 Foundation set-out, is to be performed by the Surveyor mentioned in A10 and recovery page must be protected during construction.

A12 All timber work is to comply with the requirements of the Light Timber Framing Code S.A.A. Codes and Structural Engineer's details and specification.

A13 Copyrights of all documentation and designs relating to both Architectural and Structural Engineering, are retained by this office. Written authority is required for any reproduction.

A14 All Architectural documentation to be read in conjunction with the Structural Engineer's details and specification.

A15 Comply with the 'hazardous materials' clause of the specification.

**IMPORTANT NOTE**  
It is the Tenderer's & Contractor's responsibility to check that all Architectural, Structural and all other job related documentation has been received before tendering and/or construction may commence. Should there be any doubt to the availability of such document the Architect should be notified before further details be needed, the Tenderer and/or Contractor shall obtain such details before signing of contract documents. Failure to adhere to these conditions, the Tenderer and/or Contractor nullifies any right or claim for extension, due to interpretation of documentation, and the Architect's & Engineer's direction shall be carried out at no extra cost.

DRAWN	DATE	REV	AMENDMENT
CK	14.10.2022	A	RE-DESIGNED PROPOSAL FOR COUNCIL
JT	24.11.2022	B	DRAFT ISSUE FOR DA SUBMISSION
JT	14.12.2022	C	ISSUE FOR DA SUBMISSION
CK	11.12.2023	D	ISSUE FOR DA RFI SUBMISSION AS PER COUNCIL REQUEST
AJ	13.09.2024	E	ISSUE FOR SECTION 8.2 SUBMISSION

GRAPHICS LEGEND		ANNOTATION LEGEND	
EXISTING WALL	EXISTING WINDOW	A1	Asbestos
PROPOSED CONCRETE	PROPOSED GLASS	A2	Concrete Tie
PROPOSED BRICK	PROPOSED METAL	A3	Anchor Bolt
PROPOSED BRICK	PROPOSED METAL	A4	Anchor Bolt
PROPOSED BRICK	PROPOSED METAL	A5	Anchor Bolt
PROPOSED BRICK	PROPOSED METAL	A6	Anchor Bolt
PROPOSED BRICK	PROPOSED METAL	A7	Anchor Bolt
PROPOSED BRICK	PROPOSED METAL	A8	Anchor Bolt
PROPOSED BRICK	PROPOSED METAL	A9	Anchor Bolt
PROPOSED BRICK	PROPOSED METAL	A10	Anchor Bolt
PROPOSED BRICK	PROPOSED METAL	A11	Anchor Bolt
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PROPOSED BRICK	PROPOSED METAL	A98	Anchor Bolt
PROPOSED BRICK	PROPOSED METAL	A99	Anchor Bolt
PROPOSED BRICK	PROPOSED METAL	A100	Anchor Bolt

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Nominated Architects Chris Katris (Reg 9724), Nick Katris (Reg 3878), Peter Katris (Reg 4569)

CLIENT: Mr Alan Micallef

PROJECT: 1015, 1017, 1019 BOTANY ROAD, MASCOT

DRAWN: JT

ARCHITECTS APPROVAL: CK

JOB No: 1466/22

DATE: 13.09.2024

SCALE @ A3: 1:100

SCALE @ A1: 1:100

DRAWING No: A013

ISSUE: E

TRUE NORTH





1 PROPOSED WESTERN VIEW (ALONG BOTANY ROAD)

**MATERIALS & FINISHES LEGEND:**

<p><b>M01</b> LOCATION: EXTERNAL WALLS FACING BOTANY ROAD MATERIAL: BRICK RENDERED AND PAINTED FINISH: PAINTED HAYNES HERITAGE PAINTS "EGGHELL" OR EQUIV.</p>	<p><b>M02</b> LOCATION: EXTERNAL WALLS DETAILS MATERIAL: PLASTER AND PAINTED FINISH: PAINTED HAYNES HERITAGE PAINTS "TRICK TRICK" OR EQUIV.</p>	<p><b>M03</b> LOCATION: BOTANY FACING BOTANY ROAD MATERIAL: ALUMINIUM FINISH: POWDER COATED HAYNES HERITAGE PAINTS "EGGHELL" OR EQUIV.</p>	<p><b>M04</b> LOCATION: DOORS &amp; WINDOWS FACING BOTANY ROAD MATERIAL: GLASS CLEAR GLASS SET IN TIMBER FRAME (FRAMES DOORS WITH FAN LIGHTS) WINDOWS: CLEAR GLASS SET IN TIMBER FRAME (FRAMES WINDOWS) FINISH: SORBAM WITH SKINNO DIL FINISH</p>	<p><b>M05</b> LOCATION: EXTERNAL WALLS TO REAR EXTEND &amp; GARAGE MATERIAL: BRICK FINISH: PAINTED "TRICK TRICK BLEND" OR EQUIV.</p>	<p><b>M06</b> LOCATION: EXTERNAL WALLS TO REAR FACING BOTANY ROAD MATERIAL: METAL BALUSTRADE DETAILS TO MATCH NEIGHBOURING BUILDERS AT NO. 1902 BOTANY ROAD FINISH: PAINTED HAYNES HERITAGE PAINTS "TRICK TRICK" OR EQUIV.</p>	<p><b>M07</b> LOCATION: EXTERNAL WALLS AT REAR MATERIAL: STAINLESS METAL ROOF &amp; WALL CLADDING FINISH: COLORBOND WHISPERS OR EQUIV.</p>	<p><b>M08</b> LOCATION: EXTERNAL WALLS AT REAR &amp; ROOF MATERIAL: COLORBOND METAL ROOF &amp; WALL CLADDING FINISH: COLORBOND WHISPERS OR EQUIV.</p>
<p><b>M09</b> LOCATION: GARAGE ROLLER DOOR MATERIAL: STEEL FINISH: POWDER COAT HAYNES DARK ADMIRALTY GREY OR SWIRL</p>	<p><b>M10</b> LOCATION: LEVEL 1 TERRACE BALCONIES MATERIAL: ALUMINIUM FRAMED BATTENS FINISH: POWDER COAT HAYNES DARK ADMIRALTY GREY OR SWIRL</p>	<p><b>M12</b> LOCATION: WINDOWS MATERIAL: ALUMINIUM FRAME FINISH: POWDER COAT HAYNES DARK ADMIRALTY GREY OR SWIRL</p>	<p><b>M13</b> LOCATION: LEVEL 1 BALUSTRADE EASTERN ELEVATION MATERIAL: METAL FRAMING BALUSTRADE FINISH: POWDER COAT HAYNES DARK ADMIRALTY GREY OR SWIRL</p>				

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**ARCHITECTURAL - GENERAL NOTES**

A1 All dimensions are to be confirmed on site by the Builder/Contractor. Any discrepancies must be reported to the Architect before commencement of any work.

A2 The Builder/Contractor shall be responsible for any construction or site preparation work not shown on these drawings. The Architect's drawings are not intended to be a substitute for the Builder/Contractor's own site survey.

A3 The Builder/Contractor shall be responsible for the water/gas and/or other services to be installed on the site. The Architect's drawings are not intended to be a substitute for the Builder/Contractor's own site survey.

A4 The Builder/Contractor shall be responsible for the water/gas and/or other services to be installed on the site. The Architect's drawings are not intended to be a substitute for the Builder/Contractor's own site survey.

A5 The Builder/Contractor shall be responsible for the water/gas and/or other services to be installed on the site. The Architect's drawings are not intended to be a substitute for the Builder/Contractor's own site survey.

A6 The Builder/Contractor shall be responsible for the water/gas and/or other services to be installed on the site. The Architect's drawings are not intended to be a substitute for the Builder/Contractor's own site survey.

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A14 The Builder/Contractor shall be responsible for the water/gas and/or other services to be installed on the site. The Architect's drawings are not intended to be a substitute for the Builder/Contractor's own site survey.

A15 The Builder/Contractor shall be responsible for the water/gas and/or other services to be installed on the site. The Architect's drawings are not intended to be a substitute for the Builder/Contractor's own site survey.

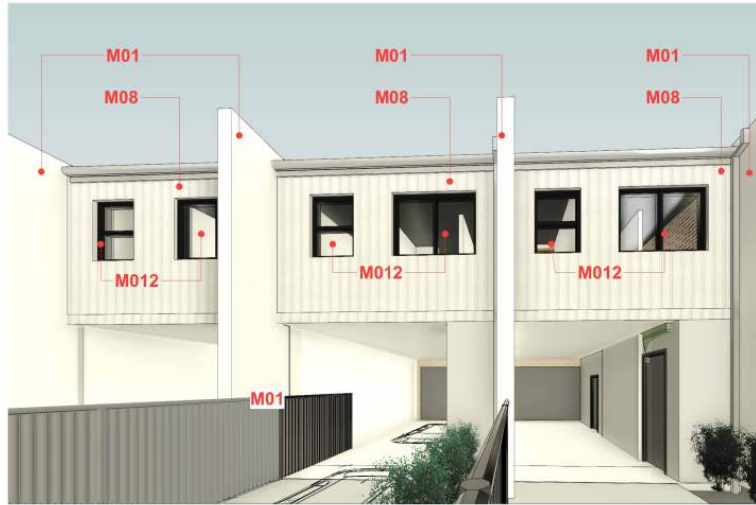
NO.	DATE	REV.	AMENDMENT
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02	10/11/2024	B	REVISED PROPOSAL FOR COUNCIL
03	10/11/2024	C	REVISED PROPOSAL FOR COUNCIL
04	10/11/2024	D	REVISED PROPOSAL FOR COUNCIL
05	10/11/2024	E	REVISED PROPOSAL FOR COUNCIL
06	10/11/2024	F	REVISED PROPOSAL FOR COUNCIL
07	10/11/2024	G	REVISED PROPOSAL FOR COUNCIL
08	10/11/2024	H	REVISED PROPOSAL FOR COUNCIL
09	10/11/2024	I	REVISED PROPOSAL FOR COUNCIL
10	10/11/2024	J	REVISED PROPOSAL FOR COUNCIL
11	10/11/2024	K	REVISED PROPOSAL FOR COUNCIL
12	10/11/2024	L	REVISED PROPOSAL FOR COUNCIL
13	10/11/2024	M	REVISED PROPOSAL FOR COUNCIL
14	10/11/2024	N	REVISED PROPOSAL FOR COUNCIL
15	10/11/2024	O	REVISED PROPOSAL FOR COUNCIL
16	10/11/2024	P	REVISED PROPOSAL FOR COUNCIL
17	10/11/2024	Q	REVISED PROPOSAL FOR COUNCIL
18	10/11/2024	R	REVISED PROPOSAL FOR COUNCIL
19	10/11/2024	S	REVISED PROPOSAL FOR COUNCIL
20	10/11/2024	T	REVISED PROPOSAL FOR COUNCIL

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PROJECT: 1015, 1017, 1019 BOTANY ROAD, MASCOT  
DRAWN BY: Alan Maszala  
SCALE: 1:50  
DATE: 10/11/2024

ARCHITECTS APPROVAL: [Signature]  
DATE: 10/11/2024

JOB NO: 1866/22  
DRAWING NO: A014  
PAGE: 6



1 Proposed Western Internal View



2 Proposed Eastern View

**MATERIALS & FINISHES LEGEND:**

<p><b>M01</b> LOCATION: EXTERNAL WALLS FACING BOTANY ROAD MATERIAL: BRICK RENDERED AND PAINTED FINISH: PAINTED HAYMES HERITAGE PAINTS "TICK RED" OR EQUIV.</p>	<p><b>M02</b> LOCATION: EXTERNAL WALLS DETAILS LEVEL 1 TERRACE BALCONIES MATERIAL: PLASTER AND PAINTED FINISH: PAINTED HAYMES HERITAGE PAINTS "TICK RED" OR EQUIV.</p>	<p><b>M03</b> LOCATION: JOINING FACING BOTANY ROAD MATERIAL: POLYCARBONATE FINISH: POWDER COATED HAYMES HERITAGE DARK ADMIRALTY GREY OR EQUIV.</p>	<p><b>M04</b> LOCATION: DOORS &amp; WINDOWS FACING BOTANY ROAD MATERIAL: CLEAR GLASS SET IN TIMBER FRAME (FRENCH DOORS WITH FAN LIGHTS) FINISH: ROOFBANK WITH SKIN OIL FINISH</p>	<p><b>M05</b> LOCATION: EXTERNAL WALLS TO REAR STUCKA &amp; GARAGE FLOOR AT REAR MATERIAL: BRICK FINISH: FACE BRICK HIGH GLEEDWOOD BLEND OR SIMILAR</p>	<p><b>M06</b> LOCATION: BALUSTRADE LEVEL 1 FACING BOTANY ROAD MATERIAL: METAL BALUSTRADE DETAILS TO MATCH NEIGHBOURING BUILDINGS AT NO. 100 BOTANY ROAD FINISH: PAINTED HAYMES HERITAGE PAINTS "TICK RED" OR EQUIV.</p>	<p><b>M07</b> LOCATION: EXTERNAL WALLS AT REAR MATERIAL: STAINLESS METAL ROOF &amp; WALL GLAZINGS FINISH: COLORBOND WINDSPRAY OR EQUIV.</p>	<p><b>M08</b> LOCATION: EXTERNAL WALLS AT REAR &amp; ROOF MATERIAL: STAINLESS METAL ROOF &amp; WALL GLAZINGS FINISH: COLORBOND WINDSPRAY OR EQUIV.</p>
<p><b>M09</b> LOCATION: GARAGE ROLLER DOOR MATERIAL: STEEL FINISH: POWDER COAT HAYMES DARK ADMIRALTY GREY OR EQUIV.</p>	<p><b>M010</b> LOCATION: LEVEL 1 TERRACE BALCONIES MATERIAL: ALUMINIUM PRIVACY SCREENS FINISH: POWDER COAT HAYMES DARK ADMIRALTY GREY OR EQUIV.</p>	<p><b>M012</b> LOCATION: WINDOWS DOORS MATERIAL: POWDER COATED ALUMINIUM FRAME FINISH: POWDER COAT HAYMES DARK ADMIRALTY GREY OR EQUIV.</p>	<p><b>M013</b> LOCATION: LEVEL 1 BALUSTRADE EASTERN ELEVATION MATERIAL: METAL FINISH BALUSTRADE FINISH: POWDER COAT HAYMES DARK ADMIRALTY GREY OR EQUIV.</p>				

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**ARCHITECTURAL - GENERAL NOTES**

- All dimensions are to be confirmed on site by the Submitter/contractor. Any discrepancies must be reported to the Architect before commencement of any work.
- All work is to be completed in accordance with the Australian Standards and specifications as indicated on the drawings. The Submitter/contractor is responsible for the correct interpretation of the drawings and for the correct application of the Australian Standards and specifications.
- The Submitter/contractor shall be responsible for the water-grip of the window glazing for the entire period of the work. The water-grip shall be applied to the entire period of the work.
- All work is to be completed in accordance with the Australian Standards and specifications as indicated on the drawings. The Submitter/contractor is responsible for the correct interpretation of the drawings and for the correct application of the Australian Standards and specifications.
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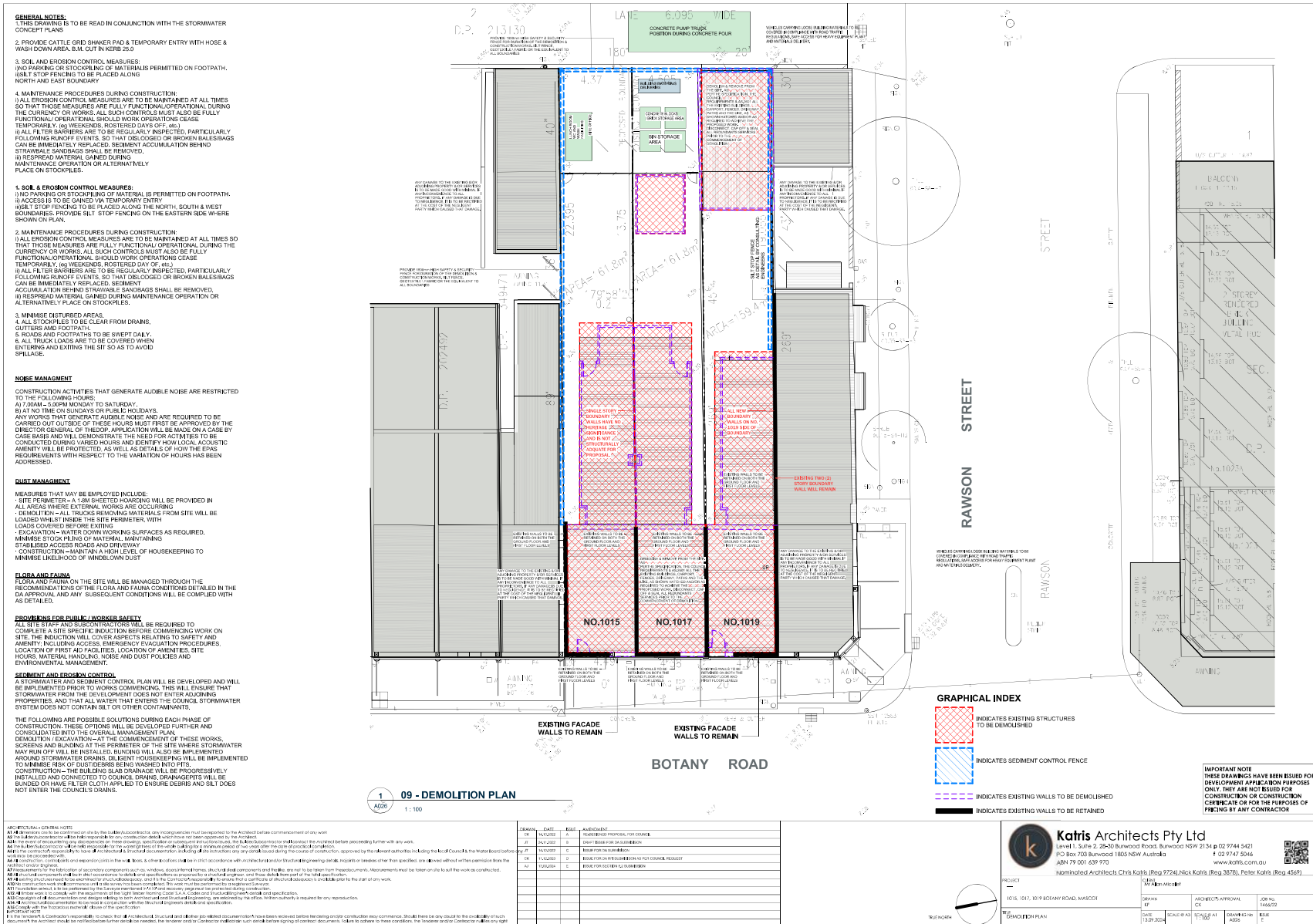
NO.	DATE	BY	REVISION
01	14/12/2023	A	REVISED PROPOSAL FOR COUNCIL
02	14/12/2023	B	REVISED FOR SUBMISSION
03	14/12/2023	C	REVISED FOR SUBMISSION
04	14/12/2023	D	REVISED FOR SUBMISSION AS PRELIMINARY REVISION
05	14/12/2023	E	REVISED FOR SUBMISSION

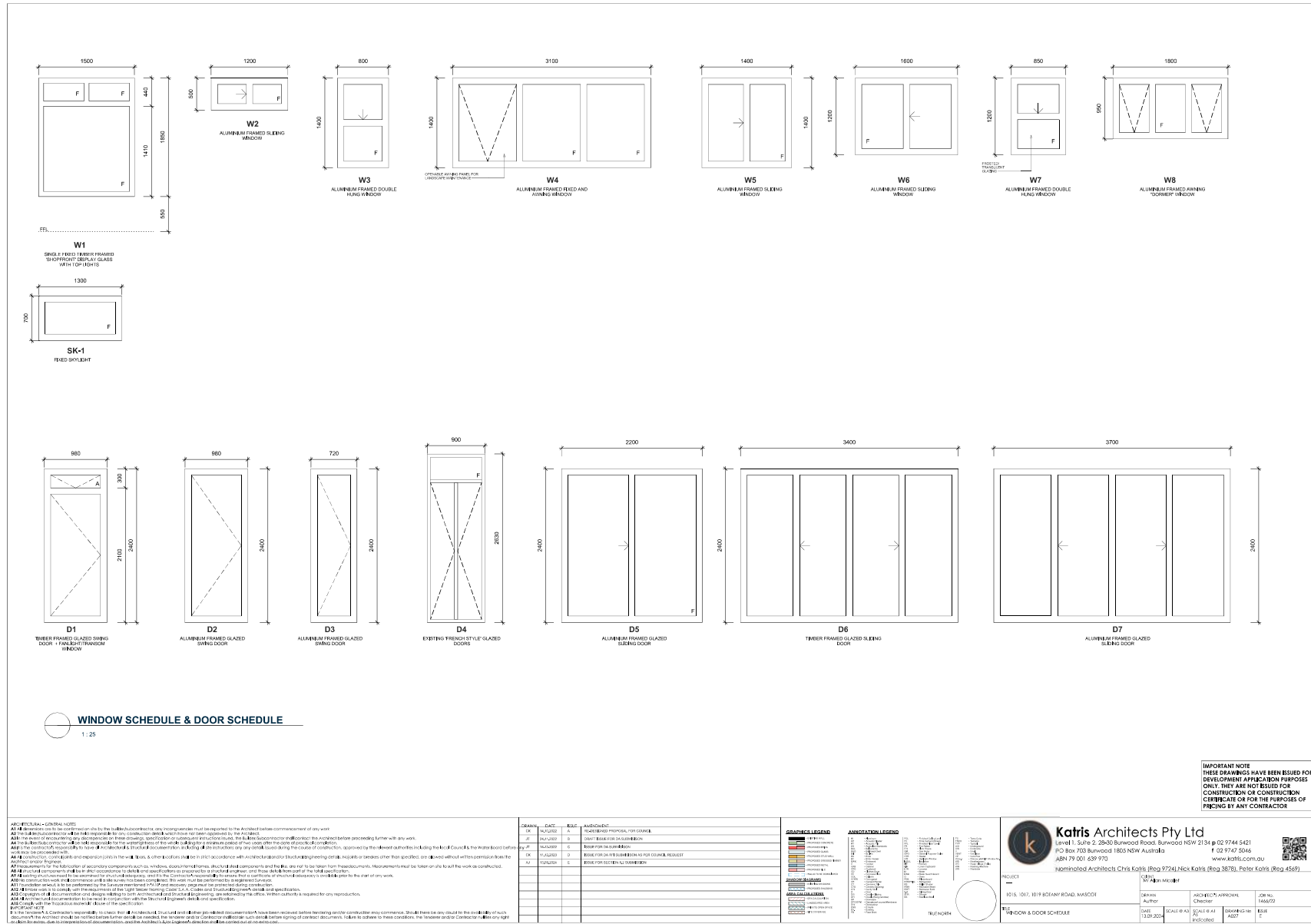
**Katris Architects Pty Ltd**  
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PROJECT	1015, 1017, 1019 BOTANY ROAD, MASCOT
DATE	12/11/2024
SCALE	SCALE 1:100
DRWING NO.	AD13
ARCHITECTS APPROVAL	CK
JOB NO.	1946/22
DATE	12/11/2024











## Statement of environmental effects – Section 8.2 Review

<b>Scope:</b>	<b>Alterations and Additions to three existing mixed-use developments with residences above</b>
<b>Address</b>	<b>Nos. 1015, 1017 and 1019 Botany Road, Mascot NSW 2020</b>
<b>Council:</b>	Bayside Council
<b>Date:</b>	September 2024

*Alterations and Additions to three existing mixed-use developments with residences above.  
Nos. 1015, 1017 and 1019 Botany Road, Mascot NSW 2020*



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**QA Record:**  
**Doc ID:** SEE.2022.0612 LT  
**Version:** V4 2024.17.09

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*Alterations and Additions to three existing mixed-use developments with residences above.  
Nos. 1015, 1017 and 1019 Botany Road, Mascot NSW 2020*

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4.0	SECTION 4.15 EVALUATION EP&A ACT 1979	11-37
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*Alterations and Additions to three existing mixed-use developments with residences above.  
Nos. 1015, 1017 and 1019 Botany Road, Mascot NSW 2020*

## 1.0 INTRODUCTION

This Statement of Environmental Effects has been prepared to accompany the Section 8.2 Review Application to Bayside Council that seeks consent for the **proposed alterations and additions to three (3) existing mixed-use developments with residences above at Nos. 1015, 1017 and 1019 Botany Road, Mascot NSW 2020.**

The sites are identified to be heritage-listed items however are not located within a heritage conservation area. The proposal is designed to minimize adverse impact upon the adjoining surrounds, whilst adopting contemporary development within the existing established precinct.

This Statement of Environmental Effects addresses the merits of the proposal with particular reference to the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act, 1979*.

## 2.0 THE SITE AND SURROUNDS

### 2.1 Legal Description

The subject sites are 3 contiguous allotments with existing shop top housing building on the eastern side of Botany Road. Each lot is described as below:

Address	Frontage	Approx. Depth	Lot Area	Legal Description
No. 1015	4.49m	36.57m	161.8m <sup>2</sup>	Lot A, DP 440204
No. 1017	4.38m	36.57m	161.8m <sup>2</sup>	Lot B, DP 440204
No. 1019	4.36m	36.57m	159.4m <sup>2</sup>	Lot C, DP 440204

The site is located within **Zone E1 – Local Centre** and consists of double-storey, rendered brick building with front awning of local heritage significance.

### 2.2 Location

The subject sites are located at **Nos. 1015, 1017 and 1019 Botany Road, Mascot NSW 2020** and falls within the jurisdiction of the **Bayside Council** local government area shown in Figures 1 and 2 below with its general context to Mascot and its surrounds. It is located directly opposite from Mascot memorial park to the west. The surrounding land use is characterised by low density residential with single and double storey dwelling houses.

Alterations and Additions to three existing mixed-use developments with residences above.  
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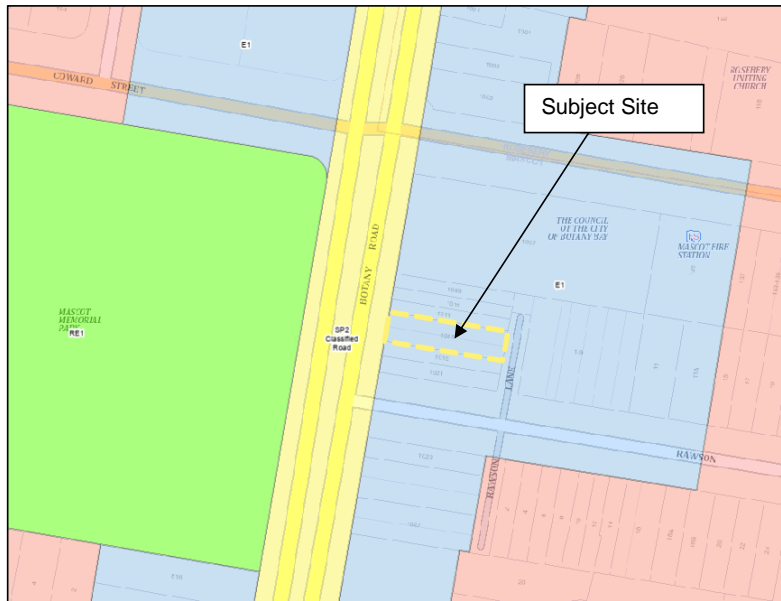


Figure 1: Map illustrating the location of Site  
(Source: NSW Department of Planning - Planning Portal)

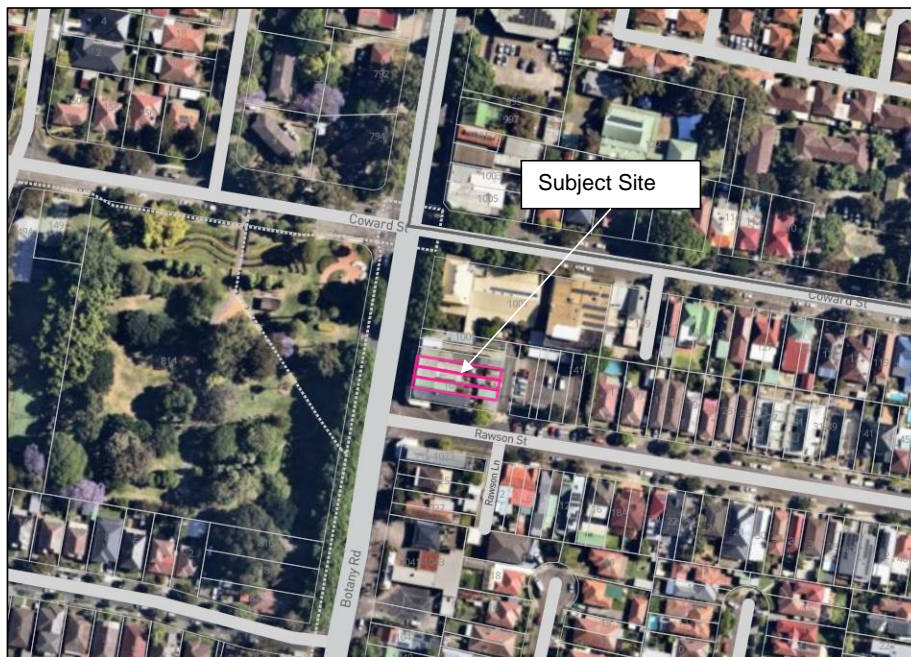


Figure 2: An aerial map illustrating the site and surrounds.  
(Source: NearMaps)

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### 3.0 THE PROPOSAL

#### 3.1 Description

This application seeks Development consent via the provisions of Section 8.2 Review for the **proposed alterations and additions to three (3) existing mixed-use developments with residences above at Nos. 1015, 1017 and 1019 Botany Road, Mascot NSW 2020**. These are detailed as below:

- Ground floor front façade alterations – to remove unsympathetic alterations
  - Repositioning of residential entry doors for Nos. 1015, 1017, and 1019 respectively
  - New glazed shopfront windows
  - Existing front awning to be made good
- First floor front façade alteration
  - Nos. 1015 and 1017 existing French door and Juliet balconies to be made good.
  - No. 1019 to be removed and replaced with French door and Juliet balcony to match 1015 and 1017.
- Ground floor rear extension to existing commercial/shop area.
- First floor alteration and addition to existing residential area including light wells.
- Construction of detached ancillary rear media rooms.
- The proposed second floor above consisting of a kitchen, dining and living with proposed light wells.
- The existing ground floor and first floor fronting Botany Road.
- New roof with light well.

The proposed alterations and additions have been designed to be sympathetic to the local heritage status of the site.

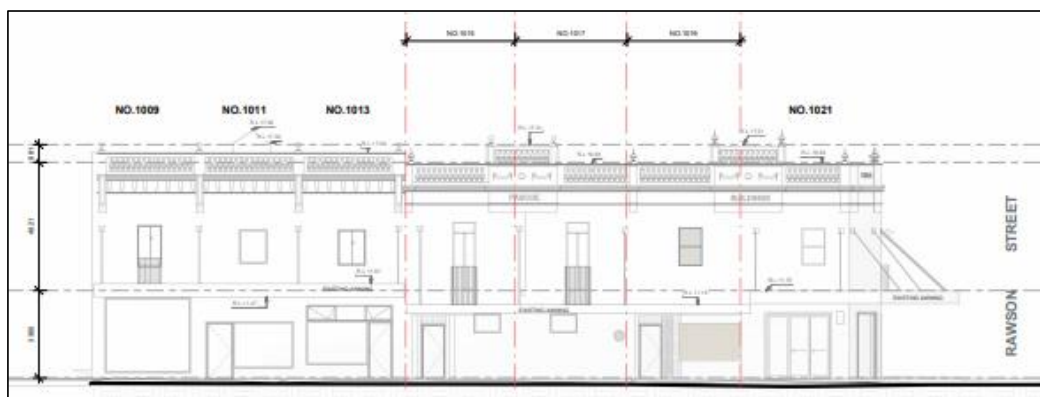


Figure 3 – Existing Front Façade

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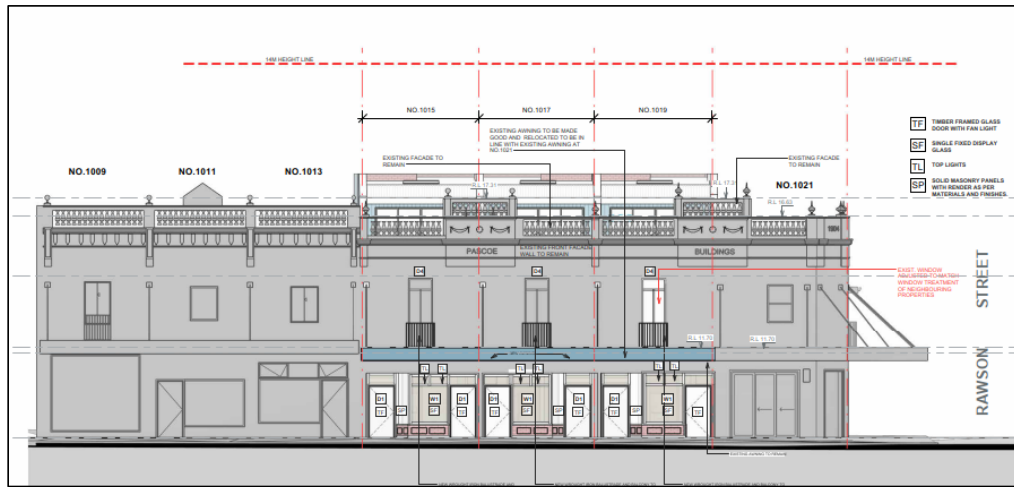


Figure 4 – Proposed Front Façade

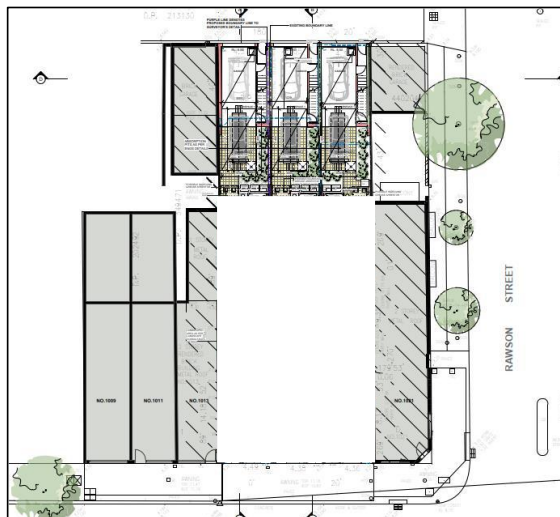


Figure 5: Proposed Ground Floor

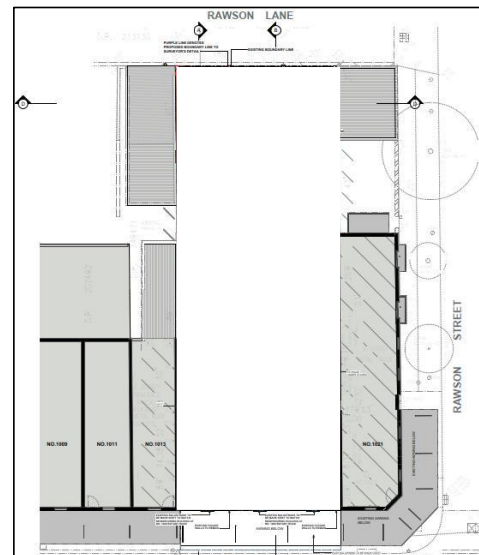


Figure 6: Proposed First Floor residential tenancy with detached ancillary media rooms fronting Rawson Lane

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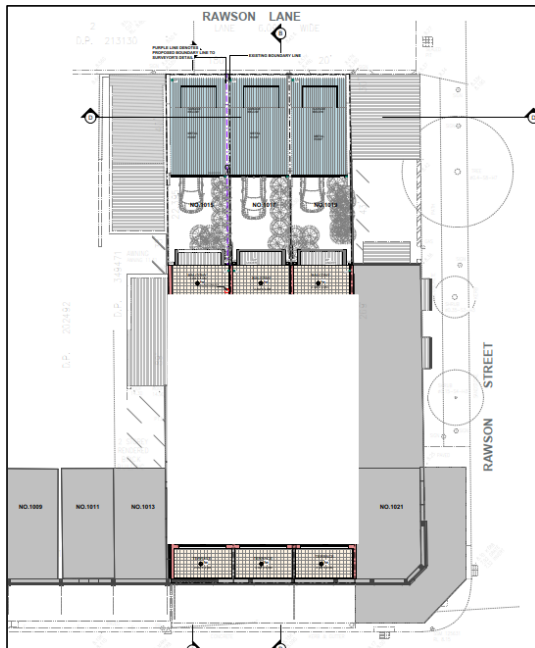


Figure 7: Proposed second floor

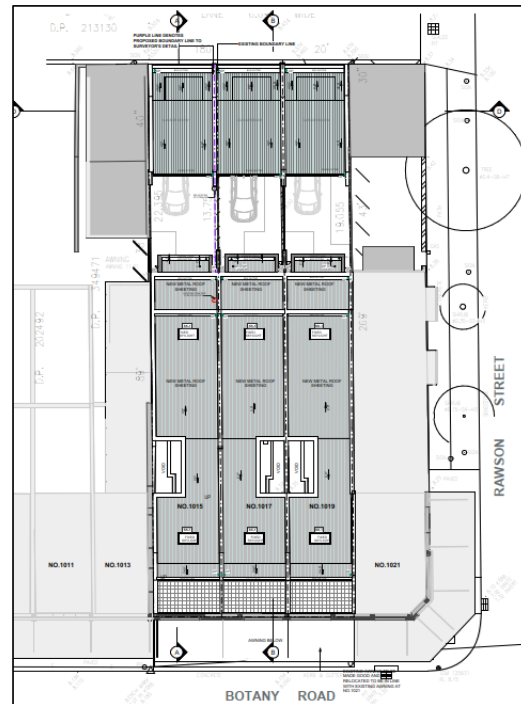


Figure 8: Proposed Roof plan

Additional details pertaining to the use of the proposed development are as follows:  
 The proposed development comprises the retention of the Botany Road facade and parapet walls, demolition of the internal buildings and construction of 3 x mixed-use development with residences above that may also lend itself to a SOHO development where there is an opportunity for the resident to also operate from the ground level:

- 1015 Botany Road      A ground floor business with a floor area of 89.6m<sup>2</sup>, a first floor 3 bedroom residence with direct access to Botany Road, via residential stairs with a floor area of 100.5m<sup>2</sup> including the rear ancillary media room and direct access from Rawson Lane, and a second floor totaling 63.1m<sup>2</sup>. As noted above. The proposal will be served by 2 off-street parking spaces in a tandem arrangement with access to Rawson Lane. The parking will serve both the resident and business owner.

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- 1017 Botany Road      A ground floor business with a floor area of 89.6m<sup>2</sup>, a first floor 3 bedroom residence with direct access to Botany Road, via residential stairs with a floor area of 101.5m<sup>2</sup> including the rear ancillary media room and direct access from Rawson Lane, and a second floor totaling 64.2m<sup>2</sup>. The proposal will be served by 2 off-street parking spaces in a tandem arrangement with access to Rawson Lane.
- 1019 Botany Road      A ground floor business with a floor area of 89.6m<sup>2</sup>, a first floor 3 bedroom residence with direct access to Botany Road, via residential stairs measuring 100.4m<sup>2</sup>, including the rear ancillary media room and direct access from Rawson Lane, and a second floor totaling 63.6m<sup>2</sup>. The proposal will be served by 2 off-street parking spaces in a tandem arrangement with access to Rawson Lane.

**Amenity Impacts:**

The subject works do not impart unreasonable negative impacts upon the subject locality and will promote an example of environmentally sensitive contemporary development to an existing established precinct. The works are deemed to have minimal or no negative impact on the land uses within this zone or adjoining zones, further assessment and consideration is made within this report.

**3.2 RESPONSE TO DETERMINATION**

Original DA 2023/45 for *Alterations and additions to the existing heritage listed buildings to create mixed-use developments containing three (3) commercial tenancies each with apartments above, demolition of outbuildings and construction of detached outbuildings with media rooms and garages below* was determined by way of refusal by the Bayside LPP on 14<sup>th</sup> May 2024. Following the determination of DA 2023/45, a meeting was held on Wednesday 12<sup>th</sup> June 2024 at the Bayside council offices at Rockdale. During the meeting, the reasons for refusal were discussed in detail. The result of which has subsequently guided the proposed amendments.

The following matters were raised during discussions:

- The council's Development Coordinator, Development Manager and Heritage advisor were in overall agreement with the proposal as an enhancement of the existing state of the row of buildings.
- Retention of the primary building form was important to adhere to.
  - Primary building form being the ground floor and first floor components of the building fronting Botany Road.



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- The proposed rear extension works must remain subservient to the primary building form and existing parapet fronting Botany Road.
- The rear wings of the built form is to be retained.
  - This was further elaborated upon resulting in a design outcome that pays homage to the rear wing.
- With regard to internal fabric, the heritage advisor commented that the removal of the internal staircase is an element that can be considered for removal where it is demonstrated that the condition is unsafe/ non repairable and that its retention would result in a significant hindrance to the proposed floor plan layout.
- The council's heritage advisor recommended that an attic be considered in conjunction with the proposed first floor component of the development. Particulars regarding the attic include that it must be rear facing and not visible from the Botany Road public domain.
- Attic space may be entertained by the council towards the middle of the floor plate and hidden from view along Botany road within a further upper level.
- There should be an attempt to provide a distinct 'recess' within the floor plates on the ground floor and first floor to pay homage to the existing depth of the first floor.
- "Nib" walls to remain where possible.
- Existing fireplaces should be retained.
- Black and white external appearance is not appropriate and more suitable external colours like 157 King street Newtown (159 King street Newtown - another project by Katris Architects) may be supported i.e mahogany, creams, magenta etc.
- External Juliet balconies along Botany road are to take clues from No.1009 Botany road.
  - Balcony to be 'inset' with double French doors.

The proposal as amended includes the matters listed in Section 3.0 of this report and has ultimately resulted in increased retention and conservation works to the heritage item, including the retention of the primary building form in addition to the acknowledgement of the existing rear wings of the original building footprint along the side boundaries of building 1015, 1017, and 1019 Botany Road respectively amongst others.

Below are key matters resulting in the refusal of the DA. Table 1 below also provides commentary on the proposed amendments in accordance with the Section 8.2 review application.

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Key Issue	Proposed amendments in light of the issue raised.
<ul style="list-style-type: none"> <li>Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not satisfy the matters outlined in Clause 5.10 – Heritage conservation of Bayside Local Environmental Plan 2021 – and would result in adverse impacts to the value of the existing heritage item.</li> </ul>	<p>The application as amended for the purposes of the subject 8.2 review has resulted in amendments that are in keeping with the matters pursuant to clause 5.10 of the BLEP. The application as amended is accompanied by a Statement of Heritage Impact prepared by Weir Phillips Heritage and Planning for detailed assessment.</p>
<ul style="list-style-type: none"> <li>Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development does not satisfy relevant requirements or objectives of the following parts of the Botany Bay Development Control Plan 2013:                             <ul style="list-style-type: none"> <li>(i) Part 3B (Heritage) - resulting in adverse impacts to the heritage item.</li> <li>(ii) Part 5.2.2.6 (Rosebery Neighbourhood Centre) – due to the adverse heritage impacts.</li> <li>(iii) Part 5.3.1.5 (Built Form and Streetscape) – due to adverse impacts on the heritage item.</li> </ul> </li> </ul>	<p>The application as amended for the purposes of the subject 8.2 review has resulted in amendments that are in keeping with the following parts of the BDCP:</p> <ul style="list-style-type: none"> <li>Part 3B pertaining to Heritage</li> <li>Part 5.2.2.6 (Rosebery Neighbourhood centre) with regard to heritage impact, and;</li> <li>Part 5.3.1.5 (Built form and streetscape) with regard to heritage impact.</li> </ul> <p>The application as amended is accompanied by a Statement of Heritage Impact prepared by Weir Phillips Heritage and Planning for detailed assessment.</p>

Table 1 – Response to key issues raised in Council’s Major Assessment Report

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**4.0 SECTION 4.15 EVALUATION EP&A ACT, 1979**

**4.1. Section 4.15(1)(a) of the EP&A Act, 1979**

(i) Section 4.15(1)(a)(i) The provisions of any Environmental Planning Instrument

**Bayside Local Environmental Plan 2021 (BLEP)**

The subject site is identified to be located within the jurisdiction of the BLEP and as such is impacted by the planning laws prescribed within the said planning instrument. An assessment is made against the relevant sections of the BLEP.

<b>Bayside Local Environmental Plan 2021</b>		
<b>Reference to Part of LEP</b>	<b>Development Standard</b>	<b>Notes</b>
2.1 Land use zoning	<ul style="list-style-type: none"> <li>• Site is within <b>Zone E1 – Local Centre</b></li> </ul> <p><b>3 Permitted with consent</b>                      Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Group homes; Home industries; Hostels; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; <b>Shop top housing</b>; Tank-based aquaculture; Tourist and visitor accommodation; Waste or resource transfer facilities; <b>Any other development not specified in item 2 or 4</b></p>	Complies  Proposed works will not alter the existing use as shop top housing buildings. And is permitted with consent in the zone.
4.3 Height of Building	(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.  Max. height = 14m	Complies  Proposed works will not exceed the maximum allowable building height of 14m.
4.4 Floor Space Ratio	(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.	Complies  The proposed works will achieve an FSR of



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	<p>Max. FSR 2:1</p>	<p>1.56:1, 1.57:1 and 1.59:1 respectively for Nos. 1015, 1017 and 1019, all of which comply with the maximum of 2:1, as indicated in the BLEP.</p>
<p>5.10                  Heritage                  conservation</p>	<p><b>(2) Requirement for consent</b></p> <p>Development consent is required for any of the following—</p> <p>(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—</p> <p>(i) a heritage item,                  (ii) an Aboriginal object,                  (iii) a building, work, relic or tree within a heritage conservation area,</p> <p>(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,</p> <p><b>(4) Effect of proposed development on heritage significance</b></p> <p>The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</p> <p><b>(5) Heritage assessment</b></p> <p>The consent authority may, before granting consent to any development—</p> <p>(a) on land on which a heritage item is located, or                  (b) on land that is within a heritage conservation area, or</p>	<p>Complies</p> <p>The subject sites belong to a locally-significant heritage item comprising of a group of early 20<sup>th</sup> century shops that are collectively named as 'Commercial Building Group'. The heritage item was formerly known as Pascoe Buildings with addresses listed as 1009-1021 Botany Road, Mascot and referred to as Item No. I270 in the BLEP.</p> <p>The proposed works are deemed to have an acceptable level of impact on the existing streetscape along Botany Road and consequently on the heritage significance of this heritage item.</p> <p>A Heritage Impact Statement is submitted with this Application.</p>

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	<p>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p>	
<p>6.3          Stormwater and water sensitive urban design</p>	<p>(2) Before granting development consent to development on any land to which this Plan applies, the consent authority must be satisfied that—          (a) water sensitive urban design principles are incorporated into the design of the development, and          (b) riparian, stormwater and flooding measures are integrated as part of the development, and          (c) the stormwater management system includes all reasonable management actions to avoid adverse impacts on the land to which the development is to be carried out, adjoining properties, native bushland, waterways, receiving waters and groundwater systems, and          (d) if a potential adverse environmental impact cannot be feasibly avoided, the development minimises and mitigates the adverse impacts of stormwater runoff on adjoining properties, native bushland, waterways receiving waters and groundwater systems, and          (e) the development is designed to maximise the use of water permeable surfaces on the site having regard to the soil characteristics affecting on-site infiltration of water.          (3) For the purposes of subclause (2)(a), the <b>water sensitive urban design principles</b> are—          (a) protection and enhancement of water quality, by improving the quality of stormwater runoff from urban catchments,          (b) minimisation of harmful impacts of urban development on water balance and on surface and groundwater flow regimes,          (c) integration of stormwater management systems into the landscape in a manner that provides multiple benefits, including water quality protection, stormwater retention and detention, public open space and recreational and visual amenity,</p>	<p>Complies</p> <p>Stormwater from the roof areas will be managed in accordance with the submitted Stormwater Management Plan.</p>

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	(d) retention, where practical, of on-site stormwater for use as an alternative supply to mains water, groundwater or river water.	
6.8 Development in areas subject to aircraft noise	<p>(2) This clause applies to development—</p> <p>(a) on land—</p> <p>(i) near the Sydney (Kingsford-Smith) Airport, and</p> <p>(ii) in an ANEF contour of 20 or greater, and</p> <p>(b) the consent authority considers is likely to be adversely affected by aircraft noise.</p> <p>(3) In deciding whether to grant development consent to development to which this clause applies, the consent authority—</p> <p>(a) must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and</p> <p>(b) must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021—2015, and</p> <p>(c) must be satisfied the development will meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021:2015 for development for the following purposes—</p> <p>(i) for development proposed to be located in an ANEF contour of 20 or greater—child care centres, educational establishments, entertainment facilities, hospitals, places of public worship, public administration buildings or residential accommodation,</p>	<p>The subject site is identified to be within ANEF contour 20-25, as indicated in the 10.7 planning certificate.</p> <p>The current shop top housing landuse will remain unchanged with the proposed works. It is deemed that the maximum indoor noise level requirements will be within acceptable levels.</p>
6.9 Active street frontages	<p>(3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.</p> <p>(4) Despite subclause (3), an active street frontage is not required for any part of a building used for any of the following—</p> <p>(a) entrances and lobbies (including as part of mixed use development),</p> <p>(b) access for fire services,</p> <p>(c) vehicle access.</p>	<p>Complies</p> <p>The subject site is a shop top housing premises. The proposed ground floor commercial use and front façade treatments will promote the activation of its street frontage by providing a visual connection between the indoor commercial space and</p>

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	<p>(5) For the purpose of this clause, a building has an <b>active street frontage</b> if all premises on the ground floor of the building facing the street are used for the purposes of one or more of the following—</p> <ul style="list-style-type: none"> <li>(a) business premises,</li> <li>(b) retail premises,</li> <li>(c) medical centre.</li> </ul> <p>(6) Despite any other provision of this plan, development consent may be granted to development on land to which this clause applies for the purposes of mixed use development if the development—</p> <ul style="list-style-type: none"> <li>(a) is for the purpose of residential accommodation and 1 or more land uses listed in subclause (5), and</li> <li>(b) otherwise complies with this clause.</li> </ul> <p>(7) Development consent must not be granted for a mixed use development that includes residential accommodation unless the consent authority is satisfied that no part of the ground floor of the building with active street frontage will be used for the purpose of residential accommodation.</p>	<p>the outdoor public domain.</p>
<p>6.11                  Essential services</p>	<p>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—</p> <ul style="list-style-type: none"> <li>(a) the supply of water,</li> <li>(b) the supply of electricity,</li> <li>(c) the disposal and management of sewage,</li> <li>(d) stormwater drainage or on-site conservation,</li> <li>(e) suitable vehicular access.</li> </ul>	<p>Complies</p> <p>The site has existing access to essential services.</p>

**Table 2: BLEP Compliance Table**



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(iii) Section 4.15(1)(a)(iii)

*The provisions of any Development Control Plan*

**Botany Bay Development Control Plan 2013 (BBDCP)** provides comprehensive design guidelines and development controls for the Bayside Council local government area.

An assessment of the proposal against the relevant provisions of the BBDCP is included in Table 2 below, which demonstrates compliance with the relevant objectives and controls.

<b>Botany Bay Development Control Plan 2013</b>		
<b>Part 3 General Provisions</b>		
3A.2. Parking Provisions of Specific Uses	<p>C2 Car parking provision shall be provided in accordance with Table 1. For land uses not specifically listed, car parking shall be provided as per the most similar use of equivalent intensity; and evidence in support of such provision of parking shall be provided to Council for assessment.</p> <p>Shop top housing:</p> <ul style="list-style-type: none"> <li>• 1 space/ studio or one (1) bedroom dwelling;</li> <li>• 2 spaces / two (2) or more bedrooms dwelling;</li> <li>• and 1 designated visitor space / 5 dwellings</li> </ul>	<p>In accordance with table 1 of Part 3A.2 of the Botany Bay DCP, which remains unchanged and consistent with Table 3 <i>Car parking rates</i> of the Bayside DCP 2022, the proposed 3 respective shop top dwelling development requires 2 spaces per dwelling, and 0.6 (1, rounded up) visitor space, which results in a shortfall of 1 parking space. The proposed works will provide two tandem parking spaces for each lot, which complies with the dwelling requirement. These are deemed appropriate for the site given its lot size and configuration.</p> <p>Please refer to the accompanying traffic and parking assessment report for detailed assessment.</p>
3A.3.1 Car Park Design	<p>C1 All off-street parking facilities shall be designed in accordance with current Australian Standards AS2890.1 and AS2890.6 (for people</p>	<p>The proposed parking spaces will be accessible</p>

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	<p>with disabilities). The design of off-street commercial vehicles facilities (including parking) shall be in accordance with AS2890.2.</p> <p>C2 Vehicle access points, loading/unloading area and the internal circulation of an off-street parking facility shall be designed in a manner that entry to and exit from the site is made in a forward direction (except for dwelling houses).</p> <p>C3 Parking spaces for small cars shall comply with AS2890.1 and to only be permitted to the offstreet parking facilities that are open to the general public.</p>	<p>from the rear lane and will have security roller doors at its entry. These provisions are deemed to comply with the required Australian Standards.</p> <p>Refer to the accompanying traffic and parking assessment report for detailed assessment.</p>
<b>Part 3B.3 Heritage Items</b>		
<p>3B.3.1 General Design</p>	<p>C1 The demolition of Heritage Items is not permitted. Note: Poor structural condition or costs associated with renovating the item are not adequate justification for the removal of an item.</p> <p>C2 Architectural features or elements that contribute to the heritage significance of an item must be retained.</p> <p>C3 New work or additions to Heritage Items must be located away from highly significant or intact parts of the Item.</p> <p>C4 The building height of new development must not exceed that of the original Heritage Item and provide a transition in height to preserve and maintain an appropriate scale and the visual prominence of a Heritage Item.</p>	<p>The existing heritage items will not be demolished.</p> <p>The proposal retains the existing historically significant Parapet from 1904.</p> <p>The proposed alterations and additions are located at the rear of the subject site and are consistent with the existing Parapet.</p> <p>The proposed building height will not impact the exiting building fabric, scale and visual prominence as viewed from the Botany Road.</p> <p>The proposed works will preserve the original building height and will remain in accordance with the existing Parapet in terms of bulk and</p>

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	<p>C5 New additions must be compatible (able to co-exist) in terms of materials, size, proportions, colour and plan configuration. Care must be taken when considering the design of alterations or extensions to a Heritage Item. New work is to be distinguishable from the old.</p> <p>C6 The replication of a historic detailing in new development is to be avoided. Good contemporary design is preferable to copying historic or period designs.</p> <p>C7 New buildings or structures, including landscaping must be located to minimise adverse impacts on the Heritage Item and its setting.</p> <p>C8 Servicing, fire safety or BCA compliance upgrades for a new use must not impact on the heritage significance of the item.</p>	<p>scale. It will thus result to the preservation of the subservient nature of the proposed additions in respect to the existing heritage significant fabric and complies.</p> <p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Please refer to the accompanying Statement of Heritage Impact prepared by <i>Weir Phillips Heritage and Planning</i> for detailed assessment.</p>
	<p><b>Form and Scale</b></p> <p>C9 The form, scale and massing of new work is to be consistent with the Heritage Item.</p>	<p>The proposed addition to the existing building has been designed in consideration of the heritage significance. The proposed additions reduce the visual bulk of the building and do not impact the existing views from the Botany Road, or Mascot Memorial park to</p>



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	<p>C10 Alterations and additions must be located to the rear of Heritage Items away from the principal elevation (refer to Figure 1).</p> <p>C11 The massing of the rear addition must be behind and below the main roof ridge. It should also be smaller in scale than the existing building.</p> <p>C12 Large second storey additions are not permitted.</p> <p><b>Unsympathetic Alterations</b></p> <p>C13 Where substantial changes are proposed to a Heritage Item, existing unsympathetic alterations should be removed as this will assist in improving the integrity of the Heritage Item.</p>	<p>the west of the subject site.</p> <p>The proposed media rooms are at the rear of the site, and thus, will have nil to negligible impact on the heritage significance of the built form.</p> <p>All the proposed additions and alterations are behind the existing front façade. The historically significant front façade wall, awning, parapet, existing windows and balconies are retained. All the proposed alterations and additions are consistent with the existing building and replace the unsympathetic and already altered elements.</p> <p>The rear upper floor media room addition will have a lower building height than the existing building which will remain as a double-storey structure, subsequently remaining subservient to the primary building form fronting Botany Road.</p> <p>The original shopfronts have been altered and replaced over the years with unoriginal and unsympathetic changes. The proposed front façade changes are deemed to result in an</p>
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		acceptable improvement to the heritage significance of the building.
	<p><b>Internal work</b></p> <p>C14 Development must retain significant interior elements (ie decorative ceilings, fireplaces and the like).</p> <p>C15 Modifications to the interior of a building must be minimal, so that the historic evolution of the building remains recognisable.</p>	The application is accompanied by a Heritage impact statement which covers matters pertaining to Part 3B.3 of the BDCP in detail.
	<p><b>Materials and Finishes</b></p> <p>C16 Materials and finishes are to complement the period and style of the existing item.</p> <p>C17 The colours and materials used in a new development (whether an extension of an addition) are to be recessive (does not dominated) and complement the colours and materials of the heritage Item. The reinstatement of historical colour schemes of heritage items, based on photographic evidence and discrete paint scrapings is encouraged.</p> <p>C18 Rendering or painting original face brickwork is not permitted.</p>	<p>Complies</p> <p>A Schedule of Finishes is submitted with this Application. Materials and colours to be used are deemed to complement the heritage value of the subject heritage item.</p> <p>Please refer to the accompanying Statement of Heritage Impact prepared by <i>Weir Phillips Heritage and Planning</i> for detailed assessment.</p>
3B.3.3 Garages, Carports and Driveways	<p>C1 Garages and carports should be located at the rear of Heritage Items. Where sites have rear lane access this access must be used (refer to Figure 2).</p> <p>C2 Garages and carports in front of the front building setback are not permitted.</p> <p>C4 Carports and garages are to be designed so they do not dominate or detract from the building.</p>	<p>Complies</p> <p>The proposed car spaces will be located at the rear of the subject site and will be accessible via the rear lane, Rawson Lane. These will not dominate or detract from the building.</p>
3B.3.7 Heritage Items in	C1 New development must maintain traditional shopfronts and respect the form, scale and	Complies

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<p>Business Zones</p>	<p>detailing of the existing building.                  Note: The removal or reconfiguration of the external appearance of heritage listed shops, banks and public house frontages is not permitted without prior Consent from Council.                  Note: The structural alteration of interior features of heritage protected commercial buildings is not permitted without prior consent from Council.</p> <p>C2 All original, early or significant verandahs, awnings and frontages (shop, bank or pub) should be retained and conserved.</p> <p>C3 Infilling of original verandahs is not permitted.</p> <p>C4 Colour schemes for repainting must be based on historical evidence.</p> <p>C5 Signs must be located on parts of the building that have been traditionally used for signs and comply with Part 3D - Signage.</p> <p>C6 Where commercial buildings have a history of being publicly accessible, new uses should continue such accessibility.</p> <p>C7 Rehabilitation of obsolete commercial buildings is promoted.</p> <p>C8 Where original commercial buildings exist, retention of these buildings in their original configuration is promoted.</p> <p>C9 Sympathetic refurbishment and conversion of commercial buildings, whereby significant architectural features such as ground floor frontages, detailing and windows etc. are retained is promoted (refer to Figure 19). For instance:</p> <p>C10 Ornamental parapet detailing (such as pediments, urns and finials) are important elements of commercial Heritage Items as they help to establish what period they were erected in, and as such their removal negatively impacts on the architectural significance of</p>	<p>The proposed development will enhance the existing shopfront awning. Additional details are proposed to remove the existing unsympathetic alterations while achieving the activation of the street frontages. The existing aesthetically-significant parapet and text will be preserved and retain its original form.</p>
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	<p>commercial buildings and is not permitted (refer to Figure 18 and Figure 19). Applicants are advised that such elements not only assist in the identification of the period of the building but also contribute to the integrity of the architectural style, aesthetic and sensory appeal and heritage characteristics of the building and streetscape.</p>	
<p>3B.6 First Floor Additions to Dwelling Houses</p>	<p>C1 First floor additions are only permitted in areas or streets that have a pre-existing mix of single and two-storey developments.</p> <p>C2 New additions must maintain the perceived scale and character of the building and the immediate streetscape.</p> <p>C3 First floor additions must be located at the rear or side of properties.</p> <p>C4 Additions shall always be located behind the main gable or hipped roof feature of the street frontage.</p> <p>C6 The height of an addition or extension must be below the ridgeline of the roof of the existing building. Note: The height of the wall of an extension, alteration or addition to the rear of a two or threestorey terrace must be below the gutter line of the main roof of the existing building.</p> <p>C7 First floor additions must adopt the roof pitch of the original building and be in the form of a gable end.</p> <p>C8 First floor additions must:</p> <ul style="list-style-type: none"> <li>(i) Not dominate or otherwise adversely compete with the form, height, proportions and the scale of that part of the building, which is to be retained;</li> <li>(ii) Not reproduce or match a building which in terms of its height, bulk, scale and detailing is inappropriate to the heritage character of the area;</li> <li>(iii) Retain traditional solid to void ratios on elevations visible from the public domain;</li> <li>(iv) Not employ large areas of glass on the upper level;</li> </ul>	<p>Complies</p> <p>The site is an existing double-storey structure. The first floor extension will be located at the rear and will not impact on the scale and character of Botany Road. The additional rear media rooms will have a lower building ridgeline height than the original building and will not be visible from the street. Roof configuration will be consistent with the existing and the first floor will have minimal glazing. The streetscape is deemed preserved with the proposed works.</p>

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	<p>(v) Be designed to minimise or avoid an adverse impact on neighbouring properties in terms of overlooking, loss of sunlight and ventilation; and</p> <p>(vi) Not extend beyond the established building lines in a group or row of terraces.</p> <p>C9 Dormer windows are not permitted in the primary roof fronting the street for single storey terraces and row houses unless it forms part of the original design of the building typology.</p> <p>C10 Where suitable roof space is available, additional floor space can be accommodated as attic rooms providing the dwelling meets with relevant habitation requirements.</p>	
<p>Terraces, Row Houses and Semi Detached Dwellings</p>	<p>C11 First floor additions are unsuitable for single-storey terraces or row houses. Additions to these buildings should be undertaken at the rear of properties or within roof spaces.</p> <p>C12 Extensions, alterations and additions to a terrace, which is one building within a terrace, shall be designed with regard to the overall balance of the group in terms of height, alignment, form, scale and architectural character.</p> <p>C13 Any alteration and addition to an identical semi or terrace building must recognise it as being one pair or group of similar, identical or complementary buildings and be carefully integrated with the building to which it is attached, both in its present form and on the assumption that the owner may wish to undertake extensions in the future.</p>	<p>Complies</p> <p>The proposed first floor alterations are to the existing double-storey structure. These will not be visible from the Botany Road frontage and will have a maximum roof height that is subservient to the existing original building. The changes to the three addresses will be identical in fully integrated with the present building. Existing front setback will be maintained. These are deemed to have nil negative impact on the streetscape character.</p>
<p>3G.2 Stormwater Management</p>	<p>C1 Development shall not be carried out on or for any lands unless satisfactory arrangements have been made with and approved by Council to carry out stormwater drainage works.</p>	<p>Complies</p> <p>All water from the roof areas will be directed towards the existing</p>

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	<p>C2 Stormwater runoff generated from the development site shall be collected and discharged in accordance with Council's Part 10 - Stormwater Management Technical Guidelines.</p> <p>C3 All requirements contained in the Council's Part 10 - Stormwater Management Technical Guidelines (including submission requirements, design and construction, etc) shall be fully complied with.</p>	<p>public stormwater drainage along Botany Road and in accordance with the submitted Stormwater Plans.</p>
<p>3H.2 Energy and Water Efficiency</p>	<p>C1 For all proposed residential development where BASIX applies, the development application or Complying Development Certificate is to be accompanied by a BASIX (Building Sustainability Index) Certificate. To obtain a certificate, applicants must complete an online assessment using the BASIX tool. Details are at <a href="http://www.basix.nsw.gov.au">www.basix.nsw.gov.au</a>.</p>	<p>Complies</p> <p>BASIX certificates are submitted with this application, the recommendations of which are to be implemented accordingly.</p>

**5.2.2.6 Rosebery Neighbourhood Centre**



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<p>The subject site is identified to be within the Roseberry Neighbourhood Centre Business Centre. It is also identified to be a locally-significant heritage item with Item No. I270, belonging as part of the 'Commercial Building Group', formerly known as 'Pascoe Buildings'.</p>		
<p>Public Domain/Streetscape</p>	<p>C1 Development must provide landscaping, street trees, decorative fencing, lighting, public seating, paving and other public domain improvements identified by Council, generally in accordance with Figure 22.</p> <p>C2 Pedestrian amenity and connectivity must be enhanced in conjunction with new development. Through site links and arcades to the rear are encouraged with redevelopment to provide improved access and safety for pedestrians. The creation of street closures in the side streets and the provision of decorative fencing and planting will assist in encouraging active street retail uses such outdoor dining.</p>	<p>Complies</p> <p>The proposed works to the ground floor front façade are deemed to enhance the pedestrian amenity and connectivity by allowing the visibility between the internal commercial area and the external public area.</p>
<p>Site Amalgamation</p>	<p>C3 Redevelopment is encouraged through logical lot consolidation of sites and infill development. Avoid inappropriate lot consolidation patterns that would isolate and unreasonably restrict development on a single lot.</p>	<p>Not relevant</p> <p>No site consolidation proposed. Proposal is to reestablish No. 1017 and separate it from No. 1015.</p>
<p>Building Form and Design</p>	<p>C4 The design of development must be generally consistent with the Desired Future Character of the centre identified in Figure 22.</p> <p>C5 New development is to take into account and respond sympathetically to an established streetscape with strong architectural features and identity. New buildings are to reinforce these features and contribute to its character.</p> <p>C6 Contemporary architectural design solutions are encouraged, however designs will need to demonstrate that they will not lead to a replacement or diminution of a street's existing character. Council encourages diversity in building designs provided that development</p>	<p>Complies</p> <p>The proposed works are deemed to be consistent with the desired future character of the site while preserving the distinctive architectural features of the existing double-storey heritage building, including the improvement on the existing front awning and first floor window configuration. The maximum building height of 14m will not be</p>

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	<p>outcomes complement the existing character of the suburb.</p> <p>C7 The maximum height of buildings identified under Bayside Local Environmental Plan 2021 is 14 metres. Whilst a maximum of four storeys is permitted, buildings must have a maximum height of two storeys along the street frontage with a continuous parapet line, consistent with existing development. The top two stories must be setback (a minimum of three metres) from Gardeners Road and Botany Road to create articulation of the street facades. A setback to the rear is also required and is to be determined following a detailed site analysis at development application stage and must satisfy Council that the amenity of neighbouring residential properties are protected in terms of sunlight and natural daylight access, privacy and visual amenity in accordance with Figure 22. Applicants must therefore demonstrate at development application stage that impacts on the residential area are minimised.</p>	<p>breached, thus the street character and scale of the development is acceptable.</p>
Parking and Access	<p>C17 Vehicular access from Gardeners Road and Botany Road must be avoided where access is available from a side street or rear laneway.</p> <p>C18 Where a rear laneway exists loading and unloading must occur from the laneway and be occur within the site.</p> <p>C19 Development must comply with Part 3A - Car Parking.</p> <p>C20 The provision of through site pedestrian links or arcades from Gardeners Road to the rear and from Botany Road to the Lever Street Reserve are encouraged to improve pedestrian access, amenity and safety.</p>	<p>Complies</p> <p>Vehicle access will be through the rear lane at Rawson Lane.                  Pedestrian access will be along Botany Road.</p> <p>Please refer to the accompanying traffic impact report regarding detailed assessment of parking and access impacts.</p>
Advertising and Signage	<p>C21 Maintain limited advertisements and business signage to minimise visual impact.</p>	<p>Complies</p> <p>The existing front awning will be restored and made good.</p>



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	<p>C22 Signage is restricted to the awning fascia, under the awning or behind the shop window at street level.</p> <p>C23 Development must comply with Part 3D - Signage.</p>	
Stormwater	<p>C24 A Stormwater Management System is to be provided in accordance with Part 3G - Stormwater Management.</p>	<p>Complies</p> <p>All water from the roof areas will be directed towards the existing public stormwater drainage along Botany Road and in accordance with the submitted Stormwater Plans.</p>
<b>5.3 General Controls</b>		
5.3.1.1 Floor Space Ratio	<p><b>Achieving Floor Space Ratio</b></p> <p>C1 Not all site developments may be able to achieve the maximum permissible FSR, due to particular site characteristics, such as: (i) The size, shape and topography of the land; (ii) The presence of existing buildings on site, required to be retained; (iii) The need to reduce adverse impacts on neighbouring residential sites; and (iv) Not being able to satisfy Council's traffic, parking and vehicular access requirements.</p> <p>C2 In determining an appropriate FSR, applicants must demonstrate to Council, in their development application submission, that the bulk and scale of development is acceptable and will not result in adverse impacts on adjoining dwellings, heritage items or the streetscape in terms of:</p> <p>(i) Loss of Privacy; (ii) Overshadowing/loss of natural light; (iii) Loss of views; (iv) Visual Amenity (Bulk and Scale); and (v) Increased traffic generation.</p>	<p>Complies</p> <p>The proposed works will achieve an FSR of 1.56:1, 1.57:1 and 1.59:1 for Nos. 1015, 1017 and 1019, respectively, all of which comply with the maximum of 2:1, as indicated in the BLEP. The bulk, scale and impact on the amenities of the adjoining properties are deemed to be acceptable.</p>
5.3.1.2 Height	<p>C1 The maximum height of buildings must comply with the Height of Buildings Map and</p>	<p>Complies</p>



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	<p>Clause 4.3 of the Bayside Local Environmental Plan 2021.</p> <p>C2 In addition to C1, new buildings must also consider and respond to the predominant and characteristic height of buildings within the Centre; and consider the topography and shape of the site.</p> <p>C3 The maximum number of storeys must not exceed the maximum number of storeys identified in the relevant character statement for each Business Centre as set out in Part 5.2 - Character Statements for the Business Centres. If the maximum number of storeys is not identified in the Character Precinct, the maximum number of storeys must be consistent with the characteristic building height.                  Note: Characteristic building height is defined as the average building height of the two adjoining buildings.                  Note 1: A rear setback may apply in all of the above Business Centres where a site adjoins a residential area/property. The extent of the setback will be determined subject to a detailed site analysis at development application stage. The analysis must demonstrate to Council that the proposed development minimises impacts on its residential neighbours (refer to Part 5.3.1.4 - Side and Rear Setbacks and Building Separation).</p> <p>Note 2: Bayside Local Government Area lies within the prescribed airspace for Sydney (Kingsford Smith) Airport. The prescribed airspace for Sydney over Botany consists of Procedures for Air Navigation Systems Operations (PANS-OPS) and Obstacle Limitation Surfaces (OLS).</p>	<p>Proposed works will not result in excessive building height that would breach the maximum allowable building height of 14m. The proposed works will have nil impact on the airspace of Sydney's Sir Kingsford Smith Airport.</p>
<p>5.3.1.3 Street Setbacks</p>		<p>No change proposed</p>
<p>5.3.1.4 Side and Rear Setbacks and</p>	<p>C1 Where a site adjoins residential development appropriate rear or side setbacks must be provided to ensure that potential impacts on adjoining or surrounding residential</p>	<p>Complies                  There will be no change to the existing side</p>

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Building Separation	properties are minimised in terms of loss of privacy, sunlight and daylight access and visual amenity. The appropriate setback will be determined at development application stage, subject to a detailed Site Analysis. Applicants must therefore demonstrate to Council at development application stage that impacts on the residential area are minimised.	setbacks. Rear setbacks to the boundary will be consistent with the adjoining properties.
5.3.1.5 Built Form and Streetscape	<p>C1 Built form must be consistent with the Desired Future Character Statements for each centre and result in a high quality built form and energy efficient architectural design (refer to Part 5.2 - Character Statements for Business Centres).</p> <p>C2 Buildings must have a consistent street wall height and provide a continuous street frontage and awning height along the street frontage where appropriate.</p> <p>C3 Blank walls are to be avoided adjoining principle streets and the public domain. If they are unavoidable amelioration measures such as artwork or landscaping is required to enhance the visual amenity and reduce vandalism.</p>	<p>Complies</p> <p>Refer to discussions in other sections of this Statement.</p>
5.3.1.6 Excavation		<p>Not relevant</p> <p>No excavation proposed.</p>
5.3.2.2 Building Design	<p>C1 Building construction must be undertaken in compliance with the Building Code of Australia (BCA). All development applications must submit a BCA report outlining the compliance of the building design with the BCA.</p> <p>C2 All development applications that contain residential development or are adjacent to residential development must provide a design statement addressing privacy and</p>	<p>Complies</p> <p>The proposed works are deemed to comply with the requirements of the BCA.</p> <p>The subject site is wholly within Zone E1 and does not adjoin any residential zones. Each lot will be independent of one another and will have</p>

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	<p>overshadowing of residential dwellings from the business component.</p> <p>C3 If the development is located in a heritage conservation area or adjoining a Heritage Item the objectives and controls contained in Part 3B - Heritage must be addressed in the Development Application and accompanying heritage impact statement.</p> <p>C4 If residential dwellings are proposed as part of a mixed use development, balconies, private open space area and communal open space areas must be screened to address any privacy impacts on adjoining residential properties.</p>	<p>minimal impact on the privacy of the adjoining properties.</p> <p>Whilst the subject site is located to the north of existing property at 1021 Botany Road, the proposed works will have a minimal unavoidable impact on the current solar access conditions within the subject lots given the heights and configurations of the existing adjoining properties, specifically No. 1013 and 1021. Refer to detailed assessment of Section 5.3.3.3 <i>Solar Access and Shadow</i> of the Botany Bay DCP below regarding overshadowing.</p> <p>A Heritage Impact Statement is submitted with this DA.</p> <p>There will be adequate screening between the proposed balconies for the residential components on the first floor.</p>
<p>5.3.2.3                  Reflectivity</p>	<p>O1 To reduce glare and reflection from business or mixed use developments that may impact on public safety and residential amenity.</p>	<p>Complies</p> <p>The proposed glazing on the ground floor will be shielded by the existing awning while the first floor will cause minimal change in the existing glazing. These works are deemed to comply with</p>

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		the glare and reflection thresholds in the area.
5.3.2.4 Awnings and Verandahs	C1 New development must provide awnings above the footpath to provide weather protection for pedestrians.	Complies  The existing awning will be updated and made good to continue providing aesthetic appeal, weather protection to pedestrians on the footpath. It will continue to be consistent with the existing structure on site.
5.3.2.5 Public Domain Interface at Ground Level	C1 Development must comply with the Desired Future Character objectives and controls identified in Part 5.2 - Character Statements for the Business Centres.	Complies.  Proposed works are deemed to be consistent with the desired future character of the Rosebery Neighbourhood Centre business centre. Refer to discussion above.
5.3.2.6 Active Street Frontages	O1 To promote uses that attract pedestrian traffic along certain ground floor street frontages; O2 To provide an active street edge; O3 To provide opportunities for active uses such as outdoor dining; and O4 To improve the safety and amenity of the Business Centres.  C1 Development is to provide active street frontages in accordance with the Active Street Frontages Map and Clause 6.11 Active Street Frontages under Bayside Local Environmental Plan 2021.	Complies  Proposed ground floor façade works are deemed to enhance and activate the current street frontage by providing attraction to pedestrian traffic, opportunities for dining and improving the overall safety and amenity of the Rosebery Neighbourhood Centre.
5.3.2.7 Heritage	C1 If a site is a heritage item or in the vicinity of a Heritage Item or within either the Botany Township Heritage Conservation Area or Daceyville Heritage Conservation Area you also need to address Part 3B - Heritage.	Complies  See above discussion under Part 3B-Heritage.

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	Note: Council requires a Heritage Impact Statement to accompany a development application if it is considered that the proposed development may have an impact on the heritage value of a Heritage Item, or Heritage Item in the vicinity of a site; or if the site is located within or adjoining a Heritage Conservation Area.	A Heritage Impact Statement is submitted with this Application.
5.3.2.9 Landscaped Area	C1 Residential setbacks from streets and parks are to support planting, at a scale that allows passive surveillance of the public domain. This requirement may vary with each block.	The proposed development incorporates landscaping to the rear of each lot respectively, together with ornamental landscape features within the development. Please refer to the supporting landscape plan for further detail.
5.3.2.10 Private Open Space and Communal Open Space	C1 The primary area of outdoor private open space must not be located at grade on the street frontage. C7 All landscaping must comply with Councils Technical Guideline for Landscape in Development Sites (refer to Part 10 - Landscape Technical Guideline for Development Sites and Part 3L – Landscaping and Tree Management).	Complies  The proposed residential use on the first floor will have access to a rear balcony as its open space.
5.3.2.11 Materials and Finishes	C1 A Schedule of Finishes and a detailed Colour Scheme for the building facade is to accompany all Development Applications involving building works (refer to Council's Development Application Guide).  The Schedule of Finishes is to consist of : (i) Samples of materials cross-referenced with manufacturer's details and product code; and (ii) A detailed colour scheme to be shown in the form of coloured building elevations which is cross-referenced with a colour sample chart showing manufacturer's details and product code.	Complies  A Schedule of Finishes including the colour scheme information is submitted with this Application.
5.3.2.12 Servicing	C1 New commercial or mixed use buildings must provide a loading dock on-site. Where this is not viable loading and unloading may be	Complies

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	permitted from to a rear lane or side street subject to Council's engineer approval.	The subject site is accessible via the rear Rawson Lane, through which all servicing requirements are to be undertaken. It is deemed to have negligible impact on the pedestrian traffic and footway, public domain and residential amenity of the site.
5.3.2.13 Access & Mobility	C1 Development must comply with Part 3C - Access and Mobility.  C2 Accessibility must be enhanced as a result of retail shop conversions and/or renovations. No development will be approved that reduces access to a site.	Complies  The proposed works will enhance the current means of access to the subject site.
5.3.3.1 Acoustic Privacy	C1 Dwellings close to high noise sources such as busy roads, railway lines and airports must be designed to locate noise sensitive rooms and secluded private open spaces away from noise sources and be protected by appropriate noise shielding techniques.  C2 Habitable rooms of dwellings adjacent to high levels of external noise are to be designed to limit internal noise levels to a maximum of 45dB(a) in accordance with relevant Australian Standards for acoustic control.  C3 Development must comply with Part 3J - Development Affecting Operations at Sydney Airport.	Complies  The proposed works will maintain the current shop top housing landuse of the subject site. It is deemed that the acoustic privacy levels will be maintained.
5.3.3.2 Visual Privacy	C1 In some cases potential visual privacy impacts can be mitigated by incorporation of one or more of the following design measures: (i) Fixed screens of a reasonable density (min 75% block out); (ii) Fixed windows with translucent glazing (providing natural ventilation is not compromised); (iii) Appropriate screen planting or planter boxes; Note: This option is only acceptable where it is demonstrated that the longevity of the screen planting will be guaranteed. (iv) Windows are to be off-set or	Complies  It is deemed that the proposed works will provide minimal opportunities for infringements onto the visual privacy of the site and its neighbours. Appropriate privacy



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	<p>splayed; and (v) Windows with sill heights of 1.8 metres or more above floor level or fixed translucent glazing to any part of a window lower than 1.8 metres above floor level.</p>	<p>treatments may be applied, if necessary.</p>
<p>5.3.3.3 Solar Access and Shadow</p>	<p>C1 Development must demonstrate:                  (i) Neighboring developments will obtain at least two hours of direct sunlight to 50% of the primary private open space and 50% of windows to habitable rooms; and (ii) 30% of any communal open space will obtain at least two hours of direct sunlight between 9am and 3pm on 21 June.</p> <p>C2 The Development Application must provide solar diagrams that, as a minimum, illustrate compliance with the above control and comprise of plans and elevations demonstrating the shadows of the proposal at 9am, 12 noon, and 3pm on 21 March, 21 June and 21 December.</p> <p>C3 Buildings are to be designed and sited to ensure sun access to private and communal open space within the development, and adjoining properties and public open space.</p>	<p>Complies</p> <p>Proposed works will result in a minor increase to the existing building height. All habitable spaces will receive solar access through the existing and proposed windows and skylights. Proposed works are deemed to have acceptable impacts on the sunlight access of the adjoining properties. Refer below for detailed assessment of overshadowing impact below.</p>
<p>5.3.3.3 Solar Access and Shadow</p> <p>C1 Development must demonstrate:                  (i) Neighboring developments will obtain at least two hours of direct sunlight to 50% of the primary private open space and 50% of windows to habitable rooms; and                  (ii) 30% of any communal open space will obtain at least two hours of direct sunlight between 9am and 3pm on 21 June.</p> <p><u>Detailed Assessment:</u></p> <p>In accordance with the submitted shadow diagrams that accompany this application, the proposed addition will result in minor additional overshadowing to the rear communal open space of the adjacent southern property at 1021 Botany Road, Mascot. The following assessment is provided and must be read in conjunction with the accompanying shadow diagrams that support the proposed development.</p>		

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Control C1 of part 5.3.3.3 of the BBDCP states:

- *Neighboring developments will obtain at least two hours of direct sunlight to 50% of the primary private open space and 50% of windows to habitable rooms, and*
- *30% of any communal open space will obtain at least two hours of direct sunlight between 9am and 3pm on 21 June.*

The proposed assessment is considered acceptable and should be supported based on the following Planning Principle established in *The Benevolent Society v Waverley Council* [2010] NSWLEC 1082.

- The ease with which sunlight access can be protected is inversely proportional to the density of development. At low densities, there is a reasonable expectation that a dwelling and some of its open space will retain its existing sunlight. (However, even at low densities there are sites and buildings that are highly vulnerable to being overshadowed.) At higher densities sunlight is harder to protect and the claim to retain it is not as strong
- The amount of sunlight lost should be taken into account, as well as the amount of sunlight retained.
- Overshadowing arising out of poor design is not acceptable, even if it satisfies numerical guidelines. The poor quality of a proposal's design may be demonstrated by a more sensitive design that achieves the same amenity without substantial additional cost, while reducing the impact on neighbours.
- For a window, door or glass wall to be assessed as being in sunlight, regard should be had not only to the proportion of the glazed area in sunlight but also to the size of the glazed area itself. Strict mathematical formulae are not always an appropriate measure of solar amenity. For larger glazed areas, adequate solar amenity in the built space behind may be achieved by the sun falling on comparatively modest portions of the glazed area.
- For private open space to be assessed as receiving adequate sunlight, regard should be had of the size of the open space and the amount of it receiving sunlight. Self-evidently, the smaller the open space, the greater the proportion of it requiring sunlight for it to have adequate solar amenity. A useable strip adjoining the living area in sunlight usually provides better solar amenity, depending on the size of the space. The amount of sunlight on private open space should ordinarily be measured at ground level but regard should be had to the size of the space as, in a smaller private open space, sunlight falling on seated residents may be adequate.
- Overshadowing by fences, roof overhangs and changes in level should be taken into consideration. Overshadowing by vegetation should be ignored, except that vegetation may be taken into account in a qualitative way, in particular dense hedges that appear like a solid fence.
- In areas undergoing change, the impact on what is likely to be built on adjoining sites should be considered as well as the existing development.

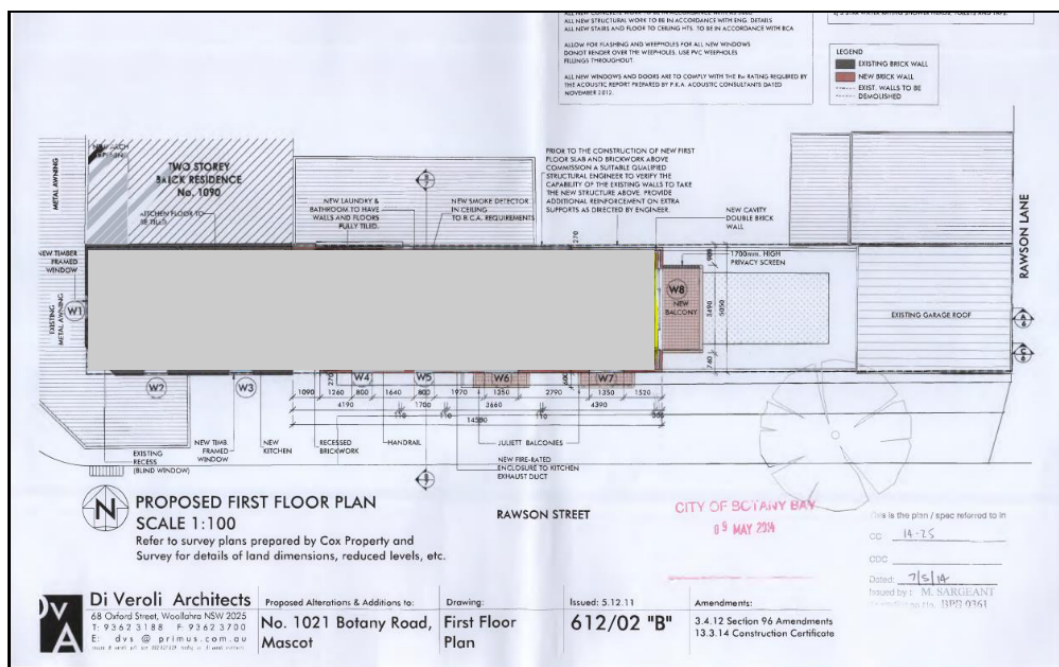
**Alterations and Additions to three existing mixed-use developments with residences above.  
Nos. 1015, 1017 and 1019 Botany Road, Mascot NSW 2020**

The subject sites are orientated in an east-west facing orientation and are located to the north of the adjoining adjacent building at 1021 Botany Road, Mascot. Subsequently, development to the south of the subject site will invariably be impacted by some extent of overshadowing.

The neighboring development at 1021 Botany Road, consists of a shop top dwelling. The existing first floor dwelling component consists of a rear (north) facing bedroom with an associated first floor balcony. Refer to figure 7 below for reference.

In accordance with the submitted shadow diagrams, the north facing first floor bedroom, and rear ground floor communal open space of 1021 Botany Road, will achieve at least 50% of direct solar access between 9am and 3pm on 21<sup>st</sup> June. Subsequently, the proposal will not result in any undue negative solar amenity impact upon 1021 Botany Road, Mascot.

For the reasons outlined above, the resulting overshadowing impact upon the existing southern building at 1021 is considered to satisfactorily addresses the above objectives and does not result in any undue unreasonable adverse impact to the site and adjoining premises.



**Figure 7: Construction certificate approved first floor plan of adjacent building 1021 Botany Road, Mascot. Original plan prepared by Di Veroli Architects dated 13/3/14. Approved 7/5/14. Source: Bayside Council GIPA request made on 23 June 2022. Retrieved 6th July 2022**

<p><b>5.3.3.6 Stormwater</b></p>	<p><b>C1 Development must comply with Part 3G - Stormwater Management, which provides controls relating to: (i) Stormwater management;</b></p>	<p><b>Complies</b></p>
--------------------------------------	--	------------------------

*Alterations and Additions to three existing mixed-use developments with residences above.  
 Nos. 1015, 1017 and 1019 Botany Road, Mascot NSW 2020*

Management and Flooding	(ii) Water Sensitive Urban Design (WSUD); (iii) Water quality; and (iv) Flood management. C2 All development must comply with the Stormwater Management Technical Guidelines (refer to Part 10 - Stormwater Management Technical Guidelines).	Refer to discussion in the previous sections of this Statement.
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**Table 3: Botany Bay DCP Compliance Table**

*iiia) Section 4.15(1)(a)(iiia)*

*The provisions of any Planning Agreement entered into under Section 7.4*

There are no known Planning Agreements entered into under Section 7.4 and no draft Planning Agreements are proposed to be entered into under Section 7.4 for this proposal.

**4.2. Section 4.15(1)(c) of the EP&A Act, 1979**

*The suitability of the site for the development.*

The subject Development Approval (DA) for the **proposed alterations and additions to three (3) existing mixed-use developments with residences above at Nos. 1015, 1017 and 1019 Botany Road, Mascot NSW 2020.**

The proposal is permissible on the land pursuant to the E1 – Local Centre zoning provisions applying to the land, and the proposal achieves the objectives of the zone.

The subject site falls within the jurisdiction of the Bayside Council local government area shown in Figures 1 and 2 of this report with its general context to Mascot and surrounds.

The local surrounding area is characterized by commercial structures. The proposal does not increase adverse impacts upon the subject site or adjoining development by way of visual privacy, excessive overshadowing or acoustic privacy. The proposal will therefore have minimal impact on the locality and amenity of surrounding land uses. The proposed development will increase and enhance the amenity value of the site as well as the precinct whilst preserving the traditional character of the precinct and thus will be in keeping with the desired future character of the said zone.

It is evident from the above and the assessment provided within this Statement that the subject site is suitable for the proposal.

**4.3. Section 4.15(1)(e) of the EP&A Act, 1979**

*The public interest.*

The proposed development satisfies the client’s requirements, and Council’s planning controls and as such will not result in any unacceptable impacts on the locality. Accordingly, the proposal is considered to be in the public interest.



*Alterations and Additions to three existing mixed-use developments with residences above.  
Nos. 1015, 1017 and 1019 Botany Road, Mascot NSW 2020*

## 5.0 CONCLUSION

This application seeks Development Approval (DA) for **proposed alterations and additions to three (3) existing mixed-use developments with residences above at Nos. 1015, 1017 and 1019 Botany Road, Mascot NSW 2020**, identified as Lots A, B and C of DP 440204, respectively.

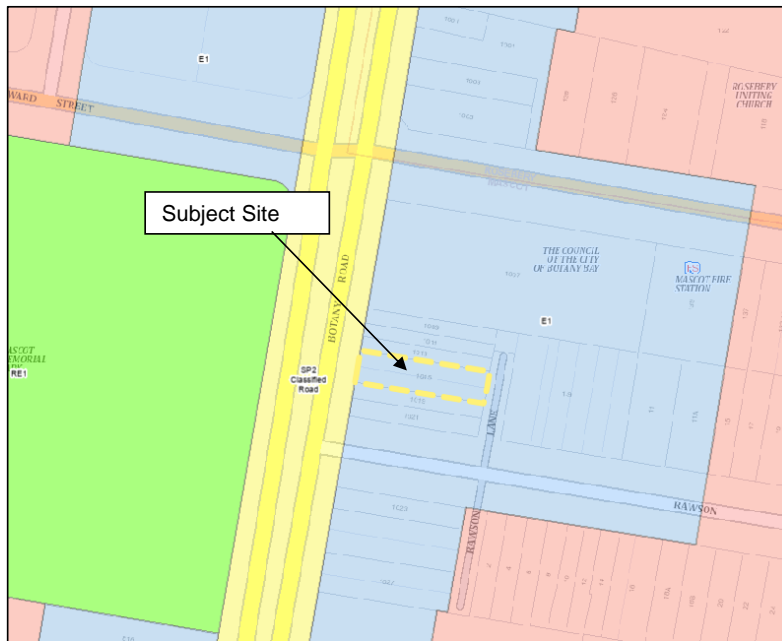
The proposal meets the prescribed principal development standards of the BLEP and is designed in general keeping with the controls and objectives of the BDCP as assessed within this report.

Overall, the proposed development will not pose any adverse or detrimental amenity impacts for the adjoining developments by way of visual privacy, excessive overshadowing or acoustic privacy.

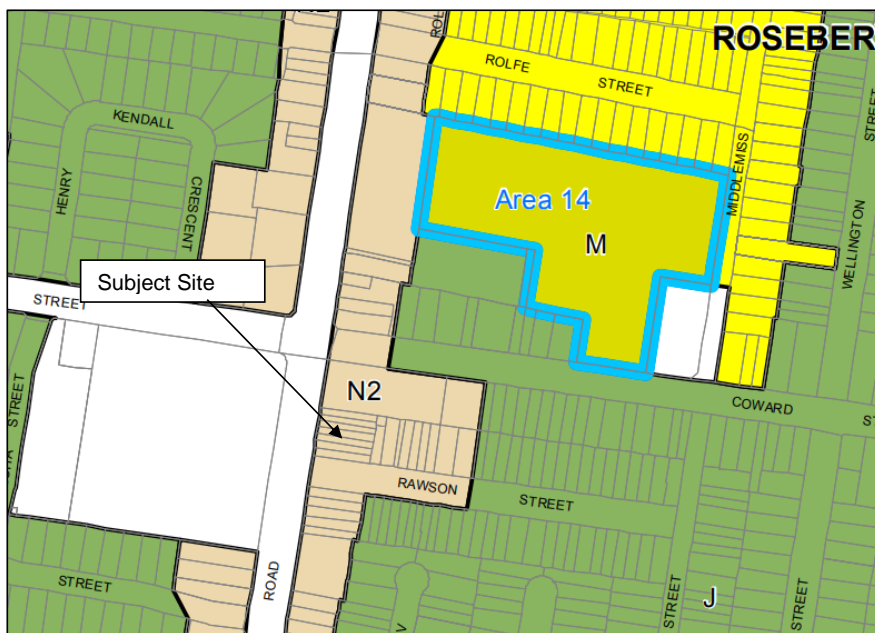
Given the above, the proposed development is considered worthy of approval.

Alterations and Additions to three existing mixed-use developments with residences above.  
Nos. 1015, 1017 and 1019 Botany Road, Mascot NSW 2020

**6.0 APPENDIX – BAYSIDE LEP 2012 MAPS**



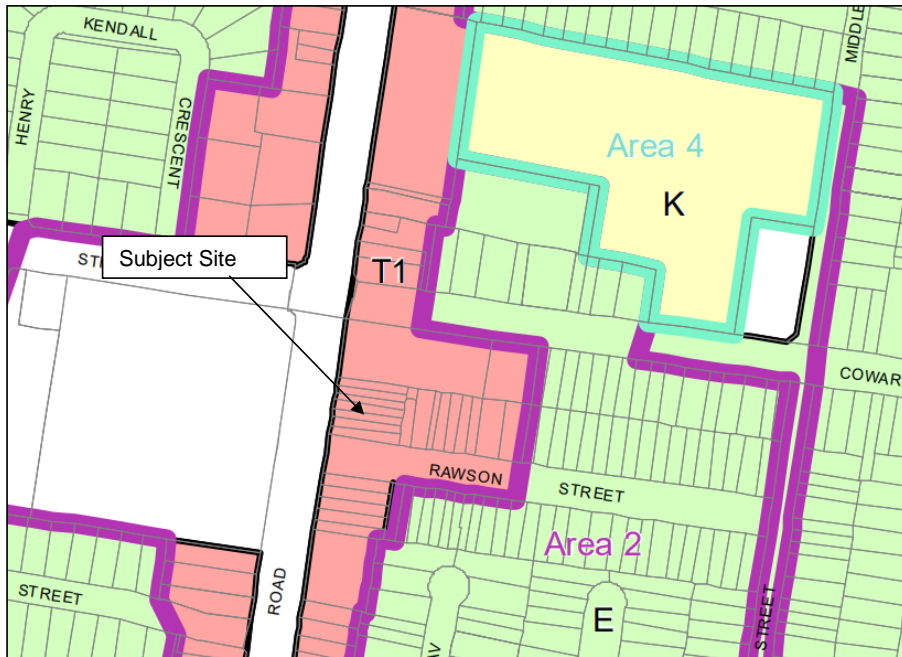
Land Zoning Map – Zone E1 – Local Centre



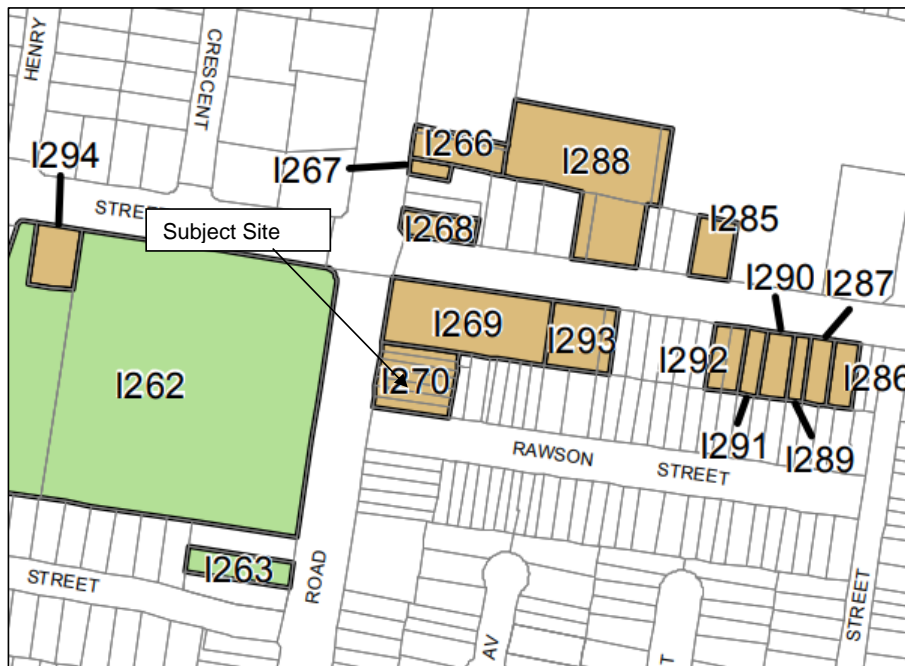
Height of Buildings Map (Sheet HOB\_008) – Max. height - 14m



*Alterations and Additions to three existing mixed-use developments with residences above.  
 Nos. 1015, 1017 and 1019 Botany Road, Mascot NSW 2020*



FSR Map Sheet 008 – Max. FSR – 2:1

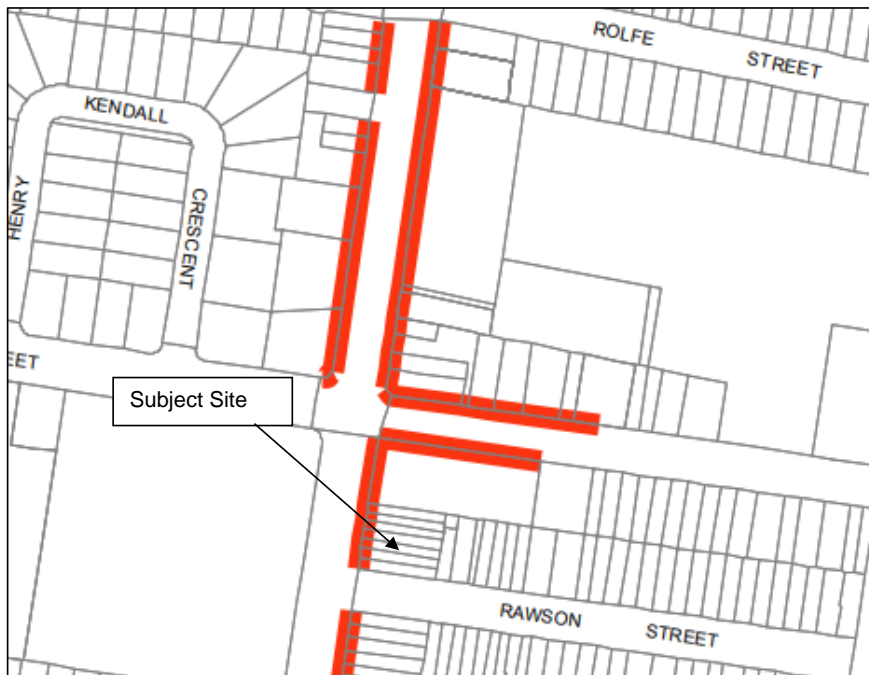


Heritage Map 008 – Heritage Item I270

Alterations and Additions to three existing mixed-use developments with residences above.  
Nos. 1015, 1017 and 1019 Botany Road, Mascot NSW 2020

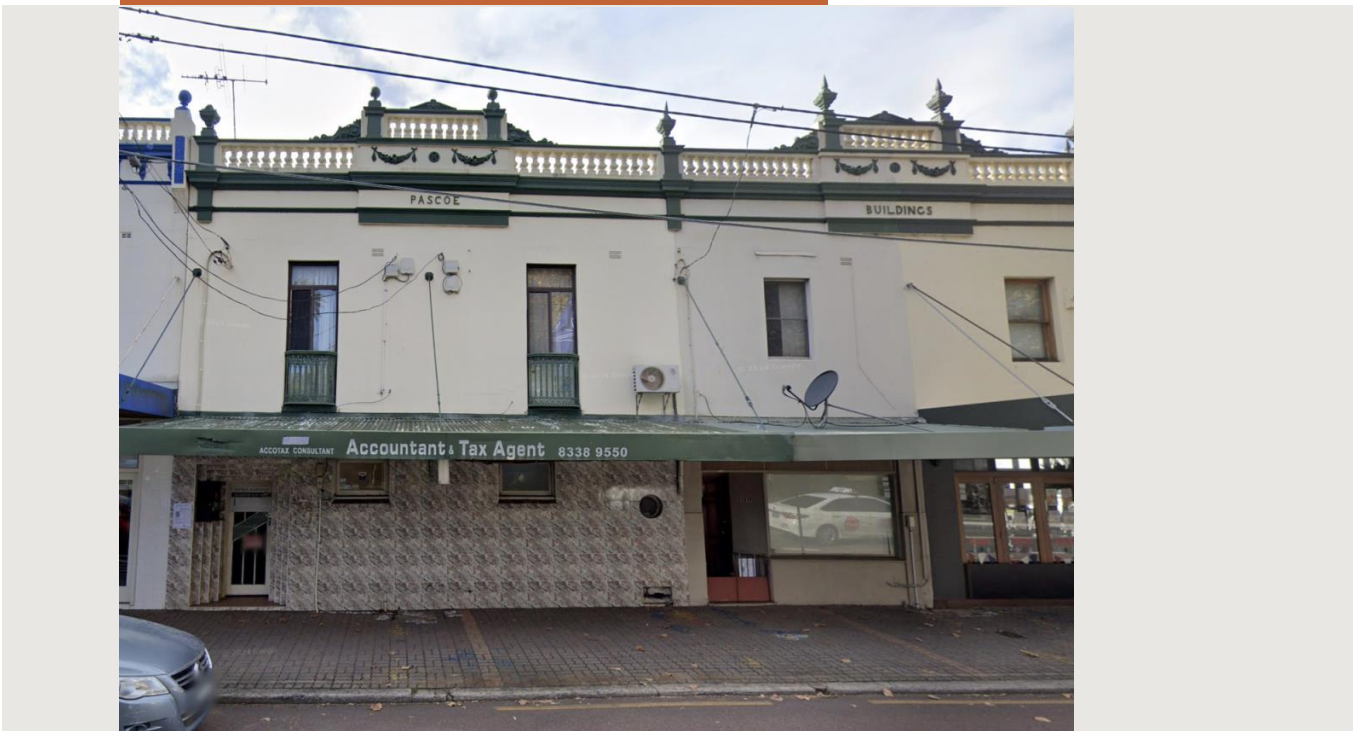


Acid Sulfate Soils Map – Class 4



Active Street Frontages Map - Affected

# STATEMENT OF HERITAGE IMPACT



*Development Application*  
Nos 1015, 1017 and 1019 Botany Road, Mascot

September 2024 | J6894\_02

**Weir  
Phillips**  
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Report Details	

Statement of heritage impact for: Alterations and additions to existing heritage listed shop top terraces.

Prepared For 1015-1017 Botany Road, Mascot. Gralang Pty Ltd ATF Gralang Holding Trust (50%) & Niraeg Pty Ltd ATF Niraeg Holding Trust (50%).  
 1019 Botany Road, Mascot...Investcorp (Australasia) Pty Ltd ATF Investcorp Unit Trust.

Revisions			
Revision	Date	Prepared by	Reviewed by
Draft 1	10.09.24	AM	JP
Draft 2	11.09.24	AM	AM
Final	16.09.24	AM	AM

*We acknowledge that the land on which we live, learn and work as the traditional country of the Gadigal people of the Eora Nation. We acknowledge these traditional owners of this land and acknowledge their living cultures and the unique roles they have played in maintaining life, language, and culture in this region. We pay respect to their Elders past, present and emerging and all aboriginal people.*

**Cover photo: View of the site from Botany Road.**

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**1 INTRODUCTION**

**1.1 Preamble**

This Statement of Heritage Impact (SoHI) has been prepared in conjunction with a Development Application for alterations and additions to three shop-top terraces at Nos. 1015, 1017 and 1019 Botany Road, Mascot, New South Wales.

The site is located within Bayside Council Local Government Area. The principal planning instrument for the site is the *Bayside Local Environmental Plan (LEP) 2021*. The site is listed as a heritage item as “Commercial Building Group” (Item No. I270) by the *Bayside LEP 2021*. Under Part 5.10 of the *LEP 2021*:

(4) Effect of proposed development on heritage significance

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage assessment

The consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or
- (b) on land that is within a heritage conservation area, or
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

The appropriate heritage management document in this instance is a SoHI. This SoHI has been prepared at the request of the owners and accompanies plans prepared by Katris Architects.

**1.2 Heritage listings**

The following table addresses the relevant heritage listings for the site. For further information refer to Section 4.

**Table 1: Statutory Heritage Listings**

Listing Type	Item Name and Details	Listing Number
State Heritage Register under the <i>Heritage Act 1977</i> (NSW).	No	N/A
In the vicinity of items on the State Heritage Register under the <i>Heritage Act 1977</i> (NSW).	No	N/A



Listing Type	Item Name and Details	Listing Number
Listed as an item of local heritage significance by Schedule 5 of the Bayside LEP 2021	“Commercial Building Group”	Item No. I270
Located within the vicinity of local heritage items by Schedule 5 of Bayside LEP 2021	Coronation Hall	(I269)
	Former National Bank of Australasia	(I268)
	Memorial Park	(I262)
Located within a Heritage Conservation area.	No.	N/A

**1.3 Methodology**

A site inspection was undertaken in December 2023 for the preparation of this SoHI by Weir Phillips Heritage and Planning. All photographs of the site were taken at this time unless otherwise noted.

This SoHI has been prepared with reference to the Heritage NSW publications Assessing Heritage Significance (2023 update) and Statements of Heritage Impact (2023 update) and with reference to the planning documents listed under Section 8.

The historical information and assessments of significance contained in this SoHI partly rely on existing studies (refer to Section 8 below). Acknowledgment of the authors of these studies is duly given.

**1.4 Limitations**

A detailed history of the site and a full assessment of significance to Heritage NSW standards were not provided with regards to the site. Section 3 of this SoHI provides the established history and significance of the site. This was compiled from readily available sources.

An assessment of archaeological potential and archaeological significance, Aboriginal or historical, is outside the scope of this SoHI.

Community consultation has not been undertaken as part of this Development Application.

**1.5 Site Location**

The subject site is located on Lot A, B and C DP 440204 at 1015, 1017, and 1019 Botany Road, Mascot 2020 in Parish of Botany and County of Cumberland and falls within the jurisdiction of the Bayside Council Local Government Area. The subject site is located east of Botany Road and north of Rawson Street. The sites are legally identified as Lot A, B and C, DP 440204.

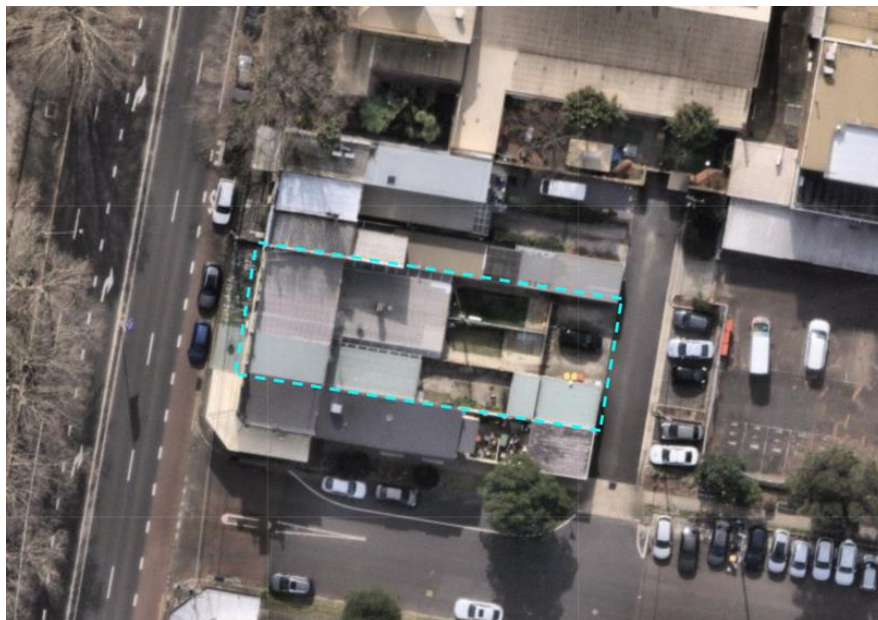


**Figure 1: Location of the site.**  
SIX Maps 2024

## 2 SITE ASSESSMENT

### 2.1 The Site

For the following, refer to Figure 2, an aerial photograph over the site, and to the survey that accompanies this application.



**Figure 2: An aerial photograph over the site.**  
Nearmap 2024

## 2.2 Exterior

The site consists of three shop top terraces (Nos 1015, 1017 and 1019 on site are part of a wider row of four terraces comprising the “Pascoe Buildings”. The terraces were constructed in the Federation period (c.1902) and exhibits a Victorian era Italianate style parapet. The parapet is details with a spindling to the parapet with pedimented centre point emphasized with masonry urns and plaster moulded festoons. Fenestration at the First Floor is a mixture of timber framed double hung sash windows and timber doors that have been infilled following the removal of the double height verandah in the 1920s.

To the rear of the site is access via Rawson Lane. It contains hard stand carparking spaces for Nos 1015 and 1017, with 1019 having a garage with roller door. The rear elevation of the buildings have skillion roof form behind the existing masonry parapet which are clad with corrugated metal. There are three timber framed double hung sashes within a rendered masonry wall at First Floor are visible from Rawson Lane. At Ground Floor there is a single storey former service wing with lightwell constructed of rendered masonry with a corrugated metal roof.



Figure 3: The primary elevation of the site showing the division of the terraces.



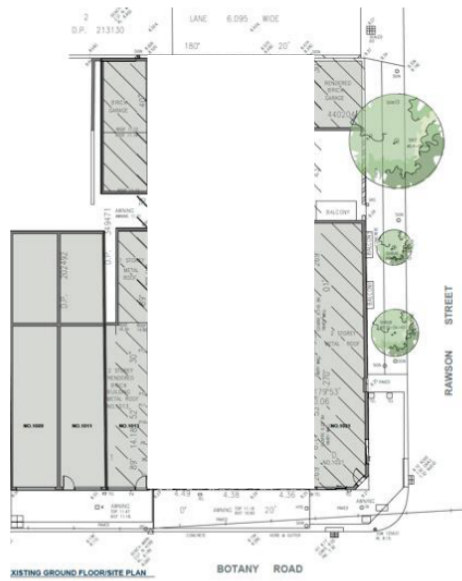
Figure 4: The view of the rear of the site from Rawson Lane.



Figure 5: View from inside the

### 2.3 Interior

The interior layout is best understood with reference to the floorplans produced by Katris Architects. Local Approvals in their 2023 Heritage Impact Statement provided a detailed survey (Appendix 2) of the interiors of the site. This is appended to this report as Appendix 1.

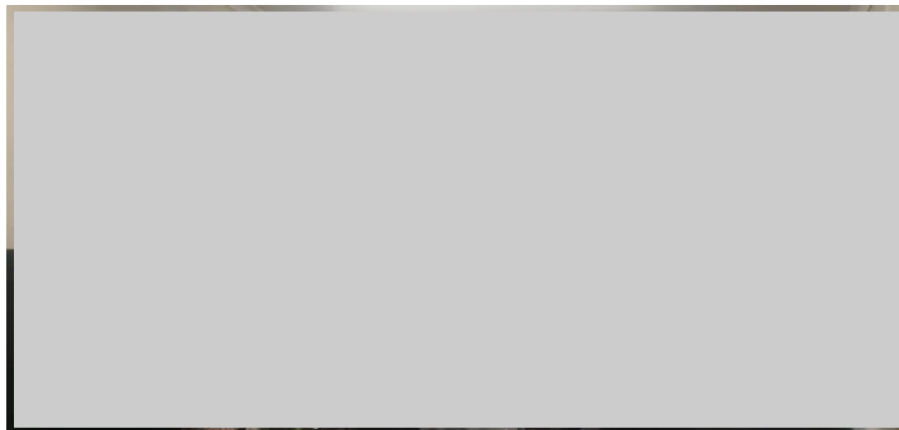


**Figure 6: Ground Floor Plan**



**Figure 7: First Floor Plan**

The layout of the three terraces is similar, with minor alterations to suit different owners and occupants over time. At Ground Floor there is the commercial shopfront, in No. 1015 and No.1017, this space is utilised as a living room for the terrace. Each terrace has a “L-shaped” timber staircase with timber lined stairwell. To the rear is the kitchen, with modern fitout, and bathroom. There is an externally accessible laundry connected to the kitchen. There are timber skirting boards that have been painted in some areas of the Ground Floor. See Figure 8 to Figure 14.



**Figure 8: View of the Ground Floor Kitchen/dining area.**



## 2.4 Setting

### 2.4.1 Botany Road

The section of Botany Road in which the site is located is level and carries two lanes of traffic in either direction. There are footpaths to either side; there is a narrow nature strip on the western side. There are irregularly spaced street trees. There are no street trees outside of the site.

This part of Botany Road is mixed commercial/residential in character. The block between Rawson Street and Coward Street is commercial and civic in character with the former Mascot Town Hall located on the southern intersection. Opposite the site is the Mascot Memorial Park which extends to west to Aloha Street.



Figure 20: Mascot Memorial Park opposite the site.





**Figure 21: View of the Coronation Hall to the south of the site.**

#### 2.4.2 Rawson Street

Rawson Street is mostly residential in character to the east of the site. Immediately adjoining the site to the west of Rawson Street is an open hardstand public carpark which adjoins a three-storey commercial building fronting Coward Street. On the opposite side of Rawson Street at the intersection is a former Inter-war era shop with modern alterations and additions.

Refer to Figures 19 and 20.



**Figure 22: View of the carpark to the south of the site.**



**Figure 23: The former Inter-war era shopfront to the north of site.**

### **3 BRIEF OUTLINE OF THE HISTORICAL DEVELOPMENT**

The history of the site has been partly informed by the historical research by Local Approvals.

#### **3.1 First Nations History**

While an First Nations History is not provided for, it is acknowledged that the traditional custodians of the Bayside Council area are the Gweagal, Bidjigal and Gadigal peoples of the Dharug language group.

#### **3.2 Botany Before 1880**

Captain James Cook landed at Botany Bay in 1770, the first known European to do so. He named the bay 'Botany Bay' after Joseph Banks and his assistants spent several days ashore collecting and cataloguing flora. When Governor Phillip arrived at the head of the First Fleet in January, 1788 he found the bay to shallow and the land to swampy for settlement. The first European settlement was moved north and established at Sydney Cove. Ignoring the presence of the Aboriginal people, all land was declared to be Crown Land. Successive land grants were made to individuals and institutions in order to further the purposes of settlement.

Aside from the collection of shells for lime and fishing, little attention was given to the present-day Bayside area during the first period of settlement. In 1809, Edward Redmond established a grazing property he called 'Mudbank' in the Botany area; in 1814, the land adjacent to 'Mudbank' was taken up by Andrew Byrnes. It was not, however, until the arrival of Simeon Lord, the highly successful emancipist businessman around 1815, that European land use began in earnest.

In 1815, Lord erected a woollen mill and flour mill in Botany, constructing two dams close to Botany Bay to service his industries. Lord purchased Redmond's 'Mudbank' farm

---

and house, re-modelling the latter and renaming it 'Banks House.' On 27 May, 1823, he was granted an additional 600-acres adjoining his factories.<sup>1</sup> The other two major land owners in the district during the early nineteenth century were Thomas Winder, who held 700 acres, and the Crown, who held a 4,1954 land reserve known as the Church and School Estate. The subject site remained Crown Land during the first half of the nineteenth century.

In the absence of good serviceable roads, the principal form of access into the area during this period was by water. There was a track known as 'Mudbank' into Botany as early as 1809. This track was upgraded by Governor Macquarie and later replaced by what is now Bunnerong Road in 1833. Present-day Botany Road was not surveyed until 1863, at which time it ran from Mascot to Botany and was also known as 'Corduroy Road.'<sup>2</sup>

Lord's sons maintained an interest in Botany/Mascot following Simeon's death in 1841. On 7 March, 1851, Edward and Francis Lord and John Henry Black and David Ramsay were granted 150 acres of land in the area. The subject site is located on this grant.<sup>3</sup>

The first subdivision of the Lord family's land in the area occurred in 1854, with a second following five years later. The subdivision was named the 'Town of Booralee'. Botany Road, then Banks Road, was marked out in this subdivision. The subject site stands just south of the township. The most important industry in Botany at this time was market gardening, an industry established in the 1830s after the government drained swamp lands and granted portions to members of the NSW Veterans Corps. After the 1850s gold rushes, this land was primarily worked by Chinese immigrants.

The property is located within John Terry Hughes and John Hosking's 51-acre Crown Grant (by purchase) in c.1839. The parcel was subdivided into market garden lots before being sold off in parts. R.J. Want purchased a large portion of the 51 acres and added it to his aggregated holding, which included much of the land east of Mudbank Road (Botany Road) between Gardeners Road and King Street. At the time, Rawson Road was known as Garden Road.

The flat, cheap well drained land and ready water supplies soon attracted industries such as tanneries, wool scourers and boiling down works, particularly after they were banned from the City of Sydney in 1848.

While areas immediately around the site were sold as part of various bulk subdivisions, the site The parcel was subdivided into market garden lots before being sold off in parts. R.J. Want purchased a large portion of the 51 acres and added it to his aggregated holding, which included much of the land east of Mudbank Road (Botany Road) between Gardeners Road and King Street. The parish map below from 1905 illustrates the layout of the area at the time illustrating the propose new streets, including Rawson Street.

---

<sup>1</sup> F.A. Larcombe, *The History of Botany 1788-1970*, NSW, Council of the Municipality of Botany, 1970. More recent histories state that Lord built a new home for him and his family. See: Butler, Mark, 'Botany', *Dictionary of Sydney*, 2011, <http://dictionaryofsydney.org/entry/botany>.

<sup>2</sup> *Ibid.*

<sup>3</sup> With reference to Certificate of Title Volume 644 Folio 222. NSW LPI.



Figure 24: The Botany Parish Map from 1905  
 NSW LPI - HLRV

### 3.3 Development of the site

This part of Botany Road has been a mixed retail/ commercial/ residential precinct since its formalisation as the Botany Parish Road in 1864. No. 1009-1013 were first listed in NSW Certificate of Title Vol. 1464 Folio 110 in 1903 and were transferred to Francis Golding and given the usual lag between construction and listing of up to 18 months, suggests construction between 1902 and 1904. An extract from land titles illustrates No. 1017 (Lot B) illustrates the site and the layout of the two terraces to either side of the building. The terrace group likely has a double height posted verandah with access from the First Floor. This verandah was likely removed and replaced with the current cantilevered balcony in the 1920s when Botany Road was widened.

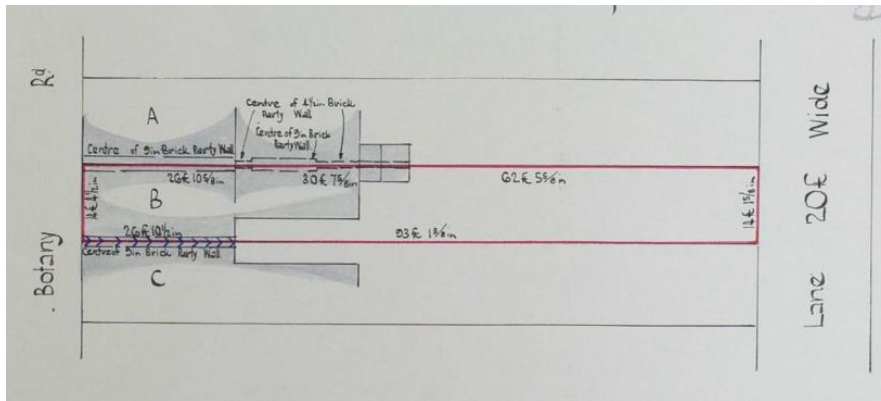


Figure 25: Plan from the NSW Certificate of Title 1956, shows Lot B (No. 1017) with similar building layout as Lot A (No. 1015)

Source: NSW LRS HLRV, Vol.7137 Fol. 117

The 1943 aerial photograph in this area was badly spliced and suggests only four properties in the space rather than the seven that had been built by this time. All seven shops were consistently occupied from 1904/1905 (i.e. 1903 onward).



The first occupants were William Golding, a hairdresser, and Francis Golding, a fishmonger, listed at Nos 1009-1013 in 1903. By the following year, in 1904, Frederick Pascoe, an ironmonger, had constructed the group of four shops to the south and another tenant had joined the Goldings at No.1013, forming a run of seven tenancies from Nos1009 – 1021 which included the Goldings' hairdresser and fishmonger businesses as well as two drapers, a fruiterer, a small goods business and a grocer. The shops continued to be occupied by a collection of local businesses and services from 1906 to at least 1933. In addition to the Goldings, and Pascoe's ironmongery business, tenants included several confectioners, drapers, fruiterers, grocers and small-good stores, as well as a ham and beef shop, a refreshment room, a sign writer, a laundry, a bootmaker, a haberdashery, a florist and a hardware store.



Figure 26: The site in 1943 showing the site and surrounding development.

Lot A and B (No. 1015-1017) was owned by Bruce Sturgess Courtenay, of Mascot Medical Practitioner from 1953 to 1988. During this period alterations and additions were undertaken to the ground floor for use as a surgery. See Figure 27 below.

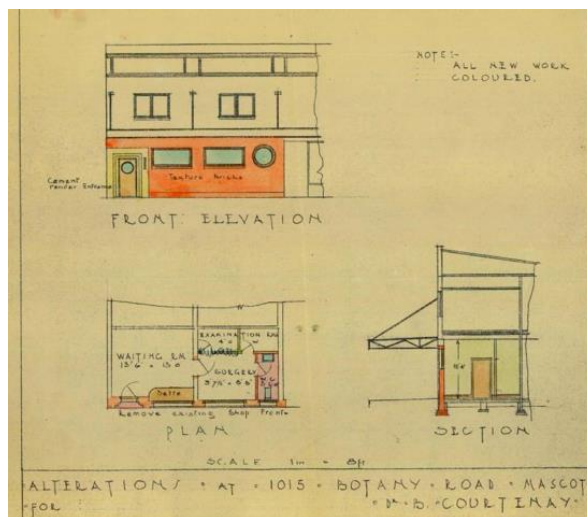


Figure 27: DA approval drawing of No. 1015 and 1017 from circa 1949, showing that existing front façade and internal layout has been altered

Source: Bayside Council Archives

In 2011 DA/2011/50 was lodged with Bayside Council for addition of an upper floor to the existing exposed brick, single-storey construction on the eastern side of the main building. The proposed second floor development is for the sole purpose of providing a residential flat above the shop and is to be integrated at the upper level with the existing two-room space above the original shop. This work was completed in 2014 see Figure 28 from 2007 prior to the works being completed and Figure 29 in 2015 showing the new addition completed and the façade repainted.

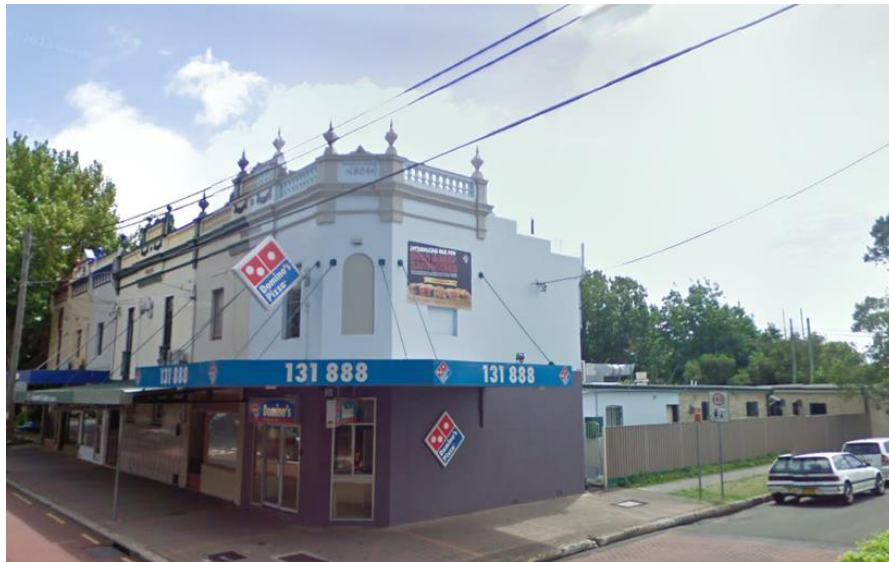


Figure 28: Google Street View from 2009, showing the site without the current extension.  
Google Maps 2009



Figure 29: The site in 2015 showing the newly completed addition and repainted façade.  
Google Maps 2015



4 ASSESSMENT OF SIGNIFICANCE

4.1 Summary of Statutory Heritage Listings for the Site

The following table addresses the relevant heritage listings for the site. For further information refer to Section 4.

Table 2: Statutory Heritage Listings

Listing Type	Item Name and Details	Listing Number
State Heritage Register under the <i>Heritage Act 1977</i> (NSW).	No	N/A
In the vicinity of items on the State Heritage Register under the <i>Heritage Act 1977</i> (NSW).	No	N/A
Listed as an item of local heritage significance by Schedule 5 of the Bayside LEP 2021	“Commercial Building Group”	Item No. 1270
Located within the vicinity of local heritage items by Schedule 5 of Bayside LEP 2021	Coronation Hall Former National Bank of Australasia Memorial Park	(1269) (1268) (1262)
Located within a Heritage Conservation area.	No.	N/A

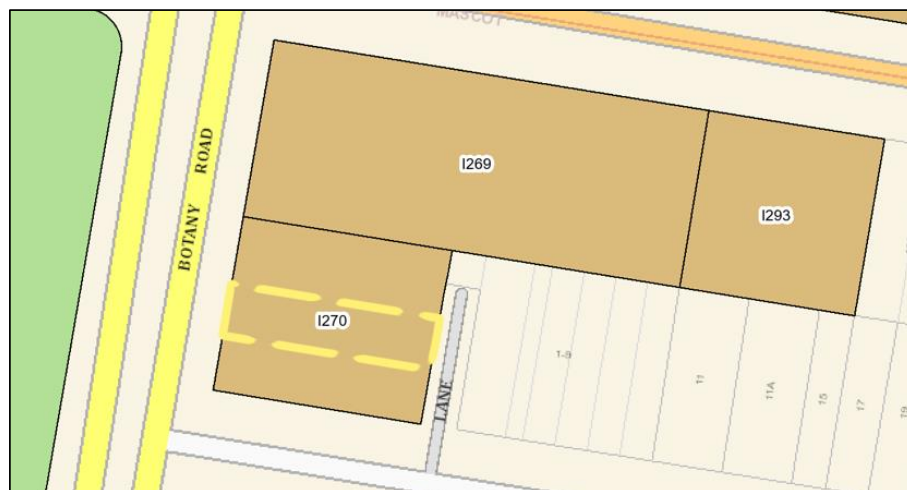


Figure 30: The site outlined in yellow showing the site as a heritage item (Item No. 270) and other items in the vicinity.

NSW Planning Portal 2024

#### 4.2 Statement of Significance

The following statement of significance for the site has been sourced from the NSW State Heritage Inventory:

*The group of early 20th century shops from 1009 to 1021 Botany Road are of local heritage significance to the Bayside area as one of the earliest surviving groups of shops along Botany Road (c.1903-1904 completion), and which, although altered, have retained very good historic and aesthetic integrity as a group. The aesthetically distinctive and substantially intact Victorian Free Classical style parapet that extends across all buildings in the group is a notable element in the context of the local area.*

*This parapet detailing is also aesthetically significant because it is substantially intact to all properties in the group and provides very good evidence of the ways in which this exuberant style was interpreted at the modest scale of the small group of suburban shops. The facades above awning level have been altered in various ways, but sufficient fabric and photographic evidence exists to allow reconstruction if desired in the future. The recently added balconies to the southern (Rawson Street) elevation reference the form of the original Botany Road facades.*

*As is the case with all shops in the area, the shopfronts have been removed and a variety of replacements fitted. Most are typical mod-late 20th century designs, but several have been bricked and wall tiles applied and are unsympathetic elements in the group. These shopfronts could also be removed and a more appropriate form inserted as part of future works. As a group they provide evidence of the evolution of retail presentation and patterns of interaction with customers over the last 100 years.*

*Despite these changes to the facade, the overall form of the building is substantially intact or altered in the traditional pattern of this type of shop. The heritage values of the group, and particularly the aesthetic qualities of the parapet when viewed against the skyline, satisfy the Criteria for local heritage significance.*

*The group is also locally significant for its contribution to the development of the area and the evidence that it provides of the form and pattern of development in the area in the early years of the development of this part of Mascot following the formation and construction of the nearby North Botany Town Hall in 1889.*

This statement is adopted for the purposes of this assessment.

#### 4.3 Integrity

Nos 1015, 1017 and 1019 Botany Road demonstrates mixed integrity – with most of the integrity concentrated at the Botany Road elevation where the terraces are still representative of the Federation era commercial terraces. The following is noted:

- The awning shown around the Botany Road frontage has been removed and replaced with the current cantilevered structure, which is not characteristic of pre-World War II building.
- The shop fronts have been replaced and infilled.
- Windows have been replaced throughout with aluminium equivalents. There are some timber framed double hung sash windows in to the rear of the site.
- Available photographs suggests that at almost all of the building has been extensively altered internally, where not altered the fabric is in poor condition (e.g. severe water ingress and mould issue at First Floor). Other original internal fabric

remaining such as architraves and timbered panelled doors is unremarkable and generally in poor condition.

- Alterations to the interior including new kitchens, bathrooms and living spaces.
- Construction of a new additions to the rear, including garage.

#### 4.4 View Corridors

The principal view corridors toward Nos 1015-1019 Botany Road are obtained from directly outside of the site on Botany Road and from the diagonally opposite corner. It is visible on approach from the north and south along Botany Road, with view corridors on approach from the south being the more open (and more significant) because of the corner location. View corridors from Rawson Street and on approach from the east are of less significance because they are of the rear yard and side/rear elevations and are more restricted due to the development of No. 1021 Botany Road.

There are some views of the upper level of the rear of the site from Rawson Lane, these are largely obscured by the boundary fences.



**Figure 31: Looking south along Botany Road towards the site. The arrow indicates the site behind No. 1021 Botany Road.**



Figure 32: View looking north along Botany Road towards the site.



Figure 33: View from Rawson Street towards the rear of the site. The upper level of the building is visible from this viewpoint.

## 5 HERITAGE IMPACT ASSESSMENT

### 5.1 Scope of works

The following scope of works should be read in conjunction with the architectural plans prepared by Katris Architects:

- Restoration of the Ground Floor shopfront at Botany Road with timber framed surrounds with highlight windows, wainscotting and an “in-go” to provide access.
- New timber framed French doors at First Floor with palisade Juliette balcony.
- General conservation works to the façade with a new cream and deep red to highlight the façade ornamentation.

- Construction of a new Ground Floor commercial area with two level shop residence above each shop. Including:
  - Nib walls retained internally at Ground and First Floor to maintain an understanding of the original configuration of the terrace.
  - New staircase internally to provide access to the shop residence above.
  - Three new light wells with plantings at First Floor.
  - New Second Floor level with chamfered roof form with terrace set back approx. 3m from the Botany Road parapet.
  - Roofing to be corrugated metal. Rear elevation to be constructed with a face brick and vertically proportioned metal cladding at the upper level.
- New garage with media room above at Rawson Lane. Garage to have a face brick base with a vertically proportioned metal cladding at the upper level to match the materiality of the terrace.

## 5.2 Pre-Lodgment Consultation

The initial Lodgment of DA-2023/45 was refused by Council on part on heritage grounds (prior to Weir Phillips Heritage and Planning's involvement in the project). The design has undergone subsequent modification to retain more of the existing heritage fabric and undertake sympathetic modifications to the Ground Floor shopfront.

## 5.3 Method of Assessment

The following is a merit-based assessment. It does not consider compliance or otherwise with numerical controls unless non-compliance will result in an adverse heritage impact. Refer to the planning documents that accompany this application.

The proposal is assessed by consideration of:

- The relevant controls of the *Bayside Local Environmental Plan 2021*
- and the *Bayside DCP 2022*, in particular part 3.4 Heritage

with an understanding of the requirements for Statement of Heritage Impact provided by the Heritage NSW publication Statements of Heritage Impact (2023 update); and

## 6 EFFECT OF WORK

### 6.1 Effect of work on the item – discussion

The proposed works will have an acceptable impact on the item for the following reasons:

- The character of this section of Botany Road is changing. There are several buildings of a similar massing and scale within the immediate area, including the alteration and additions undertaken to No. 1021 Botany Road in 2015. These existing approvals have provided for the alteration to several of buildings of a similar age and integrity to the existing building on the site. Due to the scale and prominence of No. 1021 Botany Road at the intersection of Rawson Street and Botany Road, much of the development will not be highly visible from the surrounding area. Where visible it will read as a contemporary well-mannered addition to a Federation era shoptop terrace.
- The redevelopment of the Nos 1015-1019 Botany Road primarily maintains its commercial Ground Floor, with residential areas visible from Rawson Lane at the back. The front two rooms will preserve their original layout; even where new openings are made, parts of the old walls will remain to keep a sense of the original

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structure. The interior survey revealed limited significant fabric (see Appendix 1) remains, which is mostly in poor condition and of low integrity. The design of the interior has been revised to conserve as much of the original material and layout as possible, restoring any remnants where feasible.

- The modern unsympathetic alterations at the shopfront will be replaced with designs that reflect the building's original Ground Floor arrangement. Although no exact historical record of the building's original shopfront design exists, the design has been informed by extant Federation-era shopfront in the inner Sydney area. This includes the introduction of an "in-go" which provides a dual access to the shop residence at Level One and Ground Floor shop. The shopfront will be timber framed, with separate toplights above the plate glass shopfronts and wainscotting below the sill. These works will enhance the historic contribution of the site from Botany Road.
- The upper unsympathetic openings at First Floor facing Botany Road will be replaced with a more traditionally proportioned French door openings onto a Juliette balcony, which would have originally opened onto verandah that once wrapped around the building. The upper-level façade will be conserved and the colour updated to a Federation-era cream with deep red highlights to enhance its architectural detailing.
- The proposed Second Floor addition has been carefully designed to minimise visibility from Botany Road. In order to minimise the visibility of the addition, it has been set back from the parapet by approx. 3m. The roofline has been chamfered to further minimise visibility from Botany Road. In the 3D images produced by Katris Architects, the visibility of the addition from the opposite side of Botany Road and the Park is minimal.
- The inclusion of expressed fire dividing walls in each shop residence not only serves a practical safety function but is also contemporary interpretation of the historical terrace configuration. The expression of the dividing wall also retains an understanding of each individual terrace. The choice of corrugated metal for the roof cladding mirrors the original roofing material, for the terrace row and those adjoining.
- The rear building line of the addition aligns with 2015 addition to No. 2021 Botany Road. This ensures that from Rawson Street and Rawson Lane, the addition has no additional prominence than the terraces adjoining and also minimises the extent of overshadowing on this site. There will be no addition overshadowing to the remaining listed terraces to the north of the site.
- The design of the rear garages with media room above incorporates a robust visual and structural approach. By employing a brick base matched with vertical metal cladding at the upper levels, the addition echoes the material palette and construction methodology typical of the surrounding terraces.

While visible, the design of the new alterations and additions aligns with the mixed architectural context of the area, ensuring that the addition does not compromise the visibility or integrity of the existing ornate parapet when viewed from Botany Road. Restoration works to the primary elevation include the Ground Floor shopfront enhance



the significance of the item and ensure its long term viability as a historic representation of Mascot's early commercial precinct.

**6.2 Effect of Work on Heritage Items Within the Vicinity**

***Coronation Hall (1269) and Fire Station (1293)***

- The proposed works will have no impact on the fabric of these items and will not block significant view corridors to and from them. There will be no impact on the ability of the public to view and appreciate these items from the public domain.
- The proposed works are located to the south of the site and are sufficiently separated to have no visual impact.

The proposed works have the potential to impact on the setting of these items. The impact is acceptable for the following reasons:

- The site is separated from these two items by the remainder of the commercial building group and generally abuts the rear elevations of the items. The rear, less significant elevations largely screen the new proposal from the significant elevations of these items.
- The proposed building follows the front setbacks at ground and upper levels approved for the above sites and will not further narrow view corridors towards these items on approach.
- The proposed building is similar in form, massing, character and finishes to recent approvals in this section of Botany Road and will thus sit within the desired future character for this section of Botany Road suggested by recent Council approvals.

***Memorial Park (1262)***

This heritage listed park is located on the opposite side of Botany Road. The proposed works will have no impact on the fabric of the park and will not block view corridors to or from the park. There will be no impact on the ability of the public to view and appreciate the park from the public domain. Where visible from the park, the new addition to the Second Floor will read as a discreet contemporary addition set behind the parapet of the historic Federation era shop top terrace. The general appreciation of the park and its use will be unaffected by the proposed alterations and additions.

**6.3 Section 3.4.4 DCP 2024 - European Heritage Items**

Control	Response
C1. Any development application for works to a heritage item must be accompanied by a Heritage Impact Statement as required by the Bayside Local Environmental Plan 2020.	This report satisfies this requirement.
C2. Development of a heritage item must: a. protect the setting of the heritage item	a. The setting of the heritage item is largely commercial in this section of Botany Road will be retained as the ground floor use will be commercial. To the rear the "shop-top" residential will remain visible from Rawson Lane.

Control	Response
<ul style="list-style-type: none"> <li>b. retain the significant internal and external fabric and recycle, re-purpose and re-use fabric and building elements</li> <li>c. avoid 'facadism' by retaining all significant elements of the building including the structure, floor, roof, floor and wall framing, fittings and finishes, fabric and materials (including the interior when it is of significance)</li> <li>d. remove unsympathetic elements where they are directly affected by the development.</li> <li>e. reinstatement of missing building elements and details is encouraged but should be based on evidence and not conjecture.</li> <li>f. use materials, finishes and colours that are appropriate to the architecture, style and age of the heritage item</li> <li>g. reflect the dimensions, pattern and style of original window and door openings when creating new openings</li> <li>h. maintain and repair the building in order to keep the heritage item in good condition</li> </ul>	<ul style="list-style-type: none"> <li>b. The layout of the internal configuration of the front two rooms will remain visible as part of the construction. Where new openings in walls are implemented, nib walls are retained to maintain an understanding.</li> <li>c. The survey of the interior indicates that there is very limited fabric of significance internally, where original fabric remains it is in poor condition. Notwithstanding, the proposal seeks to retain as much internal fabric as possible by retaining an understanding of the original layout and restoring any remnant finishes.</li> <li>d. The proposal will remove the later shopfronts and install new sympathetic shopfronts with "in-goes" to better represent the original Ground floor configuration. The upper level window of No. 1019 Botany Road, will be adjusted to match the existing fenestration at Nos 1015 and 1017.</li> <li>e. While there is no documentary evidence of the original configuration of the building, the typology as a Federation era shoptop is extremely common in Sydney and the details can be surmised.</li> <li>f. Finishes to the Botany Road elevation utilise traditional finishes like timber framed fenestration and wainscotting beneath the shop windows. The existing colour scheme is to be updated to a sympathetic scheme which better highlights the façade detailing. The cream and deep red colour are Federation era colour schemes.</li> <li>g. The proposed new openings to the Botany Road elevation are informed by the historic proportion of the existing building.</li> <li>h. The proposed works include general conservation works of the building.</li> </ul>
<p>C3.</p>	<p>The proposed upper-level addition has been designed to follow the profile of</p>

Control	Response
The design and siting of new work must complement the form, orientation, scale and architectural style of the heritage item.	the fire separation of the terraces. It has been set back off the ornate parapet so it retains its prominence from Botany Road. The roof cladding is corrugated metal which is a historic profile for roof fabric. From the rear the proposed garages with media room above, will have a brick base and vertical metal cladding at the upper level. Each media room has an expressed fire dividing wall to follow the typology of the terraces behind.
C4. Encourage heritage items to be used for purposes that are appropriate to their heritage significance.	The proposed use with commercial at Ground Floor and Residential at the upper levels is consistent with the historic use of the site as a “shop-top” style building
C5. Adequate open space must be provided around the heritage item to maintain significant or historic public domain views to and from the heritage item.	The upper level setback with chamfered edge detail ensures the parapet detail retains its prominences from Botany Road and against the sky behind.
C6. Original or significant landscape features that are associated with the heritage item and/or contribute to the setting must be retained. Where it can be demonstrated that changes to significant elements of a heritage item are unavoidable, they must be reversible where possible.	There is no significant landscape features associated with the site.
C7. Development of a heritage item must seek to reconstruct missing architectural detailing where possible, including gables, joinery details, front verandas or bays. Verandas on the front and sides of a heritage item shall not be infilled.	The proposal will not reconstruct the first-floor balcony as the double height posted verandahs on major transport routes were removed and replaced with cantilevered balconies periodically due to traffic safety concerns. The French doors which originally led to the balconies will be retained at 1015 and 1017 with 1019 Botany Road being reinstated.  The proposal will reconstruct the shopfronts to a detail more commensurate to a Federation era shopfront with an “in-go” providing dual access to the shop and residence above.

Control	Response
<p>C8.                      Development of buildings which form part of group heritage items must ensure that the integrity of the group is retained. Alterations and additions should be located at the rear and designed such that the significant scale, form, features, and materials of the group are retained.</p>	<p>The proposed new additions have been positioned to the rear of the terraces and set back from the ornate parapet to ensure the prominence of the group of commercial terraces retains its significance from Botany Road. The proposed additions are comparable in scale to the additions to the site at 1021 Botany Road (corner) that occupies the most prominent position in the row.</p>
<p>C9.                      Alterations and additions must not adversely impact the significance of a heritage item and, where possible and appropriate, locate additions and alterations in the footprint of previous additions on the site and minimise their visibility and prominence from the street.</p>	<p>The proposed additions are set back to align with the rear boundary of the addition to 1021 Botany Road which had previously has had contemporary alterations and additions. The scale of this addition obscures almost all the bulk and scale of the proposal from the public domain.</p>
<p>C10.                      Maintain the integrity of the building form (including the roof form and profile) so that the original building is retained and can be clearly discerned, particularly when viewed from the public domain.</p>	<p>The most historically significant feature of the terrace row is the decorative parapet when viewed from Botany Road, the proposed new addition is a clearly contemporary introduction with the historic fabric clearly distinguishable from new.</p>
<p>C11.                      The height of an addition must not project above the main ridgeline of the heritage item.</p>	<p>The proposed addition does sit above the height of the original ridgeline of the terrace. The upper level has been designed in a manner so that while the addition is visible, it is visually recessive and clearly contemporary behind the parapet.</p>
<p>C12.                      Changes at the rear of heritage items are generally supported where new work does not impact on the heritage significance of the heritage item or alter its scale. Additions should be designed to be submissive in scale to the original building.</p>	<p>The rear of the item is of lesser significance due to the low integrity of this section of the commercial terraces. They do not form part of an intact row of terrace rear forms.</p>
<p>C13.                      Original shopfronts and awnings must be retained and must not be covered by solid roller doors or security screens.</p>	<p>Works will not have solid rollers doors or security screens.</p>

Control	Response
C14. Existing open first floor balconies shall not be enclosed.	There are no first floor balconies proposed to be enclosed.
C15. Original painted signs on walls shall not be painted over or damaged.	There are no remnant hand painted signs at the site.
C16. New commercial signage shall be sympathetic to the proportion and colour scheme of the façade. Neon signage, rooftop signage, signage to first floor facades and signage painted onto face brickwork is not permitted.	No signage is proposed as part of this application.
C17. Rear extensions shall not be visible from the street and dormer and roof windows are not permitted on roofs visible from the street.	See above.
Design and Materiality C19. Retain and conserve original materials and details. Original materials of heritage items must not be replaced with different materials.	The survey of the interior indicates that there is very limited fabric of significance internally, where original fabric remains it is in poor condition. Notwithstanding, the proposal seeks to retain as much internal fabric as possible by retaining an understanding of the original layout and restoring any remnant finishes.
C20. The original roof cladding of a heritage item (slate, tiles or corrugated iron) must not be changed if it is in good repair. Replacement of roof cladding must use the same materials as the original roof.	It is proposed to replace the existing corrugated metal roof with a contemporary corrugated metal roof for the new addition.
C21. The front façade of a heritage item is not to be rendered or painted unless paint is the original finish.	The existing finish is rendered brick, it is proposed to be repainted with a sympathetic colour scheme.
C22. External colour schemes must be sympathetic to the heritage item and based on historic research and paint scrapings (where appropriate).	The colour scheme has been informed by historic colour schemes for heritage listed shopfronts.

Control	Response
<p>C23.                      Original door and window openings are to be retained and repaired. If non-original doors or windows are to be replaced the new doors or windows must match the proportions and materials of the original.</p>	<p>Original door and windows are retained and repaired where remaining. New openings are based on the original proportions of the existing openings.</p>
<p>C24.                      Extensive areas of glazing visible from the public domain are not permitted unless this was a feature of the original design of the building.</p>	<p>No areas of the proposal have large areas of glazing.</p>
<p>C25.                      New skylights, air conditioners, solar panels, skylights and other infrastructure are to be located on roof planes facing away from the street and must not be visible from the public domain.</p>	<p>All infrastructure will be located on roof planes facing away from the street and must not be visible from the public domain.</p>
<p>Parking and Garages                      C33.                      Garages and carports are to be located at the rear or at a minimum of 3 metres behind the front building line of the existing house. If there are significant side windows the garage or car port must be set back behind these.</p>	<p>The site has secondary access from Rawson Lane, the proposed garage will be located to the rear.</p>
<p>C34.                      Where a property has access to a rear lane, vehicle accommodation is to be located adjacent to the laneway with vehicle access from the laneway.</p>	<p>The proposal complies with this control.</p>
<p>C35.                      Garages must be sympathetic and recessive to the front building line and proportionally less than the remaining front façade. They should be integrated with or hidden from the overall design of the building in terms of height, form, materials, detailing and colour. Roller doors are not permitted, garage doors are to be tilt or panel lift doors.</p>	<p>The proposed garage is located on Rawson Lane, away from the principal elevation at Botany Road. Setting the garage to the rear property boundary assists in better defining the lot boundaries of the site, which are currently obscured by the existing hard stand. The design adopts a Mansard roof typology for the media room above, to reduce the perception of the increase bulk in the laneway. The brick base of the garage is a traditional</p>



Control	Response
	material often associated with the rear laneway wall of historic properties.
Interiors C36 Minimise change to significant internal room layouts and finishes. Allow for reversibility of internal changes to significant areas where possible.	The survey of the interior indicates that there is very limited fabric of significance internally, where original fabric remains it is in poor condition. Notwithstanding, the proposal seeks to retain as much internal fabric as possible by retaining an understanding of the original layout and restoring any remnant finishes.
C37 Retain significant building entrances, hallways and foyers and internal features such as cornices, ornamentation, fireplaces, original flooring, plasterwork etc.	See above.
C38 Locate changes away from main rooms that have intact or significant internal features. New openings in internal walls must retain the structural integrity of the building and should retain significant ceilings and cornices. The ability to interpret original wall positions and room proportions is desirable.	The layout of the internal configuration of the front two rooms will remain visible as part of the construction. Where new openings in walls are implemented, nib walls are retained to maintain an understanding of the original configuration.

3.4.5 Development adjoining or in close proximity to Heritage Items

Control	Response
C1. New development in the vicinity of heritage items or heritage conservation areas must respect the significance of the heritage item, its built character and architectural significance with regard to the following: a. building envelope b. proportions c. setbacks d. scale e. material and colours	The proposed alterations and addition to the existing terraces will have an acceptable impact on heritage items in the vicinity of the site. The proposed addition which seeks to increase the height of the proposal will not overshadow the items to the north and is of similar scale to existing addition on these terraces.  The proposed additions are comparable in scale to the additions to the site at 1021 Botany Road (corner) that occupies the most prominent position in the row.

Control	Response
	Items further away will not be impacted by the proposed works as they are sufficiently separated from the site to have no physical or visual impact.
<p>C2</p> <p>Development in the vicinity of a heritage item or heritage conservation area must demonstrate that it:</p> <ul style="list-style-type: none"> <li>a. retains adequate space around the heritage item to enable its interpretation</li> <li>b. conserves significant landscape features including horticultural features, trees, rocky outcrops and outbuildings</li> <li>c. enables archaeological sites to be conserved in accordance with relevant approvals</li> <li>d. retains significant public domain views and lines of sight to the heritage item</li> </ul>	<ul style="list-style-type: none"> <li>a. The proposed setback from the parapet at Botany Road ensure that the new alterations and additions are visually recessive and do not interrupt any view corridors to or from those items in the vicinity.</li> <li>b. There are not significant landscape features associated with the site.</li> <li>c. there are no known archaeological sites associated with the site.</li> <li>d. Due to the recessive nature of the second floor addition, and scale of additions there will be no impact on views and site lines to heritage items.</li> </ul>

**7 CONCLUSION**

This SoHI has been prepared in conjunction with a Development Application for alterations and additions to Nos 1015-1019 Botany Road, Mascot. The site is part of a group heritage listing of commercial terraces fronting Botany Road. Externally, the key contributor to the significance of the site, is the ornate upper level parapet and plaster mouldings. The interior and rear of the terraces have low integrity and are in poor condition throughout.

The proposal aims to enhance the site's historic contribution to Botany Road by reinstating a characteristic Federation-era shopfront and restoring the retail commercial element at street level. The upper façade will retain and highlight the ornate plaster moulding of the "Pascoe Building," further strengthening the site's historic presentation along Botany Road.

Due to the scale and prominence of No. 1021 Botany Road at the intersection of Rawson Street and Botany Road, much of the upper-level development will not be visible from the surrounding area. In order to further minimise the visibility of the addition, it has been set back from the parapet by approximately 3m. The roofline has been chamfered to further reduce its visibility from Botany Road. Where visible it will read as a contemporary well-mannered addition to a Federation era shoptop terrace.

The design of the new alterations and additions align with the mixed architectural context of the area, ensuring that the addition does not compromise the visibility or integrity of the existing ornate parapet when viewed from Botany Road. Restoration works to the primary elevation include the Ground Floor shopfront enhance the significance of the item and ensure its long term viability as a historic representation of Mascot's early commercial precinct.

## 8 DOCUMENTARY EVIDENCE

### 8.1.1 General References

Butler, Mark, 'Botany,' *Dictionary of Sydney*, 2011,  
<http://dictionaryofsydney.org/entry/botany>.

Certificates of Title, Vol.7137 Fol. 117, Vol. 1464 Folio 110

Larcombe, F.A., *The History of Botany 1788-1970*, NSW, Council of the Municipality of Botany, 1970.

### 8.1.2 Historic Plans, Illustrations and Photographs

- Historic Land Records Viewer, Parish Map Botany, 1905
- Spatial Information Exchange, Aerial Photograph Over Botany, 1943

### 8.1.3 Heritage Listing Sheets

*Coronation Hall*, 1007 Botany Road, Mascot. State Heritage Inventory, Heritage Item No.: 1210032

*Commercial Building Group*, Nos.1009-1021 Botany Road, Mascot NSW State Heritage Inventory Listing Sheet No.: 1210033

*Memorial Park*, No. 814 Botany Road, Mascot NSW. State Heritage Inventory Listing Sheet No.: 1210071.




### 8.1.4 Planning Documents

- *Bayside Development Control Plan 2022*
- *Bayside Local Environmental Plan 2021*.

9 **APPENDIX 1 - LOCAL APPROVALS (2023) FABRIC SURVEY**

### 8.1 APPENDIX 2 – FABRIC ANALYSIS

The elements or components of a place make different relative contributions to the overall significance of that place. In this instance the listed item is the whole site, with *the Commercial Building Group* listing as being an element of local significance. The building is itself the combined value of its components. The following provides further definition and considerations for the existing built fabric of the building.

GRADE	CODE	SIGNIFICANCE
Grade: High		An element possessing a high degree of original fabric. Demonstrates a key attribute of the place’s original fabric, original character and significance. Changes to be avoided or minimized
Grade: Moderate		An altered or modified element still having significance, particularly as contribution to the overall significance of the place. Changes may be carefully undertaken.
Grade: Low		An element that makes a minor or no contribution to overall significance or is difficult to interpret. Either remove the element or improve the interpretation of the element and understanding of any significance attributed to the element.

*Proposed Alterations and Additions to existing shop top housing development  
1015, 1017, 1019 Botany Road, Mascot 2020*



Existing ground floor plan



Existing first floor plan



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## Bayside Local Planning Panel - Other Applications

12/11/2024

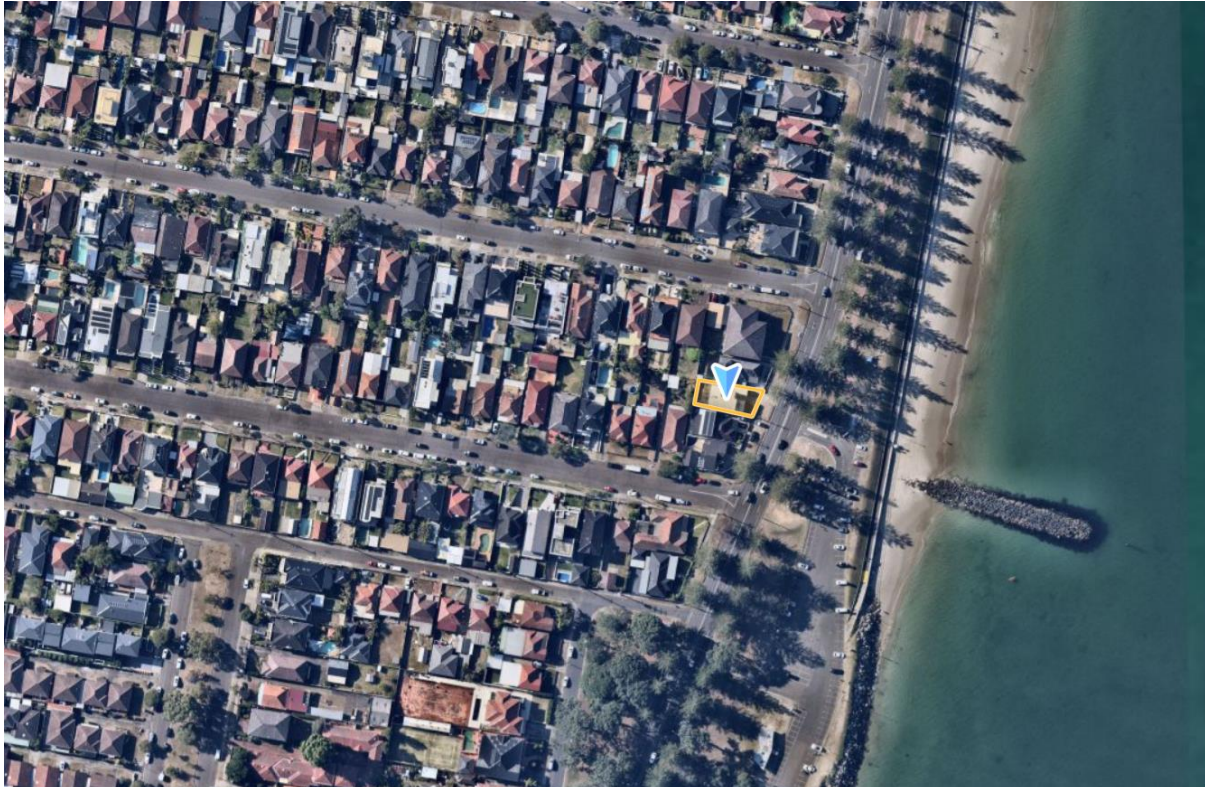
Item No	5.2
Application No	DA-2024/52
Property	<b>228 The Grand Parade, Monterey</b>
Application Type	Development Application
Proposal	Demolition of existing dwelling and construction of a two storey dwelling house including basement garage and rooftop terrace with swimming pool
Owner	S Abboud
Applicant	Gorgi Gulevski
Ward	Ward 5
Lodgement Date	8/03/2024
No. of Submissions	One submission
Cost of Development	\$1,393,540
Reason Criteria	Departure from standards
Report by	Peter Barber, Director City Futures

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### Officer Recommendation

1. That the Bayside Local Planning Panel is satisfied that the applicant's written request to contravene Section 4.3 Height of Building Development Standard of the Bayside Local Environmental Plan 2021 has adequately addressed the matters required to be demonstrated by Section 4.6 of that Plan.
  2. That the Bayside Local Planning Panel, exercising the functions of Council as the consent authority pursuant to s4.16 and s4.17 of the *Environmental Planning and Assessment Act 1979*, determine Development Application DA-2024/52 for the demolition of existing dwelling and construction of two storey dwelling house including basement garage and rooftop terrace with swimming pool at 228 The Grand Parade, MONTEREY NSW 2217 by GRANTING CONSENT subject to the recommended conditions of consent attached to this report.
  3. That the submitter is to be notified of the Panel's decision.
-

## Location Plan



## Attachments

- 1 [↓](#) Planning Assessment Report DA-2024/52 - 228 The Grand Parade, Monterey
- 2 [↓](#) Draft Notice of Determination DA-2024/52 - 228 The Grand Parade, Monterey
- 3 [↓](#) CI 4.6 Written Request
- 4 [↓](#) Statement of Environmental Effects
- 5 [↓](#) Site and Landscape Plan
- 6 [↓](#) Basement Plan
- 7 [↓](#) Proposed Roof Terrace Plan
- 8 [↓](#) Eastern and Western Elevations
- 9 [↓](#) Southern and Northern Elevations
- 10 [↓](#) Section AA
- 11 [↓](#) Section BB

# BAYSIDE COUNCIL

## Planning Assessment Report



### Application Details

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<b>Application Number:</b>	DA-2024/52 – PAN-367033
<b>Date of Receipt:</b>	8 March 2024
<b>Property:</b>	228 The Grand Parade, MONTEREY NSW 2217 Lot 1 DP 1134994
<b>Owner:</b>	S Abboud
<b>Applicant:</b>	George Banks Architecture
<b>Proposal:</b>	Demolition of existing dwelling and construction of two storey dwelling house including basement garage and rooftop terrace with swimming pool
<b>Recommendation:</b>	Approval
<b>No. of submissions:</b>	One submission
<b>Author:</b>	Reanne Salame
<b>Date of Report:</b>	21 October 2024

### Key Issues

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The key issues identified in the assessment of the development application relate to:

- Variation to maximum building height

The proposed 9.76m height exceeds the 8.5m development standard set by s4.3 of the Bayside Local Environmental Plan 2021 by 1.26m or 14.8%. A s4.6 written request to vary the development standard has been submitted and is supported.

- Floor Space Ratio

The subject site is located within AREA 15, with a total site area of 351.4 sqm, resulting in a maximum Floor Space Ratio (FSR) of 0.55:1 (243.2sqm). The proposal has been amended to comply with the development standard.

- Roof Top Terrace

A condition to minimise the bulk and scale of the proposed roof top terrace has been imposed within the consent.

The condition specifies that no portion of the trafficable enclosed area may be roofed or enclosed, requires a minimum side setback of 1.5 metres from the building edge, and limits the trafficable area to a maximum of 24 square metres.

The development application ("DA") has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979* ("the Act") and is recommended for approval, subject to conditions of consent.

The officers involved in writing and authorising this report declare, to the best of their knowledge, that they have no interest, pecuniary or otherwise, in this application or persons associated with it and have provided an impartial assessment.

## Recommendation

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1. That the Bayside Local Planning Panel is satisfied that the applicant's written request to contravene Section 4.3 Height of Building Development Standard of the Bayside Local Environmental Plan 2021 has adequately addressed the matters required to be demonstrated by Section 4.6 of that Plan.
2. That the Bayside Local Planning Panel, exercising the functions of Council as the consent authority pursuant to s4.16 and s4.17 of the *Environmental Planning and Assessment Act 1979*, determine Development Application DA-2024/52 for the demolition of existing dwelling and construction of two storey dwelling house including basement garage and rooftop terrace with swimming pool at 228 The Grand Parade, MONTEREY NSW 2217 by GRANTING CONSENT subject to the recommended conditions of consent attached to this report.
3. That the submitter be notified of the Panel's decision.

## Background

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### History

The following applications have previously been considered by Council in relation to the subject site:

- DA- 2003/47 – Alterations and first floor addition to dwelling and new carport was approved on 15 October 2002.
- DA – 2003/919 – Inground Swimming Pool was approved on 2 May 2003.

The history of the subject application is summarised as follows:

- 8 March 2024 - The DA was lodged with Council.
- 11 March 2024 – DA was referred internally to Development Engineer for assessment.
- 11 March 2024 – DA was referred to TfNSW for assessment.
- 15 March 2024 – 29 March 2024 – DA was notified.
- 22 March 2024 – Site Inspection.
- 6 May 2024 – Referral response received internally from Development Engineer

requesting further information

- 16 May 2024 – Referral response received from TfNSW advising of support with conditions.
- 18 June 2024 – Request for Further Information sent to applicant via Planning Portal.
- 2 July 2024 – Further information received from applicant.
- 7 August 2024 – Final assessment by Development Engineers supporting proposal with conditions.

## Proposal

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The proposed development is summarised as follows:

### Demolition

- Removal of existing two storey brick dwelling including driveway leading to The Grand Parade.

### Construction

#### Basement

- Two parking spaces
- Storage
- Lift Access

#### Ground Floor

- Front porch
- Bedroom 1
- Bedroom 2 with ensuite and WIR
- Bathroom and Laundry
- Rear alfresco
- staircase
- Lift Access

#### First Floor

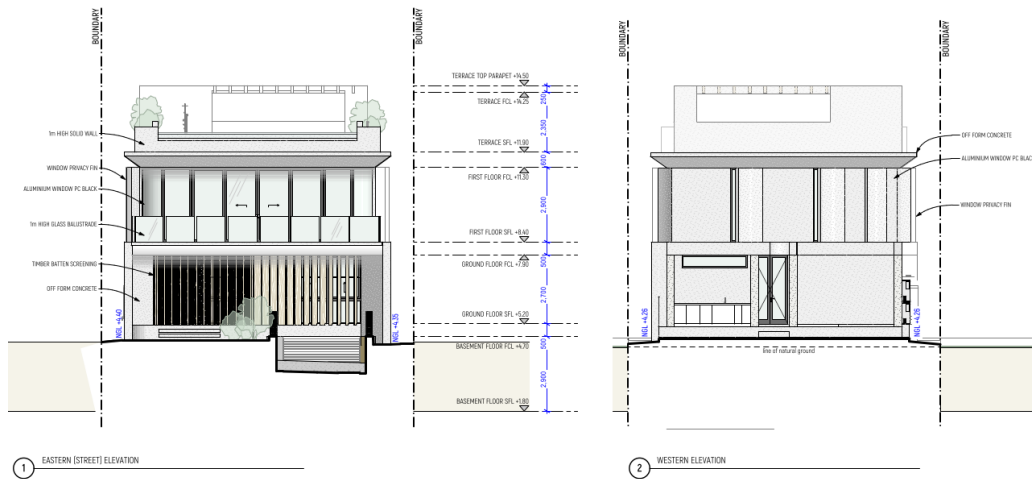
- Open kitchen dining and living space with front balcony facing The Grand Parade
- Bedroom 3 with ensuite
- Shared bathroom
- Lift Access
- Void and staircase

#### Rooftop Terrace

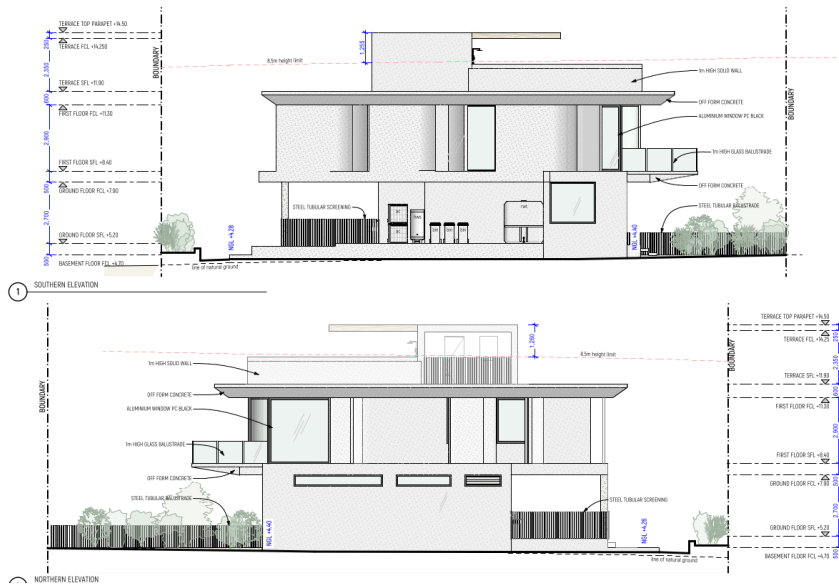
- Terrace and Deck
- Swimming pool
- Storage for pool pumps
- Lift Access

Landscaping

- New landscaping



**Figure 1: Proposed front and rear elevation**



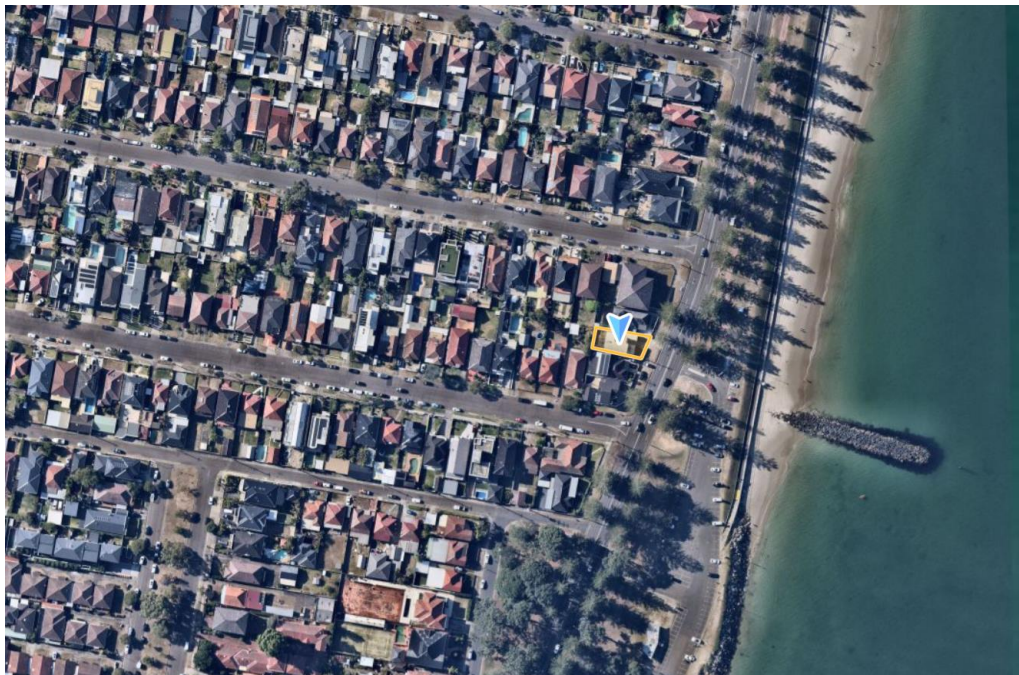
**Figure 2: Proposed Side Elevations**

**Site Location and Context**



The subject site is legally identified as Lot 1 DP 1134994 and is known 228 The Grand Parade, Monterey. The site is irregular in shape with a front boundary width of 12.49 metres and a rear boundary width of 12.19 metres. The northern side boundary is 30.215 metres deep, and the southern side boundary is 27.445 metres deep. The site has sole frontage to The Grand Parade. The total site area is 351.4sqm. The topography of the site is relatively flat, slopes to the rear approximately 300mm.

The subject site contains a two-storey dwelling house and in-ground swimming pool at the rear of the dwelling. The site is located on the western side of The Grand Parade between Culver Street and Hollywood Street. Adjoining development to the sides includes two storey dwellings on each of the properties. There is a mix of one storey and two storey residential buildings within proximity to the subject property.



**Figure 3:** Aerial Image of subject site

## Statutory Considerations

### ***Environmental Planning and Assessment Act, 1979***

An assessment of the application has been undertaken pursuant to the provisions of the *Environmental Planning and Assessment Act, 1979* ("the Act").

#### **S4.15 (1) - Matters for Consideration - General**

#### **S4.15 (1)(a)(i) - Provisions of Environmental Planning Instruments**

The following Environmental Planning Instruments are relevant to this application:

## State Environmental Planning Policies

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### State Environmental Planning Policy (Sustainable Buildings) 2022

The applicant has submitted a BASIX Certificate for the proposed development, being Certificate number 1404861S.

Commitments made within BASIX certificates result in reductions in energy and water consumption on site post construction. A condition has been recommended to ensure that the stipulated requirements are adhered to. The proposal is satisfactory in this regard.

### State Environmental Planning Policy (Transport and Infrastructure) 2021

#### Division 17 / Subdivision 2 – Clause 2.119 - Development with frontage to classified road

The proposed development is located on land with a frontage to a classified road (i.e. The Grand Parade). In this regard, Clause 2.119 - Development with frontage to a classified road of the SEPP must be considered before consent can be granted.

The proposed development involves access to and from the site via a driveway from The Grand Parade. As such, the application was referred to TfNSW for comment. In a letter dated 16 May 2024, TfNSW have provided approval for the proposed access with conditions to be imposed on any consent granted.

The proposal satisfies Clause 2.119 of the SEPP, noting the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the proposed development as a result of the design of the vehicular access, the emission of smoke or dust from the development, or the nature, volume and frequency of vehicles using the classified road to gain access to the land.

### State Environmental Planning Policy (Resilience and Hazards) 2021

#### Chapter 2 - Coastal environment area

The subject site is mapped as coastal environment and as such meets the definition of 'coastal area' under Chapter 2. Development consent must not be granted to development that is on land within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impacts on the following:

*(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*

Comment: The proposed new dwelling will not adversely impact on the ecological environment of the coastal area. The proposal incorporates fully tanked basement and on site detention tank for appropriate stormwater management. As such, it is unlikely the proposal to ensure consistency with Section 6.3 of Bayside LEP 2021 and therefore the proposal will not cause an adverse impact on the biophysical, hydrological and ecological environment.

*(b) coastal environmental values and natural coastal processes,*

Comment: The subject site whilst located within the coastal environment zone does not extend beyond The Grand Parade and therefore the proposed built form elements will not adversely impact on any natural coastal processes or any coastal environmental values.

*(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*

Comment: The coastal area is not within any marine estate coastal lakes.

*(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*

Comment: The proposal does not seek to remove any native vegetation from the site or the public domain.

*(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*

Comment: The site is adjacent to Cook Park which forms a larger waterfront public reserve area within the Coastal environment area. The proposal does not impact on access to the reserve.

*(f) Aboriginal cultural heritage, practices and places,*

Comment: The proposal does not adversely impact on any aboriginal cultural heritage practice or places. A condition will be imposed on any consent granted to ensure notification of any unexpected finds during construction.

*(g) the use of the surf zone.*

Comment: The proposed dwelling will not adversely impact on the use of the surf zone.

*(2) Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied that—*

*(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or*

*(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*

*(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Comment: The proposal is sited in a similar position to the existing dwelling, although containing a basement and larger footprint and the proposed driveway is also in the same location as the existing driveway. Council has considered, and is satisfied with, all parts of this section to grant approval to the proposal.

#### **Chapter 4 – Remediation of Land**

The provisions of Chapter 4 of the SEPP have been considered in the assessment of the proposal. Subsection 4.6 of the SEPP requires Council to be satisfied that the site is, or can be made, suitable for its intended use at the time of determination of an application.

The site appears to have been continuously used for residential purposes. The adjoining and adjacent properties are currently used for residential purposes. The site and surrounding land were not previously zoned for purposes identified under Table 1 of the contaminated land-planning guideline to the SEPP, in particular industrial, agricultural or defence uses. There is no significant excavation proposed.

On the above basis, the site is considered suitable in its present state for the proposed residential dwelling development. No further investigations of contamination are considered necessary. The proposal satisfies the requirements of Subsection 4.6 of the SEPP.

### State Environmental Planning Policy (Biodiversity and Conservation) 2021

#### Chapter 2 Vegetation in non-rural areas

This Chapter applies to non-rural areas of the State, including the Bayside local government area and aims to (a) *protect the biodiversity values of trees and other vegetation in non-rural areas of the State*, and (b) *preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation*.

The proposed works do not involve the removal of vegetation requiring approval. In this respect, the proposal (as amended) aligns with the general provisions under Chapter 2.

### Bayside Local Environmental Plan 2021

The following table outlines the relevant Sections of Bayside Local Environmental Plan 2021 (“the LEP”) applicable to the proposal, while aspects warranting further discussion follows:

Relevant Sections	Compliance with Objectives	Compliance with Standard / Provision
2.3 R2 Low Density Residential Zone and Zone Objectives	Yes - see discussion	Not Applicable
2.7 Demolition requires consent	Yes - see discussion	Yes - see discussion
4.3 Height of buildings	Yes - see discussion	No – S4.6 Written Request submitted
4.3A Exception to Height of buildings	Yes - see discussion	No - see discussion
4.4 Floor space ratio (“FSR”)	Yes - see discussion	Yes - see discussion
4.6 Exceptions to development standards	Yes - see discussion	No - see discussion
5.10 Heritage		
6.1 Acid Sulfate Soil Class 2	Yes - see discussion	Yes - see discussion
6.2 Earthworks	Yes - see discussion	Yes - see discussion
6.3 Stormwater and water sensitive urban design	Yes - see discussion	Yes - see discussion

### **2.3 - Zone**

The subject site is zoned R2 Low Density Residential under the provisions of LEP. The proposal is defined as a dwelling house which constitutes a permissible development only with development consent. The objectives of the zone are:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure land uses are carried out in a context and setting that minimises impact on the character and amenity of the area.
- To enable residential development in accessible locations to maximise public transport patronage and encourage walking and cycling.

The proposed development satisfies the objectives of the zone.

### **4.3 - Height of Buildings**

A maximum height standard of 8.5 metres applies to the subject site.

The proposal has a maximum height of 9.76 metres which does not comply with the provisions of this clause. This is a height exceedance of 1.26 metres and results in a variation of 14.8%. The non-compliance is discussed in Clause 4.6 – Exceptions to Development Standards below.

### **4.4 – Floor Space Ratio**

The site falls within a special area – Area 15 allowing a maximum FSR standard of 0.55:1 (GFA of 193.27sqm) applies to the subject site and proposal.

The proposal (*as amended*) has a maximum GFA of 192.1sqm and equates to an FSR of 0.54:1 which complies with the provisions and objectives of this clause.

#### **Breakdown of Calculations**

**Basement:** no GFA  
**Ground Floor:** 84.6sqm  
**First Floor:** 107.5sqm  
**Terrace:** no GFA

**Total GFA:** 192.1sqm (FSR 0.54:1)

### **4.6 - Exceptions to Development Standards**

Clause 4.6 of the LEP allows a variation to a development standard subject to a written request by the applicant justifying the variation by demonstrating:

*Section (3)(a)- that compliance with the standard is unreasonable or unnecessary in the circumstances of the case, and*

*Section (3)(b)- that there are sufficient environmental planning grounds to justify the variation.*

In considering the applicant's submission, the consent authority must be satisfied that:

- i. Section 4(a)(1)- the applicant's written request is satisfactory in regards to addressing subsection (3) above, and
- ii. Section 4(a)(ii)- the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives of the relevant zone.
- iii. Section 5(a)- The consent authority must also consider whether contravention of the development standard raises any matter of significance for State or Regional environmental planning, and
- iv. Section 5(b)- the public benefit of maintaining the development standard.

The assessment of Clause 4.6 below has been undertaken in accordance with the principles established by the Chief Judge in ***Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*** where it was observed that:

- in order for there to be 'sufficient' environmental planning grounds to justify a written request under section 4.6, the focus must be on the aspect or element of the development that contravenes the development standard and the environmental planning grounds advanced in the written request must justify contravening the development standard, not simply promote the benefits of carrying out the development as a whole; and
- there is no basis in Section 4.6 to establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development.

### **Height of Buildings**

The applicant is seeking to contravene the Building Height development standard by 1.26 meters which equates to a 14.8% variation. A contravention request in accordance with Clause 4.6 of the LEP, seeking to justify the proposed contravention, has been prepared by George Banks Architecture.

The applicant's Clause 4.6 contravention request argues that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case there to support the non-compliant Building Height. These components are summarised below, with the assessing officer's response provided:

#### ***Section 4.6(3)(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case,***

##### Applicant Comments/Arguments (summarised):

The applicant seeks a variation to the development standards outlined in the Local Environmental Plan (LEP) regarding the proposed building height. The argument for this variation is grounded in several key points, supported by both the LEP and relevant planning guidelines.

- Aligns with the relevant objectives of the LEP development standard.
- Demonstrates that strict adherence to the development standard is unnecessary and unreasonable in this context.
- Does not present any significant issues concerning state and regional planning or public benefit.



Further to the above, the applicant demonstrates that the proposed variation to the building height is justifiable under the LEP's merit assessment framework. The development is consistent with the relevant performance standards, does not raise significant concerns for State or regional planning, and aligns with the desired future character of the locality. Therefore, the applicant contends that the development should receive council support.

Officer Comment:

The applicant has places emphasis on satisfying the objectives of the development standard as achieved notwithstanding non-compliance with the standard, and this is agreed with:

The objectives of the Height standard are as follows:

- *To ensure that building height is consistent with the desired future character of the area,*
- *To minimise visual impact of new development, disruption of views, loss of privacy and loss of solar access to existing development,*
- *To nominate heights that will provide an appropriate transition in built form and land use intensity.*

*The proposal is considered consistent with the objectives of the development standard, notwithstanding the non-compliance, because it is not visually dominant or at odds with the general character of the area.*

*The non-compliance is for a minor part of the building only, being the enclosure for the lift to access the roof terrace and storage room for pool equipment, with a 1m high solid wall and planter boxes wholly below the maximum 8.5m building height.*

*The area of non-compliance is setback from the building edge and not a significant structure when viewed from the street as shown in the 3D images provided by the applicant.*



The immediate area comprises two (2) examples of rooftop terraces (within the Councils records) exceeding the height standard. Councils' records indicate that the majority of these are the result of applications determined prior to the commencement of the BLEP and its

predecessor, the Rockdale Local Environmental Plan 2011 (RLEP). All roof terraces were approved prior to the commencement of the Bayside Development Control Plan 2022 (BDCP). The most recent example being 188 The Grand Parade, Monterey breached the maximum permissible height of 8.5m under s4.3 of the BLEP (2021) by 0.8 metres or 9.4% and was supported based on unreasonable or unnecessary in the circumstances of the case. Contextually, the proposal is commensurate regarding bulk, scale and measurable amenity impacts.

Two (2) examples of Roof Top Terraces exceeding the height standard:

- 188 The Grand Parade, Monterey – DA-2023/57 – Approved height: 9.3m
- 289 The Grand Parade, Sans Souci – DA-2009/170/B – Approved height: 10.75m

Further to the above, a condition to minimise the bulk and scale of the proposed roof top terrace has been imposed within the consent.

The condition specifies that no portion of the trafficable enclosed area may be roofed or enclosed, requires a minimum side setback of 1.5 metres from the building edge, and limits the trafficable area to a maximum of 24 square metres.

***Section 4.6(3)(b)- Are there sufficient environmental planning grounds to justify contravening the development standard?***

Applicant Comments/Arguments (summarised):

- The rooftop enclosure has been designed to be minimal and not excessive in appearance, mitigating size and scale while providing appropriate access to the rooftop terrace.
- The shadow diagrams demonstrate that the additional overshadowing impact from the rooftop enclosure and 1m high planter boxes/solid walls are minimal and that the development site and adjoining properties will not be impacted significantly by overshadowing.
- Due to the positioning of the proposal, the rooftop enclosure is not considered to be dominating to the public domain.
- The height breach does not result in any view loss.
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Officer Comment:

The proposal is commensurate with existing rooftop terrace examples along The Grand Parade and reinforces the existing and emerging character of the area. The area of non-compliance relates only to the lift required to access the terrace and pool equipment storage area for the rooftop swimming pool. A further demonstration of general BDCP satisfaction is that the proposed rooftop enclosure does not extend further into the site than the maximum 70% sought by Control 10 of Part 5.2.3.3 of the BDCP.

Conclusion – Height Variation

As the proposal is consistent with the objectives of the height development standard being contravened, and demonstrates sufficient environmental planning grounds, the consent authority can reasonably conclude that the proposal satisfies the matters for consideration under Clause 4.6(3) of the BLEP. The proposed variation to the height is therefore supported in this case.

**5.10 – Heritage**

The subject site is located within proximity to Heritage items No. I219 being Cook Park and I223 being a row of Araucaria trees which are located along The Grand Parade. The proposal seeks to rebuild a two-storey dwelling with a rooftop terrace and therefore will not impact on the heritage significance of Cook Park or the adjoining heritage trees along The Grand Parade.

Following the above, the proposed development (as amended) will pose minimal impacts to the existing heritage items located in close vicinity to the subject site and is therefore satisfactory under Part 3.4 of the BDCP2022.

#### **5.21 – Flood Planning**

Council's records indicate that the lot is not subject to flooding in a 1% AEP event.

The application has been reviewed by Council's Development Engineer who advised that the floor levels are acceptable. In this regard, the proposal aligns with the objectives under S5.21 of the BLEP 2021 and is acceptable.

#### **6.1 – Acid Sulfate Soils**

Acid Sulfate Soils (ASS) – Class 4 affect the property by the LEP mapping. Development Consent is required as the proposal involves works to construct a basement below ground level to RL 1.5m.

As identified with respect to ASS Class 4 under the BLEP2021:

*Works more than 2 metres below the natural ground surface.  
Works by which the watertable is likely to be lowered more than 2 metre below the natural ground surface.*

The proposal involves excavation below natural ground level to accommodate footings for the basement.

The key issue for the subject site is that natural ground level is 4.27m AHD, so the site is situated in a low lying area. With the basement construction to a depth of 1.5m AHD, the proposed works result in excavation to a level below 2m AHD.

On this basis, the application has been accompanied by an Acid Sulfate Soils Assessment prepared by JL Geotechnical, Ref 2324006E. A review of the submitted Geotechnical Report revealed that 2 borehole samples were analysed for Actual Acid Sulfate soils and results returned by S 4 and S5 do not indicate the presence of actual sulfidic acidity underneath the site. Potential Acid Sulfate Soil was detected in both boreholes at levels below the action criteria.

Given the above findings, an Acid Sulfate Soils Management Plan is not warranted in this instance and the proposal is acceptable in the context of the LEP section.

The proposal is consistent with the objectives and requirements of Section 6.1, subject to the recommended conditions of consent to be imposed in the draft notice of determination.

#### **6.3 – Stormwater and WSUD**

The development (as amended) proposes an on-site detention system (OSD) / 9,500L rainwater tank via a charged system to connect to the kerb which is to be located at the rear of the site. Amended stormwater plans (Revision B) were submitted with the application and were prepared by AL Consulting Engineers and dated 26/06/2024.

The application (as amended) was reviewed by Council’s Development Engineer who had no objections to the proposal subject to conditions which have been included in the recommended conditions.

**S4.15(1)(a)(ii) - Provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority**

There are no draft environmental planning instruments of direct relevance to the proposal.

**S4.15 (1)(a)(iii) - Provisions of any Development Control Plan**

The following Development Control Plan is relevant to this application:

**Bayside Development Control Plan 2022**

The application is subject to the Bayside Development Control Plan 2022 (“the DCP”). This is the comprehensive DCP relevant to the proposal. The following table outlines the relevant Parts of the DCP applicable to the proposal, while aspects warranting further discussion follows:

Relevant Parts	Compliance with Objectives	Compliance with Standard / Provision
<b>PART 3 – GENERAL DEVELOPMENT PROVISIONS</b>		
3.1 Site Analysis and Locality	Yes	Yes
3.4 Heritage (adjacent to Items I223 and I219)	Yes - see discussion	Yes - see discussion
3.5 Transport, Parking and Access	Yes - see discussion	Yes - see discussion
3.7 Landscaping, Private Open Space and Biodiversity	Yes - see discussion	Yes - see discussion
3.8 Tree Preservation and Vegetation Management	Yes - see discussion	Yes - see discussion
3.9 Stormwater Management and WSUD	Yes - see discussion	Yes - see discussion
3.12 Waste Minimisation and Site Facilities	Yes - see discussion	Yes - see discussion
<b>PART 5 – RESIDENTIAL AND MIXED USE DEVELOPMENTS</b>		
5.1.3 Pools and Spas	Yes - see discussion	Yes - see discussion
5.2.1 Low Density Residential	Yes - see discussion	Yes - see discussion

**PART 3 – GENERAL DEVELOPMENT CONTROLS**

**Part 3.4 – Heritage**

An assessment against heritage impacts been discussed in response to Section 5.10 of the LEP, in the previous section of this report.

### **Part 3.5 – Transport, Parking and Access**

The design and location of the parking facilities and pedestrian access on the site is acceptable having regard to the nature of the site. The proposal includes a basement level to provide car parking on site, with a turning table to allow the forward entry and exit of vehicles.

Table 3 of the DCP stipulates the parking required based on the proposed use. The proposed dwelling house generates a requirement for two (2) car spaces. The basement allows for two (2) car spaces, which can enter and exit in a forward direction via the turning table, which complies with the provisions of this section. The spaces are compliant with the relevant Australian Standard.

The driveway, headroom clearance to basement and relevant driveway profile and crest details has been provided for assessment. Council's Development Engineer has reviewed the documentation, and subject to relevant conditions imposed, is satisfied the relevant provisions have been addressed.

The proposal satisfies the transport, access and parking requirements of the DCP.

### **Part 3.7 and 3.8 – Landscaping, Private Open Space, Biodiversity and Tree/Vegetation Management**

The proposed use generates a required landscaped area of 25% (87.85m<sup>2</sup>) of the site area. The proposal exceeds this control, with 32.5% (114.5m<sup>2</sup>) of the site being landscaped area. This includes areas of soft turfed area, hedging, and tree planting.

The Landscape Plan indicates areas of planting, permeable paving, and soft landscaping. There are three (3) site trees proposed, with two in the rear and one in the front setback. Council's Tree Management Officer has recommended conditions be imposed, which have been included in the recommended conditions of consent.

#### Private Open Space

This section requires a dwelling house to provide minimum 50m<sup>2</sup> of private open space for the residents. The proposal is calculated to significantly exceed this requirement, with the rear landscaped area covering 36m<sup>2</sup>, and the rear alfresco being 40m<sup>2</sup>. Additionally, the roof terrace has trafficable area of 24m<sup>2</sup> and access to swimming pool.

The proposal is satisfactory in regard to the objectives and provisions of Parts 3.7 and 3.8 of the DCP, subject to recommended conditions.

### **Part 3.9 – Stormwater Management and WSUD**

An assessment against stormwater management has been discussed in response to Section 6.3 of the LEP, in the previous section of this report.

### **Part 3.12 – Waste Minimisation and Management**

A Waste Minimisation and Management Plan prepared by George Banks Architecture dated 1 August 2023 was submitted with the application listing methods for minimising and managing construction and ongoing waste on site. Notwithstanding, relevant conditions are included to ensure excavated materials are disposed of in accordance with relevant standards and requirements for sites with potential contamination affectation.

## **PART 5 – RESIDENTIAL AND MIXED-USE DEVELOPMENTS**

### **5.1.3 - Swimming Pools, Spa Pools, and Child-Resistant Barriers**

The proposal includes the provision of a swimming pool with associated spa and an adjoining infinity edge element within the rooftop.

**Swimming Pool:** 2.7m (W) x 5.9m (L) x **1.1m (depth)**

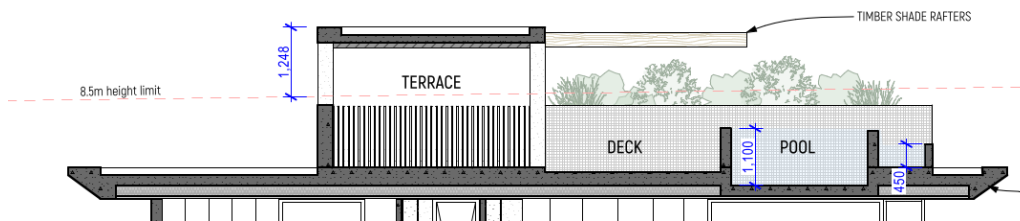
**Spa:** 2.7m (W) x 2.1m (L) x 1.1m (depth)

**Infinity Edge:** 0.9m (W) x 8m (L) x **0.45 (depth)**

The proposed swimming pool/spa complies with the relevant DCP controls. The objective of these controls is:

*To locate, design and operate swimming pools to respond to site features, reduce water consumption and enhance the amenity of residents on and adjoining the site.*

The proposal is consistent with this objective because the proposal ensures that swimming pool/spa locations do not interfere with site conditions or constraints. Whilst the DCP controls indicate swimming pool to be located at ground level, the provision at the rooftop level is a better outcome for the site to ensure deep soil landscaped requirements are satisfied, therefore acceptable in this instance. Notwithstanding, relevant conditions are included to ensure the swimming pool/spa complies with the Swimming Pool Act and any other relevant provisions.



**Figure 4:** Section of Roof Top Terrace



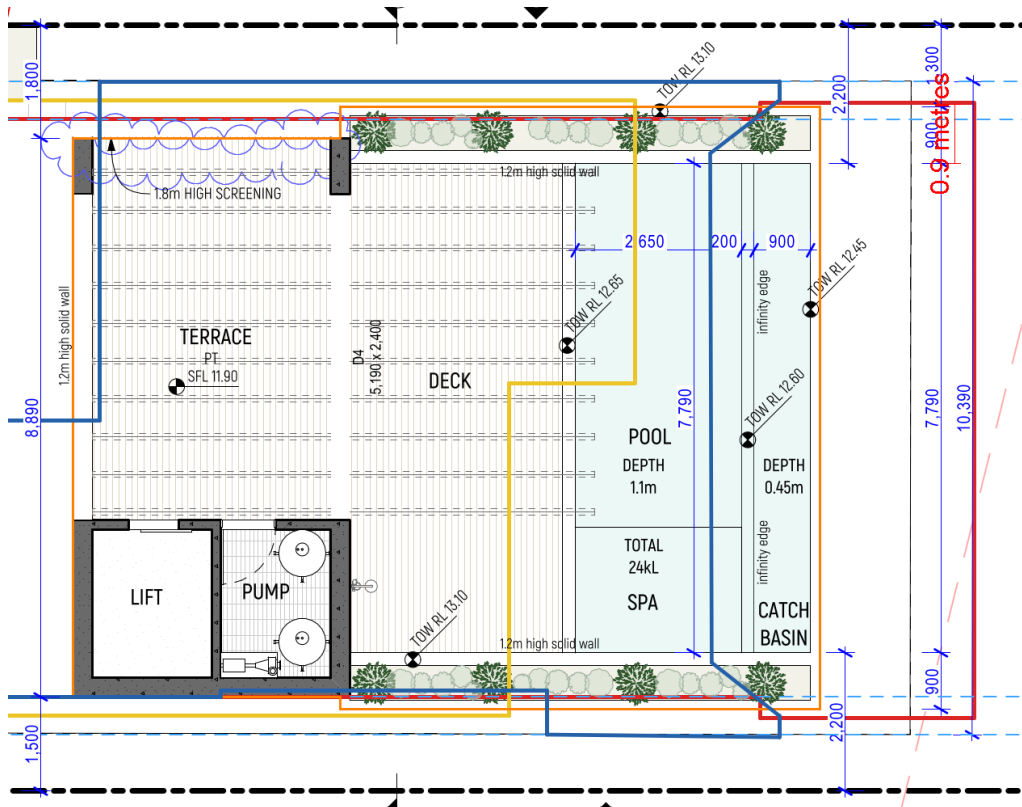


Figure 5: Proposed Roof Top Terrace Floor Plan

**5.2.1 - Low-density residential (dwellings, dual occupancy, semi-detached dwellings)**

**5.2.1.1 - Streetscape, Local Character and Quality of Design**

The proposal provides a modern contemporary approach to the building design and appropriately considers the prevailing architectural colours, features and materials found within the existing streetscape. The immediate site context is predominantly made up of single and two storey dwellings. With more modern development emerging within the immediate site context, the character appears to be changing. Predominantly it is noted that the façade of dwellings is either white with a render or cladding finish, or brown face brick. The roof forms for the more traditional dwelling houses have a pitched hipped terracotta tiled roof, while the more modern developments incorporate flat roof forms, or horizontal parapet elements. The prevailing colours of white and brown are established within the street. The front setback areas generally contain soft landscaping and tree planting, with low height open form fencing.



**Figure 6:** Proposed Front Elevation

The proposal includes a modern flat roof form, with distinct horizontal framing elements and parapets, and vertical slat elements to the fencing. The materials proposed on the exterior walls add interest and articulate the façade. The architectural colours, materials and features are considered to compliment the dwelling. Whilst the design is modern in comparison to some of the dwellings within the street, the design provides suitable compatibility with the prevailing elements within the street. The general built form of development is contextually appropriate and has a reasonably compact site coverage. The bulk and scale are considered suitable for the site.

The front facing elevation to the east ensures good passive surveillance is maintained, whilst providing reasonable privacy to residents. The window and balcony are open form, and clearly differentiate between private and public spaces. There are clear pedestrian entry walkways to the dwelling, and good amenity provided to residents within foyer/entry areas.

Having regard to the above, it is reasonable to conclude the proposal is consistent with the objectives and controls relating to building design, materials and finishes.

#### **5.2.1.2 - Built Form Controls**

The proposed dwelling is two storeys with an additional roof terrace.

##### Building Length

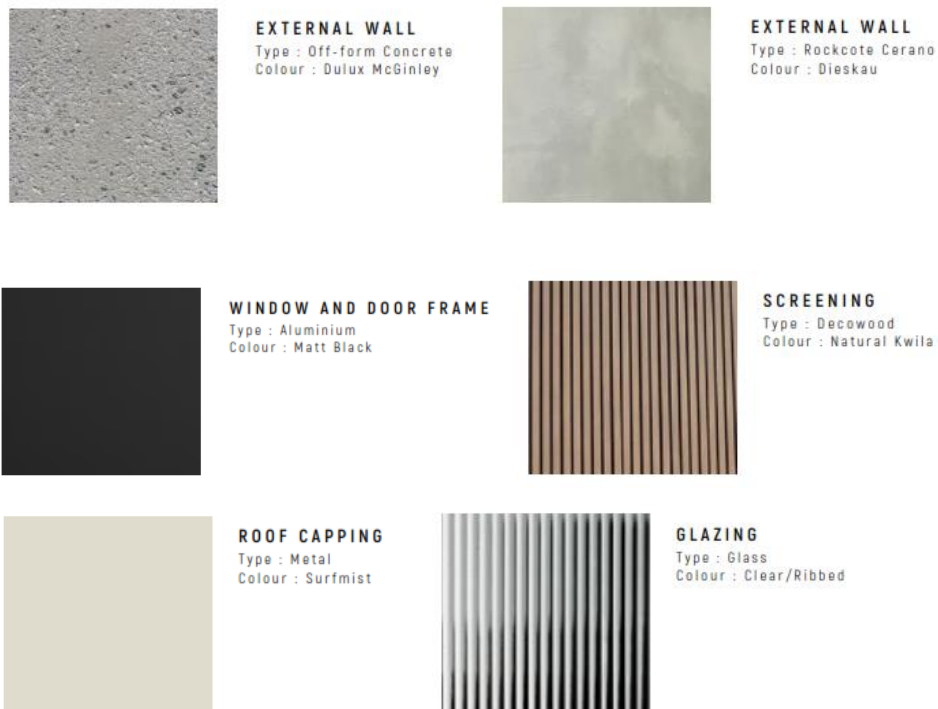
The maximum building length should not exceed 70% of the site. 70% of the site's length is 19.2m.

- The **ground floor** includes a building length of 15.3 metres, which is equivalent to 55.7%.
- The **first floor** includes a building length of 18.7 metres, which is equivalent to 68.1%.

The proposed building satisfies the maximum building length requirement.

Colours and Materials

As discussed under 5.2.1.1 above, the proposed colours and materials are compatible with the existing streetscape. The proposal includes:



**Figure 7:** Proposed Materials and Finishes

There is suitable articulation and modulation provided to the building, and the building design is considered to be compatible with the streetscape character.

**5.2.1.3 – Setbacks**

The DCP control requires a minimum front setback of the average of dwellings on adjoining lots or 6 metres, side setbacks of 900mm at ground floor and 1.5m at first floor, and a rear setback of 5 metres. The proposal provides the following setbacks:

Area	Front East Elevation (facing The Grand Parade)	Side North Elevation (towards 227 The Grand Parade)	Side South Elevation (towards 229 The Grand Parade)	Rear West Elevation (adjoining 1 Culver Street)
Ground	7.227m –	1m	0.9m – 1.5m	4m from the garden bed



### 5.2.1.5 - Solar Access and Overshadowing

Dwellings within the development site and adjoining properties are required to receive a minimum of 2 hours direct sunlight to habitable living rooms (family rooms, rumpus, lounge and kitchen areas) and to at least 50% of the primary open space between 9am and 3pm in mid-winter (June 21).

The subject site is orientated east to west, with the frontage of the site facing the east and the rear of the site facing the north. The lot pattern of the street is such that the adjoining properties have the same orientation, while the rear adjoining site has an north-to-south orientation.

The applicant has provided aerial and 3D shadow diagrams at 9am, 12pm and 3pm for mid-winter (June 21) and spring-equinox (September/March 21). As demonstrated within the shadow diagrams, at mid-winter, the proposed shadows will fall directly south of the site, however will result in the subject site overshadowing itself on its southern side whilst retaining direct sunlight to its primary area of private open space. In addition, the adjoining properties will retain in excess of 50% direct sunlight at this time.

At 3.00pm in mid-winter, the shadows of the proposed development will fall south east, however will result in a portion of the existing development within the subject site overshadowing itself, as well as the footpath and roof on the corner of The Grand Parade and Burlington Street. However, direct sunlight will be retained to the remainder of the site, including the swimming pool and primary area of private open space.

Therefore, the proposal will achieve in excess of 3 hours of direct sunlight to its rear facing living areas and more than 50% of the private open space between 9am and 3pm in mid-winter.

Having regard to the above, the proposal satisfies the relevant provisions.

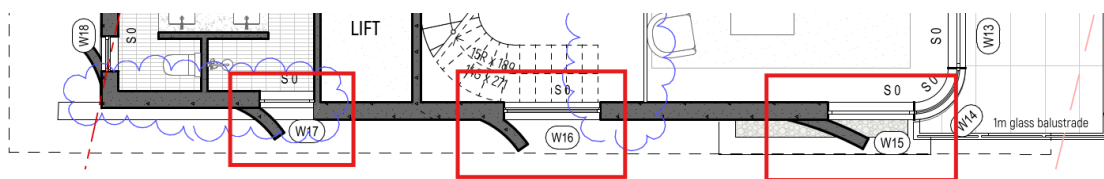
### 5.2.1.6 - Parking and Access

This has been addressed previously in accordance with Part 3.5 of the DCP.

### 5.2.1.7 - Visual and Acoustic Privacy

An assessment of potential privacy impacts upon neighbours has been undertaken having regard to the controls and objectives of this Part of the DCP.

The side elevations windows have been designed sympathetically to generally have a privacy flap (see figure 9) for each window to minimise direct views to and from adjoining properties.



**Figure 9:** Proposed Privacy Flap

The proposed Window 10, situated in the living open space on the first floor and oriented towards No. 227 The Grand Parade, is characterised by its substantial dimensions. However, given that the first floor of the adjacent property (No. 227) is set back towards the rear, the proposed window will not provide direct sightlines into their dwelling or private open space.

#### Rooftop Terrace

The potential visual privacy impacts from the roof terrace have been considered in the assessment. The roof terrace is located towards the front of the building, and provides sufficient compliant setbacks to the building edge line. The roof terrace is surrounded by planter boxes in line with the controls under Part 3.7 of the BDCP. The sightlines from the roof terrace will be

obscured by the planter boxes and planting, and will not have direct view of any neighbouring windows or areas of private open space. The roof terrace (as conditioned) complies with floor area and setbacks requirements and is not likely to result in visual privacy impacts or overlooking into neighbouring properties.

Having regard to the above, the proposal subject to conditions satisfies the relevant provisions of this section.

#### **S4.15(1)(a)(iii) – Provisions any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4**

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There is no planning agreement applicable to the proposal.

#### **S4.15(1)(a)(iv) - Provisions of the Regulation**

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In terms of provisions of the Regulation:

- The DA submission has included sufficient information to enable environmental assessment of the application (Clause 24);
- Concurrences and other approvals are addressed in the “Proposal” section of this Statement or in response to relevant SEPPs.
- No approval under the Local Government Act 1993 is sought as part of this DA (Clause 31(3)); and
- Demolition works are able to meet the provisions of Australian Standard (“AS”) 2601 and this is addressed by conditions of consent.

All relevant provisions of the Regulations have been taken into account in the assessment of this proposal.

#### **S4.15(1)(b) - Likely Impacts of Development**

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This Section of the Act requires consideration of natural and built environmental impacts, and social and economic impacts. The potential and likely impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls.

#### **S4.15(1)(c) - Suitability of the Site**

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The relevant matters pertaining to the suitability of the site for the proposed development have been considered in the assessment of the proposal, throughout this report. There are no known major physical constraints, environmental impacts, natural hazards or exceptional circumstances that would hinder the suitability of the site for the proposed development. Appropriate conditions of consent are proposed to further manage and mitigate impacts on neighbouring properties and the environment. Subject to the recommended conditions, the proposal is suitable for the site.

#### **S4.15(1)(d) - Public Submissions**

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##### **Public Submissions**

The development has been notified in accordance with the DCP, between 15 March to 29 March, there were one (1) submission received during this period. The issues raised in the submissions are discussed below:

Issue 1: Height significantly exceeds the regulation.



**Comment:** See assessment carried out under 4.6 - Exceptions to Development Standards in this report.

**Issue 2:** FSR exceeds the regulation.

**Comment:** proposal (*as amended*) has a maximum GFA of 192.1sqm and equates to an FSR of 0.54:1 which complies with the provisions and objectives of this clause.

**Issue 3:** Rear Setback is 4.25m which is below the regulation of 5m.

**Comment:** proposal (*as amended*) has a rear setback of 5.5m from the first floor which complies with the provisions and objectives of this clause.

**Issue 4:** Rooftop terrace will create adverse bulk.

**Comment:**

The following condition has been included within the consent to reduce the negative impact of the proposed terrace's size onto neighbouring properties.

*Prior to the construction certificate, the Principal Certifier must be satisfied that:*

- *No part of the trafficable enclosed area shall be roofed or enclosed.*
- *Minimum side setback of 1.5m from the building edge*
- *Trafficable area shall not exceed 24ssqm*

#### **S4.15(1)(e) - Public interest**

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The proposal has been assessed against the relevant planning instruments and controls applying to the site, also having regard to the applicable objectives of the controls. As demonstrated in this assessment of the development application, the proposal is suitable for the site and has acceptable environmental impacts, subject to recommended conditions. Impacts on adjoining properties have been considered and addressed. As such, granting approval to the proposed development will be in the public interest, subject to the recommended conditions which help manage and mitigate environmental or potential environmental impacts.

## **7.12 - Development Contributions**

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Section 7.12 of the Environmental Planning and assessment Act 1979 (as amended) applies to the proposal. In this regard, a standard condition of development consent has been imposed in respect to a levy applied under this section.

## **Housing and Productivity Contribution (HPC)**

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Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023 is not applicable to the subject development.

## **Conclusion and Reasons for Decision**

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The proposed development at 228 The Grand Parade has been assessed in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979* including relevant environmental planning instruments and Bayside Development Control Plan 2022.

The proposed development, being construction of a dwelling house, which is a permissible land use within the zone with development consent. In response to the public notification, one (1) submission received. The matters raised in this submission include concern with adverse impacts from rooftop terrace. These matters have been discussed and addressed in this report and in this instance do not warrant refusal of the proposal. The proposal is supported for the following main reasons:

- The development, subject to conditions, is consistent with the objectives of the R2 Low Density Residential Zone and the relevant objectives of Bayside Local Environmental Plan 2021.
- The development, subject to conditions, is consistent with the objectives and requirements of the Bayside Development Control Plan 2022.
- The proposal will not result in any significant impact on the environment or the amenity of nearby residents. The scale and design of the proposal is suitable for the location and is compatible with the desired future character of the locality.
- Recommended conditions of consent appropriately mitigate and manage potential environmental impacts of the proposal.



# Bayside Council

Serving Our Community

## NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

<b>Application number</b>	DA-2024/52 PAN-367033
<b>Applicant</b>	Gorgi Gulevski 11 60 MARIGOLD STREET REVESBY 2212
<b>Description of development</b>	Demolition of existing dwelling and new dwelling with basement garage and rooftop terrace
<b>Property</b>	228 THE GRAND PARADE MONTEREY 2217 1/-/DP1134994
<b>Determination</b>	Approved Consent Authority - Council
<b>Date of determination</b>	12/11/24
<b>Date from which the consent operates</b>	12/11/24
<b>Date on which the consent lapses</b>	12/11/29

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

### Right of appeal / review of determination

If you are dissatisfied with this determination:

**Request a review**

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

**Rights to appeal**

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

Christopher Mackey  
Coordinator Development Assessment  
Person on behalf of the consent authority

For further information, please contact Reanne Salame / Development Assessment Planner

**Terms and Reasons for Conditions**

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

**General Conditions**

1	<p><b>Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989</b></p> <ol style="list-style-type: none"> <li>1. It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia.</li> <li>2. It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the Home Building Act 1989, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.</li> <li>3. It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the Building Code of Australia.</li> <li>4. In subsection (1), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made.</li> <li>5. In subsection (3), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.</li> <li>6. This section does not apply—                         <ol style="list-style-type: none"> <li>a. to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or</li> <li>b. to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.</li> </ol> </li> </ol> <p><b>Condition reason:</b> Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.</p>
2	<p><b>Fulfilment of BASIX commitments</b></p> <p>It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled—</p> <ol style="list-style-type: none"> <li>1. BASIX development,</li> <li>2. BASIX optional development, if the development application was accompanied by a</li> </ol>

BASIX certificate.				
<b>Condition reason:</b> Prescribed condition under section 75 of the Environmental Planning and Assessment Regulation 2021.				
3	<b>Approved plans and supporting documentation</b>			
Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.				
Approved plans				
Plan number	Revision number	Plan title	Drawn by	Date of plan
Project No. M228, DA.4	B	Landscape Plan	George Banks Architecture	26 June 2024
Project No. M228, DA.5	B	Basement Plan	George Banks Architecture	26 June 2024
Project No. M228, DA.6	B	Ground Floor Plan	George Banks Architecture	26 June 2024
Project No. M228, DA.7	B	First Floor Plan	George Banks Architecture	26 June 2024
Project No. M228, DA.8	B	Second Floor Plan	George Banks Architecture	26 June 2024
Project No. M228, DA.9	B	Eastern and Western Elevation Plans	George Banks Architecture	26 June 2024
Project No. M228, DA.10	B	Southern and Northern Elevation Plans	George Banks Architecture	26 June 2024
Project No. M228, DA.11	B	Section AA	George Banks Architecture	26 June 2024
Project No. M228, DA.12	B	Section BB	George Banks Architecture	26 June 2024
Approved documents				
Document title	Version number	Prepared by	Date of document	



	Written Clause 4.6	-	George Banks Architecture	June 2024
<p>In the event of any inconsistency between the approved plans and documents, the approved <b>Plans / Documents</b> prevail.</p> <p>In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.</p> <p><b>Condition reason:</b> To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>				
4	<p><b>Transport for NSW</b></p> <p>a) All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property unlimited in height or depth along The Grand Parade boundary.</p> <p>b) The redundant vehicular crossing on The Grand Parade boundary shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter crossing and associated works on The Grand Parade shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to <a href="mailto:developerworks.sydney@transport.nsw.gov.au">developerworks.sydney@transport.nsw.gov.au</a>.</p> <p>Detailed design plans of the proposed kerb and gutter crossing and associated works are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any road works. Please send all documentation to <a href="mailto:development.sydney@transport.nsw.gov.au">development.sydney@transport.nsw.gov.au</a>.</p> <p>A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.</p> <p>c) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system that impact upon The Grand Parade are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to <a href="mailto:development.sydney@transport.nsw.gov.au">development.sydney@transport.nsw.gov.au</a>.</p> <p>A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.</p>			

	<p>d) A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on The Grand Parade during construction activities. A ROL can be obtained through <a href="https://myrta.com/oplinc2/pages/security/oplincLogin.jsf">https://myrta.com/oplinc2/pages/security/oplincLogin.jsf</a>.</p> <p>e) Any public utility adjustment/relocation works on the state road network will require detailed civil design plans for road opening/underboring to be submitted to TfNSW for review and acceptance prior to the commencement of any works. The developer must also obtain any necessary approvals from the various public utility authorities and/or their agents. Please send all documentation to <a href="mailto:development.sydney@transport.nsw.gov.au">development.sydney@transport.nsw.gov.au</a>.</p> <p>A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.</p> <p><b>Condition reason:</b> All conditions are designed to ensure that developments along The Grand Parade maintain safety, aesthetic integrity, and compliance with regulatory standards while effectively managing traffic and infrastructure impacts.</p>
5	<p><b>Amendments require Modification Application</b></p> <p>Further alterations and/or additions to the subject building, including the relocation of the fire booster valves and/or provision of an electricity substation, the fitting of any form of doors and/or walls, shall not be undertaken without first obtaining approval from Council under Section 4.55 of the <i>Environmental Planning and Assessment Act</i>.</p> <p><b>Condition reason:</b> To avoid changes that may result in adverse impacts without proper assessment.</p>
6	<p><b>Approved Materials and Finishes.</b></p> <p>The finishes, materials and colour scheme approved under condition titled 'Approved Plans and Supporting documentation' and any other relevant condition(s) of this consent must not be altered or amended at the construction certificate stage without a separate Section 4.55 approval.</p> <p><b>Condition reason:</b> To ensure that the development is finished in accordance with the approved plans and documentation.</p>
7	<p><b>Carrying out of Works Wholly Within the Site</b></p> <p>All approved works shall be carried out inside the confines of the site boundary and not in adjacent forecourts, yards, access ways, car parking areas, or on Council's footpath.</p> <p><b>Condition reason:</b> To avoid encroachment of the development beyond the site boundaries.</p>
8	<p><b>Compliance with the Building Code of Australia (BCA)</b></p>

	<p>Building work must be carried out in accordance with the requirements of the BCA.</p> <p><b>Condition reason:</b> Environmental Planning and Assessment Regulation Clause 98(1)(a).</p>
9	<p><b>Construction Certificate Required</b></p> <p>A Construction Certificate must be obtained from Council or a Principal Certifier prior to any building work commencing.</p> <p>Building work is defined under the <i>Environmental Planning and Assessment Act Part 6</i>.</p> <p><b>Condition reason:</b> To ensure that a Construction Certificate is obtained at the appropriate time.</p>
10	<p><b>Single Occupancy Only</b></p> <p>The building is approved as a single dwelling only. It shall not be used for separate residential occupation, including, but not limited to, such as a boarding house or a separate residential flats.</p> <p><b>Condition reason:</b> To ensure that the intensity of development is suitable for the site.</p>
11	<p><b>Enclosure of Structures.</b></p> <p>The (pergola/balcony/carport) <b>[delete not applicable]</b> shall not be enclosed at any further time without prior development consent.</p> <p><b>Condition reason:</b> To avoid changes that may result in adverse impacts without proper assessment.</p>

**Building Work**

**Before issue of a construction certificate**

12	<p><b>Design amendments</b></p> <p>Before the issue of a construction certificate, the certifier must ensure the construction certificate plans and specifications detail the following required amendments to the approved plans and documents:</p> <ol style="list-style-type: none"> <li>1. No part of the trafficable enclosed area shall be roofed or enclosed.</li> <li>2. Minimum side setback of 1.5m from the building edge</li> <li>3. Trafficable area shall not exceed 24ssqm</li> </ol>
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	<b>Condition reason:</b> To require minor amendments to the plans endorsed by the consent authority following assessment of the development.
13	<b>Long Service Levy</b>
	Before the issue of a Construction Certificate, the long service levy of \$3,483.85, as calculated at the date of this consent, must be paid to the Long Service Corporation under the Building and Construction industry Long Service Payments Act 1986, section 34, and evidence of the payment is to be provided to the Principal Certifier.
	<b>Condition reason:</b> To ensure the long service levy is paid.
14	<b>Waste Management Plan – an approved document of this consent</b>
	Before the issue of a Construction Certificate, a waste management plan for the development must be provided to the Principal Certifier.
	<b>Condition reason:</b> To ensure resource recovery is promoted and local amenity protected during construction.
15	<b>Payment of Security Deposits</b>
	Before the issue of the relevant Construction Certificate, the Applicant must: <ol style="list-style-type: none"> <li>a. make payment of \$3,240.00 Builders Damage Deposit for a security deposit to the consent authority, and</li> <li>b. if a Principal Certifier is required to be appointed for the development provide the Principal Certifier with written evidence of the payment and the amount paid.</li> </ol>
	<b>Condition reason:</b> To ensure any damage to public infrastructure is rectified and public works can be completed.
16	<b>Sydney Water Tap-in</b>
	Prior to the issue of the Construction Certificate, the approved plans must be submitted to Sydney Water Tap inTM online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.  Sydney Water's Tap inTM online service is available at: <a href="https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm">https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm</a>
	<b>Condition reason:</b> To ensure compliance with Sydney Water requirements.
17	<b>Erosion and sediment control plan</b>
	Before the issue of a Construction Certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to Principal Certifier: <ul style="list-style-type: none"> <li>• Council's relevant Development Control Plan,</li> <li>• the guidelines set out in the NSW Department of Housing Manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book), and</li> <li>• the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage</li> </ul>

	Trust) (as amended from time to time).
	<b>Condition reason:</b> To ensure no substance other than rainwater enters the stormwater system and waterways.
18	<p><b>Detailed Design Stormwater Management Plan</b></p> <p>Prior to the issue of any Construction Certificate, detailed drainage design plans for the management of stormwater are to be submitted to the Principal Certifier for assessment and approval. Engineering design certification and drainage design calculations are to be submitted with the plans. Bayside Technical Specification Stormwater Management sets out the minimum documentation requirements for detailed design plans. Stormwater management requirements for the site, including the final discharge/end connection point, must comply with Bayside Technical Specification Stormwater Management.</p> <p>The detailed drainage design plans shall incorporate the provisions generally made in the stormwater drainage concept plans prepared by LMW Design Group P/L, project number 2171.23, dated 01/07/2024, revision B along with the revisions/requirements detailed below:</p> <ul style="list-style-type: none"> <li>a. A stormwater roof ("terrace top") drainage plan is to be provided designed as per AS3500.3.</li> <li>b. The run-off from the trafficable areas (terrace, deck, balcony, alfresco, porch and garden bed) shall drain directly to the absorption system. Only non-trafficable roof areas shall drain to the rainwater tank.</li> <li>c. A minimum 3,000 litre rainwater tank shall be provided for the development, connected to all toilet flushing, the cold water tap that supplies each clothes washing machine and external taps/landscape irrigation for non-potable stormwater re-use. The invert level of the rainwater tank overflow is to be shown on the ground floor stormwater plan. The rainwater tank overflow is to drain into the absorption system.</li> <li>d. The pump-out tank shall be relocated outside of the mechanical turntable location. The pump-out tank must connect to the kerb and gutter directly (not connected to the absorption tank).</li> <li>e. A sump plan showing the base levels of the pump out pit is to be provided, showing the minimum 1% fall towards the pumps. The levels on the section of the pump are to be revised to accurately reflect the approved plans and use correct RL's in metre AHD.</li> <li>f. The basement shall be a fully "tanked" structure.             <ul style="list-style-type: none"> <li>a. A stormwater catchment plan is required showing the impervious areas draining into the absorption system.</li> <li>b. A nominal absorption rate of 0.5 l/sec/m2 shall be adopted in the absorption system calculations.</li> <li>c. The access pits to the absorption tank shall be revised to be minimum 600x900mm.</li> <li>d. The surface level and invert level of the grated trench drain to shown on the stormwater ground floor plan. All setback to the absorption system to be shown as well.</li> </ul> </li> </ul> <p><b>Condition reason:</b> To ensure compliance with Council's Stormwater Management Technical Guidelines / Specifications.</p>
19	<p><b>Building/Driveway within Proximity of On-Site Detention / Absorption System</b></p> <p>Prior to the issue of any Construction Certificate, any part of the proposed building within three (3) metres of the proposed detention tank, underground rainwater tank or absorption system shall be constructed on a pier and beam foundation with piers extending no less than 300mm below the bottom of the tank or trench base.</p> <p>Any driveway over the absorption system shall be either constructed on a pier and beam foundation with piers</p>

	<p>extending no less than 300mm below the bottom of the trench base or constructed as a structural slab so that no load is transferred to the plastic trench. These requirements shall be reflected on the Construction Certificate plans and supporting documentation.</p> <p><b>Condition reason:</b> To ensure compliance with Council’s Stormwater Management Technical Guidelines / Specifications.</p>
20	<p><b>Traffic and Parking Requirements Minor</b></p> <p>Prior to issue of the Construction Certificate:</p> <ol style="list-style-type: none"> <li>a. A longitudinal driveway profile prepared by a suitably qualified civil engineer shall be submitted to the Principal Certifier for assessment and approval. The profile shall start in the centre of the road and be along the critical edge (worst case) of the driveway. Gradients and transitions shall be in accordance with AS/NZS 2890.1:2004. The profile shall include all relevant levels, grades (%), headroom clearances and lengths. The existing boundary levels shall remain unchanged. A minimum crest level of RL 4.85m AHD must be provided within the site.</li> <li>b. The Construction Certificate plans shall show the width of the driveway at the boundary to be a maximum of 4.5m.</li> <li>c. Pedestrian sightlines for vehicles exiting the site must comply with AS2900.1:2004 figure 3.3 and be shown on the plans.</li> </ol> <p><b>Condition reason:</b> To ensure the development meets the relevant standards and to reduce impacts to on-street parking.</p>
21	<p><b>Driveway Application</b></p> <p>An application for Driveway Works (Public Domain Construction – Vehicle Entrance/Driveway Application) shall be made to Council’s Customer Service Centre prior to the issue of the Construction Certificate. A fee is payable to Council. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council’s adopted fees and charges. All boundary frontage works, egress paths, driveways and fences shall comply with the approval.</p> <p><b>Condition reason:</b> To ensure that public domain works are designed and constructed in accordance with relevant requirements and standards.</p>
22	<p><b>Swimming Pools – New Pools</b></p> <ol style="list-style-type: none"> <li>a. The design and construction of the swimming pool and associated fencing and equipment must comply with:             <ol style="list-style-type: none"> <li>i. Swimming Pools Act 1992, and</li> <li>ii. Swimming Pools Regulation 2008, and</li> <li>iii. National Construction Code, and</li> <li>iv. AS 1926.1 – Swimming Pool Safety – Safety Barriers for Swimming Pools, and</li> <li>v. Protection of the Environmental Operations Act 1997.</li> </ol> </li> </ol> <p>Details demonstrating compliance with the requirements of this condition are to be submitted to the Principal Certifier prior to the issue of the Construction Certificate and must be complied with prior to the issue of the Occupation Certificate.</p>



	<p>a. The swimming pool shall be designed and constructed in a manner that does not allow water to be drained to the adjoining properties, and</p> <p>b. Full details of how the roof top pool will have all overflows connected to the sewer shall be provided. No run-off/overflow from the pool shall be directed to the stormwater system.</p> <p>c. Waste water from the pool or spa shall be discharged into the Sydney Water system, and</p> <p>d. The swimming pool shall be registered in accordance with the requirements of the Swimming Pools Act 1992 prior to issue of any Occupation Certificate, and</p> <p>e. The pool / spa shall not be filled until the safety fences have been completed in accordance with this consent and inspected by the Principal Certifier, and</p> <p>f. The motor, filter, pump and sound producing equipment or fittings associated with or forming part of the pool filtering system shall be sound insulated and/or isolated so as not to create an offensive noise to neighbours.                  Swimming pool is to be installed with a timer that limits the recirculation and filtration systems operation such that it does not emit noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):</p> <p style="padding-left: 40px;">i. Before 8.00 am or after 8.00 pm on any Sunday or public holiday, or</p> <p style="padding-left: 40px;">ii. Before 7.00 am or after 8.00 pm on any other day.</p>
	<p><b>Condition reason:</b> To minimise impacts and achieve compliance with relevant legislation.</p>
23	<p><b>Design Amendment</b></p>
	<p>Before the issue of a Construction Certificate, the Certifier must ensure the approved Construction Certificate plans and specifications detail the following required amendments to the approved plans and documents:</p> <p>a. The width of minimum internal width of the driveway ramp (measured from the interior of the ramp walls) shall be 3.6m as per section 2.5 of AS2890.1. All plans shall be revised to reflect this requirement particularly at the basement garage entrance which needs to be widened to be 3.6m wide.</p> <p>b. The civil engineer's driveway profile shall be reflected on the construction certificate architectural plans.</p>
	<p><b>Condition reason:</b> To require minor amendments to the plans endorsed by the consent following assessment of the development.</p>
24	<p><b>Retaining Walls Over 600mm</b></p>
	<p>Retaining walls over 600mm in height shall be designed and specified by a structural engineer registered with the National Engineering Register (NER).</p>
	<p><b>Condition reason:</b> To ensure the structural adequacy of new retaining walls.</p>
25	<p><b>Tanking and Waterproofing Basement Intercepting Groundwater Table</b></p>
	<p>Prior to the issue of any Construction Certificate, all subsurface structures shall be designed with a waterproof retention system (i.e., full structural tanking and waterproofing) with adequate provision for future fluctuation of the water table. The subsurface structure is required to be designed with consideration of uplift due to water pressure and "flotation" (buoyancy) effects. If subsoil drainage is permitted to be provided around the subsurface structure, the subsoil drainage around the subsurface structure must allow free movement of</p>

	<p>groundwater around the structure but must not be connected to the internal drainage system. No groundwater is permitted to enter the subsurface structures and, no pump-out system is permitted to be used to drain and discharge groundwater from the subsurface structures. The design of subsurface structure, tanking, waterproofing and subsoil drainage shall be undertaken and certified by Engineer(s) registered with the National Engineering Register (NER). Design details, construction specifications and engineering design certification shall be included in the documentation accompanying the Construction Certificate.</p> <p><b>Condition reason:</b> To ensure that subsurface structures are designed to prevent ingress of groundwater.</p>
26	<p><b>Geotechnical Certification</b></p> <p>Prior to the issue of any Construction Certificate, a Geotechnical Engineer must:</p> <ol style="list-style-type: none"> <li>a. Conduct a thorough geotechnical investigation of the site in line with geotechnical industry standards. The type and extent of substrata formations on the site shall be determined via the provision of a minimum of two (2) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs shall be related to Australian Height Datum.</li> <li>b. Provide detailed recommendations to allow the satisfactory implementation of the works.             <ol style="list-style-type: none"> <li>i. The appropriate means of any excavation/shoring is to be determined and detailed considering the proximity to adjacent property and structures.</li> <li>ii. Potential vibration caused by the method of excavation and potential settlements affecting nearby footings/foundations/buildings shall be discussed and ameliorated.</li> <li>iii. Review and certify the proposed method to temporarily and permanently support any excavation adjacent to adjoining property, structures, and road reserve if nearby (full support to be provided within the subject site).</li> <li>iv. An implementation program is to be prepared along with a suitable monitoring program (as required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.</li> <li>v. A full tanked &amp; waterproof basement is to be provided.</li> </ol> </li> <li>c. Prepare a Construction Methodology report demonstrating that the proposed construction methods (including any excavation, and the configuration of the built structures) will have no adverse impact on any surrounding property and infrastructure.</li> <li>d. Certify that the construction certificate plans and supporting documentation are satisfactory from a geotechnical perspective.</li> <li>e. Inspect the works as they progress at frequencies determined by the geotechnical engineer (where necessary).</li> </ol> <p>The professional recommendations shall be implemented in full during the relevant stages of excavation and construction.</p> <p>Note: A failure by contractors to adequately assess and seek professional engineering (geotechnical) advice to ensure that appropriate underpinning and support to adjoining land is maintained prior to commencement may result in damage to adjoining land and buildings. Such contractors are likely to be held responsible for any damages arising from the removal of any support to supported land as defined by section 177 of the Conveyancing Act 1919.</p>

	<p><b>Condition reason:</b> To ensure that structural designs are adequate and that damage to adjoining land is minimised.</p>
27	<p><b>Shoring and Adequacy of Adjoining Property</b></p> <p>If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense –</p> <ol style="list-style-type: none"> <li>a) Protect and support the building, structure or work from possible damage from the excavation, and</li> <li>b) Where necessary, underpin the building, structure or work to prevent any such damage.</li> </ol> <p>This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.</p> <p><b>Condition reason:</b> Prescribed condition – EP&amp;A Regulation, Section 74.</p>
28	<p><b>Temporary Dewatering Permit - Water Quality Requirements</b></p> <p>To ensure that relevant engineering and water quality provisions are met during the period of temporary dewatering for construction, a permit must be obtained from Council to permit discharge to the stormwater system. Temporary dewatering shall not commence until this permit is issued by Council. The permit must be current and valid at all times during dewatering operations.</p> <p>The water quality must meet ANZECC 2000 Water Quality Guidelines for Fresh and Marine Water for the 95% protection trigger values for marine water. The results of all testing must be completed by a NATA accredited laboratory.</p> <p>All laboratory results must be accompanied by a report prepared by a suitably qualified person indicating the water meets these guidelines and is acceptable to be released into council's stormwater system. If it is not acceptable, details of treatment measures to ensure that the water is suitable for discharge to council's stormwater shall be provided in this report.</p> <p>Reports shall be provided to Council prior to discharge of any groundwater to the stormwater system.</p> <p><b>Condition reason:</b> To ensure any ground water encountered during works is appropriately treated and disposed of.</p>
29	<p><b>Mechanical Parking Facility System – Detailed Design</b></p> <p>Prior to the issue of the Construction Certificate, the design of the mechanical parking facility system(s) proposed (mechanical turntable) must address the following criteria:</p> <ol style="list-style-type: none"> <li>a. Ensure operating noise and vibration levels are limited to acceptable levels in accordance with appropriate standards and any plant equipment is housed in noise attenuating housing as required/appropriate;</li> <li>b. Provide detailed design and manufacturer specifications for the mechanical turntable system(s) required within the development. A detailed design certificate from an experienced/practicing and qualified manufacture designer/installer that confirms that the mechanical turntable system(s) are functional, workable, fit for purpose and are designed in accordance with the relevant Australian standards shall be provided;</li> <li>c. Provide operational details/management plan of the entire facility, demonstrating safe and functional access for all users, including details of safety protection systems for users and</li> </ol>

	<p>non-users; and</p> <p>d. Swept path analysis must be submitted demonstrating sufficient clearance is provided for vehicles on the mechanical turntable from adjacent obstructions (basement wall, car spaces etc.).</p> <p>The design must be certified by an experienced/practicing and qualified manufacture designer/installer.</p> <p><b>Condition reason:</b> To ensure the mechanical parking facility is designed and constructed in accordance with specifications and relevant standards.</p>
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**Before building work commences**

30	<p><b>Erosion and sediment controls in place</b></p> <p>Before any site work commences, the Principal Certifier must be satisfied the erosion and sediment controls in the Erosion and Sediment Control Plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with the <i>NSW Department of Housing Manual 'Managing Urban Stormwater: Soils and Construction Certificate'</i> (the Blue Book) (as amended from time to time).</p> <p><b>Condition reason:</b> To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>
31	<p><b>Dilapidation Report – Public Domain - Pre-Construction - Minor</b></p> <p>At the proposed point of construction site entry, a full photographic survey showing the existing conditions of Bayside Council’s infrastructure shall be submitted to Bayside Council and the Principal Certifier. The survey shall detail the physical conditions and identify any existing damages to the road, kerb, gutter, footpath, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance of 20m from the development. Failure to do so will result in the applicant being liable for any construction related damages to these assets. Any damage to Bayside Council’s infrastructure during the course of this development shall be restored at the applicant’s cost.</p> <p><b>Condition reason:</b> To advise Council of, and provide Council with, the required dilapidation report.</p>
32	<p><b>Absorption/Infiltration Systems Inspection</b></p> <p>All absorption systems must be inspected prior to back filling and proceeding to subsequent stages of construction to the satisfaction of Principal Certifier. Supporting evidence shall be issued by a professional Civil Engineer experienced in stormwater system design and construction. The maximesh screens and removable geotextile are to be installed in the absorption system prior to connection of the downpipes, to ensure the effective performance of the system during construction, and the long term viability of the system.</p> <p><b>Condition reason:</b> To ensure that the stormwater system is constructed as approved and in accordance with relevant standards.</p>
33	<p><b>Dilapidation report</b></p> <p>Before any site work commences, a Dilapidation Report must be prepared by a suitably qualified Engineer</p>

	<p>detailed the structural condition of adjoining buildings, structures or works and public land, to the satisfaction of the Principal Certifier.</p> <p>Where access has not been granted to any adjoining properties to prepare the Dilapidation Report, the Report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the Principal Certifier that all reasonable steps were taken to obtain access to the adjoining properties.</p> <p><b>Condition reason:</b> To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and Council are provided with the Dilapidation Report.</p>		
34	<p><b>Notice regarding dilapidation report</b></p> <p>Before the commencement of any site or building work, the principal certifier must ensure the adjoining building owner(s) is provided with a copy of the dilapidation report for their property(ies) no less than 7 days before the commencement of any site or building works and provide a copy of the report to Council at the same time.</p> <p><b>Condition reason:</b> To advise neighbours and Council of any dilapidation report.</p>		
35	<p><b>Before You Dig Australia</b></p> <p>Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets, please contact <i>Before You Dig Australia</i> at <a href="http://www.byda.com.au">www.byda.com.au</a> or telephone on 1100 before excavating or erecting structures (This is the law in NSW).</p> <p>If alterations are required to the configuration, size, form or design of the development upon contacting the <i>Before You Dig Australia</i> service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets.</p> <p>It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the <i>Before You Dig Australia</i> service in advance of any construction or planning activities.</p> <p><b>Condition reason:</b> To protect the amenity of the neighbourhood and ensure public safety.</p>		
36	<p><b>Payment of fees and security deposits</b></p> <p>Before the commencement of any works on the site or the issue of a Construction Certificate, the Applicant must make all of the following payments to Council and provide written evidence of these payments to the Certifier:</p> <table border="1" data-bbox="336 1621 1169 1704"> <tr> <td>Soil and Water Management Sign Fee</td> <td>\$25.50</td> </tr> </table>	Soil and Water Management Sign Fee	\$25.50
Soil and Water Management Sign Fee	\$25.50		

Section 7.12 Contributions	\$13,935.405
Builders Damage Deposit (Security Deposit)	\$3,240.00
<p>Note: The amount payable must be in accordance with Council's fees and charges at the payment date.                  Note: At the completion of the project only security deposits can be refunded, fees and contributions are non-refundable.</p>	
<p><b>Condition reason:</b> To ensure any damage to public infrastructure is rectified and public works can be completed.</p>	

**During building work**

37	<p><b>Hours of work</b></p> <p>Site work must only be carried out between 7am to 5pm, Mondays to Saturdays. No work is permitted on Sundays or Public Holidays.</p> <p>Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.</p> <p><b>Condition reason:</b> To protect the amenity of the surrounding area.</p>
38	<p><b>Responsibility for changes to public infrastructure</b></p> <p>While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority.</p> <p><b>Condition reason:</b> To ensure payment of approved changes to public infrastructure.</p>
39	<p><b>Waste management</b></p> <p>While site work is being carried out:</p> <ol style="list-style-type: none"> <li>1. all waste management must be undertaken in accordance with the waste management plan; and</li> <li>2. upon disposal of waste, records of the disposal must be compiled and provided to &lt;Insert the principal certifier or Council (where a principal certifier is not required)&gt;, detailing the following:</li> </ol>

	<ul style="list-style-type: none"> <li>a. The contact details of the person(s) who removed the waste;</li> <li>b. The waste carrier vehicle registration;</li> <li>c. The date and time of waste collection;</li> <li>d. A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill;</li> <li>e. The address of the disposal location(s) where the waste was taken;</li> <li>f. The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.</li> </ul> <p>If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and Council.</p> <p><b>Condition reason:</b> To require records to be provided, during site work, documenting the lawful disposal of waste.</p>
40	<p><b>Implementation of the Site Management Plans</b></p> <p>While site work is being carried out:</p> <ul style="list-style-type: none"> <li>a. the measures required by the Construction Site Management Plan and the Erosion and Sediment Control Plan (plans) must be implemented at all times, and</li> <li>b. a copy of these plans must be kept on site at all times and made available to Council officers upon request.</li> </ul> <p><b>Condition reason:</b> To ensure site management measures are implemented during the carrying out of site work.</p>
41	<p><b>Site Management - Principal Certifier Inspections</b></p> <p>Upon inspection of each stage of construction, the Principal Certifier (or other suitably qualified person on behalf of the Principal Certifier) is also required to ensure that adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council's approval:</p> <ul style="list-style-type: none"> <li>a. Sediment control measures, and</li> <li>b. Provision of secured perimeter fences or hoardings for public safety to restrict access to building sites, and</li> <li>c. Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.</li> </ul> <p><b>Condition reason:</b> To protect public safety and water quality around building sites.</p>
42	<p><b>Responsibility for changes to public infrastructure</b></p> <p>While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service providers pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority.</p> <p><b>Condition reason:</b> To ensure payment of approved changes to public infrastructure.</p>



43	<p><b>Construction Activities – Minimise Pollution</b></p> <p>The following conditions are necessary to ensure minimal impacts during construction:</p> <ul style="list-style-type: none"> <li>a. Building, demolition and construction works not to cause stormwater pollution and being carried out in accordance with Council’s stormwater pollution control requirements. Pollutants such as concrete slurry, clay and soil shall not be washed from vehicles onto roadways, footways or into the stormwater system. Drains, gutters, roadways and access ways shall be maintained free of sediment. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment, and</li> <li>b. Stormwater from roof areas shall be linked via a temporary downpipe to an approved stormwater disposal system immediately after completion of the roof area, and</li> <li>c. All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls, and</li> <li>d. Building and demolition operations such as brick cutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system, and</li> <li>e. Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted. In addition, stockpiles of topsoil, sand, aggregate, soil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface, and</li> <li>f. Wind blown dust from stockpile and construction activities shall be minimised by one or more of the following methods:             <ul style="list-style-type: none"> <li>i. spraying water in dry windy weather, and</li> <li>ii. cover stockpiles, and</li> <li>iii. fabric fences</li> </ul> </li> <li>g. All vehicles transporting soil, sand or similar materials and demolition material to or from the site shall cover their loads at all times, and</li> <li>h. The applicant shall conduct all construction works and any related deliveries/activities wholly within the site, and</li> <li>i. During the construction works, the Council nature strip shall be maintained in a clean and tidy state at all times and shall be suitably repaired and/or replaced in accordance with Council Specifications at the completion of construction works, and</li> <li>j. Access to the site shall be restricted to no more than two 3m driveways. Council’s footpath shall be protected at all times. Within the site, provision of a minimum of 100mm coarse crushed rock is to be provided for a minimum length of two metres to remove mud from the tyres of construction vehicles, and</li> </ul> <p>An All-Weather Drive System or a vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street. Vehicular access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where any sediment is deposited on roadways it is to be removed by means other than washing and disposed of appropriately.</p> <p><b>Condition reason:</b> To protect neighbourhood amenity and the quality of the waterways.</p>
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44	<p><b>Protection of Council's Property</b></p> <p>During Demolition, Excavation and Construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter, and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of demolition, excavation, and construction. The area fronting the site and in the vicinity of the development shall also be made safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Bayside Council.</p> <p><b>Condition reason:</b> To ensure public safety at all times and to protect the function and integrity of public infrastructure.</p>
45	<p><b>Approval and Permits under Roads Act and Local Government Act for Work Activities on Public Land</b></p> <p>During all stages of demolition and construction, application(s) shall be made to Bayside Council (upon payment of a fee in accordance with Bayside Council's adopted fees and charges) to obtain the necessary approvals and permits for any and all works/activities on Bayside Council land or road reserve pursuant to the Roads Act 1993 and Local Government Act 1993. All applications associated with works and activities on Bayside Council's land must be made at least 7-10 days prior to the programmed completion of works and all construction must be completed and approved by Bayside Council. Refer to Bayside Council "Work Activities on Council Sites Application Form" and "Road Opening Application" to obtain permits/approvals for the following:</p> <ul style="list-style-type: none"> <li>• <u>Road, Footpath and Road Related Area Closure</u> – To temporarily close any part of the road, footpath or car park to vehicle or pedestrian traffic. This permit is required to allow the applicant to close a road or part of, footpath or car park to vehicle or pedestrian traffic.</li> <li>• <u>Stand and Operate Registered Vehicle or Plant</u> – To occupy any part of the road, footpath or car park to work from a vehicle parked on the street. This permit is required when construction activities involve working from a vehicle parked on the street including mobile crane, concrete truck, concrete pump or other similar vehicles.</li> <li>• <u>Occupy Road with Unregistered Item</u> – To place a waste container or other item within the roadway which is not a registered vehicle. This permit is required to allow the applicant to place unregistered items within the roadway including waste containers and skip bins.</li> <li>• <u>Erection of a Works Zone</u> – To implement a statutory Work Zone for activities adjacent to the development site. These applications are assessed by Bayside Council officers and are referred to the Traffic Committee for approval. A Work Zone being that you must not stop or park in a work zone unless you are driving a vehicle that is engaged in construction work in or near the zone.</li> <li>• <u>Placement of Scaffolding, Hoarding and Fencing</u> – To erect a temporary structure in a public place to enclose a work area. This permit is required for all temporary structures to enclose a work area within the public domain. These include site fencing, types A &amp; B hoarding, type A &amp; B hoarding with scaffolding and type B hoarding plus site sheds.</li> <li>• <u>Temporary Shoring/Support using Ground Anchors in Council Land</u> – To install temporary ground anchors in public road to support excavation below the existing road surface level. This permit is required to allow the applicant to install temporary support system in or under a public road to support excavation below the existing road surface level. The support systems include ground anchors and shoring.</li> <li>• <u>Tower Crane</u> – To swing or hoist over and across council property (including roadway). This permit is required when tower crane(s) are used inside the work site and will swing, slew or</li> </ul>

	<p>hoist over Council property or asset.</p> <ul style="list-style-type: none"> <li>• <u>Public Land Access</u> – To access through or occupy Council land. This permit is required by applicants in order to access over or occupy Council land.</li> <li>• <u>Temporary Dewatering</u> – To pump out groundwater from the site and discharge into council's drainage system including road gutter. This permit is required when temporary dewatering is required to pump out water from the construction site into Council stormwater drainage system including gutter, pits and pipes. Dewatering management plan and water quality plan are required for this application.</li> <li>• <u>Road Opening Application</u> - Permit to open road reserve area including roads, footpaths or nature strip for any purpose whatsoever, such as relocation / re-adjustments of utility services. This does not apply to public domain works that are approved through Bayside Council's permit for Driveway Works (Public Domain Construction – Vehicle Entrance / Driveway Application) / Frontage Works (Public Domain Construction – Frontage / Civil Works Application) under section 138 of the Roads Act.</li> </ul> <p>A valid permit/approval to occupy Bayside Council land or road reserve to carry out any works or activities within the public domain must be obtained, and permit conditions complied with, during all stages of demolition and construction. Fines apply if an activity commences without a valid permit being issued. It shall be noted that any works/activities shown within Bayside Council land or road on the DA consent plans are indicative only and no approval of this is given until this condition is satisfied.</p> <p><b>Condition reason:</b> To ensure appropriate permits are applied for and comply with the Roads Act 1993.</p>
46	<p><b>Noise during Construction</b></p> <p>The following shall be complied with during construction and demolition:</p> <p>(a) Construction Noise</p> <p>Noise from construction activities associated with the development shall comply with the NSW Environmental Protection Authority's Interim Construction Noise Guidelines and the <i>Protection of the Environment Operations Act 1997</i>.</p> <p>(b) Level Restrictions</p> <p>Any building works being carried out must ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.</p> <p>(c) Out of hours work</p> <p>For any activity that is required to be undertaken outside normal construction hours due to public safety, traffic related reasons, or significant concrete pour, a separate Out of Hours Works Permit is required prior to commencement of any out of hours works being undertaken.</p>

	<p>(d) Silencing</p> <p>All possible steps should be taken to silence construction site equipment.</p> <p><b>Condition reason:</b> To protect the amenity of the neighbourhood.</p>
47	<p><b>Site Fencing</b></p> <p>The site shall be secured by an 1800mm (minimum) high temporary fence for the duration of the work. Gates shall be provided at the opening points and open and secured in such a way as to not obstruct the public footway. Such protection work, including fences, is to be constructed, positioned and maintained in a safe condition to the satisfaction of the Principal Certifier, prior to the demolition of the existing structures and commencement of building operations.</p> <p><b>Condition reason:</b> To protect the amenity of the neighbourhood and ensure public safety.</p>
48	<p><b>Vibration During Demolition Works</b></p> <p>Vibration levels induced by the demolition activities must not exceed levels listed in Standard DIN 4150-3 (1999-02), Structural vibration Part 3 – Effects of vibration on structures Table 12-7.</p> <p>The operation of plant and equipment must not give rise to the transmission of vibration nuisance or damage to other premises.</p> <p>Prior to commencement a specific vibration monitor must be set up to monitor and record the vibration levels affecting surrounding buildings.</p> <p><b>Condition reason:</b> To protect the amenity of the neighbourhood and the structural integrity of nearby developments.</p>

**Before issue of an occupation certificate**

49	<p><b>Repair of Infrastructure</b></p> <p>Before the issue of an Occupation Certificate:</p> <ol style="list-style-type: none"> <li>a. any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council, or</li> <li>b. if the works in (a) are not carried out to Council's satisfaction, Council may carry out the works required and the costs of any such works must be paid as directed by Council and in the first instance will be paid using the security deposit required to be paid under this consent.</li> </ol> <p><b>Condition reason:</b> To ensure any damage to public infrastructure is rectified.</p>
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50	<p><b>Release of Securities</b></p> <p>When Council receives an Occupation Certificate, an application may be lodged to release the securities held in accordance with councils' fees and charges for development.</p> <p><b>Condition reason:</b> To allow release of securities and authorise Council to use the security deposit to complete works to its satisfaction.</p>
51	<p><b>Certification of New Stormwater System</b></p> <p>Prior to the issue of any Occupation Certificate, a Civil Engineer registered with the National Engineering Register (NER) must certify that the stormwater system has been constructed in accordance with the approved plans and as required by Bayside Technical Specification Stormwater Management. The constructed stormwater drainage system shall be inspected, evaluated, and certified. The certification shall demonstrate compliance with the approved plans, relevant Australian Standards, Codes and Council Specifications. A works-as-executed (WAE) drainage plan shall be prepared by a registered surveyor based on a survey of the completed works. The WAE plan must clearly illustrate the surveyed dimensions and details of all drainage aspects. The certification and WAE plan(s) shall be supplied to the Principal Certifier and Bayside Council.</p> <p><b>Condition reason:</b> To ensure that the stormwater system is constructed as approved and in accordance with relevant standards.</p>
52	<p><b>Positive Covenant Application</b></p> <p>Prior to the issue of the Occupation Certificate, a Restriction on Use of Land and Positive Covenant(s) pursuant to the Conveyancing Act 1919 are to be created on the title of the lots on which the following systems are present:</p> <p style="padding-left: 40px;">a. Stormwater Absorption System</p> <p>The terms of the instruments to be in favour of Bayside Council and are to be submitted to Bayside Council for review and approval. An application must be lodged with, and approved by, Bayside Council prior to issue of the Occupation Certificate.</p> <p>Bayside Council must be provided with the relevant fees and all supporting information required (such as works-as-executed drainage plans and certification) prior to Bayside Council endorsing the Instrument. Council requires proof of lodgement of the signed documents with the NSW Land Registry Services prior to the issue of the Occupation Certificate.</p> <p><b>Condition reason:</b> To ensure that the approved stormwater system is maintained in good working condition.</p>
53	<p><b>Rainwater Tank - Plumbing Certification</b></p> <p>Prior to the issue of any Occupation Certificate, a registered plumber shall certify that the rainwater tank has been connected to all toilet flushing, the cold water tap that supplies the clothes washing machine and all external taps/landscape irrigations for non-potable stormwater re-use.</p> <p><b>Condition reason:</b> To ensure that the rainwater will be reused within the site in accordance with this approval.</p>
54	<p><b>Erection of Signage</b></p>

	<p>Prior to the issue of the Occupation Certificate, the following signage shall be erected:</p> <p style="padding-left: 40px;">a. Vehicles Enter &amp; Exit in Forward Direction:</p> <p>All vehicles shall enter and exit the site in a forward direction at all times. A plaque with minimum dimensions 300mm x 200mm shall be permanently fixed to a prominent place within the basement, approved by the Principal Certifier, stating the following: "All vehicles shall enter and exit the site in a forward direction at all times".</p> <p>The owners shall preserve the plaque(s) in a good condition and keep it visible.</p> <p><b>Condition reason:</b> To ensure that signposting occurs where required to advise people of restrictions or hazards.</p>
55	<p><b>Roads Act / Public Domain Works - Minor Development</b></p> <p>Prior to the issue of any Occupation Certificate, the following works will be required to be undertaken in the road reserve at the applicant's expense:</p> <ol style="list-style-type: none"> <li>i. Construction of a new footpath and landscaping (grass verge/street tree planting as required) along all frontages of the development site;</li> <li>ii. Construction of a new fully constructed concrete vehicular entrance/s;</li> <li>iii. Removal of the existing concrete vehicular entrance/s, and/or kerb laybacks and other damaged public domain improvements which will no longer be required;</li> <li>iv. Reconstruction of selected areas of the existing concrete footpath/vehicular entrances and/or kerb and gutter;</li> <li>v. Construction of new kerb and gutter along the frontage of the development site.</li> <li>vi. Any brick/sandstone kerb and gutter shall be retained and protected as part of the development. Any damaged sections shall be repaired using brick/sandstone kerb and gutter of a similar type and equal dimensions.</li> <li>vii. The existing signpost fronting the site in the location of the proposed driveway shall be relocated to a suitable location to the satisfaction of TfNSW.</li> </ol> <p>All works within the road reserve, which are subject to approval pursuant to Section 138 of the Roads Act 1993, shall be completed to the satisfaction of Bayside Council at the applicant's expense. Inspection reports for the works on the road reserve shall be obtained from Bayside Council's authorised officer and submitted to the Principal Certifier attesting that this condition has been appropriately satisfied prior to the issue of any Occupation Certificate.</p> <p><b>Condition reason:</b> To ensure that required public domain outcomes are achieved.</p>
56	<p><b>Certification of Tanking and Waterproofing</b></p> <p>Prior to the issue of any Occupation Certificate, an Engineer registered with the National Engineering Register (NER) shall certify that the tanking and waterproofing of all subsurface structures has been constructed in accordance with the approved design and specification. The certification is to include an inspection and evaluation of the works.</p> <p><b>Condition reason:</b> To ensure that subsurface structures are designed to prevent ingress of groundwater.</p>

57	<p><b>Geotechnical Certification</b></p> <p>Prior to the issue of any Occupation Certificate, a Geotechnical Engineer shall certify that the construction works have been constructed in accordance with the approved construction geotechnical report/recommendations and include an evaluation of the completed works.</p> <p><b>Condition reason:</b> To ensure that the construction works have been completed in accordance with the approved construction geotechnical report/recommendations.</p>
58	<p><b>Post-construction dilapidation report</b></p> <p>Before the issue of any Occupation Certificate, a post-construction dilapidation report must be prepared by a suitably qualified Engineer, to the satisfaction of the Principal Certifier, detailing whether:</p> <ul style="list-style-type: none"> <li>a. after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and</li> <li>b. where there has been structural damage to any adjoining buildings, that it is a result of the building work approved under this development consent, and</li> <li>c. a copy of the post-construction dilapidation report must be provided to Council (where Council is not the Principal Certifier or a Principal Certifier is not required) and to the relevant adjoining property owner(s).</li> </ul> <p><b>Condition reason:</b> To identify any damage to adjoining properties resulting from site work on the development site.</p>
59	<p><b>Mechanical/Electronic Parking Systems – Operations and Installation Certification</b></p> <p>Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that an Operation and Management Plan has been prepared and implemented for the mechanical/electronic parking systems [mechanical turntable].</p> <p>The Plan must set out the following, at a minimum:</p> <ul style="list-style-type: none"> <li>a. The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners, and</li> <li>b. The proposed method of management of the facility, including procedures, directions to users, safety protection systems, emergency response plan in the event of mechanical failure, etc., and</li> <li>c. Any person required to operate the parking system must be trained to do so, and</li> <li>d. Provide signage that shall be erected prominently alongside the mechanical parking facility stipulating the maximum height/width/length of vehicle that can enter the facility, and</li> </ul> <p>The Plan must be prepared by a suitably qualified professional and provided to the Principal Certifier prior to the issue of an Occupation Certificate.</p> <p>Furthermore, an experienced/practicing and qualified manufacture designer/installer is to certify the installation of the mechanical turntable within the completed development. This certification is to include testing and inspections of the system in operation.</p> <p><b>Condition reason:</b> To ensure that mechanical parking facilities are operated and maintained in good working order at all times.</p>



60	<p><b>Ongoing Use Mechanical Parking Facility</b></p> <p>The Operation and Management Plan for the mechanical/electronic parking systems (mechanical turntable), approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times. The systems shall be regularly cleaned, maintained and repaired to ensure the efficient operation of the systems at all times.</p> <p><b>Condition reason:</b> To manage and maintain the mechanical parking facility so that approved on-site parking remains available at all times.</p>
61	<p><b>Occupation Certificate.</b></p> <p>The Occupation Certificate must be obtained prior to any use or occupation of the building / development <b>or part thereof</b>. The Principal Certifier must ensure that all works are completed in accordance with this consent, including all conditions.</p> <p><b>Condition reason:</b> To ensure that an Occupation Certificate is obtained.</p>

**Occupation and ongoing use**

62	<p><b>Maintenance of Stormwater Drainage System</b></p> <p>The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, infiltration systems and rainwater tanks) shall be regularly cleaned, maintained and repaired to ensure the efficient operation of the system from time to time and all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sludge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines. The water from the rainwater tank should not be used for drinking. Rainwater tanks shall be routinely de-sludged and all contents from the de-sludging process disposed: Solids shall be disposed to the waste disposal and de-sludged liquid shall be disposed to the sewer.</p> <p><b>Condition reason:</b> To protect waterways and minimise adverse impacts to the environment.</p>
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**General advisory notes**

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](#). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

DRAFT

## Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

**Approved plans and documents** means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

**AS** means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

**Building work** means any physical activity involved in the erection of a building.

**Certifier** means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

**Construction certificate** means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

**Council** means BAYSIDE COUNCIL.

**Court** means the Land and Environment Court of NSW.

**EPA** means the NSW Environment Protection Authority.

**EP&A Act** means the *Environmental Planning and Assessment Act 1979*.

**EP&A Regulation** means the *Environmental Planning and Assessment Regulation 2021*.

**Independent Planning Commission** means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

**Local planning panel** means Bayside Local Planning Panel

**Occupation certificate** means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

**Principal certifier** means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

**Site work** means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to

building work, subdivision work, demolition work, clearing of vegetation or remediation work.

**Stormwater drainage system** means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

**Strata certificate** means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

**Sydney district or regional planning panel** means Sydney Eastern City Planning Panel.

DRAFT

**Justification of Variation to Development Standard Building Height  
Report Pursuant to Clause 4.6 of Bayside Local Environmental Plan (2021)**

Proposed Residential Dwelling with Rooftop Terrace and Basement Garage  
at  
228 Grand Parade Monterey NSW

Prepared by George Banks Architecture  
Nominated Architect: Gorgi Gulevski #10620  
June 2024

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**INTRODUCTION**

**Purpose of this Report**

It is proposed to seek development approval from Bayside Council for a residential dwelling on land which is known as Lot 1 in DP1134994, 228 The Grand Parade, Monterey.

The subject site is located at Monterey, within an area zoned for low density residential development. The site is located on the southern side of The Grand Parade. The immediate surrounding area is characterised by interwar single storey dwellings, contemporary larger dwellings.

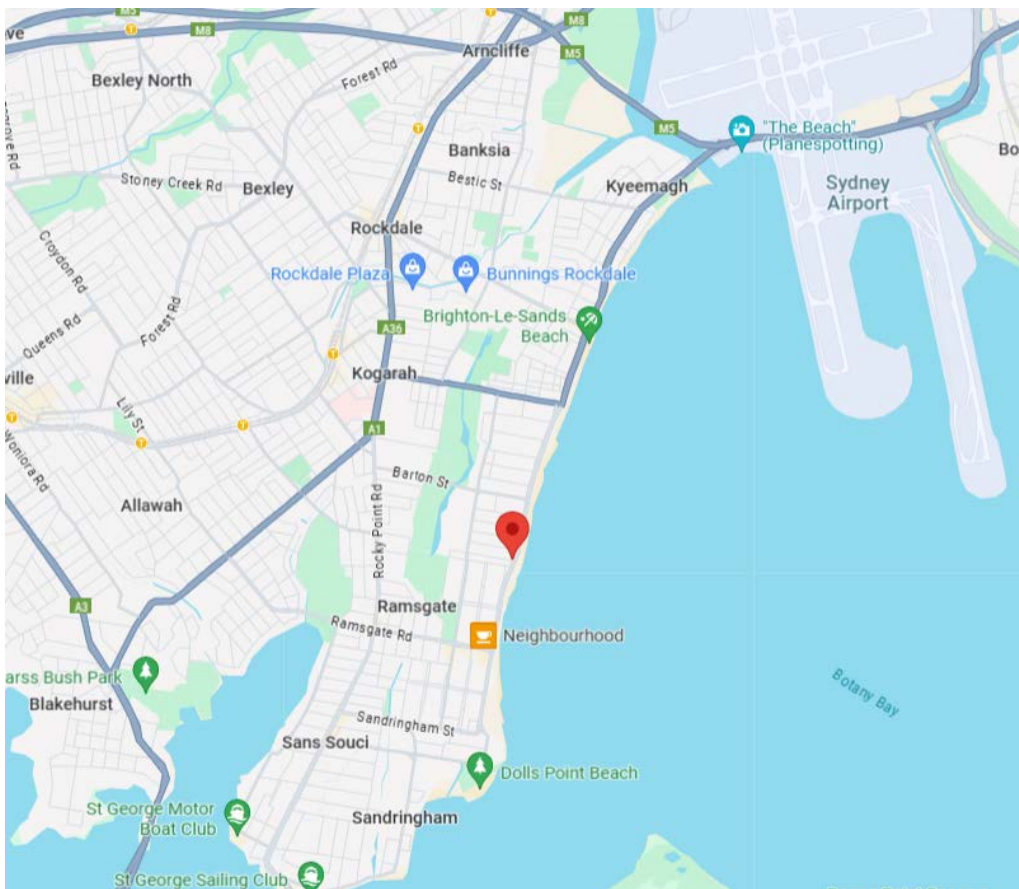


Figure 1 Site Location

The purpose of this report is to provide justification for a variation the building height provisions of Bayside Local Environmental Plan 2021, (LEP 2021) for the development which is proposed to be undertaken on the subject site.



**Background**

The proposed development is for a new single dwelling comprising of a basement garage, three bedrooms and rooftop terrace with a swimming pool. The dwelling has been designed with thermal comfort and amenity in mind and allowing the waterfront property to be enjoyed by its inhabitants.

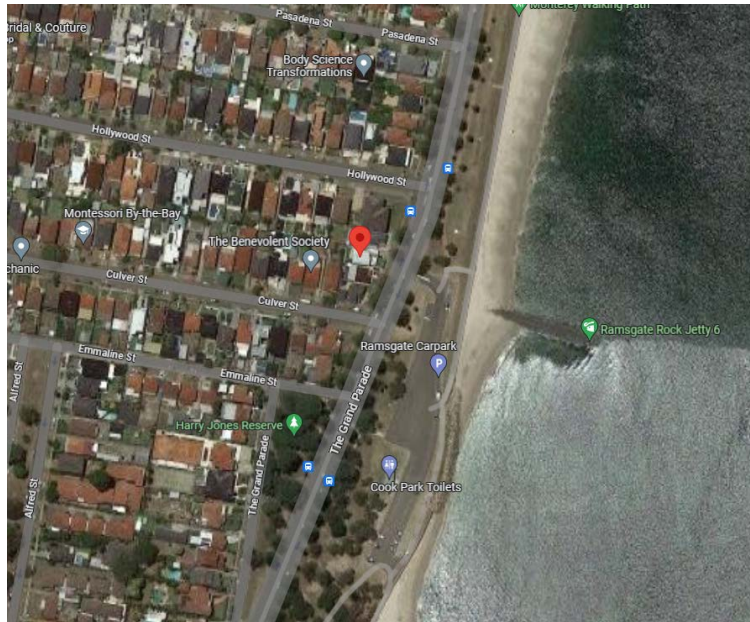


Figure 2 Aerial view of 228 The Grand Parade Monterey



Figure 3 Street view of 228 The Grand Parade Monterey

The Grand Parade features multiple dwellings that incorporate rooftop terraces to maximise the view of the surrounding beach.

## LEP 2021 REQUIREMENTS

### Introduction

Bayside Local Environmental Plan 2021 specifies a number of development standards that are applicable to this development. Part 4 of the plan relates to lot size, rural subdivision, height of buildings and floor space ratio.

Being a “performance based” document the LEP provides for a series of objective together with specific design provisions that are ‘Deemed to Satisfy’ the performance objectives. Adoption of the specified design provisions would therefore provide for a building solution to be approved by Council as this specified solution is ‘deemed’ to meet the relevant performance objectives. However, Clause 4.6 of the LEP recognizes the need to allow for exceptions to the specified design provisions. In this regard Clause 4.6 (2) of the LEP provides that;

*2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

In addition to establishing a framework for the consideration of variations to the LEP development standards, Clause 4.6 (3) – (5) of the LEP establishes the process by which variations to development standards are to be lodged, assessed, and determined. The LEP provisions which are applicable are as follows;

*(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*

- (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.*
- (4) Development consent must not be granted for development that contravenes a development standard unless:*
  - (a) the consent authority is satisfied that:*
    - (i) the applicant’s written request has adequately addressed the matters required to be demonstrated by sub clause (3), and*
    - (ii) 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, and*
  - (b) the concurrence of the Director-General has been obtained.*

*(5) In deciding whether to grant concurrence, the Director-General must consider:*

- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) the public benefit of maintaining the development standard, and*
- (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.*

This report will provide justification for the variation of the acceptable design solution for the height of the proposed building having regard to the relevant provisions of the LEP.

**Building Height Development Standard**

Clause 4.3 of the LEP provides that the height of a building erected on the subject site is not to exceed 8.5m.

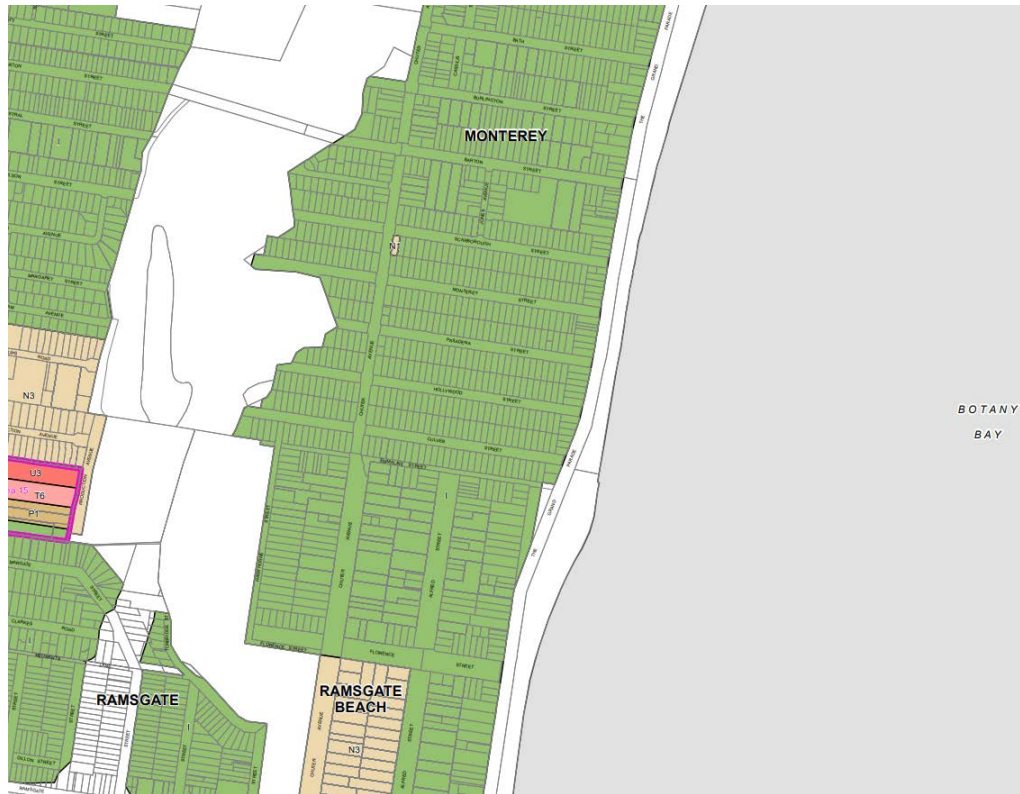


Figure 4 Building Height Maps

**Proposed Development Standard Variation**

Along the Grand Parade, the roof of the proposed development is located approximately 9.76 meters above ground level at its highest point (rear of terrace). The proposed terrace is setback 1.8m from the northern elevation and 1.5m from the southern elevation.

The ground floor of the development is approximately 0.7m higher than natural ground to accommodate for clearance heights of the basement garage. The basement allows for the inhabitants to park their vehicles underground as there is limited parking on the Grand Parade and the subject site is under the minimum 450sqm minimum subdivision.

The following table summarizes the development standard together with the proposed height of the building and the quantum of the variation which is being sought.

Building Height Development Standard	Building Height	Quantum of the Variation	Percentage Exceedance of Development Standard
8.5m	9.76m	1.26m	14.8%

## MERIT ASSESSMENT

### Background

Bayside LEP 2021 provides for merit assessment of variations to development standards.

This structure is reflected in;

- The inclusion of Clause 4.6 into the LEP which recognizes the need to allow for exceptions to the specified design provisions.
- The inclusion of performance objectives in relation to development standards. The inclusion of specific performance objectives provides for a design solution to be approved on the basis that its outcomes will be consistent with the nominated performance objectives.

It is however noted that the LEP does not indicate how a merit assessment is to be carried out. It is however noted that, NSW Planning via its Guide to Varying Development Standards, 2011 provides that;

*In deciding whether to approve a development application and associated application to vary a standard, council must consider whether non-compliance with the development standard raises any matter of significance for State and regional planning, and the public benefit of maintaining the planning controls adopted by the environmental planning instrument. As part of the consideration, council should examine whether the proposed development is consistent with the State, regional or local planning objectives for the locality, and, in particular, the underlying objective of the standard.*

*Additionally, the Guide provides that Clause 8 of SEPP 1 requires council to assess whether non-compliance with the development standard raises any matter of significance for State and Regional planning, and the public benefit of maintaining the planning controls adopted by the environmental planning instrument. Councils must furnish written evidence that they had considered the matters referred to in Clause 8 of SEPP 1 in their assessment of an application.*

*Additional guidance regarding the assessment of variations to development standards can also be taken from the 'five-part test' established by the NSW Land and Environment Court which are outlined as follows;*

- 1. the objectives of the standard are achieved notwithstanding noncompliance with the standard;*
- 2. the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
- 3. the underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
- 4. the development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
- 5. the compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.*

Having regard to the above, it is proposed to demonstrate that the proposed variation to the LEP development standard as it pertains to the proposed height of the subject building is acceptable in the circumstances as the design solution;

- Maintains compliance with the relevant objectives of the LEP development standard.
- Renders compliance with the development standard unnecessary and unreasonable in the circumstances.
- Does not raise any matter of significance for State and regional planning, and the public benefit.

**Development Standard Objectives**

NSW Planning’s Guide to Varying Development Standards (August 2011) provides that when assessing applications involving variations to development standards under Clause 4.6 of the Standard Instrument, council should take into account both the mandatory zone objectives as well as any additional objectives.

*‘(1) The objectives of this clause are as follows:*

*(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,*

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

*(c) to minimise the adverse impact of development on heritage conservation areas and heritage items,*

*(d) to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan.’*

It is considered that where a building design solution is consistent with the above objectives it can be assessed as being consistent with the requirements of BLEP 2021 and as such development consent can be issued on the basis that the proposed development is in accordance with the relevant development standards. The following justification is provided in respect of each of the performance objectives provided for in the LEP and listed below:

**Performance Assessment**

Performance Objective	Performance Assessment
<i>(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality.</i>	<p>The existing and future character of the locality is and will be predominately residential with a mix of low and medium density residential development dominating the immediate area.</p> <p>The waterfront location of the subject site provides for passive and active open spaces to dominate the eastern elevation of the site.</p>

The proposed development is consistent with the existing character and context of the neighbourhood, providing a contemporary addition to the streetscape along the Grand Parade. The response to views, view sharing and topography, use of materials (sandstone, brick and cladding) are also consistent with neighbouring properties. The external walls of the garage are proposed to be the same material and integrated with the surrounding landscape walls.

The relevance of the proposed building height design solution to the existing and future character of the locality is therefore assessed as follows;

**Existing Character**

The existing character of the area features a mix of dwellings that incorporate rooftops to maximise the overlook to the foreshore. Further



Figure 5 188 Grand The Grand Parade



Figure 6 206 The Grand Parade





Figure 7 213 The Grand Parade

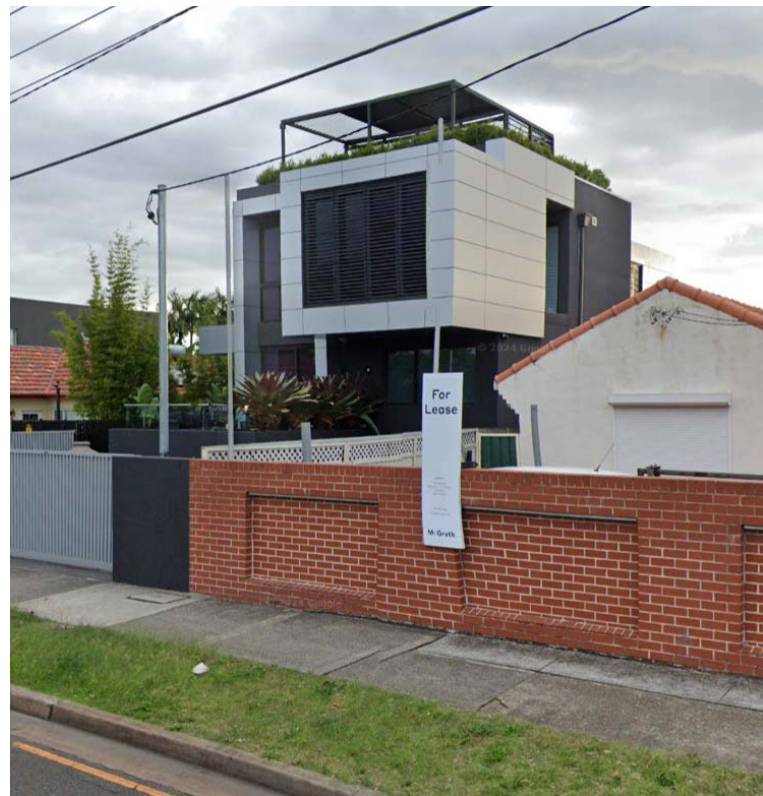


Figure 8 289 The Grand Parade





Figure 9 153 The Grand Parade

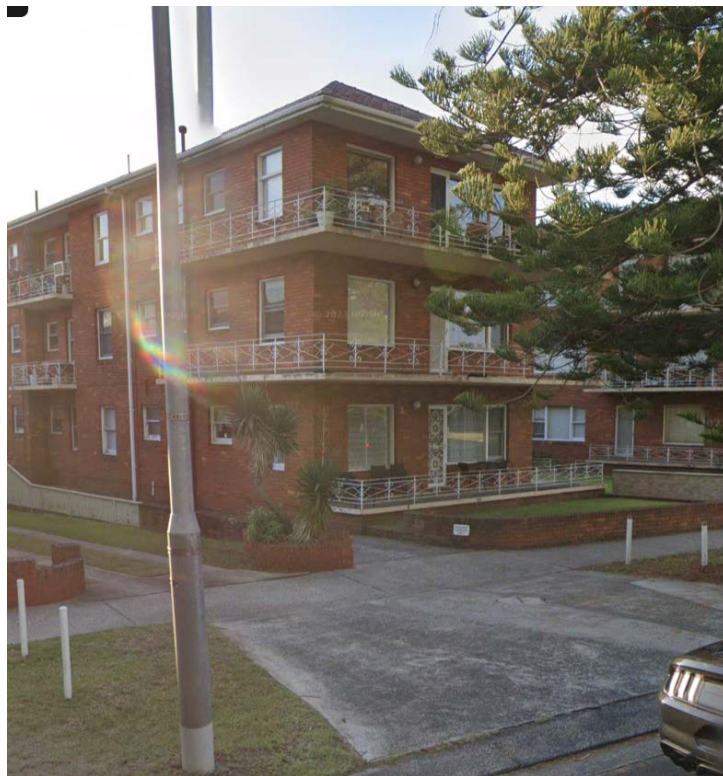


Figure 10 159 The Grand Parade

	<p>The rooftop enclosure is not fully enclosed and has been setback 1.8m from the northern boundary and 1.5m from the southern boundary.</p> <p>The ground floor of the development is approximately 0.7m higher than natural ground to accommodate for clearance heights of the basement garage. The basement allows for the inhabitants to park their vehicles underground as there is limited parking on the Grand Parade and the subject site is under the minimum 450sqm minimum subdivision.</p>
<p><i>(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development</i></p>	<p>Solar access studies show acceptable results for June 22 as a result of the proposed development in relation to adjoining and adjacent existing development and the exceedance of the LEP building height standard as proposed does not highly the outcomes of the solar access studies. The positioning of the proposed building, open rooftop areas and setbacks help to mitigate overshadowing of the southern neighbour.</p> <p>Accordingly, the proposed building height design solution will have no significant impact on solar access beyond that contemplated by the development standard.</p> <p>It is noted that when viewed from The Grand Parade the proposed building will present as a two-storey building which is consistent with the outcomes envisaged by the LEP development standard. Accordingly, the visual impact of the proposed building height solution will be minimal in the context of the future character envisaged for the area.</p> <p>Having regard to the above it is clear that quality urban and building design outcomes will be achieved as a result of the proposed development and that the proposed building height design solution will have negligible impact in relation to visual impact, views, loss of privacy and loss of solar access issues.</p>
<p><i>(c) to minimise the adverse impact of development on heritage conservation areas and heritage items,</i></p>	<p>The subject site does not form part of an area which the LEP identifies as being of potential heritage importance and as such the proposed development has no impact on the heritage values of the subject site. In a broader context identified items/issues of heritage significance are not located in the immediate area to the subject site and as such the height of the proposed development is appropriate in the context of existing and future height, bulk and scale of the locality.</p>

<p><i>(d) to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan:</i></p>	<p>Being a waterfront property, the proposed development provides for a density of development which is entirely consistent with that expected by the local community.</p> <p>The proposal is considered acceptable for the following reasons:</p> <ul style="list-style-type: none"> <li>- The building design has had regard for views from adjoining properties and has negligible impacts upon the sharing of views.</li> <li>- The bulk and scale of the development is consistent with the development densities and bulk and scale provisions which are relevant to the future development of land within the locality.</li> <li>- Overshadowing impacts are minimal.</li> <li>- Outlook from the development are focused towards the east with the use of screen and solid balustrades minimizing direct views into adjoining properties</li> <li>- The building design provides a suitable height that has regard for and responds to the current legislative height controls which are relevant to the subject site and other properties in the locality.</li> </ul>
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**Reasonableness of Proposed Variation**

Whilst lower height development is present on adjoining and adjacent land it is noted that the development standards which are applicable to the subject site and neighbouring land along The grand Parade feature a mix of heights including rooftop terraces and apartment buildings.

In this regard the minor nature of the height exceedance, in the context of the location and nature of the height standard exceedance, is such that the height of the proposed development is entirely consistent with the desired future character of the locality.

Having regard to the above the outcomes provided for by the proposed building height are entirely consistent with the desired future character of the locality in relation to height, bulk and scale with the

proposed development responding to the transitional nature of bulk and scale for the locality as provided for by the various development standards which are relevant to the locality.

**Significance of Proposed Variation**

Having regards to the specific characteristics of the subject site and its local context and the nature and impacts of the proposed development it is considered that non-compliance with the development standard does not raise any matter of significance for State and Regional planning.

**CONCLUSION**

Having regard to the above it is considered that the proposed building is consistent with the relevant building height performance standards as provided for by Clause 4.3 of the LEP and as such the requested exemption to the development standard is appropriate in the specific circumstances.

Accordingly, we feel that the development is able to be supported by Bayside Council.



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**STATEMENT OF ENVIRONMENTAL EFFECTS**

for

**DEMOLITION OF EXISTING DWELLING AND NEW DWELLING WITH BASEMENT GARAGE AND ROOFTOP SWIMMING POOL**

at

**228 THE GRAND PDE, MONTEREY**

Prepared on behalf of the owner by George Banks Architecture

**12 February 2024**



Statement of Environmental Effects  
228 The Grand Pde, Monterey

## 1. Summary – Aims of the Report

The aims of this report are:

To provide an assessment of the context surrounding the subject site and describing key elements of the site, the local environment and relevant planning controls.

## 2. Site Description

The subject site is described as Lot 1 in DP1134994 also known as 228 The Grand Parade, Monterey. The site is rectangular in shape. The site features a front eastern boundary of 12.49m, a southern boundary of 27.445m, western boundary of 12.19m and a northern boundary of 30.215. The site area is 351.4m<sup>2</sup>.

### Existing

The site features a double storey dwelling with a metal sheet roof. The current dwelling underwent alterations in additions through a previous development application.

### Topography

The existing ground is relatively flat with a slight fall to the front.

### Drainage

Please refer to the submitted stormwater plans for information in relation to drainage.

### Context

The subject site is located at Monterey, within an area zoned for low density residential development. The site is located on the southern side of The Grand Parade. The immediate surrounding area is characterised by interwar single storey dwellings, contemporary larger dwellings with rooftop terraces.

### Description of the Proposal

The owner seeks approval for the following:

- Demolition of existing single-storey dwelling
- New residential dwelling with basement garage and rooftop terrace and swimming pool



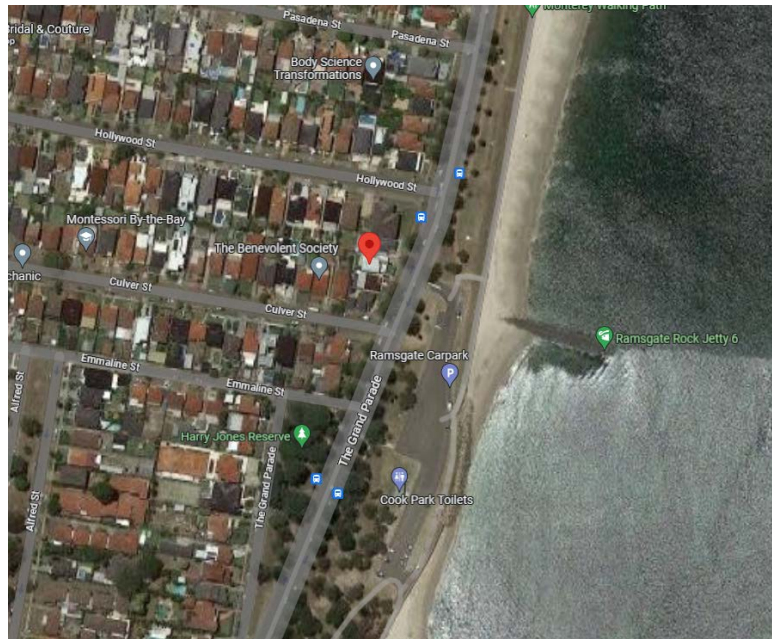


Figure 1 Aerial View of 228 The Grand Pde Monterey



Figure 2 Street View of 228 The Grand Pde Monterey



**3. Calculations**

**Area Calculations**

Total Site Area	351.4m <sup>2</sup>
Basement	13.70m <sup>2</sup>
Ground Floor	96.40m <sup>2</sup>
First Floor	109.10m <sup>2</sup>
Terrace	24.00m <sup>2</sup>

Maximum FSR	193.27m <sup>2</sup> / Adjusted to Min Lot Size (450m <sup>2</sup> - 0.55:1) = 247.5m <sup>2</sup>
Proposed FSR	243.20m <sup>2</sup> / 0.53:1

**4. Compliance Table**

Compliance	DCP/LEP Control	Proposed	Complies?
Building Height	8.5m	7.6m to top of roof, 10.3m to top of terrace	Yes/No – Rooftop terraces permitted as per DCP
Front Setback	Average 5.164m	7.227m	Yes
Rear Setback	5m	5m	Yes
Ground Side Setback	0.9m	0.9m	Yes
First Floor Side Setback	1.5m	1.5m	Yes
Maximum FSR	0.55:1/193.27m <sup>2</sup> 247.5m <sup>2</sup> on 450m <sup>2</sup>	243.20m <sup>2</sup>	See below
Landscape 25%	48.31750m <sup>2</sup>	102.60m <sup>2</sup>	Yes
Minimum Lot Size	450m <sup>2</sup>	351.4m <sup>2</sup> (Existing)	No

Due to the original lot size being under the minimum as outlined within the LEP it should be granted to the inhabitants that a greater FSR ratio be permissible. The proposal complies with the relevant setbacks and an increased setback to the front reduces the bulk of the dwelling within the streetscape. The proposal complies with the 2 hours direct sunlight control for adjoining properties as shown in the shadow diagrams submitted as part of the DA.

## 5. Site Suitability

The site is located in a well-established area within Monterey. The immediate locality is covered by residential zoning as shown on the LEP. The current zoning of the site implies continued use of the site as a residential use with due regard to site constraints, physical constraints, development controls and physical appearance. The subject site is located at 228 The Grand Parade, Monterey NSW 2217. The street has been predominantly occupied by single, double, and triple storey dwellings.

The site is considered suitable for proposed development based on the following:

- a. The existing dwelling is out-dated and of no significance and does not present any viable constraint to the redevelopment of the site.
- b. The proposed development maintains the streetscape and local character.
- c. The proposed development is located on the main street of Monterey and has high public visibility.
- d. The architectural form and sitting of the proposed dwelling are compatible to adjoining and nearby developments, regarding street setback, roof form, external materials and a high level of design.
- e. The development proposal does not have any impact on the neighbourhood lots and surroundings.
- f. The proposed development adheres to the zoning outlined in the Bay Side Local Environmental Plan 2021 and complied with the street setbacks.

Below are dwellings similar in size and design to the proposed dwelling:



Figure 3 230 The Grand Parade



Figure 4 194 The Grand Parade



Figure 5 204 The Grand Parade



Figure 6 206 The Grand Parade

Statement of Environmental Effects  
228 The Grand Pde, Monterey





*Figure 7 213 The Grand Parade*



*Figure 8 245 The Grand Parade*

Statement of Environmental Effects  
228 The Grand Pde, Monterey



Figure 9 268 The Grand Parade



Figure 10 290 The Grand Parade

**6. Relevant Planning Controls**

**Bayside Local Environmental Plan 2021 (LEP)**

The subject site is within Zone R2 – Low Density Residential under Inner West Local Environmental Plan 2022 (LEP). The proposed development falls within the definition of “dwelling house” and is permissible with the consent of Council.

It is considered that the proposed development satisfies all relevant zone objectives contained in the LEP.

Clause	Standard	Compliant/Comment
2.3	Land Use  Zone R2 Low Density Residential	Complies  Dwelling houses are permissible within the zone.
4.3	Height of buildings 8.5m	7.6m to top of roof, 10.3m to top of terrace – terrace rooftop permissible on The Grand Parade.
4.4	Floor Space Ratio – 0.55:1	0.69:1  Does not comply  Due to the original lot size being under the minimum as outlined within the LEP it should be granted to the inhabitants that a greater FSR ratio be permissible. The proposal complies with the relevant setbacks and an increased setback to the front reduces the bulk of the dwelling within the streetscape. The proposal complies with the 2 hours direct sunlight control for adjoining properties as shown in the shadow diagrams submitted as part of the DA.

**Bayside Development Control Plan 2022 (LEP)**

Clause	Standard	Compliant/Comment
3.1.1	Site Analysis Plan  C1. Development Applications are to include a Site Analysis which includes both a sketch/diagrammatic Site Analysis Plan and a written component	Complies  A site analysis plan accompanies this application. Refer to A-102. The written component is part of this SEE.

3.1.2	Interface with Public Domain TBC	
3.1.5	Views  C1. Development must consider any significant vistas or views to, from and across the site including those which contribute to the character, identity, or sense of place of the site	Complies  The proposed dwelling ensures the city views from the site are maximised and the views to the city from 36 Colson Crescent living and dining spaces are maintained.
3.3.1	General Controls  C1. Areas of glazing are located to avoid energy loss and unwanted energy gain.  C2. Development provides appropriate sun protection during summer for glazed areas facing north, west and east, whilst allowing for penetration of winter sunlight (see Figure 3).  C3. Extensive areas of glazing that are unprotected from sun during summer are not permitted. Shading devices include eaves, awnings, balconies, pergolas, external louvers, and projecting sunshades. Unprotected tinted windows are not acceptable.	Complies  A BASIX certificate and thermal assessment accompanies this development application.  Glazing along the north, east and west facades are protected with eaves, overhangs, and fins.
3.3.2	Natural daylight and ventilation (passive design)  C1. Buildings must comply with the following minimum ceiling heights to facilitate adequate natural lighting and ventilation:	Complies  Minimum ceiling heights to facilitate adequate natural lighting and ventilation is achieved.
3.5.1	Design of the Parking Facility  C1. Off-street parking facilities, including carports, are generally not permitted within the front setback due to the impact on streetscape and landscape character.  Driveways/hardstands and carports encroaching into the minimum front boundary setback may be considered for single dwelling houses in circumstances where:  a. the hardstand or carport is to serve a single dwelling house (not permitted for any other form of residential development);  b. there is no opportunity to provide off street parking from a rear lane, side street, or behind the required front setback;  c. the hardstand or carport is for a single vehicle and is no larger than 3m in width, 6m in length and 3m in height if a flat roof, or 3.6m if a pitched roof;	Complies  Due to the topography of the site, off street parking is provided in the front set back. This is consistent with the existing and is located in front of the building line. The proposed garage is setback from the boundary to allow for the structure to be setback, level entry into The dwelling for pedestrians and to allow for additional parking for visitors as no street parking is available.



	<p>d. the design is sympathetic to the host dwelling and the existing streetscape, in regard to materials, scale, form, roof style and the predominant setbacks of similar structures;</p> <p>e. the carport does not include enclosing walls, or a solid panel or roller shutter door;</p> <p>f. gates do not encroach upon public land during operation and a minimum length of 5.5m is available so that a parked vehicle does not overhang the front boundary; and</p> <p>all other requirements of this DCP are met, including landscaping requirements.</p>	
3.5.3	<p>On Site Car Parking Rates</p> <p>C1. Development is to provide on-site car parking in accordance with the car parking rates outlined in Table 3 below.</p>	<p>Complies</p> <p>The proposed garage only allows for 2 spaces.</p>
3.7.1	<p>Landscaping</p> <p>C4. At least 20% of the front setback area of a residential development is to be provided as landscaped area.</p> <p>C5. Side setbacks included in the landscape area shall be maximum 20% of the total landscape area provision.</p> <p>C6. Landscaped areas located between driveways/ pathways and side boundaries have a minimum width of 1.0m at the narrowest dimensions and a minimum of 75% landscaped area must consist of planting, grass and trees, but not gravel/paving.</p> <p>C12. The minimum amount of landscaped area within the site is as follows:</p>	<p>Complies</p> <p>Landscape areas and calculations have been provided on A-111 showing compliance with minimum landscape area (deep soil) and the minimum landscaped area in the front setback.</p> <p>The landscape area along northern and southern side backs is 34.7m<sup>2</sup>. This is more than 20% of the total landscape area as it is a garden/lawn space for occupants to use.</p> <p>Planted and grass areas of minimum 1m wide have been included in the calculation and complies with the min. 25% landscaped area.</p>
3.12.3	<p>Waste Minimisation and Site Facilities Low-density residential development.</p> <p>C1. A waste and recycling storage area for each dwelling must be located on the relevant lot in a position convenient for both users and waste collection personnel.</p> <p>C2. Sufficient space must be provided to accommodate the storage of waste and recycling likely to be generated on the premises between collections and any associated equipment</p>	<p>Complies</p> <p>Kerb side waste collection as per existing is proposed, Sufficient space is provided for bin storage within the garage.</p>
3.14.2	Acoustic Privacy – Residential	Complies

	<p>C1. The location of driveways, open space and recreation areas and ancillary facilities external to the development must be carefully planned to ensure minimal noise impact on adjoining residential properties.</p> <p>C2. Bedrooms in a residential dwelling may share walls with living rooms of adjacent dwellings provided appropriate acoustic measures are considered for the proposed development and submitted to Council with the application.</p>	<p>Private open spaces are located towards the rear of the site and are away from bedrooms of adjoining properties.</p> <p>The bedrooms proposed in the new dwelling are located away from the entertainment spaces and on a different level. This allows for acoustic separation increasing comfort for occupants.</p>
5.1.1	<p>Fences and retaining walls – General Controls C1. The maximum height of front fences are:</p> <p>a. 1.5m if at least 50% transparent</p> <p>b. 1.2m if less than 50% transparent (Refer to Figure 15)</p> <p>NB: Council may consider taller fences where properties adjoin significantly busy or hostile road corridors. The visual impacts of taller fencing must be offset by means of additional landscaping provision.</p> <p>C2. For dwelling houses, the top 50% of a front fence is to be transparent or open style to allow for passive surveillance</p>	Complies
5.1.3	<p>Swimming Pools, Spa Pools, and Child-Resistant Barriers</p> <p>C1. Swimming pools and spa pools are sited to minimise unreasonable impact on the following:</p> <p>a. natural landform</p> <p>b. habitable rooms and the principal private open space of adjoining properties</p> <p>C2. Swimming pools, spa pools and associated structures such as decks or coping are:</p> <p>a. located at ground level</p> <p>b. where a site slopes, have a maximum height above existing ground level of 500mm</p> <p>C3. Swimming pools and spa pools are not located within the front setback.</p> <p>C4. Minimum setbacks for swimming pools and spas to side and rear boundaries from the coping are:</p> <p>a. 1m</p>	<p>Does not comply.</p> <p>The proposed swimming pool is located on the rooftop terrace.</p> <p>The swimming pool location does not comply with the location as outlined in the DCP.</p> <p>Due to the non-compliant lot size the owner seeks a variation to this clause.</p> <p>The swimming pool will be surrounded by a 1m high solid wall and surrounded by planting for privacy.</p>

	<p>b. where adjoining a habitable room of a neighbouring dwelling, a setback greater than</p> <p>1.5m may be required in order to protect the amenity of residents</p> <p>C5. Pumps, filters and other noise emitting devices are located away from habitable rooms and the principal private open space of adjoining dwellings and/or enclosed or screened by appropriate, visually unobtrusive noise mitigating devices. Any devices are located and designed in accordance with the offensive noise provisions of the Protection of the Environment Operations Act 1997</p>	
5.2.1	<p>Streetscape, Local Character and Quality of Design</p> <p>C1. Development is to be designed to reflect the relevant local character in Chapter 7 and reinforce the architectural features and identity which contribute to the desired future character of the area.</p> <p>C2. Development is oriented to be parallel with the primary road. Development sites with two or more frontages should address both frontages.</p> <p>Note: Council may vary this control where the lot has an irregular boundary to the primary road.</p> <p>C3. Proposed materials for low density dwellings should not include extensive areas of glass sheeting and glass blocks.</p> <p>Painting, rendering, or bagging of any original unpainted masonry or sandstone surfaces or cladding that provides a positive contribution to the streetscape character and requires maintenance is not permitted.</p> <p>C4. Where alterations or additions are proposed, the materials must be compatible with those of the existing building and/or desired future character of the streetscape.</p> <p>C5. Elevations should avoid large expanses of blank walls through the following:</p> <ul style="list-style-type: none"> <li>a. a harmonious composition of varied building elements</li> <li>b. recesses and projections</li> <li>c. changes in texture, material, detail and colour</li> </ul>	<p>Complies</p> <p>The proposed development is consistent with the existing character and context of the neighborhood, providing a contemporary addition to the streetscape along the Grand Parade. The response to views, view sharing and topography, use of materials (sandstone, brick and cladding) are also consistent with neighboring properties. The external walls of the garage are proposed to be the same material and integrated with the surrounding landscape walls. The proposed colour palette is to be earthy neutral tones.</p>
5.2.1.2	Built form controls	Does not comply.

	<p>C1. Maximum building height above ground level in metres complies with clause 4.3 of the Bayside LEP 2021.</p> <p>C2. Maximum building height above ground level (existing) in storeys excluding basements is:</p> <p>a. for a Dwelling House, Semi-Detached Dwelling and Dual Occupancy: 2 storeys</p> <p>b. for a Secondary Dwelling: 1 storey</p> <p>for any of the above uses located at the rear of a site or on a battle axe: 1 storey.</p>	<p>However rooftop terraces are permitted on the street and within the DCP.</p>
5.2.1.3	<p>Setbacks</p> <p>C1. Minimum building setback to a primary road is either:</p> <p>a. the average of the dwellings on adjoining lots;</p> <p>b. otherwise, 6m.</p> <p>C5. Minimum building setback to a rear boundary is 5m.</p> <p>C6. Minimum building setback to a side boundary is 0.9m (ground floor) and 1.5m (first storey and above).</p>	<p>Complies</p> <p>Please see above for setbacks.</p>
5.2.1.5	<p>Solar Access and Overshadowing</p> <p>C1. Dwellings within the development site and adjoining properties should receive a minimum of 2 hours direct sunlight in habitable living areas (family rooms, rumpus, lounge and kitchen areas) and in at least 50% of the primary private open space between 9am and 3pm in mid-winter.</p>	<p>Complies</p> <p>Minimum of 3 hours of sunlight to main living areas achieved during mid-winter.</p> <p>Shadow diagrams for mid-winter, mid-summer and march equinox have been provided.</p>

**7. FSR Non-Compliance**

Due to the original lot size being under the minimum as outlined within the LEP it should be granted to the inhabitants that a greater FSR ratio be permissible. The proposal complies with the relevant setbacks and an increased setback to the front reduces the bulk of the dwelling within the streetscape. The proposal complies with the 2 hours direct sunlight control for adjoining properties as shown in the shadow diagrams submitted as part of the DA.

## 8. Assessment of Impacts

- a) The likely impact of that development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality.
- b) the suitability of the site for the development
- c) any submissions made
- d) the public interest

An assessment of the likely impacts of the development proposal is to be undertaken, which includes documenting the environmental impacts of the proposal, discussing the merits of the proposal, and any proposed steps to avoid, minimize or manage any adverse impacts.

### Context and Setting Relationship to Local Context

The site located in a residential setting. The proposed development is consistent and complimentary to this. The architectural styles of the surrounding development vary considerably. Most new development is contemporary in style which is consistent with the proposed development.

### Heritage

There are no impacts on environmental or cultural heritage as there are no items in the vicinity that have been currently identified.

### Potential Impacts on Adjacent Properties

The proposed development will have negligible impact on adjacent properties. The development is not expected to generate any significant noise.

### Visual Privacy

The issue of privacy has been taken into consideration from the initial design stage of the proposed development. The window positions have been chosen to minimise overlooking and the screens and/or glazing type have been appropriately used and positioned to avoid overlooking into private areas. The mass of the house has been designed to minimise overshadowing the adjoining properties. Shadowing some part of the neighbouring property is inevitable in some seasons.

### Acoustic Privacy

The noise generated by the proposed development will be minimal and consistent with any normal residential use.

### Overshadowing

Shadow diagrams have been prepared and accompany this application.

### Access and Transport

The additional traffic generated by the development will be negligible.

**Utilities**

The existing infrastructure in terms of water, sewer power and telecommunications, all have the capacity to serve the proposed development.

**Soils and Geotechnical**

Refer to the geotechnical report attached with the application. During the geotechnical investigation, a thorough examination was conducted to determine the water table conditions on the site.

**Air and Microclimate**

The development is minor in nature and there are unlikely to be any impacts in the air quality of the surrounding environment created by this development.

**Flora and Fauna**

There are no known significant flora and fauna present on the site.

**Waste**

There will be minimal waste associated with the development proposal. All waste including stormwater associated with the development of dwellings in the future will be managed in accordance with Council policy.

**Water Consumption**

Water consumption is reduced and exceeds the minimum BASIX requirements. Rainwater is reused for irrigation.

**Stormwater**

Stormwater is collected in rainwater tanks and discharged by gravity to street. This is consistent with the existing flows across the site.

**Energy**

The proposal exceeds the minimum BASIX targets for energy efficiency.

**Natural Hazards**

No natural hazards have been identified on the site.

**Suitability of the site for development**

Having regard to the characteristics of the site, and its location, the site is suitable for the proposed development in that:

- 5.1.4 the site is strategically located to accommodate residential use – and is zoned as such.
- 5.1.5 The development has minimal adverse impacts on adjoining properties
- 5.1.6 The building typology selected is appropriate for the nature of the site

The development is consistent with the local, regional, and state planning objectives and provides a sustainable development outcome.

As detailed throughout report, the proposed development will not result in any adverse environmental impacts, and it is therefore considered that the site is suitable to accommodate the proposed minor development.

**The Public Interest**

The public interest demands an appropriate building and orderly use of the land. This development is consistent with the public interest. It is compatible with adjacent development and consistent with the vision for development in the area anticipated under the controls.

**Conclusion**

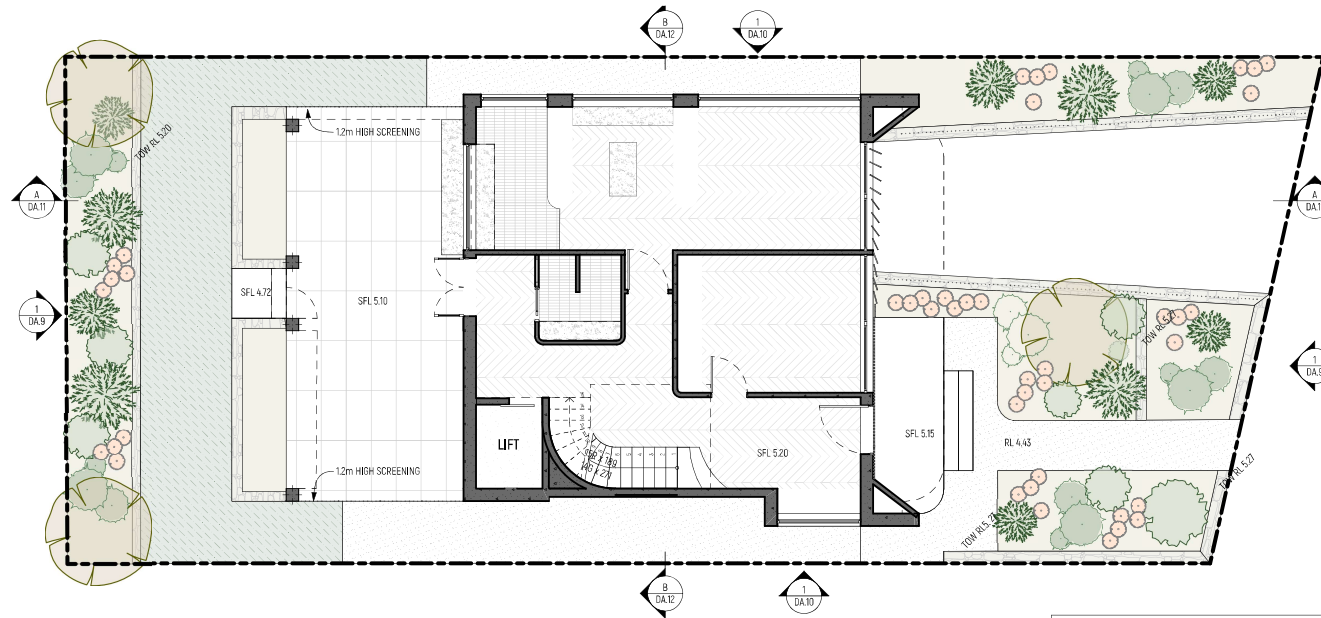
The proposed development is satisfactory when assessed under the heads of consideration of Section 79C (1) of the EP&A Act 1979, as amended. No adverse environmental impacts have been identified. Therefore, no measures in mitigation are proposed.

Any proposed steps to avoid, minimize or manage any adverse impacts on the environment or to improve environmental outcomes.

The proposed development of a new dwelling house represents a suitable development outcome consistent with State, Regional and Local planning provisions. The development will not result in any significant environmental, social or economic impacts.

The proposed development layout is consistent with the relevant Bayside Council's development controls with minor variations sought for the development proposal. These will be minimal in impact to adjoining properties yet major for the inhabitants of the dwelling.





1. Landscape Plan

**SPECIFICATION NOTES**

**PLANTING MATERIALS**

**Planting Mix:**

- Imported planting mix to planting beds to comprise an approved soil mix of:
  - 60% Soil mix (75% coarse sand and 25% blacksoil)
  - 10% Mushroom compost
  - 10% Composted sawdust
  - 10% Fine bark fines
  - 10% Composted manure

**Mulch:**

Mulch shall mean hardwood (25mm grade), free from material derived from Privet, Willow, Poplar, Coral trees, or other noxious weeds. Any mulch exceeding the 25mm grade shall be rejected / removed from the site. Graded hardwood mulch to be supplied by Australian Native Landscapes Pty Ltd Phone (02) 9450 9444, or approved equivalent.

**Plant Material**

All plant material must be true to the species. No substitutes will be allowed. All plants shall be free of fungus and insect damage. All plants shall be healthy, well shaped, not soft or force grown and not root bound.

**Turfed areas:**

All new turfing areas are to be selected weed free Soft Leaf Buffalo. Turf shall be laid neatly butted with staggered joints. Flush with adjacent surfaces and have even running falls to all drainage points. All new turfing areas shall have a minimum 150mm depth of weed free top soil, placed and levelled prior to turfing.

**PREPARATION AND HARDWORKS**

**Excavating for Spot Planting**

To planting areas: excavate a hole for each plant large enough to provide not less than twice the depth and twice the diameter than the root ball of species to be planted.

**Staking**

Use durable hardwood, straight, free from knots or twists, pointed at one end. Drive stakes into the ground a minimum one third of their length, avoiding damage to the root system.

- 75 litre trees in 2 x 38x38x1800mm Hardwood Stake with double Nylon tie

TES: Provide a 50mm wide Nylon webbing tie per stake, fixed securely to the stakes, one tie at half the height of the main stem and the other as necessary to stabilise the plant.

**Porous Pavement**

MATERIAL: Porous pavement shall be 115x210x80mm porous paving installed to manufacturers recommendations and specifications as available from Boral Pty Ltd (Ph 1300 134 002) or approved equivalent. Sample to be provided for approval by Superintendent.

**Loose Nepean River Pebble**

MATERIAL: Nepean river pebble gravel to be of uniform size or graded material in the size 20mm grade to nominal 75mm thickness as available from Australian Native Landscapes. Ph: (02) 9450 9444.

**Timber Edging**

MATERIAL: Timber edging shall consist of:- Edging: 100 x 50mm hardwood - Posts: 50 x 50 x 400mm hardwood - Fastenings to be 75x3.75mm diam. galvanised nails

INSTALLATION: Setout alignment of timber edging on site for approval of Superintendent. Excavate to approved alignment and place edge band within trench to confirm peg locations. Install pegs and affix timber edging in accordance with details. All timber edging to finish flush with adjoining turf.

**MAINTENANCE / PLANT ESTABLISHMENT**

- Landscape Contractors to provide 26 weeks for maintenance / plant establishment period. Carry out recurrent works of a maintenance nature including, but not limited to, watering, mowing, weeding, rubbish removal, fertilising, pest and disease control, returning, staking and tying, replanting, cultivating, pruning, hedge clipping, top dressing, and keeping the site neat and tidy.

**NOTE:**

- All Finished Levels are to be verified by Contractor on site.

- All Landscape works to be in strict accordance with Council's Landscape code and guidelines

- This plan to be used in conjunction with all other submitted architectural, hydraulics and engineering drawing where applicable.

LANDSCAPING CALCULATIONS	
SITE AREA	351.4m <sup>2</sup>
TOTAL DEEP SOIL AREA	92.5m <sup>2</sup> (26.3%)
PERCENTAGE OF DEEP SOIL (FRONT)	44.4m <sup>2</sup> (48%)

Origin	Size	Name	Symbol	Quantity
Native	Spread: 0.8-1m Height: 0.8-1m	Eriostemon Wax Flower		18
Native	Spread: 2m Height: 0.2m	Carpobrotus Pigface		43
Native	Spread: 0.5-1m Height: 0.5-1m	Acacia cognata Limeflight Wattle		10
Native	Spread: 0.5-0.6m Height: 0.5-0.6m	Lomandra longifolia Mat Rush		8
Native	Spread: 3m Height: 3-4m	Leptospermum polygalifolium or Yellow Tea Tree		3

**FOR DEVELOPMENT APPLICATION**



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N. Arch. Gorgi Gulevski 10620

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APPLICANT  
**GEORGE BANKS ARCHITECTURE**

**REVISION NOTES**

A - FOR DEVELOPMENT APPLICATION	21/02/2024
B - REDUCE FSR, RFI CHANGES	26/06/2024



ADDRESS  
**228 THE GRAND PDE MONTEREY**

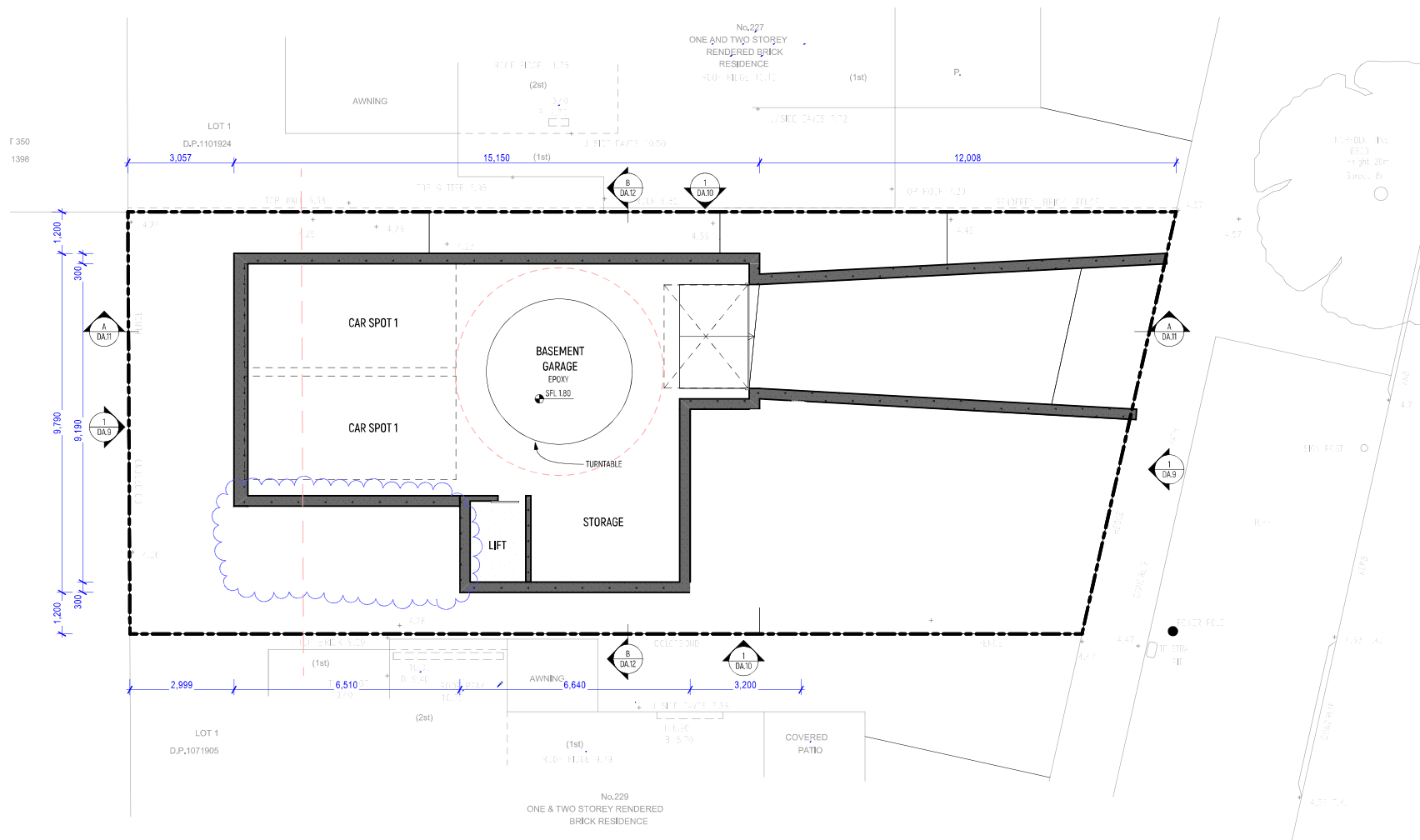
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PROJECT  
**M228**

DRAWING  
**, Landscape Plan**

REV  
**B**

DRAWING NO.  
**DA.4**



0. BASEMENT



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 APPLICANT  
 GEORGE BANKS ARCHITECTURE

REVISION NOTES	
A - FOR DEVELOPMENT APPLICATION	21/02/2024
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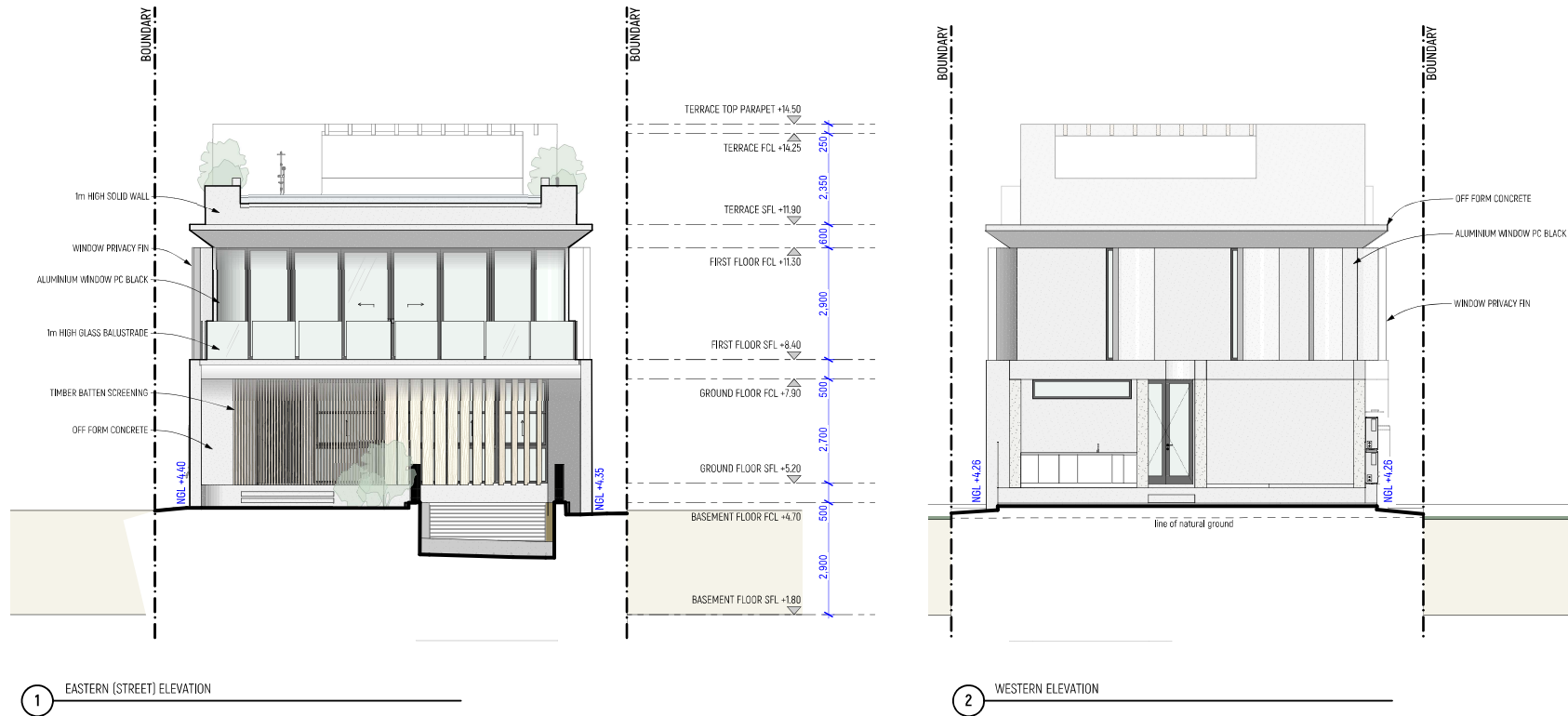
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**FOR DEVELOPMENT APPLICATION**

PROJECT  
 M228  
 DRAWING  
 BASEMENT

REV  
**B**  
 DRAWING NO.  
**DA.5**





1 EASTERN (STREET) ELEVATION

2 WESTERN ELEVATION

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APPLICANT  
**GEORGE BANKS ARCHITECTURE**

REVISION NOTES	
A - FOR DEVELOPMENT APPLICATION	21/02/2024
B - REDUCE FSR, RFI CHANGES	26/06/2024



ADDRESS  
**228 THE GRAND PDE MONTEREY**

SCALE  
**1:100@ A3**

DRAWN  
**GG**

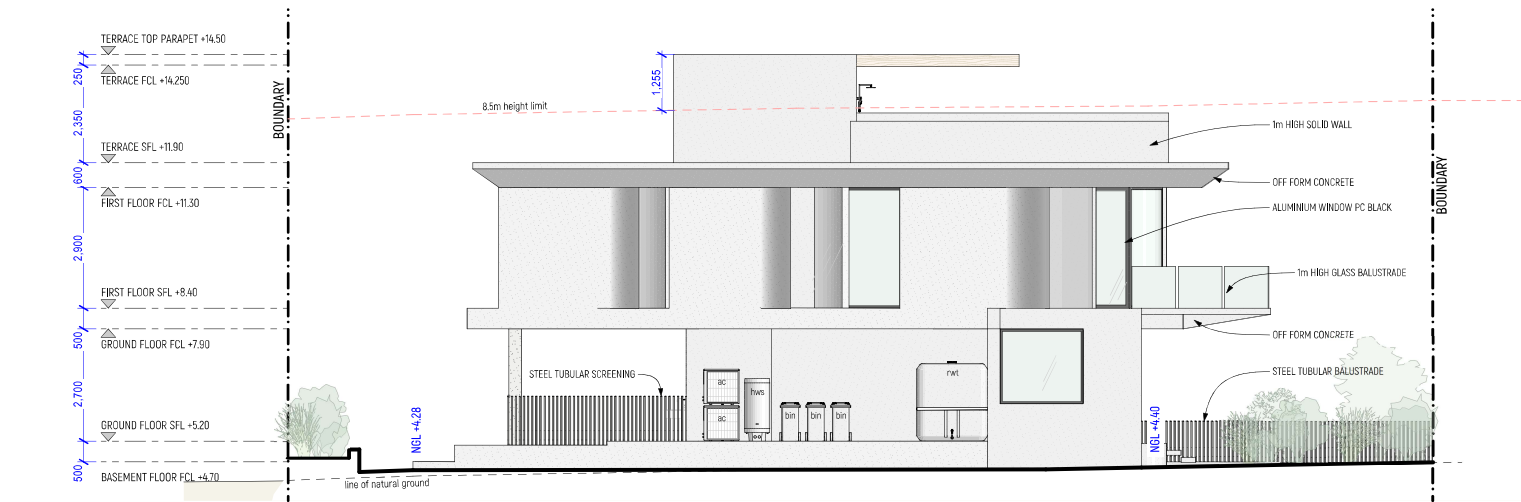
**FOR DEVELOPMENT APPLICATION**

PROJECT  
**M228**

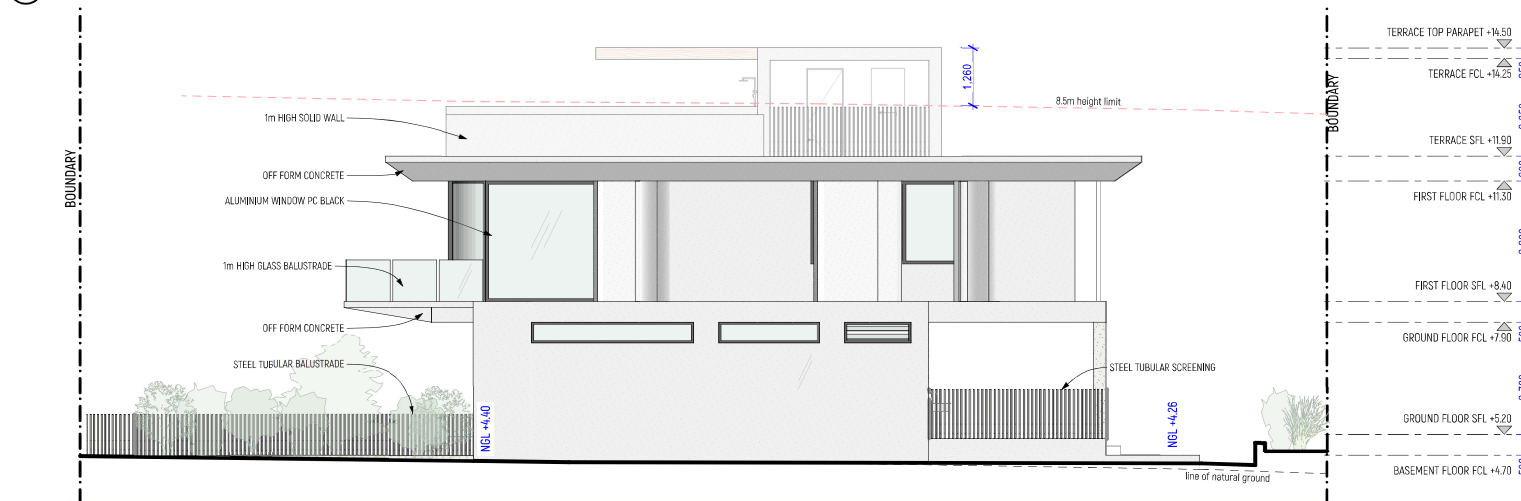
DRAWING  
**EASTERN, WESTERN ELEVATION**

REV  
**B**

DRAWING NO.  
**DA.9**



1 SOUTHERN ELEVATION



2 NORTHERN ELEVATION

**gba**

george banks architecture  
4 Harris Road  
Five Dock NSW 2046  
Tel: +61 2 8080 4318  
N. Arch. Gorgi Gulevski 10620

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APPLICANT  
**GEORGE BANKS ARCHITECTURE**

REVISION NOTES	
A - FOR DEVELOPMENT APPLICATION	21/02/2024
B - REDUCE FSR, RFI CHANGES	26/06/2024



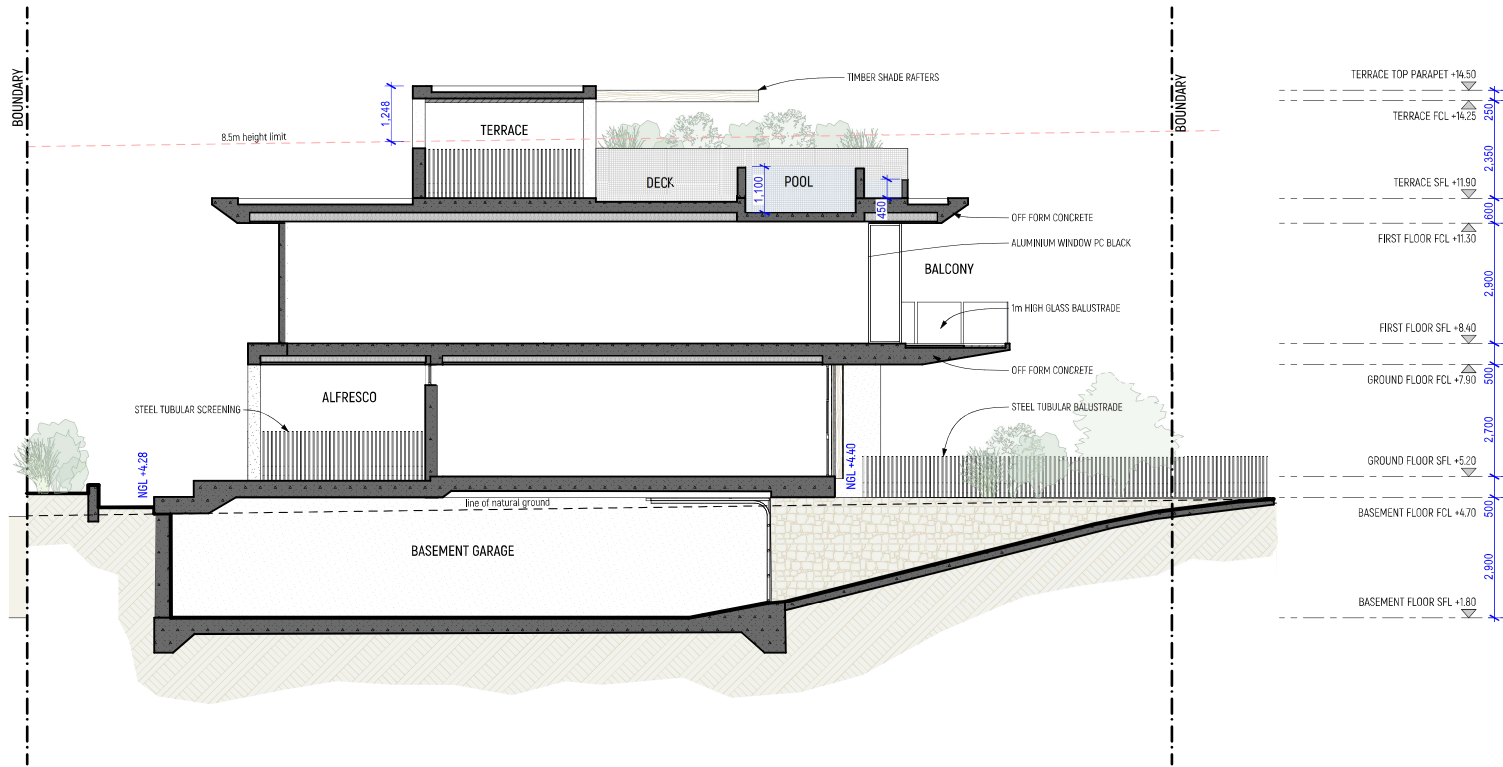
ADDRESS  
**228 THE GRAND PDE MONTEREY**  
SCALE  
**1:100 @ A3**

DRAWN  
**GG**

**FOR DEVELOPMENT APPLICATION**

PROJECT  
**M228**  
DRAWING  
**SOUTHERN, Elevation**

REV  
**B**  
DRAWING NO.  
**DA.10**



**gba**

george banks architecture  
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 Five Dock NSW 2046  
 Tel: +61 2 8080 4318  
 N. Arch. Gorgi Gulevski 10620

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APPLICANT  
**GEORGE BANKS ARCHITECTURE**

REVISION NOTES	
A - FOR DEVELOPMENT APPLICATION	21/02/2024
B - REDUCE FSR, RFI CHANGES	26/06/2024



ADDRESS  
**228 THE GRAND PDE MONTEREY**

SCALE  
**1:100 @ A3**

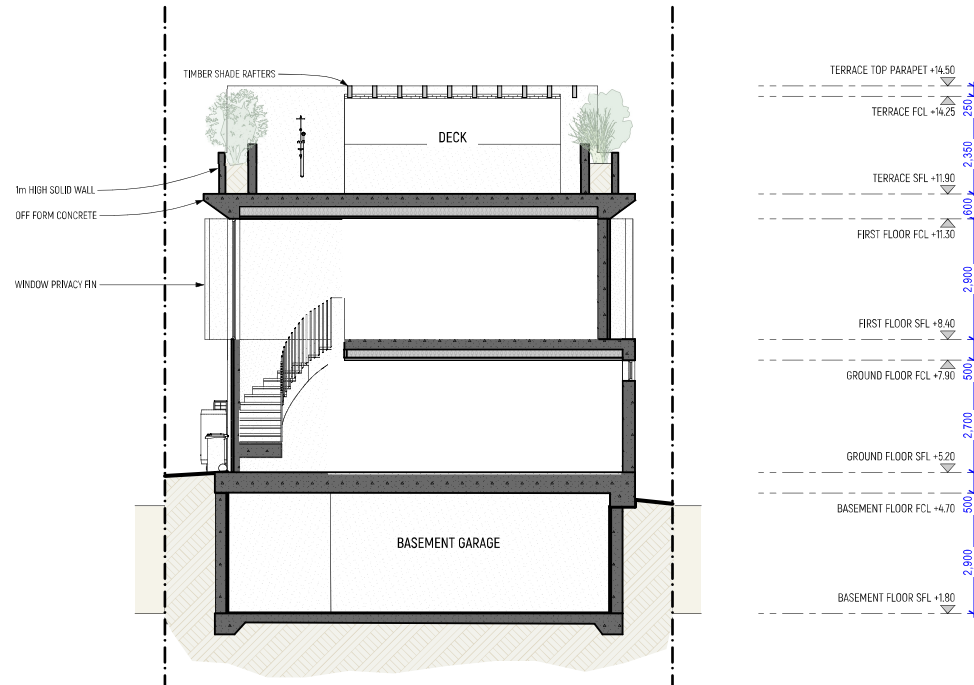
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**GG**

**FOR DEVELOPMENT APPLICATION**

PROJECT  
**M228**

DRAWING  
**SECTION AA**

REV  
**B**  
 DRAWING NO.  
**DA.11**



**gba**

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APPLICANT  
**GEORGE BANKS ARCHITECTURE**

REVISION NOTES	
A - FOR DEVELOPMENT APPLICATION	21/02/2024
B - REDUCE FSR, RFI CHANGES	26/06/2024



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SCALE  
**1:100 @ A3**

DRAWN  
**GG**

**FOR DEVELOPMENT APPLICATION**

PROJECT  
**M228**  
 DRAWING  
**SECTION BB**

REV  
**B**  
 DRAWING NO.  
**DA.12**