

JOINT REGIONAL PLANNING PANEL (Sydney East Region)

JRPP No	2014SYE036
DA Number	14/40
Local Government Area	City of Botany Bay
Proposed Development	<p>Integrated Development Application for the construction of a residential flat building at 15-19 Edgehill Avenue Botany, in the following manner:</p> <ul style="list-style-type: none"> • Demolition of all structures on site. • Site excavation and remediation. • Construction of three residential flat buildings as follows: <ul style="list-style-type: none"> ○ Three (3) storey building containing 9 townhouses. ○ Four (4) storey building containing 29 units. ○ Part three (3) and six (6) storey building containing 51 units. ○ Total of 89 units. • Total floor space ratio of 1.5:1 and a maximum building height of 20 metres. • Two basement parking levels to accommodate 162 vehicles.
Street Address	15-19 Edgehill Avenue, Botany
Applicant/Owner	<p>Applicant –National Project Consultants Pty Ltd</p> <p>Owner – South Sydney Juniors Rugby League Club Ltd</p>
Number of Submissions	<p>First notification – 15 individual submissions and 427 form letters</p> <p>Second Notification – 5 individual submissions and 126 form letters</p>
Regional Development Criteria (Schedule 4A of the Act)	<p>The development application is referred to the JRPP pursuant to Clause 3 of Schedule 4A of the Act as the Capital Investment Value (CIV) of the proposal is over \$20 million.</p> <p>The CIV for the development is \$33,808,000</p>
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • Environmental Planning & Assessment Act 1979, Part 4 – Development Assessment • Environmental Planning & Assessment Regulation 2000, Part 6 – Procedures relating to development applications • State Environmental Planning Policy No. 55 – Contaminated Land • State Environmental Planning Policy 2004 (BASIX); • State Environmental Planning Policy No. 65 – Design Quality of Residential Flat buildings • Botany Bay Local Environmental Plan 2013

	<ul style="list-style-type: none"> • Botany Development Control Plan 2013
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> • Architectural Plans, Supporting Schedules, Shadow Diagrams and Elevations - Krikis Tayler Architects • Landscape plan - Zenith Landscape Designs • SEPP 65 Verification Statement - Krikis Tayler Architects • Statement of Environmental Effects - LJB Planning • Wind Impact Assessment – SLR • Wind Impact Assessment – Acoustic Logic • Environmental Assessment and Remedial Action Plan – JBS&G • Site Audit Report – ENVIRON • Access Report – Accessibility Solutions • Geotechnical Report – JK Geotechnics • Waste Management Plan – Elephants Foot • Quantity Survey Cost Report – Coutts Cost Consulting
Recommendation	Approval, subject to conditions
Report by	Thomas Copping, Senior Development Assessment Officer

SUPPLEMENTARY REPORT

A Residents Consultation Meeting was held on 11 November 2014 which occurred after the submission of Council's initial report and recommendation to the Joint Regional Planning Panel (JRPP). A total of eighteen (18) people attended the meeting and one absentee sent their apologies. The key issues raised by residents relate to the scale and form of the development and its compatibility with surrounding development.

A supplementary report has been prepared to address these concerns and provide further clarification to certain aspects of Council's previous report. It is requested that the JRPP consider these matters in the determination of the application.

1. Submissions

Council's report stated that a specific number of individual submissions and petition letters were received in response to the notification period. Contrary to the statements within the report, it is noted that the submissions were in fact form letters signed by individual residents. On this basis, additional clarification is provided as follows.

In response to the first notification (7 April 2014 to 12 May 2014), Council received fifteen (15) individual submissions and four hundred and twenty seven (427) individual form letters objecting to the proposal.

In response to the second notification of the amended proposal (24 September to 25 October 2014), Council received 5 individual submissions and 126 individual form letters.

2. There is a lack of on street parking and not enough visitor spaces are provided.

The application requires a total of 162 car parking spaces (including 18 visitor spaces) to be provided in accordance with Council's car parking rates contained within Part 3A of the Botany Bay Development Control Plan 2013 (BBDCP 2013). As shown in the table below, the proposal provides 162 car parking spaces and therefore complies with Council's car parking rates for residential and visitor parking. Having complied with these requirements, it is not reasonable or desirable to require additional visitor car parking spaces above the requirements of Council's parking policy. The proposal provides a sufficient number of car parking spaces to accommodate the proposed development and therefore there is no basis to refuse or amend the application on parking grounds.

Unit Type	No. Units	Parking Rate	Parking Requirement	Parking Provision
Studio	2	1 space/unit	2	2
One b/r	32	1 space/unit	32	32
Two b/r	46	2 space/unit	92	92
Three b/r	9	2 space/unit	18	18
Total	89 units			
Visitors		1 space/ 5 units	18 (17.8)	18
			Total Parking Requirement = 162 spaces	Total Parking Provision = 162 spaces

Although there are no current plans for a Residential Parking Scheme in this location, Council will add a condition to the consent to indicate that future owners/tenants will not be eligible for any residential parking permit.

3. Increased traffic volumes from the development

A Traffic Impact Statement prepared by Transport and Traffic Planning Associates, dated March 2014 was submitted in support of the application and the specific findings relating to traffic are identified in Section 5 of the report as follows:

- *Based on comparative surveys and RMS criteria the Peak traffic generation (based on 93 units) for the development is:*
 - AM 22-32 vehicle trips per hour
 - PM 19-36 vehicle trips per hour
- *The projected traffic generation (even without discounting traffic from the former Bowling Club) represents quite minor traffic consideration of 1 vehicle trip per 2-3 minutes during the peak periods.*
- *Traffic movements are distributed to the north (70%) of Edgehill Avenue and the east (30%).*
- *The heaviest projected vehicle movement will only be 1 vehicle trip per 3-6 minutes ranging down to 1 vehicle trip per 30-60 minutes. These minor movements spread over the two intersections will not present any delay, congestion, safety or traffic related environmental issues.*
- *Further the outcome is entirely consistent with the rezoning enacted for the area and the proposed development is compliant with the rezoning provisions.*

The findings of the Traffic Report were reviewed by Council's Traffic Engineer and no objection was raised to the proposal subject to conditions. The recommended conditions are Condition No. 42 and Condition No. 53(h) within the schedule of conditions attached to Council's report.

4. The entry to the basement car park is unsafe and residents are not agreeable to speed humps due to impact on the nursing home. In addition, was any consideration given to making Edgehill Avenue one way?

This issue was addressed in Council's report and further clarification is provided in response to this concern.

The proposed vehicle access from Edgehill Avenue is located close to the bend in the road and it has been recognised by the assessment that there may be potential traffic safety issues from vehicles performing illegal maneuvers to access the basement or potential collisions from vehicles queuing at the bend.

Alternate locations for the vehicle access such as further to the east (adjacent to Sir Joseph Banks Nursing home) or from the existing right of way to Chelmsford Avenue were considered during the assessment however would not have been desirable due to proximity to residences and the nursing home. The proposed vehicle access is located away from nearby residents and therefore is the preferred location in this respect provided that suitable traffic safety measures are employed.

The application was referred to Council's Traffic Engineer and it was advised that the location of the vehicle access is unlikely to result in traffic safety issues provided that vehicle movements are restricted to left-in entry and left-out exit, accompanied by appropriate traffic control devices on Edgehill Avenue. Accordingly, it has been recommended that Condition No. 42 and Condition No. 53(h) be imposed on the consent to restrict access to left-in entry left-out exit and to require a report to be prepared by a traffic engineer to provide recommendations for appropriate street calming/control measures on Edgehill Avenue. These measures will be provided at the cost of the developer.

There is no suggestion made within the Council report that speed humps will be constructed on Edgehill Avenue. The type of traffic measures will depend on the recommendations of the traffic consultant's report and could take the form of traffic islands, low height barriers, etc. Any street calming measures or changes to the traffic flow on Edgehill Avenue will be subject to a separate application to Council's Traffic Committee, which will involve further review by Council's Traffic Engineers and consultation with residents.

5. The building form and scale are out of character. Why did the applicant not provide townhouses

This issue is addressed in the detailed assessment provided within Council's report.

6. Compliance with solar amenity and overshadowing

This issue is addressed in the detailed assessment provided within Council's report.

7. Non-compliance with Unit Mix requirements. The increase in the number of one and studio apartments will result in two people living in each apartment and not enough car parking.

Compliance with the BBDCP 2013 unit mix requirements is discussed within Council's report. There is no relationship between unit mix and generation of car parking. As discussed above, the proposal achieves compliance with Council's car parking rates and therefore provides sufficient car parking to accommodate the number of units proposed by the development.

8. The adjoining site is not maintained

It is understood that this concern relates to a triangular section of land located within the northeast portion of the subject site which will form part of the development. Any maintenance issues on Council owned land will be addressed.

9. Where will construction vehicles park?

During construction all vehicles will be required to be parked on the site in accordance with a Construction Management Plan to be submitted and approved by Council prior to the issue of the construction certificate.

10. What caused the fish in Sir Joseph Banks Park to die?

This question appears to relate to concerns regarding contamination in the locality. Contamination issues relating to the proposal are addressed in Council's report.

Fish fatalities within Sir Joseph Banks Park are attributed to a combination causes including lack of oxygen, high nutrient levels, heat and blue green algae. Council conducts regular (monthly) water testing in the park and no contaminants have been detected. Council has installed an oxidiser within the pond and will continue to carry out water testing to monitor conditions within the park.

11. The sketch up model is not accurate and may be out of date

Issues were raised in relation to the accuracy of the computer modeling and satellite image data used for the computer modelling. The model depicts the adjoining dwellings as blocks which gives a false impression of their bulk and scale in relation to the proposed development. In addition the satellite image appears to be based on google maps, which may be out of date.

The computer modelling provides an indicative view of the neighboring properties. Notwithstanding this, Council has requested the applicant to review the accuracy of the computer modelling in relation to these concerns.

Conclusion

These comments are provided to the JRPP for consideration in conjunction with Council's report which recommends the approval of the application, subject to conditions.