

Statement of Environmental Effects

Section 96 Application

19-33 Kent Road, Mascot

Change multi-purpose rooms into bedrooms

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Annexure 1: Approved Plans

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1 Introduction

This Statement of Environmental Effects relates to a Section 96 Application seeking Council's consent to amend development consent DA 200/2013.

The subject Section 96 Application seeks to change the multi-purpose rooms into bedrooms.

This Statement:

- describes the site and its surrounding area,
- details the nature of the proposed development, and
- undertakes an assessment of the proposal under the heads of consideration in Section 79C (1) of the Environmental Planning and Assessment Act, 1979.

The conclusion is reached that the proposal is acceptable with regard to all relevant planning issues.

2 Site and Surroundings

2.1 The Site

The subject site is located on the southeastern corner of Kent Road and Church Avenue, Mascot. The general location of the site is shown at **Figure 1** and an aerial shot is at **Figure 2**.

The site comprises a single allotment being Lot 2 in Deposited Plan 620023. The site is irregular in shape. It has a 146 metre frontage to Kent Road; a 203 metre frontage to Church Avenue; a southern side boundary of 222 metres; and an eastern 'dog-leg' boundary of 149 metres. The total site area is 3.15 ha.

The site is currently under construction in accordance with DA 200/2013. Details are provided at section 3.1 of this Statement.

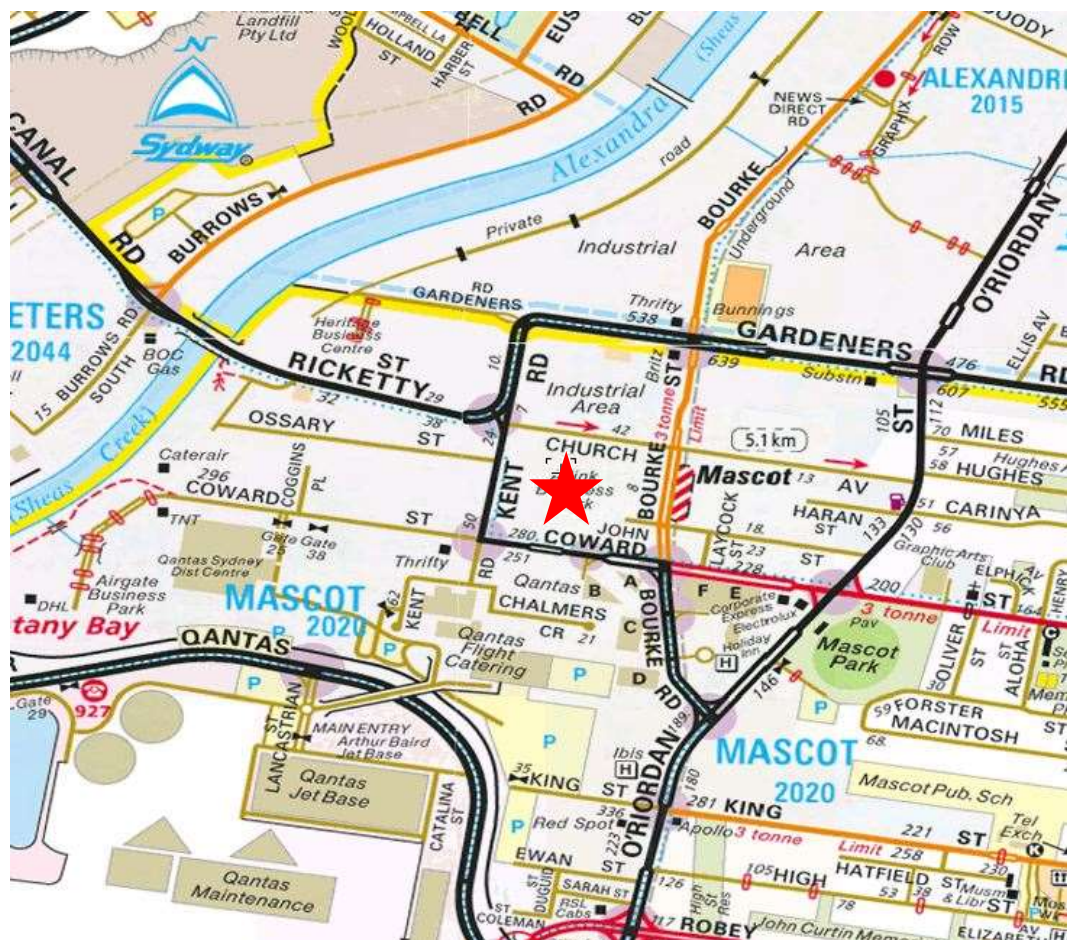


Figure 1: Location of the subject site - shown with star



Figure 2: Approximate outline of subject site (11 Sept 2014)

2.2 The Surroundings

The site is currently surrounded by non-residential development. The adjoining sites consist of industrial and light industrial/commercial landuses. The adjoining site to the east has recently been approved for redevelopment containing residential units. The Draft Botany Local Environmental Plan 2012 rezones much of the surrounding land to enable future residential and mixed use development.

3 Proposed Modifications

3.1 Existing Consent

On 4 April 2014, the Council issued its consent (DA 200/2013) for the following development:

Integrated Development Proposal for a mixed use development comprising the following:

- 899 residential apartments; 262 serviced apartments; Three levels of basement car parking for 1,666 vehicles; 5, 666sqm retail floor space including retail tenancies, a supermarket and a childcare centre;
- Dedication and embellishment of new public land with a total area of 9,435sqm including a new east-west pedestrian link, new north-south road, extension of John Street from Kent Road and land dedication along Church A venue for road widening.

At the time of writing this Statement, below is an overview of the amendment history relating to DA 200/2013.

Application Reference	Proposal	Status
DA2013/200/1	Original DA	Approved
DA2013/200/2	Change residential units to serviced apartments	Under assessment
DA2013/200/3	Amend Conditions 3 and 4	Under assessment
DA2013/200/4	Delete Condition 12	Under assessment
DA2013/200/5	Extend balconies	Approved
DA2013/200/6	Various changes including extension to shops	Under assessment
DA2013/200/7	Amend Condition 66	Under assessment
DA2013/200/8	Various minor above ground changes	Under assessment

Annexure 1 contains a copy of approved plans (as amended by MOD5) that are relevant to the subject application.

3.2 Proposed Amendments

The subject Section 96 Application seeks to change the multi-purpose rooms into bedrooms. The proposal will result in an amended unit mix, as per the table below.

	Approved	After approval of MOD2 and MOD6	Proposed in this S96
Resident Unit Mix	239 x studio (27%) 336 x 1 bed (37%) 324 x 2 bed (36%) Nil x 3 bed Total 899 units	231 x studio (28%) 277 x 1 bed (34%) 304 x 2 bed (38%) Nil x 3 bed Total 812 units	0 x studio (0%) 288 x 1 bed (35%) 284 x 2 bed (35%) 240 x 3 bed (30%) Total 812 units

The proposal has been designed so that each of the apartments will comply with the minimum unit size requirements stipulated in the SEPP 65 Residential Flat Design Code.

The proposal will also require an amendment to the car parking allocation on the site.

3.3 Proposed Conditions

3.3.1 Development Description

It is proposed to amend the description of the approved development, as follows:

Integrated Development Proposal for a mixed use development comprising the following:

- ~~899-812~~ residential apartments; 262 serviced apartments; Three levels of basement car parking for ~~4,666~~ 1,606 vehicles; 5,666sqm retail floor space including retail tenancies, a supermarket and a childcare centre;
- Dedication and embellishment of new public land with a total area of 9,435sqm including a new east-west pedestrian link, new north-south road, extension of John Street from Kent Road and land dedication along Church Avenue for road widening.

3.3.2 Condition 1

It is proposed to amend condition 1 to reference the submitted amended plans.

3.3.3 Condition 38

It is proposed to amend the table to condition 38 (as proposed to be modified under MOD6), as follows:

The development shall make provision for the following car parking allocations:

Car Parking Rates	Required
1 space per studio and 1 bedroom units	575-288 spaces
2-1.3 spaces per 2 bedroom units	648-379 spaces
<u>2 spaces per 3 bedroom units</u>	<u>480 spaces</u>
1 visitor space per 7 dwellings	423-116 spaces (MOD6)
Retail Spaces (includes 8 child care spaces)	189
Serviced Apartments	434 <u>154</u> (MOD6)
TOTAL REQUIRED	1666 <u>1,606</u>
TOTAL PROVIDED	1666 <u>1,606</u>

This requirement shall be reflected on the Construction Certificate plans. The approved car parking spaces shall be maintained to the satisfaction of Council, at all times.

4 Threshold Test – Substantially the Same

It is considered that the development is substantially the same as the original approval.

The proposed amendments seek only a change to the unit mix of the proposed development and the car parking allocation.

On this basis, the proposed amendments are considered to constitute substantially the same development and are, therefore, accessible under Section 96(2) of the Environmental Planning and Assessment Act, 1979.

5 Environmental Planning Assessment

5.1 Section 79C(1)(a)(i): Environmental Planning Instruments

5.1.1 Botany Local Environmental Plan 2013

Part 2 of the Botany Local Environmental Plan 2013 (LEP) identifies that the subject site is zoned B2 Local Centre. The proposal is permitted in the zone subject to consent from the Council.

There are no other clauses of the LEP that are particularly relevant in the assessment of the proposal.

5.1.2 State Environmental Planning Policy No 65 – Quality of Residential Flat Buildings

The proposed amendments have been designed to comply with the minimum unit sizes stipulated into the SEPP 65 Residential Flat Design Code. That is, the apartments each have a minimum size as follows:

- 50 sqm for 1 bedroom units;
- 70 sqm for 2 bedroom units; and
- 90 sqm for 3 bedroom units.

It is noted that Clause 30A of the SEPP states as follows:

- (1) *A consent authority must not refuse consent to a development application for the carrying out of residential flat development on any of the following grounds:*
 - (a) **ceiling height:** *if the proposed ceiling heights for the building are equal to, or greater than, the minimum recommended ceiling heights set out in Part 3 of the Residential Flat Design Code,*
 - (b) **apartment area:** *if the proposed area for each apartment is equal to, or greater than, the recommended internal area and external area for the relevant apartment type set out in Part 3 of the Residential Flat Design Code.*
- Note.** *The Building Code of Australia regulates the minimum ceiling heights for residential flat buildings.*
- (2) *Nothing in this clause permits the granting of consent to a development application if the consent authority is satisfied that the proposed development does not demonstrate that adequate regard has been given to the design quality principles in Part 2 of this Policy.*

On the basis of the above, the proposal complies with SEPP 65 and the unit sizes of the residential flat design code and, as such, cannot be refused consent on this basis.

5.2 Section 79C(1)(a)(ii): Draft Environmental Planning Instruments

There are no draft environmental planning instruments that apply to the subject site.

5.3 Section 79C(1)(a)(iii): Development Control Plans

5.3.1 Botany Development Control Plan 2013

Botany Development Control Plan 2013 applies to the subject site.

Car Parking

Part 3A.2, C2 of the DCP refers to car parking provisions. The table below demonstrates that the proposal remains compliant with the parking requirements of Council's DCP, except for parking for 2 bedroom units. However, given the proximity of the subject site to Mascot railway station, the proposed parking rate of 1.3 spaces for each 2 bedroom dwelling is considered to be adequate.

	DCP Rate	Proposed Mix	DCP Required	Proposed Parking	Complies
1 Bedroom	1 / unit	288	288	288	Yes
2 Bedroom	2 / unit	284	568	379	No
3 Bedroom	2 / unit	240	480	480	Yes

Unit Mix

The Council's DCP requires as follows:

"The combined total number of one-bedroom dwellings shall not exceed 25% of the total number of dwellings within any single site area."

The proposal will result in a decrease in the combined number of studio and 1 bedroom apartments and an increase in the number of 2 and 3 bedroom apartments. This brings the development closer to compliance with the above unit mix requirement of Council's DCP.

Unit Sizes

The proposal seeks variation from the Council's DCP minimum unit sizes as shown in the table below. However, this is acceptable given that the proposal complies with the minimum unit sizes stipulated in the SEPP 65 Residential Flat Design Code – refer section 5.1.2 of this Statement.

Unit Type	DCP Required	Proposed
1 Bedroom	75 sqm	> 50 sqm
2 Bedroom	100 sqm	> 70 sqm
3 Bedroom	130 sqm	> 90 sqm

There are no other provisions of the DCP that are particularly relevant in the assessment of the proposal amendments.

5.4 Section 79C(1)(a)(iiia): Planning Agreements

Not applicable.

5.5 Section 79C(1)(a)(iv): Regulations

The Section 96 Application has been made in accordance with the requirements contained in Clause 50(1A) of the Environmental Planning and Assessment Regulation 2000.

5.6 Section 79C(1)(b): Likely Impacts

The proposed amendments do not have any impact. The changes are internal. The proposal will provide unit sizes that are compliant with State imposed minimum size requirements. The proposed car parking is acceptable given the proximity of the site to Mascot Railway Station. No impacts will result from the proposed amendments.

5.7 Section 79C(1)(c): Suitability of the Site

There are no environmental constraints on the site that would impede the proposal or render it unsuitable for the site.

5.8 Section 79C(1)(d): Submissions

Should notification be required for the proposal, Council will consider submissions at the close of the notification period.

5.9 Section 79C(1)(e): The Public Interest

For the reasons set out in this Statement, it is considered that the public interest would be best served by approval of the Section 96 under consideration, particularly, given the absence of any demonstrable adverse impacts resulting from the proposal.

6 Conclusion

The subject Section 96 Application seeks to change the multi-purpose rooms into bedrooms.

The proposal satisfies the relevant heads of consideration under Section 79(C) of the Environmental Planning & Assessment Act, 1979.

It is considered that the proposal provides an appropriate response to the planned development of the site and will assist in the orderly and economic development of the land.

The development is substantially the same as when originally approved for the purposes of Section 96 of the Environmental Planning and Assessment Act and will have no implications upon the public domain.

It is therefore submitted that Council grant consent to the Section 96 application and amend the development consent in the manner requested.

Annexure 1: Approved Plans

Annexure 2: Proposed Plans