

STATEMENT OF ENVIRONMENTAL EFFECTS

593 – 595 Gardeners Road, MASCOT

Section 4.55(2) Modification

Submitted to Bayside Council
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1.0 Introduction

This Statement of Environmental Effects is prepared to accompany Section 4.55(2) Modification to amend the approved development at 593-595 Gardeners Road, Mascot.

This statement should be read in conjunction with the architectural Section 4.55 drawings prepared by Arkhaus, dated 10 July 2018.

In addition, a revised Basix Certificate and a Clause 4.6 height variation accompanies the proposed Section 4.55 application.

This statement provides an outline of the subject and surrounding sites, a description of the proposal and an assessment under the relevant Planning Controls, including the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979.

The initial Development Application 14/129 was approved by Joint Regional Planning Panel on 16 December 2015. The approval comprised of:

- Integrated Development proposal for an eight storey mixed use development;
- Demolition of existing structures and site remediation;
- 175m² of retail floor space at ground level;
- 61 residential apartments (7 x studio, 17 x 1 bedroom and 37 x 2 bedroom) and
- 4 levels of basement car parking to accommodate 112 car spaces and bicycle parking.

A Section 4.55(1a) [formerly known as a Section 96(1a)] was lodged on 20 November 2017 was approved by the Bayside Planning Panel on 24 July 2018. The Section 4.55 (1a) approvals comprised of:

- Removal of the two (2) intermediate ramps;
- Reshuffle of the car parking spaces to further rationalise the layout;
- Adjustment of the basement floor levels;
- Increase floor to ceiling height to Basement 1 to cater for floor structure;
- Additional one (1) car space.

This proposed Section 4.55(2) application seeks to make modifications to the layout of units on levels two (2) & three (3) and minor adjustments to the northern facade. The proposed changes, as highlighted in the proposed Section 4.55(2) plans, include:

- Convert Unit 209 and 309 from a studio to a one (1) bedroom unit;
- Balcony extended and awning provided to Unit 401;
- Northern façade adjustment with inclusion of blade columns;
- Lift overrun extended by 1.0m to the lift serving the communal open space on rooftop.

The proposed Section 4.55 is considered to be substantially the same development as previously approved. It is therefore considered that the proposed design is appropriate for the subject site and worthy of approval.

2.0 Site Location and Context

The subject site is located in the local government area of Bayside Council. The LGA contains a variety of residential and industrial land uses. Several areas are going through transitional change from traditional industrial land to residential land, with land uses co-existing throughout the LGA.

The subject site is located within the Mascot area and identified as a key site within the Mascot Station Precinct. Mascot is located in a prominent position within the City as it abuts the airport, contains Mascot Station and is linked to the major regional and State road networks. As such the site has excellent accessibility to major transport and employment opportunities.

More traditional low density residential allotments are located at the eastern side of the suburb to the east of O'Riordan Street. With retail and shops located along Botany Road. Several parks are located nearby to the west being Mascot Park and Mascot Memorial Park.

2.1 Subject Site

The site is located at 593-595 Gardeners Road, Mascot. It contains 2 lots and is legally described as:

- Lot 9 DP 11589,
- Lot 10 DP 11589.

The site is located on the southern side of Gardeners Road to the east of the O'Riordan Street. The site is a regular shaped allotment with an area of 1995m², with a frontage to Gardeners Road of 33m.

The site is generally flat and has a relatively small fall of nearly 300mm to the north western corner of the site. The site contains an existing 2 storey warehouse building, occupied by Souvenir World Australia and an open car parking area to the rear. The warehouse has an approx. floor area of 2000m² and provides parking on site with access at the eastern end of Gardeners Road.

3.0 Proposed Section 4.55

The proposed Section 4.55(2) application seeks to make modifications to the approved development by amending units and minor adjustments to the northern façade. The proposed amendments include:

- Convert Unit 209 and 309 from studio to a one (1) bedroom unit;
- Balcony extended and awning provided to Unit 401;
- Northern façade adjustment with inclusion of blade columns;
- Lift overrun extended by 1.0m to the northern lift.

The proposed Section 4.55(2) application seeks to make modifications to the approved development by converting Units 209 & 309 from a studio into a one bedroom unit. Units 208, 210 and 308,310 are reduced from 89sqm to 77sqm and remain as two bedroom units. Units 209 and 309 are proposed to be modified to improve the layout and amenity.

Through the proposed amendments to Units 209 and 309 with the increase in width of the units, the northern façade will be adjusted with additional column blades.

Unit 401 balcony is proposed to be extended to improve the quality and area of the private open space and an awning is provided for weather protection.

The lift overrun to the northern part of the building facing Gardeners Road is proposed to be extended by 1.0m. This part of the development contains the communal open space on the roof. The previously approved DA plans do not allow for a sufficient lift overrun. The previously approved DA had a minor non-compliance with the LEP height control in relation to the stair access and lift. The residential portion of the building is fully compliant with the

maximum height control of 26 metres. Under the approved DA the lift and stair access exceed the height control by a maximum of 1.42m.

The proposed Section 4.55 proposes an extension of the lift overrun by 1.0m, therefore the lift overrun exceeding the height limit by 2.42m (exceeding height limit by 8.5%).

The lift is located approximately 14m from the front building line, the lift overrun increase is minor and the lift will not be visible from the street.

A Clause 4.6 variation to the development standard accompanies this Section 4.55.

The remainder of the residential units and elevations will remain the same.

4.0 Environmental Planning and Assessment ACT 1979 Assessment

The proposed Section 4.55 modifications are minor in nature and relate primarily to two (2) units on floor levels 2 and 3 along with a minor adjustment to the norther façade and extensions of a balcony to unit 401. There are no changes proposed to the remainder of the building forms, density of apartments or height of the approved development.

The proposed amendments will have no additional adverse impact and are substantially the same development.

This application relates to changes to units on levels 2 & 3 and minor adjustments to the northern façade only and that do not affect the essence of the original approval. The development as amended is substantially the same as development.

4.1 Planning Controls

The relevant planning controls applicable to the Section 96 application are listed below:

- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 65
- State Environmental Planning Policy No. 55
- Botany Bay Local Environmental Plan 2013
- Botany Bay DCP 2013
- Apartment Design Guide

4.2 State Environmental Planning Policy (Infrastructure) 2007

Under Clause 104 and Schedule 3, the previous development was referred to the RMS for comment as the development was classified as a traffic generating development. As the current Section 4.55 proposes no change to car parking or the basements, referral to the RMS will not be required.

4.3 State Environmental Planning Policy No. 65

The modifications to the approved development have been considered in relation to the requirements of SEPP 65 and the Apartment Design Guide.

The changes do not affect the developments compliance with the 9 Design Quality Principles. As amended the changes are appropriate and not contrary to the principles embodied in the Apartment Design Guide. Refer to the ADG assessment below which addresses the relevant sections affected by the proposed modifications.

4.4 State Environmental Planning Policy No. 55

Clause 7 of State Environmental Planning Policy No. 55 – Remediation of Land requires the consent authority to consider whether land is contaminated prior to granting of consent to the carrying out of any development on that land.

The approved development determined that the site was suitable for the proposed use. The proposed modifications will not affect the suitability of the site, which is acceptable.

4.5 Botany Bay Local Environmental Plan 2013

The subject site is zoned B4 Mixed Use. The development as approved is permissible with development consent.

The proposed Section 4.55 is related to units 209 & 309, extension of the balcony and provision of an awning to unit 401 and minor modification to the northern façade, extend the lift overrun by 1.0m to the northern lift core and does not seek to increase or change the any other parts of the approved heights of the buildings.

The approved development provided a FSR of 2.5:1. The changes under this Section 4.55 application do not change the approved floor space area.

4.6 Botany Bay DCP 2013

General Provisions	Comments	Compliance
3A Parking & Access		
3A.2. Parking Provisions of Specific Uses		
All required car parking and bicycle parking to be provided onsite.	No change under proposed Section 4.55.	-
Part 9A Mascot Station Town Centre Precinct		
9A.4.3.1 Height		
Comply with Botany Bay LEP 2013 Clause 4.3 – 26m	DA approved to northern part of building (to rooftop communal area) for the lift and stair access exceeding height control by 1.42m (RL 36.92). Proposed Sec4.55 to extend lift overrun by 1.0m (RL 37.92). This will exceed the height limit by 2.42m (height exceeded by 8.5%). A new Clause 4.6 Variation to the development standard accompanies this Section 4.55.	Merit
9A.4.3.2 FSR		
Comply with Botany Bay LEP 2013 Clause 4.4 – 2.5:1.	No change under proposed Section 4.55.	-
9A.4.3.6 Building Separation		
Residential Flat Buildings and Mixed Use Developments containing residential units must comply with the principles and provisions of State Environmental Planning Policy No 65 (SEPP 65) and the Apartment Design Guidelines (ADG)	No change under proposed Section 4.55.	-
9A.4.4.2 Streetscape and Building Form		
A 'sense of place' and contemporary character for the precinct is to be maintained via a high quality built form and energy efficient architectural design. Blank walls are to be avoided fronting principal streets and the public domain.	No change under proposed Section 4.55.	-
9A.4.4.6 Building Articulation		
Corner buildings to address both streets. Blank external walls of greater than 100m ² to be avoided.	No change under proposed Section 4.55.-	
9A.4.5.2 Sustainable Building Design		
All residential development must comply with the provisions of SEPP (BASIX).	A revised Basix Certificate accompanies the proposed 4.55 application.	Yes

4.7 Apartment Design Guide

The proposed Section 4.55 is an application for modification to convert Unit 209 and 309 from a studio to a one (1) bedroom unit, extend balcony and provide awning to Unit 401 and adjust northern façade with inclusion of blade columns.

Guide requirements	Comments	Compliance
PART 2. DEVELOPING THE CONTROLS		
Building Envelopes		
The building envelope is the three dimensional volume that defines the outermost part of a site that the building can occupy.	No change under proposed Section 4.55.	-
Building Height		
Building height helps shape the desired future character of a place relative to its setting and topography. It defines the proportion and scale of streets and public spaces and has a relationship to the physical and visual amenity of both the public and private realms. Where FSR is defined, heights should be tested against the FSR to ensure a good fit.	DA approved to northern part of building (to rooftop communal area) for the lift and stair access exceeding height control by 1.42m (RL 36.92). Proposed Sec4.55 to extend lift overrun by 1.0m (RL 37.92). This will exceed the height limit by 2.42m (height exceeded by 8.5%). No change to FSR. A new Clause 4.6 Variation to the development standard accompanies this Section 4.55.	Merit
Floor Space Ratio		
Floor space ratio (FSR) is the relationship of the total gross floor area (GFA) of a building relative to the total site area it is built on.	No change under proposed Section 4.55	-
Building Depth		
10-18 metres from glass line to glass line for adequate daylight and natural ventilation.	No change under proposed Section 4.55	-
Building Separation		
Buildings up to 4 storeys / 12 metres <ul style="list-style-type: none"> - 12 metres between habitable rooms/balconies - 9 metres between habitable /balconies and non habitable rooms - 6 metres between non-habitable rooms For buildings five to eight storeys / 25 metres <ul style="list-style-type: none"> - 18 metres between habitable rooms/balconies 	No change under proposed Section 4.55	-

<ul style="list-style-type: none"> - 13 metres between habitable /balconies and non habitable rooms - 9 metres between non-habitable rooms <p>For buildings nine storeys and above</p> <ul style="list-style-type: none"> - 24 metres between habitable rooms/balconies - 18 metres between habitable /balconies and non habitable rooms - 12 metres between non-habitable rooms 		
Street Setbacks		
Identify the desired streetscape character and the common setback in the street.	No change under proposed Section 4.55	-
Align street setbacks with building use (i.e. zero in mixed use zone)	No change under proposed Section 4.55	-
Consider a maximum percentage that may be constructed to the front building line, where one is set, to ensure a modulated frontage.	No change under proposed Section 4.55	-
Consider secondary upper level setbacks.	No change under proposed Section 4.55	-
Promote setbacks that will allow balconies or windows to promote passive surveillance to the street.	No change under proposed Section 4.55	-
Side and Rear Setbacks		
Test side and rear setbacks with height controls for overshadowing of the site, adjoining properties and open spaces.	No change under proposed Section 4.55	-
Test side and rear setbacks against building separation, privacy, communal and private open space and deep soil requirements.	No change under proposed Section 4.55	-
Consider zero setbacks where desired character is for continuous street wall.	No change under proposed Section 4.55	-
PART 3. SITING THE DEVELOPMENT		
Orientation		
Living rooms and POS of at least 70% of apartments to receive a minimum of 2 hours of direct sunlight between 9am and 3pm mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong LGAs. In all other areas, living rooms and POS of at least 70% of apartments receive a minimum of 3 hours of direct sunlight between 9am and 3pm mid-winter. A maximum of 15% of apartments to receive no direct sunlight between 9am and 3pm at mid-winter.	No change under proposed Section 4.55	-
Communal open space to have a minimum area of 25%	No change under proposed Section 4.55	-

of the site with a minimum of 50% to receive direct sunlight to the principle usable area for a minimum of 2 hours between 9am and 3pm on 21 June.		
Must consider solar access to neighbouring properties. Where adjoining properties receive less than the required hours of solar access the development should not reduce by more than 20%. Increased setbacks may be required to minimise overshadowing and maintain privacy.	No change under proposed Section 4.55	-
Visual Privacy		
Maintain compliance with building separation controls to ensure sufficient privacy between buildings. No separation required between blank walls.	No change under proposed Section 4.55	-
Vehicle Access		
Car park access to be integrated into the design of the building's façade and behind the building line. Locate entrance on secondary streets where possible. Screen garbage collection. Locate vehicle entries away from main pedestrian entries.	No change under proposed Section 4.55	-
PART 4. DESIGNING THE BUILDING		
Amenity		
Solar and Daylight Access		
Daylight access 70% of living rooms and private open space to receive a minimum of 2 hours solar access between 9am to 3pm mid-winter in Sydney Metro area, Newcastle and Wollongong. All other areas to be 3 hours.	No change under proposed Section 4.55	-
Maximum of 15% of units in the building receive no direct sunlight between 9am and 3pm mid-winter.	No change under proposed Section 4.55	-
Natural Ventilation		
All habitable rooms to be naturally ventilated. Area of unobstructed window opening to be equal to 5% of the floor area served. Min 60% of apartments to be naturally cross-ventilated.	No change under proposed Section 4.55	-
Ceiling Heights		
Minimum ceiling heights measured from FFL to finished ceiling level are: - 2.7m – habitable rooms - 2.4m – non-habitable rooms - For two storey units, 2.7m for main living area floor and 2.4m for second floor, where its area does not exceed 50% of the	No change under proposed Section 4.55	-

apartment area. - Attic spaces – 1.8m at edge of room with a 30 degree minimum ceiling slope.		
Apartment Size and Layout		
Minimum apartment size: - Studio – min 35m ² - One bed – min 50m ² - Two bed – min 70m ² - Three bed – min 90m ² The above include only 1 bathroom. Size increases by an extra 5m ² for each additional bathroom. Each additional bedroom over 3 bed will increase unit size minimum by 12m ² .	The proposed modification of converting Units 209 and 309 from a studio into a one (1) bedroom unit have a floor area of 51.60m ² . Units 208, 210 and 308,310 are reduced from 89sqm to 77sqm and remain as two bedroom units.	Yes
Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.	No change under proposed Section 4.55	-
Private Open Space and Balconies		
Min balcony size and width: - Studio – 4m ² min & no min width - 1 bed – 8m ² & min & width of 2m - 2 bed – 10m ² & width of 2m - 3 bed + - 12m ² & width of 2.4m Balcony must have minimum depth of 1m to count towards balcony area.	All balconies to the modified units comply with minimum size.	Yes
Storage		
Provide storage areas as follows: Studio – 4m ³ One bed – 6m ³ Two bed – 8m ³ Three + bed – 10m ³ At least 50% to be located within the apartment.	Storage areas are maintained to the modified units.	Yes
Apartment Mix		
Provide a variety and diversity of apartment types.	A mixture of studio, one bedroom, two bedroom and 3 bedrooms units are maintained.	Yes
Facades		
Building facades provide visual interest along the street while respecting the character of the local area. Building functions are expressed by the facade.	Minor modifications proposed to the northern façade with inclusion of column blades. This will provide balance and continuity to the façade.	Yes
Universal Design		
Minimum of 20% of apartments to incorporate Liveable Housing Guidelines silver level universal; design features.	No change under proposed Section 4.55	-
Energy Efficiency		
Incorporate passive solar environmental design. Development incorporates passive solar design to optimise heat storage	A revised Basix Certificate accompanies the proposed 4.55 application.	Yes

in winter and reduce heat transfer in summer. Adequate natural ventilation minimises the need for mechanical ventilation.		
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The proposed Section 4.55 will satisfy the relevant sections of the ADG.

5.0 Likely Impacts

It is considered that the amendments sought under this application will have no impact. This application does not seek to amend the approved buildings, development density or the overall building height other than extending the lift overrun by 1.0m.

The proposed modifications are minor in nature and relate primarily to two (2) units on floor levels 2 and 3 along with a minor adjustment to the northern façade and extensions of a balcony to unit 401. There are no changes proposed to the remainder of the building forms, density of apartments or height to the remainder of the approved development.

Overall, the proposed changes have been justified in the report and will not impact the locality.

5.1 The Suitability of the Site for the Development

As with the original development application, the site is suitable for the proposed development.

5.2 Submissions

Any submissions received will be considered at the close of public exhibition.

5.3 The Public Interest

It is in the public interest to allow development that reasonably complies with planning controls, has no adverse environmental, economic or social impacts, and has general merit. The amendments sought to the approved development do not impact the public interest.

6.0 Conclusion

This proposed Section 4.55(2) application seeks to make modifications to the layout of units on levels two (2) & three (3) and minor adjustments to the northern facade. The proposed changes, as highlighted in the proposed Section 4.55(2) plans, include:

- Convert Unit 209 and 309 from studio to a one (1) bedroom unit;
- Balcony extended and awning provided to Unit 401;
- Northern façade adjustment with inclusion of blade columns;
- Lift overrun extended by 1.0m to the northern lift core serving communal open space on rooftop.

The proposed amendments are considered appropriate and satisfy the test under Section 4.55(2) of the Environmental Planning & Assessment Act 1979.

The relevant planning controls have been considered in the assessment:

- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 65
- State Environmental Planning Policy No. 55
- Botany Bay Local Environmental Plan 2013
- Botany Bay DCP 2013
- Apartment Design Guide

The proposed Section 4.55(2) application seeks to make modifications to the approved development by converting Units 209 & 309 from a studio into a one bedroom unit. Units 208, 210 and 308,310 are reduced from 89sqm to 77sqm and remain as two bedroom units. Units 209 and 309 are proposed to be modified to improve the layout and amenity.

Through the proposed amendments to Units 209 and 309 with the increase in width of the units, the northern façade will be adjusted with additional column blades.

Unit 401 balcony is proposed to be extended to improve the quality and area of the private open space and an awning is provided for weather protection. The lift overrun to be extended by 1.0m to the northern lift core serving the communal open space located on the rooftop.

The remainder of the residential units and elevations will remain the same.

Accordingly, it is recommended that the modifications proposed to DA 14/129 under Section 4.55(2) of the Environmental Planning and Assessment Act 1979 be approved.

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