Statement of Environmental Effects

Section 4.56 Application

130 – 150 Bunnerong Road, Eastgardens (Master Plan UB5C)

Amend various conditions of consent

19 June 2019

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Contents

1	Introduction1				
2	Site a	nd Surroundings	2		
	2.1	The Site			
	2.2	Surrounding Area			
	2.3	Existing Consents			
3	Detail	ed Description of the Proposed Modifications			
	3.1	Proposed Modification	5		
	3.2	Proposed Works	10		
4	Subst	antially the same development	11		
5	Envir	onmental Planning Assessment	12		
	5.1	Section 4.15(1)(a)(i): Environmental Planning Instruments	12		
5.1.1	Botany	Bay Local Environmental Plan 2013			
	5.2	Section 4.15(1)(a)(ii): Draft Environmental Planning Instruments	12		
	5.3	Section 4.15(1)(a)(iii): Development Control Plans	12		
5.3.1	Botany	Development Control Plan 2013	12		
	5.4	Section 4.15(1)(a)(iiia): Planning Agreements	12		
	5.5	Section 4.15(1)(a)(iv): Regulations	12		
	5.6	Section 4.15(1)(b): Likely Impacts	12		
	5.7	Section 4.15(1)(c): Suitability of the Site	13		
	5.8	Section 4.15(1)(d): Submissions	13		
	5.9	Section 4.15(1)(e): The Public Interest	13		
6	Conc	usion	1		

Annexure 1: Amended Plans

1 Introduction

This application has been prepared by Karimbla Constructions Services (NSW) Pty Ltd in support of a Section 4.56 modification application to provide the mechanism to allow for a change to the podium height, ground floor use, typical road plan, unit mix, parking rates and use required a hotel for Building D of the approved mixed use development Urban Block 5C (UB5C), 5 Oscar Place, Eastgardens (formerly 130-150 Bunnerong Road, Pagewood).

The proposed changes will enable a separate application to be lodged for approved UB5C development; primarily for the purpose of rationalising the design and improving the buildability of the approved development, these changes will provide the mechanism for a future change of use development application for a hotel building.

This application seeks to amend the stamped approved plans listed in Condition 1 and modify the wording in Conditions 12, 15, 18,19, 21, 22, 24, 25, 30 (a), and 34 to reference the amended plans in Condition 1.

2 Site and Surroundings

2.1 The Site

The site comprises an L-shaped parcel of land with an area of 103,547sqm at 130-150 Bunnerong Road, Pagewood within the former City of Botany Local Government Area (LGA). It is legally described as Lot 2 in DP1187426. The land was formally known as Virginia Park and was previously occupied by industrial uses associated with the manufacturing operations of British American Tobacco Australasia (BATA). It was rezoned in 2013 to support mixed use development including high density residential uses.

The site has frontages to Banks Avenue to the west, Westfield Drive to the south, Bunnerong Road to the east and Heffron Road to the north. The site borders land zoned for industrial purposes and until recently was occupied by BATA's remaining site operations.

The site has been cleared of its former industrial buildings; new internal road infrastructure has been completed.

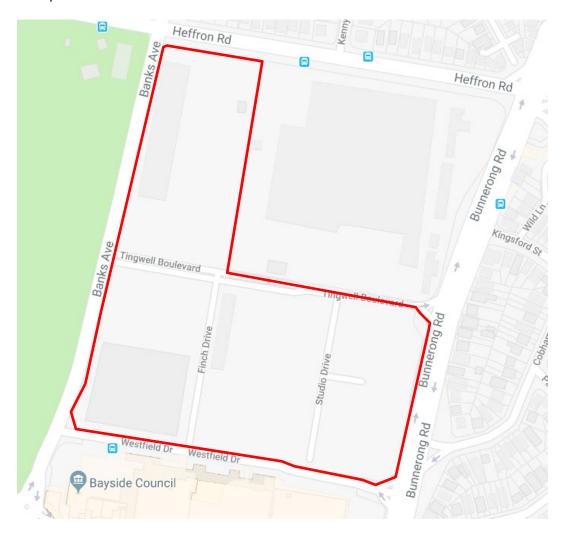


FIGURE 1 SITE MAP (SOURCE: NEAR MAPS, DECEMBER 2018)

2.2 Surrounding Area

The surrounding land uses in the vicinity of the sites comprise:

- North: Low density residential uses. Pagewood shops are located to the north-east.
- East: Low density residential uses.
- South: Westfield Eastgardens shopping centre. The servicing area of the shopping centre borders the site's southern boundary. Commercial and industrial uses are located further to the south-west.
- West: Bonnie Doon Golf Course and associated club house.

An aerial of the subject site that shows the surrounding area is shown in Figure 2 below.



FIGURE 2: SITE MAP (SOURCE: NEARMAPS, DECEMBER 2018)

2.3 Existing Consents

Development Application 2014/96 for a Stage 1 concept proposal was approved by the Land and Environment Court on 7 August 2015. The consent allows for the comprehensive redevelopment of Pagewood Green for a mixed-use development comprising a maximum 2,223 residential apartments, minimum 3,693 car parking spaces, 5,000sqm retail floorspace and childcare centres.

The Stage 1 consent establishes the development parameters for the future development of the site but it does not allow for the construction of buildings or works associated with the project. All physical work will be the subject of separate development applications lodged with Council.

In accordance with Condition 7 of the Stage 1 consent, and the provisions of Clause 83B (3) of the EP&A Act, various Stage 2 development applications for future buildings have been lodged with Council for assessment as detailed below:

Block	DA Reference	Details	Status
UB5W	DA16/018	487 residential apartments, childcare centre, 847 car parking spaces Approved 9 June 2016	
UB5E	DA2016/143	205 residential apartments, 340 car spaces	Approved 22 February 2017
UB4	DA2017/1022	166 residential apartments, childcare centre, 310 car parking spaces	Approved 5 October 2017
UB3	DA2017/1224	368 residential apartments, 719 car spaces	Approved 2 August 2018
UB5C	DA2018/1003	511 residential apartments and ground floor retail units, 399 car spaces	Approved 29 November 2018.

3 Detailed Description of the Proposed Modifications

This application has been prepared by Karimbla Constructions Services (NSW) Pty Ltd in support of a Section 4.56 modification application to provide the mechanism to allow for a change to the podium height, ground floor use, typical road plan, unit mix, parking rates and use required a hotel for Building D of the approved mixed use development Urban Block 5C (UB5C), 5 Oscar Place, Eastgardens (formerly 130-150 Bunnerong Road, Pagewood).

The proposed changes will enable a separate application to be lodged for approved UB5C development; primarily for the purpose of rationalising the design and improving the buildability of the approved development, these changes will provide the mechanism for a future change of use development application for a hotel building

This application seeks to amend the stamped approved plans listed in Condition 1 and modify the wording in Conditions 12, 15, 18,19, 21, 22, 24, 25, 30 (a), and 34 to reference the amended plans in Condition 1.

3.1 Proposed Modification

The proposed modification involves an amendment to Condition 1 of the Stage 1 consent by amending the relevant DA drawings as follows:

Strikethrough denotes text to be deleted, new text shown in bold:

Drawing No.	Author	Dated
Dwg No. A001 – Cover Sheet / Schedule		Dated 6 July 2018;
		Received 9 July 2018
		Dated 11 June 2019
Dwg No. A003 – Master Plan		Dated 6 July 2018;
		Received 9 July 2018
		Dated 11 June 2019
Dwg No. A005 — Building Heights Plan		Dated 22 February 2018;
		Received 9 July 2018
		Dated 11 June 2019
Dwg No. A006 — Building Envelope		Dated 22 February 2018;
Detail		Received 9 July 2018
		Dated 11 June 2019
Dwg No. A007 — Building Separation		Dated 9 July 2018;
Plan/ADG		Received 9 July 2018
		Dated 11 June 2019
Dwg No. A008 — Ground Floor Plan —		Dated 9 July 2018;
Use		Received 9 July 2018
		Dated 11 June 2019
Dwg No. A009 —Open Space and Public		Dated 11 November 2017
Domain Plan		Received 9 July 2018
Dwg No. A010 — Indicative Apartment Layout on Master Plan		Dated 28 October 2016; Received 9 July 2018
Dwg No. A012— Typical Road Plan — Accessibility & Parking		Dated 28 October 2016; Received 9 July 2018

Drawing No.	Author	Dated
-		Dated 11 June 2019
Dwg No. A015 — Setback Hierarchy		Dated 22 February 2018; Received 9 July 2018
Dwg No. A100 — Site Elevations		Dated 22 February 2018; Received 9 July 2018
Dwg No. A101 - Site Elevations		Dated 28 October 2016; Received 9 July 2018
		Dated 11 June 2019
Dwg No. A102 - Site Sections		Dated 22 February 2018;
		Received 9 July 2018
		Dated 11 June 2019
Dwg No. A204 - Block Elevations- UB5C		Dated 19 December 2017; Received 9 July 2018
Dwg No. A300 - Sections- Streetscape 1 & Building Articulation		Dated 24 March 2017; Received 24 March 2017
Dwg No. A301 - Sections- Streetscape 2 & Building Articulation		Dated 28 October 2016; Received 9 July 2018
Dwg No. A302 - Sections- Streetscape 3 & Building Articulation		Dated 24 March 2017; Received 24 March 2017
Dwg No. A303 - Sections- Streetscape 4		Dated 9 July 2018;
& Building Articulation		Received 9 July 2018
Dwg No. A306 - Sections- Streetscape 7 & Building Articulation		Dated 28 October 2016; Received 9 July 2018
Dwg No. A104 - Sun Shadow Diagram		28 October 2016
Dwg No. A402 - 3D Views		-
Dwg No. A014 - Subdivision Concept Plan	PTW Architects	Dated 21 November 2017; Received 21 November 2017
Dwg No. A002 – Site Analysis	PTW Architects	14 April 2015
Dwg No. A004 – Staging Plan		
Dwg No. A011 – Existing Tree Plan		
Dwg No. A013 – Road Hierarchy		
Dwg No. A200 – Block Elevations – UB1		
Dwg No. A201 – Block Elevations – UB2		
Dwg No. A202 – Block Elevations – UB3		
Dwg No. A203 – Block Elevations – UB4		
Dwg No. A205 – Block Elevations – UB5W		
Dwg No. A206 – Block Elevations – UB5E		
Dwg No. A016 – Indicative UB5W Apartment Sleeve Layout	PTW Architects	21 April 2015
Dwg No. A304 – Sections – Streetscape 5 & Building Articulation		
Dwg No. A305 – Sections – Streetscape 6 & Building Articulation		
Dwg No. A307 – Sections – Streetscape 8 & Building Articulation		

Drawing No.	Author	Dated
Dwg No. A400 - Tower Podium Articulation Examples and Sample Applications	PTW Architects	5 May 2015
Dwg No. A401 – Typical Apartment Layout		
Public Domain Strategy Issue 4 May 2015	Arcadia Landscape Architecture	May 2015

The Revised plans are included at Annexure 1.

The proposed modification also involves an amendment to conditions 12, 15, 18,19, 21, 22, 24, 25, 30 (a), and 34 the Stage 1 consent as follows:

Strikethrough denotes text to be deleted, new text shown in **bold**:

GFA AND FSR

12. Future development must be not inconsistent with the maximum GFA and FSR for each Urban Block and Proposed Lot as shown in Table 4:

2013 LEP Zone	Proposed Lot	Urban Block	Site Area sqm	GFA sqm	FSR	Indicative Unit Nos
B4	1	UB5 West	13,523	51,712	3.82	487
B4	2	UB5 Central	13,095	50,306	3.84	515
B4	3	UB5 East	9,196	22,412	2.43	202
B4	part lot 4	part UB4	7,733	18,225	2.36	167
R3	part lot 4	part UB4				
B4	part lot 5	part UB3	9,434	37,011	3.92	368
R3	part lot 5	part UB3				
R3	6	UB2	9,055	28,603	3.16	292
R3	7	UB1	13,240	19,018	1.44	190
Sub			75,276	227,287	N/A	2221
Total						
B4	Part Road Lot	Part Civic	1,857			
	3	Avenue				
R3	Part Road Lot	Part Civic				
	3	Avenue				
R3	Road Lot 4		1,671			
R3	Road Lot 2		1,504			
R3	Road Lot 1	East West	8,744			
		Boulevard				
R3	Road Lot 5		2,044			
R3	Road Lot 6		1,636			
R3	Open Space	Linear Park	2,719			
	Lot 2					
R3	Central Park	Central Park	8000			
Sub			28,175			
Total						
TOTAL			103,451	227,287	N/A	2221

Notes

- a. Proposed lots shown on Drawing No. A014 dated 21/11/17
- b. Urban Blocks shown on Drawing No. A004 dated 29/4/15-11 June 2019.
- c. Site area shown on Drawing No. A014 dated 21/11/17
- d. GFA is Residential and Child Care Centres unless as noted, taken from Drawing No. A001 dated 6/7/18
- e. FSR calculated from Table shown on Drawing No. A001 dated 6/7/18 and Drawing No. A014 dated 21/11/17.
- f. Maximum 5000 sqm retail space

BUILDING ENVELOPES AND HEIGHTS

15.

a) The maximum approved building heights as depicted on DWG No. A005 Building Heights Plan prepared by PTW dated 22 February 2018, as shown in Table 5.

Table 5

Block No.	Tower No.	Maximum Podium Height	Maximum Building Height	Maximum Plant Room Height
Urban Block 1	A1, A2, A3, A4, A5	N/A	7.6m (RL29.6) plus Attica	N/A
	B1, C1	N/A	13.8m (RL35.8)	16.4m (RL38.4)
	B2, C2	N/A	20.0m (RL42.0)	22.6m (RL44.6)
Urban Block 2	A1, A2	10.7m (RL32.7	26.2m (RL48.2)	28.8m (RL50.8)
	B2, C2	13.8m (RL35.8)	35.5m (RL57.5	38.1m (RL60.1)
Urban Block 3	A1, A2	13.8m (RL35.8)	35.5m (RL57.5)	38.1m (RL60.1
	B1, B2	13.8m (RL35.8	44.8m (RL66.8)	47.4m (RL69.4)
	A3, A4	16.9m (RL38.9)	51.0m (RL73.0)	53.6m (RL75.6)
Urban Block 4	A1	16.9m (RL38.9)	20.0m (RL42.0)	22.6m (RL44.6)
	A2	16.9m (RL38.9)	26.2m (RL48.2)	28.8m (RL50.8)
Urban Block 5W	A1, A2, A4, A5	16.9m (RL38.9)	51.0m (RL73.0)	53.6m (RL75.6)
	A3, A6	16.9m (RL38.9)	63.4m (RL85.4)	66.0m (RL88.0)
Urban Block 5C	B1, B2b	15.3m (RL37.3)	40.5m (RL62.5)	43.1m (RL65.1)
	B4, B5	15.3m (RL37.3)	52.9m (RL74.9)	55.5m (RL77.5)

	B3, B6	15.3m (RL37.3)	65.3m (RL87.3)	67.9m (RL89.9)
Urban Block 5E	B2, B3	16.9m (RL38.9)	20.0m (RL42.0)	22.6m (RL44.6)
	B1	10.7m (RL32.7)	26.2m (RL48.2)	28.8m (RL50.8)
	B4	10.7m (RL32.7)	51.0m (RL73.0)	53.6m (RL75.6)

Note: Attic is as defined in Botany Bay LEP 2013

- 18. The separation distances shall be provided in accordance with DWG No. A006 Building Envelope Detail prepared by PTW dated 22 February 2018 11 June 2019 and DWG No. A007 Building Separation Plan prepared by PTW dated 22 February 2018 11 June 2019.
- 19. The maximum height of the podiums must be in accordance with Drawing No. A005 dated 22/02/2018 11 June 2019 and meet the following heights for each Urban Block as specified below:
 - a) Urban Block 1 shall have no podiums;
 - b) Urban Block 2- 3 storey podium for 8 storey towers and 4 storey podium for 11 storey components;
 - c) Urban Block 3- no more than 4 storey podium for 11 storey tower and a 5-storey podium for the 14 and 16 storey tower components;
 - d) Urban Block 5 East- 5 storey podium adjoining Bunnerong Road for 6 storey tower component, 3 storey podium under 8 storey and 16 storey component fronting the private access ways and a minimum floor to floor height of 3.6 metres on the ground floor;
 - e) Urban Block 4 5 storey podium adjoining Bunnerong Road for 6 and 8 storey tower components.
 - f) Urban Blocks 5 West and 5 Central 5 storey podium for all tower components.
- 21. Street wall heights shall comply with Drawing No.A005 dated 22/2/2018-11 June 2019 and be a maximum for each Urban Block as follows:
 - a) Heffron Road 2 storeys plus attic setback;
 - b) Banks Avenue —2 storeys plus attic for UB1, 3-4 storeys for UB2, 4-5 for UB3 and UB5W with 5 storeys;
 - c) Bunnerong Road 5 storeys;
 - d) Westfield Drive 5 storeys for UB5C and UB5W and UB5E 3 storeys; and
 - e) Any form above the street wall height is to be setback as per Drawing No. A006.

- 22. All building elements including balconies, blades, louvers and screening elements must be contained within the building envelopes identified in Drawing No.A006 dated 22/02/18 11 June 2019 unless permitted by conditions below.
- 25. A maximum protrusion of 500mm of balconies, blades, louvers and screening elements may protrude from the building envelope for the towers shown in Drawing No.A006 dated 22 February 2018-11 June 2019. This is permitted for a maximum of 50% of each façade. This should be balanced by facade elements that setback from the envelope line as well, to ensure that the façade is not completely flush with building envelope and that there is substantial articulation.

30.

a) The above ground car parking structures shall only be located on Urban Blocks UB5 East, UB5 West and UB5 Central and shall be sleeved with retail and/or residential development as shown on DWG No.A008 Ground Floor Plan Use dated 11 November 2017-11 June 2019.

UNIT MIX

34 The mix of units provided within each Urban Block at UB5W, UB5E, UB4, UB2 and UB1 shall comply with Table 8 below. No studio apartments are permitted. The development application for each individual future stage must comply with this mix.

Table 8

Unit Size	Proportion	Indicative Maximum Number of Units
Studios	N/A	0
One Bedroom	Maximum 20%	280
Two Bedroom	50%	760
Three + bedroom	Minimum 30%	374
TOTAL		1414

Note Unit size is as defined in Table 7

The mix of units provided within UB5C and UB3 shall comply with the table below with a tolerance of 10%. No studio apartments are permitted. The development application for each individual future stage must comply with this mix.

Unit Size	Proportion (UB3)	Indicative Maximum Number of Units	Proportion (UB5C)	Indicative Maximum Number of Units
Studios	N/A	0	N/A	0
One Bedroom	17%	62	30% -39%	154 214
Two Bedroom	62%	228	55% 4 5%	284 -245
Three Bedroom	21%	78	15%	77 -83
TOTAL		368		515 542

No changes to any of the other conditions of consent are proposed by this application

3.2 Proposed Works

No physical works are proposed by this application.

4 Substantially the same development

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the Court and subject to and in accordance with the regulations, modify the development consent if:

(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all),

With regard to Section 4.56 application, the development as modified is substantially the same development for which consent was originally granted. The intention of this application is to provide the mechanism to allow for a change to the podium height, ground floor use, typical road plan, unit mix, parking rates and use required a hotel for Building D of the approved mixed use development Urban Block 5C (UB5C), 5 Oscar Place, Eastgardens (formerly 130-150 Bunnerong Road, Pagewood).

The proposed changes will enable a separate application to be lodged for approved UB5C development; primarily for the purpose of rationalising the design and improving the buildability of the approved development, these changes will provide the mechanism for a future change of use development application for a hotel building.

The proposal is considered minor in nature; there are no physical works proposed as part of this application; and the description, use and nature of the approved development will remain as the comprehensive redevelopment of the site for a high-density mixed-use scheme.

For these reasons it is considered that the modification will result in substantially the same development.

5 Environmental Planning Assessment

Under Section 4.56 the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application.

The following assessment considers the relevant matters under Section 4.15 (1) and demonstrates that the development, as proposed to be modified, will be of minimal environmental impact.

5.1 Section 4.15(1)(a)(i): Environmental Planning Instruments

5.1.1 Botany Bay Local Environmental Plan 2013

Part 2 of the Botany Local Environmental Plan 2013 (LEP) identifies that the subject site is zoned R3 Medium Density Residential. The proposal is permitted in the zone subject to consent from the Council.

5.2 Section 4.15(1)(a)(ii): Draft Environmental Planning Instruments

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

5.3 Section 4.15(1)(a)(iii): Development Control Plans

5.3.1 Botany Development Control Plan 2013

Botany Development Control Plan 2013 applies to the subject site. Part 9D of the DCP includes site specific controls for the 130-150 Bunnerong Road site. The proposed amendments do not alter the development's compliance with the provisions of the DCP.

5.4 Section 4.15(1)(a)(iiia): Planning Agreements

The site is subject to a Voluntary Planning Agreement (VPA) negotiated by the Applicant and the then Botany Bay Council during the assessment of the Stage 1 Masterplan application.

The proposed modification does not affect the details of the VPA or the Applicant's ability to deliver the requirements of the agreement.

5.5 Section 4.15(1)(a)(iv): Regulations

The Section 4.56 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 4.15(1)(b): Likely Impacts

Surrounding Development

The proposed modification has no change to the visual impact, disruption of views, loss of privacy or loss of solar access to existing development in the vicinity from the original approval and ensures that the essential elements of the approved development remain unchanged including the approved use, scale, height, interface with the surrounding area, and the site function which is consistent with the surrounding developments.

Built Environment

The proposed modification will not incur unreasonable alterations to the amenity of the development. The proposed changes do not impact upon the overall aesthetics of the approved building and does not change the streetscape impacts from the original approval.

Social and Economic

The proposed modification will enable a future change of use development application for a hotel building in UB5C Building D. The proposed modification will not create any adverse social and/or economic impacts on the Pagewood Green development site; will support the diverse mixed use nature of the precinct by providing a variety of land uses and provides an opportunity to increase the supply and diversity of tourist accommodation which will significantly contribute to the local economy at all stages of development.

Natural Environment

The proposal will not create any additional adverse natural environmental impacts to the subject site and the vicinity.

Based on the points raised above, the proposed amendments are considered minor in nature and will not result in any significant adverse impacts to the site and surrounding area.

5.7 Section 4.15(1)(c): Suitability of the Site

The proposed modifications provide the mechanism to allow for a change to the podium height, ground floor use, typical road plan, unit mix, parking rates and use required a hotel for Building D of the approved mixed-use development Urban Block 5C (UB5C).

The Pagewood Green development site can more than accommodate the proposed amendments; and the proposed hotel for Building D of the approved mixed-use development Urban Block 5C will support the diverse mixed use nature of the precinct by providing a variety of land uses, increasing the supply and diversity of tourist accommodation which will significantly contribute to the local economy at all stages of development.

Therefore, it can be concluded that the proposed modification does not impact on the suitability of the site for the approved development, nor is it envisaged that the proposed changes will result in a significant increase in the intensity of use of the site.

5.8 Section 4.15(1)(d): Submissions

In accordance with Council's policy, the application will be placed on public exhibition and submissions invited from any interested parties.

As part of the assessment process, Council will take into consideration any matters raised in any submissions received in response to the public exhibition period.

5.9 Section 4.15(1)(e): The Public Interest

There are no features of this proposal that could be interpreted as detrimental to the public interest.

The proposal supports the diverse mixed-use nature of the precinct by providing a variety of land uses which in turn will significantly contribute to the local economy.

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

6 Conclusion

This application has been prepared by Karimbla Constructions Services (NSW) Pty Ltd in support of a Section 4.56 modification application to provide the mechanism to allow for a change to the podium height, ground floor use, typical road plan, unit mix, parking rates and use required a hotel for Building D of the approved mixed use development Urban Block 5C (UB5C), 5 Oscar Place, Eastgardens (formerly 130-150 Bunnerong Road, Pagewood).

The proposed changes will enable a separate application to be lodged for approved UB5C development; primarily for the purpose of rationalising the design and improving the buildability of the approved development, these changes will provide the mechanism for a future change of use development application for a hotel building.

A comprehensive assessment of the proposed modifications has been made against all of the applicable environmental planning provisions. The development has been found to be compliant in relation to all relevant planning controls in terms of standards, underlying objectives and merit considerations.

In accordance with Section 4.56 of the EP&A Act:

- The proposal supports the diverse mixed-use nature of the precinct by providing the mechanism to allow for a variety of land uses to be built within the precinct;
- The proposed amendments provide an opportunity in the future to increase the supply and diversity of tourist accommodation which will significantly contribute to the local economy at all stages of development.
- The proposed modification does not impact on the suitability of the site for the approved development, nor is it envisaged that the proposed changes will result in a significant increase in the intensity of use of the site.
- The proposed amendments are considered minor in nature and will not result in any significant adverse impacts to the site and surrounding area.

For these reasons 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. Accordingly, the application should be recommended for approval.

Annexure 1: Amended Plans