

## COUNCIL SUPPLEMENTARY ASSESSMENT REPORT

### SYDNEY EASTERN CITY PLANNING PANEL

<b>PANEL REFERENCE &amp; DA NUMBER</b>	PPSSEC-308 DA-2023/370 PAN-400244
<b>PROPOSAL</b>	Integrated Development - Demolition of existing structures, tree removal and construction of a mixed used development comprising of three (3) levels of basement car park, ground floor supermarket and retail premises and five (5) levels of residential comprising of 50 apartments
<b>ADDRESS</b>	277 The Grand Parade RAMSGATE BEACH NSW 2217 Lot 6 DP 11037 Lot 7 DP 11037 Lot 8 DP 11037 Lot 9 DP 11037 Lot 10 DP 11037 Lot 11 DP 11037 Lot 8 SecD DP 10747 Lot 55 DP 613007
<b>APPLICANT</b>	Mr Richard Cridland
<b>OWNER</b>	Moside Pty Ltd
<b>DA LODGEMENT DATE</b>	24 January 2024
<b>APPLICATION TYPE</b>	Development Application (Integrated)
<b>REGIONALLY SIGNIFICANT CRITERIA</b>	Section 2.19(1) and Section 2 of Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 declares the proposal regionally significant development as general development with a capital investment value (CIV over \$30 million.
<b>CIV</b>	\$ 49,706,049 (excluding GST)
<b>CLAUSE 4.6 REQUESTS</b>	Height - Section 4.3 of the Bayside Local Environmental Plan 2021.
<b>KEY SEPP/LEP</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Planning Systems) 2021</li> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>• State Environmental Planning Policy (Sustainable Buildings) 2022</li> <li>• State Environmental Planning Policy (Housing) 2021</li> </ul>

	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>• Bayside Local Environmental Plan 2021</li> <li>• Bayside Development Control plan 2022</li> </ul>
<b>TOTAL &amp; UNIQUE SUBMISSIONS ISSUES SUBMISSIONS</b>	First Notification - Nineteen (19) Second Notification – Eleven (11)
<b>PREVIOUS DOCUMENTS SUBMITTED FOR CONSIDERATION</b>	<ul style="list-style-type: none"> <li>• Architectural Plans</li> <li>• Landscape Plans</li> <li>• Civil Plans</li> <li>• Demolition Plans</li> <li>• Public Domain Plans</li> <li>• Original Statement of Environmental Effects</li> <li>• RFI Response</li> <li>• 1.5m Setback Justification</li> <li>• Clause 4.6 HOB</li> <li>• Access Report</li> <li>• Acid Sulfate Soil Management Plan</li> <li>• BASIX Certificate</li> <li>• Flood Impact Assessment – dated 24 October 2024</li> <li>• Flood Impact Assessment – dated 10 October 2024</li> <li>• Geotech (Revised)</li> <li>• Geotechnical (Prelim)</li> <li>• Heritage Impact Statement</li> <li>• NatHERS Certification</li> <li>• Preliminary (Stage 1) Site Investigation</li> <li>• Remedial Action Plan</li> <li>• Section J Energy Compliance Report</li> <li>• Traffic Report</li> <li>• Waste Management Plan</li> </ul>
<b>REVISED DOCUMENTS SUBMITTED FOR CONSIDERATION</b>	<ul style="list-style-type: none"> <li>• Amended Basement 1 Floor Plan – dated 17 January 2025</li> <li>• Amended Ground Floor Plan – dated 17 January 2025</li> <li>• Flood Impact Assessment – dated 19 January 2025</li> <li>• Civil Design Report – dated 19 January 2025</li> <li>• Amended Civil Plans</li> </ul>
<b>RECOMMENDATION</b>	Approval
<b>DRAFT CONDITIONS TO APPLICANT</b>	No

<b>SCHEDULED MEETING DATE</b>	29 January 2025
<b>PREPARED BY</b>	Felicity Eberhart – Senior Development Assessment Planner
<b>DATE OF REPORT</b>	22 January 2025

## 1. Executive Summary

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Council received Development Application No. DA-2023/370 on 24 January 2024 for the demolition of existing structures, tree removal and construction of a mixed used development comprising of three (3) levels of basement car park, ground floor supermarket and retail premises and five (5) levels of residential comprising of 50 apartments.

This supplementary report concerns the amended plans and additional information submitted to Council on 19 January 2025 for the above-mentioned application. The amended plans and additional information were submitted in response to the resolution of the Sydney Eastern City Planning Panel (SECPP) at its meeting on 21 November 2024.

It is considered that the amended information has satisfied the requirements of Section 5.12 or Section 6.3(2) of the Bayside Local Environmental Plan (BLEP) 2021.

The application is referred to the SECPP for determination.

## 2. Background

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A report for Development Application No. DA-2023/370 for Integrated development seeking the demolition of existing structures, tree removal and construction of a mixed used development comprising of three (3) levels of basement car park, ground floor supermarket and retail premises and five (5) levels of residential comprising of 50 apartments was considered by the SECPP at its meeting on 21 November 2024. The report presented to the SECPP recommended refusal.

As outlined in that report it was identified that the development, as amended, was generally in accordance with the envisaged future character of the area. Other key issues identified included the interface along the transitional rear boundary, compliance with S6.2 – Earthworks of the Bayside LEP and the proposed design of the public domain interface along both Ramsgate Road and the Grand Parade in accordance with Council requirements. The design has not been endorsed by Council's Traffic Committee nor Council's elected members.

The Panel resolved unanimously to defer the determination of the application as they were not satisfied that the application had addressed flooding and stormwater considerations as required by section 5.21 and 6.3(2) of the BLEP 2021. As such the SECPP was unable to approve the development application.

The matter was deferred for the final time to allow the provision of the following revised plans and supporting documents:

- *Fully address the outstanding flooding issues raised by Council and ensure that an amended report and associated plans are in accordance with the Bayside Local*

*Environmental Plan 2021, Bayside DCP 2022 section 3.10 and section 9.5 and the NSW Government's Floodplain Risk Management Manual 2023. In particular:*

- The flood report shall fully comply with Bayside DCP section 3.10 and section 9.5 (particularly section 9.5.4 of the Bayside DCP). Two-dimensional (2D) flood modelling shall be submitted demonstrating that the development will have less than or equal to 10mm impact (afflux) on surrounding properties (including the road reserve) in the 1% AEP flood event (including 1% AEP climate change and 1% AEP sea level rise flood event) and, less than or equal to 50mm impact (afflux) in the PMF flood event. Existing flood hazard shall not be increased on surrounding properties (including the road reserve) because of the development for all flood events up to the PMF.*
- Accurate pre and post development 2D flood modelling demonstrating that the development complies with the abovementioned controls shall be submitted. It must be demonstrated through 2D flood modelling that any flood mitigation measure proposed will result in compliant flood afflux in the post development scenario for the 1% AEP & PMF flood events.*
- A full set of comprehensive internal civil engineering/stormwater plans is to be provided to Councils satisfaction designed as per Bayside Technical Specification Stormwater Management including full details of the flood mitigation measures (coordinated with the flood report) as per Bayside DCP Section 3.10 and 9.5. The flood mitigation design is to be revised to the satisfaction of Council. The design shall provide sufficient inlet capacity to drain the flood water and discharge to Council drainage system via gravity. Details including sections and plans to be provided to demonstrate the flood mitigation measure can discharge via gravity. The use of pumps will not be supported to discharge flood waters.*

As requested by the SECPP, a meeting was held between Council staff and the applicant to clarify the submission requirements needed to address the deferral reasons.

On the 6 December 2024 the applicant submitted amended information to respond to the above resolution of the SECPP. A review of this information was undertaken, and it was identified that it was not satisfactory. Three key matters were identified including inconsistency between the flood modelling and civil design, conflicts with the architectural plans and civil plans for the location of the stormwater infrastructure; and that insufficient information was provided to the analysis of the drainage discharge into Council infrastructure.

As inadequate information was provided to enable a favourable determination a second meeting was held between Council staff and the applicant, to outline the necessary submissions required to address the deferral reasons to meet the requirements of section 5.21 and 6.3(2) of the BLEP 2021.

On the 19 January 2025 the applicant submitted amended information to respond to the above resolution of the SECPP.

### **3. Amended information:**

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The revised and additional information that was submitted on 19 January 2025 included:

- Revised B1 Basement 1 Floor Plan, prepared by FJC studio, dated 6 December 2024.*
- Flood Impact Assessment Report, prepared by SCP Engineering and Development Consultants, dated 6 December 2024.*

- *Civil Design Report, prepared by SCP Engineering and Development Consultants, dated 6 December 2024.*
- *Civil works plans, prepared by SCP Engineering and Development Consultants, dated 6 December 2024.*
- *A Civil RFI's submitted in an excel document without any author identified; and*
- *Music, Drains and TUFLOW modelling prepared by SCP Engineering and Development Consultants.*

#### **4. Assessment**

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An assessment of the amended and additional information to respond to the SECPP deferral reasons, taking into consideration section 5.21 and 6.3(2) of the BLEP 2021, has been undertaken by Council's Development Engineers. Refer to comments below.

1. *The flood report shall fully comply with Bayside DCP section 3.10 and section 9.5 (particularly section 9.5.4 of the Bayside DCP). Two-dimensional (2D) flood modelling shall be submitted demonstrating that the development will have less than or equal to 10mm impact (afflux) on surrounding properties (including the road reserve) in the 1% AEP flood event (including 1% AEP climate change and 1% AEP sea level rise flood event) and, less than or equal to 50mm impact (afflux) in the PMF flood event. Existing flood hazard shall not be increased on surrounding properties (including the road reserve) because of the development for all flood events up to the PMF.*

Council comment:

The amended flood report complies with Bayside DCP sections 3.10 and 9.5 and includes two-dimensional (2D) flood modelling that corresponds with the submitted civil plans. The proposed development shows impacts of less than 10mm for the 1% flood event, accounting for climate change and sea level rise, and less than 50mm impact in the PMF flood event.

2. *Accurate pre and post development 2D flood modelling demonstrating that the development complies with the abovementioned controls shall be submitted. It must be demonstrated through 2D flood modelling that any flood mitigation measure proposed will result in compliant flood afflux in the post development scenario for the 1% AEP & PMF flood events.*

Council comment:

The updated flood modelling for both pre- and post-development scenarios has been provided for the 1% AEP and PMF flood events. These models have been assessed by Council Development Engineers and found satisfactory in terms of flood mitigation, specifically regarding the flood storage tank. The proposed development has demonstrated compliant flood afflux for the post-development phase.

3. *A full set of comprehensive internal civil engineering/stormwater plans is to be provided to Councils satisfaction designed as per Bayside Technical Specification Stormwater Management including full details of the flood mitigation measures (coordinated with the flood report) as per Bayside DCP Section 3.10 and 9.5. The flood mitigation design is to be revised to the satisfaction of Council. The design shall provide sufficient inlet capacity to drain the flood water and discharge to Council drainage system via gravity. Details including sections and plans to be provided to demonstrate the flood mitigation measure can discharge via gravity. The use of pumps will not be supported to discharge flood waters.*

Council comment:

An updated set of civil plans was submitted by the applicant and has been assessed and found satisfactory in relation to Bayside DCP Sections 3.10 and 9.5 for flood-related controls. Sufficient inlet capacity has been provided through multiple grated inlet pits at the site's lowest point, allowing floodwaters to drain via gravity into the proposed flood mitigation measure being a flood storage tank. However, the civil design still requires further refinement, which can be addressed under a condition of consent prior to the issues of a construction certificate.

Additional issues raised by Council as outlined in the original report presented to the SECPP on 21 November 2024 are discussed below for the Panel's consideration:

- Earthworks – The proposal seeks for substantial excavation to support the requested three (3) levels of basement car parking. The submitted geotechnical report does not provide enough certainty regarding the proposed shoring wall systems to be adopted for the basement construction by allowing multiple different types of construction methodologies including options that present more risk. To mitigate the risks on neighbouring properties and infrastructure associated with unfavourable construction methodologies, conditions have been imposed to ensure the development adopts an appropriate construction methodology certified by multiple engineering consultants from different disciplines to ensure there are no impacts because of construction.
- Rear boundary setback/overshadowing – This issue remains outstanding. Please refer to original planning report.
- Work to Councils Land - The development's frontage along Ramsgate Road is currently a public carpark and forms part of the road reserve. The existing arrangement would require to be significantly modified to accommodate the proposal. A deferred commencement condition is proposed requiring the approval of the Bayside Council Traffic Committee at a formal meeting of the Council (Councillors).

#### **4. Recommendation**

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With respect to the response for deferral Council is of the opinion that the SECPP can be satisfied that the information provided satisfactorily addresses these reasons as well as the requirements of Section 5.21 and Section 6.3(2) of the BLEP 2021, subject to conditions. Therefore, it is recommended:

That the Sydney Eastern City 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, APPROVE Development Application DA-2023/370 Integrated Development - Demolition of existing structures, tree removal and construction of a mixed used development comprising of three (3) levels of basement car park, ground floor supermarket and retail premises and five (5) levels of residential comprising of 50 apartments at 277 The Grand Parade RAMSGATE BEACH as a deferred commencement consent subject to the deferred commencement condition below and the conditions attached to this report.

The following conditions shall be satisfied prior to the operation of the consent:

- A) A public domain civil, electrical and landscape design shall be submitted detailing the required changes to Ramsgate Road and the public carpark along the developments frontage which forms part of the road reserve. The plans require approval from the Bayside Council Local Traffic Committee including subsequent approval at the Bayside Council Meeting by the elected representatives (Councillors). Significant changes to the car park and road design need to be undertaken to facilitate the development which includes addressing the following issues:

- i. Impacts upon existing mature trees – the site requires removal of several trees in the public domain which require approval and assessment of council tree officers. If consent is not granted, then the development shall be revised to retain these street trees.
- ii. Car parking spaces and traffic flow – full and satisfactory details are provided with regards to the traffic flow in the public car park including traffic modelling.
- iii. Signage and line marking, full details shall be provided for signage designed as per Australian standards and Council/TfNSW requirements. The footpath along the driveway is to give priority to pedestrians.
- iv. Pedestrian car park crossing modifications – the wider driveway requires the deletion of an existing pedestrian crossing point that allows for pedestrians to move from the bus stop on Ramsgate Road through the car park to the footpath adjacent to the shops, this pedestrian crossing point shall be relocated.
- v. Bus stop modifications to facilitate the wider single driveway access point to Ramsgate Road require approval for the local bus authority.
- vi. Reconfiguration of lanes on Ramsgate Road with new slip lane design – full details are to be provided
- vii. Drainage changes to facilitate the new car park works, full details are to be provided.
- viii. Ensure suitable lighting is provided to the public car park fronting the site supported by a lighting coverage assessment.

Evidence of compliance with the above conditions, sufficient to satisfy the Council as to those matters, must be provided within Twenty-Four (24) months of this notice. If satisfactory evidence is produced in accordance with this requirement, the Council shall give notice to the applicant of the date from which this consent operates.

If Council has not notified the applicant within a period of 28 days after the applicant's evidence is produced to it, the Council is, for the purposes only of section 8.7 of the Environmental Planning and Assessment Act 1979, taken to have notified the applicant that Council is not satisfied as to those matters on the date on which that 28-day period expires.

## **5. Reasons**

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The proposed development at 277 The Grand Parade RAMSGATE BEACH NSW 2217 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 a mixed used development comprising of three (3) levels of basement car park, ground floor supermarket and retail premises and five (5) levels of residential comprising of 50 apartments is a permissible land use within the zone with development consent.

The proposal is supported for the following main reasons:

- The proposal is acceptable when considered against all relevant State Environmental Planning Policies, including SEPP 65 (Design Quality of Residential Apartment

Development) and the associated Apartment Design Guide, subject to the imposition of appropriate conditions of consent.

- The proposed variation to height has been assessed in accordance with Clause 4.6 of Bayside Local Environmental Plan 2021 and is considered acceptable subject to design changes and subject to the imposition of appropriate conditions of consent.
- The development is consistent with the objectives of the zone and the relevant objectives of Bayside Local Environmental Plan 2021, subject to the imposition of appropriate conditions of consent; and
- The development is consistent with the objectives of Bayside Local Environmental Plan and Bayside Development Control Plan 2022, subject to the imposition of appropriate conditions of consent.