

ADDENDUM COUNCIL ASSESSMENT REPORT

SYDNEY EASTERN CITY PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSEC-314 – DA-2024/68
PROPOSAL	Integrated Development - Demolition of existing structures and construction of two (2) ten (10) storey mixed use buildings, comprising eighty-six (86) residential units, eight (8) ground floor commercial units, three (3) levels of basement parking, and associated landscaping
ADDRESS	Lot 106 in DP 738223 and DP Lot B in DP 397535 114-116 Hattersley Street & 345 Princes Highway Banksia NSW 2216
APPLICANT	Hattersley Developments P/L
OWNER	114-116 Hattersley Street - Hattersley Developments P/L 345 Princes Highway - Nascon Property Group P/L
DA LODGEMENT DATE	25/03/2024
APPLICATION TYPE	Integrated Development Application
REGIONALLY SIGNIFICANT CRITERIA	Section 2.19(1) and Clause 2 of Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 declares the proposal regionally significant development as: General Development that has an estimated development cost of more than \$30 million.
CIV	\$32,452,542.00 (excluding GST)
CLAUSE 4.6 REQUESTS	<ul style="list-style-type: none"> • <i>Mixed Use zone (MU1) – Bayside LEP 2021</i> • <i>Clause 4.6 variation to clause 4.4 – Floor Space Ratio of 2.5:1 - Bayside LEP 2021</i> • <i>Clause 4.6 variation to clause 16(1) – Floor Space Ratio of 3.25:1 - State Environmental Planning Policy (Housing) 2021</i>
KEY SEPP/LEP	<ul style="list-style-type: none"> • <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> • <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i> • <i>State Environmental Planning Policy (Sustainable Buildings) 2021</i> • <i>State Environmental Planning Policy (Housing) 2021</i>

	<ul style="list-style-type: none"> • <i>State Environmental Planning Policy (Planning Systems) 2021</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> • <i>Bayside Local Environmental Plan 2021; and,</i> • <i>Bayside Development Control plan 2022.</i>
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	Five (5) unique submissions Traffic, Parking, Streetscape, Scaffolding, Land Isolation, Height, Amenity, Through Site Link and Overshadowing
DOCUMENTS SUBMITTED FOR CONSIDERATION	Architectural Plans Revision B, Clause 4.6 variation – FSR, Wind Report, Traffic & Parking Report, Acoustic Report, Access report, BASIX, etc.
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)	Yes
RECOMMENDATION	Approval subject to conditions (immediate)
DRAFT CONDITIONS TO APPLICANT	No
SCHEDULED MEETING DATE	8 May 2025
PLAN VERSION	11 November 2024 Versions C & E (amended)
PREPARED BY	Michael Maloof – Senior Assessment Planner
DATE OF REPORT	23 April 2025

1. BACKGROUND

The Planning Assessment Report in relation to the above application was submitted to the Sydney Eastern City Planning Panel (SECPP - from here on referred to as “the Panel”) on 25 February 2025. On that day the Panel deferred the application for the following reason:

“The Panel agreed to defer the determination of the matter to allow for the provision of updated flood modelling as per draft Condition 19 and the assessment of flooding impacts that addresses the requirements of Clause 5.21 of the Bayside Local Environmental Plan, 2021 (LEP).”

The SECPP requested additional information relating to flood planning to ensure that the application did not require any further modelling and was acceptable in respect to Council's flooding requirements. In addition, minor changes were requested by the Panel to some of the conditions (including deleting duplicates and correcting references in the development).

The minutes of the Panel meeting outlined actions which include the revised plans and flooding information being uploaded to the Planning Portal and Council providing an Addendum Assessment Report responding to the above matters which shall also be uploaded to the Planning Portal. Once uploaded, the Panel will undertake a final briefing and determine the application by way of electronic determination.

A formal meeting was held on Friday 28 February 2025 with the applicant, his engineer and Council officers to discuss the additional flooding information required and the resulting changes to the architectural plans within a given timeframe so the application could be referred back to the SECPP panel for final determination. The applicant agreed that the flooding matters could be resolved, and the revised plans and information submitted back to Council.

The revised scheme and flooding information with calculations were submitted to Council during the month of April and discussed on several occasions. On Wednesday 16 April the final set of plans and additional information was provided by the Applicant which addressed the flooding matters, and which was considered acceptable by Council's Development Engineer. In this regard, the plans and information prepared by the applicant were uploaded to the Planning Portal.

This Addendum Assessment Report addresses the concerns raised by the panel and recommends approval of the application subject to the revised conditions of development consent.

2. EXECUTIVE SUMMARY

The revised flood modelling was discussed in April and finally submitted by the applicant on Wednesday 16 April 2025 and involved changes to the flood management and stormwater infrastructure on the site. These changes allowed the development to cater for the future flooding characteristics of the site without requiring any further modelling.

The changes to the development to remove the need for any further flood modelling involved the following changes to the architectural plans:

- Changes to the ground floor pathway, through site link and ramp grades located adjacent to the building and the through site link and within the building setbacks; and,
- Changes to the section plans indicating the flood storage tank and ensuring the revisions can cater for the anticipated flood levels.

The above changes were assessed by Council's Development Engineer and resulted in the proposal complying with the flood management requirements of Council's DCP 2022. As such, several of the conditions imposed in the draft Notice of Determination relating to flooding have been amended. For more information relating to the amended conditions, please refer to section 5 of this report.

Based on the above, the revised flooding and architectural scheme are now referred to the Panel for determination.

3. ADDITIONAL DOCUMENTS SUBMITTED

The following revised documents were submitted to address matters relating to the flooding modelling and architectural plan changes:

Documents

- Final Flood Report
- Peer reviews
- Outputs from the flood modelling showing the flood extents.

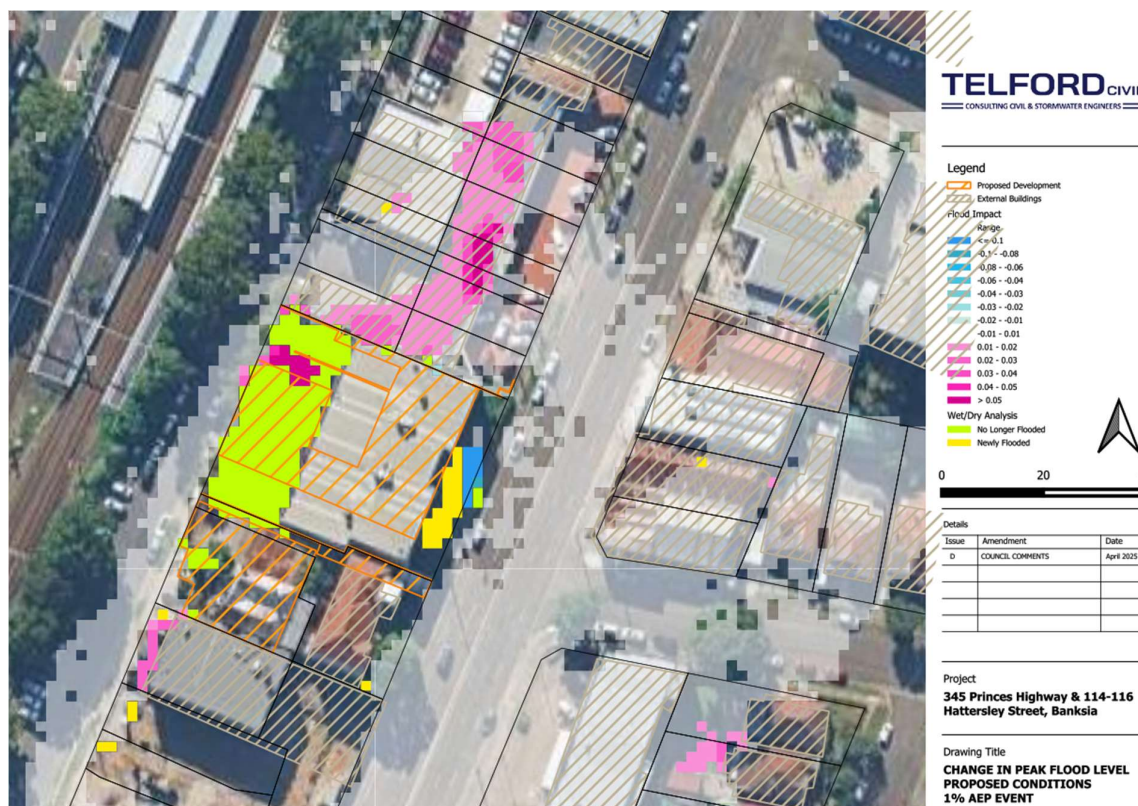
Plans

- Stormwater Plans, various Revisions.
- Ground Floor Plan with revised floor levels, Revision E.
- Section plans A, D, E & F showing the flood tanking, all Revision E.
- Landscape Plans, all four pages Revision F.

4. CONSIDERATION OF FLOOD MODELLING

The applicants flood engineers (Telford Civil) have undertaken further flood modelling refinements to accurately model the flood storage tank. This further modelling was required to address councils concerns regarding the accuracy of the flood modelling. The refinements have ensured the updated flood model correctly represents how the flood storage tank will capture and store floodwaters in flood events. The updated method of modelling the flood storage tank was advised and peer reviewed by an independent flood engineer which has addressed councils concerns regarding the reliability of the flood modelling.

The refined flood modelling has indicated that there will be increases in the flood levels surrounding the site after construction of the development (mainly increases in flood levels on 335-343 Princes Highway). The maximum afflux permitted in the 1% AEP flood event (including climate change) is 10mm, whereas increases in flood levels are modelled at 50mm afflux.



The applicant has provided justification for this non-compliant afflux in section 4.3.1 of the updated flood report. Councils' opinion is that the flood afflux is stemming from the inability of any development of this site to be able to match the unrestricted flow of floodwaters into the property that occurs in existing conditions, which means floodwaters are diverted elsewhere in the floodplain. Furthermore, Council considers that the development has provided as much inlet capacity and flood storage volume that can be feasibly provided

within a mixed-use development permissible under the controls on this site. Therefore, Council accepts the updated flood modelling and uses its discretion to varying the flood afflux controls given the site-specific circumstances in this development.

5. AMENDED CONDITIONS OF DEVELOPMENT CONSENT

Planning Conditions:

At its meeting of 25 February 2025, the Panel requested the draft conditions be amended as follows:

- a) The flooding conditions being deleted as required.
Comment: The conditions have been amended as required.
- b) The motorcycle parking conditions including, condition No. 11 and No. 34(a)(viii) have been made consistent in respect to the number of motorcycle parking spaces.
Comment: The number of spaces were checked and have the correct number of motorcycle parking spaces throughout the plans and consent.
- c) Conditions 38 and 139 do not specifically identify the affordable housing units.
Comment: The exact number and allocation of affordable housing units have now been included in condition 38 as requested. Note condition 38 is now condition 40.
- d) Condition 125 is a duplicate condition and should be deleted.
Comment: This condition has been deleted.
- e) Conditions 157 and 179 are duplicate conditions of which one should be deleted.
Comment: These conditions are duplicate and condition 179 was deleted.
- f) Delete condition 1 as it is used for temporary consents and is not applicable in this instance.
Comment: This condition has been replaced with the correct condition which indicates the consent will lapse in five (5) years if not formally commenced.
- g) All Advisory Conditions at the end of the draft consent should be made into operational conditions within the consent.
Comment: All advisory conditions have been relocated to within the operational conditions apart from two of them being the "Consult with Utility Provider" and "Dial before you Dig" conditions.

The Deferred Commencement condition relates to information required by Sydney Trains and remains valid and relevant to the proposal. Accordingly, the deferred commencement condition has been retained in the draft development consent.

Flooding Conditions:

Following the meeting of the Panel on 25 February 2025, the following conditions become redundant and were amended as a result of the flood modelling and amended plans submitted by the applicant:

Condition 21 has been revised to no longer require additional flood modelling, it now just requires a detailed design of the flood storage tank prior to the issue of the Construction Certificate.

Conditions 22 and 34 has been amended to not require changes to floor levels (except for the bin hoist which needs to be changed) as the amended ground floor plan (rev E dated 14/04/25) has satisfied Councils concerns with regards to floor levels.

6. RECOMMENDATION

Following consideration of the matters for consideration under Section 4.15(1) of the EP&A Act, the provisions of the relevant State Environmental Planning Policies, and the Bayside Local Environmental Plan 2021, the proposal is supported subject to the imposition of the revised conditions of development consent (please refer to Attachment A).

The principal reason for this recommendation is that the applicant has satisfactorily resolved the flood modelling issues and submitted additional information and revised architectural plans in this regard. The draft consent has been amended with the modification of several conditions of consent in relation to flooding.

Council's Development Engineer has reviewed the plans and information and raised no objections to the proposal (in respect to the flooding) based on the revised plans and revised conditions of development consent.

Based on the above, all of the technical issues raised by the Panel have been satisfactorily addressed and the proposal as currently presented has acceptable outcomes. Accordingly, the application can be approved subject to the recommended conditions of development consent.

Following a detailed assessment of the proposal as outlined above, pursuant to Section 4.16(1)(a) of the *EP&A Act*, the development application (DA-2024/68) is recommended for approval subject to the imposition of conditions contained at Attachment A of this report.