20 July 2022

Item 3

Section 4.56 Modification Application: 219-231 Botany Road, Waterloo - D/2015/1358/C

The Panel resolved that consent be granted to Section 4.56 Modification Application No. D/2015/1358/C subject to the amendment of the following conditions, with modifications shown in ***bold italics*** (additions) and ~~**strikethrough**~~ (deletions), as follows:

SCHEDULE 1A

(3) APPROVED DEVELOPMENT

(a) Development consent is limited to ***the*** ~~**a Stage 1**~~ concept ~~**plan**~~ building envelope and indicative land uses within this envelope, in accordance with Development Application No. D/2015/1358 dated 21 September 2015 (as amended) and the following drawings:

Drawing Number	Drawing Name	Date
~~**DA2000-1D**~~	~~**Basement Level Building Envelope Floor Plan**~~	~~**02/09/2016**~~
~~**DA2000-2F**~~	~~**Levels 1 (Street) & 2 Building Envelope Floor Plans**~~	~~**06/09/2016**~~
~~**DA2001-F**~~	~~**Levels 3 & 4 Building Envelope Floor Plans**~~	~~**06/09/2016**~~
~~**DA2002-F**~~	~~**Levels 5 & 6 Building Envelope Floor Plans**~~	~~**06/09/2016**~~

Drawing Number	Drawing Name	Date
~~**DA2003-F**~~	~~**Levels 7 & 8 Building Envelope Floor Plans**~~	~~**06/09/2016**~~
~~**DA2004-F**~~	~~**Building Envelope Roof Plan**~~	~~**06/09/2016**~~
2004, A	***Building Envelope – Above Ground Envelope Plan***	***01/12/2021***
~~**DA**~~3000-~~**C**~~ D	Building Envelope Elevations 1 & 2	~~**06/09/2016**~~ ***01/12/2021***
~~**DA**~~3001-D	Building Envelope Elevations 3 & 4	~~**06/09/2016**~~ ***01/12/2021***
~~**DA**~~4000-D	Building Envelope Sections 1 & 2	~~**06/09/2016**~~ ***01/12/2021***
~~**DA**~~4001-D	Building Envelope Sections 3 & 4	~~**06/09/2016**~~ ***01/12/2021***

and as amended by the conditions of this consent.

(b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

(4) DESIGN REQUIREMENTS

The following design requirements must be incorporated into any ***detailed design development*** application submitted for assessment:

(a) The front section of Building A facing Botany Road is to have a minimum of 1 lift core.

(b) The rear section of Building A is to have a minimum of 1 lift core.

(c) Building B is to have a minimum of 2 lift cores.

(d) Building C is to have a minimum 1 lift core.

~~**(e) Building C Levels 1 and 2 is to consist of cross through apartments, Levels 3 to 8 is to consist of 2 storey cross through apartments;**~~

(f) Building C is to have corridor access to the apartments from the south of the building;

(g) All habitable rooms to the front section of Building A must be capable of receiving natural ventilation to the eastern(quiet) side of the building;

~~**(h) Any air path used for natural cross ventilation or natural ventilation that relies on a corridor or circulation space on that air path, must pass through a non-habitable room to provide an acoustic buffer;**~~

(i) All openings to the south of Building C must incorporate appropriate visual privacy treatment to ensure no sightlines are provided to the building and grounds of Green Square School while allowing daylight to the openings.

(6) STAGE 2 TO BE CONTAINED WITHIN APPROVED ENVELOPE

With the exception of lift and stair overruns the detailed Stage 2 design, including services, must be contained within the building footprint and envelope approved as part of this consent ~~**and comply with relevant planning controls**~~.

(7) BUILDING HEIGHT

With the exception of lift ***and stair*** overruns, the maximum height of the buildings must not exceed the following:

(a) The height of the front portion of Building A must not exceed RL ~~**32.300**~~ ***34.00*** (AHD) ~~**to the top of the roof;**~~

(b) The height of the rear portion of Building A must not exceed***:*** ~~**RL 35.400 (AHD) to the top of the roof;**~~

(i) RL 36.400 (AHD) to the top of the 1m Planter Zone;

(ii) RL 38.150 (AHD) to the top of the Stair/Pergola Zone;

(iii) RL 35.250 (AHD) to the section of envelope indicated by arrow numbered 2.1.

(c) The height of Building B must not exceed***:*** ~~**RL 36.000 (AHD) to the top of the roof;**~~

(i) RL 36.400 (AHD) to the top of the 1m Planter Zone;

(ii) RL 38.150 (AHD) to the top of the Stair/Pergola Zone;

(iii) RL 35.250 (AHD) to the portion of envelope indicated by arrow numbered 2.1;

(iv) RL 36.200 (AHD) to the top of the 0.8 Planter Zone;

(v) RL 33.100 (AHD) to the south-eastern corner of the roof.

(d) The height of Building C must not exceed RL 37.000 (AHD) ~~**to the top of the roof**~~.

SCHEDULE 3

TERMS OF APPROVAL

The Terms of Approval for Integrated Development as advised by ~~**[name of authority]**~~ ***Water NSW*** are as follows:

~~**General**~~

~~**1. An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.**~~

~~**2. The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforseen high water table elevations to prevent potential future inundation.**~~

~~**3. Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and:**~~

~~**(a) any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and**~~

~~**(b) any elevated water table is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and**~~

~~**(c) where the habitable structure is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.**~~

~~**4. Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.**~~

~~**5. DPI Water requires documentation (referred to as 'report') comprising measurements, maps, bore logs, calculations, results, discussion and justification for various matters related to the dewatering process. Information will be required at several stages: prior to construction commencing (initial report - which will accompany the application for the authorisation), at any time when an authorisation renewal is required or a significant change in activities occurs (intermediate report); and at the completion of dewatering and related operations (completion report). Reports need to be submitted to DPI Water at Parramatta Office, in a format consistent with electronic retrieval without editing restrictions; raw data should be presented in Excel spreadsheets without editing restrictions.**~~

~~**Prior to excavation**~~

~~6. The following shall be included in the initial report:~~

~~(d) measurements of groundwater levels beneath the site from a minimum of three relevant monitoring bores, together with details of the bores used in the assessment including bore logs and three-dimensional identification information.~~

~~(e) a map of the site and its immediate environs depicting the water table (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below. An assessment of the potential variation in the water table during the life of the proposed building together with a discussion of the methodology and information on which this assessment is based.~~

~~(f) details of the present and potential groundwater flow paths and hydraulic gradients in and around the site; the latter in response to the final volumetric emplacement of the construction.~~

~~(g) a schedule for the ongoing water level monitoring and description of the methodology to be used, from the date of consent until at least two months after the cessation of pumping. [DPI Water prefers that monitoring be undertaken on a continuous basis using automatic loggers in boreholes.]~~

~~7. The Applicant shall assess the likely impacts of the dewatering activities on other groundwater users or structures or public infrastructure; this assessment will include an appropriate bore, spring or groundwater seep census and considerations relevant to potential subsidence or excessive settlement induced in nearby buildings and property, and be documented together with all calculations and information to support the basis of these in the initial report.~~

~~8. Groundwater quality testing of samples taken from outside the footprint of the proposed construction, with the intent of ensuring that as far as possible the natural and contaminant hydrochemistry of the potential dewatered groundwater is understood, shall be conducted on a suitable number of samples and tested by a NATA-certified laboratory. Details of the sampling locations and the protocol used, together with the test results accompanied by laboratory test certificates shall be included in the initial report. An assessment of results must be done by suitably qualified persons with the intent of identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria for the intended dewatering purpose. In the event of adverse quality findings, the Applicant must develop a plan to mitigate the impacts of the hydrochemistry on the dewatered groundwater and present the details of all assessments and plans in the initial report.~~

~~9. Groundwater quality testing generally in accordance with Clause 8, shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.~~

~~10. A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and included in the initial report; together with details and calculation methods for the parameters and supporting information to confirm their development or measurement (e.g. permeability predicted by slug-testing, pump-testing or other means).~~

~~11. A copy of a valid consent for the development shall be provided in the initial report.~~

~~12. The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided in the initial report. The disposal of any contaminated pumped groundwater (sometimes called "tailwater") must comply with the provisions of the Protection of the Environment Operations Act 1997 and any requirements of the relevant controlling authority.~~

~~13. Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and included in the initial report and any subsequent intermediate report as necessary. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.~~

~~During Excavation~~

~~14. Engineering measures designed to transfer groundwater around and beneath the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.~~

~~15. Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard or induce mounding of groundwater. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.~~

~~16. Measurement and monitoring arrangements to the satisfaction of DPI Water are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.~~

~~17. Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc.) without the controlling authority's approval and/or owner's consent/s. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.~~

~~18. Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.~~

~~19. The location and construction of groundwater extraction works that are decommissioned are to be recorded in the completion report. The method of decommissioning is to be identified in the documentation.~~

~~20. Access to groundwater management works used in the activity is to be provided to permit inspection when required by DPI Water under appropriate safety procedures.~~

~~**Following excavation**~~

~~**21. Following completion of the dewatering operations, the applicant shall submit to DPI Water, Parramatta Office, the completion report which shall include:**~~

~~**(a) detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and**~~

~~**(b) a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and**~~

~~**(c) a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.**~~

~~**22. The completion report is to be assessed by DPI Water prior to any certifying agency's approval for occupation or use of the completed construction.**~~

Reference Number:	***S961135420***
Issue date of GTA:	***18 May 2021***
Type of Approval:	***Water Supply Work***
Description:	***80mm submersible pump***
Location of work/activity:	***219-231 Botany Road, Waterloo NSW 2017***
DA Number:	***D/2015/1358/C***
LGA:	***City of Sydney Council***
Water Sharing Plan Area:	***Greater Metropolitan Region Groundwater Sources 2011***

The GTA issued by WaterNSW do not constitute an approval under the Water Management Act 2000. The development consent holder must apply to WaterNSW for the relevant approval after development consent has been issued by Council and before the commencement of any work or activity.

Condition Number	***Details***
	Dewatering
GT0115-0001	***Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For***

	clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.
GT0116-00001	***Before any construction certificate is issued for any excavation under the development consent, the applicant must:*** ***1. apply to WaterNSW for, and obtain, an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development; and*** ***2. notify WaterNSW of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity Advisory Note:*** ***3. An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity.*** ***4. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.***
GT0121-00001	***Construction phase monitoring bore requirements GTA:*** ***a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW.*** ***b) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application.*** ***c) The monitoring bores must be installed and maintained as required by the water supply work approval.*** ***d) The monitoring bores must be protected from construction damage.***
GT0122-00001	***Construction Phase Monitoring programme and***

content:

a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW):

i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW.

ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater;

iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories.

b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)

GT0123-00001

(a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW.

(b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW):

1) All results from the Approved Monitoring Programme; and

2) Any other information required on the WaterNSW

	completion report form as updated from time to time on the WaterNSW website.
	c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website www.watemsw.com.au/customer-service/water-licensing/dewatering
GT0150-00001	***The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment.***
	Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site – Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual
GT0151-00001	***Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WalerNSW (Term of the dewatering approval).***
	Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
GT0152-00001	***This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001.***
	Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.

SCHEDULE

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by WaterNSW for integrated development associated with D/2015/1358/C as provided by Council:

- ***JK Report***
- ***To***
- ***Maville Bay Ply Ltd***
- ***on***
- ***Geotechnical Investigation***
- ***For***
- ***Prospective Residential Development***
- ***At***
- ***219 to 231 Botany Road, Waterloo, NSW***

Reasons for Decision

The application was approved for the following reasons:

(A) The concept development, as proposed to be modified, is substantially the same development as that originally approved and is consistent with Section 4.56 of the Environmental Planning and Assessment Act, 1979.

(B) The proposed modification of conditions (3) Approved Development, (6) Stage 2 To Be Contained Within Approved Envelope and (7) Building Height, are to ensure that the detailed design development application D/2020/1419, which has been assessed at the same time as the subject modification application, is not inconsistent with the concept approval and is in accordance with the requirements contained in section 4.24(2) of the Environmental Planning and Assessment Act, 1979.

(C) Notwithstanding non-compliances with the Height of Buildings development standard, the subject application demonstrates that the proposed modifications to the concept envelopes are consistent with the objectives of the development standard as specified at clause 4.3 of the Sydney Local Environmental Plan 2012 and with the commitment to community infrastructure provision, which includes land dedication, embellishment works and a monetary contribution, as secured in the Voluntary Planning Agreement associated with the original concept approval (D/2015/1358) and which has been registered on the title of the land.

(D) The concept building envelopes, as proposed to be modified, are capable of accommodating a detailed design scheme that exhibits design excellence as defined by clause 6.21 of the Sydney Local Environmental Plan 2012.

Carried unanimously.

D/2015/1358/C