
Bayside Planning Panel

27/02/2018

Item No	6.4
Application Type	Development Application
Application Number	DA-16(193)
Lodgement Date	26/10/2017
Property	9-17 Byrnes Street, Botany
Owner	Andrew & Basil Micos
Applicant	Solutions Zane
Proposal	Continued use of the existing industrial premise for warehouse and distribution, use for the manufacture of aluminium glass doors and windows, use as a freight transport facility, and use as a vehicle repair station,
No. of Submissions	Nil
Cost of Development	\$40,000.00
Report by	Christopher Mackey, Coordinator Development Assessment

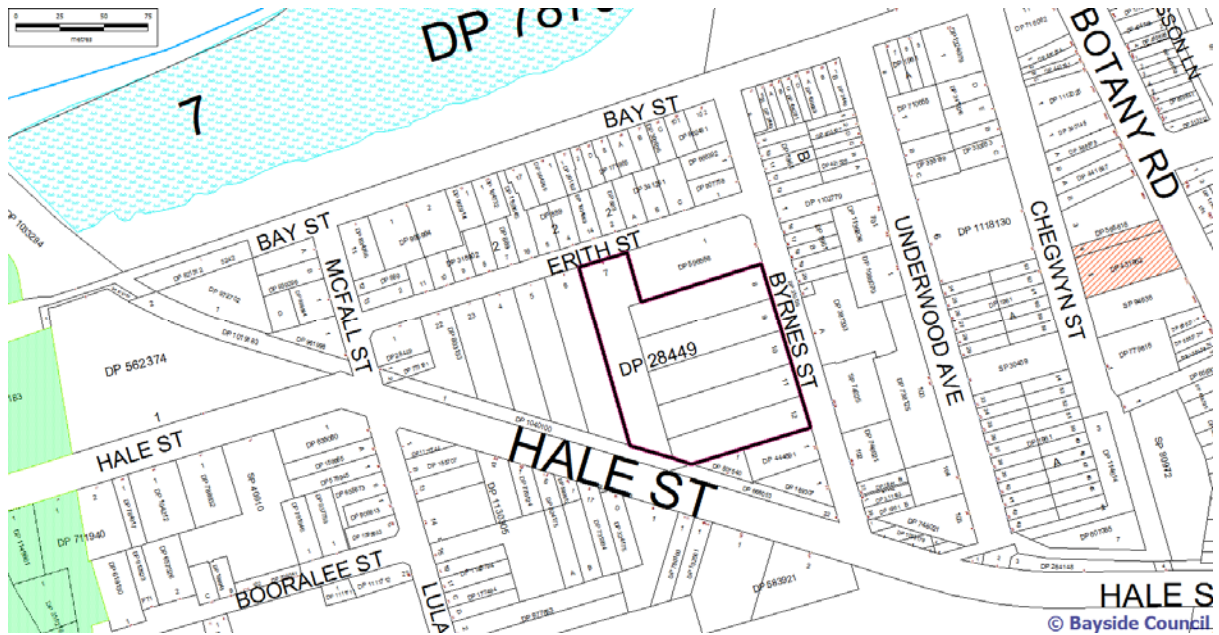
Officer Recommendation

That the Determination of refusal be changed to approval of Development Application No. 16/193 for the for the continued use of the existing industrial premise for warehouse and distribution, use for the manufacture of aluminium glass doors and windows, use as a freight transport facility, and use as a vehicle repair station, pursuant to section 82A of the Environmental Planning & Assessment Act 1979.

Attachments

- 1 Section 82A Review Report - 9-15 Byrnes St, Botany
 - 2 DA Drawings – 9-15 Byrnes Street, Botany
 - 3 S82A Review Applicants Submission – 9-15 Byrnes Street Botany
 - 4 Survey – 9-15 Byrnes Street, Botany
 - 5 Traffic Report – Section 82A – 9-15 Byrnes Street, Botany
 - 6 Swept Path Diagrams – Section 82A – 9-15 Byrnes Street, Botany
 - 7 Original Delegated Planning Assessment Report DA16/193
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Location Plan



BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	Section 82A review of Determination of DA16/193
Date of Receipt:	24 October 2017
Property:	9 – 15 Byrnes Street, Botany Lot 7 -10 DP 28449
Owner:	Con Micos Estate Pty Ltd
Applicant:	Solutions Zane (Land Use Planning Services)
Proposal:	Section 82A Review of Determination of the refusal of Development Application 16/193 for the continued use of existing industrial premises for warehouse and distribution, use for the manufacture of aluminium glass doors and windows, use as a freight transport facility, and use as a vehicle repair station.
Value:	N/A
No. of submissions:	Nil
Author:	Christopher Mackey – Coordinator Development Assessment
Date of Report:	9 February 2018

Key Issues

Development Application No. 2016/193 for the continued use of existing industrial premises for warehouse and distribution, use for the manufacture of aluminium glass doors and windows, use as a freight transport facility, and use as a vehicle repair station at 9-15 Byrnes Street, Botany was refused under Delegated Authority on the 13 July 2017.

The application was refused for the following reasons:

1. *The proposal fails to satisfy the following provisions of State Environmental Planning Policy (Three Ports) 2013:*
 - a) *The proposal fails to satisfy the objectives of the IN1 General Industrial zone, namely it has not been demonstrated that the proposal minimises any adverse effect of industry on other land uses, in relation to traffic movements, and inadequate parking.*
2. *The proposal will result in adverse environmental and social impacts in the locality.*
3. *The proposed development is not suitable in the context of the site and locality.*
4. *The proposed development is contrary to the public interest.*

In accordance with Part 2 – Notification and Advertising of Botany Bay Development Control Plan 2013, the Section 82A Review application underwent public exhibition for a fourteen (14) day period from 17 November 2017 to 4 December 2017. Two submissions were received that raise the issue of traffic congestion, traffic impacts on the amenity of the locality and safety of pedestrians/.

This Section 82A Review of Determination application was submitted on the 24 October 2017. Pursuant to Section 82A of the Act, Council must determine the application within 6 months from the date of refusal of the original application, being by the 13 July 2017.

In this instance, the applicant has filed an appeal in the NSW Land & Environment Court against the failure of Council to Review its Determination of the DA, and this extends the period in which Council can undertake its review. The matter is listed for a Section 34 Conciliation Conference on the 21 June 2018.

The Section 82A Review application has been accompanied by a revised Traffic Report with swept path diagrams for a vehicles up to 19 metres in length, however it is considered that the shortfall in off street car parking is minor and acceptable, but that the access for 19 metre articulated vehicles remains problematic.

For reasons detailed in this report, and in particular having undertaken a further detailed assessment of the proposal in accordance with Council's controls, the Review of Determination has been undertaken and it is recommended that Development Application 16/193 be approved, subject to conditions details in this report.

Recommendation

- 1 That the Panel resolve to change the determination of DA 16/193 from refusal to approval, for the continued use of existing industrial premises for warehouse and distribution, use for the manufacture of aluminium glass doors and windows, use as a freight transport facility, and use as a vehicle repair station, subject to conditions of consent, pursuant to section 82A of the Environmental Planning & Assessment Act 1979.

Background

Site History

The existing industrial buildings on the site appear to have been constructed some 50 to 60 years. The subject site has a long history of industrial usage with approvals for various uses including the following, which appear on Council's records:

- Development Application 2002/160 for the alterations & additions for the temporary use of Building 2 for the purpose of warehousing of aluminium products was approved by Council on 18 February 2002.

- Development Application 2002/625 for the alterations and additions to existing factory complex and the construction of new steel framed elevated office was approved by Council on the 18 June 2003.

Notwithstanding the abovementioned consents the existing buildings on the site have been used as follows in more recent years:

The existing industrial premise known as Warehouse 1a has been used for the manufacture of aluminium doors and windows and ancillary offices for approximately 15 years.

The existing industrial premise known as Warehouse 1b has been used as a warehouse and distribution centre for approximately 3 years.

The existing industrial premise known as Warehouse 2 has been used for industrial purposes and general storage in the past. The current use of the site as a warehouse and distribution centre has been carried out since approximately since 2015.

The existing industrial premise known as Warehouse 3 has been used for industrial and storage purposes in the past. The premise has been used for freight forwarding by the current operator for approximately 3 years. Warehouse 3 was previously used together with the larger site (including No. 17 Byrnes Street to the immediate south – now excised) as a freight transport facility by Admiral Freight Services – now vacated).

- Consent 02/625 above for the change of use and making good of buildings 1 – 4, included the larger site comprising 4 factory buildings on lots 7-12 DP 28449 and known as 9 – 17 Byrnes Street. Under the terms of this consent access to the site was via Byrnes Street and egress to Erith Street.
- Consent 13/148 was granted on 28 October, 2013 on lots 11 and 12 DP 28449 17 Byrnes Street for the demolition of existing buildings and the construction of a 2 storey industrial building and office space for the manufacturing and warehousing of transmission components, devices and radio communication antennas. This consent by virtue of the approved location of buildings and parking, effectively severed the through access to the larger site. This development was completed approximately a year ago.

Council issued a Notice of Intention to issue an Order on the 25 July 2014 in relation to the use of 9 – 13 Byrnes Street for the manufacture of aluminium doors and windows without the required consent and not in accordance with the terms of Consent 02/625.

Council officers on September 6, 2014 indicated at a meeting with the owners that separate development applications were required in relation to the uses at lots 8, 9 and 10 DP 28499 9 – 15 Byrnes Street, Botany. Traffic movements to and from the site and associated impacts were identified as the principal concerns. Council officers facilitated a copy of a Traffic Route Review report prepared by SMEC Australia Pty Ltd to assist in preparation of the required applications. 3 applications were subsequently lodged in November 2014, seeking to address those matters raised in Council's Notice of Intention and permit the continued uses of the land, as follows:

- Development Application 2014/274 for 13 Byrnes St, Botany (Lot 10 – Current Warehouse 3) sought consent for the change of use of existing industrial premises to a freight transport facility. Application withdrawn on the 21 July 2014.

- Development Application 2014/275 for 9 Byrnes St, Botany (Pt Lot 8 and Pt Lot 9 – Current Warehouse 1A) sought consent for the use of existing industrial premises for the manufacture of aluminium doors and windows and an ancillary office. Application withdrawn on the 21 July 2014.
- Development Application 2014/276 for 9 Byrnes St, Botany (Pt Lot 9 – Current Warehouse 2) sought consent for the change of use from industrial to storage of film costumes & equipment Change of use of existing industrial premises for use as a depot for the storage of costumes, props and equipment to make a motion picture. Application withdrawn on the 21 July 20-14.

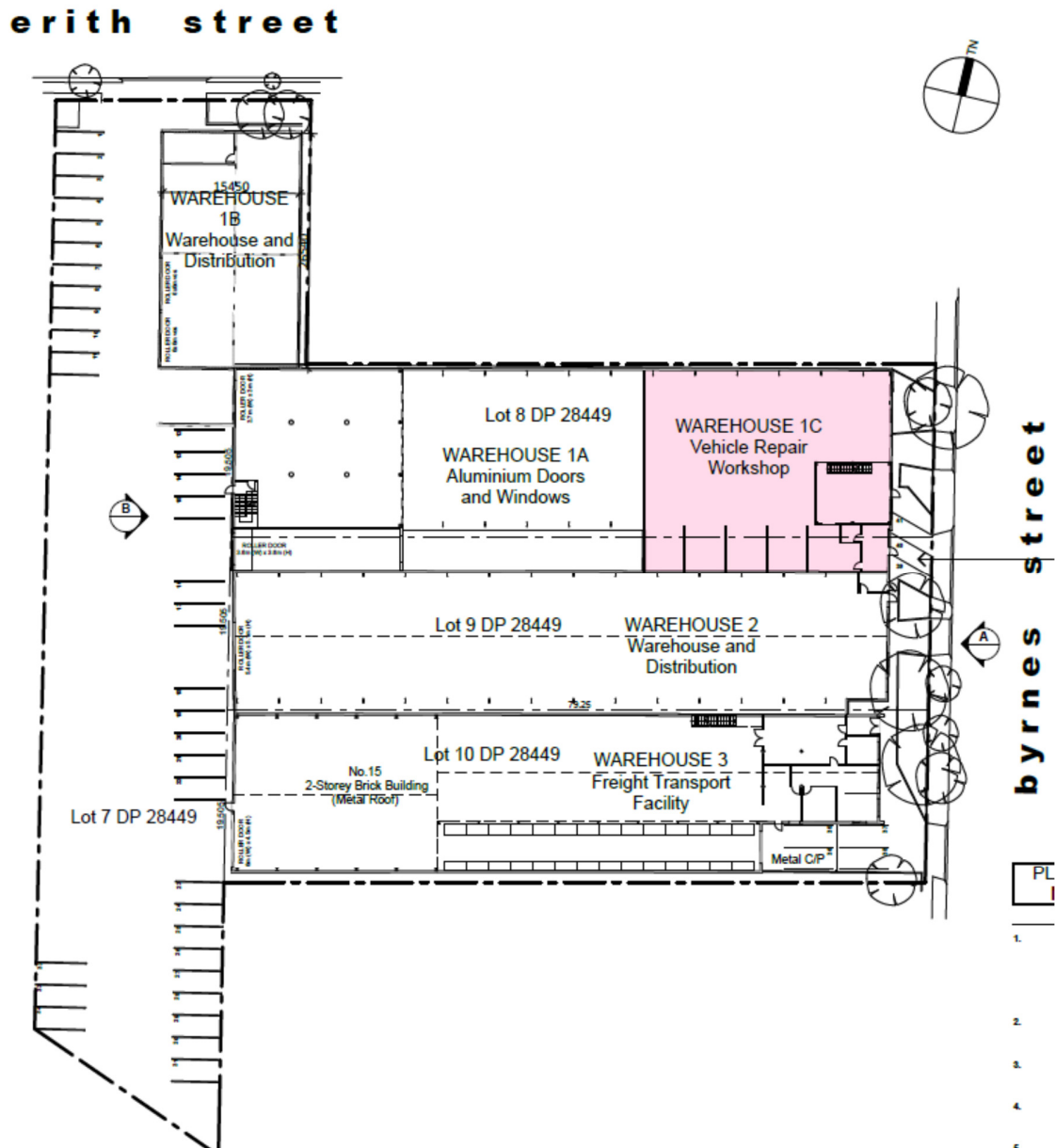


Figure 1: Proposed Site plan of the new approved dwelling with the existing rear outbuilding conditioned to be demolished.

Description of the Proposed Development- Review Application

The proposal involves the formalisation of usage of the existing industrial premises for the following uses:

- Warehouse 1a – Manufacture of Aluminium Doors and Windows and ancillary offices;
- Warehouse 1b – Warehouse and Distribution Centre;
- Warehouse 1c – Vehicle Repair Station (establishment of use);
- Warehouse 2 – Warehouse and Distribution Centre;
- Warehouse 3 – A freight transport facility and ancillary offices.

The individual uses are described as follows:

Warehouse 1a – Manufacture of Aluminium Doors and Windows and ancillary offices.

The existing factory premise comprises 1707.99m² of ground floor manufacture area and 419.96m² of mezzanine office area. A section of this existing area will be partitioned off to provide for the vehicle repair station in Warehouse 1c. The remaining area for the aluminium industry will be 1062.41m² and retain the existing mezzanine office area.

The proposal involves the following:

- Hours of operation 8.00am – 5.00pm Monday – Sunday;
- 25 employees including factory and office staff;
- 3 deliveries per day, 1 by Medium Rigid Vehicle (MRV) and 2 by table top Ute.

No glass cutting occurs at the site; pre-cut glass to standard frame sizes and or to order is cut elsewhere and delivered to the site.

Warehouse 1b – Warehouse and Distribution Centre for storing or handling of nonhazardous goods and materials pending their sale. The existing warehouse building comprises 410.46m² of ground floor area including a small office area.

The proposal involves the following:

- Hours of operation 7.00am – 5.00pm Monday – Sunday;
- 2 employees;
- 3 deliveries per week by 8 – 14 tonne trucks;
- No retail sales will occur from the site.

Warehouse 1c – Vehicle Repair Station (Specializing in Prestige European Vehicles)

The area to be allocated to this use is a result of the reduction in area of the aluminium manufacture operation. The floor area is 639.38m².

The proposal involves the following:

- Internal fitout including: 5x hoists (car lifts), diagnostic scan tools and equipment; hand and pneumatic tools; brake lathe; welder; fume extractor; computer systems, workshop information, ancillary areas as indicated on the plans;
- Hours of operation 8.00am – 5.00pm Monday – Friday No weekend or public holiday operations.
- 6 employees including manager;
- 4 – 6 car deliveries per day usually between 8.00am – 9.00am and collection between 3.00pm and 5.00pm;

Access to this facility will be off Byrnes Street via the existing roller door opening as indicated on the plans.

Warehouse 2 – Warehouse and Distribution Centre for storing or handling of nonhazardous goods and materials pending their sale. The existing factory premise comprises 1185.65m² of ground floor storage area.

The proposal involves the following:

- Hours of operation 8.00am – 6.00pm Monday – Friday;
- 5 employees employed at the site;
- Average of 3 deliveries a day by way of vans, MRV and semi-articulated vehicles carrying 40ft containers;
- No retail sales will occur from the site.

Warehouse 3 – Freight Transport Facility for the loading and unloading of vehicles, the bulk handling and transport of goods. The existing factory premise comprises a ground floor area of 1230.81m² and 166.15m² of mezzanine storage area and workers' amenities.

The facility will handle general freight from the Port generally consisting of non-hazardous materials including tiles, underlay and decking. The products are bulk handled and stored temporarily pending customs clearance and post transported to alternative destinations.

The proposal involves the following:

- Hours of operation 7.00am – 5.00pm Monday – Friday;
- 10 employees including 2 courier drivers and 2 office staff who work part-time 3 days a week;
- Total of 2 deliveries per day, by a combination of table-top Ute, SRV, MRV and semi-articulated vehicles with 40ft containers;
- Occasional visitors only (1 or 2 per week on average)

The proposal will formalise a total of 53 car spaces on the site in lieu of the previously existing informal arrangement. Further, temporary outdoor storage of containers and materials is proposed as per the historical use of the site.

Site Description

The site comprises of four allotments of land being Lots 1-10 in DP 28449 with a total site area of 7,219.3 msq. The site is irregular in shape with a dual street frontage to both Erith Street and Byrnes Street, with vehicular to each building access via Erith Street.

Lot 7 has a frontage to Erith Street of 28.83 metres width, comprises of a vehicular crossing, a driveway running north to south with car parking spaces along the western boundary. A two storey metal building is located along the Erith Street frontage adjacent to this driveway.

The remaining Lots, 8, 9 and 10 have a frontage to Byrnes Street and comprise of three separate two storey industrial buildings that abut each other,

Lot 8 is comprised of a two storey building with a single vehicular access from Byrnes Street. This building has been divided into two separate tenancies, as is proposed, so that the vehicle repair workshop (Warehouse 1C) is located off Byrnes Street and the glass manufacturer (Warehouse 1A) is located off the rear access area. Lot 8 has a two small garden beds within the front setback.

Warehouse 1A – At the ground floor is located works stations, assembly areas and glass storage areas. At the rear is located a packing area, parts storage and loading area from the rear.

Warehouse 1C – At the ground floor level is located a machine shop, storeroom, wash bay, office, staff amenities room and working bays. At the first floor mezzanine is located staff amenities/toilets.

Lot 9 (Warehouse 2) is comprised of a two storey building currently used for a warehouse and distribution as is proposed. The site has two driveway crossing from Byrnes Street and two small garden beds. Internally, there is a foyer and offices at the Byrnes Street frontage with warehouse floor at rear.

Lot 10 (Warehouse 3) is comprised of a two storey building currently used as freight transport facility. Internally, it is comprised of offices at ground level and first floor mezzanine with warehouse floor pallet racking, packing area and loading area at the rear.

Byrnes Street is a dead end street and is characterised by single and two storey warehouse and industrial buildings. To the immediate south is located a three storey warehouse and office complex at 21 Byrnes Street.

Erith Street is a narrow street with on street car parking on both sides. It is characterised by single and two storey cottages on its northern side, with some being used as residential dwelling and some as office uses. On the southern side of Erith Street are located one and two storey warehouse buildings. Generally, the traffic flow is limited to a one way

The site is affected by sea level rise inundation, and within the Class 2 Acid Sulphate Soils Map area. Lots 8, 9 and 10 are affected by the 25-30 Aircraft Noise Exposure Forecast (ANEF) contour, whilst Lot 7 is affected by the 30-35 ANEF.

Vehicular access to the site and parking areas is predominantly via Erith Street. Informal parking is currently provided within lot 7 at the rear of existing buildings and including 3 spaces at the front of the building on lot 8 and stacked car parking for 4 vehicles at the front of the site off the building on lot 10 off Byrnes Street. Low rise planter beds also exist along the Byrnes Street frontages of all buildings as detailed on the plans.

Loading docks to all premises are provided off the internal driveway to each of the buildings.

Informal outdoor storage areas of a temporary and varying nature exist within the external areas of the site not occupied by parking and or vehicular manoeuvring areas. These areas are used for the temporary storage of containers and goods prior to locating within the respective buildings and or removal from the site.

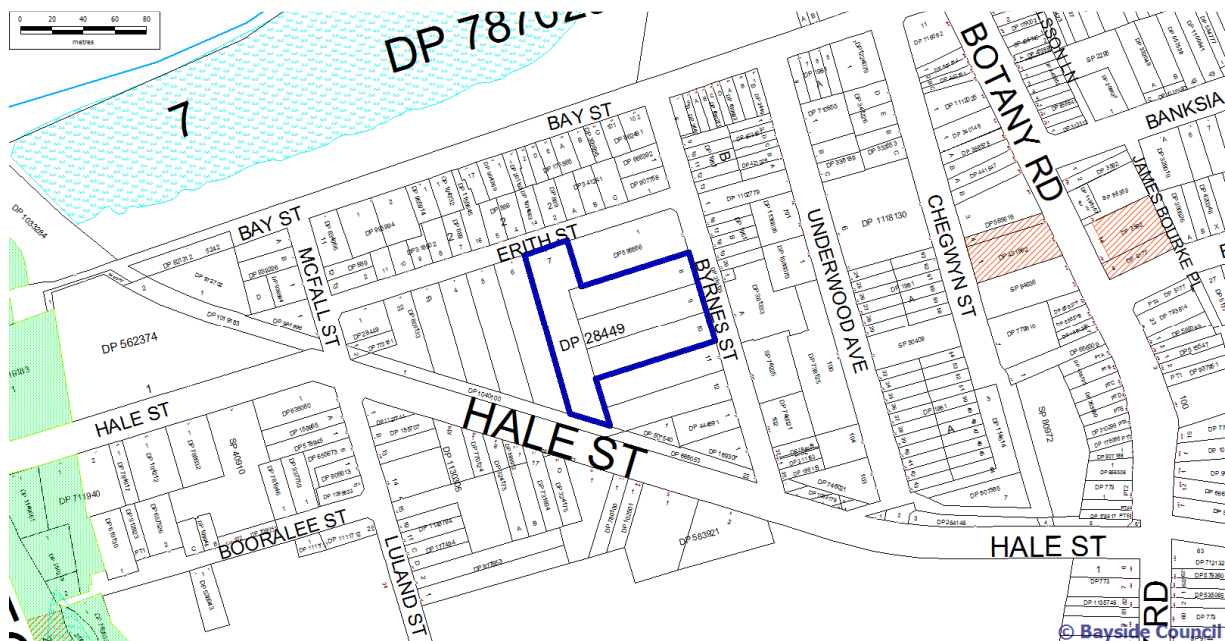


Figure 1: Locality Plan



Figure 2: View of Warehouse 1C (9 Byrnes Street) Existing automotive repair workshop



Figure 3 – View of Warehouse 2 (11 Byrnes Street) Existing Warehouse and Distribution



Figure 4 –View of Warehouse 3 (15 Byrnes Street) Existing Freight Transport Facility



Figure 5 – indicates the access driveway at Erith Street

Referrals

Development Application No. DA-2016/193 was referred to Council's Traffic Engineer, Building Surveyor and Environmental Health Officer for comments. Council's Traffic Engineer has confirmed that the parking provision on site is acceptable, however remains firm that the proposed 19 metre articulated vehicle access is problematic for this site and cannot be supported. Therefore, appropriate conditions have been imposed on the development consent to address the relevant issues raised relating to aircraft noise attenuation, setbacks, classification and requirements under the Building Code of Australia.

Statutory Considerations

Environmental Planning and Assessment Act, 1979

An assessment of the application has been undertaken pursuant to the provisions of the *Environmental Planning and Assessment Act, 1979*.

Section 82A Review of Determination Provisions

Pursuant to Section 82A of the EP&A Act, an applicant may request that the Council review a determination of an application, subject to various tests, which are considered below:

- If Council was the consent authority - in this case the Council was the consent authority as the application was refused under delegated authority.

- The determination was not for a complying development certificate, designated development, integrated development, or a determination made by the council under Division 4 in respect of an application by the Crown - in this case, the proposal was not for any of these types of development.
- A determination cannot be reviewed after the time limited for the making of an appeal under section 97 expires, if no such appeal is made against the determination, or after an appeal under section 97 against the determination is disposed of by the Court, if such an appeal is made against the determination - this timeframe is 6 months. As mentioned above, an appeal was filed in the NSW Land & Environment Court on the 20 December 2017, with DA-2016/193 having been refused on 13 July 2017. As the appeal was filed within the 6 months timeframe, Council has the ability to finalise its review beyond the 6 months time period. If the appeal had not been filed before the 6 months period, then the Council could not undertake its review under Section 82A after the 6 months period had passed.
- The applicant may make amendments to the development described in the original application, subject to the consent authority being satisfied that the development, as amended, is substantially the same development as the development described in the original application (s82A(4)(c)) – in this case, there are no changes proposed from that development originally proposed, except that the applicant has provided further details, being a revised traffic and parking assessment in relation to car parking demand and the swept path diagrams that were not adequately justified in the original DA submission.
- The council may review the determination if it has notified the request for review in accordance with the regulations, if the regulations so require, or a development control plan, (where applicable) and considered any submissions made concerning the request for review – in this case, the Review Application was notified under BBDCP 2013, and there were two submissions opposing the proposed development.
- As a consequence of its review, the council may confirm or change the determination – in this case, the refusal of DA16/193 has been reviewed and it is recommended that the DA now be approved with conditions.
- If the council reviews the determination, the review must be made by the council, the council must make the decision – in this case, the original DA was approved by under delegation and the Review application is therefore referred to the Panel for determination.

Accordingly, the Section 82A review is available and is considered below.

S.79C(1) - Matters for Consideration – General

S.79C(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

The provisions of SEPP 55 have been considered in the assessment of the development application, along with the requirements of Part 3K Contamination of the *Botany Bay Development Control Plan 2013* (BBDGP).

Clause 7 of the SEPP provides that Council must not consent to the carrying out of development on any land unless:

- (a) *it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The subject premise was previously occupied by Pascol Paints since about 1980 which used the larger site (17 Byrnes to the south and now excised) for the manufacturing, warehousing and distribution of paint products. Council records obtained indicate that the subject site is identified as having an active non-statutory Site Audit Statement issued on 16 November 2001. The site is known contaminated land and contains a number of disused underground storage tanks.

Notwithstanding, the current application involves the formalisation of existing uses at the site in addition to the use of warehouse 1C as a mechanical workshop. The latter will require the installation of a small grease trap/separator to the existing sewer. The existing industrial premises and car parking areas are sited over industrial strength concrete slabs that have been used for related purposes for many decades, effectively capping the site. The proposed change of use nature will a negligible disturbance to existing ground conditions. As such remediation of the site is not warranted, nor will the use create conditions that increase the susceptibility of the site or any adjoining sites to contamination. No further investigation is warranted in this instance.

State Environmental Planning Policy (Three Ports) 2013

SEPP (Three Ports) 2013 was gazetted on the 24 May 2013 and has been considered in the assessment of this development application. The subject site is zoned IN1 –General Industrial pursuant to the SEPP. The relevant provisions of the SEPP have been considered and the following information is provided:

Requirements of SEPP (Three Ports) 2013	Comment	Complies
Landuse Zone (cl.12 and 13)	The site is zoned IN1 –General Industrial under the SEPP.	Yes
Is the proposed use/works permitted with development consent? (Land use table)	The use of the premises is permissible as warehouse or distribution centre, vehicle repair station, light industry and freight transport facility with Council's consent under the SEPP	Yes

Does the proposed use/works meet the objectives of the zone? (cl. 14)	<p>The proposed development is consistent with the following objectives:</p> <ul style="list-style-type: none"> - <i>To provide a wide range of industrial and warehouse land uses;</i> - <i>To encourage employment opportunities;</i> - <i>To facilitate and encourage port related industries that will contribute to the growth and diversification of trade through the port;</i> - <i>To enable development for the purposes of business premises or office premises associated with , and ancillary to, port facilities or industries;</i> <p><i>To encourage ecologically sustainable development.</i></p>	Yes
Is subdivision proposed? (cl.16)	Subdivision of the subject land is not proposed	N/A
Is demolition proposed? (cl. 17)	Demolition is not proposed	N/A
Port Operator to be notified of certain development applications at Port Botany within the Referral Area. (cl. 19)	Subject site not located within the referral area.	N/A
Prohibition on development for the purpose of container depots on certain land in Zone IN1 (cl.20)	A container depot is not proposed as part of this development. The storage areas along the western forecourt area are used from time to time by Warehouse 3 for the loading and unloading of containers, however this is ancillary to the freight transport facility use and cannot be defined as a container depot.	N/A
Business premises and office premises in Zone IN1 must be associated and ancillary to port facilities or industrial uses of land. (cl.21)	The proposal is for the continued use of the site for a warehouse or distribution centre, vehicle repair station, light industry and freight transport facility. Any office associated with these uses is ancillary to the main use of the site.	Yes
Earthworks (cl. 22)	No earthworks are proposed.	N/A
Does additional permitted uses apply to the site? If so what additional uses are	No additional permitted uses apply to the subject site.	N/A

permitted on the site? (cl. 23)		
<p>The following provisions in Part 5 of the SEPP apply to the development –</p> <ul style="list-style-type: none"> • Cl. 29 Preservation of trees or vegetation • Cl. 30 Other trees or vegetation • Cl. 31 Heritage conservation • Cl. 32 Application of consultation requirements 	This application relates to a change of use only.	N/A

The objectives and provisions of SEPP Three Ports 2013 have been considered in relation to the subject development application. The proposal is satisfactory in terms of the Three Ports SEPP 2013.

S.79C(1)(a)(ii) - Provisions of any Draft Environmental Planning Instruments

Draft SEPP 55 amendments are currently on exhibition and apply to the proposal. However, the proposed development does not involve any construction or excavation on site, only the formalisation of the uses currently being undertaken on site. Given the historic uses of the site for industrial/warehousing, no further investigation of contamination is required.

S79C(1)(a)(iii) - Provisions of any Development Control Plan

Botany Bay Development Control Plan 2013

Botany Bay Development Control Plan 2013 (BBDP 2013) does not apply to land zoned under the SEPP (Three Ports) 2013. As there is no development control plan that applies to the subject land, the following key controls from BBDP 2013 are discussed with reference to the proposal:

Part 3A – Parking and Access

Parking

Based on an assessment of the car parking requirements for the proposed uses under the DCP, a total car parking requirement of 55 spaces would be required and a total of 53 spaces are proposed under this application, representing a shortfall of 2 spaces.

The applicant has argued that the shortfall is minor and of no consequence as the site is in close proximity to public transport. In addition, given the range of uses on site, there are varying levels of visitation (some with no public visitation) and differing operating hours. As such, the maximum car parking required is unlikely to be realised on any given day. Given that the uses have operated on site for many years and are reflective of the types of uses that these buildings were constructed the above justification is supported. The development is not considered to be an overdevelopment of the site, however Council is mindful that from time to time there are issues that arise and

Access

The proposal seeks consent for access by 19 metre articulated vehicles. The applicant has submitted a revised traffic report with swept path diagrams for vehicles 8.8 metres and 19 metres in length. It is proposed that a loading dock be provided to the rear of each premises. Warehouse 2 and 3 will have a loading dock accessible for a 19 metre articulated vehicle, whilst each of the five docks can accommodate an 8.8 metre MRV. The report concludes that to ensure safe manoeuvring of 19 metre articulated vehicles from the site, that one on street car parking space be removed at the southern side of Erith Street, east of the existing vehicular crossing during the operational hours of Warehouse 2 and 3, being 7:00am to 6:00pm Monday to Friday.

However, this is not acceptable to Council as Erith Street accommodates a range of uses, including some residential dwellings without car parking to the immediate north and given the lot width running down the street, on street car parking is in demand. In reality additional spaces would need to be removed on the southern side, which would mean that during these business hours, there is no on street car parking in the vicinity of the site on Erith Street. Refer to discussion in response to the objections below in the relation to the swept path diagram assessment.

S.79C(1)(a)(iv) - Provisions of Regulations

Clause 92 of the regulation has been considered and there are no applicable provisions to the development.

S.79C(1)(b) - Likely Impacts of Development

As outlined in the assessment above, the proposed development will have no significant adverse environmental, social or economic impacts in the locality. The issue of access for 19 metre articulated vehicles has dangerous congestion issues within Byrnes and Erith Street in the past and this continues to date. The applicant has submitted a revised traffic report which indicates that adequate on site car parking is available for the separate uses. Swept path diagrams have also been submitted for a 19 metre articulated vehicle, however there remains concerns given past evidence that access to and from the site for these sized vehicles is dangerous and therefore not supported. A condition is recommended to be imposed on any consent granted to restrict access for truck to a size less than 19 metres in length.

S.79C(1)(c) - Suitability of the site

The subject site is not known to be affected by any natural hazards or other site constraints that are likely to have a significant adverse impact on the proposed development. The issue of likely site contamination has been considered, however, given the nature of the development which does not include any excavation (maintaining the existing hardstand extent of the site, onsite investigation is not warranted.

The site is located with vehicular access from Erith Street, with a narrow access driveway opening.

The uses are operating on site and have been known to cause issues with access and manoeuvring with 19 metre articulated vehicles to and from the site. Given this site constraint, it is recommended in this report, that access for 19 metre articulated vehicles not be permitted for

this site. The site will still be available for 16 metre articulated vehicles. Accordingly, subject to this condition being imposed, the site is otherwise suitable to accommodate the development.

S.79C(1)(d) - Public Submissions

In accordance with Part 2 – Notification and Advertising of Botany Bay Development Control Plan 2013, the Section 82A Review application underwent public exhibition for a fourteen (14) day period from 17 November 2017 to 4 December 2017. Two submissions were received that raise the issue of traffic congestion, traffic impacts on the amenity of the locality and safety of pedestrians/motorists.

Traffic & Access

The amount of heavy vehicles entering the site is not acceptable. Heavy vehicles are still reversing in and out of these premises illegally. Delays in traffic happens often because the street is blocked with trucks waiting to enter the site and often they are loading and unloading in the street which is illegal. Having these heavy vehicles driving on the wrong side of the road to get around the corner is not safe there is a school close by and there are young children in the street. These trucks often mount the footpath in many cases and have collided with bollards on the nature strip resulting in damage to footpaths.

As for changing the parking from 8:00am to 4:00pm to 7:00am to 6:00pm is not acceptable as we have trouble parking in the street now. In 2011, there was a transport company working from these premise and without consent, they operated 24 hours/7 days.

Blatant disregard for the hours that Council has set for the operation of these businesses.

Officer Comment: The application was referred to Council Traffic Engineer for review. Erith Street has a 7.5 metre wide road verge (kerb to kerb). No parking restrictions currently apply between 8:00am to 4:00pm Monday to Friday on the northern side of Erith Street to allow two way traffic flow. At other times, only one traffic lane is available where passing of vehicles is problematic. The application does not involve any changes to the no parking restriction, other than to the one space east of the existing driveway on the southern side of Erith Street, which is not supported.

Council is aware that illegal manoeuvring into and out of the site has been an ongoing occurrence as a result of these uses, largely due to 19 metre articulated vehicles trying to access the site by reversing from Byrnes Street back along Erith Street to the driveway. The revised traffic report includes swept path diagrams for a 19 metre articulated vehicle, however states that for this to occur in a safe manner, that one (1) on street car parking space is required to be removed on Erith Street. Whilst the swept path diagrams for the 19 metre truck indicate that on plan these manoeuvres to and from Botany Road and to and from Hale Street are acceptable, the issue is in reality, a number of factors can occur on any given day which make such movements impossible, such as other vehicles park illegally and this results in movements not being able to be executed as indicated.

Within Erith Street itself, the applicants proposal to remove one on street car parking space would not be sufficient enough to accommodate the 19 metre truck movements. In essence, all the spaces on the southern side of Erith Street from the driveway to the Byrnes Street intersection would need to be removed, together with the widening of the existing driveway. In this regard, Council would not support the removal of any of the spaces on the southern side of Erith Street, given that there is already a parking issue on the street with the current restriction between

8:00am and 4:00pm Monday to Friday. A 16 metre articulated vehicle would be more suitable for this street/site and would still require widening of the existing driveway.

On this basis, the proposed 19 metre articulated vehicle access is not supported in this instance. The site will still be able easily accommodate a 16 metre articulated vehicle.

S.79C(1)(e) - Public interest

Granting approval to the proposed development will have no significant adverse impact on the public interest. The imposition of stringent conditions of consent will allow the uses on site that have been in operation for some years to be more appropriately regulated.

Conclusion

This Section 82A Review of Determination Application relates to the refusal of DA 16/193 which was refused due insufficient information to justify the variation to car parking requirements for the proposed uses and access to and from the site by a 19 metre articulated vehicle.

The Applicant has since submitted the Section 82A Review application with a revised traffic report and swept path diagrams for a 19 metre articulated vehicle, which are acceptable up to the movements in Erith Street itself. The movements in Erith Street would require additional no parking restrictions on the southern side of Erith Street (east of the driveway), where a restriction on the northern side already exists. It is not acceptable to further exacerbate the on street parking problem in the locality, and on this basis, the proposal for a 19 metre articulated vehicle is not supported and the site can still accommodate a 16 metre articulated vehicle.

Two submissions opposing the proposal on the grounds of traffic impact were received and are discussed in this report.

The proposed uses are permissible in the zone and have been in operation for some years. Despite the issue with the articulated vehicle access, the use contributes to the economic viability of the locality, providing employment opportunities for the local population and supporting the viability of Port Botany. At present, there is no binding consent by which Council can undertake compliance action, as such there is benefit for the local nearby residents in order for Council to fulfil its obligations in ensuring the amenity of the area locality is maintained.

On this basis, it is recommended that the determination of DA16/193 be changed from refusal to approval for the continued use of the continued use of existing industrial premises for warehouse and distribution, use for the manufacture of aluminium glass doors and windows, use as a freight transport facility, and use as a vehicle repair station.

Attachment

Schedule 1 – Conditions of Consent

SCHEDULE OF CONSENT CONDITIONS**GENERAL CONDITIONS**

1. The development is to be carried in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

Drawing N°	Author	Date received
Site Plan, Drawing No DA01, dated 17 October 2016	Enzhub Studio	24 October 2016
Existing Floor Plan Warehouse 1, Drawing No. Lot 8 Floor Plan, dated 13 November 2014	Enzhub Studio	24 October 2016
Existing Warehouse 1A and 1C Floor Plan, Drawing No. DA02, dated 17 October 2016	Enzhub Studio	24 October 2016
Warehouse 2 Floor Plan, Drawing No. DA03, dated 17 October 2016	Enzhub Studio	24 October 2016
Overall Elevations, Drawing No. DA05, dated 17 October 2016	Enzhub Studio	24 October 2016
Survey Plan, Reference No. 29498, dated 27 March 2008	CBD Surveying Services	24 October 2016

Document Name	Author	Date received
Statement of Environmental Effects dated October 2016	Solutions Zane (Land Use Planning Services)	24 October 2016
Section 82A Review Request - Statement of Environmental Effects dated October 2017		24 October 2017
Traffic Impact Assessment, dated October 2017	Traffix	24 October 2017

2. This consent relates to land in Lots 7-10 in DP28449 and as such, works in association with this development consent must not encroach on to adjoining lands or the adjoining public place.
3. Consent is granted for the use of the site as a warehouse or distribution centre, freight transport facility, vehicle repair workshop and light industrial use, with other aspects of the respective uses to remain as an ancillary to the development only.
4. The development consent does not grant approval to the building works as carried out. Certification of these works is dependent upon separately obtaining a Building Certificate from Council, pursuant to Sections 149A – 149G of the *Environmental Planning and Assessment Act 1979*.
5. This consent does not permit the access to and from the site for 19 metre articulated vehicles at any time.

CONDITIONS, WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

6. Prior to the release of the Occupation Certificate, a Building Certificate must be obtained from Council for any works undertaken without consent.
7. Prior to the issue of an Occupation Certificate for the automotive repair workshop. The following is required.
 - a) Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

Make an early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.
8. Prior to the release of the Occupation Certificate, the operator shall enter into a commercial contract for the collection of trade waste and recyclables arising from the premises. A copy of all contracts and receipts shall be kept on the premises and made available to Council Officers on request.
9. Prior to issue of any Occupation Certificate a final fire safety certificate must be prepared and issued to Council. This certificate must state that each essential fire safety measures specified in the current fire safety schedule for the building to which the certificate relates:-
 - a) has been assessed by a properly qualified person;

- b) was found when assessed to be capable of performing to a standard not less than that required by the current fire safety schedule for the building for which the certificate is issued; and,
- c) the date of assessment which must be within the period of 3 months prior to the date on which the final fire safety certificate is issued.

Note:

- i) The choice of person to carry out the assessment is up to the owner of the building;
 - ii) The person who carries out the assessment:-
 - iii) must inspect and verify the performance of each fire safety measure being assessed; and,
 - iv) must test the operation of each new item of equipment installed in the building premises that is included in the current fire safety schedule for the building;
 - v) As soon as is practicable after a final fire safety certificate is issued the owner of the building to which it relates:-
 - 1 must cause a copy of the certificate (together with a copy of the current fire safety schedule to be given to the Commissioner of the New South Wales Fire Brigades; and,
 - 2 must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.
10. The building and land shall display a conspicuous street number of legible numerals that has been allocated by Council for the allotment prior to the release of any Occupation Certificate.

CONDITIONS, WHICH MUST BE SATISFIED DURING THE ONGOING USE OF THE DEVELOPMENT

- 11. The permitted hours of operation for **Warehouse 1a** are 8:00am to 5:00pm Monday to Sunday, with a maximum of 25 employees including factory and office staff, a maximum of 3 deliveries per day including 1 by a Medium Rigid Vehicle (MRV) and 2 by table top utes.
- 12. The permitted hours of operation for **Warehouse 1b** are 7.00am – 5.00pm Monday – Sunday, with a maximum of 2 employees and a maximum of 3 deliveries per week by 8-10 tonne trucks.
- 13. The permitted hours of operation for **Warehouse 1c** are 8.00am – 5.00pm Monday – Friday No weekend or public holiday operations, with a maximum of 6 employees

including manager and a maximum of 4 – 6 car deliveries per day usually between 8.00am – 9.00am and collection between 3.00pm and 5.00pm.

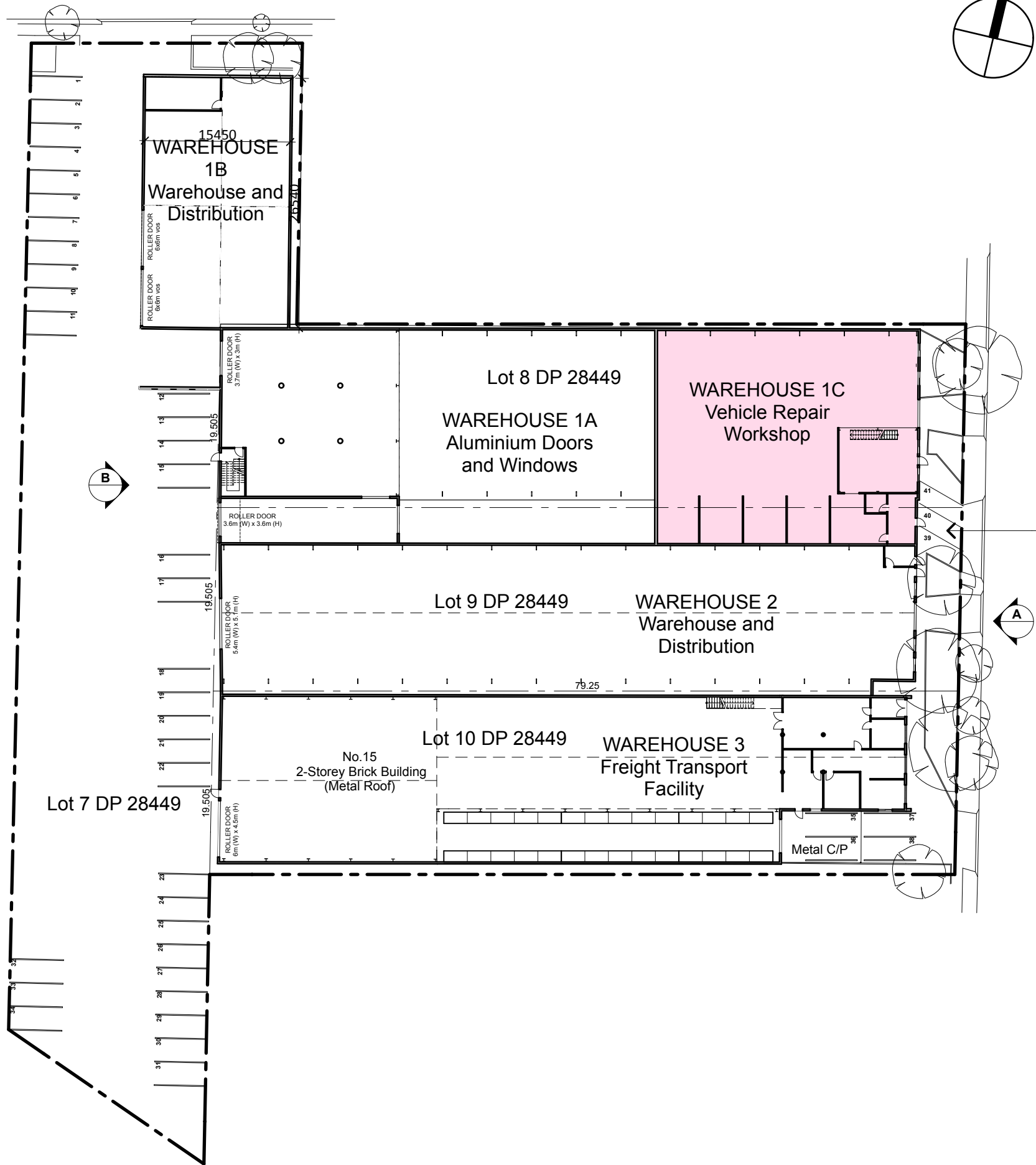
14. The permitted hours of operation for **Warehouse 2** are 8.00am – 6.00pm Monday – Friday, with a maximum of 5 employees and an average of 3 deliveries a day by way of vans, MRV.
15. The permitted hours of operation for **Warehouse 3** are 7.00am – 5.00pm Monday – Friday, with a maximum of 10 employees including 2 courier drivers and 2 office staff who work part-time 3 days a week and a total of 2 deliveries per day, by a combination of table-top Ute, SRV and MRV.
16. All intruder alarms shall be fitted with a timing device in accordance with the requirements of Regulation 12A of the Noise Control Act, 1975, and AS2201, Parts 1 and 2 - 1978 Intruder alarm systems.
17. No signs, amplification equipment, goods or the like shall be placed on public areas or the footpath.
18. The operations of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood including neighbouring properties by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, particulate matter, waste water, waste products, grit, oil, or otherwise, or other impurities which are a nuisance or injurious to health.
19. Liquid and solid wastes generated on the site shall be collected, transported and disposed of in accordance with the Protection of the Environment Operation Act 1997. Records shall be kept of all liquid and solid waste disposals from the site, and be made available to Council Officers on request
20. The storage and handling of flammable and combustible liquids shall be in accordance with Australian Standard *AS1940-2004 The Storage and Handling of Flammable and Combustible Liquids*.
21. The operation of the premises shall be conducted in a manner that does not pollute waters as defined by the Protection of the Environment Operations Act 1997.
22. Sufficient supplies of appropriate absorbent materials shall be kept on site to recover any liquid spillage. Liquid spills shall be cleaned up using dry methods, by placing absorbent material on the spill, and sweeping or shovelling the material into a secure bin. Absorbent materials used to clean up spills shall be disposed of to an appropriately licensed waste facility.
23. All waste and recycling containers shall be stored in a designated waste storage area within the site. The waste containers are not to be over filled and the lids kept closed at all times except when material is being put in them. The building owner shall be responsible for the following:
 - a) Where waste and recycling containers need to be moved to the street:

- i) Movement of the waste and recycling containers to the footpath for collections, and the return of waste and recycling containers to the waste storage area;
 - ii) Refuse containers are to be returned to the waste storage area on the same day as the refuse is collected;
 - iii) Refuse containers are not to be left on the street for longer than 24 hours;
 - b) Cleaning and maintaining the waste storage area, any drainage installations and waste collection containers
24. All vehicles shall enter and exit the premises in a forward direction.
25. Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads, and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with AS4282-1997 Control of the obtrusive effects of outdoor lighting.
26. All materials and goods associated with the use shall be stored wholly within the building and not in adjacent forecourts, yards, access ways, car parking areas, or on Council's footpath.
27. Should the external fabric of the building(s), walls to landscaped areas and like constructions be subject to graffiti or like vandalism, then within seven (7) days of this occurrence, the graffiti must be removed and the affected surface(s) returned to a condition it was in before defilement.
28. All loading and unloading of vehicles in relation to the use of the premises shall take place wholly within the dedicated loading dock/areas, which is wholly within the site.
29. Containers must not be stored within the on site hardstand area for a period exceeding 48 hours and must not be placed over designated car parking spaces or within manoeuvring areas at any time.
30. Landscape gardens bed must be maintained in a good state, clean of weeds and replacement plantings of suitable native species must be incorporated where required.
31. The use of the premises shall not give rise to any of the following when measured or assessed at "sensitive" positions within any other property. These "sensitive" positions should be selected to reflect the typical use of a property (i.e. any outdoor areas for day and evening but closer to the façade at night time), unless other positions can be shown to be more relevant:
- a) 'offensive noise' as defined in the Protection of the Environment Operations Act 1997;
 - b) transmission of vibration to any place of different occupancy above the requirements of AS2670;

- c) a sound pressure LAeq, period at any noise sensitive position of any other premises or occupancy greater than the recommended amenity noise criteria detailed in the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy;
 - d) a sound pressure LAeq,15min at any noise sensitive position greater than the intrusiveness criteria determined in accordance with the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy and does not contain any tones, low frequency or impulsive factors as defined in the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy table 4.1;
 - e) the following additional criteria:
 - i) The operation of all plant and equipment shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration).

The operation of all plant and equipment when assessed on any residential property shall not give rise to a sound pressure level that exceeds LAeq 50dB(A) day time and LAeq 40 dB(A) night time.
 - ii) The operation of all plant and equipment when assessed on any neighbouring commercial/industrial premises shall not give rise to a sound pressure level that exceeds LAeq 65dB(A) day time/night time.
 - iii) For assessment purposes, the above LAeq sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.
 - f) The use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy and must meet the City of Botany Bay Standard noise Criteria.
32. No signs which require consent shall be installed or displayed at the premise without a development application being lodged with Council and consent thereto being given by Council in accordance with Council's guidelines.

erith street



byrnes street

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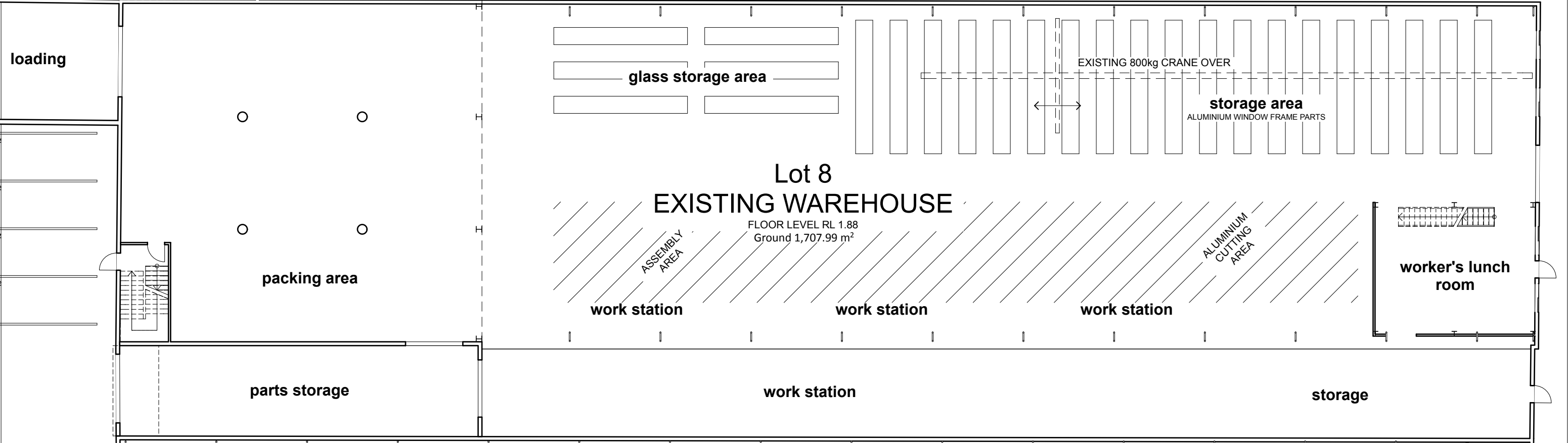
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No	DESCRIPTION	DATE

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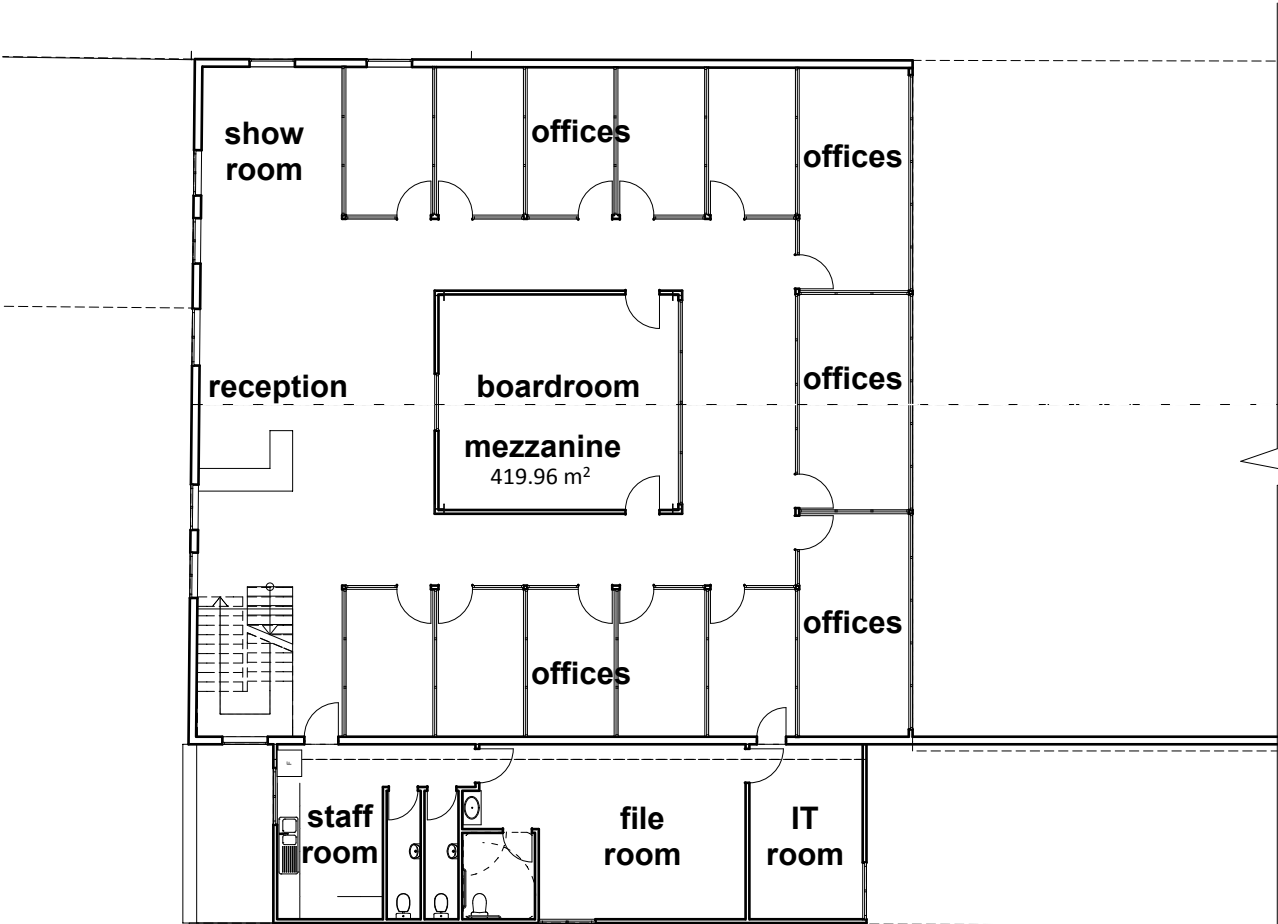
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project : Warehouse & Offices
9-15 Byrnes Street
Botany NSW 2019
Lot10 DP 28449
LGA : Botany Bay
job No. : 0673
drawing : DA01 Site Plan
scale : 1 : 500 @ A3
date : 17/10/2016

Site Plan
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REVISION		
No	DESCRIPTION	DATE
A	Draft	04.11.14 13.11.14



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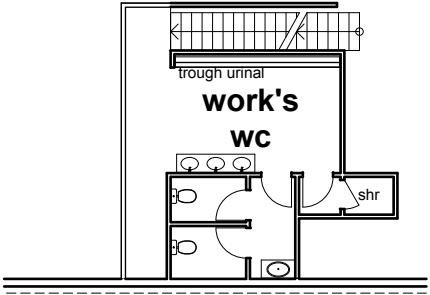


Mezzanine
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EXISTING FLOOR PLAN WAREHOUSE 1A

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Mezzanine
1:200



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project : Warehouse & Offices
9-15 Byrnes Street
Botany NSW 2019
Lot10 DP 28449

LGA : Botany Bay

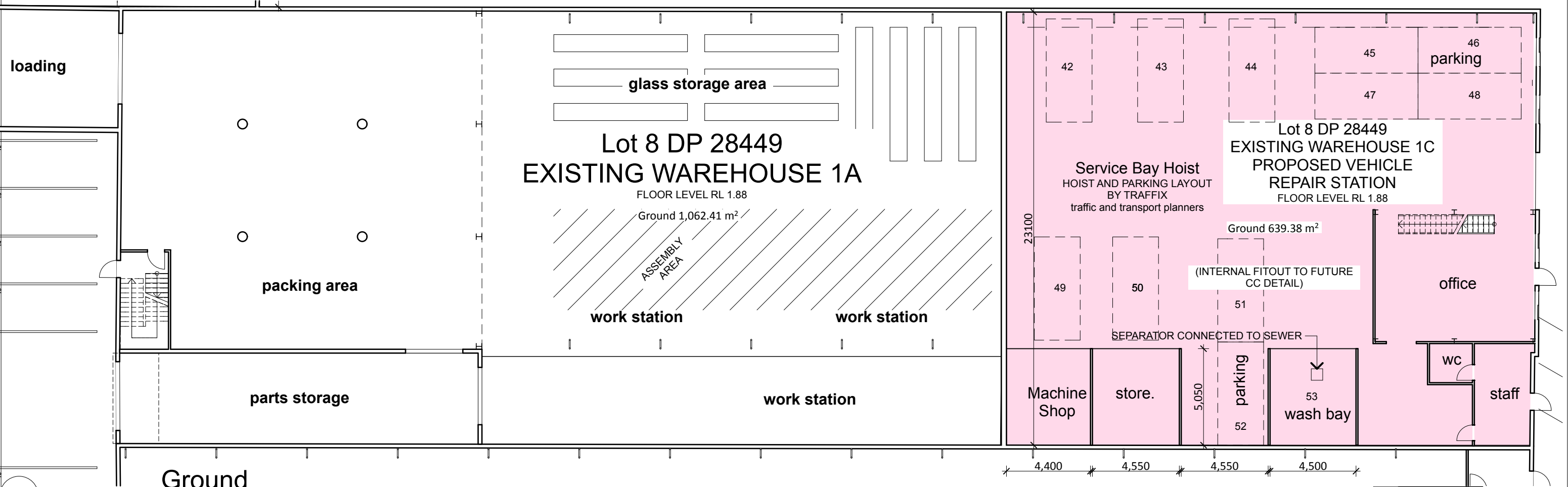
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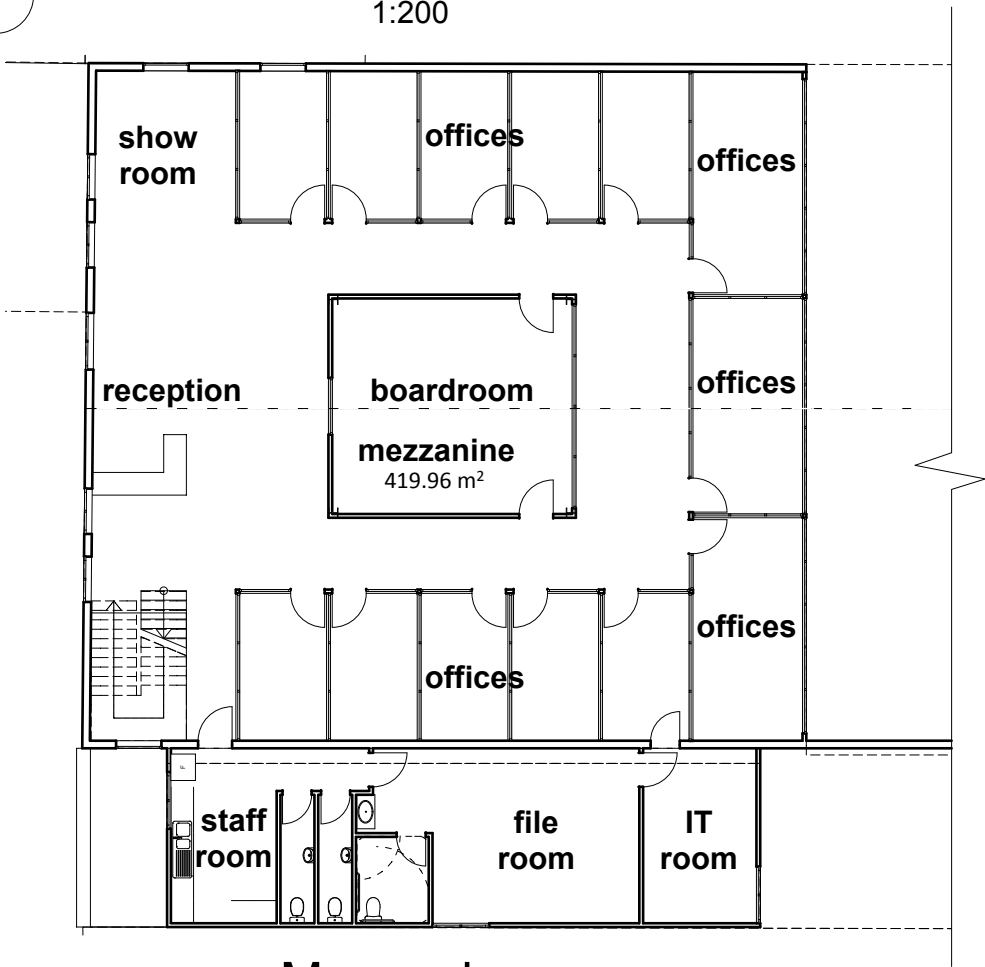
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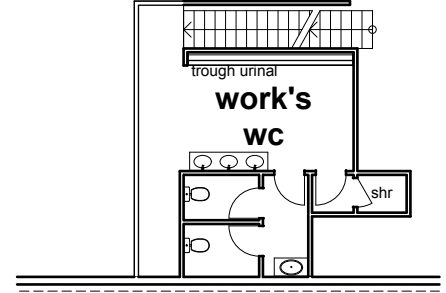
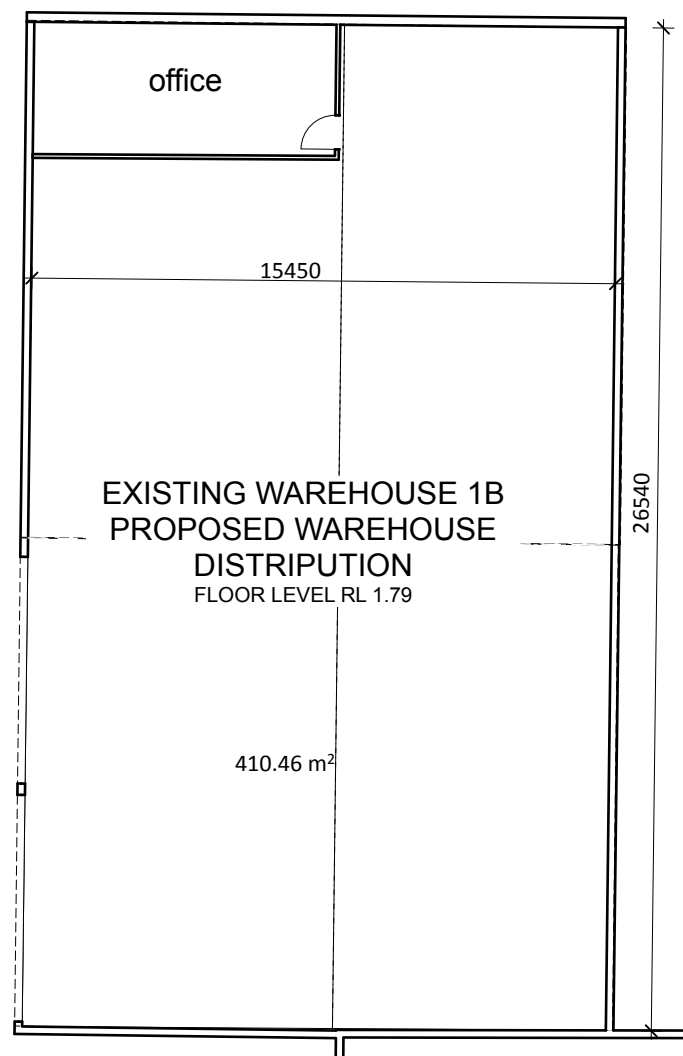
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Ground
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Mezzanine
1:200



Mezzanine
1:200

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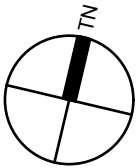
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job No. : 0673

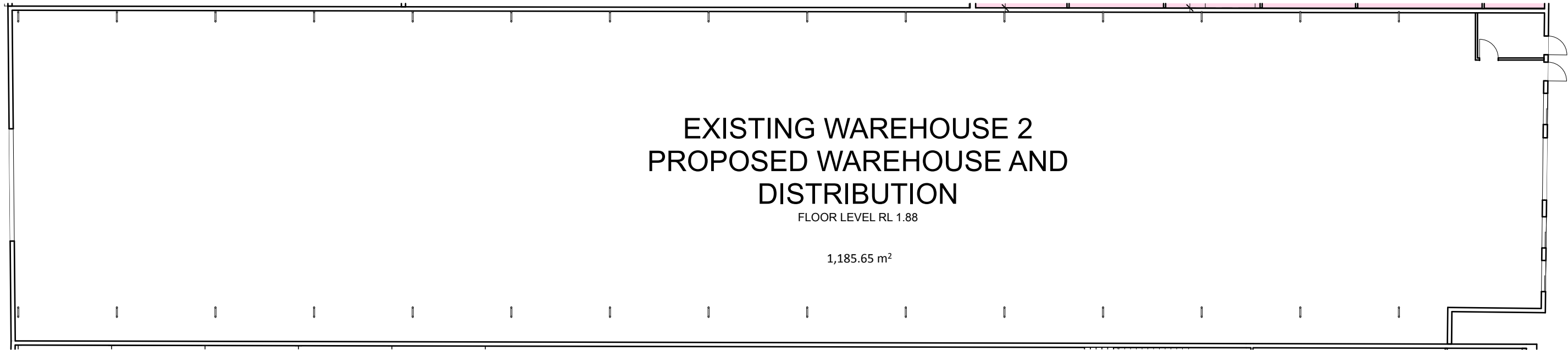
drawing : DA02 Floor Plans Warehouse
1A, 1B, 1C

scale : 1 : 200 @ A3

date : 17/10/2016



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Ground
1:200

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project : Warehouse & Offices
9-15 Byrnes Street
Botany NSW 2019
Lot10 DP 28449

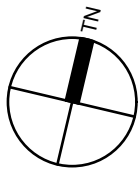
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job No. : 0673

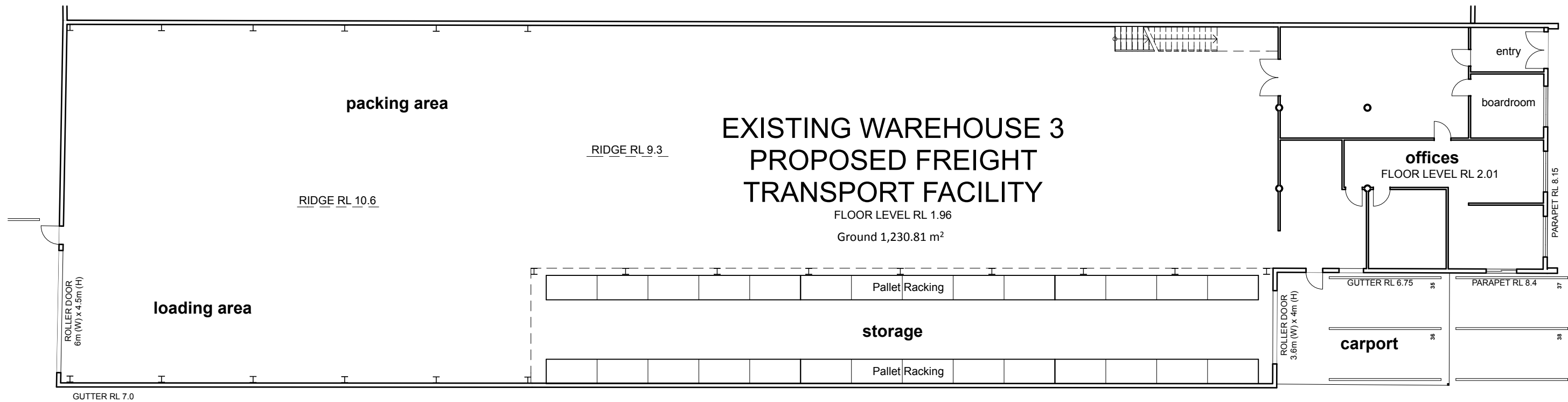
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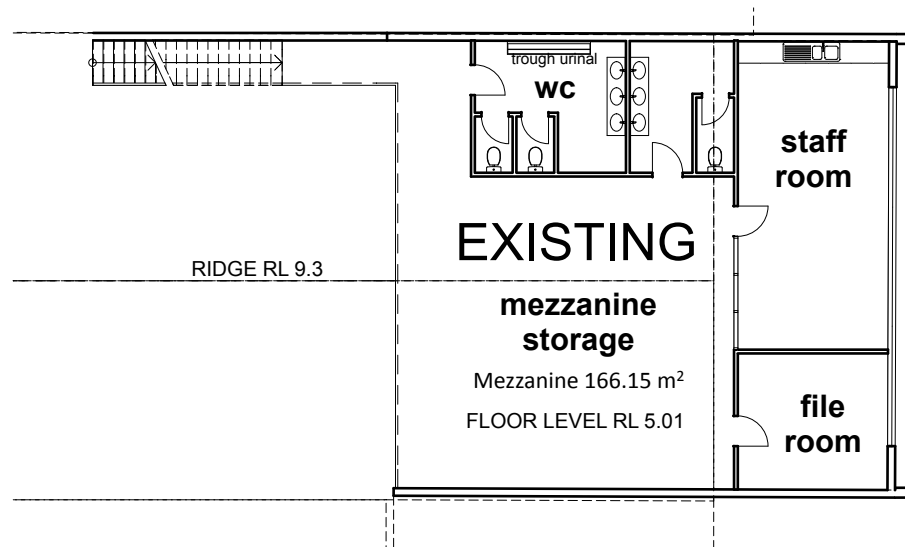
date : 17/10/2016



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Ground
1:200



Mezzanine
1:200

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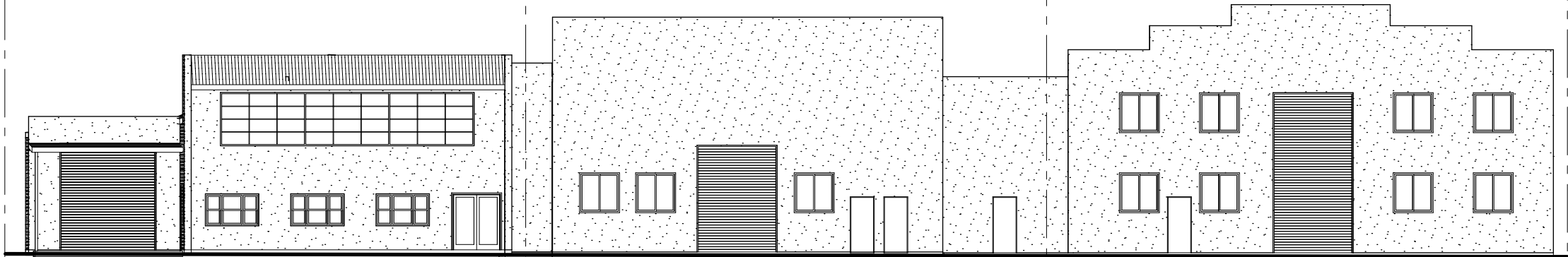
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project : Warehouse & Offices
9-15 Byrnes Street
Botany NSW 2019
Lot10 DP 28449
LGA : Botany Bay
job No. : 0673
drawing : DA04 Floor Plan Warehouse 3
scale : 1 : 200 @ A3
date : 17/10/2016

REVISION		
No	DESCRIPTION	DATE

WAREHOUSE 3

WAREHOUSE 2

WAREHOUSE 1



Byrnes St Elevation
1:200

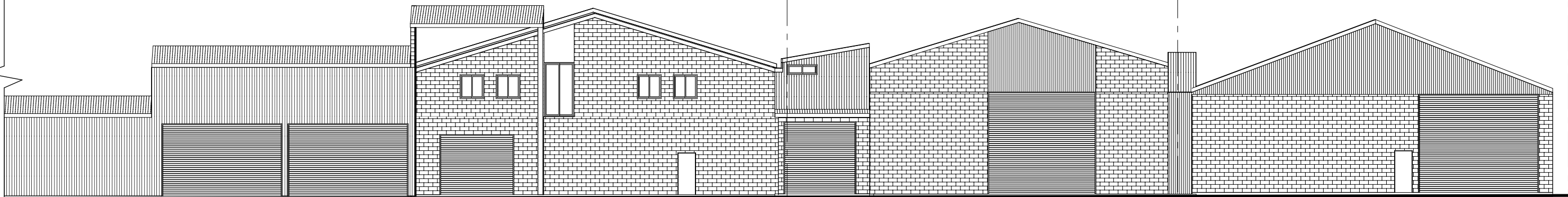
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WAREHOUSE 1B

WAREHOUSE 1A

WAREHOUSE 2

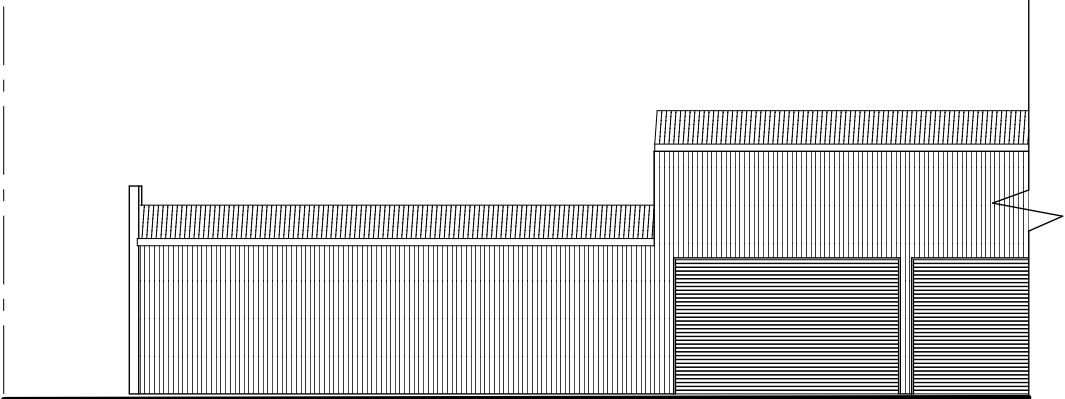
WAREHOUSE 3



Rear Elevation
1:200

B

erith
street



Rear Elevation
1:200

B

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NOTE

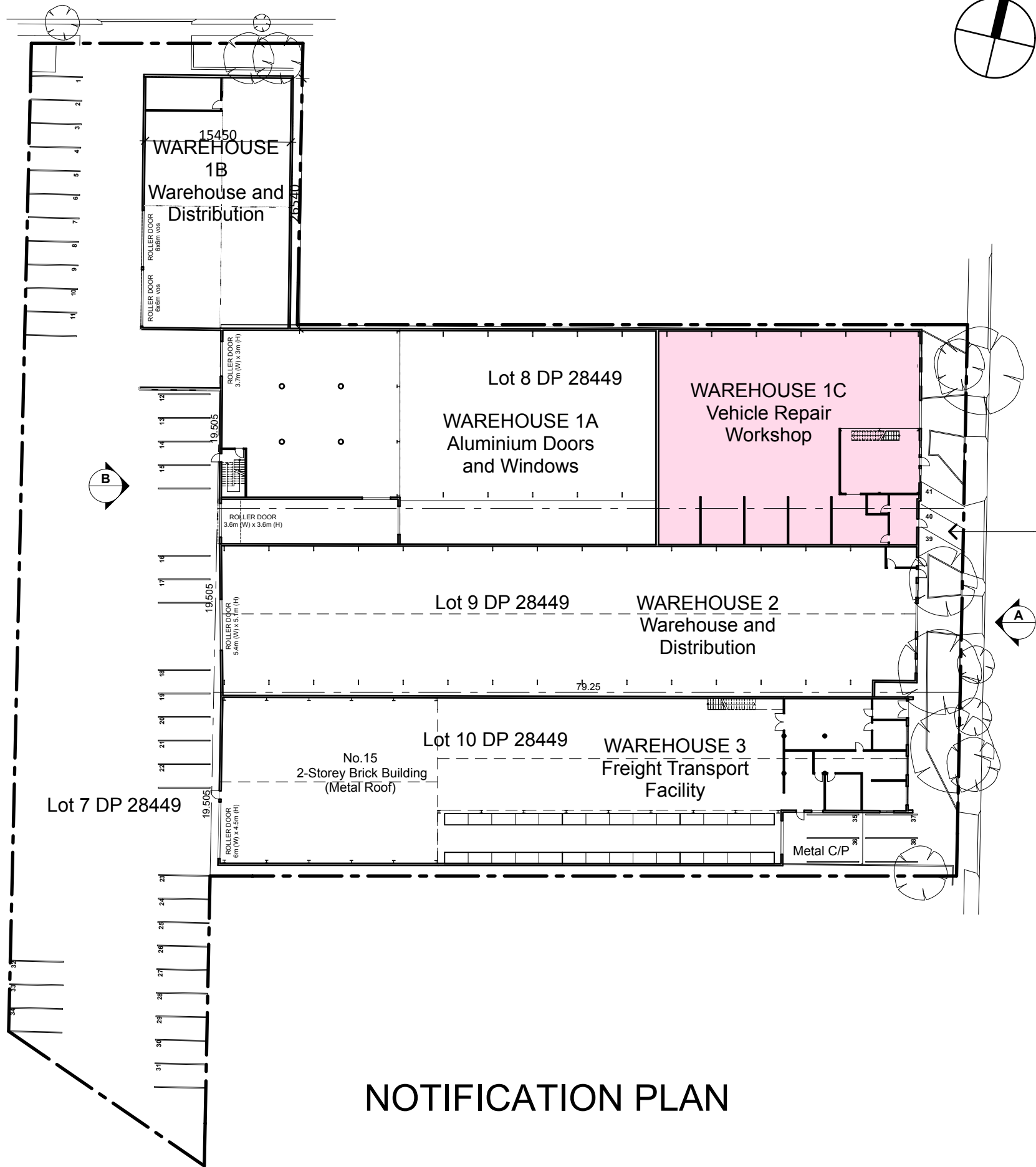
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LGA : Botany Bay
job No. : 0673
drawing : DA05 Overall Elevations
scale : 1 : 200 @ A3
date : 17/10/2016

erith street



byrnes street

3 PARKING SPACE

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NOTIFICATION PLAN

Site Plan
1:500

REVISION		
No	DESCRIPTION	DATE



enzhuo studio |
design consulting |

Enzhuo Jason Gai. B.Des.(Architecture)
Suite 2.08, Level 2. 4 ilya Ave, Erina NSW 2250
mobile: 0416 031 668 email: enzhuo@live.com.au
web: enzhuostudio.wordpress.com

client : Solutions Zane

project : Warehouse & Offices
9-15 Byrnes Street
Botany NSW 2019
Lot10 DP 28449

LGA : Botany Bay

job No. : 0673

drawing : DA01 Site Plan

scale : 1 : 500 @ A3

date : 17/10/2016

SOLUTIONS ZANE

LAND USE PLANNING SERVICES

LIAISON

LAND USE APPRAISALS

EXEMPT AND COMPLYING DEVELOPMENT CHECKS

STATEMENTS OF ENVIRONMENTAL EFFECTS

ENVIRONMENTAL IMPACT STATEMENTS

REZONING APPLICATIONS

LAND & ENVIRONMENT COURT REPRESENTATION

REVIEW REQUEST S82A

DA 16/193

In relation to

Continued Use of Existing Industrial Premises for
Warehouse and Distribution, Use for the Manufacture of
Aluminium Glass Doors and Windows, Use as a Freight
Transport Facility and Use as a Vehicle Repair Station

At

Lot 7-10 DP 28449 No 9-15 Byrnes Street

Botany

Prepared for

Micos Estate Pty Ltd

October 2017

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INTRODUCTION

This submission constitutes a Section 82A Request for Review of Determination of DA/16/193, for the continued of the existing industrial premise for warehouse and distribution, use for the manufacture of aluminium glass doors and windows, use as a freight transport facility and use as a vehicle repair station at lots 7 – 10 DP 28449 No 9 – 15 Byrnes Street, Botany.

Council on 13 July 2017 refused the abovementioned development application for the following reasons:

1. *The proposal fails to satisfy the following provisions of State Environmental Planning Policy (Three Ports) 2013:*
 - a) *The proposal fails to satisfy the objectives of the IN1 General Industrial zone, namely it has not been demonstrated that the proposal minimises any adverse effect of industry on other land uses, in relation to traffic movements, and inadequate parking.*
2. *The proposal will result in adverse environmental and social impacts in the locality.*
3. *The proposed development is not suitable in the context of the site and locality.*
4. *The proposed development is contrary to the public interest.*

On 21 September 2017, a meeting was held with Andrew and Basil Micos, Alexandra Kavanah of Traffix Traffic and Transport Planners, Mark Swain of Solutions Zane with Christopher Mackay and Robert Su of Council's Development and Traffic Engineering Departments respectively, to discuss the reasons for refusal in relation to the application. In summary, the following matters were identified as issues which translated into the stated reasons for refusal:

1. **The absence in the DA documentation of route plans within the surrounding street network showing compliant ability for a 19m AV to negotiate respective intersections in a safe and efficient manner, without impacting on parked vehicles.**
2. **The absence in the DA documentation of clarification that onsite swept paths for a 19m AV allow for vehicles to enter and exit the site in a forward direction, without impacting on site car spaces.**
3. **The absence of information in the DA documentation detailing splays at the site entrance, to enable compliant sight distances, without impacting on proposed onsite car parking spaces.**
4. **The absence in the DA documentation of plan detail showing internal floor plans of Warehouses 2 and 3 indicating swept path lines (with clearances) to be painted onto warehouse floors.**

Proposed Amendments

A revised Traffic Report reference 16.441r01v04 dated October 2017 has been prepared by Traffix Transport and Traffic Planners to address each and all of the 4 issues raised by Council.

Analysis of Issues and Proposed Amendments

- 1. The absence in the DA documentation of route plans within the surrounding street network showing compliant ability for a 19m AV to negotiate respective intersections in a safe and efficient manner, without impacting on parked vehicles.**

Appendix C drawings TX.02-TX.09 of the revised Traffic Report show the swept paths analysis for a 19m AV from the northern and southern approaches to the site, demonstrating compliance with the relevant Australian Standards, in accordance with the detail requested by Council. Section 7.1 of the revised Traffic Report recommends a 10.2m “No Parking Zone” between 7.00am and 6.00pm, Monday to Friday, on the southern side of Erith Street, east of the existing access, to provide for unhindered access of a 19m AV during the operating hours of Warehouse 2 and 3. The conclusion in the revised report demonstrates a sustainable impact on the surrounding street network notwithstanding this minor alteration to existing on-street conditions.

- 2. The absence in the DA documentation of clarification that onsite swept paths for a 19m AV allow for vehicles to enter and exit the site in a forward direction, without impacting on site car spaces.**

Appendix C drawings TX.01 and TX.02 of the revised Traffic Report, show swept paths analysis, compliant with the requirements of the relevant Australian Standards, demonstrating the ability for a 19m AV design vehicle to enter and exit the site and respective warehouses, in a forward direction, without impacting on designated onsite carparking spaces.

- 3. The absence of information in the DA documentation detailing splays at the site entrance, to enable compliant sight distances, without impacting on proposed onsite car parking spaces.**

Appendix C drawing TX.07 of the revised Traffic Report shows the required triangular visual splay of 2.5m x 2m for pedestrian safety, in accordance with the requirements of AS 2890.1. Obstructions in this area do not exceed 600mm in height in accordance with the standard. Furthermore, when cross-referenced with Appendix A, Drawing DA01 Site Plan demonstrates that the provision of the required splay will not impact on proposed onsite carparking spaces.

- 4. The absence in the DA documentation of plan detail showing internal floor plans of Warehouses 2 and 3 indicating swept path lines (with clearances) to be painted onto warehouse floors.**

Appendix C drawings TX.01 and TX.02 detail the nominated clearance areas within Warehouses 2 and 3, compliance with which would be facilitated by line marking on the floors of each respective warehouse. This could be managed by way of an appropriate condition of consent.

The revised Traffic report incorporates the following conclusions, having regard to the amendments proposed to address the remaining concerns:

8. Conclusions

In summary:

TRAFFIX has been commissioned by Con Micos Estate to undertake a Traffic Impact Assessment to accompany a development application in support for the continued use of an existing industrial development as three freight transport facilities, the manufacture of aluminium and glass windows and doors and a mechanical workshop.

The provision of 53 on-site parking spaces is considered to provide sufficient off-street parking to accommodate the requirements of the existing and proposed use of the five (5) warehouse / freight operations at 9-15 Byrnes Street, Botany.

Swept path analysis confirms the satisfactory access and egress of 19m AV to and from the existing site with a 10.2m “No Parking, 7:00am – 6:00pm, Monday – Friday” restriction is proposed on the southern side of Erith Street, east of the existing access to provide unhindered access of 19m AV during the operating hours of Warehouse 2 & 3.

The development, under full utilisation of the site, will generate 19-23 vehicle trips per hour during the AM peak period and 9-25 vehicle trips per hour during the PM peak period within current conditions. It is considered that there will be no net increase in traffic generation as the overall GFA of the development will be maintained. This is considered to have no effect on the surrounding road network, with continued minimal delays expected at all intersections as assessed, which currently operate at a Level of Service A.

The existing access and parking arrangements will be unchanged and generally comply with the relevant sections of AS2890.1 (2004), AS2890.2 (2002) and AS2890.6 (2009). The proposed arrangements have also been assessed using AutoTrack, which confirms satisfactory operation.

It is therefore concluded that the proposed development is supportable on traffic planning grounds and will operate satisfactorily.

CONCLUSION

The request for review of DA/16/193, including the revised Traffic Report prepared by Traffix Traffic and Transport Planners, adequately responds to the identified reasons for refusal, in accordance with discussions with Council Officers at the meeting held on 21 September 2017.

Having regard to the proposed amendments, sufficient justification has been provided for Council to change the determination from of refusal to one of consent subject to conditions.

A favourable response in this regard is anticipated.



NOTE:

- (1) NO BOUNDARIES HAVE BEEN MARKED OR SURVEYED.
- (2) ALL AREAS AND DIMENSIONS HAVE BEEN COMPILED FROM PLANS MADE AVAILABLE AT THE LAND & PROPERTY INFORMATION & ARE SUBJECT TO FINAL SURVEY.
- (3) ONLY SPOT LEVELS SHOULD BE USED FOR CALCULATIONS OF QUANTITIES WITH CAUTION.
- (4) NO INVESTIGATION OF UNDERGROUND SERVICES HAS BEEN MADE. ALL RELEVANT AUTHORITIES SHOULD BE NOTIFIED PRIOR TO ANY EXCAVATION ON OR NEAR THE SITE.
- (5) SERVICES THAT ARE NOT SHOWN ON THE PLAN WERE NOT VISIBLE AT THE TIME OF THE SURVEY.
- (6) SHOULD THERE BE ANY DISCREPANCIES ON THE SURVEY PLAN PLEASE CONTACT C.A.D. SURVEYING SERVICES IMMEDIATELY BEFORE WORK COMMENCES.

<div><div>CIVIL</div><div>BUILDING</div><div>DEVELOPMENT</div></div>		CBD SURVEYING SERVICES PTY. LTD 1/328 KING GEORGES ROAD BEVERLY HILLS NSW 2209 PHONE: 9758 0505 FAX: 9758 0507 EMAIL: cadd@bigpond.net.au																																																					
DRAWING TITLE		DETAIL AND LEVEL SURVEY																																																					
CLIENT		CON MICOS ESTATE PTY. LTD																																																					
PROJECT		NO 9-17 BYRNES STREET, BOTANY																																																					
TITLE INFORMATION		Lot 7-12 Plan No 28449 Title/Folio 7-12/28449 LGA BOTANY BAY Parish BOTANY County CUMBERLAND AMENDMENTS:																																																					
SURVEYED:		M.D / E.D																																																					
DRAWN:		S.H																																																					
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Traffic Impact Assessment

Continued Use of Existing Industrial Premises as 3 Freight Forwarding Facilities, the Manufacture of Aluminium and Glass Windows and Doors & a Mechanical Workshop

9-17 Byrnes Street, Botany

Reference: 16.441r01v04
Date: October 2017

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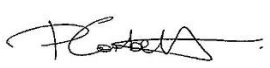


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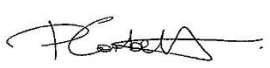




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The development is situated within the Botany Council local government area, however is subject site is within the SEPP (Port Botany and Port Kembla) 2013 and therefore Botany Council's DCP does not strictly apply to the site but has been referenced as a guide throughout our assessment.

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Section 6: Assesses traffic impacts

Section 7: Discusses access and internal design aspects

Section` 8: Presents the overall study conclusions.



2. Location and Site

The subject development area (site) is located at 9-17 Byrnes Street, Botany approximately 1.7 kilometres southeast of Sydney airport and 7 km south of Sydney CBD.

The site is irregular in configuration with a site area of approximately 7,218.5 m² and comprises four (4) lots, being Lots 7, 8, 9, and 10 in DP28449. The site currently accommodates four (4) industrial buildings. The existing buildings are currently occupied for manufacture of aluminium doors and windows, warehouse distribution centre and a freight transport facility.

The site has an eastern frontage to Byrnes Street of approximately 58 m, a northern, southern and western frontage to adjacent industrial properties and a 28 metre northern frontage to Erith Street.

Vehicular access is currently provided via a single 9.6 metre wide driveway onto Erith Street, which serves the four industrial buildings and serves as the main access to the internal loading and car parking areas. A total of four (4) additional driveways are however provided onto Byrnes Street which serve the warehouse buildings.

A Location Plan is presented in **Figure 1**, with a Site Plan presented in **Figure 2**.



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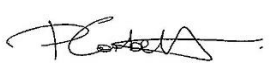


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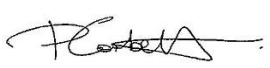




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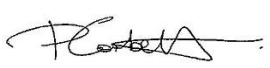


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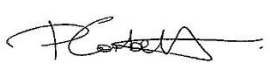




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9-17 Byrnes Street, Botany


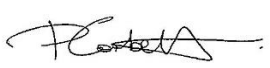


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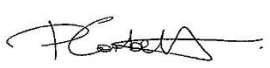


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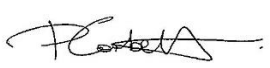




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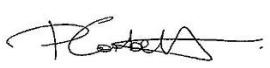


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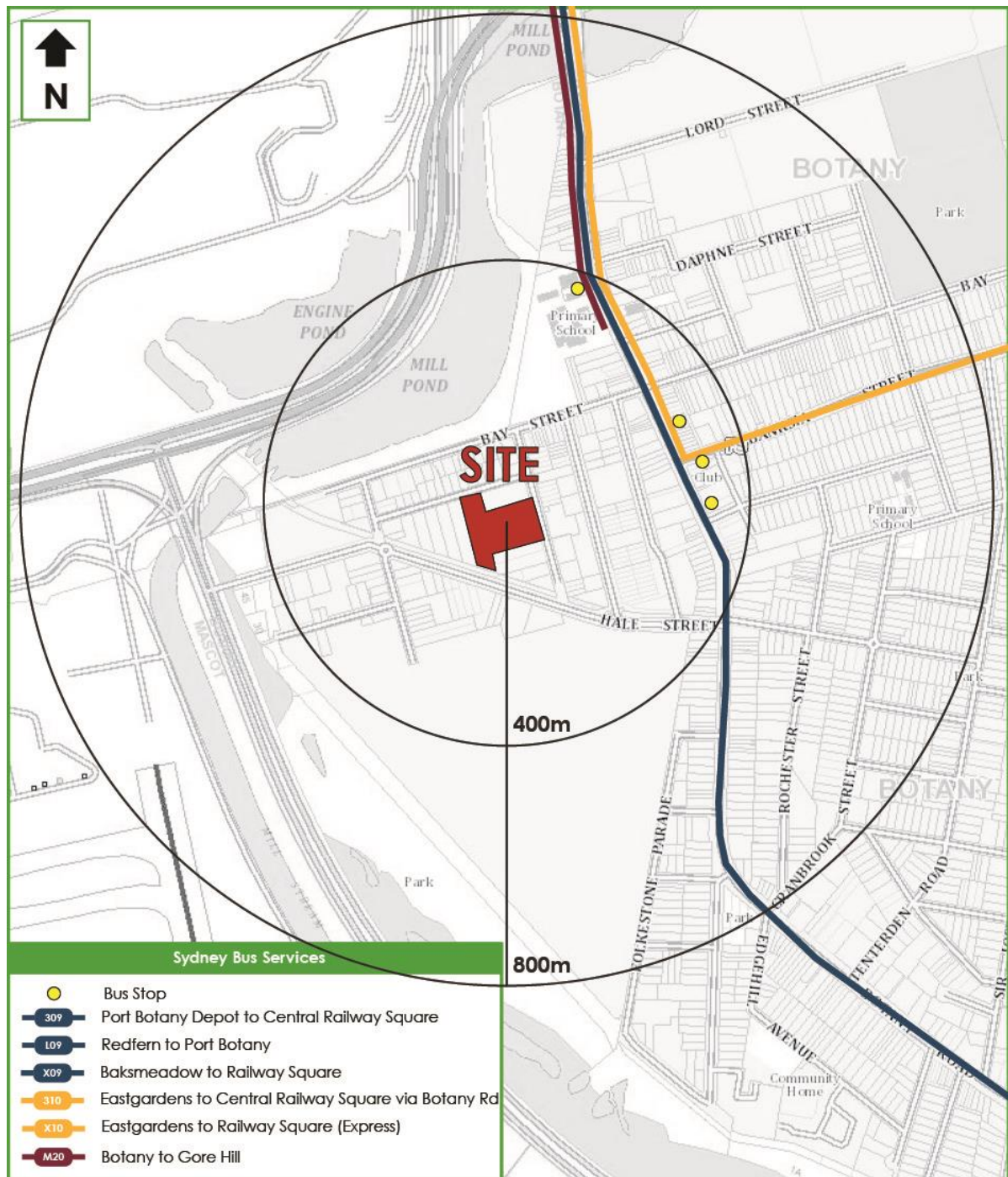


Figure 4: Public Transport



3.3 Existing Development Activities

The existing development located at 9-15 Byrnes Street, Botany is made up of the following lots which accommodate the relevant land use:

Lot 7 DP 28449: rights of carriageway and provision of 35 off-street parking spaces

Lot 8 DP 28449: mechanical workshop (Aluminium Doors)

Lot 9 DP 28449: freight forwarder

Lot 10 DP 28449: freight forwarder

The existing aluminium manufacturing facility located within Lot 8 and Lot 9 at 9-15 Byrnes Street, Botany has been in operation at the subject site for approximately 10 years and the premises has had minimal changes during this time. Based on TMPC's report dated November 2014 the existing activities include:

1,707m² GFA used for manufacturing and 419.96m² of mezzanine office area.

Operating hours are between 8:00am – 5:00pm, seven days a week

A total of 25 staff members for factory and office operations

88% of employees travel to the site via private vehicle

Up to three (3) deliveries per day are expected to the facility

The largest vehicle accessing the site is expected to be an MRV.

The existing freight forwarding facility located within Lot 10 at 9-15 Byrnes Street, Botany has been in operation at the subject site for approximately 10 years and the premises has had minimal changes during this time. Based on TMPC's report dated November 2014 the existing activities include:

1,230.81m² GFA used for a warehouse and 166.15m² of mezzanine storage area and works amenities.

Operating hours are between 7:00am – 5:00pm, Monday to Friday



A total of 10 staff members including 2 courier drivers and 2 office staff who only work three (3) days a week.

100% of employees travel to the site via private vehicle

Up to two (2) deliveries per day are expected to the facility

The largest vehicle accessing the site is expected to be an AV.

3.4 Existing Parking Supply

The parking supply of the existing development is provided in Lot 7 DP 28449 and provides a total of 35 off-street parking spaces for Lots 8, 9 and 10.

3.5 Existing Intersection Performance

The SIDRA model produces a range of outputs, the most useful of which are the Degree of Saturation (DOS) and Average Vehicle Delay per vehicle (AVD). The AVD is in turn related to a level of service (LOS) criteria. These performance measures can be interpreted using the following explanations:

DOS - the DOS is a measure of the operational performance of individual intersections. As both queue length and delay increase rapidly as DOS approaches 1, it is usual to attempt to keep DOS to less than 0.9. When DOS exceeds 0.9 residual queues can be anticipated, as occurs at many major intersections throughout the metropolitan area during peak periods. For intersections controlled by roundabout or give way/stop control, satisfactory intersection operation is generally indicated by a DOS of 0.8 or less.

AVD - the AVD for individual intersections provides a measure of the operational performance of an intersection. In general, levels of acceptability of AVD for individual intersections depend on the time of day (motorists generally accept higher delays during peak commuter periods) and the road system being modelled (motorists are more likely to accept longer delays on side streets than on the main road system).



LOS - this is a comparative measure which provides an indication of the operating performance of an intersection as shown below:

Level of Service	Average Delay per Vehicle (secs/veh)	Traffic Signals, Roundabout	Give Way and Stop Signs
<i>A</i>	less than 14	Good operation	Good operation
<i>B</i>	15 to 28	Good with acceptable delays and spare capacity	Acceptable delays and spare capacity
<i>C</i>	29 to 42	Satisfactory	Satisfactory but accident study required
<i>D</i>	43 to 56	Operating near capacity	Near capacity and accident study required
<i>E</i>	57 to 70	At capacity; at signals incidents will cause excessive delays. Roundabouts require other control mode	At capacity and requires other control mode
<i>F</i>	More than 70	Unsatisfactory and requires additional capacity.	Unsatisfactory and requires other control mode or major treatment.

A summary of the modelled results are provided in **Table 2** below. Reference should also be made to the SIDRA results included in **Appendix B** provided by Traffic and Mobility Planning Consulting dated November 2014.



Table 2: AM & PM Peak Hour Intersection Performances

Intersection Description	Control Type	Period	Intersection Delay (sec)	Level of Service
Byrnes Street and Erith Street	Give Way	AM	5.5	A
		PM	5.8	A
Byrnes Street and Bay Street	Give Way	AM	5.8	A
		PM	5.7	A
Erith Street and Access Driveway	Give Way	AM	5.8	A
		PM	5.9	A
Bay Street and Underwood Avenue	Give Way	AM	6.7	A
		PM	6.5	A

* Note: All SIDRA results reported above relate to the movement with the highest delay, in accordance with the RMS Guide to Traffic Generating Developments.



4. Description of Proposed Development

A detailed description of the proposed development is provided in the Statement of Environmental Effects prepared separately. In summary, approval is sought for the formalisation of Lots 7, 8, 9 & 10. The proposal includes the formalisation of usage off the existing industrial premises for the following uses:

- 📍 Warehouse 1a: Manufacture of Aluminium Doors and Windows and ancillary offices
- 📍 Warehouse 1b: Warehouse and Distribution Centre and ancillary offices
- 📍 Warehouse 1c: Vehicle repair station (internal fitout proposed)
- 📍 Warehouse 2: Warehouse and Distribution Centre; and
- 📍 Warehouse 3: A freight transport facility and ancillary offices

It is proposed that warehouse 1b will provide approximately 28m² of ancillary office space, altering the GFA of the existing warehouse on Lot 7. The internal fitout of Warehouse 1c includes the provision of five (5) car lifts, a wash bay, diagnostic scan tools and equipment, hand an pneumatic tool, brake lathe, welder, fume extractor and computer systems. Access to the proposed Warehouse 1c will be via an existing roller door on Byrnes Street which is indicated on the plans provided in **Appendix A. Table 3** below provides the warehouses operating details including: operating hours; staff numbers; expected deliveries and; the largest nominated vehicle accessing each of the warehouses.

Table 3: Warehouse operation details

Warehouse	Operating Hours	Staff Numbers	No deliveries / day	Largest Vehicle accessing site
1a	8:00am – 5:00pm Monday to Sunday	25	3	MRV
1b	7:00am – 5:00pm Monday to Sunday	2	3	MRV
1c	8:00am – 5:00pm Monday to Sunday	6	6	-
2	8:00am – 6:00pm Monday to Friday	5	3	AV
3	7:00am – 5:00pm Monday to Friday	10	2	AV



The existing GFA's of Warehouse 1a, 1b, 2 and 3 are provided in **Table 4** below along with the proposed GFA of the vehicle repair station in Warehouse 1c.

Table 4: Warehouse Gross Floor Areas

Lot	Warehouse	Type	Existing GFA	Proposed GFA
8	1a	Manufacturing Area	1,707.99 m ²	*1036.19 m ²
		Mezzanine Office Area	419.96 m ²	419.96 m ²
	1c	Vehicle Repair Station	nil	641 m ²
7	1b	Warehouse	427 m ²	*450.47 m ²
		Office	28 m ²	28 m ²
9	2	Factory	1,119.15 m ²	**1,119.15 m ²
10	3	Freight Transport Facility	1,164.31 m ²	**1,164.31 m ²
		Mezzanine Storage	166.15 m ²	166.15 m ²

From all warehouse GFA's a loading dock of appropriate area for largest vehicle accessing the site has been deducted.

* indicates an MRV vehicle and GFA reduction of 30.8 m² **

indicates a AV vehicle and GFA reduction of 66.5m²

A summary of the total GFA's for each type of development is as follows:

- 📍 Freight Transport Facility: 1,164.31 m2
- 📍 Warehouse or Distribution Centre: 2,605.81 m2
- 📍 Vehicle Repair Workshop: 641 m2

Reference should be made to the architectural drawings submitted with the accompanying development application, for which the site plan has been presented at reduced scale in **Appendix A**.



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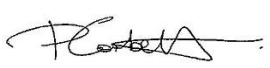


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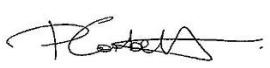




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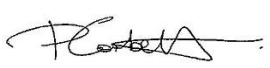


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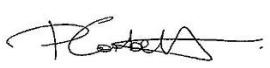




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Continued Use of Existing Industrial Premises as 3 Freight Forwarding Facilities, the Manufacture of Aluminium and Glass Windows and Doors & a Mechanical Workshop

9-17 Byrnes Street, Botany

Reference: 16.441r01v04
Date: October 2017

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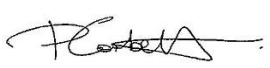


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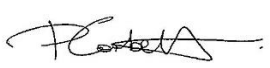




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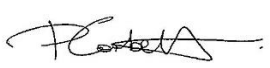


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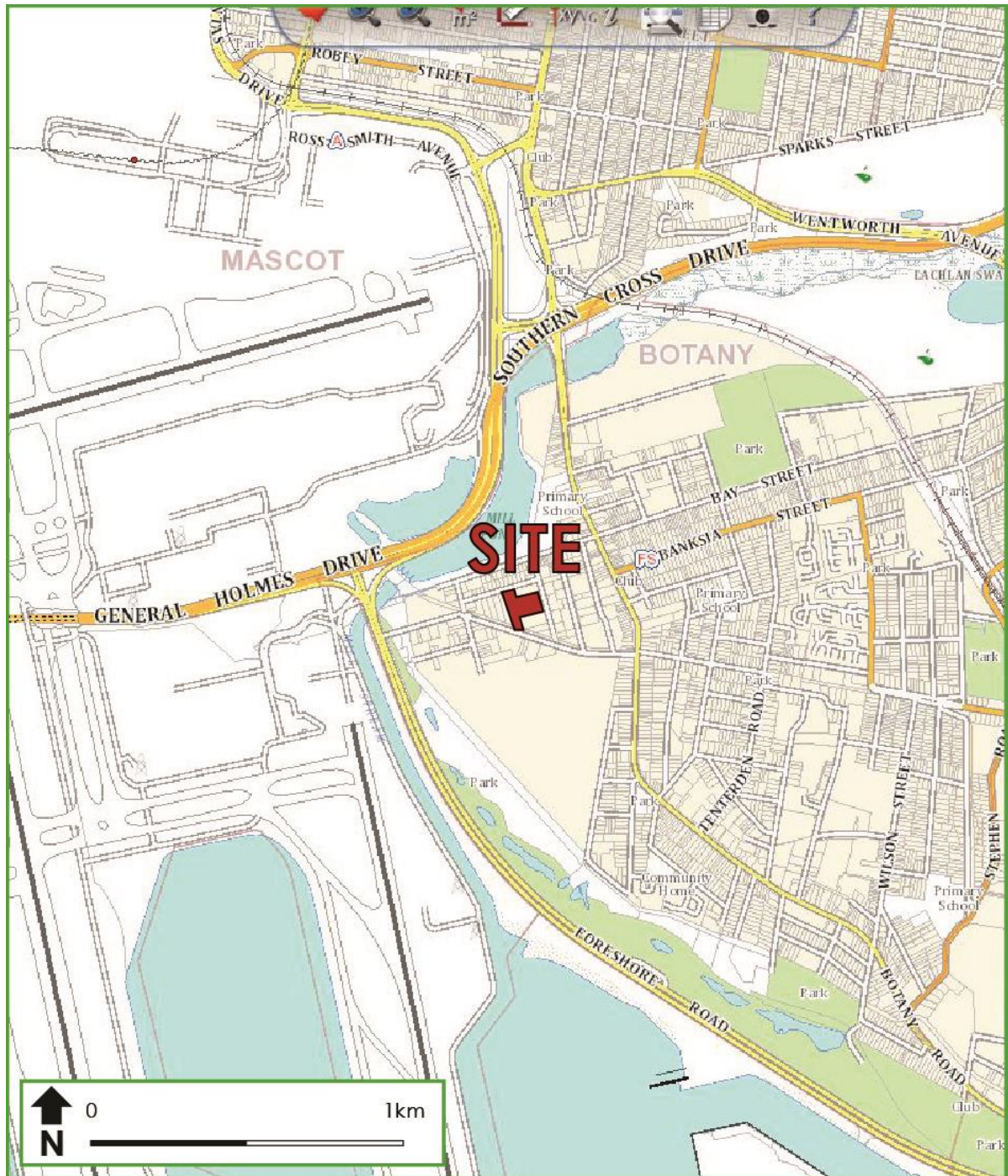


Figure 1: Location Plan



Figure 2: Site Plan



3. Existing Traffic Conditions

3.1 Road Network

The road hierarchy in the vicinity of the site is illustrated in **Figure 3** with the following roads of particular interest:

- 📍 Botany Road: an RMS main road (MR170) which traverse in a north-south direction between Regent Street, Redfern in the north and Bunnerong Road, Chifley in the south. Botany Road is subject to a 50km/h speed zoning, however a “40km/h 8:00am – 9:30am, 2:30pm – 4:00pm, School Days” restriction applies. Varying time restrictions apply to the kerb side lanes with No Stopping and clearway restrictions applicable during peak periods which allows two traffic lanes during these periods. However, generally two traffic lanes, one each direction is provided.
- 📍 Byrnes Street: a local street which traverse in a north south direction between Bay Street in the north and Hale Street in the south. Byrnes Street is subject to a 50km/h speed zoning and carries two lanes of traffic, one in each direction. Unrestricted parallel parking is permissible on both sides of the street. Byrnes Street has a 9.5 metre carriageway and a footpath is provided on the eastern side of the street only.
- 📍 Erith Street: a local street which traverse in an east west direction between McFall Street in the east and Byrnes Street in the west. Erith Street is subject to a 50km/h speed limit. The southern side of Erith Street allows unrestricted parallel parking whilst the northern side of the street is subject to a “No Parking, 8:00am to 4:00pm, weekdays” restriction. During this time the road allows for two traffic lanes, one in each direction. However, outside of these hours, due to the narrow width of the carriageway of 7.5 metres, only one traffic lane is provided. Passing opportunity outside of the restriction hours is provided by driveways to developments on the street.
- 📍 Bay Street: a local road which traverses in an east – west direction between Botany Road in the west and a cul-de-sac configuration in the east. Bay Street is



subject to 50km/h, however, a “40km/h 8:00am – 9:00am, 2:30pm – 4:00pm, School Days” restriction applies. Bay Street carries two traffic lanes, one in each direction. Unrestricted parallel parking is permissible on both sides of the street.

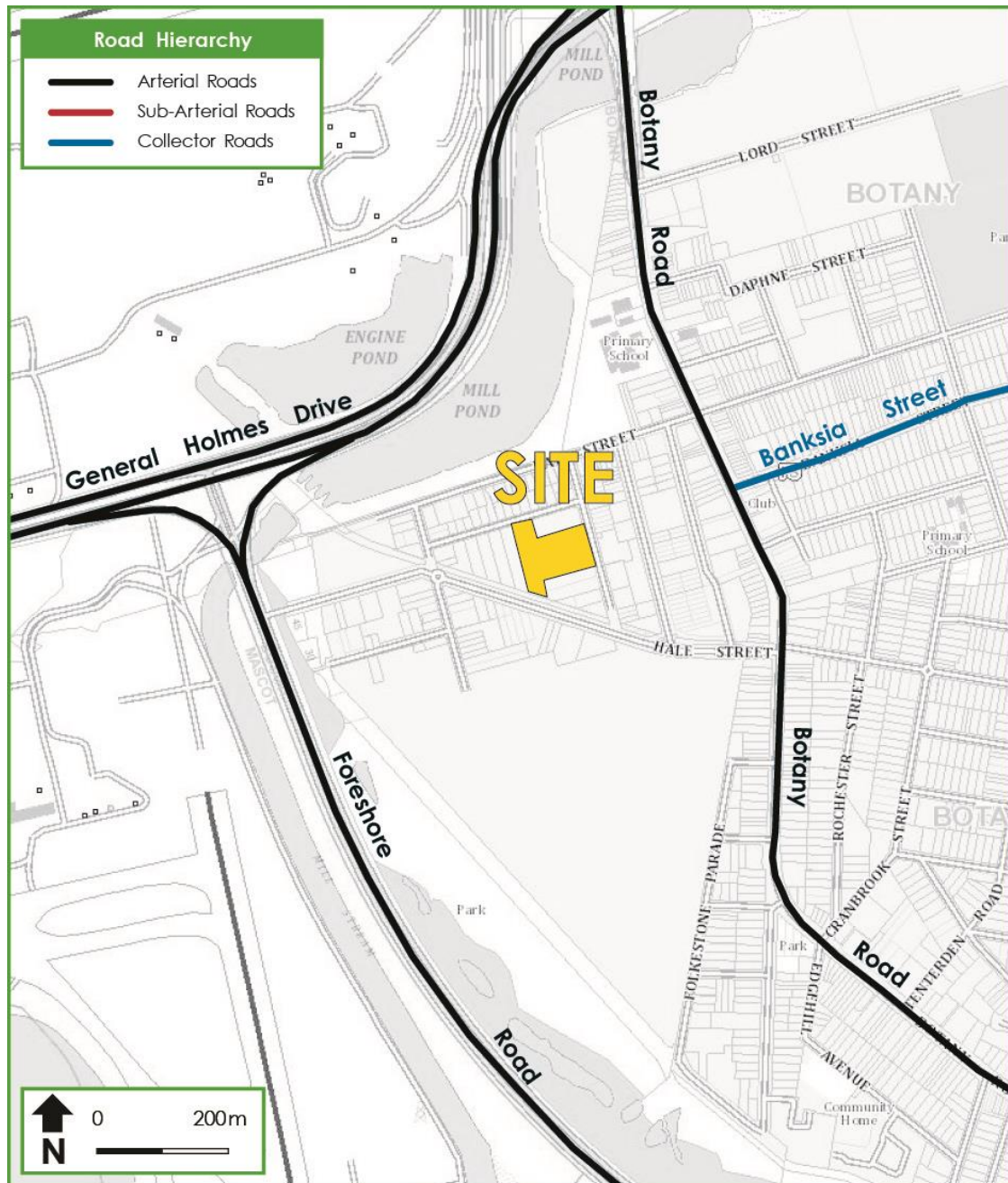


Figure 3: Road Hierarchy



3.2 Public Transport

The subject site is located approximately 2.7km south- east of Mascot Railway Station. Mascot Station lies on the T2 Airport Line, providing services to Central, City Circle, Kingsgrove, Revesby, Campbelltown and Macarthur.

The site lies in close proximity to several bus stops which are serviced by the bus routes described in **Table 1**. The public transport network operating in the locality is illustrated in **Figure 4**.

Table 1: Bus Routes and Service Attributes.

Bus No.	Destinations	Weekday Services			Weekend Services	
		Operates between the hours of	Peak Frequency	Off-Peak Frequency	Operates between the hours of	Frequency
309	Circular Quay to Port Botany	4:30 am – 12:30am	5	10 – 15	4:30am – 1:30pm	10-20 / 20-30
310		4:40am – 12:00am	5	10 – 15	4:40am – 12:00am	10-20 / 20-30
70	Leichardt Marketplace to Coogee	5:37am – 8:30pm	10	30	6:57am – 10:44pm	30
		5:30am – 8:40pm	10	30	5:30am – 8:40pm	30
L09	Redfern to Botany	6:08am – 9:04am	20	-	No Service	
M20	Gore Hill and Botany	6:28am – 8:13 pm	10	20	7:30am – 7:30 pm	20
X10	Westfield Eastgardens and Central Station	6:53am – 8:33am	30	-	6:53am – 8:33am	30
		4:53pm – 6:24pm	30		4:53pm – 6:24pm	30

The site is thus considered to be in close proximity to public transport services which provide connectivity to the surrounding and wider region.

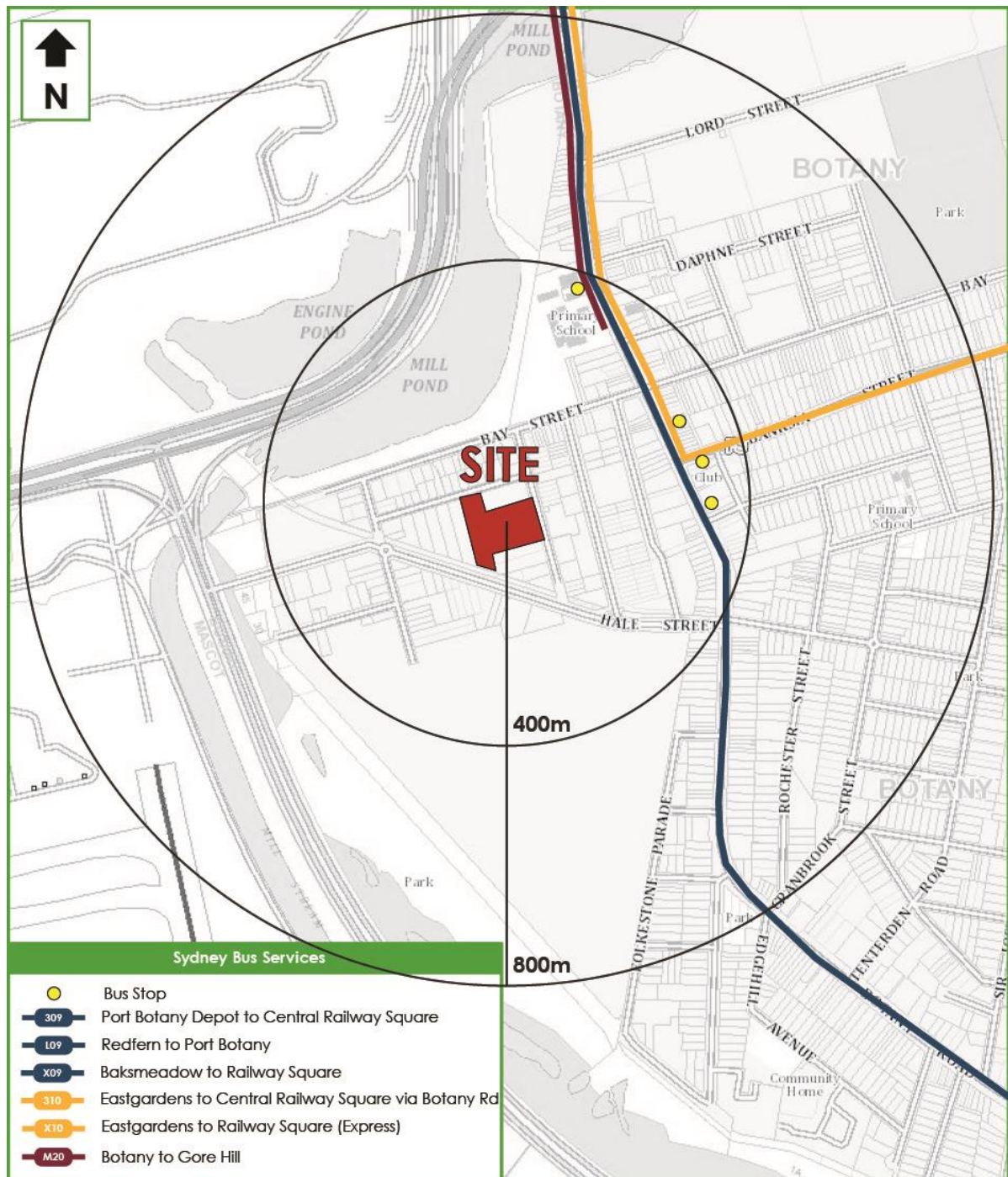


Figure 4: Public Transport



3.3 Existing Development Activities

The existing development located at 9-15 Byrnes Street, Botany is made up of the following lots which accommodate the relevant land use:

Lot 7 DP 28449: rights of carriageway and provision of 35 off-street parking spaces

Lot 8 DP 28449: mechanical workshop (Aluminium Doors)

Lot 9 DP 28449: freight forwarder

Lot 10 DP 28449: freight forwarder

The existing aluminium manufacturing facility located within Lot 8 and Lot 9 at 9-15 Byrnes Street, Botany has been in operation at the subject site for approximately 10 years and the premises has had minimal changes during this time. Based on TMPC's report dated November 2014 the existing activities include:

1,707m² GFA used for manufacturing and 419.96m² of mezzanine office area.

Operating hours are between 8:00am – 5:00pm, seven days a week

A total of 25 staff members for factory and office operations

88% of employees travel to the site via private vehicle

Up to three (3) deliveries per day are expected to the facility

The largest vehicle accessing the site is expected to be an MRV.

The existing freight forwarding facility located within Lot 10 at 9-15 Byrnes Street, Botany has been in operation at the subject site for approximately 10 years and the premises has had minimal changes during this time. Based on TMPC's report dated November 2014 the existing activities include:

1,230.81m² GFA used for a warehouse and 166.15m² of mezzanine storage area and works amenities.

Operating hours are between 7:00am – 5:00pm, Monday to Friday



A total of 10 staff members including 2 courier drivers and 2 office staff who only work three (3) days a week.

100% of employees travel to the site via private vehicle

Up to two (2) deliveries per day are expected to the facility

The largest vehicle accessing the site is expected to be an AV.

3.4 Existing Parking Supply

The parking supply of the existing development is provided in Lot 7 DP 28449 and provides a total of 35 off-street parking spaces for Lots 8, 9 and 10.

3.5 Existing Intersection Performance

The SIDRA model produces a range of outputs, the most useful of which are the Degree of Saturation (DOS) and Average Vehicle Delay per vehicle (AVD). The AVD is in turn related to a level of service (LOS) criteria. These performance measures can be interpreted using the following explanations:

DOS - the DOS is a measure of the operational performance of individual intersections. As both queue length and delay increase rapidly as DOS approaches 1, it is usual to attempt to keep DOS to less than 0.9. When DOS exceeds 0.9 residual queues can be anticipated, as occurs at many major intersections throughout the metropolitan area during peak periods. For intersections controlled by roundabout or give way/stop control, satisfactory intersection operation is generally indicated by a DOS of 0.8 or less.

AVD - the AVD for individual intersections provides a measure of the operational performance of an intersection. In general, levels of acceptability of AVD for individual intersections depend on the time of day (motorists generally accept higher delays during peak commuter periods) and the road system being modelled (motorists are more likely to accept longer delays on side streets than on the main road system).



LOS - this is a comparative measure which provides an indication of the operating performance of an intersection as shown below:

Level of Service	Average Delay per Vehicle (secs/veh)	Traffic Signals, Roundabout	Give Way and Stop Signs
<i>A</i>	less than 14	Good operation	Good operation
<i>B</i>	15 to 28	Good with acceptable delays and spare capacity	Acceptable delays and spare capacity
<i>C</i>	29 to 42	Satisfactory	Satisfactory but accident study required
<i>D</i>	43 to 56	Operating near capacity	Near capacity and accident study required
<i>E</i>	57 to 70	At capacity; at signals incidents will cause excessive delays. Roundabouts require other control mode	At capacity and requires other control mode
<i>F</i>	More than 70	Unsatisfactory and requires additional capacity.	Unsatisfactory and requires other control mode or major treatment.

A summary of the modelled results are provided in **Table 2** below. Reference should also be made to the SIDRA results included in **Appendix B** provided by Traffic and Mobility Planning Consulting dated November 2014.



Table 2: AM & PM Peak Hour Intersection Performances

Intersection Description	Control Type	Period	Intersection Delay (sec)	Level of Service
Byrnes Street and Erith Street	Give Way	AM	5.5	A
		PM	5.8	A
Byrnes Street and Bay Street	Give Way	AM	5.8	A
		PM	5.7	A
Erith Street and Access Driveway	Give Way	AM	5.8	A
		PM	5.9	A
Bay Street and Underwood Avenue	Give Way	AM	6.7	A
		PM	6.5	A

* Note: All SIDRA results reported above relate to the movement with the highest delay, in accordance with the RMS Guide to Traffic Generating Developments.



4. Description of Proposed Development

A detailed description of the proposed development is provided in the Statement of Environmental Effects prepared separately. In summary, approval is sought for the formalisation of Lots 7, 8, 9 & 10. The proposal includes the formalisation of usage off the existing industrial premises for the following uses:

- ② Warehouse 1a: Manufacture of Aluminium Doors and Windows and ancillary offices
- ② Warehouse 1b: Warehouse and Distribution Centre and ancillary offices
- ② Warehouse 1c: Vehicle repair station (internal fitout proposed)
- ② Warehouse 2: Warehouse and Distribution Centre; and
- ② Warehouse 3: A freight transport facility and ancillary offices

It is proposed that warehouse 1b will provide approximately 28m² of ancillary office space, altering the GFA of the existing warehouse on Lot 7. The internal fitout of Warehouse 1c includes the provision of five (5) car lifts, a wash bay, diagnostic scan tools and equipment, hand an pneumatic tool, brake lathe, welder, fume extractor and computer systems. Access to the proposed Warehouse 1c will be via an existing roller door on Byrnes Street which is indicated on the plans provided in **Appendix A. Table 3** below provides the warehouses operating details including: operating hours; staff numbers; expected deliveries and; the largest nominated vehicle accessing each of the warehouses.

Table 3: Warehouse operation details

Warehouse	Operating Hours	Staff Numbers	No deliveries / day	Largest Vehicle accessing site
1a	8:00am – 5:00pm Monday to Sunday	25	3	MRV
1b	7:00am – 5:00pm Monday to Sunday	2	3	MRV
1c	8:00am – 5:00pm Monday to Sunday	6	6	-
2	8:00am – 6:00pm Monday to Friday	5	3	AV
3	7:00am – 5:00pm Monday to Friday	10	2	AV



The existing GFA's of Warehouse 1a, 1b, 2 and 3 are provided in **Table 4** below along with the proposed GFA of the vehicle repair station in Warehouse 1c.

Table 4: Warehouse Gross Floor Areas

Lot	Warehouse	Type	Existing GFA	Proposed GFA
8	1a	Manufacturing Area	1,707.99 m ²	*1036.19 m ²
		Mezzanine Office Area	419.96 m ²	419.96 m ²
	1c	Vehicle Repair Station	nil	641 m ²
7	1b	Warehouse	427 m ²	*450.47 m ²
		Office	28 m ²	28 m ²
9	2	Factory	1,119.15 m ²	**1,119.15 m ²
10	3	Freight Transport Facility	1,164.31 m ²	**1,164.31 m ²
		Mezzanine Storage	166.15 m ²	166.15 m ²

From all warehouse GFA's a loading dock of appropriate area for largest vehicle accessing the site has been deducted.

* indicates an MRV vehicle and GFA reduction of 30.8 m² **

indicates a AV vehicle and GFA reduction of 66.5m²

A summary of the total GFA's for each type of development is as follows:

- 📍 Freight Transport Facility: 1,164.31 m2
- 📍 Warehouse or Distribution Centre: 2,605.81 m2
- 📍 Vehicle Repair Workshop: 641 m2

Reference should be made to the architectural drawings submitted with the accompanying development application, for which the site plan has been presented at reduced scale in **Appendix A**.



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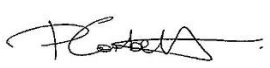


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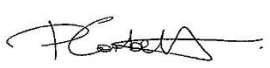




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Project:	9-17 Byrnes Street, Botany			
Client:	Con Micos Estate			
Revision	Date	Prepared By	Checked By	Signed
v01	11/10/2016	Alexandra Kavanagh	Graham Pindar	
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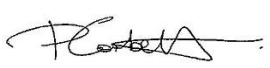


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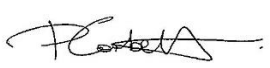




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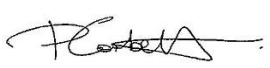


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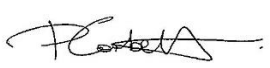




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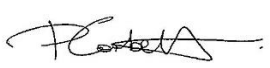


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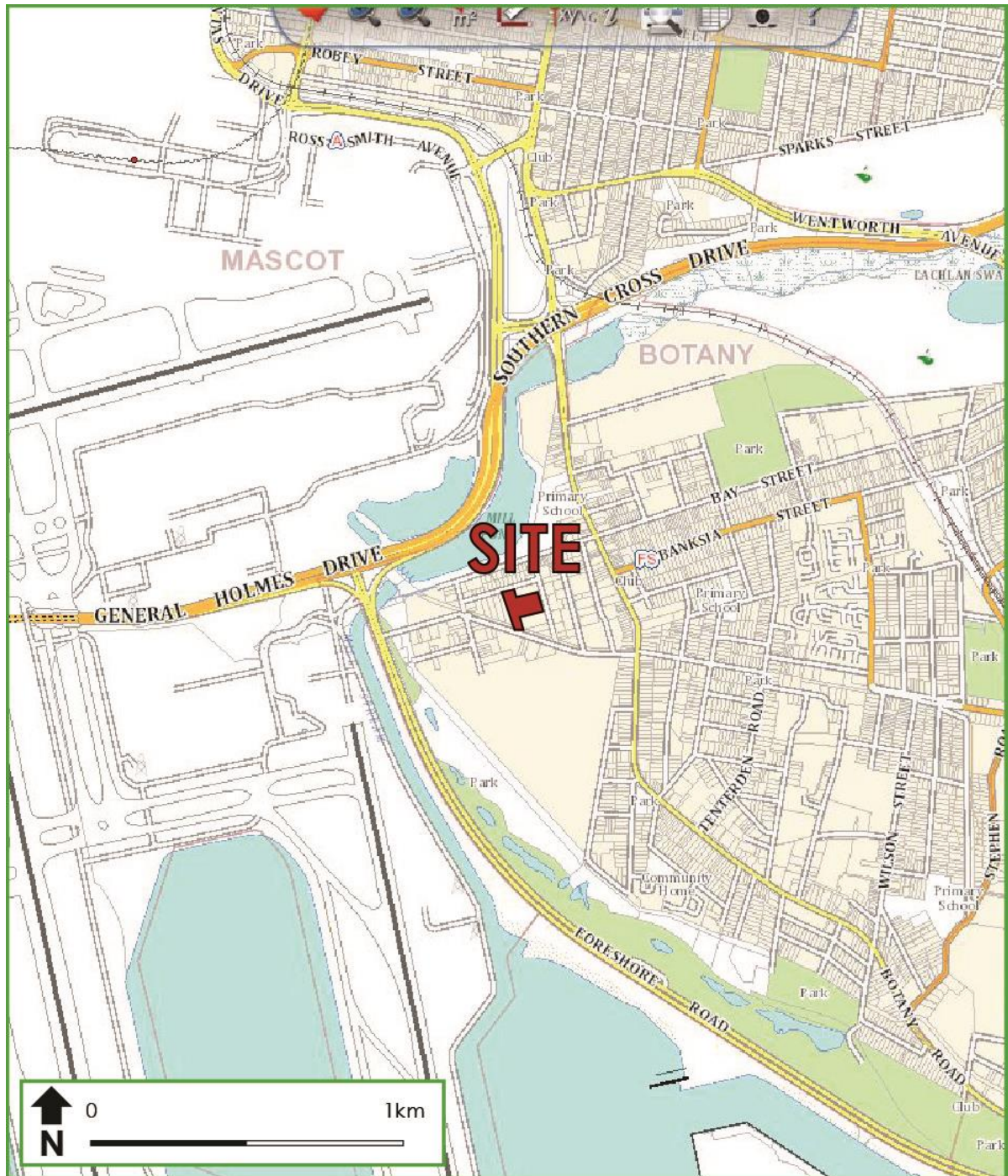


Figure 1: Location Plan



Figure 2: Site Plan



3. Existing Traffic Conditions

3.1 Road Network

The road hierarchy in the vicinity of the site is illustrated in **Figure 3** with the following roads of particular interest:

- ② Botany Road: an RMS main road (MR170) which traverse in a north-south direction between Regent Street, Redfern in the north and Bunnerong Road, Chifley in the south. Botany Road is subject to a 50km/h speed zoning, however a “40km/h 8:00am – 9:30am, 2:30pm – 4:00pm, School Days” restriction applies. Varying time restrictions apply to the kerb side lanes with No Stopping and clearway restrictions applicable during peak periods which allows two traffic lanes during these periods. However, generally two traffic lanes, one each direction is provided.
- ② Byrnes Street: a local street which traverse in a north south direction between Bay Street in the north and Hale Street in the south. Byrnes Street is subject to a 50km/h speed zoning and carries two lanes of traffic, one in each direction. Unrestricted parallel parking is permissible on both sides of the street. Byrnes Street has a 9.5 metre carriageway and a footpath is provided on the eastern side of the street only.
- ② Erith Street: a local street which traverse in an east west direction between McFall Street in the east and Byrnes Street in the west. Erith Street is subject to a 50km/h speed limit. The southern side of Erith Street allows unrestricted parallel parking whilst the northern side of the street is subject to a “No Parking, 8:00am to 4:00pm, weekdays” restriction. During this time the road allows for two traffic lanes, one in each direction. However, outside of these hours, due to the narrow width of the carriageway of 7.5 metres, only one traffic lane is provided. Passing opportunity outside of the restriction hours is provided by driveways to developments on the street.
- ② Bay Street: a local road which traverses in an east – west direction between Botany Road in the west and a cul-de-sac configuration in the east. Bay Street is



subject to 50km/h, however, a “40km/h 8:00am – 9:00am, 2:30pm – 4:00pm, School Days” restriction applies. Bay Street carries two traffic lanes, one in each direction. Unrestricted parallel parking is permissible on both sides of the street.

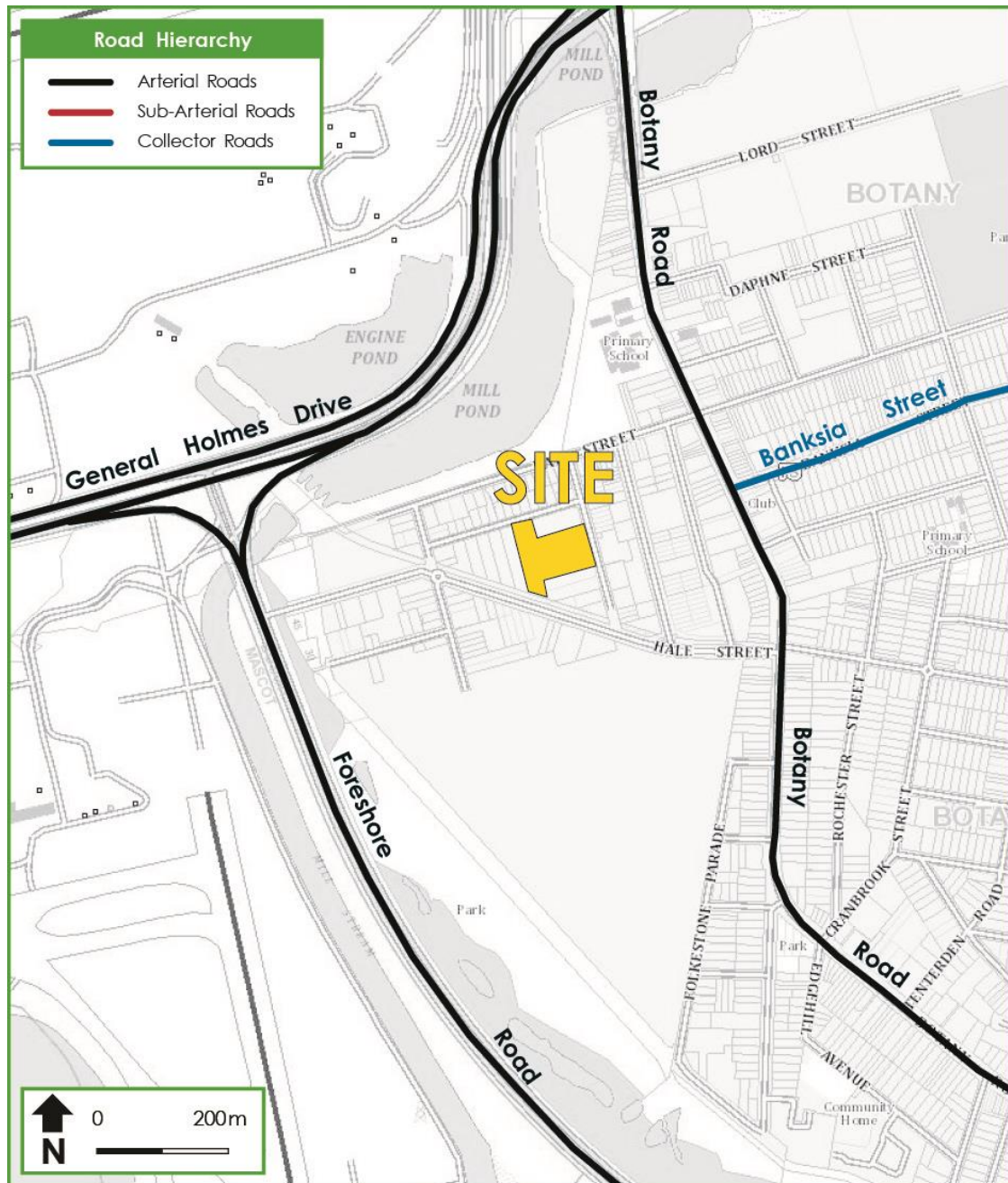


Figure 3: Road Hierarchy



3.2 Public Transport

The subject site is located approximately 2.7km south- east of Mascot Railway Station. Mascot Station lies on the T2 Airport Line, providing services to Central, City Circle, Kingsgrove, Revesby, Campbelltown and Macarthur.

The site lies in close proximity to several bus stops which are serviced by the bus routes described in **Table 1**. The public transport network operating in the locality is illustrated in **Figure 4**.

Table 1: Bus Routes and Service Attributes.

Bus No.	Destinations	Weekday Services			Weekend Services	
		Operates between the hours of	Peak Frequency	Off-Peak Frequency	Operates between the hours of	Frequency
309	Circular Quay to Port Botany	4:30 am – 12:30am	5	10 – 15	4:30am – 1:30pm	10-20 / 20-30
310		4:40am – 12:00am	5	10 – 15	4:40am – 12:00am	10-20 / 20-30
70	Leichardt Marketplace to Coogee	5:37am – 8:30pm	10	30	6:57am – 10:44pm	30
		5:30am – 8:40pm	10	30	5:30am – 8:40pm	30
L09	Redfern to Botany	6:08am – 9:04am	20	-	No Service	
M20	Gore Hill and Botany	6:28am – 8:13 pm	10	20	7:30am – 7:30 pm	20
X10	Westfield Eastgardens and Central Station	6:53am – 8:33am	30	-	6:53am – 8:33am	30
		4:53pm – 6:24pm	30		4:53pm – 6:24pm	30

The site is thus considered to be in close proximity to public transport services which provide connectivity to the surrounding and wider region.



5. Parking Requirements

5.1 Council Requirement

The Botany Council DCP 2013 states that in order to determine the parking requirement of a Freight Transport Facilities “Parking assessment based on a survey of similar developments is required. However, as a minimum 1 space / employee plus; 3 visitor parking spaces; plus 1 space / each commercial vehicle or trailer parking holding or service repair on the site.”

The DCP also stipulates the parking requirements for Warehouse or Distribution Centres as “2 spaces or 1 space / 300m² GFA, whichever is greater; plus 1 space / 40 m² of ancillary office”.. The DCP provides parking requirements for Vehicle Repair Stations (VRS) as 1 space / 50m² GFA as well as an additional condition C3 (vi) of the DCP applies to VRS as follows:

Parking rates are intended for staff and customers only and do not take into consideration areas that are to be used for vehicles being worked on, waiting to be worked on or waiting to be picked up. In order to accommodate these vehicles a minimum six (6) parking spaces shall be provided for each service bay.

As the SEPP (Port Botany and Port Kembla) 2013 does not provide specific parking rates for the aforementioned types of developments the DCP rates have been adopted as a guide for the assessment of parking provision for the subject site and the parking requirement under the DCP is summarised in **Table 6** below, with specific adjustments based on the following sections.

5.2 Vehicle Repair Station

Based on RMS Guidelines, the preferred assessment methodology (rather than adopt generic DCP rates) is to base the assessment on a similar development. In this regard, TRAFFIX has recently undertaken an assessment of an automotive workshop located at 63 Frenchmans Road, Randwick. The development falls within the Randwick City Council local government area and is subject to that Council’s controls. The Randwick DCP 2013 requires parking for service stations and vehicle repair stations to be provided at a rate of 6 spaces per work bay as the Botany Council DCP. For the purpose of that assessment, the parking demand for the proposed development was surveyed. Surveys were



undertaken at hourly intervals over a period of one week between Thursday 26th February 2015 and Wednesday 4th March 2015. From that survey it was determined that the parking demand of the development is 4.86 spaces per work bay, which is considerably less than Council's DCP rate of 6 spaces per work bay. It is considered that the survey results of a similar developments parking demands is a more accurate reflection of the parking demands the proposed development will generate. It is therefore considered acceptable to adopt a rate of 4.86 per service bay. Furthermore it is noted that that each car hoist provides one (1) off-street parking space.

5.3 Ancillary Office Parking Rates

As provided above, the Botany Council DCP provides a parking rates of 1space/ 40m² GFA for Ancillary Office spaces within Warehouse or Distribution Centre developments. However the RMS Guide for Traffic Generating Developments also provides guidelines for parking provisions for Factories stating that the parking provision rate is increased when the office space component is in excess of 20% of the floor area. It is considered that the total ancillary office space associated with the development has an equivalent percentage of 17.1% of the total GFA of Warehouse and Distribution Centres. Therefore it is considered that the parking rate required for the ancillary office space associated with the proposed development is in the order of 1 space /50m² GFA if extrapolated as a percentage of ancillary office GFA and total Warehouse GFA. It is therefore considered acceptable to adopt a rate of 1 space /50m² GFA for the ancillary office space for the development.

5.4 Summary of Parking

Based on the above assessment methodology, the development requirement and provision is as shown in **Table 5** overleaf.



Table 5: Car Parking Rates and Provision

Type	No. / Area	Parking Rate	Minimum Spaces Required	Spaces Provided
Freight Transporting Facilities				
Employee	10	1 space / employee	10	10
Visitor	-	Provision of 3 visitor spaces requires	3	3
Totals			13	13
Warehouse or Distribution Centres				
Factory	2,157.85m ²	2 spaces or 1 space / 300m ² GFA	7	7
Ancillary Office	447.96m ²	1 space / 50 m ² GFA	9	9
Totals			16	16
Industrial				
Vehicle Repair Station	*122.19m ²	1 space / 50m ² GFA	2	2
Condition C3 (vi)	5 service bays	4.86 spaces / service bay	24	22
Totals			26	24
Totals			55	53

*GFA of Vehicle Repair Station excludes parking areas and access to those parking areas.

It can be seen from Table 5 that the overall development will generate a requirement for a minimum of 55 parking spaces under the Botany DCP. In response, provision for 53 parking spaces has been made which is a shortfall of only two (2) parking spaces as required under the DCP.

It is considered that a shortfall of two parking spaces is moderate and of no consequence with the site being in close proximity to public transport. Furthermore, the subject site accommodates a variety of developments with differing operating hours and land use which is unlikely to generate a maximum parking demand at the same time, such that the above cumulative assessment is unlikely to be realised. To ensure the safe manoeuvre of articulated vehicles from the site it is considered that one (1) on-street parking space be removed on the southern side of Erith Street, east of the existing vehicular crossing during the operational hours Warehouse 2 & 3 being 7:00am – 6:00pm, Monday – Friday. All other existing parking conditions in the locality will remain unchanged as the parking impacts already occur.



5.5 Accessible Parking

For warehouse use, the DCP stipulates that in a parking area containing more than 49 parking spaces, the ratio of accessible parking spaces will comply with Table D3.5 of BCA. The Table stipulates that 1 parking space should be provided for every 100 car parking spaces or part thereof for a Class 7 building. As the development proposes 53 off-street parking spaces there is a requirement that two (2) parking spaces are accessible parking spaces. These can be readily provided within the main car parking area, with no impacts on the proposed parking provision.

5.6 Servicing and Loading

The DCP stipulates that warehouse developments over 8,000m² ground floor area require 1 service bay for MRV or larger / 800 m² GFA. In response, a total of five (5) loading docks have been provided across all five proposed warehouse tenancies which is considered to be an ample provision. Each of the loading docks can accommodate an 8.8 metre MRV vehicle, whilst two (2) loading docks can accommodate a 19.0 metre AV vehicle. Swept path analysis has been provided in **Appendix C** demonstrating the required loading areas for a 19m AV within Warehouse 2 & 3. It is considered that the internal areas will be line-marked accordingly to ensure the loading area is clear of any obstructions and to ensure manoeuvrability of vehicles within the site.



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5.1 Council Requirement

The Botany Council DCP 2013 states that in order to determine the parking requirement of a Freight Transport Facilities “Parking assessment based on a survey of similar developments is required. However, as a minimum 1 space / employee plus; 3 visitor parking spaces; plus 1 space / each commercial vehicle or trailer parking holding or service repair on the site.”

The DCP also stipulates the parking requirements for Warehouse or Distribution Centres as “2 spaces or 1 space / 300m² GFA, whichever is greater; plus 1 space / 40 m² of ancillary office”.. The DCP provides parking requirements for Vehicle Repair Stations (VRS) as 1 space / 50m² GFA as well as an additional condition C3 (vi) of the DCP applies to VRS as follows:

Parking rates are intended for staff and customers only and do not take into consideration areas that are to be used for vehicles being worked on, waiting to be worked on or waiting to be picked up. In order to accommodate these vehicles a minimum six (6) parking spaces shall be provided for each service bay.

As the SEPP (Port Botany and Port Kembla) 2013 does not provide specific parking rates for the aforementioned types of developments the DCP rates have been adopted as a guide for the assessment of parking provision for the subject site and the parking requirement under the DCP is summarised in **Table 6** below, with specific adjustments based on the following sections.

5.2 Vehicle Repair Station

Based on RMS Guidelines, the preferred assessment methodology (rather than adopt generic DCP rates) is to base the assessment on a similar development. In this regard, TRAFFIX has recently undertaken an assessment of an automotive workshop located at 63 Frenchmans Road, Randwick. The development falls within the Randwick City Council local government area and is subject to that Council’s controls. The Randwick DCP 2013 requires parking for service stations and vehicle repair stations to be provided at a rate of 6 spaces per work bay as the Botany Council DCP. For the purpose of that assessment, the parking demand for the proposed development was surveyed. Surveys were



undertaken at hourly intervals over a period of one week between Thursday 26th February 2015 and Wednesday 4th March 2015. From that survey it was determined that the parking demand of the development is 4.86 spaces per work bay, which is considerably less than Council's DCP rate of 6 spaces per work bay. It is considered that the survey results of a similar developments parking demands is a more accurate reflection of the parking demands the proposed development will generate. It is therefore considered acceptable to adopt a rate of 4.86 per service bay. Furthermore it is noted that that each car hoist provides one (1) off-street parking space.

5.3 Ancillary Office Parking Rates

As provided above, the Botany Council DCP provides a parking rates of 1space/ 40m² GFA for Ancillary Office spaces within Warehouse or Distribution Centre developments. However the RMS Guide for Traffic Generating Developments also provides guidelines for parking provisions for Factories stating that the parking provision rate is increased when the office space component is in excess of 20% of the floor area. It is considered that the total ancillary office space associated with the development has an equivalent percentage of 17.1% of the total GFA of Warehouse and Distribution Centres. Therefore it is considered that the parking rate required for the ancillary office space associated with the proposed development is in the order of 1 space /50m² GFA if extrapolated as a percentage of ancillary office GFA and total Warehouse GFA. It is therefore considered acceptable to adopt a rate of 1 space /50m² GFA for the ancillary office space for the development.

5.4 Summary of Parking

Based on the above assessment methodology, the development requirement and provision is as shown in **Table 5** overleaf.



Table 5: Car Parking Rates and Provision

Type	No. / Area	Parking Rate	Minimum Spaces Required	Spaces Provided
Freight Transporting Facilities				
Employee	10	1 space / employee	10	10
Visitor	-	Provision of 3 visitor spaces requires	3	3
Totals			13	13
Warehouse or Distribution Centres				
Factory	2,157.85m ²	2 spaces or 1 space / 300m ² GFA	7	7
Ancillary Office	447.96m ²	1 space / 50 m ² GFA	9	9
Totals			16	16
Industrial				
Vehicle Repair Station	*122.19m ²	1 space / 50m ² GFA	2	2
Condition C3 (vi)	5 service bays	4.86 spaces / service bay	24	22
Totals			26	24
Totals			55	53

*GFA of Vehicle Repair Station excludes parking areas and access to those parking areas.

It can be seen from Table 5 that the overall development will generate a requirement for a minimum of 55 parking spaces under the Botany DCP. In response, provision for 53 parking spaces has been made which is a shortfall of only two (2) parking spaces as required under the DCP.

It is considered that a shortfall of two parking spaces is moderate and of no consequence with the site being in close proximity to public transport. Furthermore, the subject site accommodates a variety of developments with differing operating hours and land use which is unlikely to generate a maximum parking demand at the same time, such that the above cumulative assessment is unlikely to be realised. To ensure the safe manoeuvre of articulated vehicles from the site it is considered that one (1) on-street parking space be removed on the southern side of Erith Street, east of the existing vehicular crossing during the operational hours Warehouse 2 & 3 being 7:00am – 6:00pm, Monday – Friday. All other existing parking conditions in the locality will remain unchanged as the parking impacts already occur.



5.5 Accessible Parking

For warehouse use, the DCP stipulates that in a parking area containing more than 49 parking spaces, the ratio of accessible parking spaces will comply with Table D3.5 of BCA. The Table stipulates that 1 parking space should be provided for every 100 car parking spaces or part thereof for a Class 7 building. As the development proposes 53 off-street parking spaces there is a requirement that two (2) parking spaces are accessible parking spaces. These can be readily provided within the main car parking area, with no impacts on the proposed parking provision.

5.6 Servicing and Loading

The DCP stipulates that warehouse developments over 8,000m² ground floor area require 1 service bay for MRV or larger / 800 m² GFA. In response, a total of five (5) loading docks have been provided across all five proposed warehouse tenancies which is considered to be an ample provision. Each of the loading docks can accommodate an 8.8 metre MRV vehicle, whilst two (2) loading docks can accommodate a 19.0 metre AV vehicle. Swept path analysis has been provided in **Appendix C** demonstrating the required loading areas for a 19m AV within Warehouse 2 & 3. It is considered that the internal areas will be line-marked accordingly to ensure the loading area is clear of any obstructions and to ensure manoeuvrability of vehicles within the site.



6. Traffic Impacts

The RMS *Technical Direction TDT 2013/04a* provides traffic generation rates for factories based on surveys conducted during 2012. It recommends an hourly trip generation rate for Sydney based industrial estates of 0.52 vehicle trips per 100m² gross floor area during the AM peak period and 0.56 vehicle trips per 100m² gross floor area during the PM peak period. These rates are assumed to also account for ancillary commercial uses of industrial estates, and so when considering the total floor space of 4,411.12m², the development sought under the proposal is expected to generate the following traffic:

- 23 (18 in; 5 out) vehicle trips per hour during the AM peak period; and
- 25 (5 in; 20 out) vehicle trips per hour during the PM peak period.

The above volumes are higher than the results of traffic surveys carried out for the existing land use in Lots 8, 9 and 10 by *Traffic & Mobility Planning Consulting Pty Ltd* in November 2014. Those surveys established 7:00am -8:00am as the AM peak period and the PM peak period was established as 4:00pm-5:00pm. The results of those surveys identified the following trip generation for the existing site:

- 19 (19 in; 0 out) vehicle trips per hour during the AM peak period; and
- 9 (0 in; 9 out) vehicle trips per hour during the PM peak period.

The overall trip generation is expected to be maintained as per the survey results from November 2014 as the overall GFA of the development will not change as part of this Development Application and the land use of the development will continue to operate unchanged.

As the proposed development is not expected to alter traffic conditions on the existing network. The current road network will continue to accommodate the development traffic with no changes or upgrades required to support this application for uses that already exist.



7. Access & Internal Design Aspects

7.1 Access

A swept path analysis has been undertaken of the Erith Street access for the largest vehicle that will be accommodated on-site, being a 19.0 metre Articulated Vehicle. The results, presented in **Appendix C**, demonstrate that the proposed access width of 9.6 metres on Erith Street is sufficient for the 19m AV to enter and exit the site in a forward direction. It is also noteworthy that this width complies with the recommended minimum width requirement for an articulated vehicle under AS2890.2 (2002) for a major access driveway. No changes are required or proposed to the existing driveways onto Byrnes Street, which is considered acceptable. A 10.2m “No Parking, 7:00am – 6:00pm, Monday – Friday” restriction is proposed on the southern side of Erith Street, east of the existing access to provide unhindered access of 19m AV during the operating hours of Warehouse 2 & 3.

In addition, swept path analysis of the following intersections have been included in this TIA upon Council’s request. It is noteworthy that 19m AV currently access the existing site and several neighbouring developments:

- The intersection of Botany Road & Bay Street;
- The intersection of Bay Street & Byrnes Street,
- The intersection of Byrnes Street and Erith Street;
- The intersection of Hale Street & Underwood Avenue; and
- The intersection of Underwood Avenue & Bay Street

Furthermore, **Figure 5** overleaf demonstrates an aerial image from *nearmap.com* capturing a 19m AV utilising the local roads in the vicinity on Friday 21 November 2014.



Figure 5: Aerial image of intersection of Erith Street & Byrnes Street

7.2 Internal Design

The existing internal car park generally complies with the requirements of AS2890.1 (2004), AS2890.2 (2002) and AS2890.6 (2009), with the following characteristics considered noteworthy:

- ⑦ A minimum clear head height of 4.5m is to be provided within all areas traversed by service vehicles.
- ⑦ A minimum bay width of 3.5m is provided for all service bays, which can also accommodate the length of a 19.0 metre articulated vehicle.
- ⑦ All (proposed) angled parking spaces have been designed in accordance with User Class 1 requirements and provided with a minimum space length of 5.4m, minimum width of 2.5m and minimum aisle width of 5.8m.
- ⑦ All stacked parking spaces have been designed in accordance with User Class 1 requirements and provided with a minimum space length of 5.4m, minimum width of 2.5m.
- ⑦ All accessible parking spaces have been provided with a minimum space width of 2.4m and adjacent shared area of width 2.4m, in accordance with AS2890.6 (2009)



- ② All spaces located adjacent to obstructions of greater than 150mm in height are to be provided with an additional width of 300mm.

A swept path analysis has been undertaken as permissible under AS2890.2 and confirms the internal design. The swept path assessment is included in **Appendix C**.

In summary, the proposed amendments to the internal car parking arrangements generally comply with AS 2890.1 (2004), AS2890.2 (2002) and AS2890.6 (2009). It is however envisaged that a condition of consent would be imposed requiring compliance with these standards and as such any minor amendments considered necessary (if any) can be dealt with prior to the release of a Construction Certificate.



8. Conclusions

In summary:

- ➊ TRAFFIX has been commissioned by Con Micos Estate to undertake a Traffic Impact Assessment to accompany a development application in support for the continued use of an existing industrial development as three freight transport facilities, the manufacture of aluminium and glass windows and doors and a mechanical workshop.
- ➋ The provision of 53 on-site parking spaces is considered to provide sufficient off-street parking to accommodate the requirements of the existing and proposed use of the five (5) warehouse / freight operations at 9-15 Byrnes Street, Botany.
- ➌ Swept path analysis confirms the satisfactory access and egress of 19m AV to and from the existing site with a 10.2m “No Parking, 7:00am – 6:00pm, Monday – Friday” restriction is proposed on the southern side of Erith Street, east of the existing access to provide unhindered access of 19m AV during the operating hours of Warehouse 2 & 3
- ➍ The development, under full utilisation of the site, will generate 19-23 vehicle trips per hour during the AM peak period and 9-25 vehicle trips per hour during the PM peak period within current conditions. It is considered that there will be no net increase in traffic generation as the overall GFA of the development will be maintained. This is considered to have no effect on the surrounding road network, with continued minimal delays expected at all intersections as assessed, which currently operate at a Level of Service A.
- ➎ The existing access and parking arrangements will be unchanged and generally comply with the relevant sections of AS2890.1 (2004), AS2890.2 (2002) and AS2890.6 (2009). The proposed arrangements have also been assessed using AutoTrack, which confirms satisfactory operation.

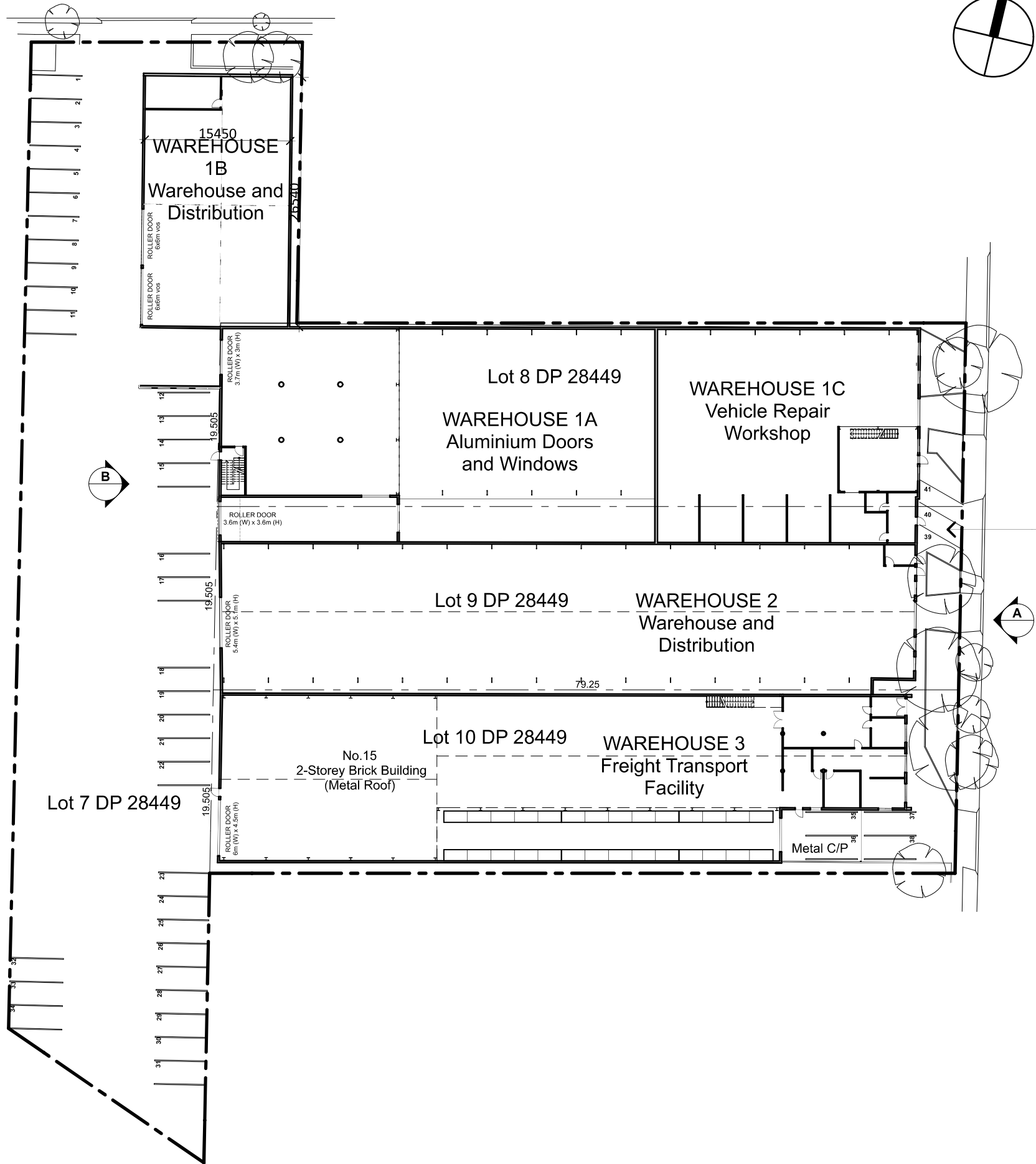
It is therefore concluded that the proposed development is supportable on traffic planning grounds and will operate satisfactorily.



Appendix A

Reduced Plans

erith street



byrnes street

3 PARKING SPACE

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Site Plan
1:500

REVISION		
No	DESCRIPTION	DATE



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project : Warehouse & Offices
9-15 Byrnes Street
Botany NSW 2019
Lot10 DP 28449

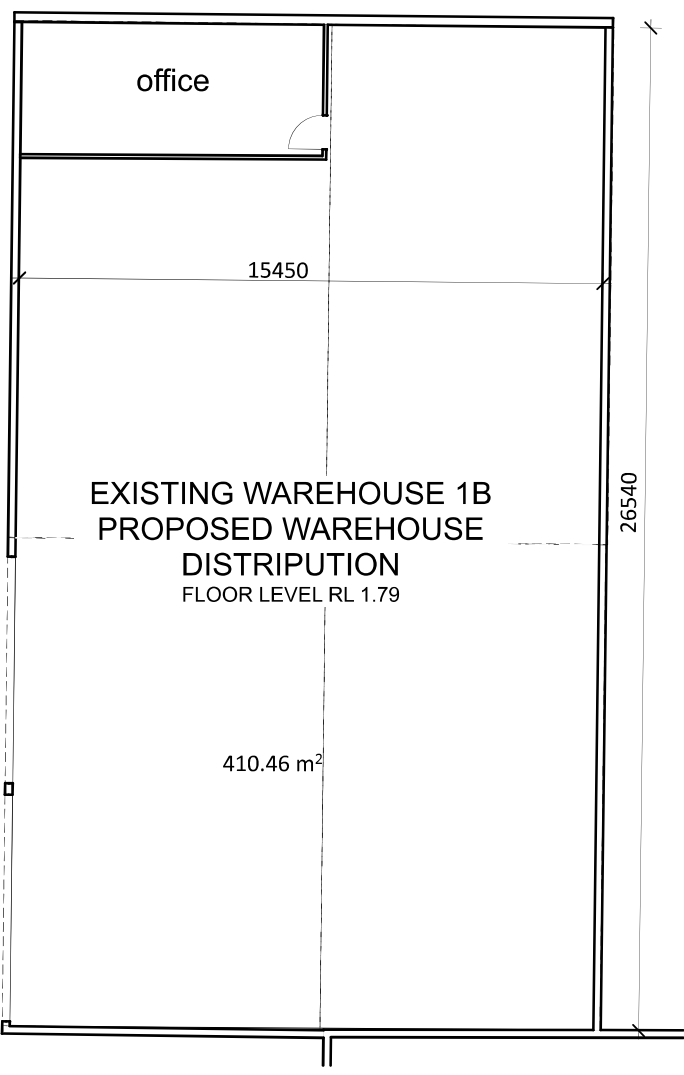
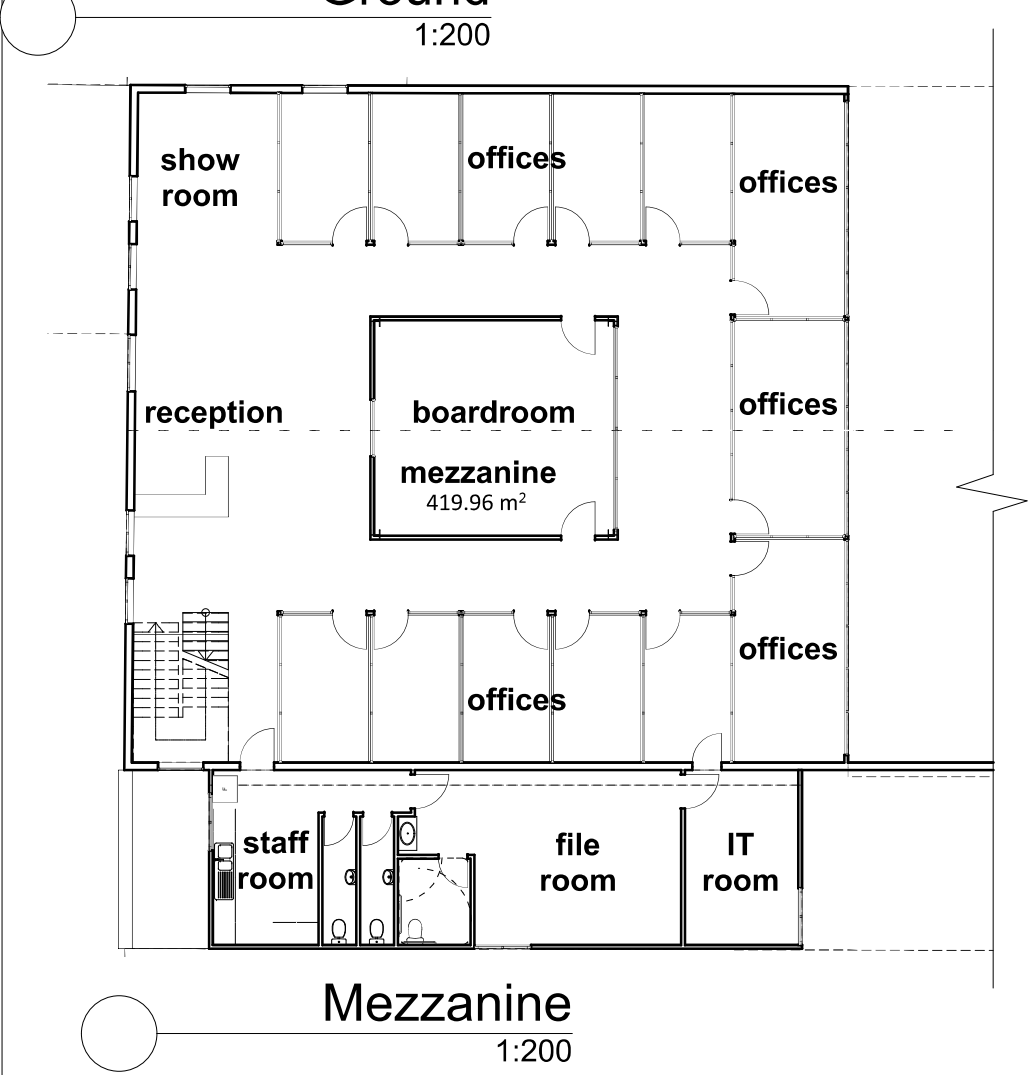
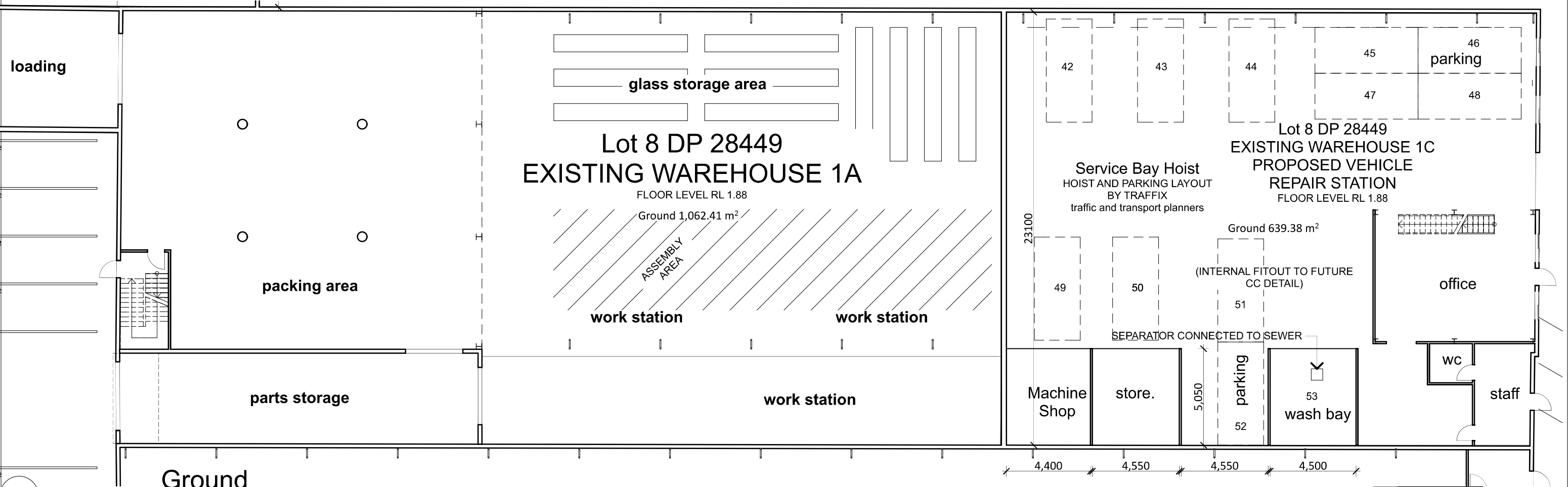
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job No. : 0673

drawing : DA01 Site Plan

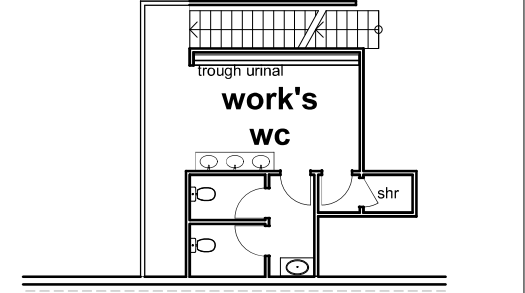
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date : 17/10/2016



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Mezzanine

1:200

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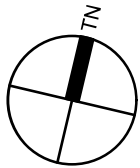
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job No. : 0673

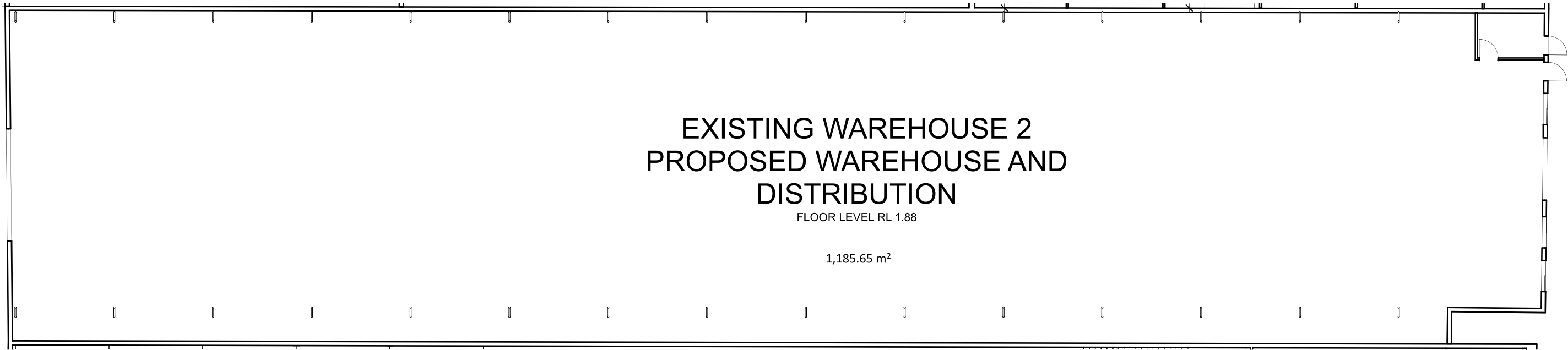
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1A, 1B, 1C

scale : 1 : 200 @ A3

date : 17/10/2016



REVISION		
No	DESCRIPTION	DATE



Ground
1:200

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Lot10 DP 28449

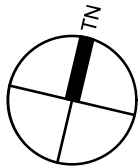
LGA : Botany Bay

job No. : 0673

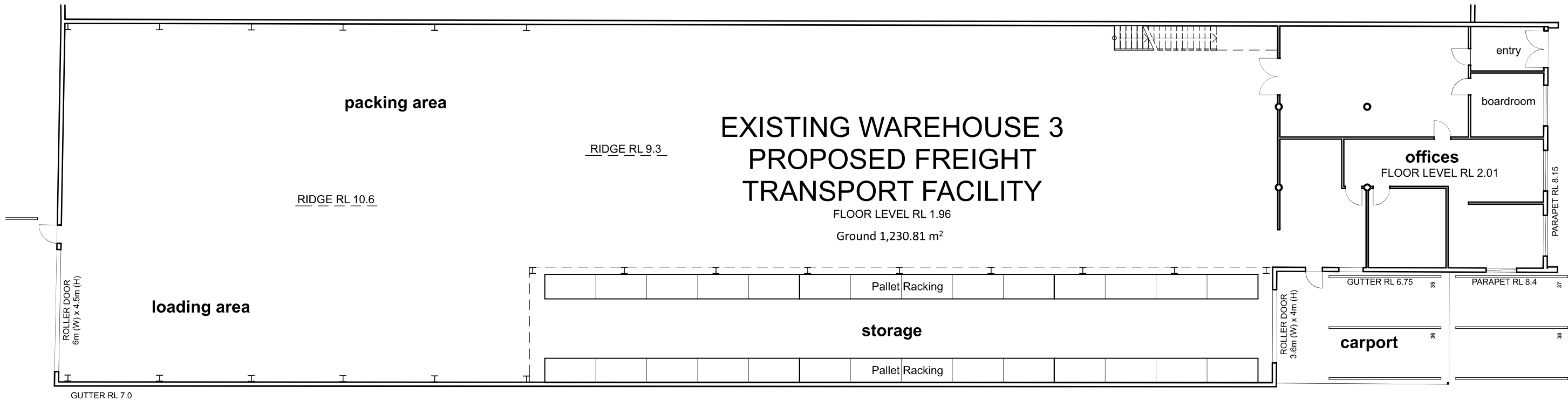
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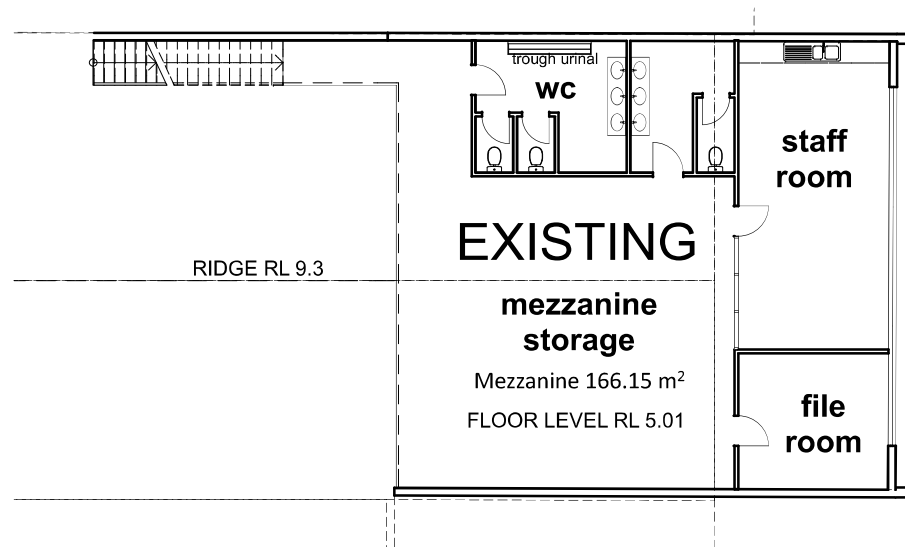
date : 17/10/2016



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No	DESCRIPTION	DATE



Ground
1:200



Mezzanine
1:200

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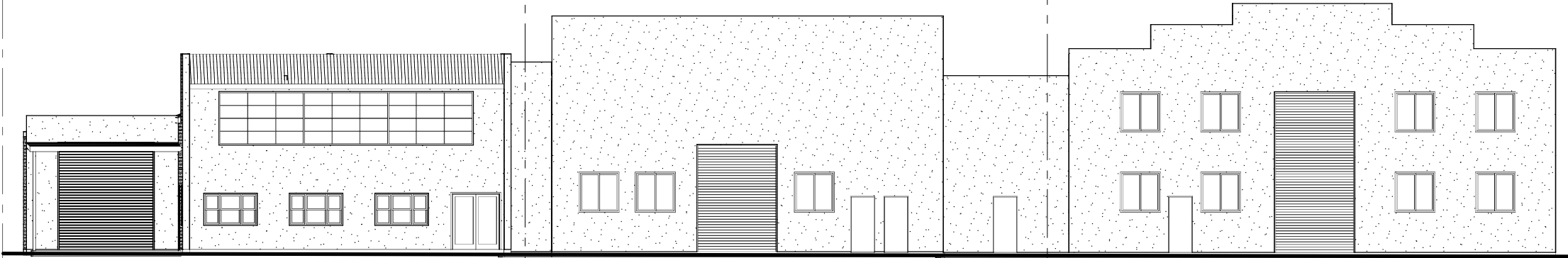
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project : Warehouse & Offices
9-15 Byrnes Street
Botany NSW 2019
Lot10 DP 28449
LGA : Botany Bay
job No. : 0673
drawing : DA04 Floor Plan Warehouse 3
scale : 1 : 200 @ A3
date : 17/10/2016

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No	DESCRIPTION	DATE

WAREHOUSE 3

WAREHOUSE 2

WAREHOUSE 1



Byrnes St Elevation
1:200

WAREHOUSE 1B

WAREHOUSE 1A

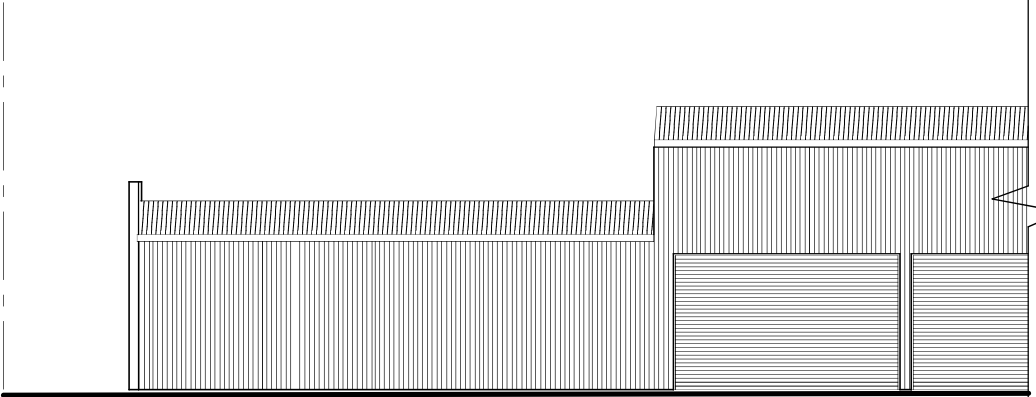
WAREHOUSE 2

WAREHOUSE 3



Rear Elevation
1:200

erith
street



Rear Elevation
1:200

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project :

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Botany NSW 2019
Lot10 DP 28449

LGA :

Botany Bay

job No. :

0673

drawing :

DA05 Overall Elevations

scale :

1 : 200 @ A3

date :

17/10/2016



Appendix B

SIDRA Results

Table 1 - Level of Service Criteria

Level of Service	Average Delay per Vehicle (secs/veh)	Signals & Roundabouts	Give Way & Stop Signs
A	less than 14	Good operation.	Good operation.
B	15 to 28	Good with acceptable delays & spare capacity.	Acceptable delays & Spare capacity.
C	29 to 42	Satisfactory.	Satisfactory, but accident study required.
D	43 to 56	Operating near capacity	Near capacity & accident study required.
E	57 to 70	At capacity; at signals, incidents will cause excessive delays. Roundabouts require other control mode.	At capacity, requires other control mode.
F	> 70	Extra capacity required.	Extreme delay, traffic signals or other major treatment required.

Adapted from RTA Guide to Traffic Generating Developments, 2002.

The existing weekday peak hour intersection operating conditions are presented in **Table 2**. Average delay is expressed in seconds per vehicle.

Table 2 - Existing Weekday Intersection Operating Conditions (AM Peak)

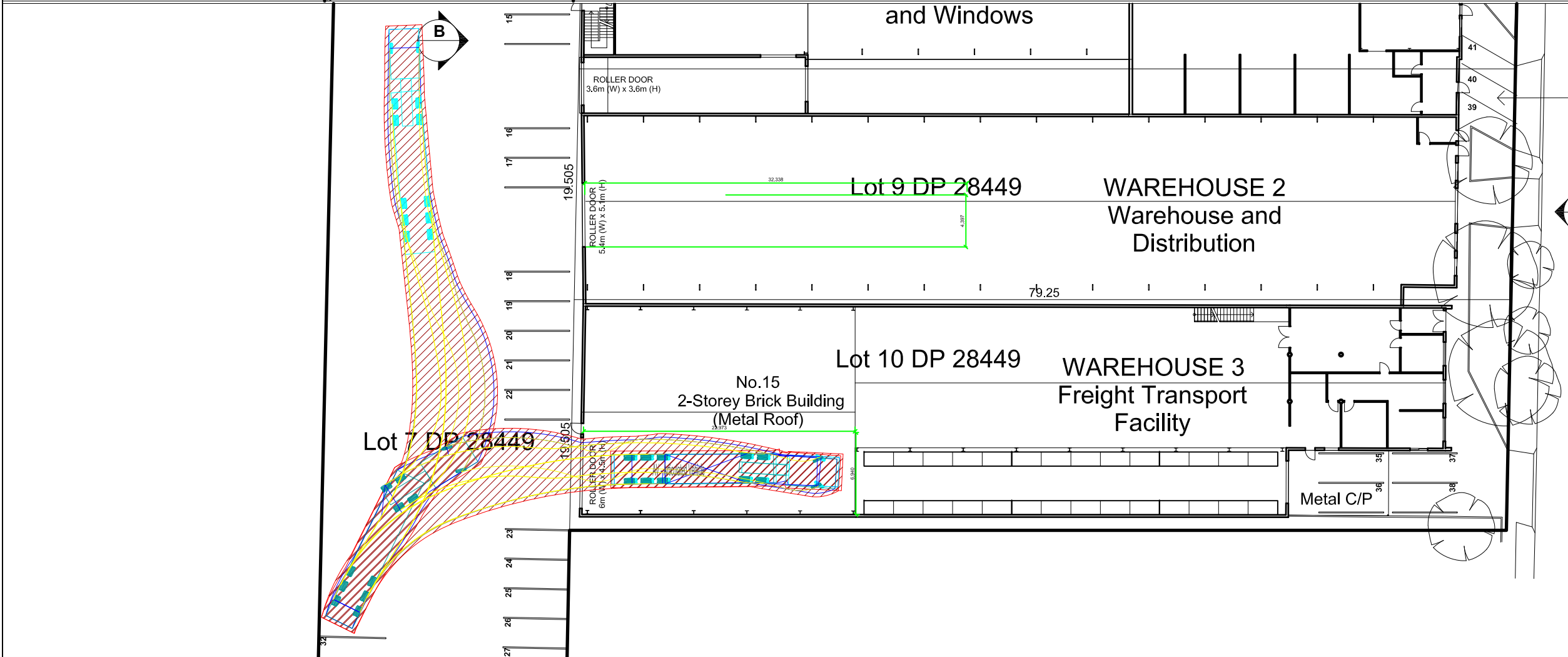
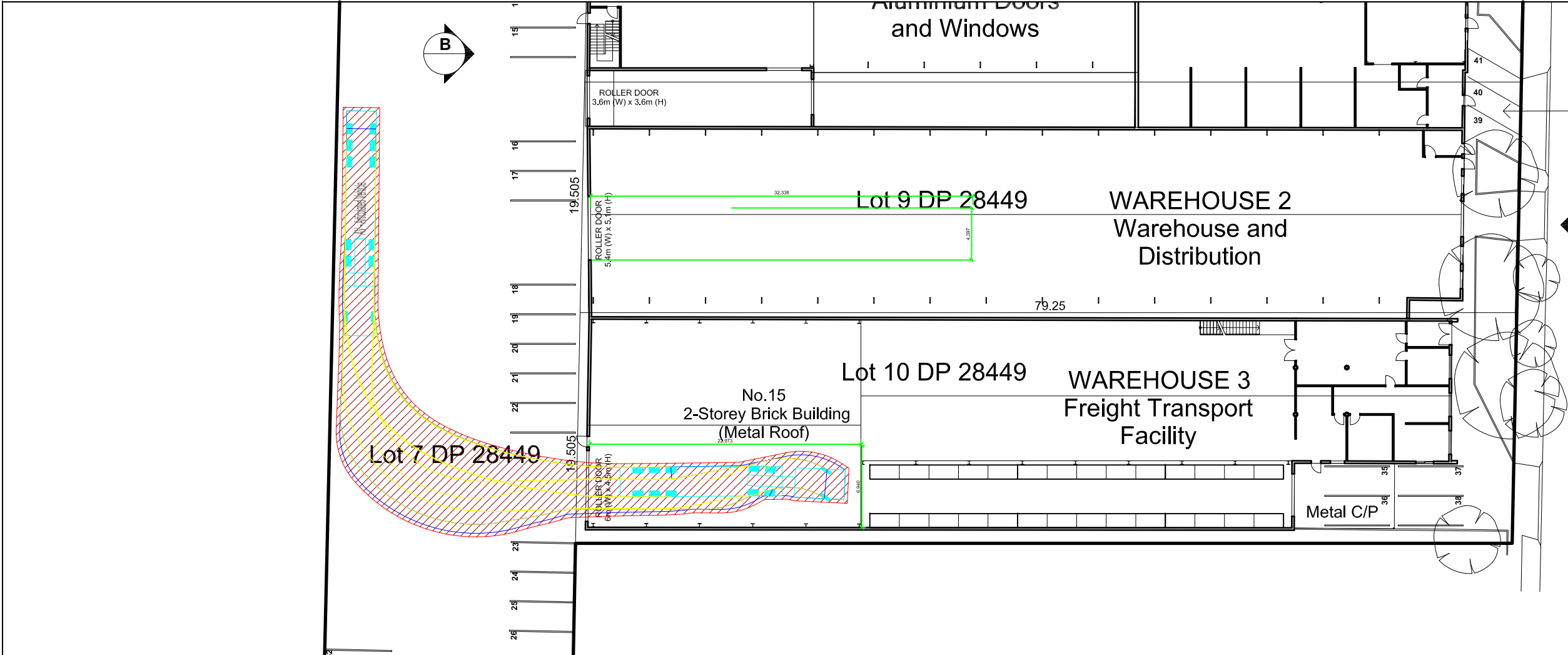
Intersection	Control	Morning Peak		Afternoon Peak	
		Ave Delay (s)	LoS	Ave Delay (s)	LoS
Byrnes St/Erith St	Give Way	5.5	A	5.8	A
Byrnes St/Bay St	Give Way	5.8	A	5.7	A
Erith St/ Driveway	Give Way	5.8	A	5.9	A
Bay St/Underwood Ave	Give Way	6.7	A	6.5	A

From Table 2 above, it can be seen that all surveyed intersections currently operate at a satisfactory level of service in both peak periods.



Appendix C

Swept Path Analysis



Notes

This drawing is prepared for information purposes only. It is not to be used for construction.

TRAFFIX is responsible for vehicle swept path diagrams and/or drawing mark-ups only. Base drawing prepared by others.

Vehicle swept path diagrams prepared using computer generated turning path software and associated CAD drawing platforms. Vehicle data based upon relevant Australian Standards (AS/NZS 2890.1-2004 *Parking facilities - Off-street car parking*, and/or AS 2890.2-2002 *Parking facilities - Off-street commercial vehicle facilities*). These standards embody a degree of tolerance, however the vehicle characteristics in these standards represent a suitable design vehicle and do not account for all variations in vehicle dimensions / specifications and/or driver ability or behaviour.

no. revision note

by. date

Swept Path Legend:

Wheel Path

Vehicle Body Envelope

Clearance Envelope (300mm)

architect

client

Solutions Zane Land Use Planning Services
822 Anzac Parade
Maroubra NSW 2035

scale

1:400 @ A3
0m 4 8 12 16

project

9-17 Byrnes Street, Botany

drawing prepared by


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Sunny Hills NSW 2010

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traffix
traffic & transport planners

drawing title

Swept Path Analysis - Access and Egress to Warehouse 3 with AV Design Vehicle

drawn: AK

checked:

date: 10-Oct-17

16.441

-

TX.02

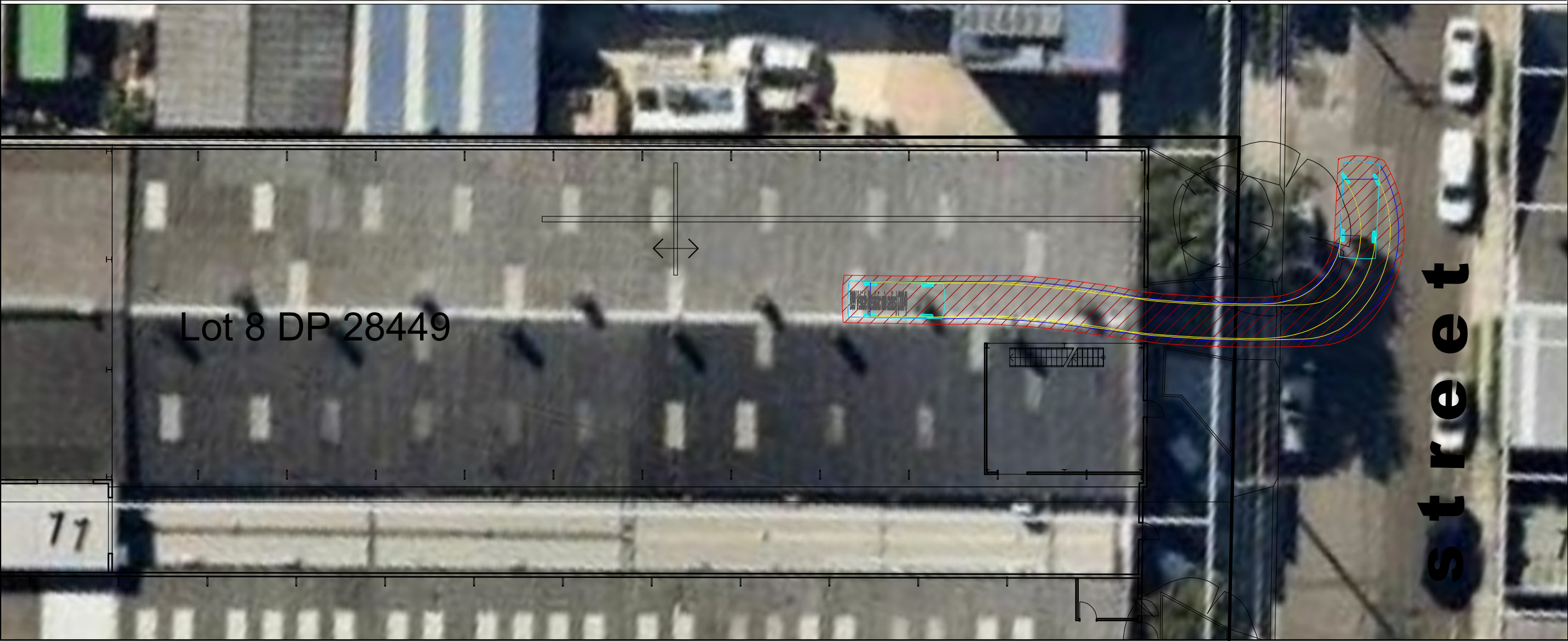
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project no.

drawing phase.

drawing no.

rev



Notes

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TRAFFIX is responsible for vehicle swept path diagrams and/or drawing mark-ups only. Base drawing prepared by others.

Vehicle swept path diagrams prepared using computer generated turning path software and associated CAD drawing platforms. Vehicle data based upon relevant Australian Standards (AS/NZS 2890.1-2004 *Parking facilities - Off-street car parking*, and/or AS 2890.2-2002 *Parking facilities - Off-street commercial vehicle facilities*). These standards embody a degree of tolerance, however the vehicle characteristics in these standards represent a suitable design vehicle and do not account for all variations in vehicle dimensions / specifications and/or driver ability or behaviour.

no.	revision	note	by.	date

Swept Path Legend:

Wheel Path

Vehicle Body Envelope

Clearance Envelope (300mm)

architect

client

Solutions Zane Land Use Planning Services
822 Anzac Parade
Maroubra NSW 2035

scale

1:250 @ A3

0m

2

4

6

8

project

9-17 Byrnes Street, Botany

drawing prepared by

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PO Box 1124
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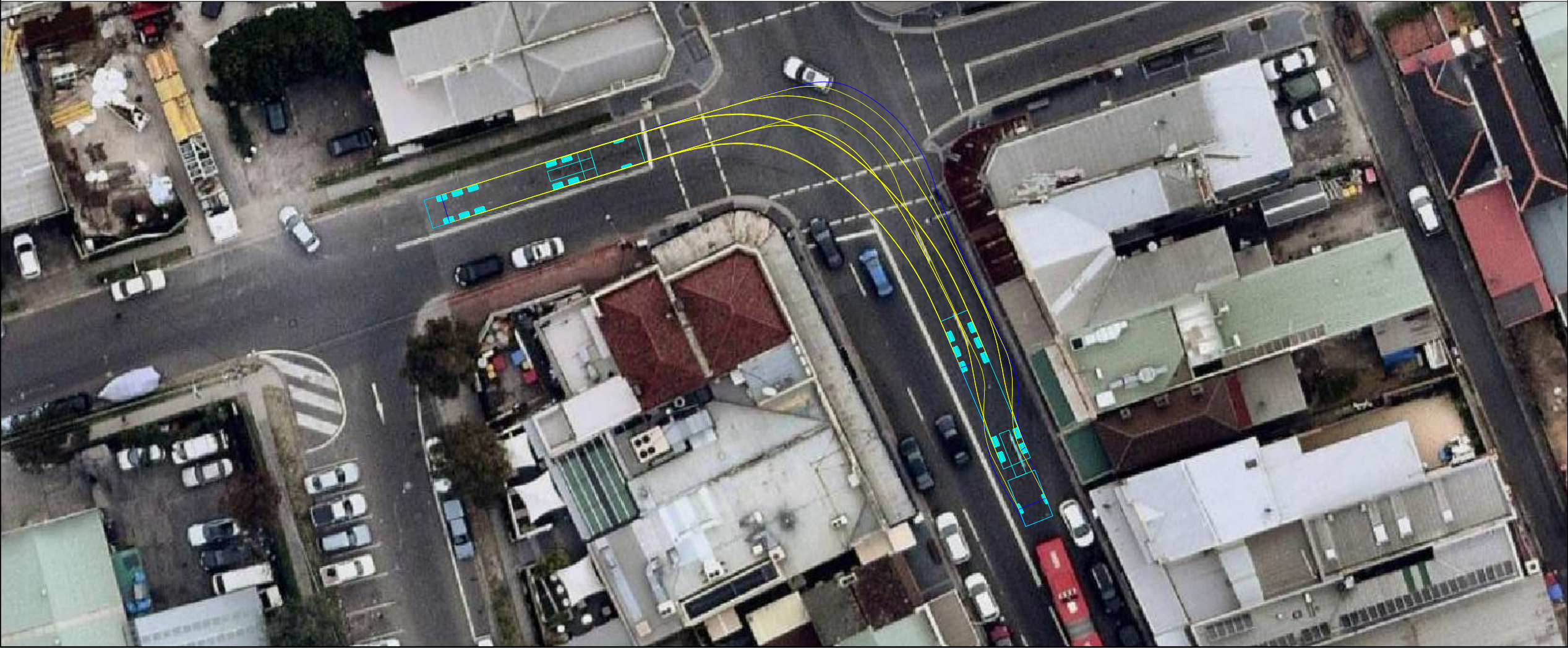
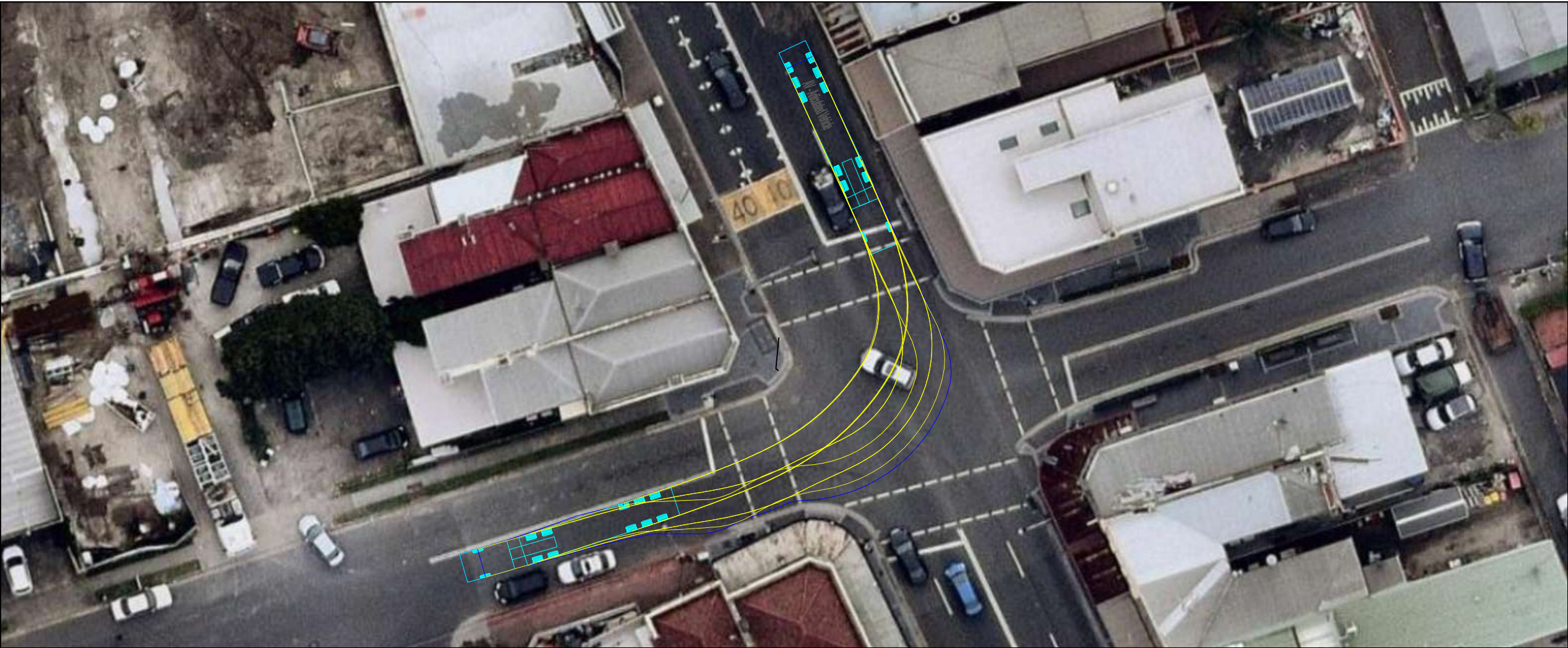
traffix

traffic & transport planners

drawing title

Swept Path Analysis - Access and Egress to Warehouse 1c with B99 Design Vehicle

drawn: AK	checked: -	date: 10-Oct-17	
16.441	-	TX.03	-
project no.	drawing phase.	drawing no.	rev



Notes

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no.	revision note	by.	date

Swept Path Legend:

Wheel Path

Vehicle Body Envelope

Clearance Envelope (300mm)

architect

client

Solutions Zane Land Use Planning Services
822 Anzac Parade
Maroubra NSW 2035

scale

1:400 @ A3

0m

4

8

12

16

project

9-17 Byrnes Street, Botany

drawing prepared by

TRAFFIX

traffic and transport planners

Suite 2.08, 50 Holt Street
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traffix

traffic & transport planners

drawing title

Swept Paths Analysis
19m AV Access & Egress
Intersection Botany Road & Bay Street

drawn: AK

checked: -

date: 10-10-2017

16.441

project no.

-

drawing phase.

TX.04

drawing no.

-

rev



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no. revision note

by. date

Swept Path Legend:

Wheel Path

Vehicle Body Envelope

Clearance Envelope (300mm)

architect

client

Solutions Zane Land Use Planning Services

822 Anzac Parade

Maroubra NSW 2035

scale

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project

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traffix

traffic & transport planners

drawing title

Swept Paths Analysis

19m AV Access & Egress

Intersection Bay Street & Byrnes Street

drawn: AK

checked: -

date: 10-10-2017

16.441

-

TX.05

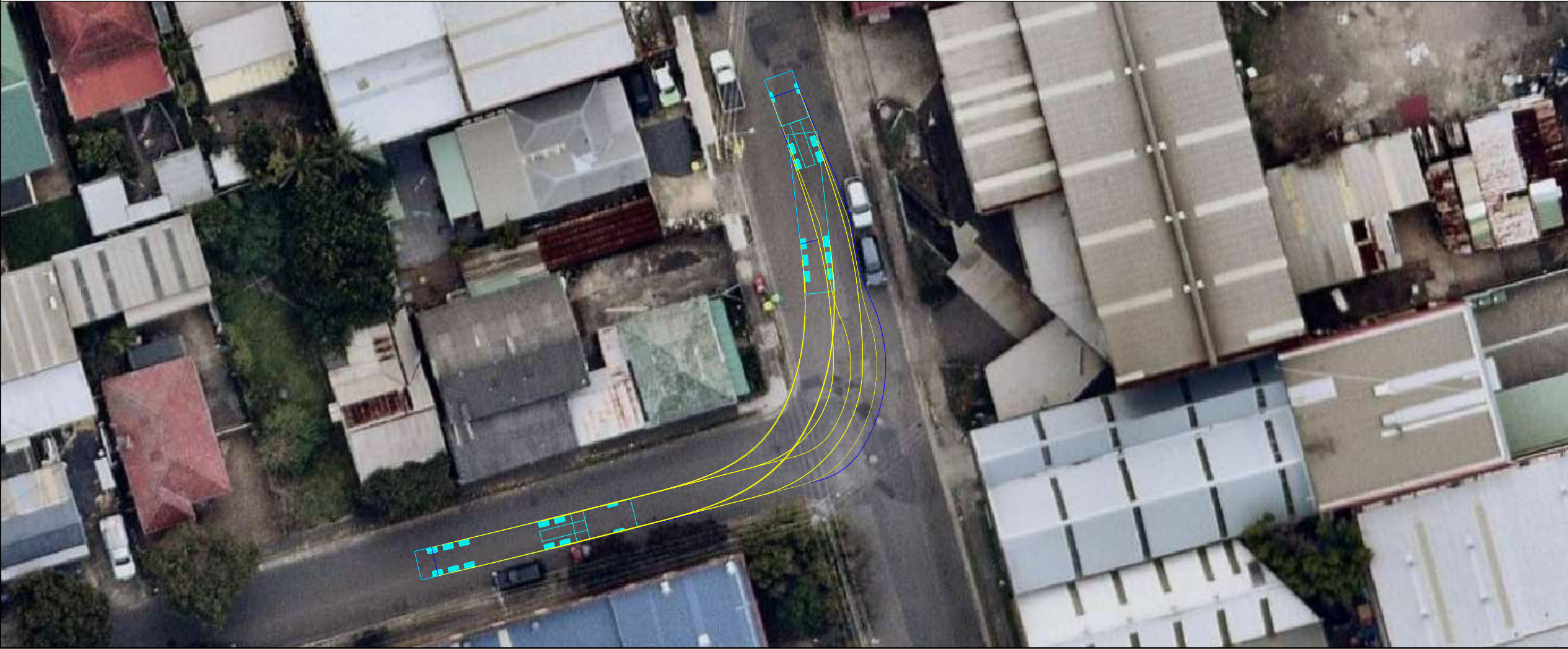
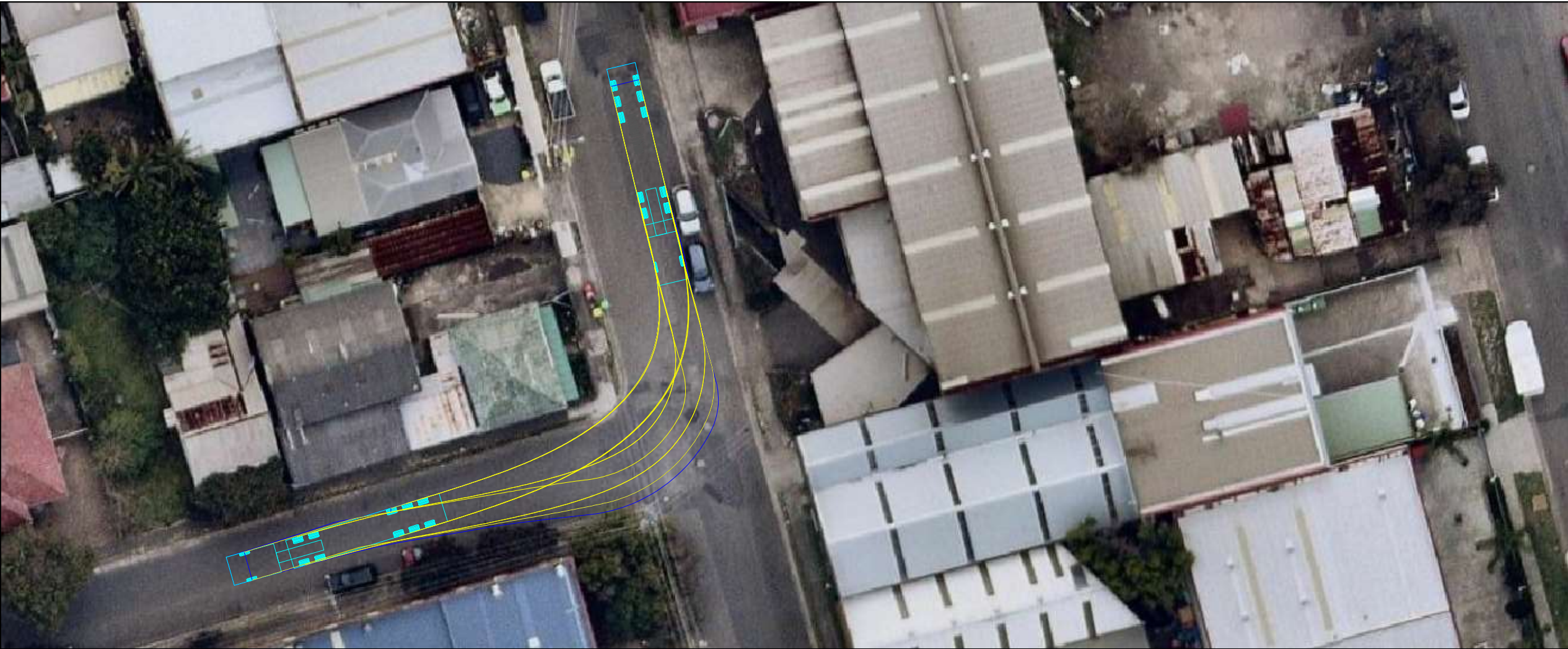
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project no.

drawing phase.

drawing no.

rev



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no.	revision note	by.	date

Swept Path Legend:

Wheel Path

Vehicle Body Envelope

Clearance Envelope (300mm)

architect

client

Solutions Zane Land Use Planning Services
822 Anzac Parade
Maroubra NSW 2035

scale

1:400 @ A3

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project

9-17 Byrnes Street, Botany

drawing prepared by

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traffic and transport planners

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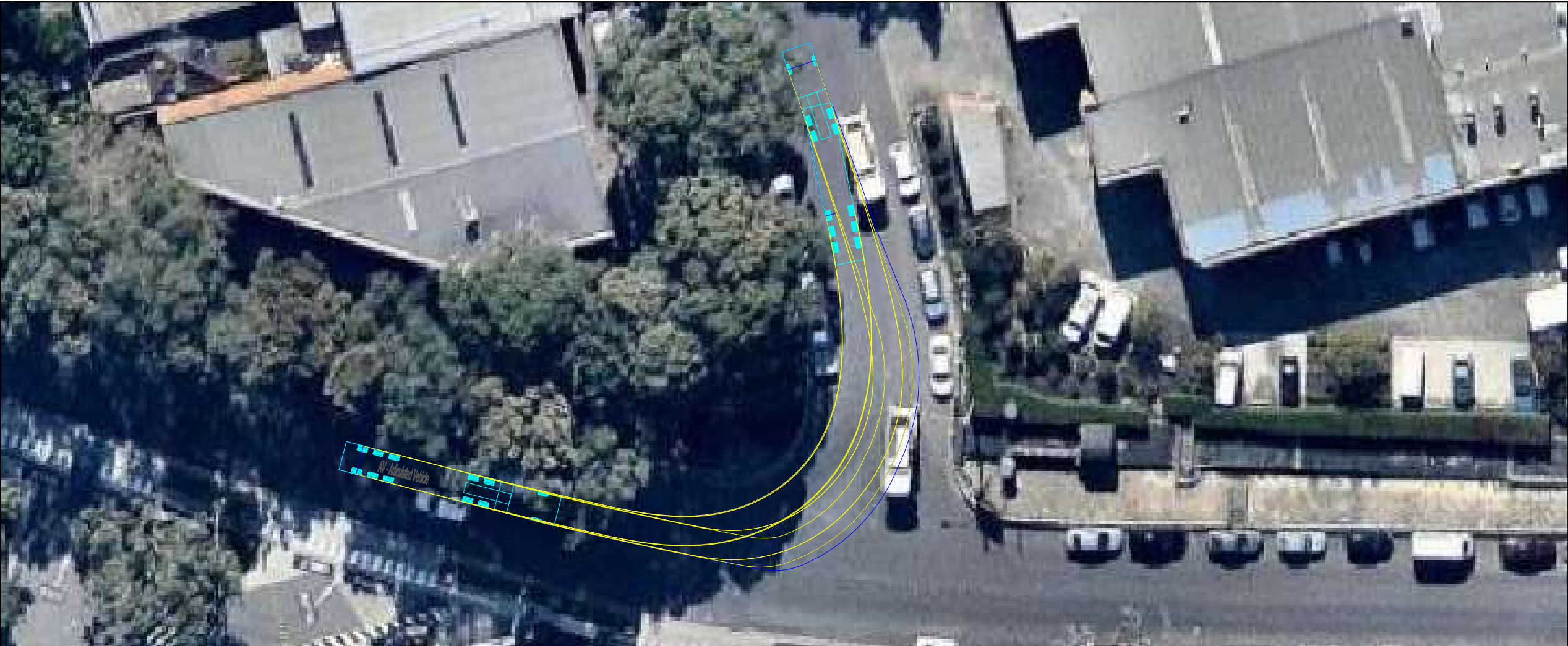
traffic & transport planners

drawing title

Swept Paths Analysis
19m AV Access & Egress
Intersection Byrnes Street & Erith Street

drawn: AK	checked: -	date: 10-10-2017
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16.441	-	TX.06	
project no.	drawing phase.	drawing no.	rev



Notes

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no. revision note

by. date

Swept Path Legend:

Wheel Path

Vehicle Body Envelope

Clearance Envelope (300mm)

architect

client

Solutions Zane Land Use Planning Services
822 Anzac Parade
Maroubra NSW 2035

scale

1:400 @ A3

0m481216

project

9-17 Byrnes Street, Botany

drawing prepared by

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traffic & transport planners

drawing title

Swept Paths Analysis
19m AV Access & Egress
Intersection Hale Street & Underwood Avenue

drawn: AK

checked: -

date: 18-10-2017

16.441

-

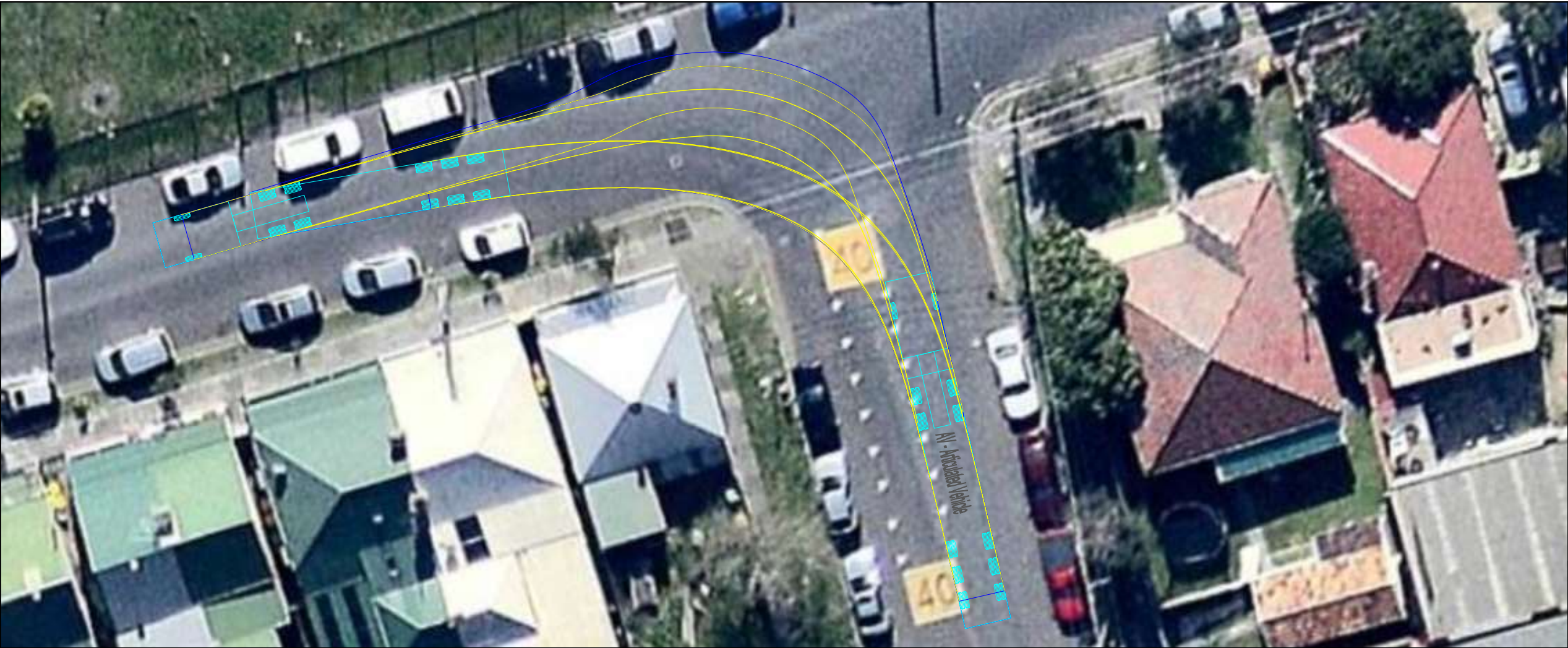
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project no.

drawing phase.

drawing no.

rev



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no. revision note

by. date

Swept Path Legend:

Wheel Path

Vehicle Body Envelope

Clearance Envelope (300mm)

architect

client

Solutions Zane Land Use Planning Services

822 Anzac Parade

Maroubra NSW 2035

scale

1:250 @ A3

0m

2

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6

8

project

9-17 Byrnes Street, Botany

drawing prepared by

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Surry Hills NSW 2010

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traffix

traffic & transport planners

drawing title

Swept Paths Analysis

19m AV Access & Egress

Intersection Underwood Avenue & Bay Street

drawn: AK

checked: -

date: 18-10-2017

16.441

-

TX.09

project no.

drawing phase.

drawing no.

rev

BAYSIDE COUNCIL

Delegated Planning Assessment Report

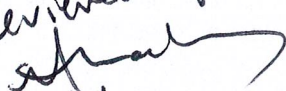
Application Details

Application Number:	DA-16(193)
Date of Receipt:	24 October 2016
Property:	9 Byrnes Street, Botany
Lot & DP/SP No:	Lot 7 -10 DP 28449
Owner:	Con Micos Estate Pty Limited
Applicant:	Solutions Zane (Land Use Planning Services)
Proposal:	Continued use of existing industrial premises for warehouse and distribution, use for the manufacture of aluminium glass doors and windows, use as a freight transport facility, and use as a vehicle repair station.
Property Location:	Across multiple parcels surrounding the southwest corner of the intersection of Byrnes Street and Erith Street (Lot 1 DP 596566 is excluded)
Value:	\$40,000
Zoning:	IN1 General Industrial zone
	State Environmental Planning Policy (Three Ports) 2013
Author:	Brendon Clendenning, Acting Team Leader, Development Services
Date of Report:	13 July 2017
Classification of Building:	Class 8
Present Use:	As proposed
No. of submissions:	Nil
Author's initials on clearance	Under delegated authority, the abovementioned application is hereby refused in accordance with the recommendation.

BR
13/7/17


.....
Luis Melim

MANAGER - DEVELOPMENT SERVICES

Reviewed by

7/8/17

Key Issues

Council received Development Application No. DA-16(193) on 24 October 2016 seeking consent for continued use of existing industrial premises for warehouse and distribution, use for the manufacture of aluminium glass doors and windows, use as a freight transport facility, and use as a vehicle repair station.

The key issues with this application relate to traffic and parking.

The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979 and is recommended for refusal, for reasons outlined within this report.

Application History

A Request for Information (RFI) was sent to the applicant on 9 March 2017. The following excerpt from the RFI outlines the concerns that were raised:

(1) The applicant needs to show the swept paths of the 19m HGV turning around within the site and the locations of all the car park spaces on the same scaled plan to demonstrate feasibility of the operation of the proposed development within the site;

(2) Swept paths of the same to show two way 19m HGV movements to and from the main access driveway to gain access onto the main road.

Additional information was provided, and the following feedback was provided to the applicant on 17 May 2017:

- The swept path analysis depicting entry to the site does not show that the 19m HGV could turn around within the site without impacting on the car parking area, particularly those spaces opposite Warehouse 1B. Furthermore, the swept path shows that site access for 19m HGV to and from Erith Street would require mounting of the kerb, interfering with vegetation, and/or interfering with vehicles parked on the southern side of Erith Street – noting that vehicles are able to park forward of the truck shown on the aerial image submitted with the swept path analysis.*
- It is unlikely that the space within the warehouses will be reserved to enable vehicles to turn. For instance, the swept path shown within Warehouse 2 is unlikely to be carried out on site, and it is more likely that the parking areas will be underutilised to facilitate the turning of vehicles.*

The following table summarises the history of the application and recent applications at the site:

Date	Progress of Development
27 July 2016	DA-14/274, DA-14/275 and DA-14/276, seeking approval for similar uses, are withdrawn, given issues relating to traffic and parking. The uses at the site continue to operate without approval. The applicant was advised that a single application should be lodged at the site given that vehicle movements - for delivery vehicles as well as staff parking - are carried out across multiple lots.
24 October 2016	Subject application lodged with Council.
9 March 2017	Initial request for information sent to applicant, which required the information to be submitted by 31 March 2017

The following Environmental Planning Instruments are relevant to this application:

- State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land
- State Environmental Planning Policy (Three Ports) 2013

As discussed within the Application History, the applicant has not provided necessary information. As such, the application is recommended for refusal.

A summary of the issues of concern is provided below.

Traffic and Parking:

One of the proposed uses on site (freight forwarding) requires that 19m heavy goods vehicles (HGVs) access the site. The applicant has not been able to demonstrate that this can be accommodated without either interfering with on-site parking, interfering with traffic movements within Erith Street, or interfering with vegetation, vehicles, or the kerb on the southern side of Erith Street.

It is noted that the other proposed uses may not require the use of 19m HGVs; however given that vehicle movements – for delivery vehicles as well as staff parking – are carried out across multiple lots, the applicant was previously advised that a single application should be lodged at the site.

S.79C(1)(a)(iv) - Provisions of regulations

Clause 92 of the Regulation has been considered and there are no applicable provisions to the development.

S.79C(1)(b) - Likely Impacts of Development

As discussed earlier in the report, the proposed development would generate undue adverse impacts within the locality, and insufficient information has been submitted with the development application to enable a complete assessment of the proposal. The development as proposed cannot be supported, given these impacts.

S.79C(1)(c) - Suitability of the site

The subject site is not known to be affected by any natural hazards or other site constraints that are likely to have a significant adverse impact on the proposed development. However, for reasons outlined elsewhere within this report, the site is not considered to be suitable for the proposed development.

S.79C(1)(d) - Public Submissions

In accordance with Council's Development Control Plan 2013, the development application underwent public exhibition for a fourteen (14) day period from 9 November 2016 to 23 November 2016. No submissions were received.

S.79C(1)(e) - Public interest

Insufficient information has been submitted with the development application, and the granting of approval to the development would be contrary to the public interest.

Conclusion

Development Application No. 16/193, seeking the continued use of existing industrial premises for warehouse and distribution, use for the manufacture of aluminium glass doors and windows, use as a freight transport facility, and use as a vehicle repair station, at 9 Byrnes Street, Botany, has been assessed in accordance with Section 79C of the *Environmental Planning and Assessment Act 1979* and is recommended for refusal, for the reasons listed below.

Attachment

Schedule 1 – Reasons for Refusal

Premises: 9 Byrnes Street, Botany

DA No: 16/193

1. The proposal fails to satisfy the following provisions of *State Environmental Planning Policy (Three Ports) 2013*:
 - a) The proposal fails to satisfy the objectives of the IN1 General Industrial zone, namely it has not been demonstrated that the proposal minimises any adverse effect of industry on other land uses, in relation to traffic movements, and inadequate parking.
2. The proposal will result in adverse environmental and social impacts in the locality.
3. The proposed development is not suitable in the context of the site and locality.
4. The proposed development is contrary to the public interest.