
Bayside Planning Panel

14/12/2017

Item No	6.4
Application Type	Development Assessment- Alterations to Mixed Use Development
Application Number	DA-2017/1166
Lodgement Date	22 September 2017
Property	42 Church Avenue, Mascot Lot 1 in DP 376752 Lot 3 in DP 376752 Lot 21 in DP1014063
Owner	Karimbla Properties (No. 45) Pty Ltd
Applicant	Karimbla Constructions Services (NSW) Pty Ltd
Proposal	Alterations to the approved building by deleting the childcare centre and replacement with 29 additional apartments
No. of Submissions	Five objections
Cost of Development	N/A
Report by	Angela Lazaridis- Senior Development Assessment Officer

Officer Recommendation

- 1 That the Bayside Planning Panel is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3) of Botany Bay Local Environmental Plan 2013 and that the proposed development is in the public interest as it is consistent with the objective of the FSR and the objectives for the B4 Mixed use zone.
 - 2 That Development Application No. 2017/1166 for alterations to the approved building by deleting the childcare centre and replacement with 29 additional apartments at 42 Church Avenue, Mascot, be APPROVED pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the conditions attached to this report.
 - 3 That any objectors be advised of the determination made by the Bayside Planning Panel.
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Attachments

- 1 Planning Assessment Report
- 2 Clause 4.6 Variation- FSR
- 3 GFA Calculation
- 4 Site Plan
- 5 North Elevation

- 6 South Elevation
 - 7 West Elevation
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Location Plan



Figure 1: Locality Plan

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	2017/1166
Date of Receipt:	22 September 2017
Property:	42 Church Avenue, Mascot Lot 1 in DP 376752 Lot 3 in DP 376752 Lot 21 in DP1014063
Owners:	Karimbla Properties (No. 45) Pty Ltd
Applicant:	Karimbla Constructions Services (NSW) Pty Ltd
Proposal:	Alterations to the approved building by deleting the childcare centre and replacement with 29 additional apartments
Recommendation:	Approve the development, subject to conditions.
Value:	\$2,858,966.00
No. of submissions:	Five objections
Author:	Angela Lazaridis, Senior Development Assessment Planner
Date of Report:	27 November 2017

Key Issues

Bayside Council received Development Application No. 2017/1166 on 22 September 2017 seeking consent for alterations to the approved building by deleting the childcare centre and replacement with 29 additional apartments at 42 Church Avenue, Mascot.

The application was placed on public exhibition for a fourteen (14) day period from 31 October to 14 November 2017. Five objections were received.

Key issues in the assessment of the development application include FSR, solar amenity and unit mix. The FSR proposed is 3.41:1 which is greater than the approved development at 3.32:1. The additional GFA is 1,084sqm within the development and this is a result of the additional units and the additional car parking spaces. A clause 4.6 variation has been provided within the development and this has been assessed in the report below.

The additional units also contribute to a non-compliance with the solar amenity requirements within the ADG. This is a reduction in the approved percentage of 71%. The proposal will have an overall 67% solar amenity rate for the apartments as a whole. Additionally, the number of units that do not receive any sunlight has increased from 13% as approved to 17%. This does not comply with the maximum requirement of 15%. This is a result of a number of the new units have a single southern orientation.

In regards to the unit mix, the number of one bedroom units that were approved was at 27% which was a non-compliance to the maximum one bedroom unit requirement of 25% within the BBDCP 2013. The proposal will have 31% one bedroom units. Due to the location,

surrounding infrastructure and uses and the market demand, the minor addition to one bedroom units acceptable.

The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979 (EPA Act) and is recommended for approval, subject to conditions of consent.

Recommendation

It is RECOMMENDED that Council, resolve:

1. That the Bayside Planning Panel is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3) of Botany Bay Local Environmental Plan 2013 and that the proposed development is in the public interest as it is consistent with the objective of the FSR and the objectives for the B4 Mixed use zone.
2. That Development Application No. 2017/1166 for alterations to the approved building by deleting the childcare centre and replacement with 29 additional apartments at 42 Church Avenue, Mascot, be APPROVED pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the conditions attached to this report; and
3. That any objectors be advised of the determination made by the Bayside Planning Panel.

Background

History

Development Application No. 16/150 was approved by the Sydney Central Planning Panel on 20 July 2017 for the construction of a mixed use development incorporating a 4 storey podium with four x 14 storey towers containing residential units, retail space, childcare centre, private recreation facilities, basement and above ground 'sleeved' car parking and 36,819sqm of gross floor area; landscaping and dedication of land along the Church Avenue frontage; construction of southern half of a new east-west street along the northern alignment of the site; landscaping and dedication of a new public park, associated excavation, earthworks and landscaping and land subdivision. The subdivision of the site involves three new lots which include the development site, Church Avenue street widening will be a separate lot and Galloway Street to the north and the public park to be dedicated to Council will be another lot.

The childcare centre was approved with a GFA of 558sqm indoor space and 686sqm of outdoor space. The site was approved with 514 car parking spaces which were allocated to residential, visitors, retail and for the childcare centre. One wash bay was approved on the site.

Section 96(1A) Application was lodged with Council for the modification of 101(c) to allow for the extension of construction hours. This application is currently under assessment.

Proposal

The proposed development seeks consent for alterations to the approved building by deleting the childcare centre and 75 car parking spaces and replacement with 29 additional apartments.

Built Form

The built form of the approved development does not alter, with the exception of the setbacks on Level 4 in Building D, as the alterations are contained within the existing approved building footprint. The new units are located predominantly along the southern side of Levels 1 to 3, by replacing a number of approved car parking spaces and on Level 4 replacing the childcare centre. The car parking levels have been slightly reconfigured to accommodate the additional units. There is no change to the height of the development and the orientation of the site.

Apartment Mix

A breakdown of the apartment mix which incorporates the additional units with the approved units is as follows:

115 x 1 bedroom units: 31%

177 x 2 bedroom units: 48%

77 x 3 bedroom units: 21%

Child Care Centre

The applicant is seeking to remove the approved child care centre which is located on level 4 of Building D. The controls relating to the site and the Mascot Station Precinct did not require the site to provide a child care centre and was originally included within DA-16/150. Discussion with the applicant revealed that market conditions had changed since originally considering the proposal and that the offering of leases or expression of interests to purchase the child care centres has reduced. There are several child care centres located within the Mascot Station Precinct with one of the closest ones located at 19-33 Kent Road Mascot.

Key Controls

The key controls that were approved in DA-16/150 and the current application that are relevant to the proposal are provided below:

Control	Required	Approved DA (DA-16/150- based on 340 units)	Subject DA (based on 29 additional units and a total of 369 units)	Complies (yes/no)
Site Area	-	Site Area: 11,104sqm Land dedication: 2,945sqm (roads and park) Site Area (minus land dedication): 8,159sqm	Same as previous application	N/A
SEPP 65 - ADG				
Car Parking (ADG / RTA Guide to Traffic Generating Dev.)	<u>Residential</u> 0.6 space x 115 1 bed unit = 69 0.9 space x 177 2 bed unit = 160	<u>Residential</u> 1 bed units: 90 spaces 2 bed units: 173 spaces		

Control	Required	Approved DA (DA-16/150- based on 340 units)	Subject DA (based on 29 additional units and a total of 369 units)	Complies (yes/no)
	1.4 space x 77 3 bed unit = 108 Sub-total: 337 1 visitor space / 7 dwellings = 53 Total Residential: 390 <u>Retail</u> 1/25sqm (20 req.) <u>Child care centre</u> 1/2 employees (8 req.) 1/5 children (17.2 req.) 1/20 children drop off/pick up (4.3 req.) Sub-total: 29.5 <u>Service Bays</u> 1 loading dock for residential is desirable 1 car wash bay Total required: 411 (excluding service vehicle requirements)	3 bed units: 149 spaces Sub-total: 412 Visitor spaces: 49 Total Residential: 461 <u>Retail</u> 20 spaces <u>Child Care Centre</u> 29 spaces <u>Service Bays</u> Service Bay: 1 Total provided: 514 spaces (not including service vehicles)	<u>Car Parking Proposed:</u> Residential: 418 Retail: 20 spaces Car wash: 1 Total provided: 439 car spaces	Yes
Dwelling Size	Minimum internal areas as follows: 1 bed unit: 50sqm 2 bed unit: 70sqm 3 bed unit: 90sqm	1 bed units: 53 – 68sqm 2 bed units: 81 – 91sqm 3 bed units: 101 – 120sqm	Assessment of the 29 additional units only: 1 bed units: 53.3sqm – 59.1sqm 2 bed units: 82.9sqm – 83.1sqm 3 bed units: 106sqm - 107.4sqm	Yes Yes Yes
Ceiling Height	Habitable Rooms: 2.7m Non-habitable: 2.4m Mixed Use: 3.3m for ground and first floor	Habitable rooms: 2.7m Non-habitable rooms: 2.4m Mixed Use (GF): 3.3m (min.) Mixed Use (FF): 2.7m	No change in the ceiling heights. Comply with 2.7 metres	N/A

Control	Required	Approved DA (DA-16/150- based on 340 units)	Subject DA (based on 29 additional units and a total of 369 units)	Complies (yes/no)
Deep Soil	Objective 3E-1 requires 7% of the site (for sites over 1,500sqm) as deep soil area with min. dimensions of 6m	2,124sqm (19%) (park incl. within calculation) 475sqm (4.3%) (park excl. from calculation)	No change in the deep soil	N/A
Communal Open Space	25% of site (2,039.75sqm)	2,836sqm (25.5%) (park incl. within calculation) 1,473.5sqm (13.3%) (park excl. from calculation)	Additional 331sqm of COS on Level 4 3,167sqm (28.5%) (park incl. within calculation) 1,804.5sqm (16.25%)	Yes
Solar Access	50% direct sunlight to the principal usable part of the COS for a minimum of 2 hours during mid-winter Note: Part 4C requires that COS receives 3 hours in winter.	More than 50% of COS receives greater than 2 hours of sun. Podium level: 3 hours min.	There is no change to COS as the amended built form will receive the minimum 2 hours to 50% of the COS.	N/A
	Living rooms and POS for at least 70% of apartments (and in neighbouring development) to achieve 2 hours between 9am and 3pm	71% of apartments receive sunlight 13% of apartments don't receive sunlight Neighbouring property-communal open space receives 2 hours	247/369 units will receive 2 hours minimum. This equals to 67%. The number of units that do not receive direct sunlight is 64 units 17%. There is no change to the overshadowing impact on the neighbouring properties as the bulk of the approved development has not altered.	No – Refer to Note 1
Natural Ventilation	Apartments within the first 9 storeys of the development are to comply with a	123/206 units (60%)	131/235 units (56%)	No – Refer to Note 2

Control	Required	Approved DA (DA-16/150- based on 340 units)	Subject DA (based on 29 additional units and a total of 369 units)	Complies (yes/no)
	minimum of 60% cross ventilation			
Building Depth	Use a range of appropriate maximum apartment depths of 12-18 metres	Variety of depths ranging from 21-23 metres	There is no change to the building depth as it has been approved previously	N/A
Building Separation	<p><u>Up to 4 storeys (approx. 12m):</u> 3m from non-habitable rooms to site boundary 6m from habitable rooms/balconies to site boundary</p>	<p><u>Podium levels (setbacks to boundaries)</u> Building A: Eastern boundary: Nil Western boundary: 3m Northern boundary: 3m Southern boundary: -</p> <p>Building B: Eastern boundary: Nil Western boundary: - Northern boundary: - Southern boundary: 3m</p> <p>Building C: Eastern boundary: - Western boundary: 3m Northern boundary: - Southern boundary: 3m</p> <p>Building D: Eastern boundary: 3m Western boundary: 3m Northern boundary: 3m Southern boundary: -</p>	<p>The built form has not changed from its approval.</p> <p>The additional units will be located on Levels 1 to 3 along the southern side of the building predominantly under Building C and partially under Building B. The southern setback off Church Avenue continues to be 3 metres. Church Avenue continues to separate the subject site from 8 Bourke Street to the south of the site.</p>	N/A
	<p><u>Five to eight storeys (25m):</u> 4.5m from non-habitable rooms to site boundary 9m from habitable rooms/balconies to site boundary</p>	<p><u>Levels 5-8 (setbacks to boundaries)</u> Building A: Eastern boundary: 2-3m Western boundary: 2-3m Northern boundary: 5-6m</p>	<p>There has been a slight change in the setbacks of Level 4 in Building D. The proposed modification involves the following modifications:</p> <p>Northern setback: 6.3m</p>	Yes

Control	Required	Approved DA (DA-16/150- based on 340 units)	Subject DA (based on 29 additional units and a total of 369 units)	Complies (yes/no)
		<p>Southern boundary: 18m</p> <p>Building B: Eastern boundary: 2-3m Western boundary: 12m Northern boundary: 18m Southern boundary: 5-6m</p> <p>Building C: Eastern boundary: 12m Western boundary: 6m Northern boundary: 18m Southern boundary: 5-6m</p> <p>Building D: Eastern boundary: 3m Western boundary: 12m Northern boundary: 5-6m Southern boundary: 18m</p>	<p>Southern setback (to Building C): 24m Eastern setback: 3m Western setback: 13.2m</p> <p>The northern and eastern sides continue to front the new park and Galloway Street.</p> <p>There is no changes proposed to the setbacks and building separation for Levels 5 and above.</p>	
Balcony Sizes	<p>1 bed: 8sqm 2 bed: 10sqm 3+ bed: 12sqm Ground Floor: 15sqm</p>	<p>1 bed: 8-52sqm 2 bed: 10-50sqm 3 bed: 12-153sqm Ground Floor: 24-100sqm</p>	<p>Assessment of the 29 additional units only: 1 bed: 10.2sqm-66.37sqm 2 bed: 24.3sqm 3 bed: 31.3sqm-115.69sqm No ground floor units proposed</p>	<p>Yes Yes Yes</p>
Storage	<p>1 bed: 6m³ 2 bed: 8m³ 3+ bed: 10m³ 50% of the storage area is to be contained in the unit</p>	<p>1 bed: 6sqm min. 2 bed: 8sqm min. 3+ bed: 10sqm min. 50% of the storage area is contained in unit</p>	<p>Each new unit contains storage within the unit and within the car parking levels.</p>	<p>Yes – Refer to Note 4</p>

Control	Required	Approved DA (DA-16/150- based on 340 units)	Subject DA (based on 29 additional units and a total of 369 units)	Complies (yes/no)
BBLEP 2013				
Zone	B4	Mixed Use (Residential Flat Building, Commercial tenancies and Child Care Centre)	No change	N/A
FSR	3.2:1 under BBLEP 2013	3.32:1 (incl. car parking over requirement)	3.41:1	No – Refer to Note 5
GFA	35,532sqm (maximum) calculated based on permissible FSR under BBLEP 2013	36,819sqm (including excess car parking space)	37,903sqm	No- Refer to Note 5
Height	44 metres (maximum)	<p>Building A: Building Height: 45.1m (RL 51) – 2.5% variance Plant Room Height: 45.1m (RL 51) - 2.5% variance</p> <p>Building B: Building Height: 44.8m (RL 50.7)- 1.8% variance Plant Room Height: 45.1m (RL 51) - 2.5% variance</p> <p>Building C: Building Height: 45.8m (RL 50.5) - variance of 4% Plant Room Height: 46.3m (RL 51) - 5.2% variance</p> <p>Building D: Building Height: 45.2m (RL 50.5)- 2.7% variance Plant Room Height: 45.8m (RL 51)- 4% variance</p>	No change	N/A
BBDP 2013				

Control	Required	Approved DA (DA-16/150- based on 340 units)	Subject DA (based on 29 additional units and a total of 369 units)	Complies (yes/no)
Car Parking	<u>Commercial (shop)</u> 1 space / 25sqm <u>Child Care Centre</u> 1/2 employees 1/5 children 1/20 children drop off/pick up Sub-total: 29.5 <u>Service Bays</u> 1/100 units Note: 50% of service bays to be designed for MRV or larger) Note: No requirement for car wash bays	<u>Commercial</u> 20 spaces <u>Child Care Centre</u> 29 spaces <u>Service Bays</u> Service vehicle: 1 provided 1 car wash bay provided Service vehicles: 1 MRV space provided (Building B)	<u>Commercial</u> No change <u>Child care centre</u> 29 spaces deleted <u>Service Bay</u> No change	Yes
Bicycle Parking	In every new building, where the floor space exceeds 600m ² GFA, bicycle parking equivalent to 10% of the required car spaces or part therefore as required in Table 1 shall be provided.	Residential: 68 bicycle spaces within the basement/ground level car park Retail: 4 bicycle racks Total provided: 72 spaces	No change	N/A
Basement Access	Minimum clearance height of 4.5m for MRV	Building B (car park and loading dock entry): min. 4.5m (MRV access)	No change	N/A
Streetscape Presentation	The maximum length of a building is 24m	The length of Tower A, B and C exceeds 24m	No change to building length	N/A
Landscaped Area	Minimum of 35% (2,855.65sqm) based on site after road and park dedication	3,052.6sqm (27%) (park incl. in calculation) 1,687.6sqm (15%) (park excl. from calculation)	No significant change to the approved landscaped area	Existing non-compliance

Control	Required	Approved DA (DA-16/150- based on 340 units)	Subject DA (based on 29 additional units and a total of 369 units)	Complies (yes/no)
Unit Mix	No greater than 25% 1 bedroom units	27% proposed	31% proposed	No- Refer to Note 6
Dwelling Layout and Family Friendly Apartment Buildings	Satisfy the Family Friendly controls	Acceptable	Similar to approved development	Yes
Setbacks	<u>Level 1-4</u> Bourke Street: 0m Church Avenue and Galloway Street: 3m <u>Levels 5-13</u> Bourke Street: 3m Church Avenue and Galloway Street: 6m	<u>Level 1-4</u> Bourke Street: 0m Church Avenue: 3 metres Galloway Street: 2m <u>Levels 5-13</u> Bourke Street: 2m – 3m Internal roads: 5m – 6m	No change	N/A

Site Description

The subject site is legally known as 42 Church Avenue, Mascot and forms three parcels of land described as Lot 1 in DP 376752, Lot 3 in DP 376752 and Lot 21 in DP1014063.

The subject site is located on the western side of Bourke Street between Gardeners Road to the north, Kent Road to the west and Church Avenue to the south. Galloway Street is a new street currently under construction and runs along the northern boundary of the site. The site is approximately 120 metres to the north-west of Mascot Train Station.

The site has a total area of 11,104sqm with a 108.5 metres street frontage to Church Avenue, a 101.5 metre street frontage to Bourke Street, a 101.9 metres western boundary length and a 109.1 metre northern boundary length. The site is generally flat.

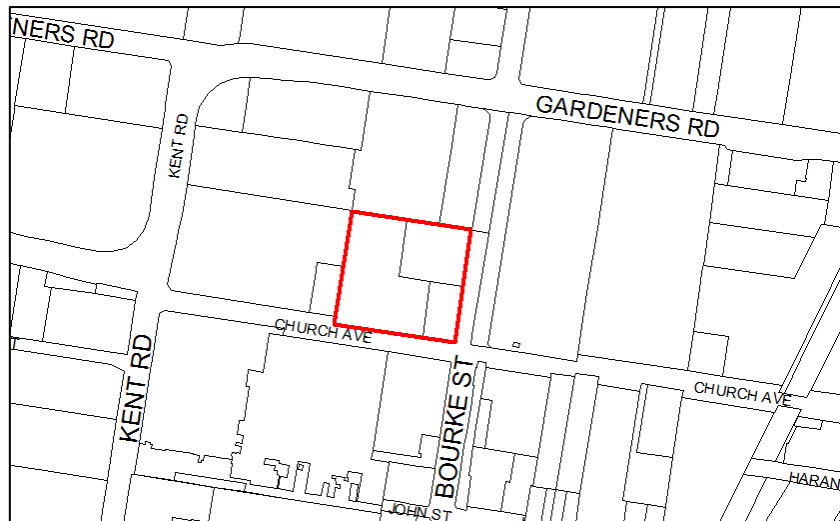


Figure 1. Locality Plan

The site is currently demolished of all structures with excavation begun for the basement car parking level. The corner of the south-western side of the development is impacted by road widening. The site is located within the 20-25 ANEF zone and is within 25 metres of the Sydney Trains easement for underground rail (Airport Tunnel).

The site is within the B4 Mixed Use zone of the BBLEP 2013 and is within Urban Block 1 of the Mascot Station Town Centre Precinct within Part 9A of the BBDCP 2013. The table below lists the relevant details of the surrounding mixed-use developments.



Figure 2. Subject site

Statutory Considerations

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

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:

Environmental Planning and Assessment Act 1979 – Part 4, Division 5 – Special Procedures for Integrated Development and Environmental Planning and Assessment Regulations 2000 – Part 6, Division 3 – Integrated Development

The relevant requirements under Division 5 of the EP&A Act and Part 6, Division 3 of the EP&A Regulations have been considered in the assessment of the development application.

Development Application No. 16/150 was approved as integrated development as the proposal approved basement car parking that would intercept the groundwater table. General Terms of Approval were placed in the consent relating to excavation of the basement level. The subject application does not change the basement level approved therefore the subject application is not integrated development and does not need to be referred to Water NSW.

State Environmental Planning Policy (Infrastructure) 2007

The development is in close proximity to the rail corridor, with Mascot Station located close to the site. The original application for the built form was referred to Sydney Trains who provided appropriate conditions relating to excavation near the rail corridor. As the subject application does not propose any changes to the excavation of the basement and the building, the application did not need to be referred to Sydney Trains for comments.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ("BASIX") applies to the proposed development. The development application was accompanied by BASIX Certificate No. 741493M_05 prepared by Efficient Living Pty Ltd committing to environmental sustainable measures.

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of SEPP No. 55 have been considered in the assessment of the development application, as the proposed development involves excavation for a basement car park. Clause 7 of State Environmental Planning Policy 55 requires Council to be satisfied that the site is or can be made suitable for its intended use at the time of determination of an application.

Consideration of SEPP No. 55 was carried out within the assessment of DA-16/150. Therefore SEPP No. 55 does not need to be assessed as part of this proposal.

State Environmental Planning Policy (SEPP) No. 65 – Design Quality of Residential Apartment Building

The provisions of State Environmental Planning Policy No. 65 'Design Quality of Residential Apartment Building' have been considered in the assessment of the Development Application. Due to the proposed modifications being predominately encased within the approved built form approved under DA-16/150, the development application was not required to be presented to the Design Review Panel. The applicant has submitted an assessment against Part 3 and 4 of the ADG that relate to the proposed modifications, and has demonstrated

adequate regard to the design quality principles and objectives specified in the ADG for the relevant design criteria. An assessment against a condensed version of the design criteria within Part 3 and Part 4 of the ADG has been provided in Attachment 2. An assessment against the significant non-compliances for the additional 29 units is provided in detail below. Key issues that relate to non-compliances in DA-16/150 that are not changing in this application, will not be assessed as they have already been explored.

Note 1 – Solar Amenity

Objective 4A-1 of the ADG requires living rooms and private open space areas of at least 70% of apartments in a building to receive a minimum of 2 hours of direct sunlight between 9am to 3pm mid-winter.

The solar amenity of the entire development has been assessed with the inclusion of the additional 29 units. The approved development with 340 units approved a solar amenity rate of 71% of the units receiving the minimum 2 hours of sunlight during mid-winter. The current proposal will have a total of 247 out of the 369 units receiving 2 hours of solar amenity which results in 67%. This does not comply with the minimum 70% requirement. This is a result of a number of the new units being located to the southern façade which is difficult to maintain direct sunlight. As the built form is not changing, particularly at Levels 1 to 3 which is where the majority of the non-compliance forms, the departure is acceptable. Should a number of the one bedroom units on these levels be joined to create two/three bedroom units, while the non-compliance is reduced, the development will continue to not comply with the 70% requirement. One of the units on Level 3 receives some sunlight through a skylight that is located on top of the podium. The impact of solar has been demonstrated within the solar analysis tables that have been provided with the development application.

Additionally, there is a non-compliance with the maximum number of units that do not receive direct sunlight which has been increased from 13% to 17% as part of this proposal. As stated above, the reason for this is the orientation and location of the new units within levels 1 to 3 which are all south facing within the development. Similar to the assessment above, the development does not alter the orientation and built form that has been approved and the only location within the development that could accommodate the additional units is along the southern façade and the location of the existing child care centre. This results in no change with the height of the development.

Consideration has been given to the Land & Environment Court planning principle on the impact on solar access of neighbours (*Parsonage vs Ku-ring-gai* (2004) NSWLEC 347) and as amended by (*The Benevolent Society vs Waverley Council* (2010) NSWLEC 1082) is addressed as follows:

- *The ease with which sunlight access can be protected is inversely proportional to the density of development. At low densities there is a reasonable expectation that a dwelling and some of its open space will retain its existing sunlight. (However, even at low densities there are sites and buildings that are highly vulnerable to being overshadowed). At higher densities sunlight is harder to protect and the claim to retain it is not as strong.*

Comment: The additional units are within the approved built form on the site and within a high density development. The degree of sunlight that could be protected especially along the southern façade has already been lost as a result of supporting the height and bulk of the development. The location of the units is most suitable in this location without further reducing the amount of communal open space, landscaped area and private open space and unit sizes.

- *The amount of sunlight lost should be taken into account, as well as the amount of sunlight retained.*

Comment: The proposal will not reduce the solar amenity onto the neighbouring properties or impact the amount of solar that is received to the approved units within the site. The original assessment of solar amenity was considered as part of DA-16/150. It is acknowledged that the units on levels 1 to 3 do not receive sunlight to their principal living areas or to their private open space however this is a consideration that forms part of the assessment of this proposal.

- *Overshadowing arising out of poor design is not acceptable, even if it satisfies numerical guidelines. The poor quality of a proposal's design may be demonstrated by a more sensitive design that achieves the same amenity without substantial additional cost, while reducing the impact on neighbours.*

Comment: As above, the proposal is contained within the approved bulk and will not further reduce the amount of sunlight that was approved acceptable within DA-16/150.

- *For private open space to be assessed as receiving adequate sunlight, regard should be had of the size of the open space and the amount of it receiving sunlight. Self-evidently, the smaller the open space, the greater the proportion of it requiring sunlight for it to have adequate solar amenity. A useable strip adjoining the living area in sunlight usually provides better solar amenity, depending on the size of the space. The amount of sunlight on private open space should ordinarily be measured at ground level but regard should be had to the size of the open space as, in a smaller private open space, sunlight falling on seated residents may be adequate.*

Comment: The additional units along Levels 1 to 3 are small balconies that are south facing which makes it difficult to retain the amount of sunlight to this space. The units located on Level 4 have courtyards and are larger than the minimum private open space requirements within the ADG. As they have northern, western and eastern orientations, these spaces are likely to receive the minimum 2 hours of sunlight to their private open space.

- *Overshadowing by fences, roof overhangs and changes in level should be taken into consideration. Overshadowing by vegetation should be ignored, except that vegetation may be taken into account in a qualitative way, in particular dense hedges that appear like a solid fence.*

Comment: This control is not relevant to this proposal as there is no existing vegetation on the site to hinder solar amenity.

- *In areas undergoing change, the impact on what is likely to be built on adjoining sites should be considered as well as existing development.*

Comment: As approved and considered with the original development application, the area is undergoing redevelopment from industrial/commercial warehouses and this site is one of the last developments that remains commercial. The proposal is compliant with the bulk of the development that had been approved originally and the impact onto the surrounding developments is not significant.

Note 2 – Cross Ventilation

Objective 4B-3 of the ADG relates to cross ventilation of apartments and that the overall number of apartments within the first 9 levels that are cross ventilated are not to be less than 60%. The proposal will have 131 apartments out of the 235 that are cross ventilated. This results in a total of 56%. The departure is contributed to the established built form that was approved in DA-16/150. The built form provided screening and car parking along the southern façade facing Church Avenue. By replacing some of the car parking, this allows the western and eastern additional units to receive appropriate ventilation in accordance with the ADG requirements for Levels 1 to 3. The apartments in between have a southern orientation and therefore do not provide appropriate ventilation. As the proposal is not seeking to amend the building footprint to provide greater indents between units to allow for some ventilation, the departure is acceptable. Additionally, Level 4 units within Building D will be cross ventilated as they are orientated towards the corners of the building.

Note 3 - Ceiling heights for 1st storey

Objective 4C-1 of the ADG relates to the design criteria for ceiling heights. The proposal provides a 3.3m ceiling height to the ground floor commercial unit and a 2.7m ceiling height for the first floor units. Given that compliance with the minimum ceiling height control would increase the overall height limit of the approved built form, it is not possible to provide increased ceiling heights to the first floor. However, the Panel at the SCPP added two conditions relating to the residential component on the first floor residential units. The conditions were worded as follows:

1. The first floor level must be designed as flexible space to allow for future adaption. It must have a minimum floor to ceiling height of 3.3 metres.
2. The residential/commercial (dual use) first floor flexible space is to include design features which allow for future adaptability of this space for employment generating activities.

The reasoning behind the Panels' decision was that they considered that it was *'appropriate, having regards to Section 79C(1)(a)(ii), that the Development Consent be conditioned in light of the Draft Central District Plan's productivity objectives supporting employment generating development, to require the first floor to be residential/commercial uses (dual uses) to provide for employment activities within the proposal.'* This continues to be applicable to the first floor additional units along Church Avenue and the conditions above have been adopted in the consent.

Note 4 – Storage area

Part 4G-1 of the ADG requires each apartment to contain storage with the minimum requirement for a 1 bedroom- 6m³, a 2 bedroom- 8m³ and a three + bedroom- 10m³. The applicant has not provided a breakdown of the area of storage for the additional 29 units allocated within the apartment and within the basement level.

The plans provided demonstrate that all apartments contain a separate storage area located either near the front entrance or a little further away from the entrance. Council is satisfied that the applicant has provided the required storage area within the apartments.

A condition has been recommended in the consent that all apartments comply with the minimum storage size requirement under the ADG and that 50% of the storage areas are to be encompassed within the apartments and not within the basement and car parking levels.

The conditions require that prior to the issue of the Construction Certificate, the storage areas are to be clearly marked out to each individual apartment within the basement level and to comply with the minimum size for each unit.

Botany Bay Local Environmental Plan 2013 (BBLEP)

The provisions of the Botany Bay Local Environmental Plan (BBLEP) 2013 have been considered in the assessment of the Development Application and the following information is provided:

Principal Provisions of BBLEP 2013	Complies Yes/No	Comment
Land use Zone	-	The site is zoned B4 Mixed Use under the BBLEP 2013.
Is the proposed use/works permitted with development consent?	Yes	The proposal involves the addition of 29 units in an approved building which contains residential units and retail premises which are permissible with Council's consent under the BBLEP 2013.
Does the proposed use/works meet the objectives of the zone?	Yes	The proposed development is consistent with the following objectives of the B4 zone: <ul style="list-style-type: none"> <i>To provide a mixture of compatible land uses.</i> <i>To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.</i>
Does Clause 2.5 and Schedule 1 – Additional Permitted Uses apply to the site?	N/A	Clause 2.5 does not apply to the subject site.
What is the height of the building?	N/A	The maximum building height for the site is 44 metres. The approved development within DA-16/150 was approved with a maximum building height of 45.8 metres (RL 51). There is no change to the height of the development as part of this application.
What is the proposed FSR?	No- Refer to Note 5	The maximum FSR allowed on the site is 3.2:1 (35,532sqm). DA-16/150 was approved with an FSR of 3.32:1 (36,819sqm) which was partially contributed to excess car parking spaces on the site. The subject application proposes an increase in GFA to 37,903sqm (3.41:1) as a result of the additional GFA from the new units and the additional car parking over the

Principal Provisions of BBLEP 2013	Complies Yes/No	Comment
		car parking requirement stipulated within the ADG. The applicant has provided a Clause 4.6 variation to the additional GFA and this has been discussed within Note 4 below.
Is the proposed development in a R3/R4 zone? If so does it comply with site of 2000sqm min and maximum height of 22 metres and maximum FSR of 1.5:1?	N/A	The subject site is not located within an R3 or R4 zone.
Is the site within land marked "Area 3" on the FSR Map	N/A	The subject site is not identified as being within "Area 3" on the FSR map.
Is the land affected by road widening?	Yes	The subject site is affected by RMS widening of the splay on the corner of Church Avenue and Bourke Street. This was considered in DA-16/150 and does not change this as part of this application.
Is the site listed in Schedule 5 as a heritage item or within a Heritage Conservation Area?	N/A	The subject site is not identified as a Heritage Item or within a Heritage Conservation Area.
<p>The following provisions in Part 6 of the LEP apply to the development:</p> <p>6.1 – Acid sulfate soils (ASS) 6.2 – Earthworks 6.3 – Stormwater management 6.8 - Airspace operations 6.9 – Development in areas subject to aircraft noise 6.15 – Active Street Frontages</p> <p>6.16 – Design excellence</p>	<p>N/A</p> <p>Yes</p>	<p>DA-16/150 approved the built form therefore ASS, excavation, stormwater management, airspace, aircraft noise, and active street frontage has been considered as part of that application and as there is no amendments relating to these issues, assessment of these issues is not warranted.</p> <p>The bulk, scale and height of the proposed development has been established as part of DA-16/150 however the street façade along Church Avenue has improved with the replacement of screens with balconies and has been further articulated.</p> <p>The Applicant has adequately addressed the recommendations of the DRP and the proposed development is considered to be consistent with Clause 6.16 of BBLEP 2013.</p>

Note 5 – Variation to the FSR development standard

Clause 4.4 of the BBLEP 2013 specifies that the FSR of a building may not exceed the maximum FSR specified on the relevant FSR map. The maximum FSR for this site is 3.2:1. Development Application No. 15/160 was approved with an FSR of 3.32:1 as at the time of determination the additional 99 car parking spaces were included within the GFA calculation.

The current proposal seeks to increase the overall GFA by 1,084sqm to a total GFA of 37,903sqm or 3.41:1 which includes the additional units, predominantly on Levels 1 to 3 and an additional 28 car spaces that are existing on the site.

Clause 4.6 provides flexibility to vary the development standards specified within the LEP where it can be demonstrated that the development standard is unreasonable or unnecessary in the circumstances of the case and where there are sufficient environmental grounds to justify the departure. Clause 4.6 states the following:

(2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument...

(3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) That there are sufficient environmental planning grounds to justify contravening the development standard.

The Applicant has provided a Clause 4.6 variation to justify contravening the height standard. Their justification is provided below:

'It is proposed to convert excess car parking GFA - identified above – into residential GFA to provide for more units. In the process, car parking GFA is to be reduced. The table below provides a summary of the proposed new Floor Space Ratio and Gross Floor Area.

Proposed GFA of buildings	37,552 sqm
Proposed GFA of excess car parking	351 sqm (27 car spaces)
Proposed GFA total	37,903 sqm
Proposed FSR total	3.41:1

Matters for consideration:

a) Is the requirement a development standard?

The variation sought relates to the FSR of the proposal. The FSR control is a development standard, as it provides a numerical restriction to a particular aspect of the development, rather than a prohibition.

b) Is the development standard excluded from the operation of this clause?

Clause 4.6(8) outlines the exclusions of the operation of Clause 4.6, which are:

- *Complying Development;*
- *Statement Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;*
- *Clause 4.3(2A) – Height controls for certain sites on land in Zone R3 Medium Density Residential or Zone R4 High Density Residential.*
- *Clause 4.4B(3) – Exceptions to floor space ratio in Zone R3 and Zone R4.*

- Clause 5.4 - Controls relating to miscellaneous permissible uses.

As the proposal does not relate to any of these types of developments, the variation to the

Clause 4.4(2) FSR control sought is not excluded from the operation of Clause 4.6.

c) What is the underlying objective or purpose of the standard?

The objectives of the FSR control in clause 4.4 are as follows:

- a) to establish standards for the maximum development density and intensity of land use,
- b) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,
- c) to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation,
- d) to ensure that buildings do not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks, and community facilities,
- e) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,
- f) to provide an appropriate correlation between the size of a site and the extent of any development on that site,
- g) to facilitate development that contributes to the economic growth of Botany Bay.

The proposal is consistent with the above objectives, in that:

- a) The proposal results in an overall development density of 3.41:1. This is 2,370m² above the maximum GFA, being 7% over the permissible density control. It is also only 3% above the existing GFA approved on the site under DA16/150. A variation of this scale in the context of the site and surrounding development will be unperceivable in the overall scale and built form of the development. Importantly, the proposed additional floor space is contained entirely within the existing built form. Therefore, the additional floor space does not contribute to an increase in bulk and scale of the building.
- b) The site is located within the Mascot Town Centre. The 2,370m² variation to the FSR control will not alter the built form from what can be supported in a compliant development. The proposal has been designed to provide a much more appealing frontage to Church Avenue, by deleting car parking and providing units along that frontage. The proposed inclusion of 27 parking spaces above the RMS minimum requirement are located wholly within the podium and basement form, and exclusion of these parking spaces would not alter the overall scale and design of the podium structure.

Accordingly, the proposed development will still deliver a built form that is compatible with the bulk and built form envisaged by the desired future character planned for the Mascot Town Centre.

- c) The site is located within a precinct undergoing transition from a predominantly industrial area, to a mixed-use town centre. There are a number of developments proposed or under construction surrounding the site.

- d) *The departure from strict compliance with the numerical FSR control will not result in bulk or scale that is unacceptable. The proposed development includes the creation of a public park and will also ensure its successful funding to meet the Council's requirements. The amenity of this park will not be adversely affected by the proposed additional gross floor area of the development.*
- e) *The proposal will have a positive relationship with the new public park and will not have any adverse impacts on its amenity.*
- f) *The proposed development has an overall site area of 11,104m². The scale of the site has been reflected in the scale and built form proposed for the development. The scale of the non-compliance with the FSR control in the context of the overall development is reflected in the variation being approximately 7% above the permissible density control. However, all additional floor space proposed is located entirely within the existing approved built form on the site.*

The development has been designed having regard to the scale of the site, including the creation of a basement and podium for car parking and other services, which are screened from the streetscape through sleeved apartments within the podium structure. The majority of the apartments within the approved development are contained within four towers located above the podium structure, and these have been designed in accordance with the Apartment Design Guide (ADG) providing appropriate tower separation and floorplate designs which reflect the scale and location of the site. The proposed new residential units are located on Level 4 and along the Church Avenue elevation of the building.

- g) *The proposal will deliver a total of 369 apartments and retail. This will positively contribute to the economic development and viability of the Mascot Town Centre through:*
 - *Redeveloping a currently under-utilise site;*
 - *Providing new residential housing stock within 100 metres of the Mascot train station; and*
 - *Providing new retailing to the future residential population.*

d) *Is compliance with the development standard is unreasonable or unnecessary in the circumstances of the case?*

In Wehbe v Pittwater Council (2007) NSWLEC 827 Preston CJ set-out the five ways of establishing that compliance with a development standard is unreasonable or unnecessary in support of justifying a variation. These are:

- 1. Establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development are achieved notwithstanding noncompliance with the standard.*
- 2. Establish that the underlying objective or purpose is not relevant to the development with the consequences that compliance is unnecessary.*
- 3. Establish that the underlying objective or purpose would be defeated or thwarted if compliance was required that the consequences that compliance is unreasonable.*
- 4. Establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unreasonable and unnecessary.*
- 5. Establish that 'the zoning of particular land' was 'unreasonable or unnecessary' so that 'a development standard for that zoning was also unreasonable or unnecessary as it*

was applied to that land' and that compliance with the standard in that case would also be unreasonable and unnecessary.

In applying the test in Wehbe v Pittwater Council, only one of the ways of establishing the development standard is unreasonable and unnecessary needs to be demonstrated. As outlined in Section 3(c) above, the proposed development is able to achieve the objectives of the height development standard, even though the development results in a noncompliance with the numerical standard. On this basis, the development is able to demonstrate that the development is unreasonable and unnecessary in accordance with the first way Preston CJ outlines in Wehbe v Pittwater Council.

In the recent decision of Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 Pain J upheld the decision of Pearson C which indicated that a variation must be justified on sufficient environmental planning grounds particular to the circumstances of the proposed development and development site rather than grounds that would apply to a similar development on the site or a development in the vicinity.

However, in a the more recent case of Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7 Preston CJ stated that the consent authority did not have to be satisfied directly that compliance with each development standard was unreasonable and unnecessary in the circumstances of the case, but only indirectly by being satisfied that the appellant's written request adequately addressed the matter in Clause 4.6(3)(a) that compliance with each development standard was unreasonable and unnecessary. This decision indicates a move away from the more prescriptive approach to consideration of Clause 4.6 variation requests taken in Four2Five v Ashfield Council.

Applying Preston's CJ decision in Randwick City Council v Micaul, the proposed development is able to demonstrate that strict compliance with the numerical FSR development standard is unnecessary in the particular circumstances of the proposal, as the development is able to:

- Meet the objectives of the development standard as outlined in Section 3(c);*
- Meet other built form development standards;*
- Satisfactorily address all relevant planning considerations as detailed in section 3(e); and*
- There are various other examples of previously approved developments in the Mascot Station area that exceed (significantly in some instances) the 3.2:1 FSR control. These are shown in the table below.*

The table above clearly demonstrates that the development standard has been virtually abandoned or destroyed in this instance. It also demonstrates that the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary, and that the underlying object of purpose would be defeated or thwarted if compliance was required, and therefore compliance is unreasonable.

Site	FSR
39 Kent Road Mascot	4.26:1
214 Coward Street Mascot	4.24:1
208-210 Coward Street Mascot	4.00:1
246 Coward Street Mascot	3.88:1
8 Bourke Street and 37 Church Avenue Mascot	3.82:1
2-4 Haran Street Mascot	3.79:1
7-9 Kent Road Mascot	3.78:1
7 Bourke Street and 30-32 John Street Mascot	3.75:1
19-33 Kent Road Mascot	3.72:1

e) Are there sufficient environmental planning grounds to justify contravening the development standard?

The variation to the FSR development standard is considered well founded and reasonable for the following reasons:

- *The proposed development is consistent with the underlying objectives and purpose of the development standard as demonstrated above;*
- *The proposed non-compliance relates to the LEP 2013 provisions for FSR will not have any adverse impact on the bulk and scale of the development when viewed from surrounding properties;*
- *Despite the non-compliance with the FSR control, the proposal is consistent with the scale of development anticipated in the locality. This is ensured by proposing all additional gross floor area within the existing approved building envelope;*
- *The proposal will support the delivery of a communal open space with public access during the day, which will positively contribute to the establishment of the Mascot Town Centre; and*
- *The provision of some additional car parking beyond the minimum required can be supported on traffic planning grounds, as evident in the Traffic Report prepared by Arup.*

f) Will the proposed development be in the public interest because it is consistent with the objectives of the particular standard and objectives for development within the zone in which the development is proposed to be carried out?

As outlined throughout the SEE and this Clause 4.6 Variation Statement, the proposal is consistent with the objectives of the FSR development standard and objectives of the B4 zone.

The principle aim of the proposal is to provide new residential apartments. The provision of a new public park is also proposed. The proposed variation to the FSR control does not result in the loss of amenity to the neighbouring properties in any way, as the proposed additional gross floor area is contained entirely within the existing building envelope. The proposed FSR is considered to be acceptable particularly when balanced against the benefits of the project which are:

- *Provision of new housing and employment opportunities on land zoned for this purpose within the short term.*
- *Development of an under-utilised site (being currently occupied by industrial warehouses) identified for future mixed use development (being zoned B4 Mixed Uses).*
- *Contribution to the delivery of key infrastructure, namely the public park.*
- *The proposal will provide positive social outcomes through the provision of on-site housing, child care facilities and a new public park.*

g) Whether contravention of the development standard raises any matter of significance for State or regional environmental planning.

The proposed variation to the FSR development standard does not conflict with any matters of State or regional environmental planning significance, nor does it conflict with any State Planning Policies or Ministerial directives. The significance of the non-compliance is

acceptable in the context of the overall development of the Mascot area and the broader Bayside Council area.

h) The public benefit of maintaining the development standard.

It is considered that due to the absence of any demonstrable adverse impacts arising from the proposed development, adherence to the subject development standards would hinder the attainment of the objectives of the Act. Further, the proposed development is consistent with the objectives of the development standard. Therefore, such adherence would not be in the public interest in this instance."

Council Officer's comments:

An assessment of the applicant's Clause 4.6 variation has been carried out. As demonstrated, there is a variation in FSR by 7% (1,084sqm) from the development standard. The proposed development has been designed so that the additional units are encompassed within the approved development with a very slight modification to the setbacks on the fourth floor along the northern and eastern boundary. These modifications will not impact on the amenity of the neighbouring properties. The site has reduced the surplus of car parking that was approved at 99 spaces however there is still a surplus of 28 car spaces which have been included within the GFA calculations.

The applicant's justification is generally agreed with. The proposed modification to increase the FSR is considered acceptable as it will not increase the visual bulk or scale of the approved development and will not result in any adverse impacts on the locality.

The objectives of the FSR development standard and the B4 mixed use zone continue to be consistent with the assessment that was carried out in DA-16/150. The proposal will add an additional 29 units to an approved built form which provides housing and employment opportunities in addition to provision of community facilities such as the public park.

The exceedance in FSR is not out of character with other approved developments in the immediate area which exceed the FSR standard and the exceedance in FSR does not result in any adverse external impacts.

The table above clearly demonstrates that the development standard has been virtually abandoned or destroyed in this instance. It also demonstrates that the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary, and that the underlying object of purpose would be defeated or thwarted if compliance was required, and therefore compliance is unreasonable.

Further, the FSR exceedance is confined to excess car parking and partially to the additional units, whereby accommodating this will result in no change to the building envelope as approved under the original development application.

Based on the above, the variation is not contrary to the public interest and is able to be supported.

Botany Bay Development Control Plan (BBDGP) 2013

The most relevant and applicable clauses of the BBDGP 2013 are considered in the assessment of this development proposal and are provided below.

Control	Proposed	Complies (yes/no)
3A Parking and Access		
3A.2. Parking Provisions of Specific Uses <u>Approved Development DA-16/150</u> <u>Commercial (retail)</u> 1 space / 25sqm (20 req.) <u>Child Care Centre</u> 1/2 employees (8 req.) 1/5 children (17.2 req.) 1/20 children drop off/pick up (4.3 req.) Sub-total: 29.5 <u>Service Bays</u> 1/100 units (4 req.) Note: 50% of service bays to be designed for MRV or larger) Note: No requirement for car wash bays	<u>Commercial</u> No change to the approved 20 car spaces Child Care Centre The deletion of the child care centre results in the deletion of the car parking spaces associated with the use. <u>Service Bays</u> Service vehicle: No change to the 1 space provided Car wash bay: No change to the 1 space provided Service vehicles: No change to the 1 MRV space provided (Building B)	N/A N/A N/A
3A.3.1 Car Park Design Pedestrian entrances and exits shall be separated from vehicular access paths.	The waste collection and servicing has been approved on the ground floor parking level under Building B. The waste room has increased in size by 58sqm to accommodate for the additional waste bins that relate to the 29 additional units. This is acceptable as there is no change to the management and storage method approved for the development. Traffic Assessment provided; Stormwater plans provided; Pedestrian access easily identifiable. Pedestrian entrances and exits are separated from vehicular access paths as approved in DA-16/150.	Yes
C40 The waste collection point shall be designed to: (i) Allow waste loading operations to occur on a level surface away from parking areas, turning areas, aisles, internal roadways and ramps; and (ii) Provide sufficient side and vertical clearance to allow the lifting arc for	The development was approved with the garbage holding room located under Building B. The site continues to allow an MRV garbage truck within the site and also continues to contain the bulky waste storage area and separate retail/commercial waste room.	Yes

Control	Proposed	Complies (yes/no)
automated bin lifters to remain clear of any walls or ceilings and all service ducts, pipes and the like.		
3A.3.2 Bicycle Parking C1-C5 To comply with AS2890.3 & AUSTRROADS. (i.e. 10% of the required amount of car parking = 44)	There is no change in the 68 bicycle spaces provided within the development.	N/A
3A.3.4 On-site Loading & Unloading C1-C11 1 service bay/50dwgs (50% to be Medium Rigid Vehicle (MRV) or larger) (4 req.)	No change to the approved arrangement of 1 loading bay for MRV.	N/A
3G.2 Stormwater Management		
C1-C6 Comply with Stormwater Management Technical Guidelines; Part 3G.5 Stormwater Quality.	Stormwater plans were submitted and reviewed by Council's Development Engineer in DA-16/150. No changes are proposed as part of this application.	N/A
3H Sustainable Design		
C1-C6 BASIX; Solar hot water encouraged.	BASIX Certificate provided.	Yes
3I Crime Prevention Safety & Security		
Site layout, design & uses; Building design; Landscaping & lighting; Public domain, open space & pathways; Car parking areas; Public Facilities.	Appropriate conditions have been recommended in the consent.	Yes
3J Aircraft Noise & OLS		
ANEF; Aircraft height limits in prescribed zones.	The application was not referred to SACL as there is no change in the overall height of the development.	N/A
3K Contamination		
Consider SEPP 55 & Contaminated Land Management Act 1997.	SEPP 55 and Part 3K were assessed in DA-16/150.	N/A
3L Landscaping and Tree Management		
General Requirements; Planting design & species; Landscaping in car parks; Green roofs.	Appropriate conditions have been recommended in the consent. Landscape Plans and Arborist reports have been provided.	Yes
3N Waste Minimisation & Management		
General Requirements; Residential Development; Mixed Use Development.	A WMP, prepared by Elephants Foot, has been submitted for ongoing management of waste generated from the site.	Yes

Part 4C – Residential Flat Buildings

An assessment against Part 4C relating to Residential Flat Buildings has been provided below insofar as they relate to the proposed development.

Control	Proposed	Complies (Yes/No)
4C.2.2 Streetscape Presentation		
C1 New development must be compatible in building bulk and scale with adjoining residential developments and reflect the patterns of buildings in the streetscape. It must respond to building setbacks, building height and treatment of the building facades.	The built form that was approved established the built form for the site. The additional units are encased within the approved built with a slight modification to Level 4 in regards to the setback along the north and east of the site. The development continues to be consistent with the surrounding development.	Yes
C2 Development must comply with the following: (i) The maximum length of any building is 24 metres; (ii) All building facades must be articulated.	(i) There is no change in the length of the buildings approved. (ii) The building facades are modulated and articulated along the southern façade fronting onto Church Avenue on Levels 1 to 3 with balconies and privacy/acoustic screens. Additionally, the new units on Level 4 have been articulated so that there is breaks in the building.	N/A Yes
4C.2.4 Landscaped Area and Deep Soil Planting		
C1 A residential flat development must have a minimum landscaped area of 35% and a maximum un-built upon area of 20%.	There is no change to the approved landscaped area approved within DA-16/150.	Existing non-compliance
4C.2.5 Open Space		
C3 Open space will be designed to: (i) Encourage positive outlook, respite and attractive internal views; (ii) Provide building separation and achieve a balance between open space and built form; (iii) Provide visual and acoustic privacy and an area of good solar access for recreational purposes; and (iv) Through location, arrangement and design provide functional, usable and liveable spaces for a mix of recreational pursuits	The approved development provided for a public park and two separate communal open space (COS) areas. These are listed below including the amount of solar access between 9am and 3pm in mid-winter: 1. Public Park between Building A and D and south of proposed Galloway Street: 2 hours from 11am to 1pm to 50% of the park; 2. Podium level COS: 3 hours from 10am – 1pm to at least 50% of the area; 3. Ground level COS attached to the western façade of Building A: 2 hours between 11am and 1pm to 100% of the area. This has not changed however the size of the COS has slightly increased as the outdoor play area for the child care centre has now been converted to COS for the residents. The total COS now	Yes

Control	Proposed	Complies (Yes/No)
	<p>proposes 3,167sqm (28.5%) (park incl. within calculation) or 1,804.5sqm (16.25%) with the park excluded.</p> <p>On balance, the communal open space areas continue to receive the minimum required amount of solar access during mid-winter. The range of COS areas allow for the use for different activities and user groups within the development.</p>	
4C.2.6 Setbacks		
C2 All front, side and rear setbacks are to provide deep soil zones to allow unencumbered planting areas.	The approved deep soil has not been altered with this development application. While there is a non-compliance in the deep soil (475sqm (4.3%) (park excl. from calculation), as the basement covered a majority of the site, this was acceptable as the proposed park that is located within the original site and to be dedicated to Council is an extension of the open space that is utilised by the residents of the development.	N/A
Front Setbacks C1 Building setbacks from the existing front boundary must match the setback of adjoining properties, but must be a minimum of 3 metres or 4 metres if fronting a classified road.	There is no change to the Bourke Street façade setbacks approved.	N/A
4C.4.1 Dwelling Mix and Layout		
Apartment Size and Mix C1 Developments of ten or more apartments are to provide a range of apartment sizes, including studio, 1, 2, and 3+ apartments so as to meet the needs of residents and accommodate a range of household types.	The proposed development provides a range of apartment sizes and types.	Yes
C2 For development with ten or more apartments, the following unit mix control will apply: <ul style="list-style-type: none"> (i) A maximum of 25% of apartments are to be Studio and 1 Bedroom; (ii) All 2 Bedroom apartments are to satisfy the amenity controls for Family Apartments; and (iii) All 3+ Bedroom apartments are to satisfy the amenity controls for Family Apartments. 	<p>The proposal was approved with the following:</p> <ul style="list-style-type: none"> • 1 bed apartments 92 (27%) • 2 bedroom apartments 173 (51%) • 3 bedroom apartments 75 (22%) <p>The development was approved with a slight non-compliance.</p> <p>The subject development application increases the total number of dwellings by 29 as the unit mix is as follows:</p>	No- Refer to Note 6

Control	Proposed	Complies (Yes/No)
	<ul style="list-style-type: none"> 1 bed units: 115 (31%) 2 bed units: 177 (48%) 3 bed units: 77 (21%) <p>The number of 1 bedroom apartments further exceeds the 25% requirement.</p>	
Apartment Layout C1 Dwellings with 3 or more bedrooms are to have two (2) separate and appropriately sized living spaces. A study alcove may be located within the second living space. Should a freestanding study alcove be provided the height of the walls enclosing the study are to be a maximum of 1500mm	The 3 bedroom apartments do not have 2 separate living spaces.	No- Refer to Note 6
4C.4.2 Family Friendly Apartment Buildings		
C1 Family apartments are apartments with two or more bedrooms designed so as to accommodate the living needs of families with children.	The two and three bedroom apartments have generally been designed in accordance with the Family Friendly controls.	Yes
C2 Family apartments are to include a study to meet the needs of couple families with dependents households. The design of the study should allow for a parent to easily work from home whilst supervising a child	The majority of apartments do not have separately indicated studies, however the plans have indicated that most apartments have study nooks within the open plan layout or within a cupboard enclosure.	No- Refer to Note 7
C3 Other than the master bedroom, each bedroom is to be large enough to accommodate a single bed, a desk or table, and floor space for playing, to be illustrated on a standard apartment layout plan	Each bedroom is shown to be able to accommodate a double bed and desk.	Yes
C4 The floor surface of the entry, dining room and kitchen floor and internal storage area are to be water-resistant and easy to be cleaned and maintained, not carpet	This has not been demonstrated on the plans. A recommended condition will require water resistant floors to these areas.	Condition
C5 Two bathrooms are required. One bathroom is to be a shared bathroom which is accessible off a common corridor. This shared bathroom is to have a bathtub, and is to be large enough to allow for parental supervision	Two bathrooms have been provided for all of the 2 and 3 bedroom apartments, however the ensuite has been provided with a bath tub and shower and the shared bathroom provided with a shower only (no bathtub). This is considered acceptable as flexibility has been provided across both bathrooms to accommodate the needs of families with children, and the children are still able to use the toilet and shower without having to use the ensuite.	Yes

Control	Proposed	Complies (Yes/No)
C6 The private outdoor space is to be clearly visible from the kitchen	All private open space areas can be viewed from the kitchen.	Yes
C7 The entry areas and main corridors within apartments are to be generous in proportion to permit room for toys and sporting equipment, and for drying of wet shoes, boots and clothing	Refer to Note 6.	No- Refer to Note 7
C8 The Apartment Design Guide sets out storage space requirements. The storage room is to be located near the entry, and be of adequate proportions to accommodate large household items including strollers, wheeled toys, suitcases, and sporting equipment	The majority of storage areas are located adjacent to the entry or in close proximity to it.	Yes
4C.5.2 Internal Circulation		
C1 Development will provide multiple cores within the building.	There is no change to the approved cores in the building.	N/A
C2 In buildings of more than four storeys served by elevators, ensure that alternative access to another elevator is available in the event that any elevator is out-of-service due to breakdown or routine servicing.	Two elevators service each building.	Yes
4C.5.1 Adaptable Housing		
Table 1 of Part 3C Access and Mobility: <u>Adaptable Housing</u> In developments containing 10 or more dwellings, a minimum of 20% of the dwellings are to be adaptable dwellings designed in accordance with Adaptable Housing Australian Standard 4299 Class B.	The application proposes an additional 12 adaptable units which rounds up to a total of 80 (21.7%) adaptable units.	Yes
<u>Accessible Parking</u> In developments containing 10 or more dwellings, accessible resident parking is required at 10% to be allocated to adaptable dwellings.	The amended proposal complies with the minimum disabled car parking requirement.	Yes
4C.5.2 Access		
C1 All applications are to include a statement on how the development will comply with the provisions of the Disability Discrimination Act and comply with Part 3C - Access and Mobility.	An Access Report, prepared by Wall to Wall Design & Consulting, has been submitted with the application. The architectural design in terms of the prescriptive provisions of each 'Essential feature' and 'Desirable feature' within AS4299 – 1995 (Adaptable Housing) have been complied with.	Yes

Note 6– Unit Mix

In accordance with Part 4C.5.1 of the BBDCP 2013, the total number of studio and one bedroom apartments must not exceed 25% of the total apartments within the development. The development proposes an overall 31% 1 bedroom apartments, 48% 2 bedroom apartments and 21% 3 bedroom apartments. The departure equates to an additional 24 x 1 bedroom apartments. While the built form was approved with a non-compliance of 27%, the increase to 31% is only slightly over the requirement.

The ADG recommends that an appropriate unit mix should take into consideration the distance to public transport, employment, and education centres, the current market demands and projected future demographic trends and the demand for social and affordable housing.

The subject site is located within the Mascot Station Precinct, in close proximity to services, employment opportunities and public transport. The control is there to allow for dwelling choice where it would not ordinarily be provided by the market. The non-compliance is supported as the 1 bedroom unit mix is minor and the development provides a large proportion of 2/3 bedroom apartments in the overall development to reflect market demand.

It should be further noted that unit sizes comply with the Council's minimum unit sizes in the ADG and are expected to provide a good level of internal amenity to future occupants.

Note 7- Family Friendly Apartments and Apartment Layout

The two and three bedroom apartments have generally been designed in accordance with the Family Friendly controls. The following provides additional detail regarding some of these controls.

Control C2 requires a study in all family apartments – majority of all two and three bedroom apartments contain a study nook enclosed in a cupboard area or incorporated within the open plan area.

Notwithstanding the above, this does not imply that there is not sufficient space within the open-plan living area to provide a desk so that parents can monitor children while working from home. There are a number of study nooks that are located within an enclosed cupboard space (three-bedroom). This is not supported by Council as it does not meet the requirement to have a window to a study. While it is acknowledged that the study nooks have been included within the apartments, more appropriate locations are required. The size of the two and three bedroom apartments are in excess of the minimum ADG requirement of 70sqm and 90sqm with minimum areas of 83sqm and 106sqm respectively. This indicates that there is sufficient size within the apartment to accommodate a desk within the open plan living area and that there is sufficient size to support the separation of conflicting activities within the living spaces. This satisfies Objective O2 and O3 which state:

O2 To ensure that apartments are designed with appropriate amenity and space so that apartments can support the separation of conflicting activities within the living spaces.

O3 To encourage applicants to consider the varying needs of families and to design apartments accordingly.

The applicant has provided plans showing the three bedroom apartments containing study enclosures within a cupboard compartment and the two bedroom units not containing any study area. Council is not satisfied with this arrangement as these areas do not contain a window and natural ventilation. While it is considered that there is sufficient size for the location of a nook or desk within the open-plan living area, a condition has been recommended that amended plans be submitted showing compliance with this requirement by indicating that

within each 2 and 3 bedroom apartment, there is either a study nook/space or indicate that a desk can adequately be accommodated within the open-plan living area and not in a room/cupboard with no window.

Control C5 requires two bathrooms – Two bathrooms have been provided for all of the 2 and 3 bedroom apartments, however the ensuite is typically provided with a bath tub and shower and the shared bathroom provided with a shower only. This is considered acceptable as the ensuite is generally the larger bathroom of the two and flexibility has been provided across both bathrooms to accommodate the needs of families with children.

Control C6 states that the private outdoor space is to be clearly visible from the kitchen. All kitchens are in close proximity to the primary balconies which are the principal open space for the apartments. The private outdoor areas (balconies) are generally designed to be an extension to internal living area.

Control C7 & C8 requires a storage space near the entry which is to be of water-resistant materials.

The plans indicate that the majority of apartments contain 50% of their storage areas within the apartment. Some apartments have generous enough space at the entry for the storage of household items. Some apartments, due to the layout of the floor plate, have a narrow entry but provide a water-resistant storage area further within the apartment, or area within a laundry. A condition has been recommended for compliance with this requirement in that these apartments are to be internally revised to provide entries large enough to accommodate a storage area near the entry, or a separate storage area, from water-resistant materials.

Part 9A – Mascot Station Town Centre

An assessment against Part 9A relating to development within the Mascot Station Precinct has been provided below insofar as they relate to the proposed development.

Control	Proposed	Complies (Yes/No)
9A.3.2 Desired Future Character – Urban Block 1		
Land Uses A mixed use area with retail ground floor uses on Bourke Street and predominantly residential and commercial uses elsewhere within the urban block.	The eastern elevation of the development along the ground floor of Bourke Street contains active street frontage with a total of 512sqm of retail proposed.	Yes
Street Character New local streets within the Urban Block are to provide vehicular, pedestrian and cycle access to high rise residential and mixed use buildings. These streets are to be addressed by major building facades, with predominantly continuous low level street frontages and set back tower buildings. Church Avenue is to be predominately residential street, with canopy street trees, generous footpaths for pedestrians, on street parking and one-way traffic access	The Church Avenue street frontage will be converted from screening to obstruct the above ground car parking to residential units which was what was envisaged for Church Avenue to be predominantly residential. The units have been articulated with balconies, and a range of materials which are consistent with the approved development and the surrounding development. The new units continue to maintain the approved setbacks from DA-16/150.	Yes

Control	Proposed	Complies (Yes/No)
to Kent Road, to ensure calmed local traffic conditions. The interface between the public and private domain at ground level is to be visually open, with multiple building and dwelling entries and no continuous blank façades or front garden walls.		
Public Domain New local parks will provide for the recreation needs of a substantial new residential population. These parks are to have a public street along one or two sides of the park to provide them with a public character, and to allow for overlooking from the public domain for safety and security.	There is no change to the approved public domain on the site and the public park and roads to be dedicated to Council.	Yes
9A.3.4 Setbacks		
C1 All development within Urban Block 1 must comply with the street setbacks identified in Figures 30 and 31 which is: <u>Level 1-4</u> <ul style="list-style-type: none"> Church Avenue and Galloway Street: 3m 	<u>Level 1-4</u> Church Avenue: 3 metres Galloway Street: 6.3 metres The setbacks within the building continue to comply.	Yes

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

The proposed development is not inconsistent with the relevant provisions of the *Environmental Planning and Assessment Regulation 2000*.

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.

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

The site is located in a groundwater management zone and is proposing basement level. The applicant has provided geotechnical reports demonstrating that the development will encounter groundwater. Appropriate conditions imposed by Water NSW has been provided in the consent. The issue of likely site contamination has been considered, however, given the nature of the development, and the long-standing use of the land for residential purposes, onsite investigation is not warranted.

The proposed development is permissible in the zone and satisfies the objectives of the zone. The traffic impacts are not considered to be significant given the relatively small scale of the development and no significant planning issues are raised that would warrant the refusal of the proposed development.

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

In accordance with Part 2 of the Botany Bay DCP 2013 – Notification and Advertising, the application was placed on public exhibition for a fourteen (14) day period from 31 October to 14 November 2017. Five objections were received. The key issues that were raised in the submissions are as follows:

- *Deletion of the child care centre and replacement with residential units and its contempt to the public interest*

Comment: In all the objections, the key point that was raised was the removal of the approved child care centre and replacement with residential development. As stated above, the controls relating to the site and the Mascot Station Precinct did not require the site to provide a child care centre and the applicant chose to provide a child care facility within their development under DA-16/150. Discussion with the applicant revealed that market conditions had changed since originally considering the proposal and that the offering of leases or expression of interests to purchase the child care centres has reduced. There are several child care centres located within the Mascot Station Precinct with one of the closest ones located at 19-33 Kent Road Mascot/25 Etherden Walk. There are at least five child care/early learning centres within walking distance of the site which can accommodate the new residents of the development.

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

It is considered that granting approval to the proposed development will have no significant adverse impact on the public interest.

Section 94 Contributions

The Section 94 Contributions, as calculated within the Section 94 Contributions Plan 2016, for the proposed development are calculated as follows:

Residential

PROPOSED	Proposed	Contribution per dwelling (as indexed November 2017)	Total payable
1 bed	24	\$9,645.44	\$231,490.56
2 bed	3	\$15,869.98	\$47,609.94
3 bed	2	\$20,740.15 (capped at \$20,000)	\$40,000
TOTAL	29		\$319,100.50

Therefore the total contribution payable for the proposal is **\$319,100.50**. A breakdown of the figure is provided in the condition of consent. The applicant is to pay an indexed rate of the contribution based on the timing of the payment.

Conclusion

Development Application No. 2017/1166 was received on 22 September 2017 for the alterations to the approved building by deleting the childcare centre and replacement with 29 additional apartments at 42 Church Avenue, Mascot.

The development departs from the FSR development standard. A Clause 4.6 variation has been provided with the development application and it is considered that the variation is well founded. Other issues relating to ADG solar control for minimum number of units receiving 2 hours of sunlight and the maximum number of units that do not receive sunlight as well as the unit mix have been addressed in the report above and have been found to be acceptable when considering the aspects of the site.

The proposal has been assessed in accordance with Section 79C of the *Environmental Planning and Assessment Act 1979*. The proposal is permissible within the B4 – Mixed Use zone and is considered to result in a development which is suitable in the context. Therefore, the application is recommended for approval, subject to conditions of consent.

Attachment

Schedule 1 – Conditions of Consent

Premises: 42 Church Avenue, Mascot

DA No: DA-2017/1166

GENERAL CONDITIONS

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

Plans	Author	Dated / Received by Council
DWG No. A0000_B-s96-Rev 2- Coversheet		Dated 10 November 2017; Received 16 November 2017
DWG No. A1001_B-S96-Rev 1- Site Plan		Dated 19 September 2017; Received 16 November 2017
DWG No. A1002_B-S96-Rev 1- Parking Level		Dated 19 September 2017; Received 16 November 2017
DWG No. A1002_B-S96-Rev 1- Ground Level		Dated 19 September 2017; Received 16 November 2017
DWG No. A1004_B-S96-Rev 1- Level 01		Dated 19 September 2017; Received 16 November 2017
DWG No. A1005_B-S96-Rev 1- Level 02		Dated 19 September 2017; Received 16 November 2017
DWG No. A1006_B-s96-Rev 1- Level 03		Dated 19 September 2017; Received 16 November 2017
DWG No. A1007_B-s96-Rev 1- Level 04		Dated 19 September 2017; Received 16 November 2017

DWG No. A1008_B-S96-Rev 1- North Elevation	Aplusdg	Dated 19 September 2017; Received 16 November 2017
DWG No. A1009_B-S96-Rev 1- South Elevation		Dated 19 September 2017; Received 16 November 2017
DWG No. A1010_B-S96-Rev 1- West Elevation		Dated 19 September 2017; Received 16 November 2017
DWG No. A1011_B-S96-Rev 1- Section 1		Dated 10 November 2017; Received 16 November 2017
DWG No. A1012_B-S96-Rev 1- GFA Calculations		Dated 10 November 2017; Received 16 November 2017
DWG No. A1013_B-S96-Rev 1- Cross Ventilation		Dated 10 November 2017; Received 16 November 2017
DWG No. A1014_B-S96-Rev 1- Solar Access		Dated 19 September 2017; Received 16 November 2017
DWG No. 0A1015_B-S96-Rev 1- Direct Sunlight Analysis		Dated 10 November 2017; Received 16 November 2017
DWG No. A1016_B-S96-Landscape Diagrams		Dated 10 November 2017; Received 16 November 2017
DWG No. CS-000 Rev E-Cover Sheet, Drawing Register and Legend	Urbis Pty Ltd	Dated 11 September 2017; Received 16 November 2017
DWG No. FI-200 Rev F-Planting Plan- Ground Level		Dated 8 June 2017; Received 16 November 2017
DWG No. FI-201 Rev F-Planting Plan- Ground Level		Dated 8 June 2017; Received 16 November 2017
DWG No. FI-202 Rev F-Planting Plan- Ground Level		Dated 8 June 2017; Received 16 November 2017
DWG No. FI-203 Rev E-Planting Plan- Ground Level		Dated 11 May 2017; Received 16 November 2017
DWG No. FI-204 Rev E-Planting Plan- Ground Level		Dated 11 May 2017; Received 16 November 2017
DWG No. FI-210 Rev E-Planting Plan- Level 4		Dated 11 September 2017; Received 16 November 2017
DWG No. FI-211 Rev E-Planting Plan- Level 4		Dated 11 September 2017; Received 16 November 2017
DWG No. FI-212 Rev A-Planting Plan- Level 4		Dated 11 September 2017; Received 16 November 2017
DWG No. FI-213 Rev E-Planting Plan- Level 4		Dated 11 September 2017; Received 16 November 2017
Survey Plan- Sheets 1+2	LTS Lockley Registered Surveyors	Dated 12 September 2014; Received 16 November 2017

Reference Document(s)	Author	Dated / Received by Council
ND 1502- Landscape Design Development Application Report	Urbis	Dated 11 September 2017; Received 16 November 2017

Response Matrix outlining issues	Meriton Property Services Pty Ltd	Received 16 November 2017
Traffic Impact Assessment Rev D- Ref: 248258	ARUP	Dated 15 November 2017; Received 16 November 2017
Clause 4.6 variation to the FSR development standard	Meriton Property Services Pty Ltd	Received 16 November 2017
Design Verification Statement	Aplusdg	Dated 8 September 2017; Received 16 November 2017
BASIX Certificate No. 741493M_05	Prepared by Efficient Living Pty Ltd	Dated 21 September 2017; Received 16 November 2017
Acoustic Report- Ref: 2016.1100.1/0609A/R1/T A	Acoustic Logic	Dated 6 September 2017; Received 16 November 2017
S.96 Access Report- Rev 2- MTN-046	Wall to Wall Design + Consulting	Dated 19 September 2017; Received 16 November 2017
Construction Management Plan	Meriton Property Services Pty Ltd	Dated August 2017; Received 16 November 2017
Remediation Action Plan- Ref: 73894.01	Douglas Partners	Dated July 2014; Received 16 November 2017
Detailed Site Investigation for Contamination- Ref: 73894.00	Douglas Partners	Dated July 2014; Received 16 November 2017
Geotechnical Investigation- Ref: GEOTLCOV25225AA-AC	Coffey	Dated 25 November 2014; Received 16 November 2017
Crime Risk and Security Report	Meriton Property Services Pty Ltd	Dated 17 August 2017; Received 16 November 2017
Statement of Environmental Effects	Meriton Property Services Pty Ltd	Dated 14 November 2017; Received 16 November 2017

- 2 No construction works (including excavation) shall be undertaken prior to the issue to the Construction Certificate.
- 3 This Consent relates to land in Lot 1 in DP 376752, Lot 3 in DP 376752 and Lot 21 in DP1014063 and, as such, building works must not encroach on to adjoining lands or the adjoining public place.
- 4 The consent given does not imply that works can commence until such time that:
 - a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
 - (i) The consent authority; or,
 - (ii) An accredited certifier; and,
 - b) The person having the benefit of the development consent:
 - (i) Has appointed a principal certifying authority; and

- (ii) Has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and,
 - (iii) The person having the benefit of the development consent has given at least 2 days notice to the council of the persons intention to commence the erection of the building.
- 5 All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- 6 Pursuant to clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for each building in the development are fulfilled.
 - a) Note:
Relevant BASIX Certificate means:
 - (i) A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
 - (ii) If a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate.
 - (iii) BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE COMMENCEMENT OF ANY WORKS

- 7 The proposed development shall comply with the following:
 - (a) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - (i) Stating that unauthorised entry to the work site is prohibited;
 - (ii) Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
 - (iii) The Development Approval number; and
 - (iv) The name of the Principal Certifying Authority including an afterhours contact telephone number.
 - (b) Any such sign is to be removed when the work has been completed.
- 8 A dilapidation report, including a photographic survey prepared by a Practising Structural Engineer, must be prepared on surrounding properties. A copy of the

dilapidation report together with the accompanying photographs shall be given to the above property owner/s, and a copy lodged with Principal Certifying Authority prior demolition. The extent of the Dilapidation Survey is to be prepared by a practising Structural Engineer having regard to foundations/structures of the locality

- 9 Prior to the commencement of any demolition, excavation or remediation works, the applicant must inform Council, in writing, of:
 - (a) The name of the contractor, and licence number of the licensee who has contracted to do, or intends to do, the work: or
 - (b) The name and permit number of the owner-builder who intends to do the work;
 - (c) The Council also must be informed if: -
 - (i) A contract is entered into for the work to be done by a different licensee; or
 - (ii) Arrangements for the doing of the work are otherwise changed.
- 10 Prior to commencement of any works, application(s) shall be made to Council's Customer Services Counter and obtained the following approvals and permits on Council's property/road reserve under Road Act 1993 and Local Government Act 1993: - (It should be noted that any works shown within Council's road reserve or other Council Lands on the development approval plans are indicative only and no approval for these works is given until this condition is satisfied.)
 - a) Permit to erect hoarding on or over a public place, including Council's property/road reserve,
 - b) Permit to construction works, place and/or storage building materials on footpaths, nature strips,
 - c) Permit to install temporary ground anchors in public land,
 - d) Permit to discharge ground water to Council's stormwater drainage system,
 - e) Permit for roads and footways occupancy (long term/ short term),
 - f) Permit to construct vehicular crossings, footpaths, kerbs and gutters over road reserve,
 - g) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever, such as relocation / re-adjustments of utility services,
 - h) Permit to place skip/waste bin on footpath and/or nature strip, and
 - i) Permit to use any part of Council's road reserve or other Council lands.
- 11 Erosion and sediment control devices shall be installed and in function prior to the commencement of any demolition, excavation or construction works upon the site in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into public stormwater drainage system, natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the legislative requirements and

guidelines. These devices shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.

- 12 Prior to the commencement of demolition work a licensed demolisher who is registered with WorkCover NSW must prepared a Work Method Statement to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy shall be sent to Council (if it is not the PCA). A copy of the Statement shall also be submitted to WorkCover NSW.

The statement must be in compliance with AS2601:1991 – ‘Demolition of Structures’, the requirements of WorkCover NSW and conditions of the Development Approval, and shall include provisions for:

- a) Enclosing and making the site safe, any temporary protective structures must comply with the “Guidelines for Temporary Protective Structures (April 2001)”;
- b) Induction training for on-site personnel;
- c) Inspection and removal of asbestos, contamination and other hazardous materials (by appropriately licensed contractors);
- d) Dust control – Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site;
- e) Disconnection of Gas and Electrical Supply;
- f) Fire Fighting – Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed;
- g) Access and Egress – No demolition activity shall cause damage to or adversely affect the safe access and egress of this building;
- h) Waterproofing of any exposed surfaces of adjoining buildings;
- i) Control of water pollution and leachate and cleaning of vehicles tyres – Proposals shall be in accordance with the “Protection of the Environmental Operations Act 1997”;
- j) Working hours, in accordance with this Development Consent;
- k) Confinement of demolished materials in transit;
- l) Proposed truck routes, in accordance with this Development Consent;
- m) Location and method of waste disposal and recycling in accordance with the “Waste Minimisation and Management Act 1995”.
- n) Sewer – common sewerage system ad08.

- 13 A sufficient area shall be provided onsite to enable separate stockpiling of excavated materials for sampling and analysis prior to removal or re-use on site. Details of this area shall be provided in the Soil and Water Management Plan (SWMP). This plan shall incorporate and reference the construction environmental management plan and address site limitations.

- 14 Toilet facilities are to be provided at or in the vicinity of the work site on which work involves:
- a) demolition and construction of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site;
 - b) Each toilet provided:
 - (i) must be standard flushing toilet; and,
 - (ii) must be connected:
 - to a public sewer; or
 - if connection to a public sewer is not practicable to an accredited sewerage management facility approved by the Council; or,
 - if connection to a public sewer or an accredited sewerage management facility is not practicable to some other sewerage management facility approved by the Council.
 - c) The provisions of toilet facilities in accordance with this condition must be in place before work commences.
- 15 This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.
- 16 Prior to the commencement of any works, the site to which this approval relates must be adequately fenced or other suitable measures employed that are acceptable to the Principal Certifying Authority to restrict public access to the site and building works. Such fencing or other measures must be in place before the approved activity commences.
- 17 The vehicular entry/exits to the site must be protected from erosion and laid with a surface material which will not wash into the street drainage system or watercourse.
- 18 Shaker pads and a wheel washer are to be installed at the entry/exit points to the site to prevent soil material leaving the site on the wheels of vehicles and other plant and equipment.
- 19 Prior to the commencement of excavation or any building works, the required Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 has to be paid. The Long Service Levy is payable at 0.35% of the total cost of the development, however this is a State Government Fee and can change without notice.
- 20 Where any shoring is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings certified as being adequate for their intended purpose by an appropriately qualified and practicing engineer, showing all details, including the extent of encroachment and the method of removal (or any other method) and de-stressing of shoring elements, shall be submitted with the Construction Certificate to the Principle Certifying Authority along with Council's (or other) consent if the works intrude on Council's (or other) property.

21 The applicant must prior to the issue of any Construction Certificate, pay the following fees:

- 22 Prior to the issue of any Construction Certificate, the applicant shall lodge a Damage Deposit of **\$629,880.00** (GST Exempt) by way of cash deposit or unconditional bank guarantee to Council against possible damage to Council's asset during the course of the building works. The deposit will be refunded subject to inspection by Council 12 months after the completion of all works relating to the proposed development and Final Occupational Certificate has been issued.

- City of Botany Bay Section 94 Contributions Plan 2016**

a) Community Facilities- Citywide	\$49,059.65
b) Recreation Facilities- Mascot Precinct	\$4,977.44
c) Recreation Facilities- Citywide	\$213,105.13
d) Transport Management- Citywide	\$20,079.28
e) Transport Management- Mascot	\$28,222.75
f) Administration	\$3,656.17

The total Section 94 Contribution of **\$319,100.50** is to be paid to Council prior to the issue of any Construction Certificate.

Note: The Section 94 Contributions are subject to annual review and the current rates are applicable for the financial year in which your consent is granted. If you pay the contribution in a later financial year you will be required to pay the fee applicable at the time.

- 24 Prior to the issue of the relevant Construction Certificate, the applicant shall submit amended plans to Council's Manager of Development Services for approval, showing the following:
- a) Storage areas are to comply with the minimum ADG requirement of 6sqm for 1 bedroom apartments, 8sqm for 2 bedroom apartments and 10sqm for 3 bedroom apartments. 50% of the storage area is to be included within the apartments. A breakdown of the storage area is to be provided within a Schedule:

- b) Internal reconfiguration of the 2 and 3 bedroom apartments to provide an open storage area within/close to, the entry way of the apartment and be in addition to storage in the kitchen, bathrooms and bedrooms;
 - c) Study nooks are to be provided to two and three bedroom units and are not to be enclosed in cupboard areas that do not have access to ventilation and sunlight. It is recommended that study nooks are located within the open planned area of the apartments;
 - d) Front entries of the apartments, dining rooms, kitchen floors and internal storage areas are to be finished with materials that are water resistant and easy to clean;
 - e) The first floor level must be designed as flexible space to allow for future adaption. It must have a minimum floor to ceiling height of 3.3 metres; and
 - f) The residential/commercial (dual use) first floor flexible space is to include design features which allow for future adaptability of this space for employment generating activities.
- 25 Prior to the issue of the Construction Certificate, a Waste Management and Minimisation Plan is to be submitted to the Principal Certifying Authority demonstrating the method of disposal of waste from the street.
- 26 Plans and specifications for the storage room for waste and recyclable materials shall be submitted to the Certifying Authority with the application for the relevant Construction Certificate. The garbage and recycling storage area shall be adequately ventilated, roofed and screened from public view. The floor shall be made of an impervious surface, drained to sewer and include a dry arrestor pit with a removable basket. Washing facilities shall be provided within close proximity to the garbage and recycling storage area.
- 27 The drawings for the construction certificate for the basement and above ground car park shall show the following parking requirements:

Car Parking Rates	Required
0.6 space / 1 bed unit	69 spaces
0.9 space /2 bed unit	160 spaces
1.4 space /3 bed unit	108 spaces
1 visitor space / 7 dwellings	53 spaces
Retail Spaces	20 spaces
Car Wash	1 space
TOTAL REQUIRED	411 spaces (rounded up)
TOTAL PROVIDED	439 spaces

There are 28 spaces in surplus. Any excess parking is to be allocated to the two/three bedroom apartments. This information is to be provided prior to the issue of the relevant Construction Certificate.

- 28 The building shall be constructed in accordance with *AS2021-2000: Acoustics, Aircraft Noise Intrusion, Building Siting and Construction*, the details of which must be prepared by a practicing professional acoustical consultant. The report shall be submitted to the certifying authority prior to the issue of the relevant Construction Certificate and the building plans endorsed with the required acoustical measures.

The measures required in the acoustical assessment report prepared by **Acoustic Logic, dated 06/09/2017, Report reference number 2016.1100.1/0609A/R1/TA** shall be undertaken in accordance with the provisions of *AS 2021 – 2000: Acoustics - Aircraft Noise Intrusion - Building Siting and Construction* to establish components of construction to achieve indoor design sound levels in accordance with Table 3.3 of AS2021 – 2000 shall be incorporated into the construction of the building.

The work detailed in the report includes:

- (a) Appropriate acoustic glazing to stated windows and doors,
- (b) Detailed roof and ceiling construction,
- (c) Wall and ceiling corner details and,
- (d) External door specification,
- (e) Acoustically treated mechanical ventilation.

Note: In many cases the applicant chooses to install air conditioning to meet mechanical ventilation requirements above. If they do it will require consideration of the noise from the air conditioner.

- 29 A suitable intercom system linked to all units within the development shall be provided at the vehicle entrance to the development to ensure any visitors to the site can gain access to the visitor parking in the car parking area. The details of the intercom system shall be submitted to Certifying Authority prior to the issue of the relevant Construction Certificate and its location and specifications endorsed on the construction drawings.

- 30 Prior to the issue of the relevant construction certificate, to ensure that utility authorities and Council are advised of any effects to their infrastructure by the development, the applicant shall:

- a) Carry out a survey of all utility and Council services within the site including relevant information from utility authorities and excavation if necessary to determine the position and level of services,
- b) Negotiate with the utility authorities (e.g. AusGrid, Sydney Water, Telecommunications Carriers and Council in connection with:
 - i. The additional load on the system, and
 - ii. The relocation and/or adjustment of the services affected by the construction.

- 31 Prior to the issue of any Construction Certificate, at the proposed point of construction site entry, photographic survey showing the existing conditions of Council's and RMS infrastructure shall be submitted to Council and Principal Certifying Authority.

The survey shall detail the physical conditions and identify any existing damages to the roads, kerbs, gutters, footpaths, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance of 50m from the development. Failure to do so may result in the applicant/developer being liable for any construction related damages to these assets. Any damage to Council's infrastructure during the course of this development shall be restored at the applicant's cost.

- 32 A Construction Management Program shall be submitted to, and approved by the Private Certifying Authority prior to the issue of any Construction Certificate. The program shall detail:

- a) The proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or public reserves being allowed,
- b) The proposed phases of construction works on the site and the expected duration of each construction phase,
- c) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken,
- d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process,
- e) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site,
- f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period,
- g) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site,
- h) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an Accredited Certifier (Structural Engineering), or equivalent,
- i) Proposed protection for Council and adjoining properties, and
- j) The location and operation of any on site crane. Please note that a crane may require prior approval from Sydney Airports Corporation.

- k) The location of any Construction Zone (if required) approved by Council's Traffic Committee, including a copy of that approval.
- 33 Prior to the issue of any Construction Certificate, a detailed Traffic Management Plan for the pedestrian and traffic management of the site during construction shall be prepared and submitted to the relevant road authority (Council or Roads and Maritime Services) for approval. The plan shall:
- a) be prepared by a RMS accredited consultant,
 - b) nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer or the Police,
 - c) during construction, if access from **Bourke Road** is required, the applicant is to submit documentary evidence to the Principal Certifying Authority that the required Section 138 Consent under the Roads Act, 1993 has been issued by the New South Wales Roads and Maritime Services, and
 - d) if required, implement a public information campaign to inform any road changes well in advance of each change. The campaign may be required to be approved by the Traffic Committee.

Note: Any temporary road closure shall be confined to weekends and off-peak hour times and is subject to Council's Traffic Engineer's approval. Prior to implementation of any road closure during construction, Council shall be advised of these changes and Traffic Control Plans shall be submitted to Council for approval. This Plan shall include times and dates of changes, measures, signage, road markings and any temporary traffic control measures.

- 34 Prior to the issue of any Construction Certificate, the applicant shall contact "Dial Before You Dig" to obtain a utility service diagram for, and adjacent to the property. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Principal Certifying Authority. All utilities within the work zone shall be protected during construction. Any adjustments or damage to public utilities/services as a consequence of the development and associated construction works shall be restored or repaired at the applicant's expense.

DURING WORKS

35

- a) The applicant shall conduct all construction works and any related deliveries/activities wholly within the site. If any use of Council's road reserve is required, approval and permits shall be obtained from Council.
- b) Construction operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on park/road reserve or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands.
- c) Hosing down or hosing/washing out of any truck (concrete truck), plant (eg concrete pumps) or equipment (eg wheelbarrows) on Council's road reserve

or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.

- d) Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer.
- 36 During Demolition, Excavation and Construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of demolition, excavation and construction. The area fronting the site and in the vicinity of the development shall also be made safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure and surrounding development (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.
- 37 During Demolition, Excavation, Construction and Deliveries, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion to prevent any vehicles (including deliveries) tracking soil materials onto street drainage system/watercourse, Council's lands, public roads and road-related areas. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or Council's land.
- 38 During construction, the applicant shall ensure that all works and measures have been implemented in accordance with approved Traffic Management Plan and Construction Management Plan at all times.
- 39 Any new information that comes to light during demolition or construction which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately. All work on site shall cease until the council is notified and appropriate measures to assess and manage the contamination in accordance with any relevant NSW EPA adopted guidelines is completed by an appropriately qualified and experienced environmental consultant.
- 40 Any material containing asbestos found on site during the demolition process shall be removed and disposed of in accordance with:
- a) SafeWork NSW requirements. An appropriately licensed asbestos removalist must complete all asbestos works if they consist of the removal of more than 10m² of bonded asbestos and/or any friable asbestos.
 - b) Protection of the Environment Operations Act 1997.
 - c) Protection of the Environment Operations (Waste) Regulation 2014.
 - d) NSW Environment Protection Authority Waste Classification Guidelines 2014.
- 41 All materials excavated from the site (fill or natural) shall be classified in accordance with the NSW Environment Protection Authority (EPA) Waste Classification Guidelines (2014) prior to being disposed of to a NSW approved landfill or to a recipient site.

- 42 To prevent contaminated soil being used onsite and to ensure that it is suitable for the proposed land use, all imported fill shall be appropriately certified material and shall be validated in accordance with the:
- a) Office of Environment and Heritage (OEH) approved guidelines; and
 - b) Protection of the Environment Operations Act 1997; and
 - c) Protection of the Environment Operations (Waste) Regulation 2014.
- All imported fill shall be accompanied by documentation from the supplier which certifies that the material has been analysed and is suitable for the proposed land use.
- 43 The principal contractor or owner builder must install and maintain water pollution, erosion and sedimentation controls in accordance with:
- a) The Soil and Water Management Plan;
 - b) “Managing Urban Stormwater - Soils and Construction” (2004) Landcom (‘The Blue Book’); and
 - c) Protection of the Environment Operations Act 1997.
- 44 During demolition, excavation, construction and any associated delivery activities, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion to prevent any construction-related vehicles (including deliveries) tracking soil materials onto street drainage system/watercourse, Council’s lands, public roads and road-related areas. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or Council’s lands.
- 45 All possible and practicable steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind-blown dust, debris, noise and the like.
- 46 Vibration levels induced by the demolition activities shall not exceed 1mm/sec peak particle velocity (ppv) when measured at the footing of any occupied building.
- 47 The following shall be complied with during construction and demolition:
- (a) Construction Noise
 - (i) Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority’s Interim Construction Noise Guideline and the Protection of the Environment Operations Act 1997.
 - (b) Level Restrictions
 - (i) Construction period of 4 weeks and under:
 - (1) The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 20dB(A).
 - (ii) Construction period greater than 4 weeks and not exceeding 26 weeks:

- (1) The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10 dB(A).

(c) Time Restrictions

- (i) Monday to Friday 07:00am to 06:00pm
- (ii) Saturday 08:00am to 01:00pm
- (iii) No demolition or construction to take place on Sundays or Public Holidays.

(d) Silencing

- (i) All possible steps should be taken to silence construction site equipment.

- 48 During excavation and construction work the Council nature strip shall be maintained in a clean and tidy state at all times. The nature strip shall be suitably replaced where damaged due to construction work in accordance with Council Specification at the completion of construction, and at the Applicant's expense.
- 49 During excavation and construction works, the applicant / builder is required to ensure the protection and preservation of all boundary fencing or boundary walls between the subject site and adjoining properties. Any damage caused as a result of such works will be at the full cost of the applicant/builder.

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

- 50 Prior to the issue of the relevant Occupation Certificate, the floor surface of the entry, dining room and kitchen floor and internal storage areas are to be water-resist for all two and three bedroom apartments.
- 51 Prior to the issue of the relevant Occupation Certificate, car parking is to be allocated as follows:
- a) 337 residential spaces
 - b) 53 visitors spaces
 - c) 20 retail spaces
 - d) 1 carwash bay located on the ground floor car park level

There is an excess of 28 spaces. Any excess parking is to be allocated to an apartment.

- 52 Prior to the issue of the relevant Occupation Certificate, at least 72 bicycle spaces are to be provided in the car park.
- 53 Any damage not shown in the photographic survey submitted to Council before site works have commenced will be assumed to have been caused by the site works (unless evidence to prove otherwise). All damages as a result from site works shall be

rectified at the applicant's expense to Council's satisfaction, prior to occupancy of the development and release of damage deposit.

- 54 That before entering a lease/occupancy agreement, all tenants and occupiers of the development are to be advised by the owner of the building that residents are not eligible to participate in on-street resident parking schemes.
- 55 Prior to the issue of the relevant Occupation Certificate, a sign to this effect shall be located in a prominent place, to Council's satisfaction, such as on a the notice board in the communal lobby, where it can easily be observed and read by persons entering the building.
- 56 Prior to the issue of the relevant Occupation Certificate, where a building is to be Strata Subdivided, a condition should be placed in the by-laws advising residents that they are not eligible to participate in on-street resident parking schemes.
- 57 Prior to release of the any Occupation Certificate the developer must submit to the Principal Certifying Authority an acoustic report to verify that the measures stated in the acoustic report have been carried out and certify that the construction meets the above requirements. The report must be prepared by a qualified practicing acoustic engineer (who is a member of either the Australian Acoustical Society or the Association of Australian Acoustical Consultants).
- 58 All services (Utility, Council, etc.) within the road reserve (including the footpath) shall be relocated/adjusted to match the proposed/existing levels as required by the development.
- 59 Prior to the issue of any Occupation Certificate, street numbers shall be clearly displayed with such numbers being of contrasting colour and adequate size and location for viewing from the footway and roadway.
- 60 Prior to the issue of any Occupation Certificate, a Certificate of Survey from a Registered Surveyor shall be submitted to the Principal Certifying Authority and the Council to the effect that:
 - (a) All reduced levels shown upon the approved plans, with relation to the required solar panels, drainage, boundary and road reserve levels, have been strictly adhered to; and
 - (b) A Floor Space Ratio (FSR) of 3.41:1 as approved under this Development Consent No. 2017/1166 and height of 51m AHD as approved under this Development Consent No. 16/150, have been strictly adhered to and any departures are to be rectified in order to issue the Occupation Certificate.
 - (c) The development as built, stands within Lot 1 in DP 376752, Lot 3 in DP 376752 and Lot 21 in DP1014063.
- 61 The applicant is responsible for the installation and protection of all regulatory/ parking / street signs fronting the property. Any damaged or missing street signs as a consequence of the development and associated construction works shall be replaced at full cost to the applicant.
- 62 Any air conditioning units are to be located so that they are not visible from the street or public place and are not obscure windows/window frames or architectural features

of the development and installed in a manner not be inconsistent with the relevant provisions of the Building Code of Australia (BCA).

- 63 Prior to use and occupation of the building an Occupation Certificate must be obtained under Section 109C(1)(c) and 109M of the Environmental Planning and Assessment Act 1979.

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

- 64 The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, infiltration systems and rainwater tanks) shall be regularly cleaned, maintained and repaired to ensure the efficient operation of the system from time to time and at all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sludge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines.
- 65 Ongoing maintenance of the road verges and footpaths and nature strips in Church Avenue and Galloway Street shall be undertaken by the owner/body corporate/Strata Corporation. Maintenance includes mowing, watering and maintaining the landscaping in these areas at all times. Maintenance does not include pruning, trimming, shaping or any work to street trees at any time.
- 66 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 (ie 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) 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).
 - (b) 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.
 - (c) 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.
 - (d) 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.
- 67 Any air conditioning units (where possible) shall comply with the following requirements:
- (a) Air conditioning units are not to be visible from the street or public place and are not to obscure windows/window frames or architectural features of the dwelling.

- (b) A person must not cause or permit an air conditioner to be used on residential premises in such a manner that it emits noise that can be heard within a habitable room in any other residential premises (regardless of whether any door or window to that room is open):
 - (i) Before 8 am or after 10 pm on any Saturday, Sunday or public holiday, or
 - (ii) Before 7 am or after 10 pm on any other day.
- 68 All loading and unloading associated with the retail tenancy is to be undertaken within the ground floor of Building B.
- 69 No garbage collection associated with the retail premises is permitted between 10pm and 6am.
- 70 The collection of garbage associated with the residential premises shall be restricted to 6am to 6pm Monday to Sunday.
- 71
 - (a) The adaptable apartments approved under this development consent are to remain as adaptable units at all times; and
 - (b) The storage areas located within the basement shall be allocated to the relevant residential dwelling in any future subdivision of the site. In addition, any isolated storage areas and other spaces as identified by the NSW Police, shall be monitored by CCTV cameras at all times.
- 72 All parking bays shown on the approved architectural plans shall be set aside for parking purpose only and shall not be used for other purposes, e.g. storage of goods. Vehicle turning areas shall be kept clear at all times and no vehicles are permitted to park in these areas.

1. INTRODUCTION

Clause 4.6 of Botany Bay Local Environmental Plan 2013 (LEP) provides the framework for consideration of proposed variations to development standards.

This Clause 4.6 variation request forms part of the Statement of Environmental Effects supporting documentation for a proposed Development Application that seeks approval for alterations (removal of childcare and additional 29 residential units) to a mixed use development with residential apartments and retail spaces.

The details of the proposal are included in Section 3 of the Statement of Environmental Effects report prepared by Meriton and reflected on the proposed plans prepared by A+ Architecture.

2. PROPOSED VARIATION

The proposal seeks variation to Clause 4.4(2) of the LEP, which states:

The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

The Floor Space Ratio Map nominates a maximum Floor Space Ratio (FSR) of 3.2:1 for the site. FSR is defined in the LEP as follows:

The floor space ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

Gross Floor Area is defined in the LEP as follows:

means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and*
 - (b) habitable rooms in a basement or an attic, and*
 - (c) any shop, auditorium, cinema, and the like, in a basement or attic,*
- but excludes:*
- (d) any area for common vertical circulation, such as lifts and stairs, and*
 - (e) any basement:*
 - (i) storage, and*
 - (ii) vehicular access, loading areas, garbage and services, and*
 - (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and*
 - (g) car parking to meet any requirements of the consent authority (including access to that car parking), and*
 - (h) any space used for the loading or unloading of goods (including access to it), and*
 - (i) terraces and balconies with outer walls less than 1.4 metres high, and*
 - (j) voids above a floor at the level of a storey or storey above.*

3. EXTENT OF VARIATION

a) Existing Approval

The existing DA16/150 that applies to the site has been approved with the following Floor Space Ratio and Gross Floor Area (note this is being corrected by Section 96 amendment in respect of Condition 130 in DA16/150):

Approved GFA of buildings	35,532 sqm
Approved GFA of excess car parking	1,287 sqm (99 x 13 sqm car spaces)
Approved GFA total	36,819 sqm
Approved FSR total	3.32:1

It is noted above that the total approved GFA includes excess car parking.

b) Subject Proposal

It is proposed to convert excess car parking GFA - identified above – into residential GFA to provide for more units. In the process, car parking GFA is to be reduced. The table below provides a summary of the proposed new Floor Space Ratio and Gross Floor Area.

Proposed GFA of buildings	37,552 sqm
Proposed GFA of excess car parking	351 sqm (27 car spaces)
Proposed GFA total	37,903 sqm
Proposed FSR total	3.41:1

4. MATTERS FOR CONSIDERATION

a) Is the requirement a development standard?

The variation sought relates to the FSR of the proposal. The FSR control is a development standard, as it provides a numerical restriction to a particular aspect of the development, rather than a prohibition.

b) Is the development standard excluded from the operation of this clause?

Clause 4.6(8) outlines the exclusions of the operation of Clause 4.6, which are:

- Complying Development;
- Statement Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- Clause 4.3(2A) – Height controls for certain sites on land in Zone R3 Medium Density Residential or Zone R4 High Density Residential.
- Clause 4.4B(3) – Exceptions to floor space ratio in Zone R3 and Zone R4.
- Clause 5.4 - Controls relating to miscellaneous permissible uses.

As the proposal does not relate to any of these types of developments, the variation to the Clause 4.4(2) FSR control sought is not excluded from the operation of Clause 4.6.

c) What is the underlying objective or purpose of the standard?

The objectives of the FSR control in clause 4.4 are as follows:

- (a) to establish standards for the maximum development density and intensity of land use,*
- (b) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,*
- (c) to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation,*
- (d) to ensure that buildings do not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks, and community facilities,*
- (e) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,*
- (f) to provide an appropriate correlation between the size of a site and the extent of any development on that site,*
- (g) to facilitate development that contributes to the economic growth of Botany Bay.*

The proposal is consistent with the above objectives, in that:

- a) The proposal results in an overall development density of 3.41:1. This is 2,370m² above the maximum GFA, being 7% over the permissible density control. It is also only 3% above the existing GFA approved on the site under DA16/150. A variation of this scale in the context of the site and surrounding development will be unperceivable in the overall scale and built form of the development. Importantly, the proposed additional floor space is contained entirely within the existing built form. Therefore, the additional floor space does not contribute to an increase in bulk and scale of the building.
- b) The site is located within the Mascot Town Centre. The 2,370m² variation to the FSR control will not alter the built form from what can be supported in a compliant development. The proposal has been designed to provide a much more appealing frontage to Church Avenue, by deleting car parking and providing units along that frontage. The proposed inclusion of 27 parking spaces above the RMS minimum requirement are located wholly within the podium and basement form, and exclusion of these parking spaces would not alter the overall scale and design of the podium structure.

Accordingly, the proposed development will still deliver a built form that is compatible with the bulk and built form envisaged by the desired future character planned for the Mascot Town Centre.

- c) The site is located within a precinct undergoing transition from a predominantly industrial area, to a mixed-use town centre. There are a number of developments proposed or under construction surrounding the site.
- d) The departure from strict compliance with the numerical FSR control will not result in bulk or scale that is unacceptable. The proposed development includes the creation of a public park and will also ensure its successful funding to meet the Council's requirements. The amenity of this park will not be adversely affected by the proposed additional gross floor area of the development.

- e) The proposal will have a positive relationship with the new public park and will not have any adverse impacts on its amenity.
- f) The proposed development has an overall site area of 11,104m². The scale of the site has been reflected in the scale and built form proposed for the development. The scale of the non-compliance with the FSR control in the context of the overall development is reflected in the variation being approximately 7% above the permissible density control. However, all additional floor space proposed is located entirely within the existing approved built form on the site.

The development has been designed having regard to the scale of the site, including the creation of a basement and podium for car parking and other services, which are screened from the streetscape through sleeved apartments within the podium structure. The majority of the apartments within the approved development are contained within four towers located above the podium structure, and these have been designed in accordance with the Apartment Design Guide (ADG) providing appropriate tower separation and floorplate designs which reflect the scale and location of the site. The proposed new residential units are located on Level 4 and along the Church Avenue elevation of the building.

- g) The proposal will deliver a total of 369 apartments and retail. This will positively contribute to the economic development and viability of the Mascot Town Centre through:
 - Redeveloping a currently under-utilise site;
 - Providing new residential housing stock within 100 metres of the Mascot train station; and
 - Providing new retailing to the future residential population.

d) Is compliance with the development standard is unreasonable or unnecessary in the circumstances of the case?

In *Wehbe v Pittwater Council (2007) NSWLEC 827* Preston CJ set-out the five ways of establishing that compliance with a development standard is unreasonable or unnecessary in support of justifying a variation. These are:

- 1) *Establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development are achieved notwithstanding noncompliance with the standard.*
- 2) *Establish that the underlying objective or purpose is not relevant to the development with the consequences that compliance is unnecessary.*
- 3) *Establish that the underlying objective or purpose would be defeated or thwarted if compliance was required that the consequences that compliance is unreasonable.*
- 4) *Establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unreasonable and unnecessary.*
- 5) *Establish that 'the zoning of particular land' was 'unreasonable or unnecessary' so that 'a development standard for that zoning was also unreasonable or unnecessary as it was applied to that land' and that compliance with the standard in that case would also be unreasonable and unnecessary.*

In applying the test in *Wehbe v Pittwater Council*, only one of the ways of establishing the development standard is unreasonable and unnecessary needs to be demonstrated. As outlined in Section 3(c) above, the proposed development is able to achieve the objectives of the height development standard, even though the development results in a non-compliance with the numerical standard. On this basis, the development is able to demonstrate that the development is unreasonable and unnecessary in accordance with the first way Preston CJ outlines in *Wehbe v Pittwater Council*.

In the recent decision of *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90* Pain J upheld the decision of Pearson C which indicated that a variation must be justified on sufficient environmental planning grounds particular to the circumstances of the proposed development and development site rather than grounds that would apply to a similar development on the site or a development in the vicinity.

However, in a the more recent case of *Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7* Preston CJ stated that the consent authority did not have to be satisfied directly that compliance with each development standard was unreasonable and unnecessary in the circumstances of the case, but only indirectly by being satisfied that the appellant's written request adequately addressed the matter in Clause 4.6(3)(a) that compliance with each development standard was unreasonable and unnecessary. This decision indicates a move away from the more prescriptive approach to consideration of Clause 4.6 variation requests taken in *Four2Five v Ashfield Council*.

Applying Preston's CJ decision in *Randwick City Council v Micaul*, the proposed development is able to demonstrate that strict compliance with the numerical FSR development standard is unnecessary in the particular circumstances of the proposal, as the development is able to:

- Meet the objectives of the development standard as outlined in Section 3(c);
- Meet other built form development standards;
- Satisfactorily address all relevant planning considerations as detailed in section 3(e); and
- There are various other examples of previously approved developments in the Mascot Station area that exceed (significantly in some instances) the 3.2:1 FSR control. These are shown in the table below.

The table above clearly demonstrates that the development standard has been virtually abandoned or destroyed in this instance. It also demonstrates that the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary, and that the underlying object of purpose would be defeated or thwarted if compliance was required, and therefore compliance is unreasonable.

Site	FSR
39 Kent road, Mascot	4.26:1
214 Coward Street, Mascot	4.24:1
208-210 Coward Street, Mascot	4.00:1
246 Coward Street, Mascot	3.88:1
8 Bourke Road & 37 church Avenue	3.82:1
2-4 Haran Street, Mascot	3.79:1

7-9 Kent Road, Mascot	3.78:1
7 Bourke Street & 30-32 John Street, Mascot	3.75:1
19-33 Kent Road, Mascot	3.72:1
230 Coward Street, Mascot (25 John Street)	3.60:1

e) Are there sufficient environmental planning grounds to justify contravening the development standard?

The variation to the FSR development standard is considered well founded and reasonable for the following reasons:

- The proposed development is consistent with the underlying objectives and purpose of the development standard as demonstrated above;
- The proposed non-compliance relates to the LEP 2013 provisions for FSR will not have any adverse impact on the bulk and scale of the development when viewed from surrounding properties;
- Despite the non-compliance with the FSR control, the proposal is consistent with the scale of development anticipated in the locality. This is ensured by proposing all additional gross floor area within the existing approved building envelope;
- The proposal will support the delivery of a communal open space with public access during the day, which will positively contribute to the establishment of the Mascot Town Centre; and
- The provision of some additional car parking beyond the minimum required can be supported on traffic planning grounds, as evident in the Traffic Report prepared by Arup.

f) Will the proposed development be in the public interest because it is consistent with the objectives of the particular standard and objectives for development within the zone in which the development is proposed to be carried out?

As outlined throughout the SEE and this Clause 4.6 Variation Statement, the proposal is consistent with the objectives of the FSR development standard and objectives of the B4 zone.

The principle aim of the proposal is to provide new residential apartments. The provision of a new public park is also proposed.

The proposed variation to the FSR control does not result in the loss of amenity to the neighbouring properties in any way, as the proposed additional gross floor area is contained entirely within the existing building envelope. The proposed FSR is considered to be acceptable particularly when balanced against the benefits of the project which are:

- Provision of new housing and employment opportunities on land zoned for this purpose within the short term.
- Development of an under-utilised site (being currently occupied by industrial warehouses) identified for future mixed use development (being zoned B4 Mixed Uses).
- Contribution to the delivery of key infrastructure, namely the public park.
- The proposal will provide positive social outcomes through the provision of on-site housing, child care facilities and a new public park.

g) Whether contravention of the development standard raises any matter of significance for State or regional environmental planning.

The proposed variation to the FSR development standard does not conflict with any matters of State or regional environmental planning significance, nor does it conflict with any State Planning Policies or Ministerial directives. The significance of the non-compliance is acceptable in the context of the overall development of the Mascot area and the broader Bayside Council area.

h) The public benefit of maintaining the development standard.

It is considered that due to the absence of any demonstrable adverse impacts arising from the proposed development, adherence to the subject development standards would hinder the attainment of the objectives of the Act. Further, the proposed development is consistent with the objectives of the development standard. Therefore, such adherence would not be in the public interest in this instance.

5. CONCLUSION

The proposal seeks variation to the FSR development standard. The proposal will have no adverse impacts and will have no conflict with any matters of State or regional environmental planning significance. Nor does it conflict with any State Planning Policies or Ministerial directives.

Overall, it is considered that the proposed variation to the FSR control (Clause 4.4) can be justified on the following grounds:

- The proposed variation is minor in scale, resulting in a 7% variation to the FSR control.
- The proposed additional gross floor area is only 3% above the approved building on the site, and that additional GFA is contained entirely within the existing approved building envelope.
- There are numerous other examples of developments that have been approved in the Mascot Station area that exceed the maximum FSR – some significantly.
- The proposal will result in a development, which remains consistent with the objectives of the B4 Mixed Use zone of the site.
- The proposal remains consistent with the objectives of the FSR development standard.
- The proposed development will deliver a public park, which will positively contribute to the residential amenity of the Mascot Town Centre.
- The proposal is consistent with all other relevant development standards.
- The public benefit of maintaining the development standards in this particular proposal is not put at risk by allowing a departure in this particular instance.

On the basis of the above, support should be given to the proposed variation to the FSR development standard under the provisions of clause 4.6 of the LEP.



1 LEVEL 1 - GFA
1 : 500



3 LEVEL 3 - GFA
1 : 500



2 LEVEL 2 - GFA
1 : 500



4 LEVEL 4 - GFA
1 : 500

DEVELOPMENT SUMMARY

	Approved DA	Proposed DA
Level 1	1,976.60 sqm	2,581.10 sqm
Level 2	2,245.51 sqm	2,955.63 sqm
Level 3	2,249.43 sqm	2,955.43 sqm
Level 4	2,330.30 sqm	2,329.25 sqm
Sub -Total GFA	8801.84 sqm	10821.41 sqm
Ground Level	2,274.05 sqm	NO CHANGE
Level 5 - 13	24,456.11 sqm	
Sub-Total GFA	26,730.16 sqm	26,730.16 sqm
Main GFA	35,532.00sqm	37,552 sqm
Excess Car Parking GFA	1,287.00 sqm	351.00 sqm
Total GFA	36,819.00 sqm	37,903 sqm
Total FSR	3.32:1	3.41:1
		1,084 sqm increased GFA. 0.10:1 increased FSR.

GENERAL NOTES:

NOTE FOR BRICKWORK:

- ELECTRICAL CUPBOARDS ON RESIDENTIAL FLOORS ARE HOLLOW CORE DOORS LINED ON INSIDE FACE WITH 13mm FIRE GRADE PLASTERBOARD WITH A PERIMETER SMOKE SEAL.

F.R.L. FOR WALLS

PARKING LEVELS:

- LIFT SHAFT - 120/120/120
- COLUMNS - 120/120/120
- FIRE STAIRS - 120/120/120
- VENTILATION & GARBAGE SHAFTS - 120/120
- MAIN GARBAGE ROOM DOOR - 120/30
- FIRE STAIR DOORS - 60/30

COMMERCIAL & RETAIL LEVELS:

- LIFT SHAFT 180/180/180
- FIRE STAIRS 180/180/180
- VENTILATION & GARBAGE SHAFTS -180/180
- FIRE STAIR DOORS -60/30

RESIDENTIAL LEVELS:

- LIFT SHAFT - 90/90/90
- FIRE STAIRS - 90/90/90
- VENTILATION & GARBAGE SHAFTS - -90/90
- UNIT ENTRY DOORS -60/30
- GARBAGE ROOM DOORS -60/30
- FIRE STAIR DOORS -60/30
- APARTMENT DIVIDING WALLS & WALLS BOUNDING PUBLIC AREAS AND CORRIDORS -60/60

N.B: ALL F.R.L'S RELATE TO NON-LOADBEARING CONSTRUCTION AS APPLICABLE. CODE DEFINITION (STRUCTURAL ADEQUACY/INTEGRITY/INSULATION)

1	10.11.17	AMENDED PLAN			
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PROJECT:
SPECTRUM
42 CHURCH AVE, MASCOT

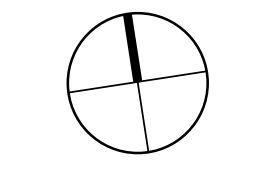
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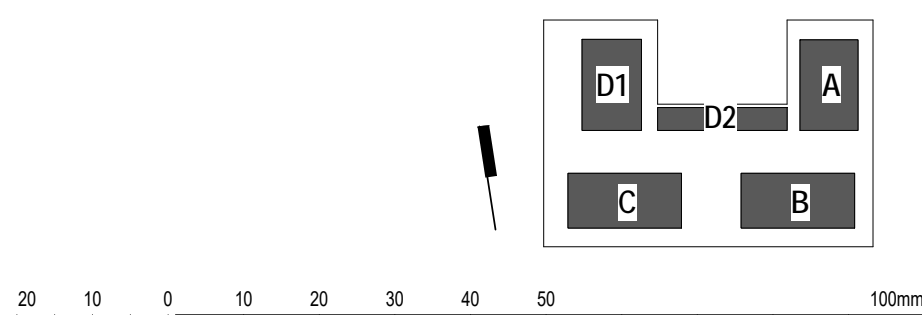
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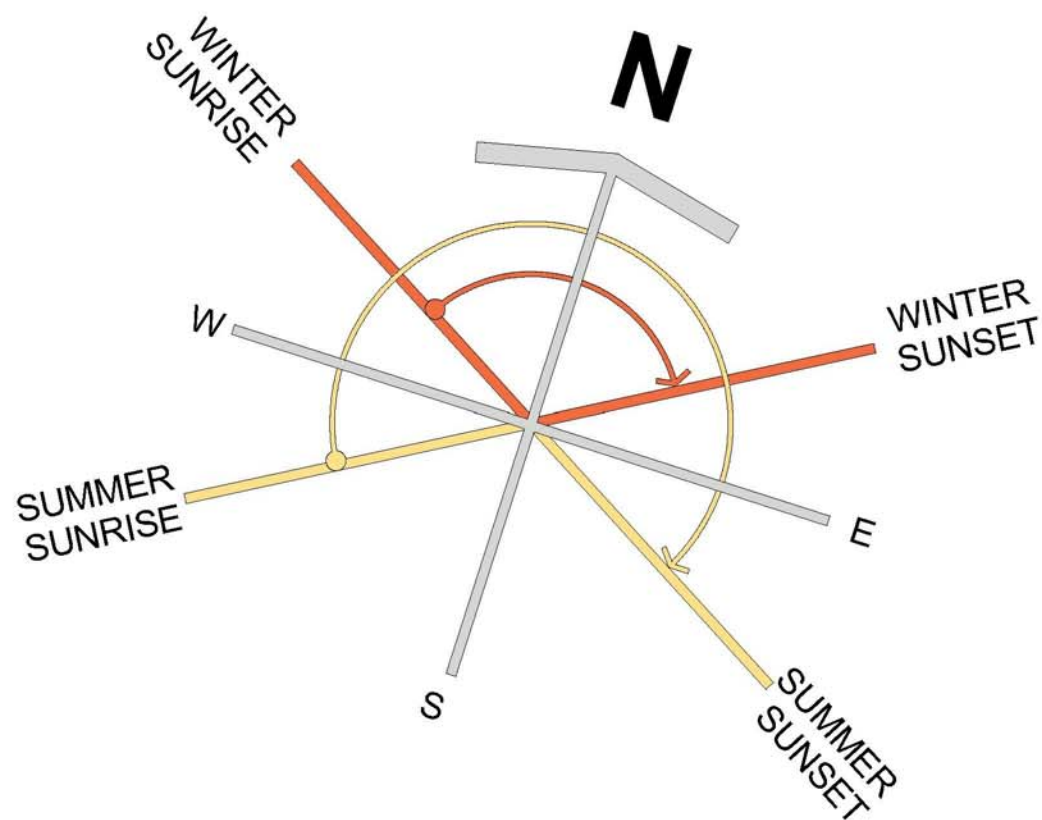
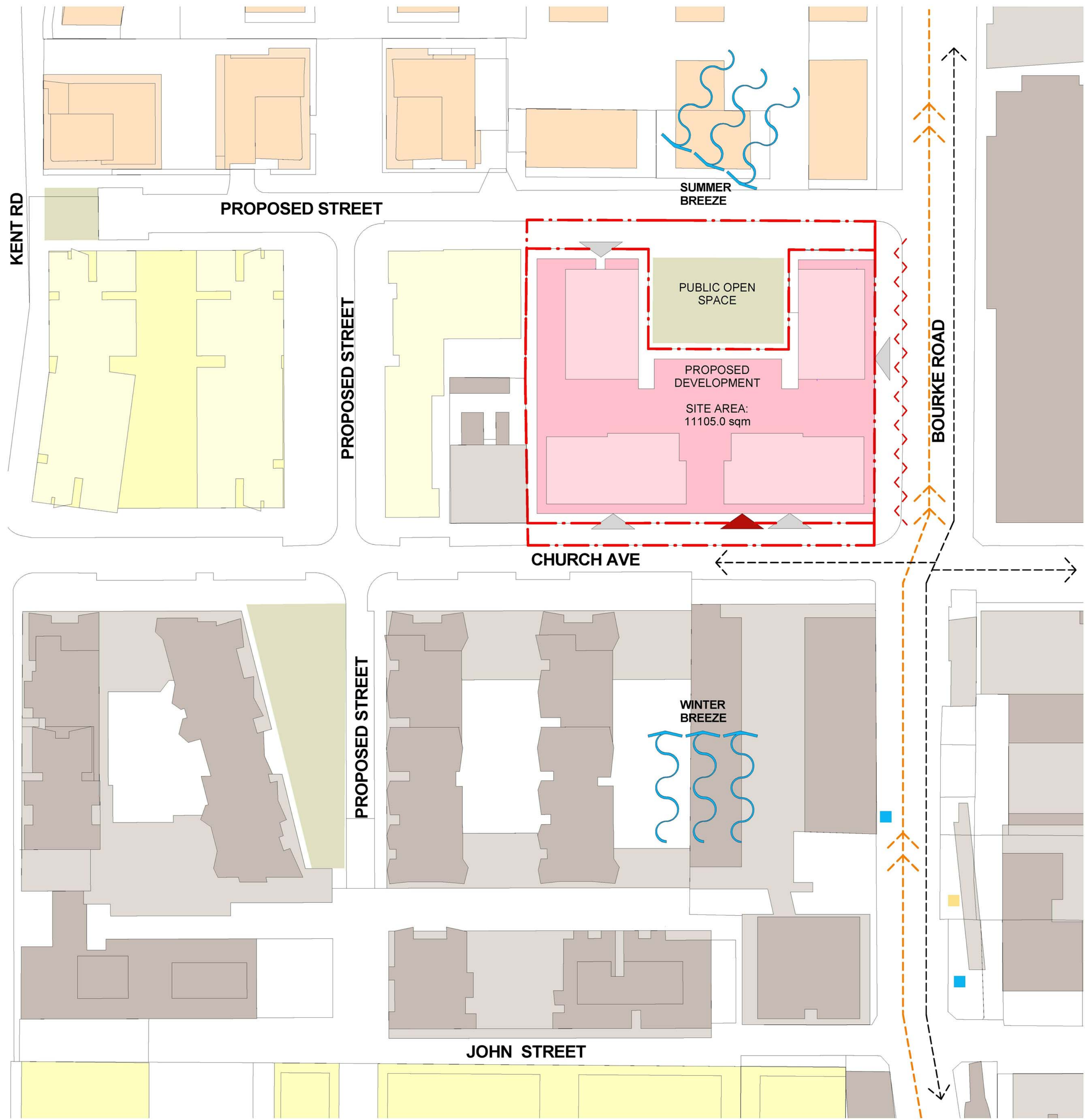
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FOR INFORMATION





- PROPOSED DEVELOPMENT
- DA APPROVED UNBUILT
- UNDER CONSTRUCTION/ PROPOSED BUILDING ENVELOPES
- EXISTING
- OPEN SPACE
- PROPOSED CAR PARK ENTRY / EXIT
- PROPOSED BUILDING ENTRY
- SITE BOUNDARY
- TRAFFIC NOISE
- MAJOR TRAFFIC
- ARTERIAL ROAD
- BUS STOP
- TRAIN STATION

GENERAL NOTES:

NOTE FOR BRICKWORK:
ELECTRICAL CUPBOARDS ON RESIDENTIAL FLOORS ARE HOLLOW CORE DOORS LINED ON INSIDE FACE WITH 13mm FIRE GRADE PLASTERBOARD WITH A PERIMETER SMOKE SEAL.

F.R.L. FOR WALLS

PARKING LEVELS:
LIFT SHAFT -120/120/120
COLUMNS -120/120/120
FIRE STAIRS -120/120/120
VENTILATION & GARBAGE SHAFTS -120/120
MAIN GARBAGE ROOM DOOR -120/30
FIRE STAIR DOORS -60/30

COMMERCIAL & RETAIL LEVELS:

LIFT SHAFT 180/180/180
FIRE STAIRS 180/180/180
VENTILATION & GARBAGE SHAFTS -180/180
FIRE STAIR DOORS -60/30

RESIDENTIAL LEVELS:

LIFT SHAFT -90/90/90
FIRE STAIRS -90/90/90
VENTILATION & GARBAGE SHAFTS -90/90
FIRE STAIR DOORS -60/30
GARBAGE ROOM DOORS -60/30
FIRE STAIR DOORS -60/30
APARTMENT DIVIDING WALLS & WALLS BOUNDING PUBLIC AREAS AND CORRIDORS -60/60

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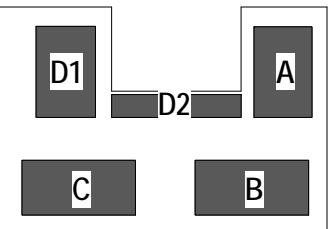
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PROJECT:
SPECTRUM
42 CHURCH AVE, MASCOT

DRAWING TITLE:
Site Plan

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20 10 0 10 20 30 40 50 100mm



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- COLUMNS _120/120/120
- FIRE STAIRS _120/120/120
- VENTILATION & GARBAGE SHAFTS _-120/120
- MAIN GARBAGE ROOM DOOR _-120/30
- FIRE STAIR DOORS _-60/30

- LIFT SHAFT 180/180/180
- FIRE STAIRS 180/180/180
- VENTILATION & GARBAGE SHAFTS -/180/180
- FIRE STAIR DOORS -/60/30

- LIFT SHAFT _ 90/90/90
- FIRE STAIRS _ 90/90/90
- VENTILATION & GARBAGE SHAFTS _ -90/90
- FIRE STAIR DOORS _ -60/30
- GARBAGE ROOM DOORS _ -60/30
- FIRE STAIR DOORS _ -60/30
- APARTMENT DIVIDING WALLS & WALLS BOUNDING PUBLIC AREAS AND CORRIDORS _ -60/60

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NOTE: MATERIALS TO MATCH EXISTING DA
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INDICATES AREAS NOT SUBJECT TO S90

1	19.09.17	SECTION 96	
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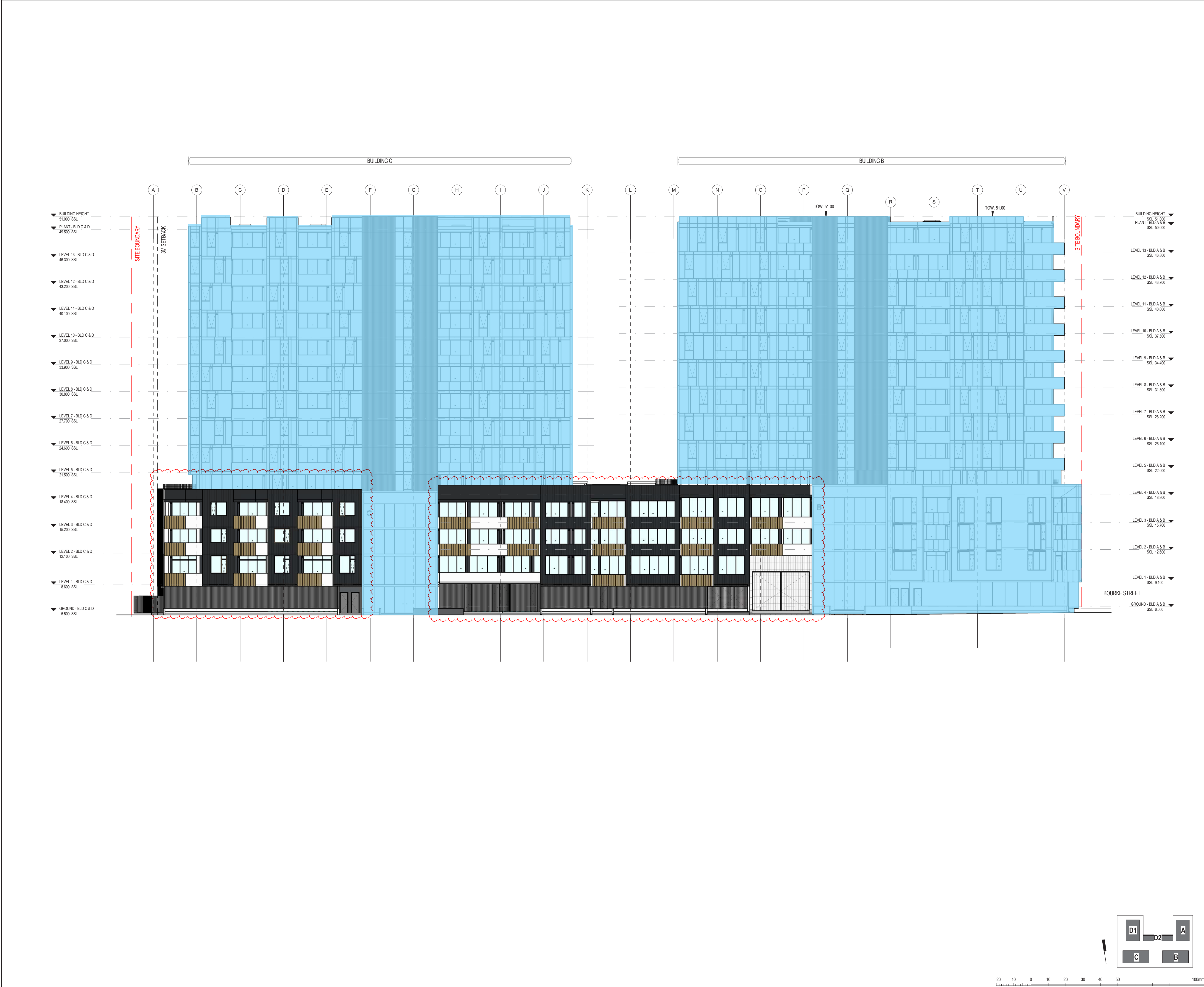
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42 CHURCH AVE, MASCOT

North Elevation

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F.R.L. FOR WALLS

PARKING LEVELS:

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- COLUMNS -120/120/120
- FIRE STAIRS -120/120/120
- VENTILATION & GARBAGE SHAFTS -120/120
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- FIRE STAIR DOORS -60/30

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- LIFT SHAFT 180/180/180
- FIRE STAIRS 180/180/180
- VENTILATION & GARBAGE SHAFTS -180/180
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RESIDENTIAL LEVELS:

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- FIRE STAIRS -90/90/90
- VENTILATION & GARBAGE SHAFTS -90/90
- FIRE STAIR DOORS -60/30
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42 CHURCH AVE, MASCOT

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South Elevation

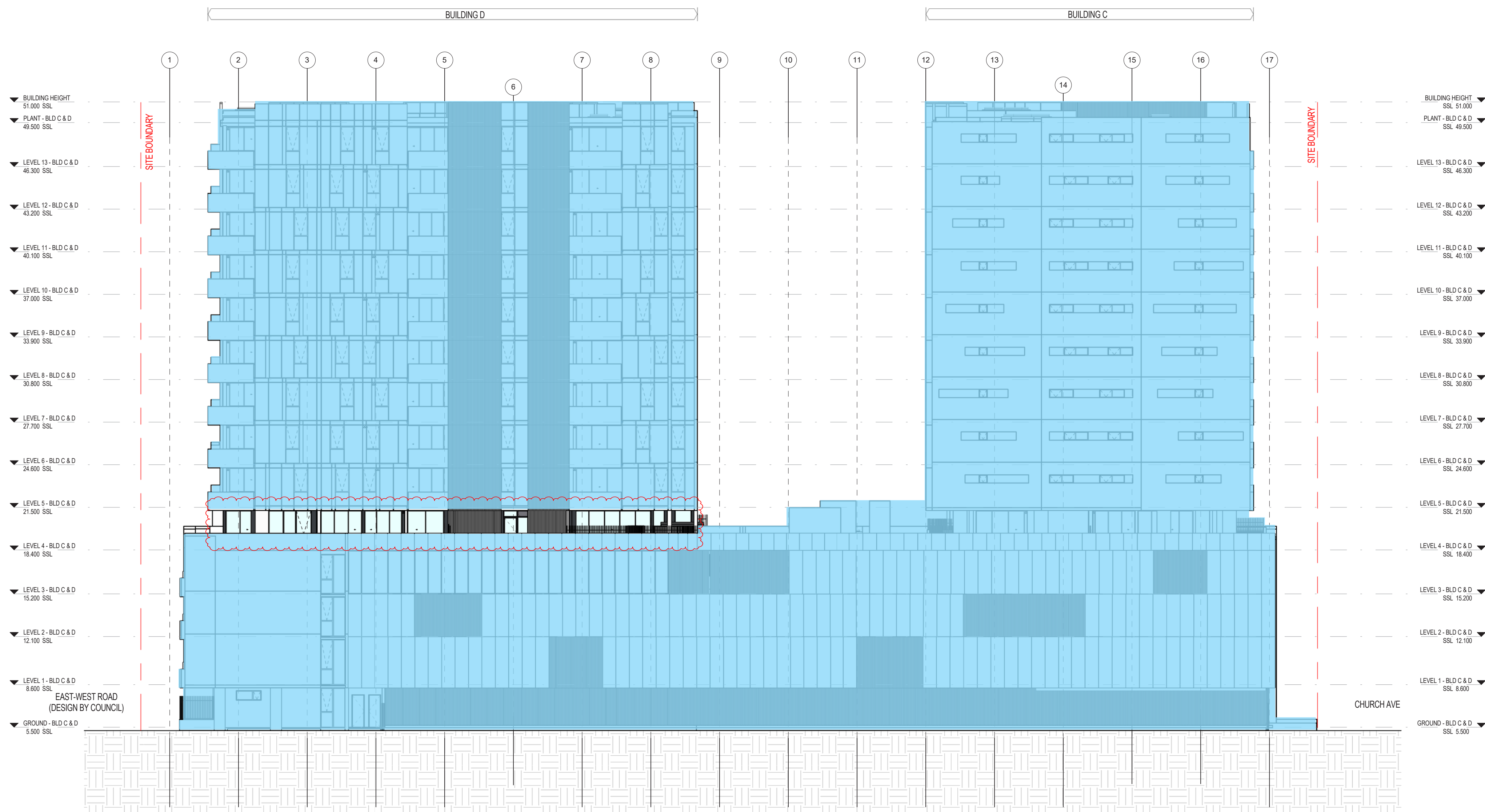
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F.R.L. FOR WALLS

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RESIDENTIAL LEVELS:

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- FIRE STAIR DOORS -60/30
- GARBAGE ROOM DOORS -60/30
- FIRE STAIR DOORS -60/30
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PROJECT:
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DRAWING TITLE:
West Elevation

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20 10 0 10 20 30 40 50 100mm