
Bayside Planning Panel

13/03/2018

Item No	6.5
Application Type	Integrated Developmet- Residential flat building and commercial tenancies
Application Number	2017/1154
Lodgement Date	13 September 2017
Property	904-922 Botany Road, Mascot Lot 102 in DP 1206802
Owner	Mascot Exchange Pty Ltd- C/- Anthony and Pamela Fahey
Applicant	Environa Studio
Proposal	Integrated Development for the demolition of the existing structures and construction of five (5) storey mixed use development comprising of 32 residential units and six (6) ground floor commercial units and basement level parking.
No. of Submissions	Two (2) objections
Cost of Development	\$10,958,343.00
Report by	Angela Lazaridis- Senior Development Assessment Officer

Officer Recommendation

- 1 That the 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 Height Standard and the objectives for the B2 Local Centre zone.
 - 2 To approve the demolition of the existing structures and construction of five (5) storey mixed use development comprising of 32 residential units and six (6) ground floor commercial units and basement level parking; and
 - 3 That any objectors be notified of the determination made by the Planning Panel.
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Attachments

- 1 Planning Assessment Report
- 2 Site Plan
- 3 Roof Plan
- 4 East Elevation
- 5 North Elevation
- 6 West Elevation

- 7 South Elevation
 - 8 North Elevation Internal
 - 9 South Elevation Internal
 - 10 Streetscape Analysis Street Elevation
 - 11 Photomontage
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Location Plan

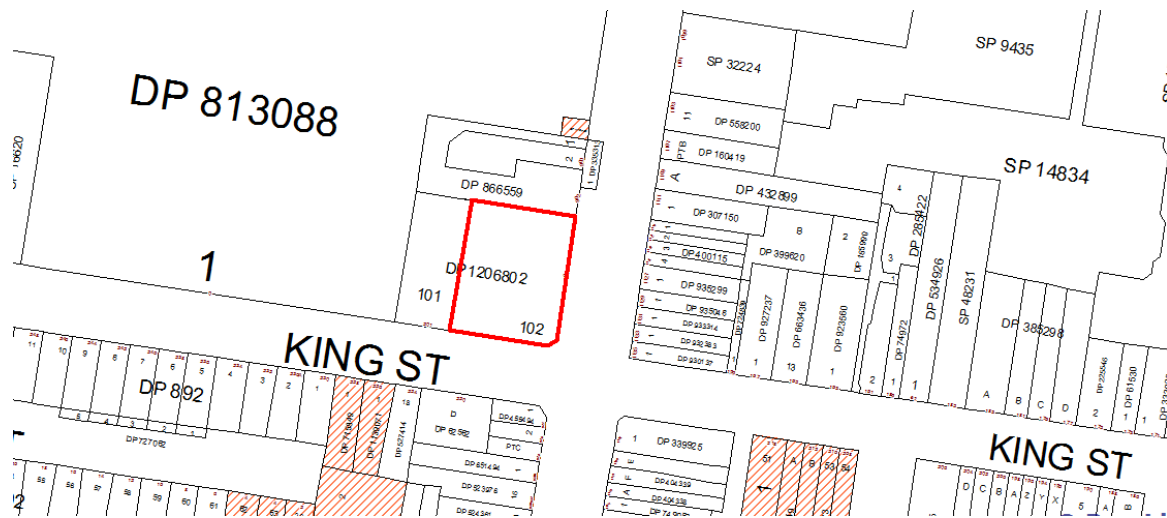


Figure 1: Locality Plan

BAYSIDE COUNCIL

Planning Assessment Report

Application Details

Application Number:	2017/1154
Date of Receipt:	13 September 2017
Property:	904-922 Botany Road Mascot Lot 102 in DP 1206802
Owners:	Mascot Exchange Pty Ltd- C/- Anthony and Pamela Fahey
Applicant:	Environa Studio
Proposal:	Integrated Development for the demolition of the existing structures and construction of five (5) storey mixed use development comprising of 32 residential units and six (6) ground floor commercial units and basement level parking.
Recommendation:	Approve the development, subject to conditions.
Value:	\$10,958,343.00
No. of submissions:	Two (2) objections
Author:	Angela Lazaridis, Senior Development Assessment Planner
Date of Report:	26 February 2018

Key Issues

Bayside Council received Development Application No. 2017/1154 on 13 September 2017 seeking consent for the demolition of the existing structures and construction of five (5) storey mixed use development comprising of 32 residential units and six (6) ground floor commercial units and basement level parking at 904-922 Botany Road, Mascot.

The application is classified as Integrated Development in accordance with the *Water Management Act 2000* as the development involves a temporary construction dewatering activity. As such the application was referred to Water NSW and general terms of approval have been received and imposed in the conditions of consent.

The application was placed on public exhibition for a thirty (30) day period from 10 October to 11 November 2017. Two objections were received and these are discussed in the report below.

Key issues in the assessment of the development application include departures in the height, car parking, first floor ceiling heights and deep soil calculations. In regards to the height of the development, the proposal protrudes 2.8 metres above the maximum height of 14 metres to the top of the roof. This is a variance of 20%. The applicant has submitted a Clause 4.6 variation to the standard which is discussed below in the report. The remaining issues have also been discussed in greater detail below.

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:

1. That the Bayside Planning Panel supports the variation to clause 4.3 in accordance with the Clause 4.6 justification provided by the applicant;
2. That the Development Application No. 2017/1154 for the demolition of the existing structures and construction of five (5) storey mixed use development comprising of 32 residential units and six (6) ground floor commercial units and basement level parking at 904-922 Botany Road, Mascot be approved subject to the conditions attached to this report; and
3. That any objectors be advised of the Bayside Planning Panel's decision.

Background

History

- Development Application No. 14/150 for the Torrens Title Subdivision of Lot 1 in DP 609849 into two allotments (Lots 101 and 102) was approved on 20 February 2015. A condition of consent was included as follows:
 5. *Prior to the issue of the Subdivision Certificate, the plan of subdivision and Section 88B instrument shall establish the following restrictive covenants; with the Council having the benefit of these covenants and having the sole authority to release or vary or modify these covenants:*
 - (a) *The provision of easements for Right of Footway, Right of Access and for two (2) car parking spaces over Proposed Lot 102 for Proposed Lot 101. These easements are to be relinquished following a development consent for any new car park being allocated for Proposed Lot 101.*
 - (b) *Any development application for Proposed Lot 2 must include the removal of the substation along the Botany Road frontage that is subject to the existing lease (Q697837) to Sydney County Council (Ausgrid) for substation premise No. 4058 and associated easement and right of way.*
- Development Application 14/256 for the demolition of a single storey building, excavation and remediation, and redevelopment including 6 shops and 31 apartments and basement car park was approved on 19 November 2015 through a Section 34 Agreement of the Land and Environment Court.

Development Application History

On 19 October 2017, the proposal was presented to a Design Review Panel for comment. The Panel were generally in support of the proposal subject to minor amendments to the plans which are outlined in the report below.

An additional information letter was sent to the applicant on 11 December 2017 raising concerns with the development. Amended plans and reports relating to acoustic, flooding and Basix were submitted on 20 February 2018.

In response to feedback provided by the Design Review Panel the modified proposal retains a two-storey parapet line at the corner of Botany Road and King Street with Level 2 setback 2.2 metres from the eastern boundary and Levels 3 and 4 setback between 11.85 and 13.6 metres from the eastern boundary. The deletion of the upper storey of apartments on the eastern side of Level 3 has allowed for the communal open space to be relocated from Level 4 to Level 3. The modifications have also resulted in the deletion of apartment 16, reducing the total number of apartments from 33 to 32. Car parking has been increased from 61 spaces to 72 spaces and minor alterations to the internal configuration has been made.

Proposal

The development application, in its amended form, seeks consent for the demolition of the existing structures and construction of five (5) storey mixed use development comprising of 32 residential units and six (6) ground floor commercial units and basement level parking.

It was noted throughout the assessment of the application that the demolition of the existing structures had been carried out under Development Consent No. 14/256 therefore there is no demolition proposed as part of this approval.

The proposed development is described in detail below:

Car Parking and Parking Allocation

The car parking proposed is over two levels and contains 72 spaces. There is one level of basement and one level at grade. The plans allocate six commercial spaces, seven visitor spaces and five residential spaces at grade level and 52 residential spaces within the basement. There are two car parking spaces at grade dedicated Telstra as was required in DA-14/150 which 904-922 Botany Road was originally subdivided. Additionally, the proposal provides one car wash bay within the basement and a loading bay at grade. Storage and bicycle parking is provided within the basement.

Residential Flat and Commercial Component

The proposed development consists of a total of 32 residential units over four levels. The development provides a mix of 7 x 1 bedroom units, 24 x 2 bedroom units and 1 x 3 bedroom unit.

Each one bedroom plus study consists of one bedroom, one bathroom, an open study area, kitchen, dining room and living room and access to one balcony. These units are generally east facing.

Each two bedroom apartment consists of two bedrooms (one with ensuite), one bathroom, laundry space, kitchen, dining room and living room and has access to one balcony. The first floor units on the southern building also have access to private gardens. A number of the two

bedroom units are also two storey units located over Levels 4 and 5 with the living spaces on the bottom floor and bedrooms on the top.

The three bedroom apartment consists of a two storey unit with three bedrooms (one with ensuite), one bathroom, laundry, open plan kitchen, living and dining room. All bedrooms are located on the top floor and private open space has been provided on the bottom floor.

Landscaping works are proposed within the centre of the first floor in a communal area as well as a rooftop communal area on Level 3. The communal rooftop terrace will contain planter beds, seating and BBQ facilities. A landscape buffer that is 2 metre wide will be provided on a portion of the northern setback over the easement.

The ground floor contains six commercial tenancies with five of the tenancies fronting Botany Road and one of the tenancies fronting King Street. The total retail area is 531sqm. The tenancies share common bathroom facilities within the at grade car parking level.

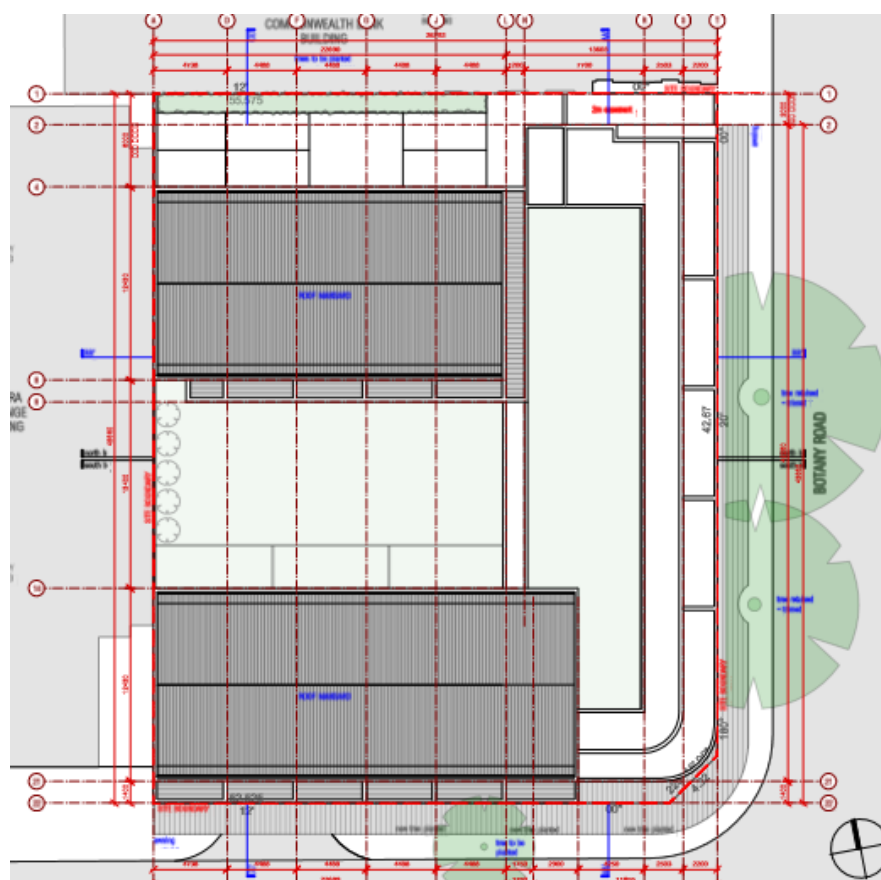


Figure 1. Proposed Roof Plan



Figure 2. Proposed Eastern Elevation

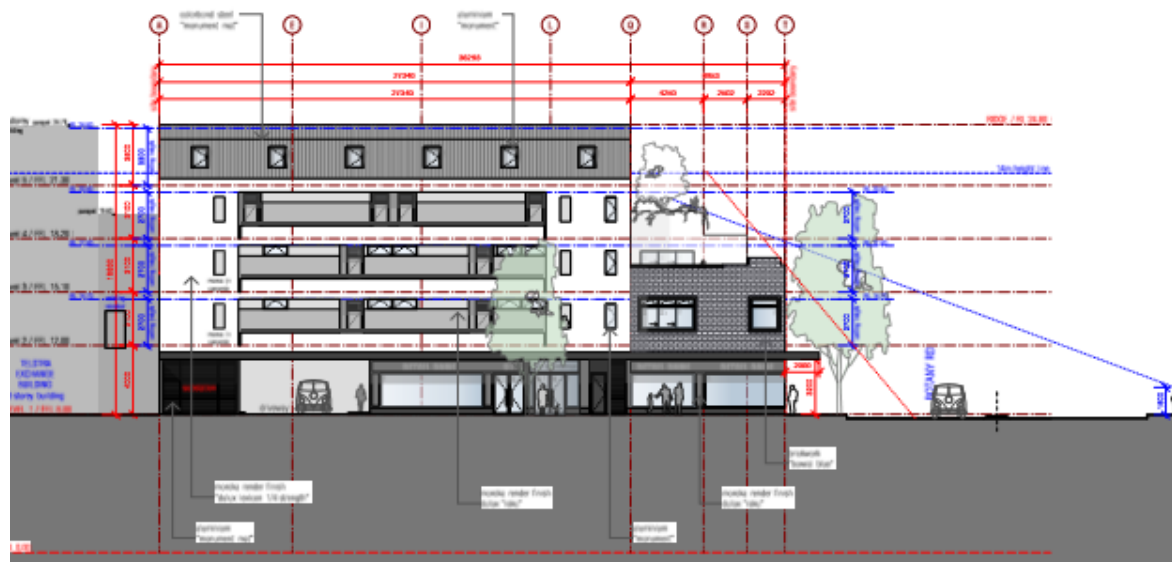


Figure 3. Proposed Southern Elevation

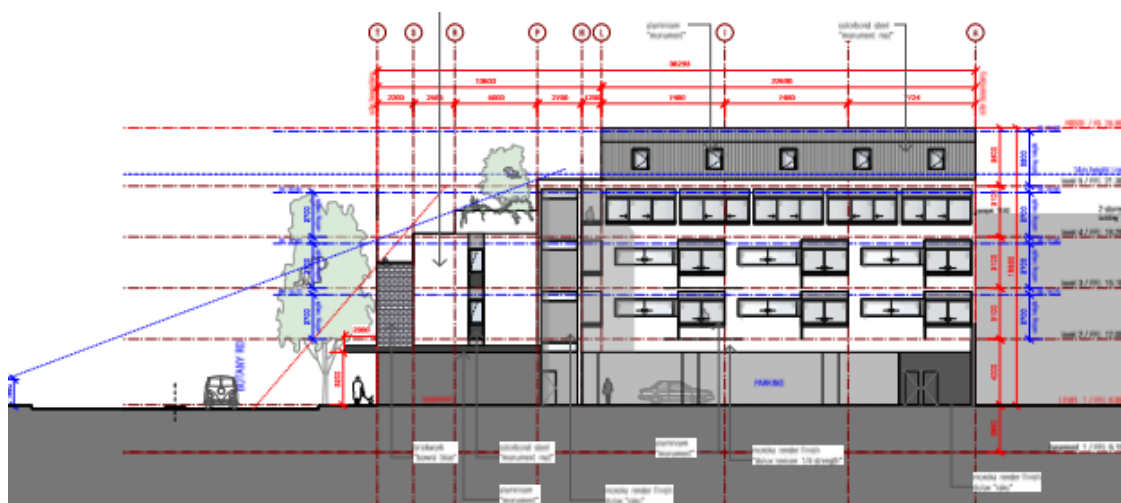


Figure 4. Proposed Northern Elevation

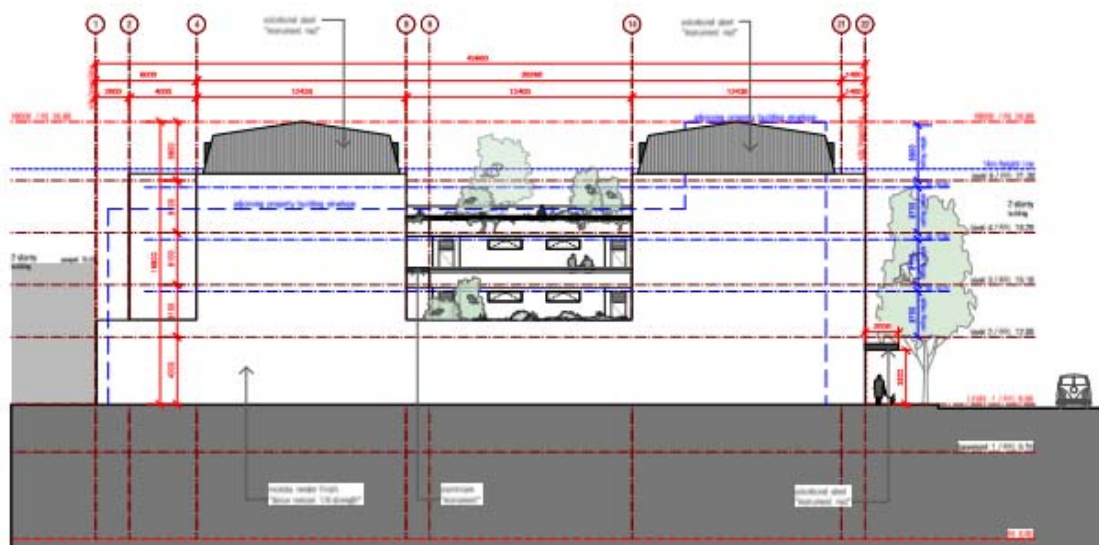


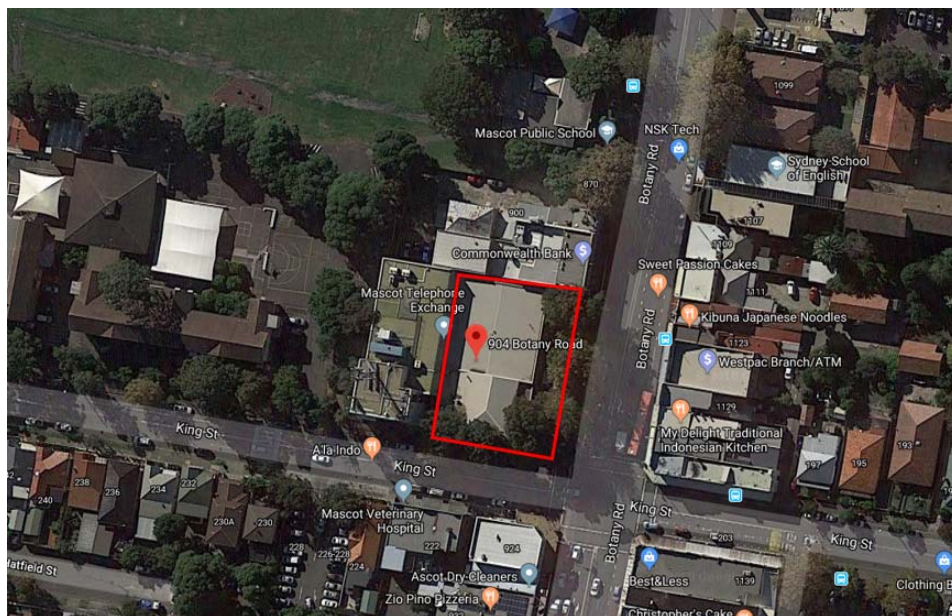
Figure 5. Proposed Western Elevation



Figure 6. Proposed Photomontage of proposal

Site Description

The subject site is legally known Lot 102 in DP 1206802. The site is on a corner lot and is located on the north-western corner of the intersection of Botany Road and King Street. The site has an east-west orientation with east being the front of the site (Botany Road) and west being the rear of the site.



The site is rectangular in shape and is located within the B2 Local Centre zone and within Mascot Local Centre. The site will have a street frontage width to Botany Road of 42.67 metres, a 4.31-metre-long splayed corner to the intersection of Botany Road and King Street and street frontage width to King Street of 33.25 metres. The site has a total area of 1,654sqm. The site is generally flat and there are a number of trees that are located within the site that are to be removed. There are two street trees (London Plane trees) along Botany Road that are to be retained.



Figure 9. Eastern side of subject site



Figure 10. Southern side of subject site

The site was formerly occupied by a single storey brick building and substation. This has currently been demolished therefore the site is vacant. The site adjoining to the west is the Telstra Telephone Exchange building and has a five storey built form. The site to the north at 902 Botany Road is a two storey commercial building while the sites directly opposite the street are two storey shoptop housing developments. The site is not a heritage item or located within a heritage conservation area. However, the site is in close proximity to heritage items (Item 139- Mascot Public School [to the west], Item 39- commercial buildings at 1133-1135 Botany Road).

Referrals

Internal

The development application was referred to Council's development engineer, landscape architect, environmental scientist, environmental health officer, heritage planner and traffic engineer. Appropriate comments have been provided relating to the stormwater management, waste collection, noise impacts, landscaping management and construction details.

External

The development application was referred to RMS, Ausgrid, Sydney Water, SACL, NSW Police and Water NSW for comments. Appropriate conditions have been recommended in the consent.

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 applications.

The development application is Integrated Development in accordance with the *Water Management Act 2000* as the development involves a temporary construction dewatering activity.

In this regard, the development application was referred to Water NSW. In a letter dated 1 November 2017, Water NSW provided its General Terms of Approval (GTA) for the proposed development. This development application has been recommended for approval subject to GTAs from Water NSW.

State Environmental Planning Policy (Infrastructure) 2007

The site is located along a classified road, and the application was referred to the RMS. The application is accompanied by an amended Traffic Impact Assessment Report prepared by Parking and Traffic Consultants, dated 20 February 2018.

As stated above the RMS has raised no objection to the development application, subject to conditions.

The site is affected by traffic noise and as such Clause 102 relating to the impact of road noise has been considered in the assessment of the application. The application is accompanied by an Acoustic Report prepared by Sebastian Giglio, dated September 2017 which demonstrates that the proposed development will meet the minimum indoor noise requirements subject to acoustic attenuation measures implemented in the design of the building. Appropriate conditions are recommended to comply with the recommendations of the acoustic report. Accordingly, the proposal is considered to comply with Clause 102, and is satisfactory with regard to potential impacts on the development resulting from traffic noise.

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. 579631M_06 dated 12 February 2018 prepared by Partners Energy Management 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.

The applicant provided a Environmental Site Assessment/Detailed Site Investigation prepared by JBS&G and Acid Sulfate Soils Management Plan to Council which was prepared by Environmental Investigations Australia. The report stated that the site contained two fuel USTs and an associated fuel transfer pump were located in the south eastern corner of the site. These USTs and associated infrastructure have been decommissioned in-situ and are no longer a potential source of hydrocarbon impacts. In conclusion, the reports recommended that an excavation works to remove impacted fill, the work should be overseen by a qualified environmental professional and that appropriate validation sampling and reporting be conducted to verify site conditions. Additionally, the excavation will intercept the groundwater and as stated above, appropriate conditions from Water NSW have been imposed in the consent for dewatering.

On this basis, the site is considered suitable in its present state for the proposed mixed use development. No further investigations of contamination are considered necessary.

The application was referred to Council's Environmental Scientist who provided the below commentary:

The current development has a similar footprint and proposed use, consisting of one level of basement car parking and car parking and commercial use on the ground floor. The basement excavation extends to the southern, eastern and western boundaries, however there is a small area of deep planting on the northern boundary that will not be excavated. The FFL of the basement is proposed to be 2.15m AHD, which is slightly shallower than the 2.0m AHD proposed for the approved DA2014/256. Groundwater will be intercepted and therefore dewatering during construction and tanking of the basement will be required. Potential acid sulfate soil has been located below 2.5m bgl, and therefore management of this will be required in accordance with section 7 of the acid sulfate soil assessment.

Appropriate conditions have been imposed in the consent. Additionally, necessary conditions as in the submitted reports have been recommended as conditions of consent in the attached

Schedule. Therefore, SEPP 55 has been considered in the assessment of the proposal and is acceptable.

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.

During the development application process, the applicant submitted the proposal to the DRP for consideration. The meeting was held on 19 October 2017. The Design Review Panel supported the design in principle (as shown below) and requested that the following matters be addressed in the submitted DA:

“The Panel was generally supportive of:

- The configuration of the plan into a workable solution with generally good apartment layouts*
- The mansard roofs which provide an effective management of the additional height at the rear of the site*
- The articulation of the development as essentially 3 major elements – a 5 storey mansard roofed rear element, a 5 storey mansard roofed element fronting King Street, and a lower element fronting Botany Road – but has concerns about the overall height of the Botany Road element and its expression on the corner (see below)*
- The height above the LEP maximum noting the recent court approval and the height of the existing Telstra exchange tower*
- The quality of the landscaping throughout the design*
- The rainwater harvesting initiatives”*

The Panel had concerns which are included in the below bullet points and Council's response on how this has been addressed:

- The expression of the two storey frontage to Botany Road required by the DCP, which in the current design is 4 storeys with a setback of 4.7 metres above level 2. This setback is considered inadequate and the height too great for this element of the design to not set an undesirable precedent for the Mascot local centre*

Officer's Comments: The plans have been amended so that Botany Road presents with a two storey street wall. The two residential components behind are setback 9 metres to 13.5 metres off Botany Road. A streetscape presentation analysis shown on the elevation/section plans demonstrates that the top floors will not be in the sightline of people standing on Botany Road.

- The loss of the 2 storey parapet line at the corner of Botany Road and King Street*

Officer's Comments: The applicant has redesigned the corner by providing a curved element to the two storey street wall along the intersection. A parapet extends on the corner as a feature to the site.

- The acoustic impacts of vibrations from the Telstra exchange building*

Officer's Comments: This has been addressed by an addendum to the acoustic report. It was noted that there was vibration coming from the subject building which could have

been contributed from an emergency generated. The structure has been demolished therefore this issue no longer applies.

- *The resolution of the design in terms of materials, finishes, colours and textures*

Officer's Comments: The applicant has provided an amended schedule of colours and finishes and proposes facebrick along Botany Road which wraps around the corner, rendered brick, aluminium louvres and metal roof.

- *The significant shortfall in parking given the distance to a major public transportation hub*

Officer's Comments: Car parking has been addressed in the report below under Note 4. There is a shortfall in the number of retail car parking on the site.

- *The street tree on King Street nearest the Botany Road intersection is unlikely to be supported by RMS*

Officer's Comments: The plans have been amended so that the proposed street tree on King Street that was originally close to the traffic lights has now been removed.

- *The Panel considers the development could benefit from photovoltaic panels and broader sustainability initiatives beyond the minimum required by BASIX*

Officer's Comments: This has been considered as part of the development application.

- *The impact of the pruning of trees on Botany Road on the health and overall shape, but notes the applicant has advised they are seeking approval for this ahead of the DA*

Officer's Comments: The trees along Botany Road have been pruned subject to the court approved consent relating to DA-14/256. The pruning has not impacted the vitality of the trees.

Design Quality Principles and Apartment Design Guide

Clause 28(2) stipulates that development consent must not be granted if, in the opinion of the consent authority, the development does not demonstrate that adequate regard has been given to the design quality principles and the objectives specified in the Apartment Design Guide for the relevant design criteria.

A Design Verification Statement has been prepared by Environa Studio and was submitted with the development application. This statement was accepted.

The applicant has submitted an assessment against Part 3 and 4 of the ADG and has demonstrated adequate regard has been given to the design quality principles and objectives specified in the ADG for the relevant design criteria. An assessment against the significant non-compliances is provided in detail below.

Clause 30(1) of SEPP 65 states that if a development application satisfies the following design criteria, the consent authority cannot refuse an application because of those matters. These are car deep soil, ceiling heights and building separation. An assessment of the key controls within the ADG are as follows:

SEPP 65 – ADG			
Dwelling Size	Minimum internal areas as follows: Studio: 35sqm 1 bed unit: 50sqm 2 bed unit: 70sqm 3 bed unit: 90sqm	1 bed + study units: 66- 71sqm 2 bed units: 75 – 91sqm 3 bed + study unit: 121sqm	Yes Yes Yes
Ceiling Height	Habitable Rooms: 2.7m Non-habitable: 2.4m 2 storey apartments: 2.7m for main living area floor; 2.4m for second floor Mixed Use: 3.3m for ground and first floor	Habitable rooms: 2.7m-3.3m Non-habitable rooms: 2.7m 2 storey apartments: 2.7m living areas; 2.5m bedrooms on 1 st floor Mixed Use (GF): 3.7m First floor does not comply	Yes Yes Yes No, first floor does not comply Refer to Note 1
Deep Soil	Objective 3E-1 requires 7% of the site (for sites between 650sqm and 1,500sqm) as deep soil area with min. dimensions of 6m (requires 115.8sqm)	26sqm (1.6%)	No – Refer to Note 2
Communal Open Space	25% of site (413.5sqm)	420sqm (25.4%)	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 due to its location of the rooftop terrace.	Yes
	Living rooms and POS for at least 70% of apartments (and in neighbouring development) to achieve 2 hours between 9am and 3pm	75% (24/32) of apartments will receive at least two hours of sunlight during June 21 st No adjoining residential properties will be impacted by the proposed development	Yes
Building Depth	Use a range of appropriate maximum apartment depths of 12-18 metres	The buildings do not exceed 18 metres in depth.	Yes
Building Separation	<u>Up to 4 storeys (approx. 12m):</u> 3m from non-habitable rooms to site boundary	Eastern Boundary: <u>Ground Level to Level 2:</u> Nil (street frontage) <u>Level 3 to 4:</u> 11.8m to 13.6m Western Boundary:	Acceptable due to surrounding built forms

	6m from habitable rooms/balconies to site boundary	<u>Ground Level to Level 4: Nil</u> Southern Boundary: <u>Ground Level to Level 3: Nil</u> <u>Level 4: 1.4m</u> Northern Boundary: <u>Ground to Level 2: 2m to 6m</u> <u>Level 3 to 4: 6m</u> Building Separation between two residential components: 13.4m	
Balcony Sizes	1 bed: 8sqm 2 bed: 10sqm 3 bed: 12sqm Ground Floor: 15sqm	1 bed: 14sqm-31sqm 2 bed: 10sqm- 30sqm 3 bed: 15sqm Ground Floor: No ground floor apartments	Yes Yes Yes N/A
Cross Ventilation	60%	100% (32/32 units)	Yes
Storage	1 bed: 6m3 2 bed: 8m3 3 bed: 10m3	1 bed: 8.1m3-8.6m3 2 bed: 9.6m3-16.6m3 3 bed: 24.2m3 The combined unit and basement storage complies Storage within the basement has been allocated to individual units	Yes

The key points of non-compliance with the ADG are discussed below:

Note 1 – Ceiling Heights

Part 4C of the ADG requires that 3.3m ceiling heights be provided for the ground and first floor for developments located within mixed use areas. The proposal provides a 3.7m ceiling height (inclusion of the bulkhead/services) 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 height limit of the proposal even greater and the first floor will be used for residential and not commercial use, it is not possible to provide increased ceiling heights to first floor. The existing surrounding built form along Botany Road is predominantly two storey shoptop housing development which incorporates residential on the first floor and not commercial. Office spaces would not fall within this category and are more suited within the B4 Mixed Use or commercial centres. Therefore, based on the assessment, the non-compliance is acceptable.

Note 2 – Deep Soil

Objective 3E-1 of the ADG requires sites greater than 1,500sqm to have a minimum deep soil zone of 7% with a minimum dimension of 6 metres. The proposal provides a total of 26sqm (1.6%) which does not comply with the required amount of 115.8sqm (7%). The majority of the site is basement with the exception of a 2-metre setback off the northern setback to allow

for the easement to run through, which cannot accommodate large canopy tree planting. Additionally, the buildings along the street and in the area are built to the boundary therefore the amount of deep soil provided is reflective of the existing built stock. Additionally, Part 5 of the BBDCP 2013 does not make provision for minimum landscaped or deep soil area. The provision of ample landscaping (31%) on the communal rooftop and the first floor. These areas however are not within the deep soil zone. Additionally the ADG acknowledges that the design criteria may not be possible in centres which the site is. The retention of the significant street trees along Botany Road compensates for the minimal provision of deep soil landscaping. The site is in close proximity to local parks with Mascot Memorial Park down the street along Botany Road which is easily accessible and usable to residents should open space be provided however it is considered that the landscaped area provided on the site is ample in size to accommodate its residents.

Botany Bay Local Environmental Plan 2013

Botany Bay Local Environmental Plan 2013 has been considered in the assessment of the Development Application and the following information is provided:

Relevant Clauses Principal Provisions of Botany Bay Local Environmental Plan 2013	Compliance Yes/No	Comment
Land use Zone	Yes	The site is zoned B2 Local Centre zone under the Botany Bay Local Environmental Plan 2013.
Is the proposed use/works permitted with development consent?	Yes	The proposed use as residential flat building and commercial tenancies is permissible with Council's consent under the Botany Bay Local Environmental Plan 2013.
Does the proposed use/works meet the objectives of the zone?	Yes	The proposed development is consistent with the following objectives of the B2 Local Centre: <ul style="list-style-type: none"> ▪ To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area. ▪ To encourage employment opportunities in accessible locations. ▪ To maximise public transport patronage and encourage walking and cycling.
Does Schedule 1 – Additional Permitted Uses apply to the site? If so what additional uses are permitted on the site?	N/A	Schedule 1 does not apply to the site.
What is the height of the building?	-	A maximum height of 14 metres applies to the subject site.

Relevant Clauses Principal Provisions of Botany Bay Local Environmental Plan 2013	Compliance Yes/No	Comment
Does the height of the building comply with the maximum building height?	No – Refer to Note 3	Lift Overrun- 13.7m (RL21.7) Top of roof- 16.8m (RL 24.8) The maximum height of the development does not comply with Council's requirements under the Botany Bay Local Environmental Plan 2013. A Clause 4.6 variation was provided with the application and is discussed in Note 3 below.
What is the proposed Floor Space Ratio? Does the Floor Space Ratio of the building comply with the maximum Floor Space Ratio?	- Yes	The maximum Floor Space Ratio requirement is 2:1 (3,330sqm). GFA: 3,303sqm FSR: 2:1 The Floor Space Ratio of the development complies with Council's requirements under the Botany Bay Local Environmental Plan 2013.
Is the proposed development in a R3/R4 zone? If so does it comply with site of 2000m ² min and maximum height of 22 metres and maximum Floor Space Ratio of 1.5:1?	N/A	The site is not located within the R3 Medium Density Residential or R4 High Density Residential zone.
Is the site within land marked "Area 3" on the Floor Space Ratio Map?	N/A	The site is not located in an Area 3 zone.
Is the land affected by road widening?	N/A	The subject site is not affected by road widening.
Is the site listed in Schedule 5 as a heritage item or within a Heritage Conservation Area?	Yes	The site is not listed as a heritage item, nor is it located within a Heritage Conservation Area. However, the site is in close proximity to heritage items (Item 139- Mascot Public School [to the west], Item 39- commercial buildings at 1133-1135 Botany Road- directly across the street).
The following provisions in Part 6 of Botany Bay Local Environmental Plan apply– • 6.1 – Acid Sulfate Soils	Yes	The site is located in a Class 4 Acid Sulfate Soils Area. An Acid Sulfate Soils Management Plan has been provided with the application.

Relevant Clauses Principal Provisions of Botany Bay Local Environmental Plan 2013	Compliance Yes/No	Comment
<ul style="list-style-type: none"> 6.2 – Earthworks 6.3 – Stormwater Management 6.9 – Development in areas subject to aircraft noise 6.15 – Active Street frontage 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>Appropriate conditions have been recommended in the consent.</p> <p>The proposal includes excavation of one basement levels. The development will encounter the groundwater table and the application was referred to Water NSW who had no objections to the proposal. Appropriate conditions have been imposed in the consent.</p> <p>The proposed development has provided an on-site detention tank located between ground and Level 1. The proposal has been reviewed by Council's Development Engineer who has no objection subject to conditions in the consent.</p> <p>The site falls within the 25-30 ANEF Contour. An acoustic report was provided with the application and appropriate conditions have been included within the consent.</p> <p>The proposal is in area where active street frontage is required. The development will have six retail spaces on the ground floor fronting Botany Road and with one of the tenancies located along King Street.</p>

Note 3 – Clause 4.6 variation relating to height variance

The site contains three residential components to the development with two five storey buildings and one two storey residential component. The development proposes a maximum height as follows:

- Lift Overrun- 13.7m (RL21.7)
- Top of roof- 16.8m (RL 24.8)

Clause 4.3 of BBLEP 2013 specifies that the height of a building may not exceed the maximum height specified on the relevant Height of Buildings Map. The site is subject to a variable height limit of 12 metres. The proposed development exceeds the maximum height allowance when measured in accordance with the BBLEP definition of building height.

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.

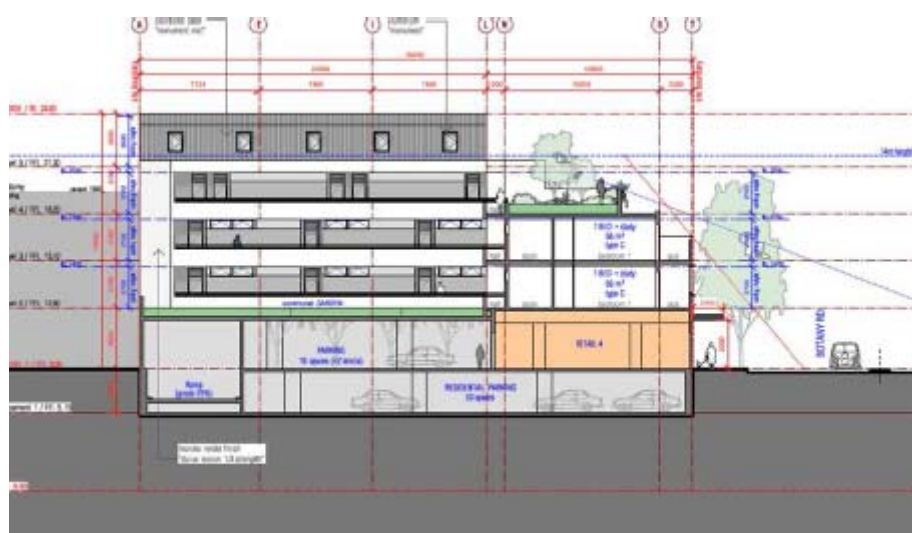
The Applicant has provided a Clause 4.6 variation to justify contravening the height standard. Their justification is provided below:

"Extent of Variation to the Development Standard"

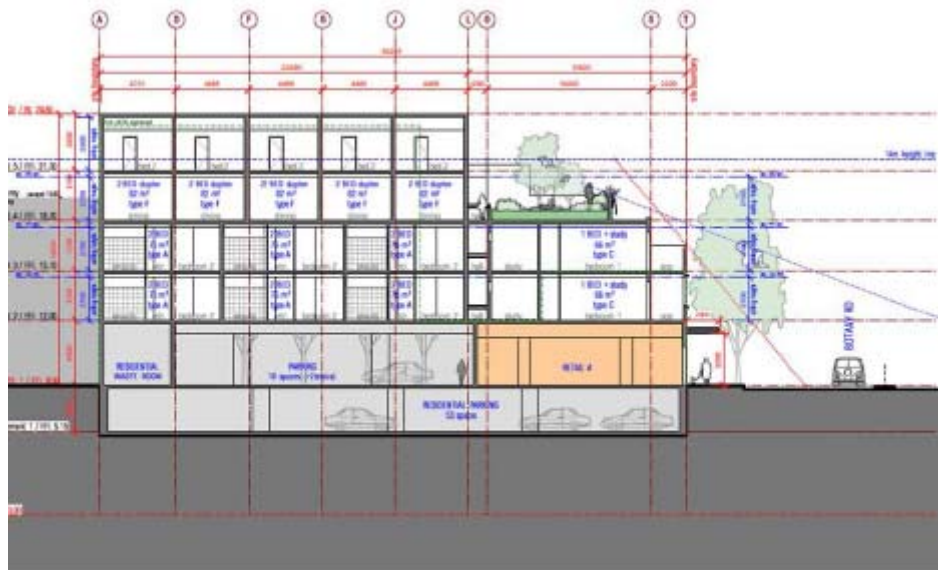
Most of the proposed development complies with the 14-metre height limit with four storeys of the building sitting below the 14-metre height limit.

A maximum variation of 2.8 metres is proposed for the two mansard roof forms of the apartments on Level 5. The mansard roof forms have a maximum RL of 24.8 which is consistent with the height of the adjoining Telstra Exchange building at 201 King Street. The parapet of 201 King Street reaches an RL of 24.76. The apartments on level 5 are located on the western side of the building, adjacent to the Telstra building at 201 King Street. The highest point of the mansard roof (for the apartments within the southern row of apartments on Level 5), is setback 7.615 metres from the southern boundary. The highest point of the mansard roof for the northern row of apartments on Level 5 is setback 12.215 metres from the northern boundary.

The extent of variation from the height control is clearly shown on the elevations and sections with the 14-metre height limit shown by a blue dotted line marked '14m height limit'. Extracts from the elevations and sections are reproduced below.



Southern Elevation



Section BB

Clause 4.6(3)(a) Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

Historically the most commonly invoked way to establish that a development standard was unreasonable or unnecessary was satisfaction of the first test of the five set out in *Wehbe v Pittwater Council* [2007] NSWLEC 827 which requires that the objectives of the standard are achieved notwithstanding the non-compliance with the standard.

The Land and Environment Court judgement in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 indicates that additional ways of establishing that compliance is unreasonable or unnecessary may be necessary beyond consistency with the standard and zone objectives. For completeness, this request addresses the five part test described in *Wehbe v Pittwater Council*. [2007] NSWLEC 827, followed by a concluding position which demonstrates that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case:

1. the objectives of the standard are achieved notwithstanding non-compliance with the standard;

The specific objectives of the height of buildings development standard, as specified in clause 4.3(1) of the BBLEP are identified below. A comment on the proposal's consistency with each objective is also provided.

(a) to ensure that the built form of Botany Bay develops in a coordinated and cohesive manner,

The massing and external form of the proposal has been designed to relate to the scale of the adjoining development and development in the vicinity of the site in order to create an infill development that sits sympathetically within the streetscape yet realises the potential of the site, considering the site's prime location within a local centre on Botany Road that is well served by public transport and is in close proximity to employment and recreation opportunities. In this regard the proposal represents a cohesive infill addition and delivers a coordinated development outcome.

(b) to ensure that taller buildings are appropriately located,

The massing of the proposed development responds to the scale of the existing surrounding development and the character of the street. The height of the proposed development is consistent with the height of the adjoining Telstra exchange building and provides a transition to the two storey character of development adjoining Botany Road.

The areas of non-compliance are setback from Botany Road (as shown on the southern elevation) and the adjoining property to the north (as shown on Section CC). In this regard the impact of the maximum extent of the variation on the streetscape and the amenity of the adjoining properties has been minimised. The southern elevation and Section CC demonstrate that there are substantial areas of the development that sit well below the 14 metre height limit including the three storey component of the building along Botany Road, the internal courtyard and the 6 metre northern setback. As such, whilst a variation is proposed to the height control, the extent of the variation is more than offset by elements of the building and parts of the site which sit below the height limit and the areas of non-compliance have been sited to ensure compatibility in scale with the streetscape and the surrounding development.

(c) to ensure that building height is consistent with the desired future character of an area,

Section 5.2.2.8 of the BBDCP includes a list of objectives that describe the desired future character of the Mascot Local Centre in which the site is located. Specific controls in this section of the DCP are designed to deliver the desired character. The relevant controls related to building height are:

C24 The design of development must be generally consistent with the desired future character of the centre identified in Figure 26.

C22 A maximum height of 14 metres applies under BBLEP 2013. Building height at the street frontage is a maximum of two storeys with Levels 3 and 4 to be setback from the street.

The proposal provides a two storey street wall height to Botany Road with Level 3 setback 2.2 metres from Botany Road. The fourth and fifth floor is setback 11.855 metres from Botany Road on the southern side and 13.603 metres from Botany Road on the northern side. The massing of the built form provides an appropriate transition to the lower scale development adjoining Botany Road despite the proposed variation to the building height control.

Whilst a maximum building height of 14 metres applies to the Mascot Local Centre, the Telstra exchange building on the adjoining site to the west, exceeds the 14 metre height control by 2.76 metres which is equivalent to the variation proposed on the subject site.

The variation to the building height is therefore contextually appropriate and the development will achieve consistency with the desired future character despite the variation proposed.

The proposal's consistency with the maximum floor space ratio control provides an indication that the density of development on the site is appropriate despite the variation proposed to the maximum height control. That is, the variation to the height control is not a result of the development providing an excessive amount of floor space.

(d) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,

The proposed variation will not result in the loss of any significant views from the surrounding properties having regard to the heights of the adjoining buildings and the form of the adjoining Telstra exchange building. The shadow diagrams prepared by Environa Studio demonstrate that the development will not result in any unreasonable or non-complying solar access impacts on the surrounding properties.

The proposal has been designed to ensure that adequate building separation is proposed (which is consistent with the separation provided by the development approved under DA2014/256) to the adjoining sites to mitigate potential privacy impacts with potential future residential development on these properties.

(e) 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.

As detailed above, the massing of the building relates to the scale of the surrounding development. The proposal provides a clear transition from the almost 17-metre-high building to the west to the predominant two scale development along Botany Road in the Mascot Local Centre.

As noted in the Heritage Impact Statement which accompanies the application the character of the Mascot town centre is partly formed by a vertical rhythm of relatively narrow allotments, particularly evident in the more historic buildings remaining in the centre. The Botany Road façade has been carefully designed and features a rhythmic vertical pattern that reflects the pattern of the nearby historic shops.

2. the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;

The objectives of the height of building standard remain relevant. The proposed development is consistent with those objectives as detailed above.

3. the underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;

The underlying objective of the standard is to ensure that the building height is consistent with the desired future character of an area and to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development. As detailed above, the careful massing and design of the proposed development achieves this objective.

A complying building would not provide adequate screening of the eastern elevation of the Telstra exchange building and would result in a lower but more solid form. The solid building form would require reduced setbacks to Botany Road and the internal amenity of apartments in such a built form would be compromised. Also a building which strictly complies with the height control would likely be significantly lower than the maximum floor space ratio permitted on the site and as such the development would represent a less economic and efficient use of the site in an accessible location.

4. 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 unnecessary and unreasonable;

Council has historically adopted a relatively flexible approach to the implementation of the height of building control in circumstances where the objectives of the control are achieved. A five storey shop top housing development with a maximum RL of 24.8 was approved on the site on 19 November 2015.

5. *the zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

The proposed zoning of the land is reasonable and appropriate.

Strict compliance with the height of building development standard is unreasonable and unnecessary in the circumstances of the case in that:

- The proposed development is consistent with the BBLEP objectives for the height of buildings, as detailed above.*
- The form and setbacks of the non-complying elements ensures these elements of the building will not appear dominate when viewed from surrounding properties or the public domain.*
- The development is consistent with the desired built form character outlined in the BBDCP.*
- The proposed variation will not result in any unreasonable impacts on the amenity of the adjoining properties.*
- The proposed variation to the height control will not result in a building which is inconsistent with the desired future character of development in the zone and locality generally.*
- Requiring compliance would either result in a lower building which is more solid and therefore difficult to provide reasonable residential floor layouts which deliver adequate internal amenity, particularly in terms of solar access and natural ventilation. The lower built form would not deliver an improved streetscape outcome as reduced screening of the blank, eastern elevation of the Telstra building could be provided and there would be greater pressure to reduce the setbacks to Botany Road for levels 3 and 4.*

Clause 4.6(3)(b) Are there are sufficient environmental planning grounds to justify contravening the development standard?

The development reflects the desired built form character of the precinct despite the variation. The departure from the height standard will not involve any unreasonable impacts on the amenity of adjoining properties, the streetscape or the locality.

Clause 4.6(4)(a)(i) consent authority satisfied that this written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3)

Clause 4.6(4)(a)(i) states that development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3).

These matters are comprehensively addressed above in this written request with reference to the five part test described in Wehbe v Pittwater Council [2007] NSWLEC 827 for consideration of whether compliance with a development standard is unreasonable or unnecessary in the circumstances of the case. In addition, the establishment of environmental planning grounds is provided, with reference to the

matters specific to the proposal and site, sufficient to justify contravening the development standard.

Clause 4.6(4)(a)(ii) consent authority satisfied that the proposal is in the public interest because it is consistent with the zone and development standard objectives

Clause 4.6(4)(a)(ii) states that development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Objective of the Development Standard

The proposal's consistency with the objectives of the development standard have been addressed in detail in this clause 4.6 request.

Objectives of the Zone

Clause 4.6(4) also requires consideration of the relevant zone objectives. The site is located within the B2 Local Centre zone which has the following objectives:

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- To encourage employment opportunities in accessible locations.*
- To maximise public transport patronage and encourage walking and cycling.*

The proposed development is a shop top housing development which is a permissible use within the zone and is compatible with the surrounding land uses. The provision of a retail use within the development will serve the needs of the community and encourage local employment opportunities.

Whilst car parking is incorporated within the development, the site is well located in terms of access to services and facilities and public transport. Bicycle parking is incorporated in the development which will encourage cycling and reduce car usage.

The retail premise at ground level is of sufficient size to ensure an active street front. Additional housing in this location will support the viability of the surrounding and nearby commercial development. For the reasons the proposal is considered to be consistent with the objectives of the B2 zone.

Objectives of Clause 4.6

The specific objectives of Clause 4.6 are:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

The development application has demonstrated that it is appropriate in this circumstance to provide flexibility in the application of the height of buildings development standard because it will deliver a higher level of amenity for future occupants and will provide an improved streetscape outcome.

Requiring compliance would either result in a lower building which is more solid and therefore difficult to provide reasonable residential floor layouts which deliver adequate internal amenity, particularly in terms of solar access and natural ventilation. The lower built form would also not deliver an improved streetscape outcome as less screening of the blank, eastern elevation of the Telstra building could be provided and there would be greater pressure to reduce the setbacks to Botany Road for levels 3 and 4. Requiring compliance could also result in a reduced number of apartments in an accessible location and would be contrary to the objects of the Act which include the promotion and coordination of the orderly and economic use and development of land. In this regard requiring compliance would not deliver a better development outcome."

Officers Comment:

The Clause 4.6 variation to the building height development standard has been assessed in accordance with the BBLEP 2013.

The proposed height is consistent with the adjoining property to the west of the subject site which has a maximum street wall height of approximately five stories. Additionally the majority of the impact is contained to King Street with the Botany Road interface and elevation proposing a two storey street wall height with an appropriate setback from the street. This provides a transition to the two storey character of development adjoining Botany Road. The mansard roof of the top floor (fifth floor) has been further setback from King Street and from the northern setback to reduce the bulk of the development when viewed from the street. This is clearly evident through the elevations/sections which demonstrate the sightline off Botany Road and how the additional height would not be significant when viewed from the street.

The proposal is consistent with the objectives of the standard and the applicant has satisfactorily established that the proposed variation is appropriate in maintaining and enforcing the development standard in these cases would be unreasonable and unnecessary and would not allow the orderly and economic development of this site.

The Clause 4.6 request is considered to be well-founded and the departure to the development standards is not contrary to the public interest. On this basis, it is recommended that the development standard relating to the building height for the site be varied in the circumstances as discussed above.

S.79C(1)(a)(ii) - Provisions of any Draft EPI's

There are no current Draft EPIs applicable to this development

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

Botany Bay Development Control Plan 2013

The development proposal has been assessed against the controls contained in the Botany Bay Development Control Plan 2013 as follows:

Part 3A –Parking and Access

Part	Control	Proposed	Complies
3A.2. Parking Provisions of Specific Uses	<u>Residential</u> 1 space/1 bedroom = 7 spaces	<u>Residential</u>	No – Refer to Note 4

Part	Control	Proposed	Complies
	<p>2 space/ 2 + bedrooms = 50 spaces</p> <p>1 visitor space/ 5 units = 7 spaces</p> <p>Total: 64 car spaces required</p> <p><u>Commercial (shops)</u> (531sqm)</p> <p>1 space / 25sqm (22 req.)</p> <p><u>Service Bays</u> 1/50 units (1 req.)</p> <p>Note: 50% of service bays to be designed for MRV or larger)</p> <p>Note: No requirement for car wash bays</p> <p>Total car parking required: 86 car parking spaces</p>	<p>57 residential car spaces provided</p> <p>7 visitor spaces</p> <p>Total residential: 64 spaces</p> <p><u>Commercial</u></p> <p>6 car parking spaces</p> <p>2 spaces dedicated to Telstra</p> <p><u>Service Bays</u></p> <p>Service vehicle: 1 loading bay and 1 car wash bay</p> <p>Total car parking spaces provided: 72 car spaces</p>	
3A.3.1 – Car Park Design	<p>C13 Pedestrian entrances and exits shall be separated from vehicular access paths.</p>	<p>The plans demonstrate that there is separate entry and exists within the car park level for vehicles and pedestrians. Pedestrians can access the basement from the primary lift within the building. Pedestrian access is from a separate access from the lobby off King Street. Access to the basement car park is via the proposed car park ramp off King Street.</p>	Yes
	<p>C15 Vehicle access points of the property should not be located:</p> <ul style="list-style-type: none"> a) In places with high traffic volumes, such as classified or arterial roads; b) Close to intersections as outlined in Section 3.2.3 of AS2890.1; c) Where there is heavy or constant pedestrian movements along the footpath; d) Opposite to other traffic generating developments; 	<p>All access will be off King Street which is a secondary street whereas Botany Road is a classified street.</p> <p>The vehicular access has been located away from the intersection and traffic lights to avoid queuing and is not in a heavy constant pedestrian movement area which is predominantly along Botany Road.</p> <p>The proposal does not obstruct any operations relating to bus stops, taxi ranks and pedestrian crossings.</p>	Yes

Part	Control	Proposed	Complies
	<p>e) Where traffic using the driveways interferes with or blocks the operations of bus stops, taxi ranks, loading zones or pedestrian crossings;</p> <p>f) Adjacent to or at the sag point of the street; and</p> <p>g) In places where sight distance requirements outlined in Section 3.2.4 of AS2890.1 cannot be complied with.</p>	<p>There are 2 bus stops within 100m of the site providing excellent access to public transport.</p> <p>Sight distances have been maintained as part of the proposal.</p>	
	<p>C28 The minimum width of the access driveway at the property boundary shall be:-</p> <ul style="list-style-type: none"> For other residential developments: 5.5 metres (two way); The width must be extended for at least the first 6 metres of the circulation roadway within the property boundary. 	<p>The development has a minimum driveway width of approximately 6 metres and is located on the southern side of the site.</p>	Yes
	<p>C40 The waste collection point shall be designed to:</p> <p>(i) Allow waste loading operations to occur on a level surface away from parking areas, turning areas, aisles, internal roadways and ramps; and</p> <p>(ii) Provide sufficient side and vertical clearance to allow the lifting arc for automated bin lifters to remain clear of any walls or ceilings and all service ducts, pipes and the like.</p>	<p>Waste collection and garbage holding rooms are located within the ground floor and basement of the development. Collection of bins will be via a garbage holding room on the ground floor for commercial and for residential. The ground floor contains a loading bay for a small rigid vehicle. All waste is to be collected on site from an SRV and this has been conditioned in the consent.</p>	Yes
3A.3.2 Bicycle Parking	C1-C5 To comply with AS2890.3 and AUSTROADS (i.e. 10% of the required amount of car parking = 8.6)	15 bicycle spaces are provided	Yes
3A.3.4 On-site Loading and Unloading	C1-C11 1 service bay/50 dwellings	<p>A single loading bay is provided towards the King Street side of the site.</p> <p>A car wash bay is provided within the basement level of the development.</p>	Yes

Note 4 – Car parking

Table 1 of Part 3A.2 of the BBDCP 2013 requires a car parking rate 1 per 25sqm for retail tenancies. The development proposes a total of 531sqm of retail requiring a total of 22 car parking spaces for the shops. The applicant has proposed a total of 6 car parking spaces which is a shortfall of 16 car parking spaces. The applicant has designed the development similar to the approved Court Approval under DA-14/256 which proposed a total number of 72 spaces for the development which is what is currently approved. The original plans lodged with the subject development application had a total of 61 car spaces which was not supported therefore the basement and ground floor plans were amended to revert to a similar approved layout. The applicant has provided an amended traffic report and further justification relating to the departure in commercial car parking for the site.

“The amended proposal increases the number of car parking spaces to 72 (57 residential, 13 retail and 2 Telstra spaces). The proposed car parking for the residential component of the development complies with the BBDCP and the number of retail spaces provided meets the requirements of the previous Court approval for the site. A carwash bay has been provided as required by Part 10 Section 15 of the BBDCP. The Traffic Study has been updated to reflect the current development layout as shown in the amended architectural plans.”

The traffic report specifies that the proposed visitor spaces could be shared with the retail car parking therefore the departure of 16 car spaces would be reduced to 9. This will result in a total shared car parking for retail/commercial of 13 spaces. This assessment is accessible particularly as access into the car parking on the ground floor will be restricted by a roller door and more difficult to access by visitors. Additionally, the site is in close proximity to two Council car parks located off King Street which can be utilised by visitors who would like to visit the site.

Additionally, the site is located within Mascot Local Centre which is adequately serviced by public transport, particularly along Botany Road. The site is in close proximity to a bus stop which is down the road and directly opposite the street.

The retail car parking rate has been calculated as shops which is the worst outcome for the site. It is anticipated that the retail could be a mix of shop or business premises. Should the retail component be considered as a business/retail premises, the rate is 1/40sqm. Based on the retail size of 531sqm, car parking required is 14 spaces. Therefore the departure of retail spaces would be 8 spaces which is less than a departure of 16 spaces for shops.

Based on the above assessment and the traffic report and amended plans that have been provided with the application, the departure in car parking is supported.

Part 3B – Heritage

The site is not a heritage item or located within a heritage conservation area. However the site is in close proximity to two heritage items which are Item 139- Mascot Public School and Item 39- Commercial building group at 1133-1135 Botany Road. A Heritage Impact Statement prepared by Kate Higgins Heritage Consultant was provided with the development application. The report stated that the applicant salvage building elements and equipment for the site for adaptive reuse in addition to recommendations to the name of the building to reflect to the previous history of the site.

The application was referred to Council's Heritage Advisor who provided comments relating to the development application in addition to the changes that have been proposed from the previous court-approved development. The heritage advisor has recommended that the

corner of the building at the intersection be redesigned to be splayed rather than curved from the 1st floor windows and introduction of vertical elements. This is in contradiction to the advice that was provided by the Design Review Panel therefore the development is to be retained as per the advice provided by the Panel as it provides a better interface with the intersection. The two storey parapet is representative of most corner sites presenting to an intersection within the Mascot Local Centre. Additionally the curved element provides a softer edge to the corner and is separately defined between the portion fronting Botany Road and the five storey built form fronting King Street. The curved element replaces a blank and presents a high quality visual presentation to the intersection.

The heritage advisor has also recommended conditions of consent relating to details of the streetscape elevation external materials, finishes and colours and has requested a heritage interpretation strategy which both will be conditioned prior to the issue of the Construction Certificate.

Part 3C – Access and Mobility

A combined BCA and access report prepared by Building Innovations Australia has been provided with the development application. Six of the units are adaptable units and have been allocated a disabled car parking space within the basement. All common areas such as the lobby and the rooftop communal area and first floor communal area are accessible either through levelled entry or through lift. The commercial tenancies are levelled at grade with easy access to the space. Therefore, the accessibility of the building is supported.

Part 3G – Stormwater Management

The development application was accompanied by Stormwater Management Plans that were prepared by R. Balas Consulting P/L. The plans demonstrate that an on-site detention system will be installed in directly underneath the communal open space between the ground and first floors. The application was referred to Council's Development Engineer for comment who initially had concerns relating to flooding, stormwater and drainage issues. The applicant amended the plans and provided justification relating to the easement as follows:

- *The realignment of the easement and relocation of the 750 diameter RCP, previously received approval under the former Development Consent. We note that the final detail design will be subject to a separate Roads Act Approval which can be appropriately conditioned as part of the Consent.*
- *At the meeting held on 6 February 2018 Council agreed that a 2-metre-wide easement is adequate.*
- *We refer to the proposed method of stormwater management, the Atlantis cell system will incorporate an external sand filter. We note that the sand filter and inclusion of the rainwater tank will meet the performance requirements for removal of pollutants. We will forward the MUSIC model under separate cover should the need arise*
- *The Landscape Plans have been amended so that no trees are proposed in the 2-metre-wide easement.*
- *The easement will provide a clear unimpeded passage for overland flow. Based on the findings outlined in our Preliminary Flood Report, dated 25 February 2018, we have formed the view that the easement is not the primary overland flow conveyance path.*

Council's Development Engineer reviewed this amended plans and justification and has no further issues subject to the recommendation of appropriate conditions of consent.

Part 3J – Aircraft Noise and OLS

The provisions of Australian Standard AS2021-2000 have been considered in the assessment of the development application, as the subject site is located within the 25-30 ANEF contour. Residential development in these areas is considered unacceptable under Table 2.1 of Australian Standard AS2021-2000 unless an acoustic report is submitted to Council, which demonstrates that the proposed dwelling can achieve the requirements under Table 3.3 of AS2021-2000.

An acoustic report prepared by Sebastian Giglio and dated September 2017 has been prepared to accompany the development application.

The report demonstrates that the proposed development (when complete) will conform with the relevant requirements of AS2021-2000 provided the recommendations contained in the acoustic report are undertaken.

The standard requires that the external environment to the dwelling be considered for aircraft noise impacts. This process has taken the following into account:

1. There is an existing commercial premise on site and the development proposes residential dwellings on the site;
2. The degree the land is affected by aircraft noise is related to the use and operation of the airport as it affects the subject boarding house;
3. Development in the immediate surrounding environment is mixed use development/shoptop housing; and
4. The outdoor environment, given the curfew and current operating patterns, are such that in daylight hours there will be sufficient opportunity to utilise the private open space without the presence of aircraft noise.

The development consent will be conditioned to comply with the recommendations outlined in the acoustic report and the requirements of AS2021-2000.

It was noted during a site inspection that vibration was emitting from the subject building. The applicant has provided an addendum to the acoustic report which states that the noise and vibration heard is a rare event and would possibly be a result from the emergency generator which is operated in testing mode once per month for about 1 hour. As the subject building has been demolished the issue of vibration is not an issue. It is noted that the existing exchange building has an emergency generator located on the rooftop in an acoustic enclosure. The location of this emergency generator is acceptable and will not impact on the proposed development.

Part 3K – Contamination

Refer to the discussion above in State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land section of the report addressing contamination.

Part 3L – Landscaping

The proposed development provides a total of 510sqm (31%) of landscaped area. While this does not comply with the requirement within Part 4C of the BBDCP, the requirements under Part 5 of the BBDCP does not require a specific landscaped area. Considering the size of the site and the location of the landscaped area on the rooftop and Level 1, the departure in landscaped area is acceptable.

The application was referred to Council's Arborist for comment in particular to the removal of the trees within the site and the pruning of trees along Botany Road and King Street. The court approved development under DA-14/256 approved the removal of one of the London Plane trees that was located on King Street in the location of the driveway. The trees along Botany Road had approval for them being pruned but removal is not supported. The trees within the site are supported for their removal. As the applicant has commenced the previous consent for the site, appropriate tree removal and pruning has been carried out on the site and on the street verge.

Part 3N – Waste Minimisation and Management

The relevant requirements and objectives have been considered in the assessment of the development application. A Waste Minimisation Management Plan (WMMP) was submitted with the application. Additionally a Construction Waste Management Plan has been provided which addresses waste management during demolition, construction and ongoing use. The proposal contains separate waste holding rooms for residential and commercial on the ground floor. The site provides off-street garbage collection from the ground floor from a loading dock that can accommodate an SRV. The applicant has indicated that a private contractor will collect waste. Appropriate conditions have been imposed in the consent reflecting appropriate disposal of waste and maintenance during construction and for the ongoing use.

Part 4C.4.2 – Family Friendly Apartments

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 below 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	All but one of the 2-bedroom apartments do contain a study or a study nook.	No – Refer to Note 5
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	Given the size of the apartments, there is considered to be sufficient space in a secondary bedroom for a 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	To be conditioned within the consent.	Yes- Conditioned
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	All two and three bedroom apartments include two bathrooms with one easily accessible off the primary corridor. At least one bathroom in all apartments includes a bathtub.	Yes

C6 The private outdoor space is to be clearly visible from the kitchen	All apartments have POS clearly visible 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	There is considered to be sufficient space in entry areas for storage. Storage requirements comply for the development.	Yes
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 amount of storage provided within the apartments is acceptable.	Yes

Note 5 – Family Friendly Apartments

Control C2 requires a study in all family apartments- All but one of the 2 bedroom apartments do not have a separate study room or nook. 100% are required to.

Notwithstanding the above, this does not imply that there is not sufficient space within the open-plan living area or in bedrooms to provide a desk so that parents can monitor children while working from home. All 2-bedroom apartments exceed the ADG minimum apartment size by 5 to 21sqm. 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.

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-bedroom apartment, there is either a study nook/space or indicate that a desk can adequately be accommodated within the open-plan living area.

Part 5 – Business Centres

The site is located within the Mascot Local Centre. The objectives of the Centre that apply to the site under Part 5.2.2.8 of the BBDGP is as follows:

Objective	Response
O1 To retain and conserve the Mascot shopping strip and encourage a viable and attractive Local Centre by improving the public domain and the public/private interface;	The proposal will replace a portion of the old Mascot Telephone Exchange with a mixed use development. The commercial tenancies have floor to ceiling windows which will allow for adequate surveillance along Botany Road and King Street. Additionally, the front residential lobby has been designed to allow for safe surveillance. The architectural style of the building is attractive

	through the use of different materials, articulation and a curved façade on the corner facing the intersection.
O2 To protect the distinctive and characteristic elements of Mascot Local Centre shops and ensure the integration of these features into subsequent uses;	The development reflects the streetscape qualities of the surrounding site. The proposal will incorporate an awning at the front of the site and has setback the top 2 levels of the development along the eastern elevation to reduce the bulk when viewed from the streetscape on Botany Road.
O3 To ensure that development recognises predominant streetscape qualities (i.e. setbacks & design features);	The development is one of the first that is proposed to be redeveloped therefore the scale and height of the existing built stock does not reflect the proposal however it is anticipated that the surrounding shops will be redeveloped in this manner. The height of the proposal is consistent with the existing building to the west which has a five storey height. The top floors are setback and demonstrate a two storey street wall height along Botany Road. The architectural style proposed is visually aesthetic and complements the character of the locality.
O4 To ensure development complements the height and architectural style found in the immediate vicinity, particularly where this has a clearly established character;	As stated above, height is reflective of the height of the adjoining Mascot Telephone Exchange building. The proposal is going for a more contemporary style with face brick, rendered brick, metal mansard roof and aluminium louvres.
O5 To retain existing trees and provide additional landscaping within the streetscape;	The proposal will retain the two large street trees (London Plane trees) along Botany Road. The existing street tree on King Street has been cut down to accommodate the vehicular crossing. A number of new trees along King Street and within the site are proposed.
O6 To allow reasonable redevelopment and to improve the architectural quality of building stock;	Previously on the site was a commercial building utilised as the Mascot Telephone Exchange. The site proposes adequate redevelopment to a mixed use form and provides active street frontage on the ground floor which was not previously there.
O7 To retain a coherent streetscape with a consistent street wall and parapet line;	The proposal adopts a two storey street wall along Botany Road with the above levels setback away from the street. This setback is consistent with the setback on this street frontage. The elevation along King Street matches the setback of the neighbouring property.
O8 To improve and extend the pedestrian environment and to encourage appropriate outdoor uses with good solar access, such as cafes;	There are six commercial tenancies proposed in the development. A number of these will front onto Botany Road and will receive morning sunlight. The size of the commercial tenancies can accommodate uses such as cafes.

O9 To ensure that dwellings within a mixed use development provide passive surveillance, resident interaction and address the street;	All units that are fronting the street, have balconies that face onto the street. Additionally, there is adequate surveillance into the communal open space on the first floor from internal balconies and the breezeways.
O10 To encourage development of awnings as balconies for residential and commercial units above (to improve amenity for unit dwellers and promote passive surveillance of streets); and	There are no balconies proposed over the awnings.
O11 To encourage site consolidation and the provision of through- site pedestrian links or arcades that provide rear access to the public car parking areas.	The development does not allow for a site through pedestrian link as it is situated on a corner. There is no requirement for site consolidation.

Figure 26 - Future Desired Character - Mascot Local Centre

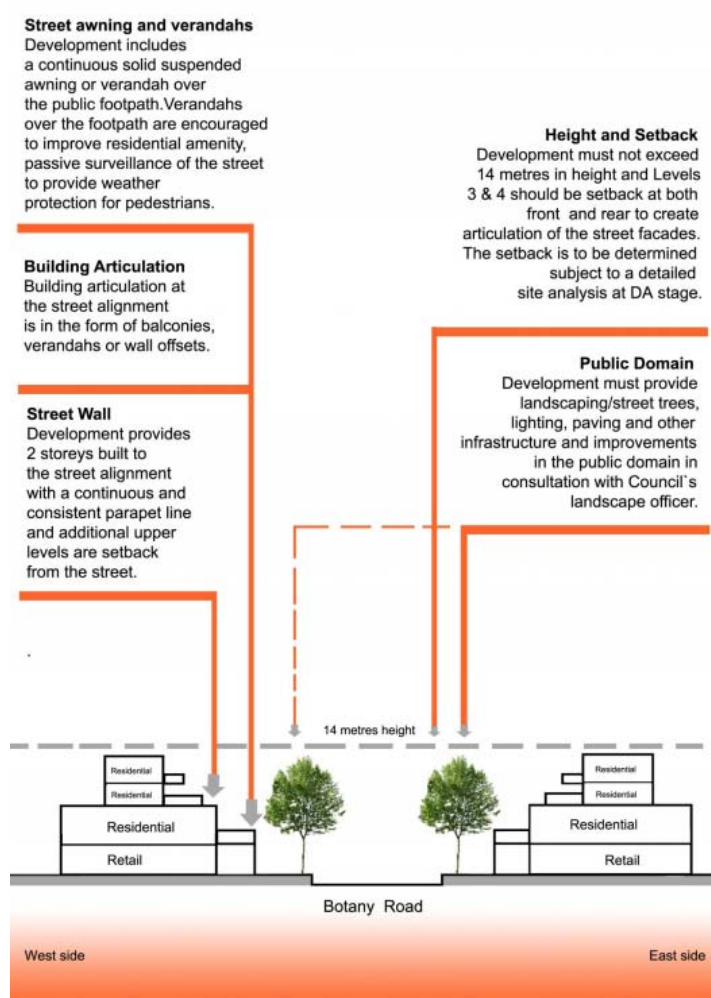


Figure 11. Reproduction of Figure 26 from Part 5 of BBDP2013

The following controls apply to the Mascot Local Centre (Botany Road) and are as follows:

Control	Proposed	Complies
5.2.2.8 Mascot Local Centre (Botany Road)		
C1 Development must provide landscaping, street trees, lighting, public seating, paving and other public domain improvements	The development proposes awnings along Botany Road and King Street to provide weather protection for pedestrian and public domain improvements will be implemented such as new	Yes

identified by Council, generally in accordance with Figure 26 .	footpath treatments, street trees will be preserved and planted and appropriate lighting will be recommended.	
C2 Pedestrian amenity and connectivity must be enhanced in conjunction with new development. Through site links and arcades are encouraged with redevelopment to improve pedestrian access, amenity and safety.	The pedestrian amenity has been considered within the proposal and is acceptable. No site through link for the general public is proposed as the site is a corner lot.	Yes
C3 Redevelopment is encouraged through logical lot consolidation of sites and infill development. Avoid inappropriate lot consolidation patterns that would isolate and unreasonably restrict redevelopment on a single lot.	The site is considered to be large enough to accommodate a development without leaving any site isolated. There is no proposed lot consolidation for the subject site or surrounding site. In fact, a previous development application was approved to subdivide the site from one lot to two. The proposal has been designed so that the western elevation has a solid wall on the boundary so that the neighbouring property to the west can transition with the built form.	Yes
C4 The design of development must be generally consistent with the Desired Future Character of the centre identified in Figure 26	The proposal complies and has been designed to reflect Figure 26 within the Desired Future Character section of the DCP with the exception of the third floor being closer to the street than setback. However the proposal continues to present as a two storey street wall.	Yes
C5 New development is to take into account and respond sympathetically to an established streetscape with strong architectural features and identity. New buildings are to reinforce these features and contribute to its character by incorporating traditional shopfronts and building facades.	The proposed development is an improvement to the existing built form that was located on the site. The proposal will include a mixed use development that establishes a strong commercial presence on the ground floor and residential above into three components. The design of the proposal also incorporates a curved corner facing the intersection which adds interest to the development.	Yes
C6 A setback to the rear may be required where a site adjoins a residential area and is to be determined following a detailed site analysis at development application stage. Applicants must therefore demonstrate to Council with the development application that the amenity of neighbouring residential properties are protected in terms of sunlight and natural daylight access privacy and visual amenity.	The site does not adjoin a residential area. There is a setback along the northern side between 2 metres and 6 metres to accommodate the retention of the easement as well as appropriate separation from the northern shoptop housing development.	Yes
C7 Contemporary architectural design solutions are encouraged,	The existing buildings along Botany Road is of an older 2 storey shoptop housing building stock	Yes

however designs will need to demonstrate that they will not lead to a replacement or diminution of a street's existing character. Council encourages diversity in building designs provided that development outcomes complement the existing character of the centre.	which may be likely to be redeveloped. However, the development proposed is sympathetic in nature to the surrounding developments relating to bulk, materials and active street frontage.	
C8 Buildings must address the street and their entries are to be readily apparent from the street. Developments on sites with two or more frontages must address both frontages, to promote, add prominence and diversity to the streetscape. Buildings that are orientated across sites, contrary to the established development pattern, are intrusive and often overlook adjoining properties.	The building addresses both Botany Road and King Street. The commercial tenancies predominantly front Botany Road with residential balconies also looking onto the street. The residential flat lobby is located off King Street as well as the vehicular crossing and entry to the basement and car parking levels.	Yes
C9 Shop top housing must have windows and/or verandahs in the street elevation to encourage surveillance of the street. If the verandah is built over the street then a lease fee is payable to Council. The fee is set out in Council's Fees and Charges.	There are windows and balconies facing both Botany Road and King Street. There is no verandahs or balconies over any awning.	Yes
C10 Alterations and additions are to reflect the architectural design of the existing building. Materials and finishes are to be compatible with the existing building.	The proposal will be for a new building and not for alterations and additions to the existing building.	N/A
C9 Contemporary architectural design solutions are encouraged, however designs will need to demonstrate that they will not lead to a replacement or diminution of a street's existing character. Council encourages diversity in building designs provided that development outcomes complement the existing character of the suburb.	The development utilises sleek and sharp edges as well as a curved corner and a range of materials. The development will incorporate face brick, rendered walls, blank western wall, glass balustrades, metal mansard roof and aluminium louvres. The development is sympathetic to the character of the area.	Yes
C10 Shop top housing must be provided in any redevelopment of the existing shops.	The proposal is a new development and will incorporate commercial on the ground floor and residential on the top floors.	Yes

C11 New development when viewed from the street is to be compatible with the character of buildings within the site's visible locality by using similar shaped windows, doors and similar building materials.	The proposed built form is similar to newly built mixed use developments that are located along Botany Road towards the south. As the existing building stock of the shoptop housing is older, the proposed windows and building materials differ slightly however are considered sympathetic to the existing streetscape.	Yes
C12 A street number for the property is to be clearly identifiable from the street.	Street numbering will be proposed as part of the proposal and conditioned.	Yes
C13 Awnings must be provided continuously and at the same height along the shop frontages to provide weather protection for pedestrians	The proposal has awnings along both Botany Road and King Street frontages.	Yes
C14 Air conditioners must not be installed on street awnings or the front facade of buildings.	There are no air conditioners proposed above the street awnings or within the front façade.	N/A
C15 Development must comply with Council's sustainable development requirements as identified in Part 3H - Sustainable Design.	Sustainable measures have been incorporated within the design.	Yes
C16 Vehicular access from Botany Road must be avoided where access is available from a side street or rear laneway.	All vehicular access will be off King Street which is where the vehicular crossing and access to the basement is proposed.	Yes
C17 All loading and unloading is to be carried out on-site or from the rear laneway where it exists. Loading and unloading on Main Roads is to be avoided at all times.	Loading and unloading from an SRV will be carried out within the at-grade car parking level of the development.	Yes
C18 Development must comply with Part 3A - Car Parking.	Refer to Note 4 above regarding car parking.	No – See Note 4
C19 Maintain limited advertisements and business signage to minimise visual impact.	No signage is proposed at this time. The proposal will allow for wall signage for the commercial tenancies.	N/A
C20 Restrict signage to the awning fascia, under the awning or behind the shop window at street level.	As above, no signage is proposed at this time.	N/A

C22 A maximum height of 14 metres applies under BBLEP 2013. Building height at the street frontage is a maximum of two stories with Levels 3 and 4 to be setback from the street.	The proposal has a two storey street wall height with a high parapet. The upper levels (Level 3 and 4) are setback however Level 2 has not been. The overall height of the development does not comply with the maximum building height in the BBLEP 2013.	No- Refer to Note 3	
C23 Development which seeks the maximum building height under the BBLEP 2013 and is south of Hollingshed Street will penetrate the Obstacle Limitation Surface (OLS) and is required to be assessed by CASA, Airservices Australian and the Airlines before an application can be submitted to the Department of Infrastructure and Transport for their determination.	The proposal is not south of Hollingshed Street. Approval from SACL has been received.	N/A	
C24 A Stormwater Management System is to be provided in accordance with Part 3G - Stormwater Management.	This has been demonstrated within the Stormwater Management Plans submitted with the development application.	Yes	
5.3 General Controls			
5.3.1.1 Floor Space Ratio	C2 In determining an appropriate FSR, applicants must demonstrate to Council that the bulk and scale of development is acceptable and will not result in adverse impacts on adjoining dwellings or the streetscape in terms of loss of privacy, overshadowing, loss of views, visual amenity and increased traffic generation.	The maximum permissible FSR for the subject site is 2 (3,308sqm). An FSR of 2:1 (3,306sqm) is proposed and complies with the development standard.	Yes
5.3.1.2 Height	C1 The maximum height of buildings must comply with the Height of Buildings Map and Clause 4.3 of the Botany Bay Local Environmental Plan 2013.	A maximum height of 14 metres applies to the subject site. Lift Overrun- 13.7m (RL21.7) Top of roof- 16.8m (RL 24.8) The maximum height of the development does not comply with Council's requirements under the Botany Bay Local Environmental Plan 2013. A Clause 4.6 variation was provided with the application and is discussed in Note 3 above.	No – Refer to Note 3 above
	C2 & C3 In addition to C1, new buildings must also consider and respond to the predominant and	The proposal predominantly complies with the desired future character relating to street	Yes

	characteristic height of buildings within the Centre; and consider the topography and shape of the site. In this regard, the maximum number of storeys must not exceed the maximum number of storeys identified in the relevant character statement for each Business Centre as set out in Part 5.2 - Character Statements for the Business Centres. If the maximum number of storeys is not identified in the Character Precinct, the maximum number of storeys must be consistent with the characteristic building height.	setbacks as demonstrated within Figure 26.	
5.3.1.3 Street Setbacks	C1 Buildings are to be aligned along the street frontage to create a consistent street wall no higher than two storeys. A variation to the two storey street wall height along the street frontage will only be permitted in certain circumstances where the height of adjoining buildings on the street exceeds two storeys. In this instance, the applicant is to submit a written justification to Council for this variation and will be considered by Council on its merits.	As discussed above, the development complies with the street setbacks prescribed within the Botany Road desired future character.	Yes
5.3.1.4 Side and Rear Setbacks and Building Separation	C1 Where a site adjoins residential development appropriate rear or side setbacks must be provided to ensure that potential impacts on adjoining or surrounding residential properties are minimised in terms of loss of privacy, sunlight and daylight access and visual amenity.	<p>Eastern Boundary: <u>Ground Level to Level 2:</u> Nil (street frontage) <u>Level 3 to 4:</u> 11.8m to 13.6m</p> <p>Western Boundary: <u>Ground Level to Level 4:</u> Nil</p> <p>Southern Boundary: <u>Ground Level to Level 3:</u> Nil <u>Level 4:</u> 1.4m</p> <p>Northern Boundary: <u>Ground to Level 2:</u> 2m to 6m <u>Level 3 to 4:</u> 6m</p>	Yes

		<p>Building Separation between two residential components: 13.4m</p> <p>The proposal does not adjoin a residential property.</p>	
	C2 Development to which SEPP 65 applies are to adhere to the Apartment Design Guide for building separation.	The applicant has provided a SEPP 65 compliance report and ADG checklist with the development application. Building separation is appropriate in this case.	Yes
5.3.1.5 Built Form and Streetscape	C2 Building must have a consistent street wall height and provide a continuous street frontage and awning height along the street frontage where appropriate.	The development proposes a two storey street wall height along Botany Road where King Street allows a four storey plus roof street wall which is consistent with the western neighbour.	Yes
5.3.2.1 Design Excellence	C2 The Development Application must identify how design excellence will be achieved in the proposed development.	The applicant has provided a SEPP 65 Design Verification Statement with the development application. The document addressed the design excellence of the proposed development.	Yes
5.3.2.2 Building Design	C2 All development applications that contain residential development or are adjacent to residential development must provide a design statement addressing privacy and overshadowing of residential dwellings from the business component.	The applicant has provided a SEPP 65 Design Verification Statement with the development application.	Yes
	C4 If residential dwellings are proposed as part of a mixed use development, balconies, private open space area and communal open space areas must be screened to address any privacy impacts on adjoining residential properties.	Balconies have not been screened as the balconies have been located to either look onto the street or look onto the internal communal open space. No two balconies are directly opposite each other to create adverse impacts in regards to privacy.	Yes
	C7 A schedule of external finishes and materials must be submitted at development application stage to articulate the building's design complements the Business Centre.	A Schedule of Colours and Finishes has been provided with the development application.	Yes

5.3.2.3 Reflectivity	C3 The solar reflectance value of building materials must not exceed 20%.	The development does not incorporate any materials that exceed the solar reflectance value by 20%.	N/A
5.3.2.4 Awnings and Verandahs	C1 New development must provide awnings above the footpath to provide weather protection for pedestrians.	The development proposes awnings along Botany Road and King Street.	Yes
5.3.2.5 Public Domain Interface at Ground Level	C1 Development must comply with the Desired Future Character objectives and controls identified in Part 5.2 - Character Statements for the Business Centres.	This is discussed above in the report.	Acceptable
	C2 Development must be designed so that it has a clearly definable entry and addresses the street.	The building addresses Botany Road and King Street with both its front entrance, vehicle entry to the basement and active street frontage available from the street.	Yes
	C3 For mixed use development which contains residential dwellings, the primary area of outdoor private open space must not be located on the street frontage, unless it is on the first floor or above.	All apartments are located on Level 1 and above and private open space is via balconies or private gardens. All units have access to a communal open roof terrace and communal open space on the first floor.	Yes
	C4 The visual and physical connection between the building frontage and the public domain must be considered in all development applications to ensure that the interface at ground level promotes a high level of pedestrian amenity.	Council's Landscape Architect has conditioned that a Public Domain Plan is required prior to the Construction Certificate. The side of the site proposes adequate landscaped area which integrates with the built form and active street frontage is found at the front of the site.	Yes
5.3.2.6 Active Street Frontages	C1 Development is to provide active street frontages in accordance with the Active Street Frontages Map and Clause 6.15 Active Street Frontages under BBLEP 2013.	The development proposes six commercial tenancies measuring a total of 531sqm. The shops are located at the eastern and southern side of the ground floor of the site.	Yes
5.3.2.8 Interface between Business Zones and Adjoining Landuses	C1 Clear boundaries between the public and private domain must be created to enhance security, privacy and safety.	Clear boundaries are demonstrated by separate entries to the residential and commercial components as well as to the basement car park.	Yes
	C2 Shadow diagrams must be provided for all development proposals for	The site has an north-south orientation therefore a majority of the shadow cast by the proposed	Yes

	the summer and winter solstices. Shadow diagrams must show shadow impacts at 9am, 12 noon and 3pm for both solstices. Additional building setbacks may be required where internal site shadow impacts or impacts on adjoining properties are considered by Council to be unreasonable.	development will be to King Street. The applicant has provided shadow diagrams demonstrating the proposed development showing that no adjoining residential development will be impacted by the proposal. The subject development achieves the minimum solar requirement in June to the units as well as to the communal open space areas. Therefore overshadowing is acceptable.	
5.3.2.9 Landscaped Area	C1 Residential setbacks from streets and parks are to support planting, at a scale that allows passive surveillance of the public domain. This requirement may vary with each block	There is no residential on the ground floor. However there is a landscaped buffer located on the northern side of the site between the northern boundary and the car parking area over the easement. This buffer is two metres wide and is the only deep soil area on the site. There is no planting along the street frontage due to active frontages.	Yes
	C3 Provide a sufficient depth of soil on podium areas in accordance with the Councils Technical Guideline for Landscape in Development Sites.	The proposal provides for 26sqm of deep soil on the ground floor to the north of the building. This equates to 1.6% which does not comply.	No- Refer to Note 2
5.3.2.10 Private Open Space and Communal Open Space	C1 The primary area of outdoor private open space must not be located at grade on the street frontage.	There is no residential proposed at grade. All private open space is off a balcony or private garden from Level 1 and above.	Yes
	C2 Communal open space can be provided at grade or on podiums and roof tops. The space must be appropriately landscaped and provided with a recreational facilities or features, for example BBQ area, seating, children's play area, landscape features or the like and must include pedestrian scale lighting, to be shown in the detailed landscape plan.	The communal open space is located on rooftop and will be appropriately landscaped as well as providing for, seating, BBQ area and planter beds. There is also a communal open area between the apartments on Level 1.	Yes
	C3 More than 70% of the communal open space area must be capable of growing plants, grasses and trees.	As the communal terrace is located on the rooftop, the space will receive full sunlight. It is harder to maintain light to the Level 1 communal open space due to the density of the site.	Yes

5.3.2.11 Materials and Finishes	C1 A Schedule of Finishes and a detailed Colour Scheme for the building facade is to accompany all Development Applications involving building works	A Schedule of Colours and Finishes has been provided with the development application.	Yes
5.3.2.12 Servicing	C1 New commercial or mixed use buildings must provide a loading dock on-site. Where this is not viable loading and unloading may be permitted from to a rear lane or side street subject to Council's engineer approval.	The proposal provides for one service bay within the car parking level at grade for garbage collection from an SRV. This applies to loading vehicles as well.	Yes
5.3.2.14 Access and Mobility	<p>C1 Development must comply with Part 3C – Access and Mobility</p> <ul style="list-style-type: none"> ▪ Residential flat buildings (RFB), conversion of non-residential buildings into RFBs, shop top housing, multi dwelling housing and live/work buildings – Statement of consistency lodged. ▪ 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. Refer to AS4299 Class B. ▪ Appropriate access for all persons through the principal entrance of a building and access to all common facilities. Refer to BCA and AS1428.1. ▪ In developments containing 10 or more dwellings, accessible resident parking is required at 10% to be allocated to adaptable dwellings with a preference for AS4299 designs for at least 80% of the accessible spaces and a maximum of 20% of spaces complying with AS2890.6. 	<p>An Access Report has been prepared and provided with the development application.</p> <p>The development proposed six adaptable unit.</p> <p>Appropriate access through the front entrance and through the building is provided.</p> <p>The development proposes one (3) adaptable parking spaces for residential uses located within the Basement Level.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
5.3.3.1 Acoustic Privacy	C1 Dwellings close to high noise sources such as busy	The site is located within a 25-30 ANEF Contour area and is also	Yes

	roads, railway lines and airports must be designed to locate noise sensitive rooms and secluded private open spaces away from noise sources and be protected by appropriate noise shielding techniques.	impacted by traffic noise along Botany Road. An acoustic report has been provided with the development application and has been conditioned in the consent.	
5.3.3.2 Visual Privacy	<p>C1 In some cases potential visual privacy impacts can be mitigated by incorporation of one or more of the following design measures:</p> <p>(i) Fixed screens of a reasonable density (min 75% block out);</p> <p>(ii) Fixed windows with translucent glazing (providing natural ventilation is not compromised);</p> <p>(iii) Appropriate screen planting or planter boxes.</p>	As stated previously, balconies have been offset to one another. Additionally the internal balconies do not raise any privacy concerns due to the separation between the units being greater than 12 metres. Along the northern boundary, the window closest to the northern building is located 3 metres away from the boundary and is not located directly opposite any adjoining windows.	Yes
5.3.3.5 Solar Access & Shadow	<p>C1 Development must demonstrate:</p> <p>(i) Neighbouring developments will obtain at least two hours of direct sunlight to 50% of the primary private open space and 50% of windows to habitable rooms; and</p> <p>(ii) 30% of any common open space will obtain at least two hours of direct sunlight between 9am and 3pm on 21 June.</p>	<p>The development has been orientated so that the buildings are north-south orientated. Therefore the majority of the shadow will fall onto King Street. There are no adjoining residential properties that will be impacted by the proposal.</p> <p>The proposed communal open space on the roof top will receive full sunlight.</p>	Yes

Part 8 – Botany Character Precinct

While Part 8 contains general objectives for the future character of the Mascot Area, Part 5 of the BBDCP contained specific controls and objectives for the desired future character of the Mascot Local Centre which has been addressed in detail above.

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/commercial purposes, onsite investigation is not warranted.

The site is located in the 25-30 ANEF Contour and therefore impacted by aircraft noise. This has been assessed in the report above. The site is also impacted by flooding and the proposal has addressed this by providing a crest at RL 8.10 (300mm above the top of the kerb) within the driveway. Additionally, the applicant has provided a flood letter prepared by ACOR Consultants which states that the 1% AEP flows in the vicinity of the site is of a minor nature and representative of localised stormwater ponding within the kerb and gutter system and not considered flooding and therefore states that the ground floor commercial tenancies do not require a 500mm freeboard in this instance. This has been reviewed by Council's Development Engineer and appropriate conditions have been imposed.

The proposed development seeks to realignment an existing stormwater easement that runs through the site to now run along the northern sided of the site. Appropriate conditions have been provided in the consent.

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 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 thirty (30) day period from 10 October to 11 November 2017. Two (2) objections have been received and a summary of the issues is as below:

- *Traffic Congestion and car parking on the street*

Comment: Concerns are raised that the proposed development will contribute to greater traffic congestion on the street and surrounding roads. Concern is also raised that the development will worsen the existing traffic conditions on Botany Road/King Street as it also cause safety concerns because of its location to the school. The car parking proposed complies for the residential car parking rates however there is a departure in the car parking provided for the retail. This has been discussed in detail above in the report. The departure in the retail car parking is acceptable. The safety of pedestrians has also been considered and is acceptable.

- *Changes to the entry and exit points within the site and driveway protection*

Comment: Concerns are raised relating to the vehicular access points into the site which were originally from Botany Road and has now been relocated off King Street. Issues relating to

the subdivision application which physically separated the two entry points from the Telephone Exchange on King Street and the second lot (subject lot) with access to Botany Road was considered. The objector considers that the reason behind this split would appear to be good for traffic flow and further away from the intersection and traffic lights on King Street and Botany Road. The previous court approved consent approved vehicular access off King Street as Botany Road is a classified road and RMS had originally commented that all access should be off a secondary street. The subject application is utilising the same vehicular access point as what was previously approved. The traffic report that was provided details the traffic movement and flow from the traffic generated from the proposal. The objector also raised concerns relating to protection of their driveway in regards to blocking access to their property as there is an existing right of way to their shop. Due to the development being across the street from the subject driveway, the proposal will be conditioned to be left in and left out therefore there should be no issues in regards to blocking the driveway. Under no circumstances is the driveway or right of way of the surrounding adjoining properties be blocked off and this has been conditioned within the consent.

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:

The construction of a 5 storey mixed use development containing a total of 32 dwellings and six commercial tenancy at 531sqm:

Residential

PROPOSED	Proposed	Contribution per dwelling	Total payable
1 bed	7	\$8,430.59	\$59,014.13
2 bed	24	\$13,002.90	\$312,069.60
3 bed	1	\$18,118.48	\$18,118.48
TOTAL	32		\$389,202.21

Commercial

As the proposal lies outside of the Mascot Station Precinct, no contributions are payable for commercial development under the *Section 94 Development Contributions Plan 2016*. Contributions for commercial development in this location would be calculated under the *Section 94A Development Contributions Plan 2016* plan. However, only one of the plans can be applied to any given application. The contribution under the Section 94A plans would be significantly less than that available under the Section 94 plan, and it is therefore appropriate to require payment in accordance with the plan requiring the highest contribution.

Therefore the total contribution payable for the proposal is **\$389,202.21** (as indexed in February 2018). 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

Item

Bayside Planning Panel 13/03/2018

Development Application No. 2017/1154 was received on 13 September 2017 for the demolition of the existing structures and construction of five (5) storey mixed use development comprising of 32 residential units and six (6) ground floor commercial units and basement level parking.

The application is classified as Integrated Development in accordance with the *Water Management Act 2000* as the development involves a temporary construction dewatering activity. As such the application was referred to the Water NSW who had no objections to the proposed development subject to conditions.

The development departs from the height requirement of 14 metres by proposing a maximum height of 16.8 metres which is to the top of the roof of the fifth floor. The applicant has provided a Clause 4.6 variation to address this issue and it is considered that the variation is well founded.

Other key issues relating to first floor ceiling height, deep soil, car parking, and family friendly apartments have been addressed in the report above and have been found to be acceptable when considering the aspects of the site.

The development is suitable for the site as apartments will receive the minimum solar amenity requirement, the site will provide active street frontage, and ample private open space and communal area. The area is serviced by ample public transport. The proposed development generally complies with the future character of the Mascot Local Centre and provides a built form that is desirable in the street and is not considered to contribute to excess bulk and scale. For these reasons, the development application is recommended for approval subject to conditions of consent.

Attachment

Schedule 1 – Conditions of Consent

Premises: 904-922 Botany Road, Mascot

Da No.: DA-2017/1154

GENERAL CONDITIONS

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

Drawing No.	Author	Date Received
DA-020- Site Analysis Plan- Rev C		Dated 19 February 2018; Received 20 February 2018
DA-030- Site Plan- Rev C		Dated 19 February 2018; Received 20 February 2018
DA-040- Demolition Plan- Rev C		Dated 19 February 2018; Received 20 February 2018
DA-101- Basement Plan- Rev C		Dated 19 February 2018; Received 20 February 2018
DA-102- Level 1 Plan- Rev C		Dated 19 February 2018; Received 20 February 2018

DA-103- Level 2 Plan- Rev C	Environa Studio	Dated 19 February 2018; Received 20 February 2018
DA-104- Level 3 Plan- Rev C		Dated 19 February 2018; Received 20 February 2018
DA-105- Level 4 Plan- Rev C		Dated 19 February 2018; Received 20 February 2018
DA-106- Level 5 Plan- Rev C		Dated 19 February 2018; Received 20 February 2018
DA-110- Roof Plan- Rev C		Dated 19 February 2018; Received 20 February 2018
DA-111- Driveway Profile Plan- Rev C		Dated 19 February 2018; Received 20 February 2018
DA-120- Section AA Plan- Rev C		Dated 19 February 2018; Received 20 February 2018
DA-121- Section BB Plan- Rev C		Dated 19 February 2018; Received 20 February 2018
DA-122- Section CC Plan- Rev C		Dated 19 February 2018; Received 20 February 2018
DA-130- East Elevation Plan- Rev C		Dated 19 February 2018; Received 20 February 2018
DA-131- South Elevation Plan- Rev C		Dated 19 February 2018; Received 20 February 2018
DA-132- South Elevation Internal Plan- Rev C		Dated 19 February 2018; Received 20 February 2018
DA-133- North Elevation Plan- Rev C		Dated 19 February 2018; Received 20 February 2018
DA-134- North Elevation Internal Plan- Rev C		Dated 19 February 2018; Received 20 February 2018
DA-135- West Elevation Plan- Rev C		Dated 19 February 2018; Received 20 February 2018
DA-136- Streetscape Analysis Street Elevation Plan- Rev C		Dated 19 February 2018; Received 20 February 2018
DA-210- Material and Finishes Schedule Plan- Rev C		Dated 19 February 2018; Received 20 February 2018
DA-211- Terms and Abbreviations- Rev C		Dated 19 February 2018; Received 20 February 2018
DA-220- Waste Management Plan- Rev C		Dated 19 February 2018; Received 20 February 2018
DA-230- Construction Management Plan- Rev C		Dated 19 February 2018; Received 20 February 2018
DA-930- BASIX Commitments Sheet 1- Rev C		Dated 19 February 2018; Received 20 February 2018
DA-930- BASIX Commitments Sheet 2- Rev C		Dated 19 February 2018; Received 20 February 2018
DA-980- Area Calculation Plan- Rev C		Dated 19 February 2018; Received 20 February 2018
DA-981- Storage Calculation Summary Plan- Rev C		Dated 19 February 2018; Received 20 February 2018

DA-982- Landscape Calculation Plan- Rev C		Dated 19 February 2018; Received 20 February 2018
2413 LP-01- Landscape Plan Level 1- Rev D	John Lock Associates Landscape Architecture	Dated 12 February 2018; Received 20 February 2018
2413 LP-02- Landscape Plan Level 2- Rev D		Dated 12 February 2018; Received 20 February 2018
2413 LP-03- Landscape Plan Level 4- Rev D		Dated 12 February 2018; Received 20 February 2018
2413 LP-04- Landscape Section- Rev D		Dated 12 February 2018; Received 20 February 2018
2413 LP-05- Landscape Details- Rev D		Dated 12 February 2018; Received 20 February 2018
Sheet E1- Cover Sheet and Notes- Rev A	ACOR Consultants (CC) Pty Ltd	Dated 2 September 2017; Received 13 September 2017
Sheet E2- Erosion and Sediment Control Plan- Rev A		Dated 2 September 2017; Received 13 September 2017
Sheet E3- Erosion and Sediment Control Details- Rev A		Dated 2 September 2017; Received 13 September 2017

Reference Document(s)	Author	Date Received
BASIX Certificate No. 579631M_06	Prepared by Partners Energy Management	Dated 12 February 2018; Received 20 February 2018
Addendum to Acoustic report	Sebastian Giglio Acoustic Consultant	Dated 8 February 2018; Received 20 February 2018
Response to additional information	Sutherland and Associates Planning	Dated 19 February 2018; Received 20 February 2018
Flood Letter	ACOR Consultants (CC) Pty Ltd	Dated 15 February 2018; Received 20 February 2018
Traffic Impact Assessment	Parking and Traffic Consultants	Dated 20 February 2018; Received 20 February 2018
Acid Sulfate Soils Assessment and Management Plan- Report E22367AA	Environmental Investigations	Dated 28 November 2014; Received 13 September 2017
Acoustic Report- Ref: 2570A/D01	Sebastian Giglio Acoustic Consultant	Dated September 2017; Received 13 September 2017
BCA 2016- Indicative Compliance Report – PRO- 01554-F1C2- v1.0	Building Innovations Australia	Dated 5 September 2017; Received 13 September 2017
Design Verification Statement	Environa Studio	Dated 29 August 2017; Received 13 September 2017
Proposed realignment of existing easement- D1- Coversheet and Notes- Rev A	ACOR Consultants (CC) Pty Ltd	Dated 30 August 2017; Received 13 September 2017
Proposed realignment of existing easement- D2- Plan proposed realignment of existing easement- Rev A		Dated 30 August 2017; Received 13 September 2017
Proposed realignment of existing easement- D3-		Dated 30 August 2017; Received 13 September 2017

Pipe long section and details- Rev A		
Environmental Site Assessment- Phase 1 and 2- Doc Ref: SG081515 RP04 Rev 1	S&G Consulting	Dated 5 May 2008; Received 13 September 2017
Environmental Site Assessment- Preliminary Site Investigation (Site History Review) and Detailed Site Investigation (Soil and Groundwater Investigation)- Ref: SGM131160	JBS&G	Dated 30 April 2014; Received 13 September 2017
Geotechnical Report- Ref: AWG35415	AW Geotechnical Pty Ltd	Dated 19 August 2014; Received 13 September 2017
Groundwater Take Assessment- Ref No. 322367 GA	Environmental Investigations	Dated 20 March 2015; Received 13 September 2017
Heritage Impact Statement	Kate Higgins Heritage Consultant	Dated 4 September 2017; Received 13 September 2017
Post remediation groundwater monitoring report- Rev D- Ref No. 51143	JBS&G	Dated 22 September 2015; Received 13 September 2017
Remediation Action Plan- Ref No. SG071515_ RP4-2	S&G Consulting	Dated 13 March 2009; Received 13 September 2017
Section J of the BCA Report- Rev 2	Partners Energy	Dated 21 August 2017; Received 13 September 2017
Sheet C1- Coversheet and Notes- Rev B	ACOR Consultants (CC) Pty Ltd	Dated 5 September 2017; Received 13 September 2017
Sheet C2- Stormwater Management Plan- Basement- Rev B		Dated 5 September 2017; Received 13 September 2017
Sheet C3- Stormwater Management Plan- Level 1- Rev B		Dated 5 September 2017; Received 13 September 2017
Sheet C4- Stormwater Management Plan- Level 2- OSD and OSR Detail Sheet- Rev B		Dated 5 September 2017; Received 13 September 2017
Sheet C5- Stormwater Management Detail Sheet- Level 1- Rev B		Dated 5 September 2017; Received 13 September 2017

2.

- a) This Consent relates to land in Lot 102 in DP 1206802, and as such, building works must not encroach on to adjoining lands or other public places, except as otherwise permitted by this consent.
- b) Separate applications must be lodged with Council for the use of the individual retail tenancies and associated signage.

3.

- a) All building work must be carried out in accordance with the provisions of the Building Code of Australia;
- b) All plumbing stacks, vent pipes and the like shall be kept within the building and suitably concealed from view. This Condition does not apply to the venting to atmosphere of the stack above roof level;
- c) All air conditioning units shall be appropriately treated to ensure that they are concealed from view and compliant with Australian Standard AS1668.2. If they are located on balconies or in public, they are to be appropriately screened;
- d) The provision of disabled access throughout the development is required and shall be in compliance with the Building Code of Australia Part D3 "Access for People with Disabilities" and Australian Standard AS1428.1 (2001) – Design for Access and Mobility – Part 1 General Requirements for Access – Buildings. This requirement shall be reflected on the Construction Certificate plans; and

4. All costs associated with these development conditions shall be borne by the applicant. If, when actioning these conditions Council's solicitor is required to act on behalf of Council, then Council's solicitor's fees and charges shall also be borne by the Applicant.

5. Emergency egress from the site must be provided from all internal areas to the Botany Road frontage immediately adjoining 902 Botany Road from the footway easement. This egress point is to be maintained at all times.

6. Pursuant to clause 97A(3) of the *Environmental Planning & Assessment Regulation 2000*, it is a condition of this development consent (Condition No. 1) that all the commitments listed in the approved BASIX Certificate/s for the development are fulfilled.

a) 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.

b) BASIX Certificate has the meaning given to that term in the *Environmental Planning and Assessment Regulation 2000*.

7. 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 person's intention to commence the erection of the building.

CONDITIONS IMPOSED BY EXTERNAL AUTHORITIES

8. The following conditions imposed by **Water NSW** are as follows:

General Terms of Agreement

- a) A Water Supply Work Approval from WaterNSW must be obtained prior to commencing dewatering activity on the proposed site. Please complete an Application for approval for water supply works, and/or water use.
- b) An application for a Water Supply Works Approval will only be accepted upon receipt of supporting documentation, and payment of the applicable fee (see Application fees for New or amended Works and/or Use Approvals). The information required for the processing of the water supply work application may include preparation of a dewatering management plan. Please refer to checklist attached.
- c) If approved, the Approval will be issued for a period of up to 24 months to cover the dewatering requirements during the construction phase. It will include conditions to ensure that impacts are acceptable and that adequate monitoring and reporting procedures are carried out. The Approval will be issued subject to the proponent meeting requirements of other agencies and consent authorities. For example, an authorisation by either Sydney Water or the local Council, depending where the water will be discharged. If contaminants are likely, or are found to be present in groundwater, and are being discharged to stormwater, including high salinities, a discharge licence under the Protection of the Environment Operations Act 1997 (NSW) may also be required.
- d) WaterNSW prefers "tanking" (ie. total water proofing below the seasonal high water table) of basement excavations, and avoids the ongoing extraction of groundwater after the initial construction phase. It is also advised to adopt measures to facilitate movement of groundwater post construction (eg. a drainage blanket behind the water-proof membrane).
- e) If the basement is not "tanked", the proponent will require a Water Access Licence (WAL) and need to acquire groundwater entitlements equivalent to the yearly ongoing take of groundwater. Please note: Acquiring groundwater entitlements could be difficult, and may cause delay in project completion. If a WAL is required, please complete an Application for a new water access licence with a zero share component.

9. The following conditions imposed by **NSW Police** are as follows:

- a) As the proposed development may be exposed to Break and Enter Steals, Stealing, Steal from persons, Malicious Damage and Steal from Motor Vehicle offences, a closed circuit surveillance system (CCTV) which complies with the

Australian Standard - Closed Circuit Television System (CCTV) AS:4806:2006 shall to be implemented to receive, hold or process data for the identification of people involved in anti-social behaviour prior to the issue of the Occupation Certificate. The system is obliged to conform with Federal, State or Territory Privacy and Surveillance Legislation;

- b) The CCTV system should consist of surveillance cameras strategically located in and around the development to provide maximum surveillance coverage of the area, particularly in areas that are difficult to supervise. Cameras should be strategically mounted outside the development buildings and within the car parking areas to monitor activity within these areas. One or more cameras should be strategically mounted at entry and exit points to monitor activities around these areas (underground car park, foyer entrance);
- c) Digital technology should be used to receive, store and process data. Recording equipment should be secured away from public access areas to restrict tampering with the equipment and data. This equipment needs to be checked and maintained on a regular basis.
- d) It is crucial even in the development stage that these cameras are installed as soon as power is available to the site.
- e) Any proposed landscaping and vegetation should adhere to the following principles:
 - i) Shrubs bushes, plants should remain under 900mm in height;
 - ii) Branches or large trees should start at a height of two (2) metres and higher;

This will assist with natural surveillance and reduce hiding spots and dark areas for potential offenders.
- f) By angling fire egress inlet walls 45 degrees or more, opportunities for entrapment, loitering and vandalism can be reduced.
- g) Any proposed seating area, playground or grass area should be positioned somewhere which can be viewed easily by the community. Consider whether the area will be used enough to warrant its development. Areas which are isolated, unused and maintained poorly become a breeding ground for anti social behaviour.
- h) Care should be taken when using glazing in entry foyers. At night the vision of departing occupants can be affected by reflections on the interior of the glass (can't see outside). Mirroring can be reduced by using appropriate external lighting.
- i) The configuration of car parking spaces can impact the risk to car thieves. Grid rows increase natural surveillance. Avoid dark spots, corners and isolated car spaces.
- j) Public laundries, garbage disposal areas and other communal spaces should not be located in a buildings 'leftover space'. Poor supervision of communal facilities can greatly increase the risk of predatory crime, theft and vandalism. Areas that are unused or sporadically used after hours and unsupervised should not be accessible to the public.

- k) Uneven building alignments, insert doorways and hidden entrances should be avoided. They can facilitate predatory crimes, thefts, malicious damage and other offences.
- l) Bicycle parking areas should be located within view of capable guardians. The provision of covered lockable racks to secure bicycles increases the effort required to commit crime;
- m) Lighting (lux) levels for this development must be commensurate with a medium crime risk identified in this evaluation. The emphasis should be on installing low glare/high uniformity lighting levels in line with Australian Standard AS:1158.
- n) Lighting sources should be compatible with requirements of any surveillance system installed within the development. (Poor positioning choices in relation to light can cause glare on the surveillance screens).
- o) The luminaries (light covers) should be designed to reduce opportunities for malicious damage. Lighting within the development needs to be checked and maintained on a regular basis.
- p) A limited amount of internal lighting should be left on at night to enable patrolling police, security guards and passing people to monitor activities within the business.
- q) Improved lighting needs to extend from the development towards adjacent streets. Consideration must be given to pedestrians walking from the development to surrounding streets for the purpose of catching public transport etc. Areas adjoining pathways should be illuminated to avoid opportunities for concealment and entrapment.
- r) Clear street number signs should be displayed and appropriately positioned at the front of the business to comply with Local Government Act, 1993 Section 124 (8). Failure to comply with any such order is an offence under Section 628 of the Act. Offences committed under Section 628 of the Act attract a maximum penalty of 50 penalty units (currently \$5500) for an individual and 100 penalty units (currently \$11000) for the corporation. The numbers should be in contrasting colours to the building materials and be larger than 120mm.
- s) Warning signs should be strategically posted around the buildings to warn intruders of what security treatments have been implemented to reduce opportunities for crime.
 - Warning, trespassers will be prosecuted.
 - Warning, these premises are under electronic surveillance
- t) Directional signage should be posted at decision making points (eg. Entry/egress points) to provide guidance to the uses of the development. This can also assist in access control and reduce excuse making opportunities by intruders.
- u) A Fire Safety Statement must be prominently displayed within the development to comply with the Environmental Planning & Assessment Regulations (1994) Clause 80GB. The annual fire safety statement is a statement issued by the owner of a building.
- v) Signage needs to be provided at fire exits to assist occupants to identify exits in emergency situations.
- w) Signage needs to be provided to assist occupants to identify fire suppression equipment, eg extinguishers, fire hoses etc.
- x) A graffiti management plan needs to be incorporated into the maintenance plan for the development. Research has shown that the most effective strategy for reducing graffiti attacks is the quick removal of such material generally within 24 hours.
- y) Graffiti resistant materials and anti-graffiti coating should be utilised throughout the development.

- z) An Emergency control and evacuation plan which complies with the Australian Standard, Emergency Control Organisation and Procedures for Buildings, Structures and Workplace, AS:3745:2002 should be prepared and maintained by your development to assist management and staff in the event of an emergency. This standard sets out the requirements for the development of procedures for the controlled evacuation of the building, structures and workplaces during emergencies. Further information in relation to planning for emergencies can be obtained from Emergency NSW <http://www.emergency.nsw.gov.au> or Emergency Management Australia <http://www.ema.gov.au>.
- aa) It is not advised to install storage cages or similar for the residents in the underground car park. If it is required, consider that they should NOT be constructed in an isolated area. The cages are easy targets when they have little supervision. CCTV cameras must cover this area if they are constructed. Solid steel housing and quality key locks should be used to prevent access.
- bb) The door and door frames to these premises should be of solid construction.
- cc) Doors should be fitted with locks that comply with the Australian Standard — Mechanical Locksets for doors in buildings, AS:4145:1993, to restrict unauthorised access and the Building Code of Australia (fire regulations). This standard specifies the general design criteria, performance requirements and procedures for testing mechanical lock sets and latch sets for their resistance to forced entry and efficiency under conditions of light to heavy usage. The standard covers lock sets for typical doorways, such as wooden, glass or metal hinged swinging doors or sliding doors in residential premises. Requirements for both the lock and associated furniture are included. Certain areas may require higher level of locking devices not referred to in this standard (eg. Locking bars, electronic locking devices and detection devices) Dead locks are required for residential units.
- dd) There are some doors within the premises which are designated as fire exits and must comply with the Building Code of Australia. This means that they provide egress to a road or open space, an internal or external stairway, a ramp, a fire isolated passageway, a doorway opening to a road or open space. The doors in the required exits must be readily open-able without a key from the side that face the person seeking egress, by a single hand downward action or pushing action on a single device which is located between 900mm and 1.2m from the floor.
- ee) Any sliding doors MUST be fitted with lockable bolts in the bottom and top of the door frame.
- ff) The windows and window-frames to these premises should be of solid construction. The windows should be fitted with locks which comply with Australian Standard- Mechanical Locksets for windows in buildings, AS:4145 <http://www.standards.org.au> to restrict unauthorised access. This standard specified the general design criteria, performance requirements, and procedures for testing mechanical lock sets and latch sets for their resistance to forced entry and efficiently under conditions of light to heavy usage. The standard covers lock sets for typical windows, such as wooden, glass or metal hinged swinging windows or sliding windows in residential and business premises, including public buildings, warehouses and factories. Requirements for both the lock and associated furniture are included. Certain areas may require higher level of locking devices not referred to in this standard (e.g. locking bars, electronic locking devices, detection devices, alarms).
- gg) The main access to the on-site car park should have restricted access with a security pass. The opening/closing mechanism should be protected from vandalism and tampering. All exist doors from the car park should have striker plates installed to minimise chance of tampering.
- hh) As your business may deal in cash a robbery prevention program needs to be established to ensure that management and staff are aware of their responsibilities in the event of such an event taking place. Establish clear cash-handling

procedures within your business to reduce opportunities for crime. Staff should be trained in cash handling procedures to reduce the opportunities for crime. Limit the amount of money carried in the cash drawer at any time (\$200.00 float). Lock cash drawers when not in use and clear money from the cash drawer on a regular basis e.g. to a safe. Avoid counting cash in view of public. Use a minimum of two staff, or security services, when transferring money to financial institutions, or consider using a reputable security company especially when transferring large amounts of money. Avoid wearing uniform or identification when transferring money. Don't use conspicuous bank-bags when transferring money, as this can be a clear indication to the thief.

- ii) Any cash safe should be secured to the floor and placed away from view of public. Staff should be trained in safe cash handling practices to minimise the loss of monies in the event of a robbery.
- jj) There need to be a limit to how many exit and entry points are available to the car park.
- kk) Vertical fencing/barriers are required around the car park to restrict access and reduce the opportunity for offenders to climb the exterior.

10. The following conditions imposed by **SACL** are as follows:

- a) This location lies within an area defined in schedules of the Civil Aviation (Buildings Control) Regulations which limit the height of structures to 15.24 metres above existing ground height (AEGH) without prior approval of the Civil Aviation Safety Authority.
- b) The application sought approval for the PROPERTY DEVELOPMENT to a height of 24.8 metres Australian Height Datum (AHD).
- c) In his capacity as Airfield Design Manager and an authorised person of the Civil Aviation Safety Authority (CASA) under Instrument Number: CASA 229/11, in this instance, Peter Bleasdale has no objection to the erection of this development to a maximum height of 24.8 metres AHD.
- d) The approved height is inclusive of all lift over-runs, vents, chimneys, aerials, TV antennae, construction cranes etc.
- e) Should you wish to exceed this height a new application must be submitted.
- f) Should the height of any temporary structure and/or equipment be greater than 15.24 metres AEGH, a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.
- g) Construction cranes may be required to operate at a height significantly higher than that of the proposed development and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.
- h) Sydney Airport advises that approval to operate construction equipment (ie cranes) should be obtained prior to any commitment to construct.
- i) "Prescribed airspace" includes "the airspace above any part of either an Obstacle Limitation Surface (OLS) or Procedures for Air Navigation Services – Aircraft Operations (PANS-OPS) surface for the airport (Regulation 6(1)).
- j) The height of the prescribed airspace at this location is 51 metres above AHD.

- k) Planning for Aircraft Noise and Public Safety Zones
 - l) Current planning provisions (s.117 Direction 3.5 NSW Environmental Planning and Assessment Act 1979) for the assessment of aircraft noise for certain land uses are based on the Australian Noise Exposure Forecast (ANEF). The current ANEF for which Council may use as the land use planning tool for Sydney Airport was endorsed by Airservices in December 2012 (Sydney Airport 2033 ANEF).
 - m) Whilst there are currently no national aviation standards relating to defining public safety areas beyond the airport boundary, it is recommended that proposed land uses which have high population densities should be avoided.
11. The following conditions imposed by **Ausgrid** are as follows:
- a) The method of connection will be in line with Ausgrid's Electrical Standard (ES)1 – 'Premise Connection Requirements.
 - b) It is recommended for the nominated electrical consultant/contractor to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure. An assessment will be carried out based on the enquiry which may include whether or not:
 - The existing network can support the expected electrical load of the development
 - A substation may be required on-site, either a pad mount kiosk or chamber style and;
 - site conditions or other issues that may impact on the method of supply.
 Please direct the developer to Ausgrid's website, www.ausgrid.com.au about how to connect to Ausgrid's network.
 - c) The need for additional electricity conduits in the footway adjacent to the development will be assessed and documented in Ausgrid's Design Information, used to prepare the connection project design.
 - d) All proposed vegetation underneath overhead power lines and above underground cables must comply with the requirements of ISSC 3 Guideline For Managing Vegetation Near Power Lines.
 - e) There are existing underground electricity network assets in King street and Botany road. Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable. Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.
 - f) There are existing electricity substation assets at Botany road and King Street (S4058). There is an existing kiosk style electricity substation that may be impacted by the proposed construction. Subsidence and vibration must minimised at the substation site. The use of ground anchors under a substation is generally not permitted due to the presence of underground cabling and earthing conductors which may be more than 10m deep. A further area of exclusion may be required in some circumstances.

The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings.

In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres. Exterior parts of buildings within 3 metres in any direction from substation ventilation openings, including duct openings and louvered panels, must have a fire rating level (FRL) of not less than 180/180/180 where the substation contains oil-filled equipment.

The development must comply with both the Reference Levels and the precautionary requirements of the Draft Radiation Protection Standard for Exposure Limits to Electric and Magnetic Fields 0 Hz – 3 kHz (ARPANSA, 2006). For further details on fire segregation requirements refer to Ausgrid's Network Standard 113. Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid. For further details refer to Ausgrid's Network Standard 143.

12. The following conditions imposed by **Sydney Water** are as follows:

- a) Where proposed development works are in close proximity to a Sydney Water easement, the developer may be required to carry out additional works to facilitate their development in order to not encroach within the Sydney Water easement. The easement for sewerage purposes is not to be built over or encroached in without the consent of Sydney Water.
- b)
 - i) The proposed development site is traversed by 150 mm wastewater main.
 - ii) Where proposed works are in close proximity to a Sydney Water asset, the developer may be required to carry out additional works to facilitate their development and protect the wastewater main.
 - iii) Servicing options may involve adjustment/deviation and or compliance with the Guidelines for building over/adjacent to Sydney Water assets.
 - iv) Refer to a Water Servicing Coordinator for details of requirements.
- c) No building or permanent structure is to be constructed within **1m** from the outside wall of the stormwater asset or within the easement whichever is larger. Permanent structures include (but are not limited to) basement car park, hanging balcony, roof eaves, hanging stairs, stormwater pits, stormwater pipes etc. This clearance requirement would apply for unlimited depth and height.
- d) The approved plans must be submitted to the Sydney Water [Tap in™](#) online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

- e) The Sydney Water Tap in™ online self-service replaces our Quick Check Agents as of 30 November 2015.
- f) The [Tap in™](#) service provides 24/7 access to a range of services, including:
 - i) building plan approvals
 - ii) connection and disconnection approvals
 - iii) diagrams
 - iv) trade waste approvals
 - v) pressure information
 - vi) water meter installations
 - vii) pressure boosting and pump approvals
 - viii) changes to an existing service or asset, e.g. relocating or moving an asset.
- d) A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water. It is recommended that applicants apply early for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design. Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

13. The following conditions imposed by **RMS** are as follows:

- a) A strip of land has previously been dedicated as Public Road by private subdivision (DA 540847), along the Botany Road frontage of the subject property, as shown by yellow on the attached Aerial – 'X'. All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth) along the Botany Road boundary.
- b) The redundant driveway on Botany Road shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter along Botany Road shall be in accordance with the Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works, Statewide Delivery, Parramatta (telephone 9598 7798).
- c) The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six weeks prior to the commencement of construction and is to meet the full cost of the assessment by Roads and Maritime. The report and any enquiries should be forwarded to Suppiah.thillai@rms.nsw.gov.au Telephone 8849 2114,

If necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the

roadway is/are given at least 7 days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

- d) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to:
They Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

- e) All works and signposting associated with the subject development shall be at no cost to Roads and Maritime.
- f) A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Botany Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>
- g) Vegetation and proposed landscaping/fencing must not hinder sight lines to and from the vehicular crossings to motorists, pedestrians and cyclists.
- h) The proposed landscaping and pedestrian awning shall not obstruct driver line of site to traffic control signals, driveways or other critical road infrastructure.
- i) All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Botany Road.
- j) The proponent should be advised that the subject property is within a broad area currently under investigation for the proposed F6 Project. For further information about the project is available by contacting the F6 team on 1800 789 297 or motorwaydevelopment@rms.nsw.gov.au or by visiting the project website at www.rms.nsw.gov.au/projects.motorwaydevelopment

PRIOR TO COMMENCEMENT OF DEMOLITION WORKS OR ANY DEVELOPMENT OR WORK

- 14. A dilapidation survey shall be undertaken of all properties and/or Council infrastructure, including but not limited to all footpaths, kerb and gutter, stormwater inlet pits, and road carriageway pavements, in the vicinity which could be potentially affected by the construction of this development. Any damage caused to other properties during construction shall be rectified. A copy of the dilapidation survey and an insurance policy that covers the cost of any rectification works shall be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate. The insurance cover shall be a minimum of \$10 million.

15. A sign must be erected in a prominent position on any work site on which work involved in the erection of a building is being carried out;
- a) stating that unauthorised entry to the work site is prohibited;
 - b) 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;
 - c) the Development Approval number;
 - d) the name of the Principal Certifying Authority including an after hours contact telephone number; and
 - e) any such sign is to be removed when the work has been completed.
16. 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.
17. Prior to the commencement of any work, the Applicant is to submit payment for a Tree Preservation Bond of **\$27,500.00** to ensure protection of the 2 x Plane Tree Street trees in the Botany Road footpath from damage during demolition and construction. The duration of the bond shall be limited to a period of 24 months after issue of the Occupation Certificate. At the completion of the 24 month period, the Tree Preservation Bond shall be refunded pending a satisfactory inspection by Council and the Project Arborist. If a tree was found to be in declining, damaged (including roots), dead, excessively pruned or removed without Council permission or, if tree protection measures were not satisfied at any time during development, then all or part thereof of the bond shall be forfeited.

18. All contractors shall comply with the following during all stages of demolition and construction:
- a) A Waste Container on Public Road Reserve Permit must be obtained prior to the placement of any waste container or skip bin in the road reserve (i.e. road or footpath or nature strip). Where a waste container or skip bin is placed in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
 - b) A Road Opening Permit must be obtained prior to any excavation in the road reserve (i.e. road or footpath or nature strip). Where excavation is carried out on the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
 - c) A Hoarding Permit must be obtained prior to the erection of any hoarding (Class A or Class B) in the road reserve (i.e. road or footpath or nature strip). Where a hoarding is erected in the road reserve without first obtaining a permit, the Council's fees and penalties will be deducted from the Footpath Reserve Restoration Deposit. Permits can be obtained from Council's Customer Service Centre.
 - d) A Crane Permit must be obtained from Council prior to the operation of any activity involving the swinging or hoisting of goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway. Permits can be obtained from Council's Customer Service Centre.
 - e) A Permit to Dewater or Pump Out a site must be obtained prior to the discharge of pumped water into the road reserve, which includes Council stormwater pits and the kerb and gutter. Permits can be obtained from Council's Customer Service Centre.
19. A Soil and Water Management Plan shall be prepared in accordance with Soil and Water Management for Urban Development Guidelines produced by the Southern Sydney Region Organization of Councils. A copy of the plan must be submitted to Council. The Plan must include details of the proposed erosion and sediment controls to be installed on the building site. A copy of the Soil and Water Management Plan must be kept on-site at all times and made available on request.
20. Council's warning sign for soil and water management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction. A copy of the sign is available from Council.
21. Soil and sedimentation controls are to be put in place prior to commencement of any work on site. The controls are to be maintained in effective working order during construction. The controls are to be designed and installed in accordance with the Soil and Water Management for Urban Development Guidelines produced by the Southern Sydney Regional Organisation of Council. Copies of the guidelines are available from Council.
22. 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 practising 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.

23. Should any hazardous materials be identified a Work Management Plan completed in accordance with AS2601 – Demolition of Buildings shall be submitted to the Principal Certifying Authority prior to the any excavation for the building or structure. The report shall contain details regarding the type of hazardous material and the proposed methods of containment and disposal.
24. Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the Department of Environment and Climate Change and Water and with the provisions of:
 - a) New South Wales Occupational Health and Safety Act, 2000;
 - b) The Occupational Health and Safety (Hazardous Substances) Regulation 2001;
 - c) The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;
 - d) Protection Of the Environment Operations Act 1997 (NSW); and
 - e) Department of Environment and Climate Change Waste Classification Guidelines (2008).
25. All works carried out on the public roads shall be inspected and approved by Council's engineer. Documentary evidence of compliance with Council's requirements shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:
 - a) Initial pre-construction on-site meeting with Council's engineers to discuss concept and confirm construction details, traffic controls and site conditions/constraints prior to commencement of the construction of the civil works associated with the road widening;
 - b) Prior to placement of concrete (kerb and gutter and footpath);
 - c) Prior to construction and placement of road pavement materials; and
 - d) Final inspection.

Note: Council's standard inspection fee will apply to each of the above set inspection key stages. Additional inspection fees may apply for additional inspections required to be undertaken by Council.

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

26. 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.

27. The applicant must prior to the release of the Construction Certificate, pay the following fees:

- | | | |
|----|-------------------------------|--------------------------|
| a) | Development Control Fee | \$5,380.00 |
| b) | Footpath Crossing deposit | \$246,707.25 (see below) |
| c) | Street Tree Preservation Bond | \$27,500.00 (see above) |
| d) | Street Tree Maintenance Bond | \$3,000 (see below) |
| e) | Section 94 Contributions | \$389,202.21 (see below) |

28. Council being satisfied that the proposed development will increase the demand for public amenities within the area, and in accordance with the *City of Botany Bay Section 94 Contributions Plan 2016*, a contribution of **\$389,202.21** (as indexed of February 2018) is to be paid to Council prior to the issue of the first Construction Certificate.

Community Facilities – Citywide	\$66,785.94
Recreation Facilities- Citywide	\$290,104.57
Transport Management- Citywide	\$27,334.38
Administration	\$4,977.21

Note: The Section 94 Contribution fees 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. The Section 94 Contribution fees 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.

29. Prior to the issue of the Construction Certificate, amended plans are to be submitted to Council demonstrating the following:

- a) 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 within all apartments.
- b) All two bedroom apartments are to have a study nook/space or indicate that a desk can adequately be accommodated within the open-plan living area;
- c) The location of mailboxes within the lobby of each building is to be identified on the amended plans.
- d) The dedicated car wash bay is to provide a tap. A sign shall be fixed saying 'Car Wash Bay'. The runoff shall be directed and treated as per Botany DCP Part 3A. Details shall be provided with the plans accompanying the Construction Certificate.
- e) Detailed elevations of the proposed building to both King Street and Botany Road are to be submitted, coloured up to indicate use of external materials, finishes and colours, the elevations to be submitted for approval of Council.
- f) The awning must be designed around the tree requirements and must be a minimum of 500mm from any part of the tree.

30. Prior to the issue of the Construction Certificate, amended plans are to demonstrate that the minimum commercial floor level shall be constructed at 8.00 m AHD.
31. Prior to the issue of any Construction Certificate, the applicant shall lodge a Footpath Crossing deposit of **\$246,707.25** (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.
32. 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.
33. A Construction Management Program shall be submitted to, and approved by the Private Certifying Authority prior to the issue of a 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.

The location of any Construction Zone (if required) approved by Council's Traffic Committee, including a copy of that approval.

34. A detailed Traffic Management Plan for the pedestrian and traffic management of the site, Botany Road and King Street 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, and
- c) 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.

35. Prior to the issue of the Construction Certificate a certificate from a practicing Structural Engineer, registered with NPER, shall be submitted to Council stating that the subsurface structural components located on the boundary of the public road, including but not limited to the slabs, walls and columns, have been designed in accordance with all SAA Codes for the design loading from truck and vehicle loads.
36. Prior to the issue of the Construction Certificate, a suitable qualified engineer is to certify that the structure can withstand the forces of floodwater, scour, debris and buoyancy in a 1% AEP flood event or flow level.
37. All building materials shall be flood resistant, or flood compatible to a height of 500mm above the 1% AEP flood, or flow level. All internal electrical switches, power points or similar utilities liable to flood damage shall be set at a minimum of 500mm above the 1% AEP flood, or flow level. Details shall be provided and approved prior to the issue of a construction certificate.
38. The subsurface structure shall be designed with a water proof retention system (i.e. tanking and waterproofing) with adequate provision for future fluctuation of the water table. The subsurface structure is required to be designed with consideration of uplift due to water pressure and "flotation" (buoyancy) effects. Subsoil drainage around the subsurface structure must allow free movement of groundwater around the structure,

but must not be connected to the internal drainage system. The design of subsurface structure, tanking and waterproofing, and subsoil drainage shall be undertaken by a suitably experienced Chartered Professional Engineer(s). Design details and construction specifications shall be included in the documentation accompanying the Construction Certificate.

39. The Applicant is to submit payment of a New Street Tree Performance Bond of \$3,000. The duration of the Bond shall be limited to a period of 9 months after planting of the new street trees and a satisfactory inspection from Council. At the completion of the Bond period the Bond shall be refunded pending an inspection of trees by Council. If a tree is found to be dead, pruned or dying and will not recover, Council will forfeit all or part of the bond to replace or maintain the tree/s, unless the Applicant undertakes this work under the instruction from Council.
40. Landscaping on the property and in the public domain shall be installed in accordance with the approved landscape documentation Revision D, by John Lock Associates Landscape Architecture and dated 12 February 2018, prior to the issue of an Occupation Certificate. The landscaped areas on the property shall be maintained at all times in accordance with the approved landscape documentation and Council's DCP.
41. Prior to the issue of a Construction Certificate, a public domain improvements plan shall be submitted for approval by Council. The Plan shall be undertaken by a suitably experienced Landscape Architect and shall include but not be limited to new street tree planting, footpath paving (segmental/other), street tree pit treatments and tree guards, street furniture, in ground landscaping, irrigation, lighting. The Plan shall be in accordance with Council's City Identity Program, Landscape DCP and any other Council specification or requirement. Civil drawings shall be included detailing levels and detailed footpath construction sections in accordance with Council's Engineering Services requirements. Contact Council's Landscape Architect for further details of specific requirements in preparation of the plan.
42. A sufficient area shall be provided onsite to enable separate stockpiling and treatment of excavated materials in accordance with the all recommendations within the 'Acid Sulfate Soil Management Plan' contained in Section 7 of the 'Acid Sulfate Soils Assessment and Management Plan – 904 Botany Road, Mascot' (Report E22367AA) by Environmental Investigations Australia dated 28 November 2014. Details of this area shall be provided in the Erosion and Sediment Control Plan (ESCP) and/or Construction Management Plan prior to the release of any construction certificate.
43. A Stage 3 – Remedial Action Plan (RAP) shall be prepared by a suitably qualified and experienced contaminated land consultant and in accordance with:
 - a) NSW Office of Environment and Heritage (OEH) 'Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites';
 - b) NSW Environment Protection Authority (NSW EPA) approved guidelines under the Contaminated Land Management Act 1997; and
 - c) State Environmental Planning Policy 55 (SEPP55) – Remediation of Land.

The RAP shall incorporate all findings and recommendations in the Phase1 Preliminary Site Assessment and any Phase 2 Detailed Site Assessments for the site, it shall clearly state proposed clean-up objectives, and demonstrate how the site will be made suitable

for the proposed residential use. In particular the RAP shall address the proposed deep planting area and unexcavated area on the northern site boundary.

The RAP shall be submitted to Council for concurrence prior to the commencement of any remedial action and prior to the issue of any construction certificate.

44. A Site Audit Statement will be required for this site prior to the issue of any Occupation Certificate. To ensure the necessary assessment and remediation is completed a NSW Environment Authority (EPA) Accredited Site Auditor shall be appointed to the site prior to the commencement of any remediation works, excavation or commencement of works at the site. The Site Auditor shall review and endorse any additional investigation and remediation proposed prior to the commencement of any works. Evidence of this appointment shall be provided to council prior to the issue of any construction certificate.
45. Prior to the release of the Construction Certificate, the following required section(s) are to be submitted to and approved by the Principal Certifying Authority:
 - a) A minimum 3 disabled car parking spaces shall be provided and clearly marked as per Australian Standards AS 2890.6 and Council requirements, and
 - b) All off street disabled parking shall have access to the adjacent road(s) and to the communal open space as per Australian Standards AS 2890.6 and Council requirements.
46. Prior to the release of the Construction Certificate, the following required section(s) are to be submitted to and approved by the Principal Certifying Authority:
 - a) All driveways/access ramps/vehicular crossings shall conform to Australian Standards AS 2890.1 and Council requirements,
 - b) For multi-unit developments, the applicant shall provide longitudinal sections along the extremities and the centre line of each internal driveway/access ramp at a scale of 1:25. These long sections shall extend from the horizontal parking area within the property to the centre line of the roadway. The sections shall also show the clear height from the ramp to any overhead structure,
 - c) The applicant shall provide 57 resident carparking spaces that must be clearly linemarked and signposted,
 - d) The applicant shall provide 7 visitor carparking spaces that must be clearly linemarked and signposted.
 - e) The applicant shall provide 6 retail carparking spaces that must be clearly linemarked and signposted.
 - f) The applicant shall provide 2 carparking spaces dedicated to Telstra that must be clearly linemarked and signposted as required in Condition No. 5 of DA-14/150.
 - g) The applicant shall provide 1 carwash bay with the appropriate drainage systems for resident use,
47. Prior to the release of the Construction Certificate, the following required section(s) are to be submitted to and approved by the Principal Certifying Authority:

- a) All driveways/access ramps/vehicular crossings shall conform with Australian Standards AS 2890.2 and Council requirements including but not limited to Section 8(v) of the DCP Stormwater Management Technical Guidelines,
 - b) All service vehicles shall enter the property front in front out,
 - c) Demonstrate safe headroom clearance of 3.5m is achieved in the driveway entrance and along the travel path, parking and manoeuvring areas of a Small Rigid Vehicle (SRV), including Council's Garbage Truck,
 - d) Swept path analysis shall be provided for manoeuvring of commercial vehicles, and
 - e) A longitudinal section plotting headroom clearance above driveway access is to be provided for assessment.
48. Prior to the issue of any Construction Certificate, all driveways/access ramps/vehicular crossings shall be designed to conform to the current Australian Standards AS 2890.1 and Council's Infrastructure Specifications. These include but are not limited to E-01, E-04, E-07 and E-16. As part of this development, a new concrete driveway shall be constructed. A new six (6) metre wide driveway layback shall be constructed as part of the new driveway. A minimum of one (1.0) metre of kerb and gutter either side of the driveway layback shall be replaced to enable the correct tie-in with the existing kerb and gutter. The design should be submitted to the PCA for approval. The approved design form part of the future road opening permit application.
49. Plans and specifications for the storage room for waste and recyclable materials shall be submitted to the Principal Certification Authority with the application for the 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.
50. Design certification, prepared by a suitably qualified engineer shall be submitted to Principal Certifying Authority certifying the car parking area shown on the construction plans has been designed in accordance with AS 2890.1, AS2890.2, and AS2890.6.
51. The fire hydrant and booster assembly are required to be housed within an external façade/wall of the building or elsewhere within the building structure and shall be enclosed/screened with doors to Council or PCA approval.
52. All balconies shall have a water supply tap and a gas connection where gas is available. These shall be indicated on the plans prior to the issue of the construction certificate.
53. 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 Principal Certifying Authority and its location and specifications endorsed on the construction drawings.
54. Design verification is required to be submitted from a qualified designer to confirm the development is in accordance with the approved plans and details and continues to satisfy the design quality principles in State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development.

55. 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.

56. 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 (eg 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.
 - c) As part of this development, the Ausgrid power pole on Bunnerong Road at the front of the development site will need to be decommissioned and new lighting poles shall be constructed satisfying V3 lighting requirements and any other requirements as specified by Council, RMS and any other service provider,
 - d) All above ground utilities shall be relocated underground in accordance with Ausgrid and any other affected and relevant service provider, and
 - e) All underground and above ground infrastructure shall be constructed as specified by Ausgrid, RMS, Council and any other affected service provider. The location of the new electrical pillars, new lighting poles, any new pits and trenches for utilities shall be confirmed with Council prior to the issue of the Construction Certificate.

Any costs in the relocation, adjustment, and provision of land or support of services as requested by the service authorities and Council are to be the responsibility of the developer.

57. Details on the mechanical plant and equipment to be submitted to the Principal Certifying Authority prior to the release of the Construction Certificate. The report must:
- a) identify each item of plant and equipment;
 - b) the following additional criteria adopted by City of Botany Bay Council:
 - i) The operation of all plant and equipment shall not give rise to an equivalent continuous (L_{Aeq}) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background L_{A90} level (in the absence of the noise under consideration).

- ii) The operation of all plant and equipment when assessed on any residential property shall not give rise to a sound pressure level that exceeds L_{Aeq} 50dB(A) day time and L_{Aeq} 40 dB(A) night time.
- iii) 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 L_{Aeq} 65dB(A) day time/night time.
- iv) For assessment purposes, the above L_{Aeq} 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.

Note “sensitive” positions should be selected to reflect the typical use of a property (i.e. any outdoor areas for day and evening but closer to the façade at night time), unless other positions can be shown to be more relevant.

58. The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC) . Prior to the issue of a Construction Certificate and Occupation Certificate the Certifying Authority and Principal Certifying Authority must:
- a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
 - b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.
59. Prior to the issue of any Construction Certificate, the Development is to be constructed to meet all recommendations and requirements that have been detailed in the acoustic report provided by Koikas Acoustics Pty Ltd dated 28 April 2014. The measures as detailed in the acoustic assessment report prepared by Koikas Acoustics Pty Ltd, 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.

The work detailed in the report includes:

- a) The roof/ceiling must be constructed as per Table 3 of the report,
- b) All external walls need to be constructed as per Table 4 of the report,
- c) Glazing to all windows and glazed door systems are to be as per Table 5 of the report.
- d) Acoustically treated mechanical ventilation must be provided to this premise for it to comply with current guidelines.

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 (advice concerning noise from air conditioners is attached below).

CONDITIONS TO BE SATISFIED DURING WORKS

60. If the work involved in the construction of a building:
- a) likely to cause pedestrians or vehicular traffic in a public place to be obstructed or rendered inconvenient; or,
 - b) involves the enclosure of a public place:
 - i) a hoarding or fence must be erected between the work site and the public place.
 - ii) If necessary an awning is to be erected sufficient to prevent any substance from or in connection with the work falling into the public place.
 - iii) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to person(s) in the public place.
 - iv) Any such hoarding, fence or awning is to be removed when the work has been completed.
 - c) Suitable consent shall be obtained from Council prior to the erection of any hoarding at the property.
61. The land to which this Consent relates must be fenced and enclosed to protect the entry or access to the land and site by lawful persons. The fencing must be in place before demolition works commence.
62. During demolition 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.
63. The Applicant shall conduct all demolition, construction and related deliveries wholly on site. If any use of Council's road reserve is required then separate applications are to be made at Council's Customer Services Department.
64. The approved Waste Management Plan shall be complied with at all times during demolition, construction and on-going use of the site.
65. All vehicles transporting soil, sand or similar materials to or from the site shall cover their loads at all times.
66. As the development involves an excavation that extends below the level of the base of the footings of a building or road on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- i) Protect and support the adjoining premises from possible damage from the excavation, and
 - ii) Where necessary, underpin the adjoining premises to prevent any such damage.
 - iii) Must at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of his intention to do so to the owner of the adjoining allotment of land and, furnish

particulars of the excavation to the owner of the building being erected or demolished.

67. If the land to which the application relates is served by a common sewerage system that is also used by others, then measures must be placed in effect and prior to the commencement of work to ensure the operation of the sewerage system is without disruption to other joint users.
- 68.
- a) An experienced Landscape Contractor shall be engaged to undertake the landscaping work and shall be provided with a copy of both the approved landscape drawing and the conditions of approval to satisfactorily construct the landscape to Council requirements.
 - b) At the completion of landscaping on the site, the Applicant is required to obtain a Certificate of Compliance from the Landscape Consultant to certify that the landscaping has been installed in accordance with the Council approved landscape plan. The Certificate is to be submitted to Council prior to the Issue of an Occupation Certificate.
69. Planter boxes constructed over a concrete slab shall be built in accordance with the following requirements:
- a) Ensure soil depths in accordance with Council's Landscape DCP. The base of the planter must be screeded to ensure drainage to a piped internal drainage outlet of minimum diameter 90mm, with no low points elsewhere in the planter. There are to be no external weep holes.
 - b) A concrete hob or haunch shall be constructed at the internal join between the sides and base of the planter to contain drainage to within the planter.
 - c) Planters are to be fully waterproofed and sealed internally with a proprietary sealing agent and applied by a qualified and experienced tradesman to eliminate water seepage and staining of the external face of the planter. All internal sealed finishes are to be sound and installed to manufacturer's directions prior to backfilling with soil. An inspection of the waterproofing and sealing of edges is required by the Certifier prior to backfilling with soil.
 - d) Drainage cell must be supplied to the base and sides of the planter to minimize damage to the waterproof seal during backfilling and facilitate drainage. Apply a proprietary brand filter fabric and backfill with an imported lightweight soil suitable for planter boxes compliant with AS 4419 and AS 3743. Install drip irrigation including to lawns.
 - e) Finish externally with a suitable paint, render or tile to co-ordinate with the colour schemes and finishes of the building.
70. Vibration levels induced by the demolition activities must not exceed levels listed in Standard DIN 4150-3 (1999-02), *Structural vibration Part 3 – Effects of vibration on structures Table 12-7*. The operation of plant and equipment must not give rise to the transmission of vibration nuisance or damage to other premises.

71. Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Environmental Noise Manual – Chapter 171 and the *Protection of the Environment Operations Act 1997*.

a) Level Restrictions

Construction period of 4 weeks and under:

the L_{10} 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 20 dB(A).

Construction period greater than 4 weeks and not exceeding 26 weeks:

the L_{10} 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).

b) Time Restrictions

Construction/demolition work shall be limited to the following hours:

Monday to Friday: 07:00 am to 06:00 pm

Saturday: 08:00 am to 01:00 pm

No Construction to take place on Sundays or Public Holidays.

c) Silencing

All possible steps should be taken to silence construction site equipment.

72. 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:
 - 1 to a public sewer; or
 - 2 if connection to a public sewer is not practicable to an accredited sewerage management facility approved by the Council; or,
 - 3 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.

73. Existing building elements such as steel framed windows, cast zinc letters, doors and equipment should be salvaged as far as possible and consideration given to reuse for interpretation purposes or these elements being offered for sale or reuse.

74. Stockpiles are not permitted to be stored on Council property (including nature strip) unless prior approval has been granted. In addition stockpiles of topsoil, sand,

aggregate, soil or other material shall be stored clear of any drainage line or easement, natural watercourse, kerb or road surface.

75. Building and demolition operations such as brickcutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
76. All disturbed areas shall be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
77. 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.
78. All vehicles transporting soil, sand or similar materials to or from the site shall cover their loads at all times.
79. 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 (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.
80. Building, demolition and construction works not to cause stormwater pollution and being carried out in accordance with Section 2.8 of Council's Stormwater Pollution Control Code 1993. Pollutants such as concrete slurry, clay and soil shall not be washed from vehicles onto roadways, footways or into the stormwater system. Drains, gutters, roadways and access ways shall be maintained free of sediment. Where required, gutters and roadways shall be swept regularly to maintain them free from sediment.

Note: The Applicant may be liable to prosecution under the Environmental Planning and Assessment Act 1979 for a breach of an approval condition, or under the Protection of the Environment Operations Act 1997, if its employees, agents or sub-contractors allow sediment, including soil, excavated material, building materials, or other materials to be pumped, drained or allowed to flow to the street, stormwater pipes or waterways. The Applicant shall ensure that its employees, agents or sub-contractors understand and maintain sediment control measures.

81. For any water from site dewatering to be permitted to go to the stormwater, the water must meet ANZECC 2000 Water Quality Guidelines for Fresh and Marine Water for the 95% protection trigger values for marine water. The results of all testing must be completed by a NATA accredited laboratory. All laboratory results must be accompanied by a report prepared by a suitably qualified person indicating the water meets these guidelines and is acceptable to be released into council's stormwater system. If it is not acceptable, details of treatment measures to ensure that the water is suitable for discharge to council's stormwater shall be provided in this report. Reports shall be provided to council prior to discharge of any groundwater to the stormwater system.
82. To ensure that relevant engineering and water quality provisions are met during the period of dewatering for construction, prior to any water from site dewatering to be permitted to go to council's stormwater system a permit to discharge to the stormwater

shall be obtained from Council. Dewatering shall not commence until this is issued by Council.

83. 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.
84. All remediation work must be carried out in accordance with:
 - a) NSW Office of Environment and Heritage (OEH) 'Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites';
 - b) NSW Environment Protection Authority (NSW EPA) guidelines under the Contaminated Land Management Act 1997;
 - c) State Environmental Planning Policy 55 (SEPP55) – Remediation of Land; and
 - d) The Remedial Action Plan (RAP) required to be submitted prior to the issue of the Construction Certificate.
85. The management of potential and actual acid sulfate soils shall be conducted in accordance with all recommendations within the 'Acid Sulfate Soil Management Plan' contained in Section 7 of the 'Acid Sulfate Soils Assessment and Management Plan – 904 Botany Road, Mascot' (Report E22367AA) by Environmental Investigations Australia dated 28 November 2014.
86. 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.
87. 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.
88. Results of the monitoring of any field parameters such as soil, groundwater, surface water, dust or noise measurements shall be made available to Council Officers on request throughout the remediation and construction works.
89. The minimum commercial floor level shall be constructed at 8.00 m AHD. The floor level shall be certified by a registered surveyor prior to pouring of floor slab or installation of flooring.
90. Materials which may be damaged by flood waters shall be stored, or able to be stored at or above 8.45 metres Australian Height Datum, which is 500mm above the 1% Annual Exceedance Probability (AEP) Flood.

91. Construction related activities must not take place on the roadway without Council approval.

Short-term activities (including operating plant, materials delivery) that reduce parking spaces, affect access to a particular route or prevent or restrict the passage of vehicles along the road must not occur without a valid Temporary Roadside Closure Permit.

Activities involving occupation of the parking lane for durations longer than allowed under a Temporary Roadside Closure Permit require a Construction Zone Permit and must not occur prior to the erection of Construction Zone signs by the RTA.

Permit application forms should be lodged at Council's Customer Service Centre allowing sufficient time for evaluation. An information package is available on request.

92. All plumbing work proposed for the installation and reuse of rainwater shall comply with the NSW Code of Practice: Plumbing and Drainage and be installed in accordance with Sydney Water "Guidelines for rainwater tanks on residential properties.

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

93. All applications associated with works on Council's land must be made at least 7-10 days prior to the programmed completion of works and all construction must be completed and approved by Council.

94.

- a) The applicant shall restrict vehicular access arrangements from King Street to left in/left out movements via the installation of a short length and 900mm wide median within King Street, being Option 1, in accordance with the RMS letter dated 25 October 2017, adequately offset from the Right of way (ROW) driveway servicing 928 Botany Road Mascot to allow unrestricted design vehicle access to that ROW, subject to Local Traffic Committee approval to that short length median being provided within 3 months of the date of this consent. The design of the median shall be based upon swept path tests conducted at a maximum speed of 10km/hr that identify that right and left turns of the design 6.4m long SRV in accordance with AS2890.2-2002, associated with the ROW driveway diagonally opposite the proposed driveway that serves vehicle access to 928 Botany Road. A plans of the works shall be submitted to Council for approval which shows that the proposed development complies with these requirements. The short median shall be completed and operational prior to the issue of the Occupation Certificate. All works associated with the proposed median are to be at no cost to RMS or Council.
- b) In the alternative that the Local Traffic Committee approval is not received in response to (a) within 3 months from the date of the consent, then the applicant shall modify the driveway design for the subject premises to deter right turn movements to/from the site. A Section 138 application shall be submitted to Council for approval prior to the lodgement of a Construction Certificate with the design of the driveway to include (but not limited to) a minimum 1 metre wide median island immediately within the site separating the entry/exit lane to/from the site and angled driveways to facilitate left turn entry and left turn egress movements at the driveway. The driveway shall be constructed prior to the issue of the Occupation Certificate.

95. All works within the road reserve, which are subject to approval pursuant to Section 138 of the Roads Act 1993, shall be completed and accepted by council.
96. Prior to the issue of the Occupation Certificate, the existing above ground electricity and telecommunication cables within the road reserve and within the site will be replaced, at the applicant's expense, by underground cable and appropriate street light standards, in accordance with the Energy and Communication Provider's guidelines. The applicant will bear the cost of the new installation and the first 12 months of additional street light charges.
97. Prior to the issue of the Occupation Certificate the applicant must submit to the Principal Certifying Authority an acoustic report to verify that the measures stated in the above report in Condition No. 1 have been carried out and certify that the construction meets the above requirements and the indoor sound levels of AS2021-2000. 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 Australia Acoustical Consultants).
98. A report prepared by a qualified air quality/mechanical engineer certifying that the mechanical ventilation/exhaust system as installed complies in all respects with the design and operation standards of AS 1668 – Mechanical Ventilation and Air Conditioning Codes, and the relevant provisions of the Protection of the Environment Operations Act 1997 shall be submitted to Council within 21 days of the installation of the system and prior to the occupation of the premises.
99. Evidence of a Sydney Water permit or consent for discharge of wastewater to the sewer shall be submitted to the Principal Certifying Authority prior to use or occupation of the premises. Where a permit or consent may not be required from Sydney Water certification shall be provided verifying that any discharges to the sewer will meet specific standards imposed by Sydney Water.
100. 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.
101. Prior to the Occupation of the building, the operator shall enter into a commercial contract for the collection of trade waste and recyclables arising from the premises. A copy of all contracts and receipts shall be kept on the premises and made available to Council Officers on request.
102. The landscaped areas on the property shall be installed in accordance with the Council approved landscape documentation, the conditions of development approval and Council's BBDCP at all times. The applicant is required to obtain a Certificate of Compliance from the Landscape Consultant to certify that the landscaping has been installed in accordance with the Council approved landscape plan. The Certificate is to be submitted to Council prior to the Issue of an Occupation Certificate.
103.
 - a) A notice of requirement shall be obtained from the Water Board;
 - b) A Certificate under Section 73 of the Water Board (Corporation) Act 1994 shall be obtained and submitted to Council for each stage of construction to ensure that the developer has complied with all relevant Sydney Water requirements,

including appropriate connections, correctly sized amplifications, procurement of trade waste agreements, where necessary, and the payment of developer charges.

Note: Immediate application should be made to Sydney Water for this Certificate to avoid problems in servicing the development.

104. Prior to occupation a Chartered Professional Engineer shall certify that the stormwater system has been constructed in accordance with the approved plans and as required by Botany DCP Part 10 - Stormwater Management. A works-as-executed drainage plan shall be prepared by a registered surveyor based on a survey of the completed works. A copy of the certificate and works-as-executed plan(s) shall be supplied to the Principal Certifying Authority. A copy shall be provided to Council if Council is not the Principal Certifying Authority.
105. Vehicles shall enter and exit the site in a forward direction at all times. A plaque with minimum dimensions 300mm x 200mm shall be permanently fixed to the inside skin of the front fence, or where there is no front fence a prominent place approved by the Principal Certifying Authority, stating the following: "Vehicle shall enter and exit the site in a forward direction at all times".
106. 72 off-street car spaces shall be provided in accordance with the submitted plan and shall be sealed and linemarked to Council's satisfaction. The pavement of all car parking spaces, manoeuvring areas and internal driveways shall comply with Australian Standard AS3727 – Guide to Residential Pavements.
107. Prior to the issue of the Final Occupation Certificate, the Principal Certifying Authority is to ensure all units within the development are connected to an intercom system located at the vehicle entrance to the car parking area to ensure visitors to the site can access the visitor parking.
108. 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. Details of street numbering shall be submitted to Council for approval.
109. The public area of the residential parts of each building must be designed by a practicing Interior Designer or other appropriately qualified person and include (but not limited to) colour schemes, artwork surface finishes, timber mid rails/skirting boards etc.
110. Prior to the issue of the Occupation Certificate, the following works will be required to be undertaken in the road reserve at the applicant's expense:
 - a) construction of a new fully constructed concrete vehicular entrance/s off King Street;
 - b) ii) removal of the existing concrete vehicular entrance/s on Botany Road, and/or kerb laybacks which will no longer be required;
111. Prior to the issue of the Occupation Certificate, inspection reports (formwork and final) for the works on the road reserve shall be obtained from Council's engineer and submitted to the Principal Certifying Authority attesting that this condition has been appropriately satisfied.
112. Prior to the issue of the Occupation Certificate, all footpath, or road and drainage modification and/or improvement works to be undertaken in the road reserve shall be undertaken by Council, or by a Private Licensed Contractor subject to the submission

and approval of a Private Contractor Permit, together with payment of all inspection fees. An estimate of the cost to have these works constructed by Council may be obtained by contacting Council on 9562 1670. The cost of conducting these works will be deducted from the Footpath Reserve Restoration Deposit, or if this is insufficient the balance of the cost will be due for payment to Council upon completion of the work.

113. A Restrictions on the use of land pursuant to Section 88B of the *Conveyancing Act 1919* shall be created to ensure the following:-

- a) *On-site detention system* - A Restriction on the use of land pursuant to Section 88B of the *Conveyancing Act 1919* shall be created to ensure that there are no alterations made to the on-site detention system which is, or shall be, constructed on the lot(s) burdened. The expression '*on-site stormwater detention system*' shall include all ancillary gutters, pipes, drains, orifice plate, walls, kerbs, pits, grates, tanks, chambers, basins, rainwater tanks (if an airspace "credit" is claimed against the storage volumes) and surfaces designed to temporarily detain stormwater as well as all surfaces graded to direct stormwater to the temporary storage. The on-site detention system is detailed on the approved plans prepared by ACOR Consultants dated Aug 2017. Any on-site detention system constructed on the lot(s) burdened is hereafter referred to as 'the on-site detention system'.
- b) *Pump-Out Facilities* - A Restriction on the use of land pursuant to Section 88B of the *Conveyancing Act 1919* shall be created to ensure that there are no alterations made to any pump out facilities. The expression 'pump-out system' shall include all ancillary pipes, drains, kerbs, pits, grates, tanks, chambers, and surfaces designed to temporarily detain stormwater as well as all surfaces graded to direct stormwater to the temporary storage. The pump-out system is detailed on the approved plans prepared by ACOR Consultants dated Aug 2017. Any pump-out system constructed on the lot(s) burdened is hereafter referred to as 'the pump-out system'.
- c) *Stormwater Quality Improvement Device* - A Restriction on the use of land pursuant to Section 88B of the *Conveyancing Act 1919* shall be created to ensure that there are no alterations made to the stormwater quality improvement device (SQID) which is, or shall be, constructed on the lot(s) burdened without the prior consent in writing of the Council. The expression 'Stormwater Quality Improvement Device (SQID)' shall include all devices and mediums that are designed to treat stormwater as well as all ancillary pipes, drains, kerbs, pits, grates, chambers, basins and surfaces that direct stormwater to the SQID. The SQID is detailed on the approved plans prepared by ACOR Consultants dated Aug 2017. Any Stormwater Quality Improvement Device (SQID) constructed on the lot(s) burdened is hereafter referred to as 'the device'.

The Bayside Council is to be nominated as the Authority to release, vary or modify these restrictions on the use of land. The Restriction/s are to be submitted to Council for approval prior to lodgement with NSW Land and Property Information. Proof of registration shall be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

Standard wording of these can be found in Botany DCP Part 10 Appendix B, C & E

114. Prior to the issue of the Occupation Certificate, any driveway works to be undertaken in the footpath reserve by a private contractor requires an "Application for Consideration by a Private Contractor" to be submitted to Council together with payment of the

application fee. Works within the footpath reserve must not start until the application has been approved by Council.

115. Prior to the issue of the Occupation Certificate, the pump system, including all associated electrical and control systems, shall be tested and inspected by a suitably qualified and experienced person. Records of testing shall be retained and provided to the certifying hydraulic engineer and/or PCA upon request.
116. The provision of a 2 m wide drainage easement along the Northern boundary, for the 750 mm dia drainage pipeline. The drainage easement is to be in favour of Bayside Council and covered by a Section 88B Instrument, which may only be varied or extinguished with the consent of bayside Council. A restriction to user preventing building works within the easement is also required.

Council requires proof of lodgement of the signed Linen Plan and 88B Instrument with the Land Titles Office.

Any existing easements for the old drainage pipeline are to be extinguished at the applicant's expense.

117. Prior to the issue of an Occupation Certificate for the site, the Council and the accredited certifier must be satisfied that an Interpretive installation in accordance with the recommendations of the Heritage Interpretation Strategy has been appropriately undertaken on the site.
118. A Stage 4 – Site Validation Report (SVR) shall be prepared by a suitably qualified contaminated land consultant and shall be in accordance with:
 - a) NSW Office of Environment and Heritage (OEH) 'Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites';
 - b) NSW Environment Protection Authority (NSW EPA) approved guidelines under the Contaminated Land Management Act 1997; and
 - c) State Environmental Planning Policy 55 (SEPP55) – Remediation of Land.

The site validation report shall provide a notice of completion of remediation works, whether there are any ongoing site management requirements and a clear statement on the suitability of the likely proposed site use. The report shall be submitted to the Principal Certifying Authority (and the Council if the Council is not the Principal Certifying Authority). The report is to be submitted after completion of remediation works and prior to the issue of any occupation certificate.

119. To ensure that the site is suitable for the proposed use, a Site Audit Statement (SAS) completed by an accredited site auditor under the *Contaminated Land Management Act 1997* shall be submitted to Council clearly demonstrating that the site is suitable for the proposed development. This shall be provided prior to the release of any Occupation Certificate.

Any conditions imposed on the SAS shall form part of this consent. The accredited site auditor shall provide Council with a copy of the Site Audit Report (SAR) and Site Audit Statement (SAS) prior to the issuing of any Occupation Certificate. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, a Section 96 application pursuant to the *Environmental Planning & Assessment Act 1979* shall be submitted to ensure that they form part of the consent conditions.

120. 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

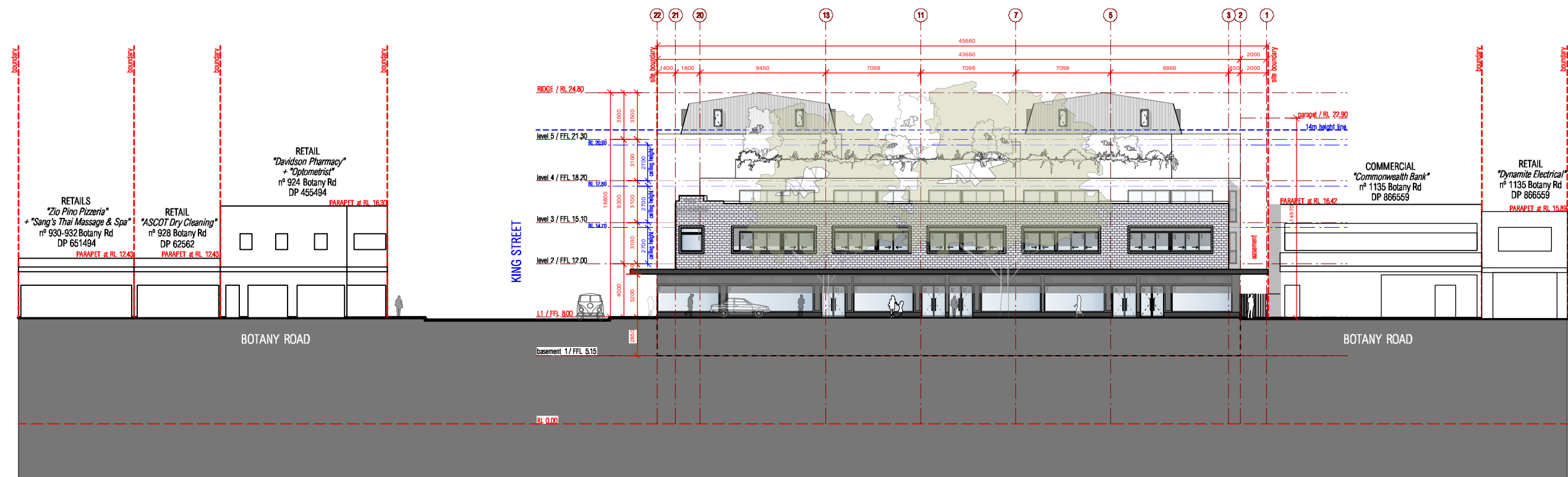
121. New street trees shall be maintained by the Applicant/Owner/Strata Corporation for a period of 24 months after final inspection by Council. Maintenance includes twice weekly watering within the first 6 months then weekly thereafter to sustain adequate growth and health, bi-annual feeding, weed removal round the base, mulch replenishment at 3 monthly intervals (to 75mm depth) and adjusting of stakes and ties. Maintenance but does not include trimming or pruning of the trees under any circumstances.
122. Ongoing maintenance of the road verges and footpaths in Botany Road and King 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.
123. The overflow from the rainwater tank shall be directed to the storm water system.
124. All loading, unloading and transfer of goods to and from the loading bay and premises shall take place wholly within the property.
125. The existing and future owners (Registered Proprietor) of the property will be responsible for the operation and maintenance of the detention system.
126. The Registered Proprietor will:
- a) permit stormwater to be temporarily detained by the system;
 - b) keep the system clean and free of silt, rubbish and debris;
 - c) maintain, renew and repair the whole or parts of the system so that it functions in a safe and efficient manner; and in doing so complete the same within the time and in the manner specified in written notice issued by the Council;
 - d) carry out the matters referred to in paragraphs (ii) and (iii) at the proprietor's expense;
 - e) not make alterations to the system or elements thereof without prior consent in writing of the Council.
 - f) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of emergency) to enter and inspect the land for compliance with the requirement of this clause;
 - g) comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.
127. The existing and future owners (Registered Proprietor) of the property will be responsible for the efficient operation and maintenance of the pump system.

The Registered Proprietor will:

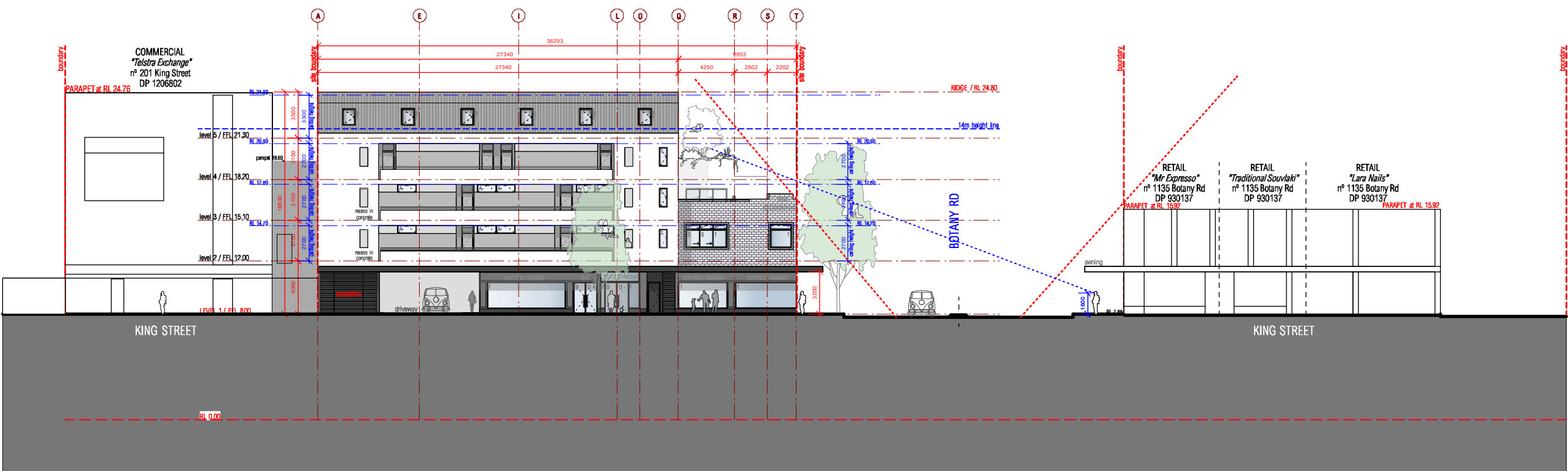
- a) permit stormwater to be temporarily detained and pumped by the system;
 - b) keep the system clean and free of silt, rubbish and debris;
 - c) maintain, renew and repair the whole or parts of the system so that it functions in a safe and efficient manner; and in doing so complete the same within the time and in the manner specified in written notice issued by the Council;
 - d) carry out the matters referred to in paragraphs (b) and (c) at the proprietor's expense;
 - e) not make alterations to the system or elements thereof without prior consent in writing of the Council.
 - f) permit the Council or its authorised agents from time to time upon giving reasonable notice (but at any time and without notice in the case of emergency) to enter and inspect the land for compliance with the requirement of this clause;
 - g) comply with the terms of any written notice issued by the Council in respect to the requirements of this clause within the time stated in the notice.
128. All wastewater and stormwater treatment devices (including drainage systems, sumps and traps) shall be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device shall be disposed of in accordance with the Protection of the Environment Operations Act, 1997.
129. Claims shall not be made against Council for disruption to business or damage to stock or machinery due to flooding of the premises.
130. The overland flow path shall not be obstructed, restricted or altered without the approval of Bayside Council.
131. No roller shutters are to be installed to any of the commercial shopfronts that front King Street and Botany Road.
132. Prior to commencing trading each tenant must register the business premises with Council if trading as a food premise, skin penetration, hairdresser or beauty therapist.
133. Council's footway (area between property boundary and street kerb) is to be kept clean, tidy, washed and maintained at the applicant's expense.
134. Any BBQ area shall be managed in a manner so as to not adversely impact the amenity of the surrounding residents.
- 135.
- a) Each residential dwelling (apartment) is approved as a single dwelling for use and occupation by a single family. They shall not be used for separate residential occupation or as separate residential flats. No plumbing fixtures, fittings, walls shall be deleted or added, doorways enclosed or any other changes made from the approved plans in Condition No. 1 of this Consent without the prior Consent of the Council;
 - b) The adaptable apartment approved under this development consent is to remain unaltered at all times; and

- c) 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 shall be monitored by CCTV cameras at all times.
136. The operation of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, or otherwise.
137. All intruder alarms shall be fitted with a timing device in accordance with the requirements of *Regulation 12A of the Noise Control Act, 1975*, and *AS2201, Parts 1 and 2 - 1978 Intruder alarm systems*.
138. 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):
- a) Before 8 am or after 10 pm on any Saturday, Sunday or public holiday, or
 - b) Before 7 am or after 10 pm on any other day.
139. The operation of all plant and equipment shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration).
- The operation of all plant and equipment when assessed on any residential property shall not give rise to a sound pressure level that exceeds LAeq 50dB(A) day time and LAeq 40 dB(A) night time.
- 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.
- 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.

A. STREETSCAPE analysis / STREET elevation
on BOTANY ROAD



B. STREETSCAPE analysis / STREET elevation
on KING STREET



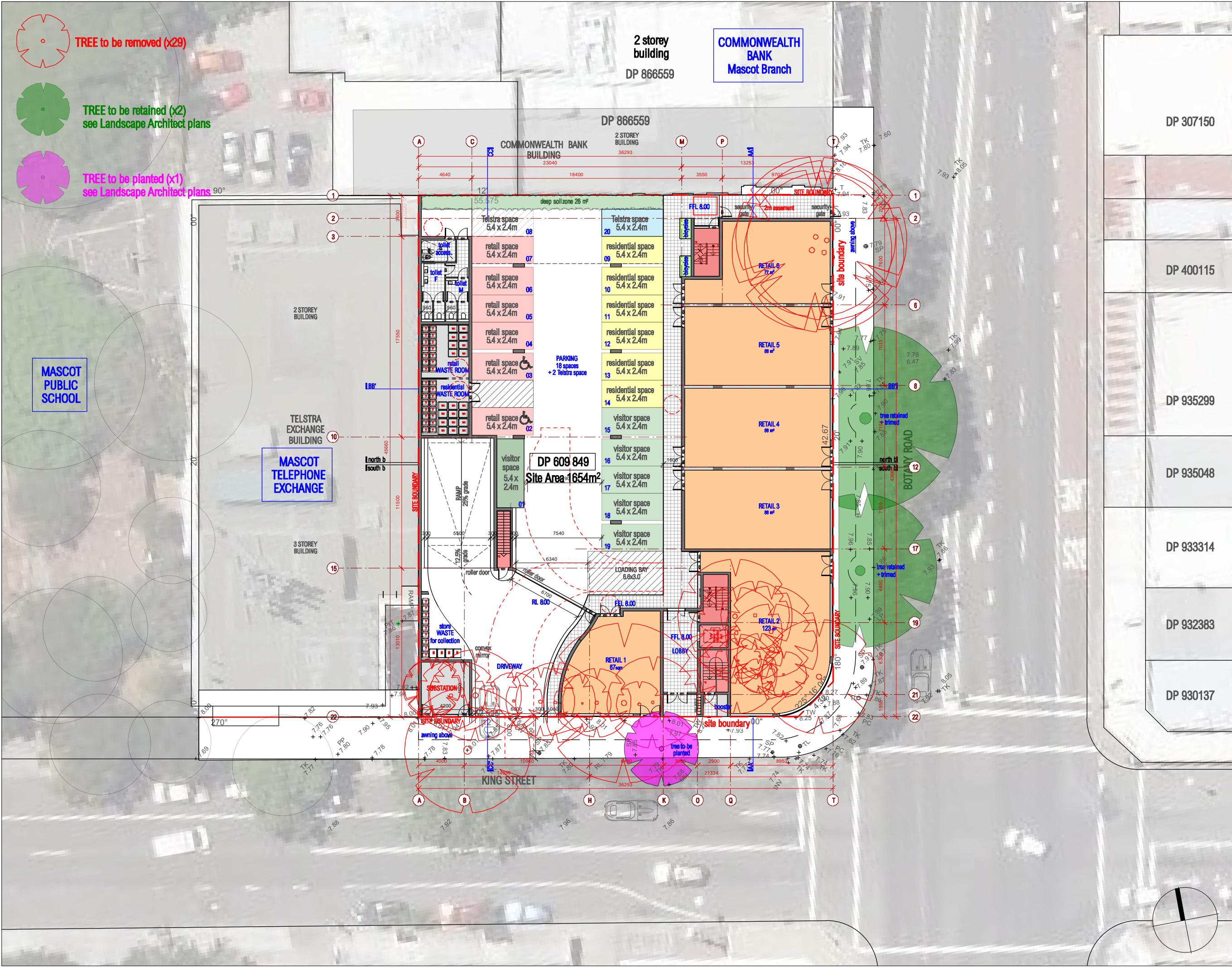
notes			
all work to be carried out in accordance with bca, saa codes and conditions of council. measurements in mm's unless noted. use figured dimensions. do not scale drawings. site measure before starting work. refer all discrepancies to the architect.			
rev	date	amendment	
A	05/09/17	issued to council	
B	08/11/17	amendments as per DRP	
C	06/02/18	issued for council meeting	
C	08/02/18	issued to consultants	
C	19/02/18	issued to council	

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surry hills 2010
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e: info@environastudio.com.au
architects registration : 6239

project			
SHOP TOP HOUSING			
for/client			
MASCOT EXCHANGE Pty Ltd			
location			
904 BOTANY ROAD			
at			
MASCOT			
drawing		scale	
STREETSCAPE analysis		1:350@A3	
STREET elevation			
stage	project no.	dwg no.	
DA	920	136	
chkd	drwn	date	issue
TW	VdL	19/02/18	C

[illegible]



notes

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rev	date	amendment
A	05/09/17	issued to council
B	08/11/17	amendements as per DRP
C	06/02/18	issued for council meeting
C	08/02/18	issued to consultants
C	19/02/18	issued to council

environa studio

224 riley St
surry hills 2010
t: 02 9211 0000
e: info@environastudio.com.au
architects registration : 6239

project

SHOP TOP HOUSING

for/client

MASCOT EXCHANGE Pty Ltd

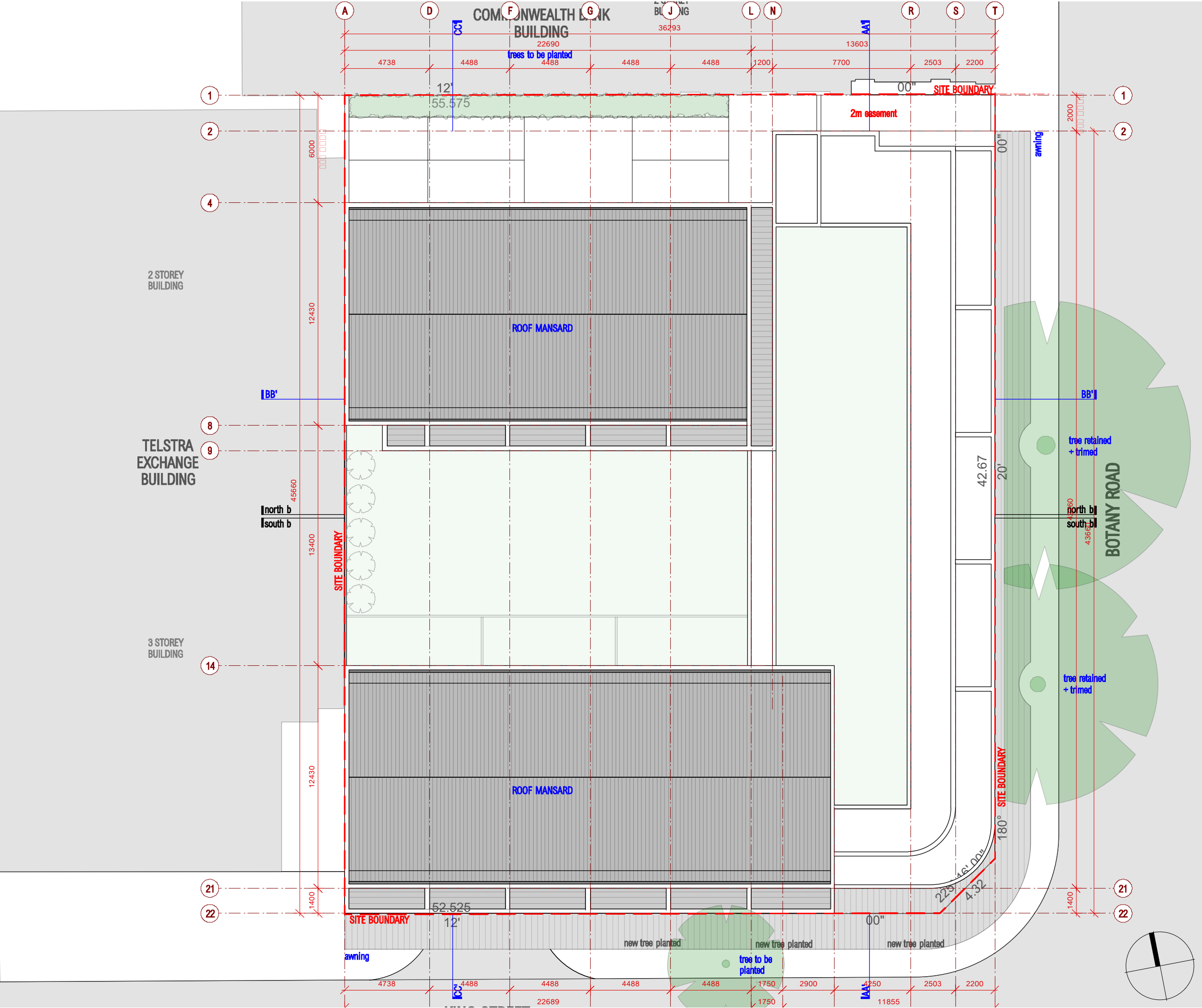
location

904 BOTANY ROAD

at

MASCOT

drawing	scale		
SITE PLAN	1:300@A3		
stage	project no.	dwg no.	
DA	920	030	
chkd	drwn	date	issue
TW	VdL	19/02/18	C

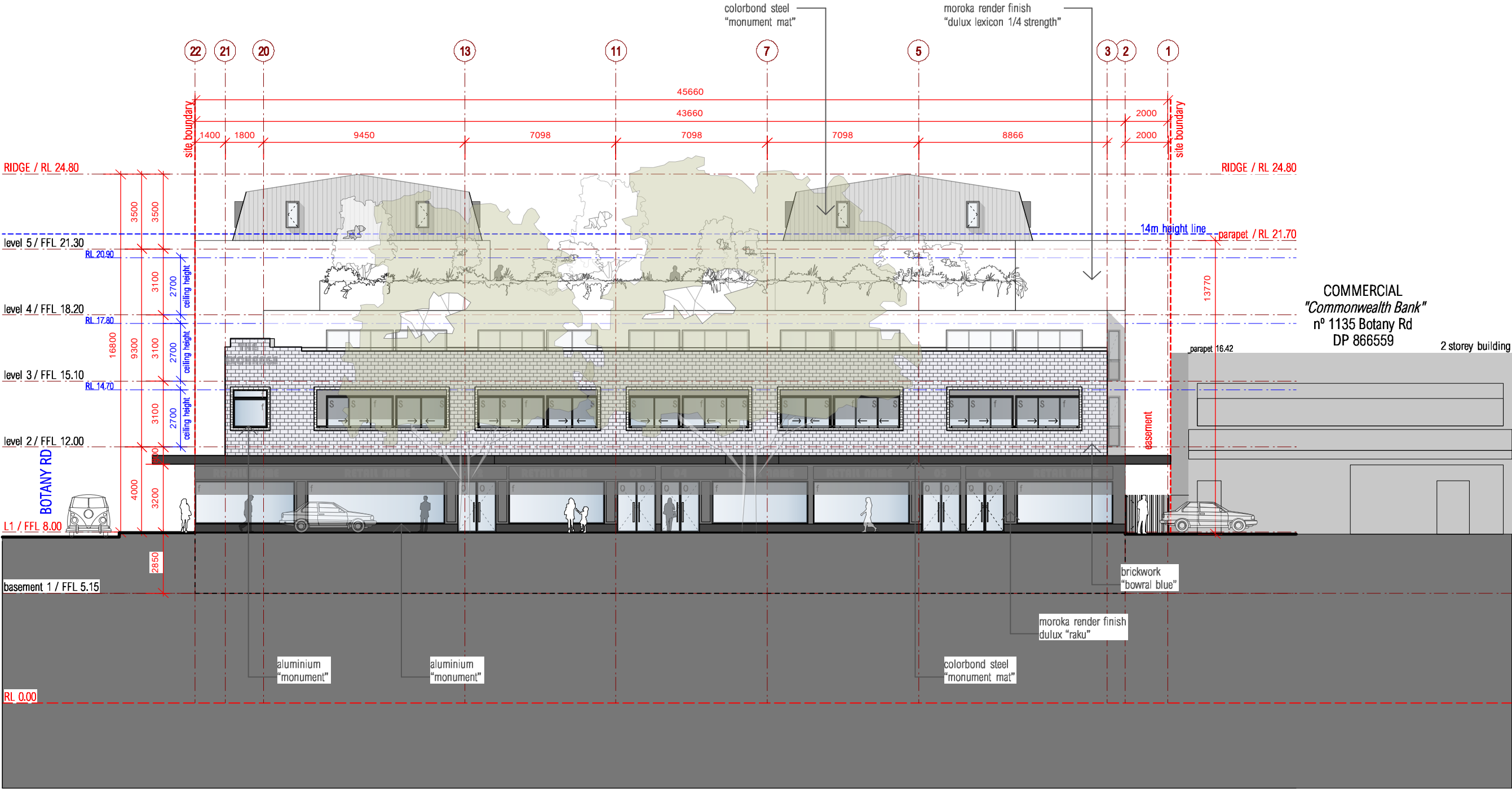


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project			
SHOP TOP HOUSING			
for/client			
MASCOT EXCHANGE Pty Ltd			
location			
904 BOTANY ROAD			
at			
MASCOT			
drawing	scale		
ROOF	1:200@A3		
stage	project no.	dwg no.	
DA	920	110	
chkd	drwn	date	issue
TW	VdL	19/02/18	C



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architects registration : 6239

project

SHOP TOP HOUSING

for/client

MASCOT EXCHANGE Pty Ltd

location

904 BOTANY ROAD

at

MASCOT

drawing

EAST elevation

scale

1:200@A3

stage

DA

project no.

920

dwg no.

130

chkd

TW

drwn

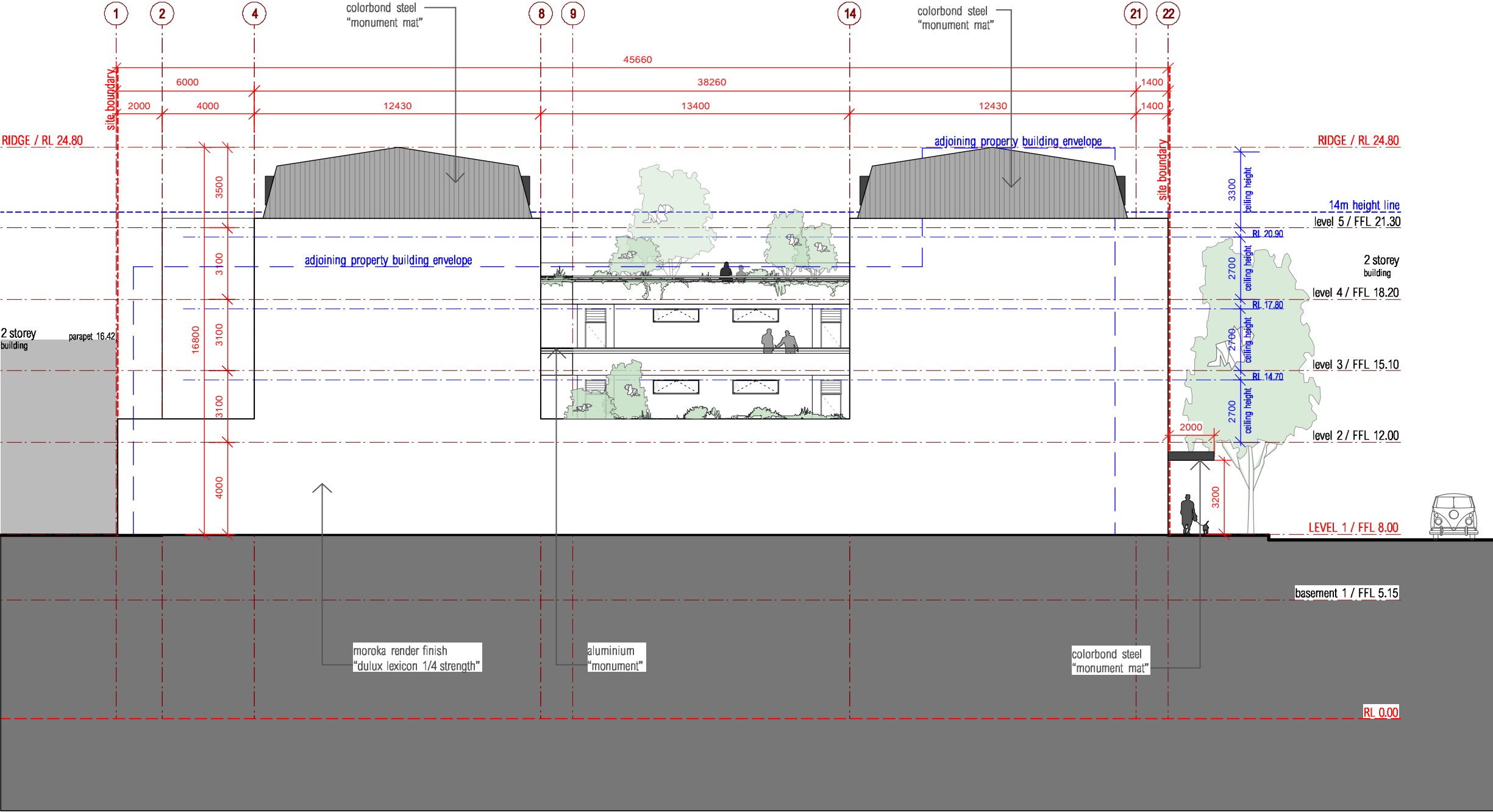
VdL

date

19/02/18

issue

C

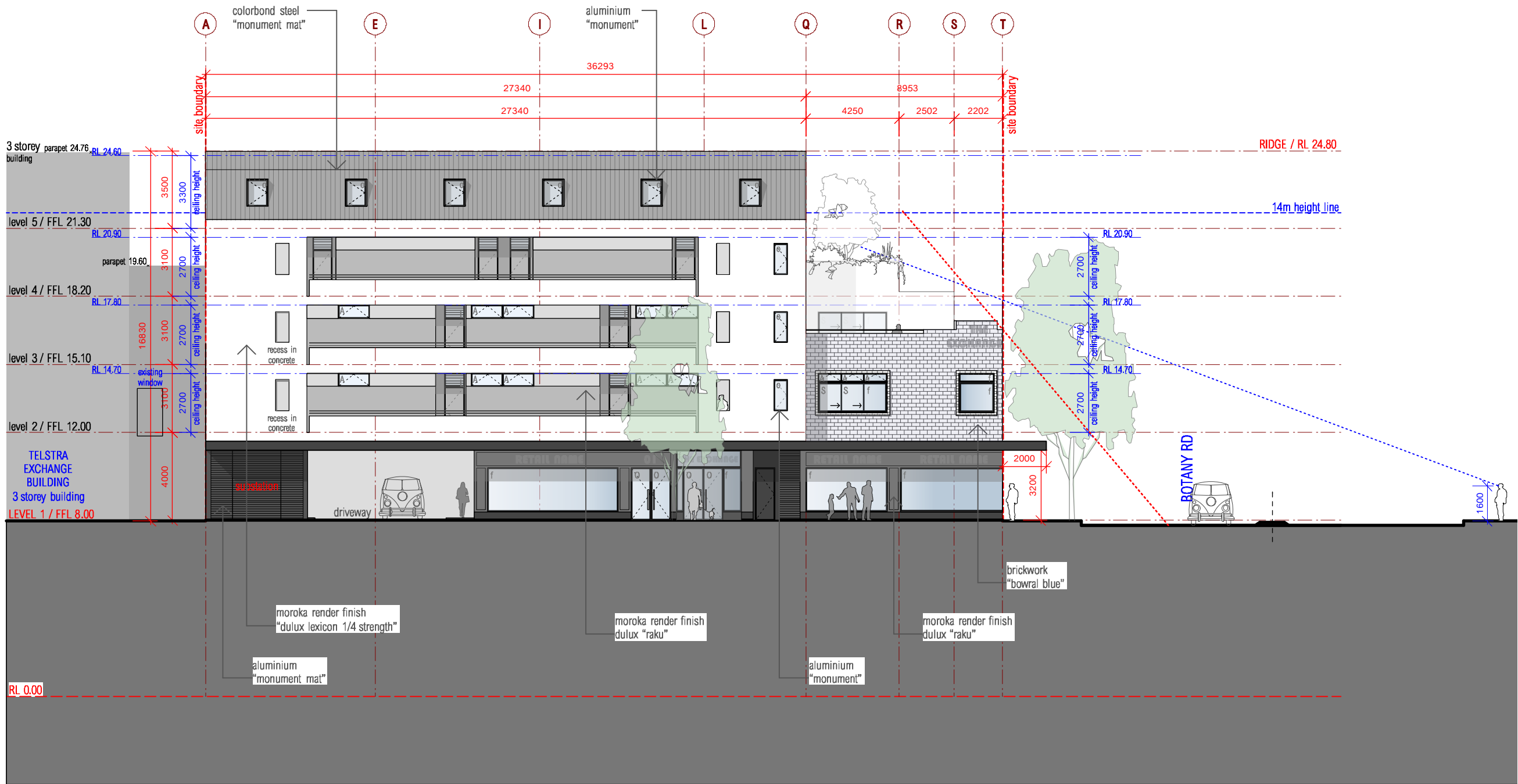


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project			
SHOP TOP HOUSING			
for/client			
MASCOT EXCHANGE Pty Ltd			
location			
904 BOTANY ROAD			
at			
MASCOT			
drawing		scale	
WEST elevation		1:200@A3	
stage	project no.	dwg no.	
DA	920	135	
chkd	drwn	date	issue
TW	VdL	19/02/18	C



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environa studio

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surry hills 2010
t: 02 9211 0000
e: info@environastudio.com.au
architects registration : 6239

project
SHOP TOP HOUSING

for/client
MASCOT EXCHANGE Pty Ltd

location
904 BOTANY ROAD

at
MASCOT

drawing
SOUTH elevation

scale
1:200@A3

stage
DA

project no.
920

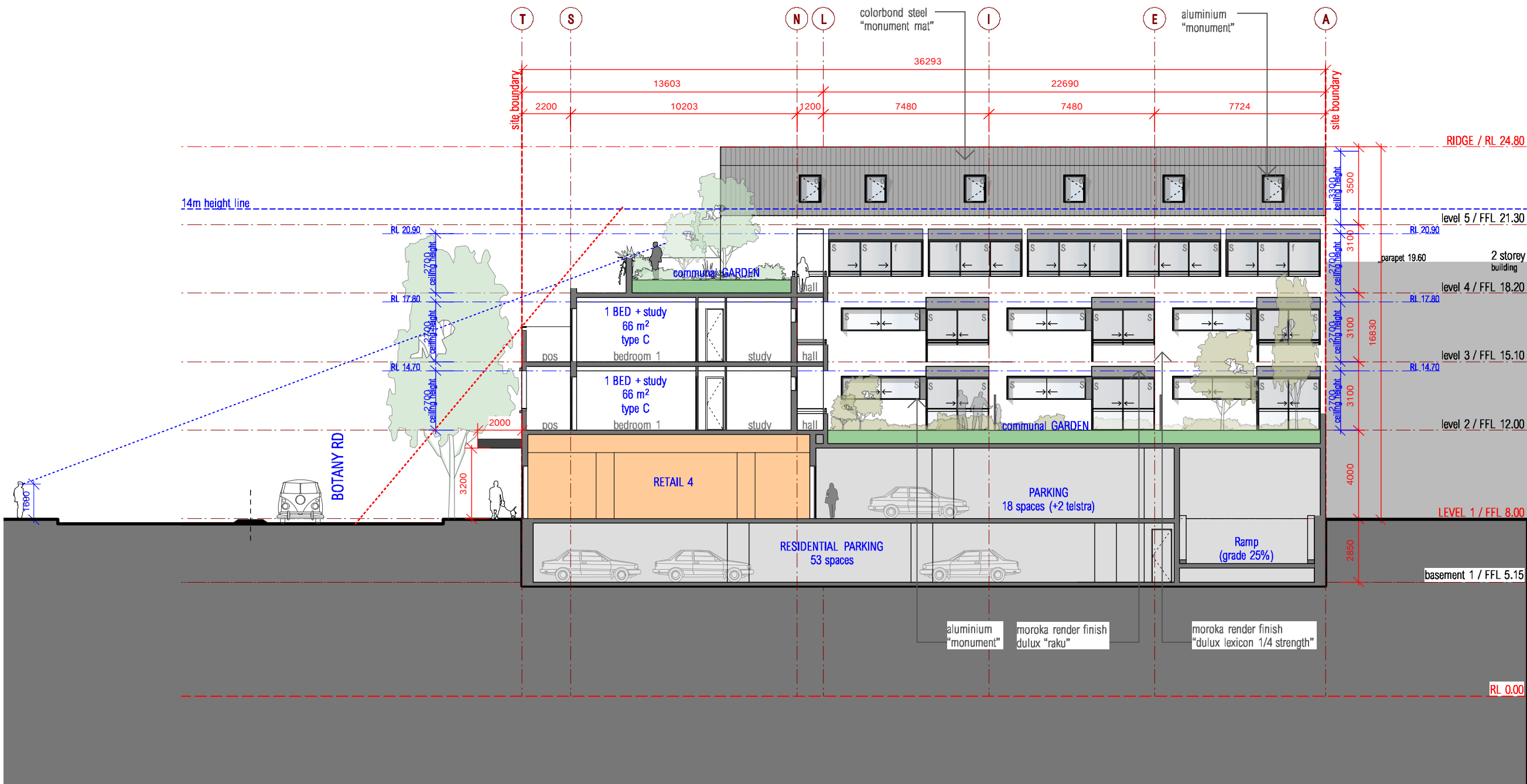
dwg no.
131

chkd
TW

drwn
VdL

date
19/02/18

issue
C



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architects registration : 6239

project

SHOP TOP HOUSING

for/client

MASCOT EXCHANGE Pty Ltd

location

904 BOTANY ROAD

at

MASCOT

drawing
NORTH elevation
internal

scale
1:200@A3

stage

DA

project no.

920

dwg no.

134

chkd

TW

drwn

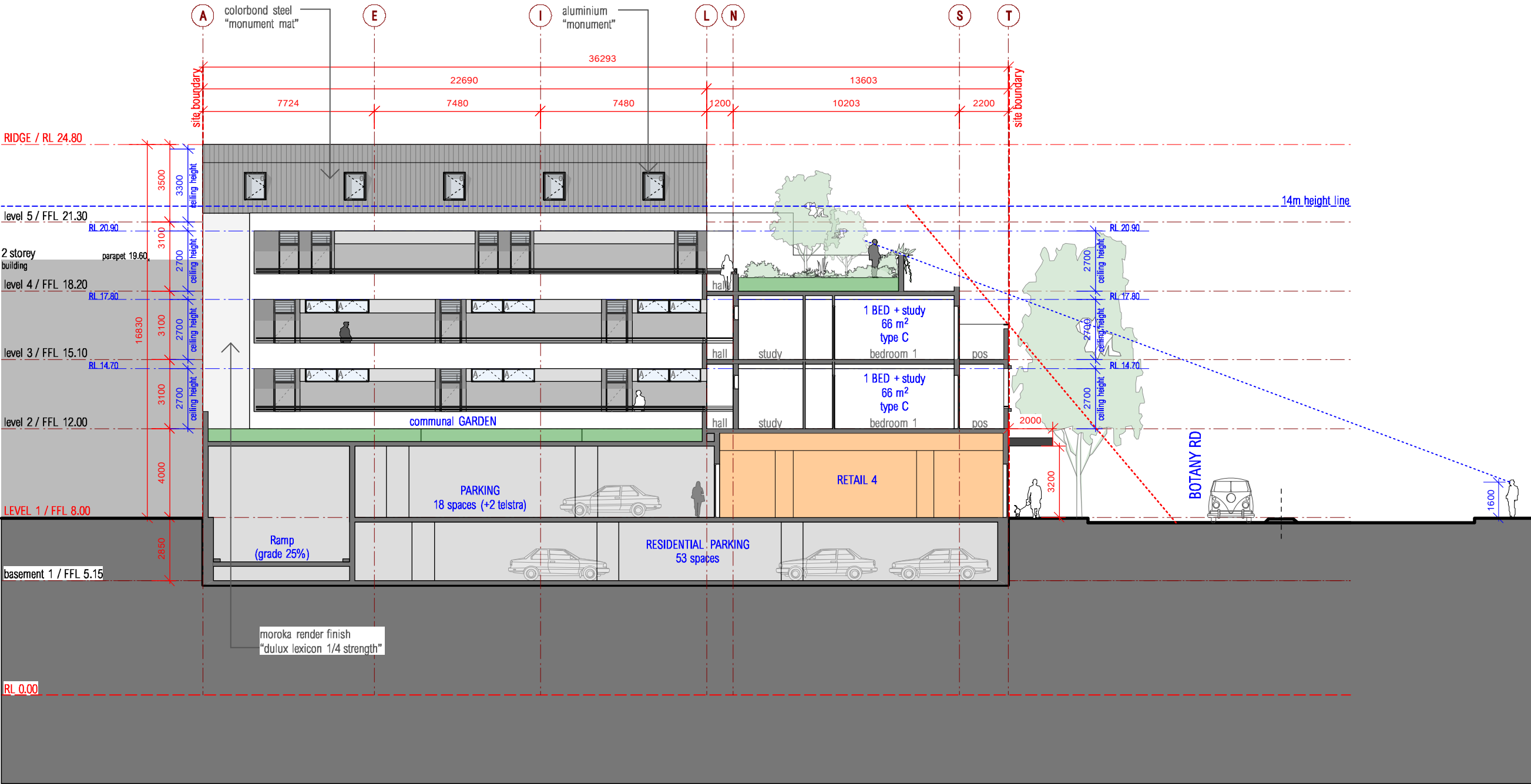
VdL

date

19/02/18

issue

C



notes

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architects registration : 6239

project

SHOP TOP HOUSING

for/client

MASCOT EXCHANGE Pty Ltd

location

904 BOTANY ROAD

at

MASCOT

drawing

SOUTH elevation
internal

scale

1:200@A3

stage

DA

project no.

920

dwg no.

132

chkd

drwn

date

issue

TW

VdL

19/02/18

C